

CITY HALL,
SUNDERLAND.
1 September 2023

TO THE MEMBERS OF SUNDERLAND CITY COUNCIL

YOU ARE SUMMONED TO ATTEND A MEETING of Sunderland City Council to be held in the **Council Chamber, City Hall, Plater Way, Sunderland, SR1 3AA** on **WEDNESDAY 13 SEPTEMBER 2023** at **4.00pm** at which it is proposed to consider and transact the following business:-

- | | |
|--|-----------|
| 1. To read the Notice convening the meeting | - |
| 2. Apologies | - |
| 3. Update to Council from Northumbria Police and Crime Commissioner and Chief Constable on Policing in Sunderland | - |
| 4. To approve the minutes of the meeting of the Council held on 14 June 2023 (copy attached). | 1 |
| 5. Receipt of Declarations of Interest (if any). | - |
| 6. Announcements (if any) under Rule 2(e). | - |
| 7. To consider the Outstanding Motions from the last ordinary meeting of the Council held 14 June 2023 (copy attached). | 17 |
| 8. Reception of Petitions. | - |

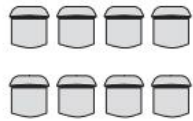
9. Written Questions by Members of the Public (if any) under Rule 10.	-
10. Written Questions by Members of the Council (if any) under Rule 11.	-
11. Report of the Cabinet (copy attached).	21
12. Report of the Human Resources Committee (copy attached).	39
13. Report of the Standards Committee (copy attached).	57
14. Report of the Audit and Governance Committee (copy attached).	69
15. To consider a report on action taken on petitions (copy attached).	77
16. To consider the following reports: -	
(i) Report on Special Urgency Decisions – report of the Leader (copy attached).	81
(ii) Appointments to Committees and Outside Bodies – report of the Assistant Director of Law and Governance (copy attached).	85
17. To consider the attached Motions (copy attached).	87



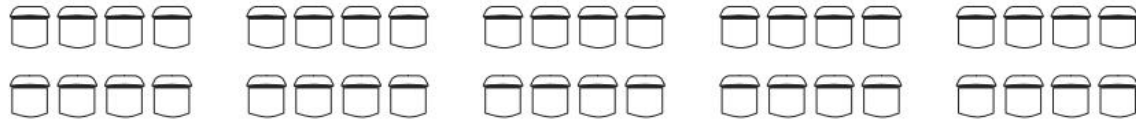
PATRICK MELIA, CHIEF EXECUTIVE.

Note it is intended that the meeting will be livestreamed for the public to view on the Council's YouTube channel at <https://youtube.com/live/eMti0CRDkOo?feature=share>

