

At a meeting of the CABINET held in the CIVIC CENTRE (COMMITTEE ROOM NO. 1) on WEDNESDAY, 3rd February, 2010 at 2.00 p.m.

Present:-

Councillor Watson in the Chair

Councillors Allan, Anderson, Charlton, Gofton, P. Smith, Trueman, D. Wilson and N. Wright.

Part I

Minutes

The minutes of the meeting of the Cabinet held on 13th January, 2010, 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

The following Councillors declared personal interests in the undermentioned reports as Members of the various bodies indicated:-

Item 8 and 22 – Authorisation of Joint Venture Agreement at Stadium Village	Councillor P. Watson Councillor F. Anderson	Sunderland arc Sunderland arc (substitute)
Item 9 – ‘Six Lives – The Provision of Public Services to People with Learning Disabilities’ A report by the Parliamentary Health Service Ombudsman in conjunction with the Ombudsman for Local Government	Councillors Charlton and N. Wright	Sunderland Hospitals Trust

Item 12 – Corporate Risk Profile	Councillor P. Watson	Sunderland Partnership, Sunderland arc, LSC
	Councillor Anderson	Sunderland Partnership, Sunderland arc (substitute)
	Councillor P. Smith	14-19 Steering Group, Children’s Trust
	Councillor N. Wright	Children’s Trust
Item 17 – 16-19 Sub-Regional Commissioning for Learning Providers	Councillor P. Watson	LSC
	Councillor P. Smith	14-19 Steering Group
	Councillor Gofton	City of Sunderland College Board of Corporation
Item 20 – Equal Pay and Single Status	Councillors Anderson, Blackburn, Charlton, P. Smith, P. Watson and N. Wright	Members of GMB
	Councillor Allan	Member of GMB and Unison
Item 21 – Approval of Funding Arrangements with the Homes and Communities Agency and One North East for Strategic Regeneration Purposes	Councillor P. Watson	Sunderland arc
	Councillor Anderson	Sunderland arc (substitute)

Councillors P. Watson, F. Anderson and Allan declared personal and prejudicial interests in Items 8 and 22, “Authorisation of Joint Venture Agreement at Stadium Village”, as Directors on the Tyne and Wear Development Co. Ltd. They withdrew from the meeting during consideration of those items.

Apologies for Absence

An apology for absence was submitted to the meeting on behalf of Councillor Blackburn.

Report of the Meeting of the Personnel Committee, Part I

The report of the meeting of the Personnel Committee held on 25th January, 2010, Part I (copy circulated) was submitted and consideration was given thereto.

(For copy report – see original minutes).

2. RESOLVED that the:-

- (i) report of the meeting held on 28th January, 2010, Part I, be noted;
- (ii) content of the Health and Safety Six Monthly Report be approved.

Audit Commission Annual Audit Letter – November 2009

The Chief Executive and the Director of Financial Resources submitted a joint report (copy circulated) on the Audit Commission's Annual Audit Letter.

(For copy report – see original minutes).

The Chairman introduced Mr. Steve Nicklin, District Auditor and Ms. Lynn Hunt, Audit Manager who were in attendance to present the Annual Audit Letter which covered the period from April 2008 to March 2009.

Mr. Nicklin advised that this year's Annual Audit Letter drew together the opinion on the Council's accounts, use of resources and value for money. He reported that the Council's financial statements and working papers were prepared to a good standard and an unqualified audit opinion had been issued. He thanked the Council's officers for their assistance during the audit process.

Mr. Nicklin drew attention to the formal objection from a local elector in respect of the previous years' accounts. He explained that the scope of the objection had been extended and progress was now being made in relation to the matter.

The attention of Cabinet Members was drawn to the Audit Commission key focus during the audit of:-

- Community cohesion; and,
- Health inequalities, and a specific focus locally on alcohol misuse.

Mr. Nicklin reported that a considerable amount of funding had been invested to tackle these issues and advised the Council and its partners to take a step back and focus on outcomes, their deliverability and target dates. Cabinet Members having requested Mr. Nicklin to explain the Audit Commission's level of expectation on these issues were advised that the partnership work of the Council was widely recognised as a strength. A great deal of thought and care had gone into defining

these areas and recommendations for actions and the Council showed a high level of commitment. The Audit Commission looked forward to the impact of the developing and strengthening links in local communities with the Area Committees and devolved budgets.