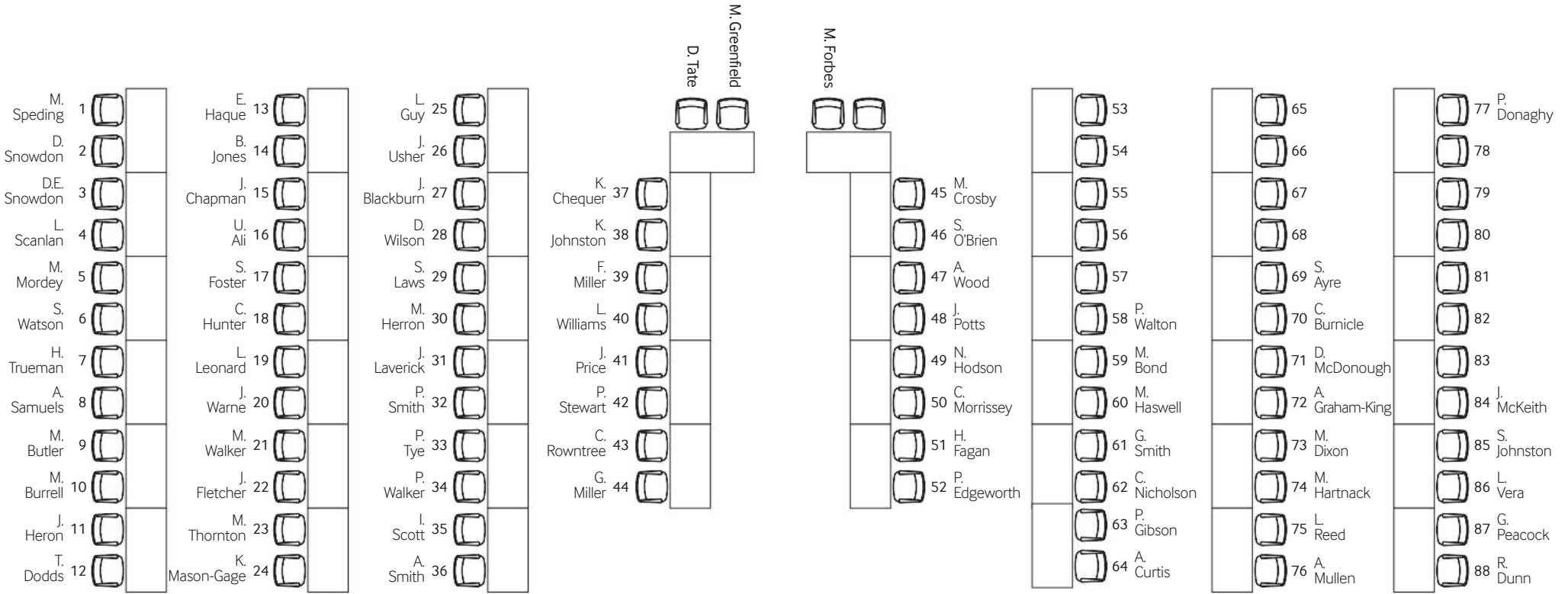
Chief Officer seating



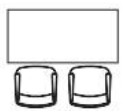
Press and Public Gallery



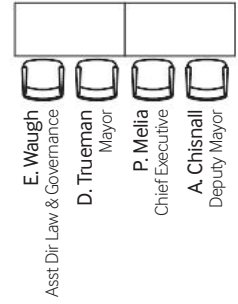
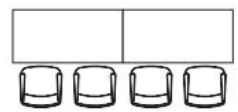
Honorary Aldermen



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Governance Services



Minutes

Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the COUNCIL CHAMBER, CITY HALL on WEDNESDAY 14 JUNE 2023 at 4.00pm

Present: The Mayor (Councillor D Trueman) in the Chair
The Deputy Mayor (Councillor A Chisnall)

Councillors	Ali	Fagan	Leonard	Smith, G
	Ayre	Fletcher	Mason-Gage	Smith, P
	Blackburn	Foster	McDonough	Snowdon, D
	Bond	Gibson	McKeith	Snowdon, D E
	Burnicle	Graham-King	Miller, F	Stewart
	Burrell	Guy	Miller, G	Thornton
	Butler	Haque	Morrissey	Trueman, H
	Chapman	Hartnack	Mullen	Tye
	Chequer	Haswell	Nicholson	Usher
	Crosby	Hodson	O'Brien	Vera
	Curtis	Hunter	Peacock	Walker, M
	Dixon	Johnston, K	Price	Walton
	Dodds	Johnston, S	Reed	Williams
	Donaghy	Jones	Rowntree	Wilson
	Dunn	Laverick	Scott	Wood
	Edgeworth	Laws	Smith, A	

Also Present: -

Honorary Aldermen: - M Greenfield and R D Tate.

The notice convening the meeting was read.

Apologies

Apologies for absence were submitted to the meeting on behalf of Councillors Heron, Herron, Mordey, Potts, Samuels, Speding, P Walker, Warne and Watson together with Honorary Alderman Forbes

Minutes

- 5. RESOLVED that** the minutes of the Annual Meeting of the Council held on 17 May 2023 be confirmed and signed as a correct record.

Declarations of Interest

Councillors G Miller and Rowntree and Patrick Melia, Chief Executive	Item 6(iii) – Notice of Motion – Lease of Site of the Seaburn Inn	Board Members of Siglion LLP and left the Chamber during consideration of the Motion.
Councillor Tye	Item 9 – Written Questions by Members of the Council	Present at recent concerts at the Stadium of Light in a voluntary capacity.
Councillor Walton	Item 12 – Action Taken on Petitions	Resident of a street which is the subject of a petition.

Announcements

Better Health at Work Award

Councillor Chequer informed the meeting that the Council had been awarded the Maintaining Excellence level of the region's Better Health at Work Award.

The Council workforce landscape had changed greatly over recent years and the Council employed over 2,600 people in many different workplaces such as City Hall, the Port and in home and community-based workplaces. This was a diverse workplace and the Council could not have a one size fits all approach to employee engagement, meeting wellbeing needs and a living vision of a happy healthy and safe workplace.

Councillor Stewart highlighted that the award recognised the efforts and achievements of the Council in being receptive to the change and adaptations needed as it took great strides forward to deliver a strong health and wellbeing offer to the diverse employee demographic. He was delighted that through the considered effort of cross departmental collaboration, Sunderland City Council had continued to sustain the top level of the Better Health at Work Award.

Cllr Chequer was proud to present the award and certificate confirming the fantastic achievement.

Outstanding Motions from the last ordinary meeting of the Council

(i) School Streets

Councillor Reed, duly seconded by Councillor Dixon moved the following motion: -

“This Council recognises the horrendous parking problems that can arise around schools at the start and end of the teaching day and expresses its support for a "school streets" approach which would limit access to the streets in which schools are located to residents and emergency vehicles at such times.”

Councillor Williams, duly seconded by Councillor A Smith, moved the following amendment: -

After "approach" delete "which would" and add "as an option that"

Add new paragraphs as follows:

"This council therefore welcomes the recent pilot initiative introduced to assess the feasibility of such "schools streets" as part of Sunderland Labour's manifesto commitments to residents of the City.

This council therefore requests that once the learning derived from the pilot scheme is assessed that a report be presented to cabinet on parking options around schools, inclusive of a programme of future "school street" schemes where they are supported by local residents."

So that the amended motion would read: -

"This Council recognises the horrendous parking problems that can arise around schools at the start and end of the teaching day and expresses its support for a "school streets" approach as an option that would limit access to the streets in which schools are located to residents and emergency vehicles at such times.

This council therefore welcomes the recent pilot initiative introduced to assess the feasibility of such "schools streets" as part of Sunderland Labour's manifesto commitments to residents of the City.

This council therefore requests that once the learning derived from the pilot scheme is assessed that a report be presented to cabinet on parking options around schools, inclusive of a programme of future "school street" schemes where they are supported by local residents."

Upon being moved the amendment was declared to be carried unanimously.

The Mayor read the new Substantive Motion.

The Mayor then put the new substantive motion to the meeting and accordingly it was: -

6. RESOLVED that: -

This Council recognises the horrendous parking problems that can arise around schools at the start and end of the teaching day and expresses its support for a "school streets" approach as an option that would limit access to the streets in which schools are located to residents and emergency vehicles at such times.

This council therefore welcomes the recent pilot initiative introduced to assess the feasibility of such "schools streets" as part of Sunderland Labour's manifesto commitments to residents of the City.

This council therefore requests that once the learning derived from the pilot scheme is assessed that a report be presented to cabinet on parking options around schools, inclusive of a programme of future “school street” schemes where they are supported by local residents.

(ii) North East Devolution Deal

Councillor Edgeworth, duly seconded by Councillor Fagan, moved the following motion: -

“This Council believes that any future directly elected mayor and North East Mayoral Combined Authority should be headquartered in Sunderland.”