Cabinet Members recognised that many of the recommended areas for improvement were already being addressed. The Council was not complacent and improvement plans were being put in place with partners to meet the challenging ambitions for the City.

Councillor Allan drew particular attention to the Council's success in winning Microsoft's Britain Works Challenge which would result in the City receiving £10 million in training vouchers for its citizens. He highlighted that this achievement was a testament to the hard work going on across the city to use technology to improve people's lives and life opportunities.

The Chairman reported that the Council always listened and used the findings of audits to examine and improve its services. He added that the overall findings of such audits were seen by the public as a measure of success and felt that the recent Comprehensive Area Assessment findings, and the fact that no green flags had been awarded compared to neighbouring authorities, did not give a fair reflection compared to the former Comprehensive Performance Assessment process. He added that the Audit Commission had worked hard with the Council helping to improve services and the findings would be used to inform corporate improvement priorities.

The Chairmen then advised that Ms. Hunt had now moved on from being Sunderland's Audit Manager and on behalf of Cabinet Members thanked her for her positive relationship and hard work with the Council and wished her well for the future.

3. RESOLVED that:-

- (i) the contents of the Annual Audit Letter and the presentation from the Audit Commission be noted, and
- (ii) it be referred to Council for consideration.

Silksworth Hall Conservation Area: Character Appraisal and Management Strategy

The Deputy Chief Executive submitted a report (copy circulated) to inform of the outcome of consultations on the draft 'Silksworth Hall Conservation Area Character Appraisal and Management Strategy' and to recommend the adoption of the revised document as formal Planning Guidance.

(For copy report – see original minutes).

Councillor Charlton highlighted that this character appraisal and management strategy increased awareness and appreciation of the special qualities of the Silksworth Hall Conservation Area and provided the Council with an appropriate basis for the control of its future development. He reported that the document provided information on the history of the area, its architecture and other features, and useful guidance for residents and developers to help them and the Council to ensure that its special architectural and historic interest was protected. He added that once adopted as planning guidance, the document would provide a sound basis for informed decision making when the Council was considering planning applications in the area.

Cabinet Members were advised that the document had been subject to public consultation and had been modified in light of the responses received. Six written responses were received and a number of comments were made at the public exhibition that was held. These were noted and were taken into account in finalising the document.

Councillor Charlton advised that the responses received were mostly from residents of the Conservation Area and were generally very positive and supportive. He added that, as a result, modifications required to be made to the document had been of a minor nature, confined to correcting details such as the age of buildings and clarifying some of the technical language used.

Cabinet Members having welcomed Character Appraisal and Management Strategy, it was:-

4. RESOLVED that:-

- (i) the outcome of consultations on the draft 'Silksworth Hall Conservation Area Character Appraisal and Management Strategy' be noted; and
- (ii) the revised Character Appraisal and Management Strategy be adopted as Formal Planning Guidance.

Marine Walk Masterplan and Seafront Regeneration Strategy

The Deputy Chief Executive submitted a report (copy circulated) to advise of the responses received following public consultation on the draft Marine Walk Masterplan and the draft Seafront Regeneration Strategy and to seek approval of the Masterplan as a Supplementary Planning Document and its approval of the revised Strategy as planning and investment guidance.

(For copy report – see original minutes).

Councillor Charlton reported that the seafront at Roker and Seaburn was one of Sunderland's best assets. He added that the Seafront Regeneration Strategy provided a strategic platform to guide the regeneration of Roker and Seaburn seafront and deliver the objective set out in the Sunderland Strategy the overarching

strategy for the City which stated that 'by 2025 Roker and Seaburn would have a key role in providing cultural tourism attractions'.