Upon being put the Motion was declared to be carried unanimously and accordingly it was: -

7. RESOLVED that: -

This Council believes that any future directly elected mayor and North East Mayoral Combined Authority should be headquartered in Sunderland.

(iii) Lease over Site of the Seaburn Inn

Councillor Mullen, duly seconded by Councillor Hartnack, moved the following motion: -

“In 2021 Siglion Developments LLP granted a lease over the site of the Seaburn Inn to Inn Collection (Seaburn) Limited for a term of 999 years. The premium paid by Inn Collection (Seaburn) Limited was £1,000.

The duty under s.123 of the Local Government Act 1972 to obtain ‘best value’ only applies to local authorities, meaning Siglion is only required to meet a minimum land receipt requirement which formed part of the option agreement made between the Council and Siglion in 2014.

Council therefore:

- Expresses regret that a prime parcel of land formerly owned by the Council was disposed of for £1,000.
- Takes note of the relationships between the Council and the private sector organisations involved in disposing of the land.
- Resolves to commission an independent review of all disposals made under the 2014 option agreement where the sum paid for a freehold or long leasehold interest in land was less than £100,000. Terms of reference will include the extent to which the assumptions made by valuers instructed by the Council were realistic, and whether sufficient efforts were made to obtain ‘best value’.”

Upon being put to the vote the Motion was defeated with 23 Members voting in favour and 34 Members voting against. *

* The record of votes cast by individual Members will be circulated on a supplementary document

Reception of Petitions

8. **RESOLVED that** the petitions listed below submitted by the Councillors named be received and referred to the appropriate Chief Officer for consideration in accordance with the Council's Petitions Scheme: -

Councillor Hartnack – Petition objecting to the planning proposal to change the Halfway House Public House into an HMO.

Councillor Dunn – Petition objecting to planning permission being granted for an HMO at 24 Humbledon Park, Barnes ward.

Councillor Tye – Petition requesting the resurfacing of Harperley Drive and Dipton Gardens.

Councillor Wood – Petition to save glass blowing in the historic St Peter's ward.

Councillor Walton – Petition requesting that Alston Crescent be included on the list of priority gritting routes.

Written Questions by Members of the Public under Rule 10

Pursuant to Rule 10 of the Council Rules of Procedure, the Leader and Members of the Cabinet were asked questions which had been submitted by members of the public.

Written Questions by Members of the Council under Rule 11

Pursuant to Rule 11 of the Council Rules of Procedure, the Leader and Members of the Cabinet were asked questions which had been submitted by Members of the Council.

Area Arrangements Annual Report 2022/2023

The Executive Director of Health, Housing and Communities submitted the Area Arrangements Annual Report which summarised the work of the five area committees during 2022/2023.

Councillor Williams, duly seconded by Councillor Price, moved the Area Arrangements Annual Report and accordingly it was: -

9. **RESOLVED that** the achievements and impact of the work of the Area Committees and their supporting Neighbourhood and Community Boards during 2022/2023 as outlined in the Annual Report be received and noted.

Scrutiny Annual Report 2022/2023

The Assistant Director of Law and Governance submitted the Scrutiny Annual Report which summarised the work of the scrutiny committees during 2022/2023.

Councillor Mason-Gage, duly seconded by Councillor Dodds, moved the Scrutiny Annual Report and accordingly it was: -

10. **RESOLVED** that the report on the operation of the scrutiny function for 2022/2023 be received and noted.

Action Taken on Petitions

The Council received and noted the report below which detailed the action taken in relation to the following petitions which had been presented to the Council.

(i) **Reopen The Pallion Shipyard**

At the meeting on 16 November 2022, former Councillor Bewick presented a petition with 387 signatures. The statement on the petition sheet was as follows: -

“We therefore call upon Sunderland City Council to use of the Council’s Compulsory Purchase Order (“CPO”) powers pursuant to section 226 (1) of the Town and Country Planning Act 1990 (“the 1990 Act”) to facilitate the development of the Pallion shipyard and associated area into a Marine Engineering Centre of Excellence creating up to 3 thousand jobs within 5 years within the Northeast and Sunderland.”

Council Officers had considered the petition and advised that the Pallion Shipbuilding Yard closed to commercial shipbuilding in December 1988 and no shipbuilding activity had taken place at this facility since that time. It was considered that without sight of a business plan detailing confirmation (or otherwise) of potential support by the site owner for the proposals and confirming the feasibility of the proposals in both economic and environmental terms, a Compulsory Purchase Order would not realistically facilitate the successful development of the Pallion Shipyard site for maritime related investment.

Any future plans for the Pallion shipyard site, which was privately owned, would presumably be subject to the site owner’s own internal investment appraisals and the commercial appetite of such an investment for potential users of the facility. The City Council had repeatedly requested sight of a business plan (from various groups and organisations) however this had not been forthcoming.

Therefore, the petition was declined on the basis set out above.

The Ward Councillors and Lead petitioner had been advised of the outcome.

(ii) Petition – Princes Avenue

Request to consider alternative measures instead of road closures.

Councillor Hartnack had presented a petition with 118 signatures at the Council meeting on 23 March 2022. The statement on the petition sheet was as follows: -

“We the undersigned object to any changes to surrounding roads, mainly Princes Ave/Douglas Road in the interest of safety for all residents without full consideration.

We are concerned the impact this will cause on the surrounding streets and want alternative measures to be explored instead of road closures”.

Council Officers had considered the petition.

As part of the Section 106 planning agreement with the Avant Homes Lowry Park development, funding was allocated to the Council to investigate and develop a scheme on Princes Avenue.

Reports and requests were also made to the Council in relation to “rat-running” and speeding along Princes Avenue and a scheme was designed to remove or at least reduce the majority of the reported issues. The proposed scheme consisted of closing the existing junction at Seaburn Terrace/Sea Lane with Princes Avenue. In addition, part of the junction modifications consisted of collapsible bollards and dropped kerbs to allow the junction to be opened for periods during events on the Seafront.

An initial public engagement had been carried out between 24 January and 25 February 2022 in respect of Princes Avenue and the nearby surrounding streets. Residents were asked to submit any comments by email or telephone.

Results from the consultation showed that from the 198 properties engaged with, 21 properties were in favour of the scheme going ahead and 39 properties were against the scheme. However, when taking into account the votes for Princes Avenue only, 14 properties were in support of the scheme and three properties were against the scheme. Considering the overall vote and lack of support from other nearby streets it was decided that this particular scheme would not be progressed.

Therefore, Officers have produced a new proposal consisting of three new sets of speed cushions on Princes Avenue. A new public engagement process was carried out for the new proposals between 27 July and 19 August 2022. Although some residents still raised concerns regarding these proposals, there was much less resistance to the scheme, with the majority of residents engaged with, specifically those on Princes Avenue, in favour of the scheme going ahead. Following discussions with local Ward Councillors, an update letter was sent out to the same residents informing them that the Council plans to proceed with the proposed traffic calming on Princes Avenue.

Officers were now working with the legal team to progress through statutory consultation with the traffic calming notice. Statutory consultation ended on 20 February 2023 with no objections received. Officers were now working with contractors to have the works installed at the earliest opportunity.

As the traffic calming scheme as detailed above was in progress, the petition was declined.

The Ward Councillors and Lead petitioner had been advised of the outcome.

(iii) Petition – Holiday Inn, Ayton, Washington

Councillor Hartnack presented a petition at the Council meeting on 22 March 2023 and Council Officers had considered the petition.