Councillor Charlton advised that the Marine Walk Masterplan was the first in a suite of documents developed in order to deliver the aims and objectives of the strategy. The masterplan was to be taken forwards as a Supplementary Planning Document forming part of Sunderland City Council's Local Development Framework and would be a material consideration when determining planning applications in this area. He highlighted that the main proposals contained in the draft Seafront Regeneration Strategy included the creation of four character areas namely Ocean Park, Seaburn Promenade, Cliff Park and Recreation Park and Marine Walk and that the draft masterplan and strategy were the subject of public consultation between 8th August and 18th September, 2009.

Councillor Charlton reported that, in total, 128 representations were received for the strategy and 91 representations were received for the masterplan. The vast majority of representations were in support with only 9 objections to the masterplan and no objections to the strategy. The main issues that were raised through the consultation process were opposition to restricting traffic at Marine Walk; a need for improved toilet facilities and better maintenance; and a need to provide all weather facilities. The City Council's responses to all stakeholder representations were contained within the report and associated appendices. He added that the approval of the Seafront Regeneration Strategy as formal planning and investment guidance and the adoption of the Marine Walk Masterplan as a Supplementary Planning Document would help facilitate the planning and regeneration of the seafronts at Roker and Seaburn.

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

5. RESOLVED that:-

- (i) amendments made to the draft Seafront Regeneration Strategy and draft Marine Walk Masterplan in light of responses resulting from public consultation on the document and other considerations be noted;
- (ii) amended Seafront Regeneration Strategy be approved as planning and investment guidance; and
- (iii) amended Marine Walk Masterplan be adopted as a Supplementary Planning Document.

Variation of Order of Business

At the instance of the Chairman, it was agreed that the order of business on the agenda be varied in view of the personal and prejudicial interests declared in respect of Items 8 and 22, "Proposed Joint Venture Agreement and Acquisition of Leasehold Interest at Stadium Village, Sunderland".

‘Six Lives – The Provision of Public Services to People with Learning Disabilities’: A Report by the Parliamentary Health Service Ombudsman in Conjunction with the Ombudsman for Local Government

The Chief Executive and the Executive Director of Health, Housing and Adult Services submitted a report (copy circulated) on Sunderland’s response to the recommendations outlined in the report, ‘Six Lives: the provision of public services to people with learning disabilities’ by the Parliamentary Health Service Ombudsman in conjunction with the Ombudsman for Local Government published in March 2009. The publication contained investigation reports relating to six people with learning disabilities who Mencap believed died unnecessarily as a result of receiving worse healthcare than people without learning disabilities.

(For copy report – see original minutes).

Councillor Wright drew attention to Sunderland’s response to the recommendations outlined in the ombudsman’s report specifically the six areas of concern highlighted by the report. She added that the report had made a number of recommendations including Recommendation 1 which was that all NHS and social care organisations should review urgently the effectiveness of the systems and the capacity and capability of the services they had to meet the needs of people with learning disabilities and that these findings be reported to Cabinet.

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

6. RESOLVED that the content of the report be noted and in the future a report from the Learning Disabilities Partnership Board on learning disability issues be submitted to Cabinet on an annual basis.

Final Revenue Support Grant Settlement for 2010/2011

The Director of Financial Resources submitted a report (copy circulated) to advise of the Final Revenue Support Grant Settlement for 2010/2011.

(For copy report – see original minutes).

Councillor Allan advised that the general grant increase of 1.84% for next year remained unchanged. He added that there were a number of relatively minor changes to the Area Based Grant and certain specific grants, however these would not have any material impact on the Council’s overall resource position for next year.

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

7. RESOLVED that the report be noted.

Collection Fund 2009/2010

The Director of Financial Resources submitted a report (copy circulated) on the estimated balance on the Collection Fund for 2009/2010 and the amounts available to the Council and its major precepting authorities for use in setting Council Tax levels for 2010/2011.

(For copy report – see original minutes).

Councillor Allan reported that the Council, as the legally constituted body responsible for operating the Collection Fund was required to undertake this estimate in accordance with statutory requirements. He advised that there was an estimated surplus on the Collection Fund as at 31st March, 2010 of £56,563. The sum was allocated to the Precepting Bodies, namely, the City Council, Northumbria Police and Tyne and Wear Fire and Rescue Authority, in proportion to their calls on the collection Fund and accordingly a sum of £50,000 would be available to assist the Council in resourcing its budget for next year.