The Council does not currently use the Holiday Inn for homeless referrals. During the Covid Pandemic, the Council used the Holiday Inn to meet the needs of local people experiencing homelessness. This was in response to specific guidance issued by Government under their “Everyone In” campaign. Once the Covid Pandemic eased and the Government guidance changed, the Council stopped use of the Holiday Inn by its Housing Options Team for homeless clients.

The Holiday Inn has been used by the Council as emergency response to wider issues such as responding to the accommodation needs of Ukrainian families.

The petition outlined an increase in anti-social behaviour in the area and these issues would need to be reported to the Police so that they could be fully investigated. As the Council do not refer homeless clients into the Holiday Inn these issues cannot be attributed to Sunderland Council’s homeless clients.

There are occasions when some other local authorities place their homeless clients in the Holiday Inn and they inform the Council when this happens with a Section 208 Notice. Gateshead Council had been referenced in the petition with regards to a recent incident and the Council have raised the process of risk assessments with Gateshead Council and the provision of a detailed Section 208. In addition, the Council did facilitate a meeting with a local resident with Gateshead Council to discuss concerns.

As a Council we have also raised the issue of out of area placements with the Regional Local Authority Group to ensure when this does happen appropriate risk assessments are undertaken.

(iv) Petition – Cole Kitchen

Councillor Lynn Vera presented a petition at the Council meeting on 25 January 2023 calling on Sunderland City Council to support the application for a hot food takeaway at Cole Kitchen, Side House, Saint George’s Terrace, Roker, Sunderland, SR6 9LX.

The petition was signed by approximately 4726 persons from addresses throughout Sunderland and other towns and cities in the region and further afield calling on the City Council to support the application for a hot food takeaway at Cole Kitchen, Side House, Saint George's Terrace, Roker.

Council Officers have considered the petition.

A planning application for change of use of Cole Kitchen from a café to a hot food takeaway was validated by the Council as Local Planning Authority on 3rd November 2022. The hot food takeaway use was already occurring at the premises and so planning permission was being sought retrospectively. The planning application reference is 22/01391/FUL.

The planning application was refused by Officers, under delegated powers, for the following reasons:

- 1. The hot food takeaway is located within an electoral Ward (Saint Peters) where the obesity level of year 6 pupils is higher than 21%, consequently it is considered that the use will not support or improve the health and wellbeing of local communities and is therefore contrary to policy VC4 of the Council's Core Strategy and Development Plan and the provisions of the National Planning Policy Framework.*
- 2. The hot food takeaway use has an unacceptable impact on the amenity of the area and the local environment by virtue of the generation of noise, disturbance and odour, contrary to the requirements of policies HS1 and BH1 of the Council's adopted CSDP and the NPPF.*

The refusal of planning permission was confirmed via notice dated 19th December 2022.

To clarify, policy VC4 of the Council's adopted Core Strategy and Development Plan sets out that in order to promote healthier communities, the Council will prevent new hot food takeaways in electoral Wards where the prevalence of obesity is more than 21% for Year 6 pupils and more than 10% for Reception pupils.

In the case of St. Peter's Ward, in which the application site is located, Year 6 obesity rates are above the 21% threshold.

Policies HS1 and BH1 of the CSDP, meanwhile, are concerned with maintaining acceptable standards of amenity, taking into account matters such as noise, disturbance and odour. In this case, Officers were concerned that the proposed use of the premises was causing significant harm to the amenity of neighbouring properties and the locality.

Given the identified conflict with policies VC4, HS1 and BH1 of the CSDP, Officers determined that the planning application should be refused.

As the use of the premises as a hot food takeaway was already taking place, following the refusal of planning permission, the Council's Planning Compliance

team issued an enforcement notice, dated 19th December 2022. The notice required the cessation of the use of the premises as a hot food takeaway by no later than 19th January 2023.

The applicant has since exercised their right to appeal the refusal of planning permission and the issuing of the enforcement notice with the Planning Inspectorate. Appeals were lodged with the Planning Inspectorate on 19th January 2023; however, the Council is, at present, awaiting the Planning Inspectorate's confirmation that the appeal process has formally started.