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

8. RESOLVED that the position in relation to the Collection Fund for 2009/2010 and the surplus of £50,000 which will be taken into account when setting the Council Tax level for the Council for 2010/2011 be noted.

Corporate Risk Profile

The Director of Financial Resources submitted a report (copy circulated) on the updated Corporate Risk Profile and amendments that had taken place since the new Corporate Risk Profile was presented to Cabinet in October 2009, and to seek endorsement of the amendments proposed and the recommended actions set out in the Profile.

(For copy report – see original minutes).

Councillor Allan reported that there was only one change, namely the need to pick up the actions identified as a consequence of the Comprehensive Area Assessment.

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

9. RESOLVED that the updated Corporate Risk Profile and the amendments that have taken place, be noted, and the amendments proposed and recommended actions set out in the Profile, be endorsed.

Building Schools for the Future: Proposed Remodelling and Extension of Biddick School

The Executive Director of Children's Services submitted a report (copy circulated) to seek approval to progress the remaining remodelling and extension proposals at Biddick School to provide additional space to accommodate pupils with Autistic Spectrum Disorder (ASD) in the 11-16 age range and to also propose to undertake remodelling of internal space to improve music accommodation.

(For copy report – see original minutes).

Councillor Smith highlighted the significant remodelling works currently underway at Biddick School Sports College through the BSF programme. She reported that the remodelled school was due for opening on the first day of the Summer Term on 19th April, 2010, at a cost to the programme of £15.8 million. She advised that the main scheme was agreed at Cabinet on 10th September, 2008 as part of the BSF Final Business Case 4 report and that the report highlighted that there was a further sum available for refurbishment works which would be subject to a separate procurement once the scope of the works were confirmed and any additional funds were secured. She added that the remodelling and extension proposals had now been confirmed and would provide dedicated ASD teaching areas, tutorial rooms, student support offices and social space, together with a dedicated entrance. There would also be enhancements to music provision to provide music practice rooms, ensemble room and recording studio.

Cabinet Members were advised that the estimated cost of the additional works was £907,100 and the report set out how these costs would be met from funding provided by the Council's BSF Programme, School Access Initiative and Government Zero Carbon Exemplar Funding. It was anticipated that work would commence in March 2010 and be completed in readiness for the new Academic year commencing September, 2010.

Councillor Smith advised that the report detailed how the additional works could be tendered as a separate outside of BSF but explained that there were advantages to procuring these as a variation to the existing contract.

Cabinet Members having commended the proposals and the investment in education, it was:-

10. RESOLVED that:-

- (i) the contract with Balfour Beatty Construction Northern Limited (BBCNL) (who are currently constructing the new Biddick School Sports College teaching block) be varied to include the design and construction of the proposed ASD Centre together with remodelling of music provision to transform this key curriculum area; and
- (ii) the developments be funded as shown in paragraphs 7.1-7.2 of the report.

Procurement of Services to Support Early Childhood and Childcare Services

The Executive Director of Children's Services submitted a report (copy circulated) to seek approval for the procurement of three Early Childhood and Childcare Services, namely, the procurement of training for practitioners in Early Childhood and Childcare Services, the establishment of a framework of training providers to train practitioners in these fields and to procure childcare places for disadvantaged and vulnerable children, so that DCSF grant conditions could be met.

(For copy report – see original minutes).

Councillor Smith highlighted the following three main proposals in the report:-

- (a) The procurement of training for practitioners in Early Childhood and Childcare Services which would provide training to improve practice within early years and childcare and ensure practitioners were able to effectively support the achievement of children;
- (b) the approval to establish a framework of training providers to train practitioners in these.
- (c) Approval to procure childcare places for disadvantaged and vulnerable groups, which would be available through the network of Children's Centre. It aimed to support families with additional needs either on a short or long term basis to support the child's development and learning needs and give respite to families. There would be a range of provision procured from both the maintained and private, voluntary and independent sector. This approval would also ensure that DCSF grant conditions were met.