Given the above, at present there are no live planning applications or planning appeals against which the petition can be considered. The Council as Local Planning Authority has determined the planning application for the hot-food takeaway at the premises and has issued an enforcement notice. Upon being notified that the appeal process has started, Officers will provide the Planning Inspectorate with a copy of the petition, so that the petition can be considered by the Planning Inspectorate as part of the appeal process.

(v) Petition - To support and help Luciano's in relocating and to remain in the area they have become popular with over 3 decades.

An online petition signed by 4,714 customers was submitted to Council by Councillor Antony Mullen on 28th January 2022.

Council Officers had considered the petition from Councillor Antony Mullen presented at full council calling on Sunderland City Council to find an alternative city centre location for Luciano's long-established business.

The Council recognised that Luciano's was a popular restaurant and a place that holds strong memories for lots of people in the city. However, ambitious cities develop and change.

Sunderland's transformation programme will require some businesses to relocate to facilitate new development. The city's new Culture House will be a world-class venue that will inspire, excite and complement the wider retail and leisure offer. The Council acknowledges residents of Sunderland also share the Council's excitement and desire to see this happen through feedback received.

The Council has fully supported Luciano's over the years, particularly seven years ago when Luciano's lease on the building became unsecured. The Council agreed to a significant reduction in rent in recognition that they could not guarantee Luciano's could remain in this location in the long term.

The Council's City Development team assisted Luciano's' management team, initially pulling together lists of available premises in the city centre in both public and private ownership. City Development colleagues have met with the owners on a number of occasions to offer informal assistance and advice.

The Council also granted a further short-term Tenancy at Will to allow Luciano's to continue trading from the premises on High Street West while awaiting bookings for service disconnections in readiness for demolition.

The petition has been declined on the basis that the Council has fully supported Luciano's over the years having provided Luciano's with lists of available premises in the city centre and also having met with the owners on a number of occasions to offer informal assistance and advice.

The Council will continue to offer assistance and advice as required.

10. RESOLVED that the report be received and noted.

Local Government Boundary Commission for England – Electoral Review of Sunderland

The Chief Executive submitted a report updating the Council on the process to be carried out by the Local Government Boundary Commission at stage two of their review, which relates to the development of a new pattern of wards for Sunderland, and potentially new ward names.

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

11. RESOLVED that: -

- (i) the response of the Commission to the initial part of its review, and that the Commission is minded to recommend that 75 Councillors should be elected to the Council in the future be noted; and
- (ii) the approach to the public consultation stage of the Commission's review, and the resource that will be made available to any interested parties who wish to submit a response be noted.

Special Urgency Decisions

The Leader of the Council submitted a quarterly report on executive decisions which had been taken as a matter of special urgency. There had been no such instances since the last report.

12. RESOLVED that the report be received and noted.

Motions on Notice

(i) Happy Birthday NHS

Councillor Chequer, duly seconded by Councillor F Miller, moved the following motion: -

“This Council notes that on the 5th July 1948 an historic moment occurred in British history, a culmination of a bold and pioneering plan by the then Labour Government to make healthcare no longer exclusive to those who could afford it but to make it accessible to everyone. The NHS was born.

However, the new Minister for Health, Aneurin Bevan had to work hard to overcome opposition to the NHS ranging from the BMA through to the Conservative Party then led by Winston Churchill.

In spite of all opposition, the National Health Service came into being as part of a series of reforms which aimed to use money from taxes to provide support from the cradle to the grave.

In terms of healthcare the NHS brought many changes to Britain’s health system.