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

11. RESOLVED that approval be given:-
 - (i) for the procurement of training provision for the Early Childhood Services and Childcare Workforce;
 - (ii) for the establishment of a framework of training providers who can provide training for practitioners working in Early Childhood Services and Childcare;
 - (iii) to provide free childcare for disadvantaged 2 year olds as part of the Extended 2 Year Pathfinder Project; and
 - (iv) to provide free childcare for vulnerable children 0-5 year olds as part of Children's Centre family support childcare service.

Sunderland Youth Offending Service – Inspection Report

The Executive Director of Children's Services submitted a report (copy circulated) to inform of the outcome of the Inspection of Sunderland Youth Offending Service which took place in October 2009. This current programme of Inspections of Youth Offending Teams had been led by HMI Probation and focused on the quality of youth offending work delivered to children and young people who had offended, as well as their victims. The official report on this inspection process was published on 6th January, 2010.

(For copy report – see original minutes).

Councillor Smith reported that the Inspection specifically assessed the quality of work with children and young people who had offended. The Inspection also had a particular focus on risk of harm to others and the safeguarding of children.

Councillor Smith advised that the published report confirmed that the Youth Offending Service had achieved a moderate result, which meant that the service had only moderate improvement to make to improve its practices. She added that the report also confirmed that the Youth Offending Service had good capacity to improve. She reported that the outcome of the Inspection had been considered by the YOS Partnership Board and an Improvement Plan had been developed to address the areas for improvement identified and this Plan would be monitored by the Youth Justice Board.

Cabinet Members having considered the key actions outlined in the Inspection Improvement Plan and having requested a further report on progress against the plan, it was:-

12. RESOLVED that the key actions arising from the YOS Inspection Improvement Plan be noted and it be agreed that the Sunderland Youth Offending Service Board, chaired by the Executive Director of Children's Services, has responsibility for ensuring that all actions in the improvement plan are implemented.

Children and Young People's Plan (CYPP) 2010-25

The Executive Director of Children's Services submitted a report (copy circulated) on a Consultation Draft of the Children and Young People's Plan (CYPP) 2010-25 Strategy and 3 year Delivery Plan 2010-13 as set down in Article 4 of the Council's Constitution.

(For copy report – see original minutes).

Councillor Smith reminded Cabinet Members that the CYPP was an Article 4 plan, under the Council's Constitution and it was the primary document for the Children's Trust partnership to set out how it would deliver its priorities to achieve better outcomes for children, young people and their families. She reported that the CYPP 2010-2025 set out the vision, values and principles of the Children's trust, the key

aims and milestones to be achieved, the governance to deliver, monitor and evaluate the strategy and the resources required. She added that the CYPP three year delivery plan provided information about each of the 17 priority outcomes, which were noted within this report.

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

13. RESOLVED that approval be given to the Consultation Draft of the CYPP 2010-2025 Strategy CYPP three year delivery plan 2010-13 and to canvas the views of members prior to presentation of the final CYPP to Council for ratification in March 2010.

16-19 Sub-Regional Commissioning for Learning Provision

The Executive Director of Children's Services submitted a report (copy circulated) to apprise of the progress made in the transfer of responsibility for the commissioning of 16-19 education (16-25 learners with an identified learning disability) from the Learning and Skills Council (LSC) to Local Authority (LA). Approval was sought for Sunderland City Council to progress the necessary HR, legal and financial arrangements required statutorily to facilitate the transfer of the commissioning responsibilities.

(For copy report – see original minutes).

The Chairman highlighted that the report described the arrangements that were in place and those that were planned to manage the transfer of responsibility from the LSC to the LA, in line with the Apprentice, Skills, Children and Learning Act of November 2009.

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

14. RESOLVED that:-

- (i) the establishment of a shared service to support sub-regional elements of planning, commissioning and quality assurance, be agreed;
- (ii) the arrangements, previously approved and validated by the Department for Children, Schools and Families, for North Tyneside Local Authority to act as the lead authority in matters that require the enactment of decisions taken by the Sub-regional Group in relation to planning, commissioning and quality assurance, be noted;
- (iii) the arrangements for managing the transfer of LSC staff into the LA, be approved;
- (iv) the proposed funding mechanism to support the transfer and ongoing staffing and office costs created by the transfer of LSC staff into the LA, be noted;

- (v) the Executive Director of Children's Services, in consultation with the Director of Financial Resources and Chief Solicitor and appropriate senior LSC officers be authorised to put in place all necessary arrangements for the transfer and management of funding contracts, agreed by the LSC with learning providers from 1st April, 2010 to 31st July, 2010 and from 1st August, 2010 to 31st July, 2011;
- (vi) the Executive Director of Children's Services, in consultation with the Lead Member for Children's Services be authorised to develop a local and sub-regional Memorandum of Understanding with the regional representatives of the National Apprenticeship Service (NAS) which will facilitate appropriate planning and provision to meet the needs of learners in respect of apprenticeships;
- (vii) the proposed arrangements for funding learning provision in schools and colleges as given in the National Commissioning Framework (consultation document published 16th November, 2009, DCSF), be noted; and
- (viii) an annual report on 16-19 priorities and commissioning intentions, be submitted to Cabinet in the future.

At this juncture, Councillors Watson, Anderson and Allan withdrew from the meeting and Councillor Charlton took the Chair during consideration of the following report.

Proposed Joint Venture Agreement and Acquisition of Leasehold Interest at Stadium Village, Sunderland

The Deputy Chief Executive submitted a report (copy circulated) to seek agreement to the Council entering into a Joint Venture Agreement (JVA) with One North East (ONE), the Homes and Community Agency (HCA) and Sunderland Arc in respect of the development of Stadium Village and to acquire the leasehold interest of industrial units at Hay Street Industrial Estate, Sheepfolds.

(For copy report – see original minutes).

Councillor Charlton reminded Cabinet Members that in November of last year the Cabinet had approved the Stadium Village Development Framework which set out the overall development proposals for the area. He reported that this current report sought authorisation to enter into a Joint Venture Agreement with ONE North East, the HCA and Sunderland Arc. The JVA followed on from the Development Framework and would be an overarching agreement that would allow the Council to promote and take forward the development of the area.

Councillor Charlton explained that the key principles of the JVA were set out in the report and the Council's principal obligations would be to contribute the value of its land and property assets within the boundary of the area. ONE North East would be obliged to do the same and would provide funding. Details of the JVA would need to be agreed by the relevant officers and Portfolio Holders.

Councillor Charlton advised that the report also sought authorisation to allow the Council to acquire the TWEDCO leasehold interests in the industrial units at Hay Street. These units were on development site C which was to be marketed shortly for a leisure development and the acquisition of those leaseholds taken with Council and ONE land interests, would enable land assembly for this development. ONE North East would fund the acquisition which was detailed on Part I of the agenda.

The Chief Solicitor having referred to the personal and prejudicial interests declared in respect of the acquisition of site C, advised that the relevant Portfolio Holder should be the Prosperous City Portfolio Holder.

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

15. RESOLVED that:-

- (i) the Council enter into a JVA with ONE, HCA and Sunderland Arc in respect of the development of Stadium Village;
- (ii) the Deputy Chief Executive, in consultation with the Director of Financial Resources, the Chief Solicitor and the relevant Portfolio Holders, be authorised to agree the terms of the Joint Venture Agreement; and
- (iii) authority be delegated to the Deputy Chief Executive in consultation with the Director of Financial Resources, the Chief Solicitor and the Portfolio Holder for Prosperous City, to acquire the leasehold interest in Hay Street Industrial Estate, which is required to assemble the proposed development known as Site C and to acquire property interests as appropriate, within the boundary of the JVA.

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

At the instance of the Chairman, it was:-

16. 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 any individual, which is likely to reveal the identity of an individual, the financial or business affairs of any particular person (including the Authority holding that information) or to consultations or negotiations in connection with labour relations matters arising between the Authority and employees of the Authority (Local Government Act 1972, Schedule 12A, Part 1, Paragraphs 1, 2, 3 and 4).

(Signed) P. WATSON,
Chairman.

B. CHARLTON,
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.