These included:

- free medical treatment for all British citizens
- the nationalisation of hospitals under the Ministry of Health and organised into regional health authorities.
- The creation of health centres to provide services like vaccinations, maternity care, district nurses etc
- a better distribution of doctors around the country with GPs (general practitioners), opticians and dentists in every area

This council therefore proposes:

- To continue working with our colleagues in the NHS on how best to celebrate the 75 years that have brought great improvements to the health of our residents, inclusive of encouraging our schools and voluntary groups to actively participate in these celebrations.
- To help put steps in place to arrange for as many buildings, historic monuments and other high-profile sites across the city to ‘light up’ blue on the evening of 5 July.”

Councillor Mullen, duly seconded by Councillor S Johnston moved the following amendment: -

To add a bullet point to the end of the motion which reads: -

Council agrees to celebrate the NHS’ birthday by providing free car parking in Council owned car parks to all community nurses working within the city and by

exploring ways to fund free staff parking for Sunderland Royal Hospital staff at that site.

So that the amended motion would read: -

“This Council notes that on the 5th July 1948 an historic moment occurred in British history, a culmination of a bold and pioneering plan by the then Labour Government to make healthcare no longer exclusive to those who could afford it but to make it accessible to everyone. The NHS was born.

However, the new Minister for Health, Aneurin Bevan had to work hard to overcome opposition to the NHS ranging from the BMA through to the Conservative Party then led by Winston Churchill.

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- To help put steps in place to arrange for as many buildings, historic monuments and other high-profile sites across the city to ‘light up’ blue on the evening of 5 July.
- Council agrees to celebrate the NHS’ birthday by providing free car parking in Council owned car parks to all community nurses working within the city and by exploring ways to fund free staff parking for Sunderland Royal Hospital staff at that site.”

Upon being moved the amendment was declared to be carried unanimously.

The Mayor read the new Substantive Motion.

The Mayor then put the new substantive motion to the meeting and accordingly it was: -

13. RESOLVED that: -

This Council notes that on the 5th July 1948 an historic moment occurred in British history, a culmination of a bold and pioneering plan by the then Labour Government to make healthcare no longer exclusive to those who could afford it but to make it accessible to everyone. The NHS was born.

However, the new Minister for Health, Aneurin Bevan had to work hard to overcome opposition to the NHS ranging from the BMA through to the Conservative Party then led by Winston Churchill.

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This council therefore proposes:

- To continue working with our colleagues in the NHS on how best to celebrate the 75 years that have brought great improvements to the health of our residents, inclusive of encouraging our schools and voluntary groups to actively participate in these celebrations.
- To help put steps in place to arrange for as many buildings, historic monuments and other high-profile sites across the city to 'light up' blue on the evening of 5 July.
- Council agrees to celebrate the NHS' birthday by providing free car parking in Council owned car parks to all community nurses working within the city and by exploring ways to fund free staff parking for Sunderland Royal Hospital staff at that site.

The meeting adjourned at this point, having reached three hours' duration.

(Signed) D TRUEMAN
Mayor

***Motions on Notice
Outstanding from the Last
Ordinary Meeting of the
Council***

MOTIONS ON NOTICE OUTSTANDING FROM THE LAST ORDINARY MEETING OF THE COUNCIL

Council Members are asked to consider the under-mentioned Motions:-

1. Notice of Motion – Nuisance motorbikes

Sunderland Council notes that:

- It is increasingly common to see motorbikes and quadbikes which do not have a registration plate riding around our area;
- These motorbikes and quadbikes are often being ridden around our parks and open spaces, on pavements and on the public highway;
- Residents of Sunderland, Houghton, Hetton and Washington are experiencing regular disruption as a result of these motorbikes and quadbikes;
- Despite some police resources being committed to dealing with the problem, residents are losing faith in the ability of the police to address the problem;

Sunderland Council therefore resolves to:

- Invite the Cabinet to present an action plan to full council no later than 31st January 2024 detailing how it will restrict access for motorbikes and quadbikes to our parks and opens spaces in problem areas of the city;
- Ask the Chief Executive to write to the Police and Crime Commissioner to ask that more resources are devoted to addressing the issue of motorbike and quadbike antisocial behaviour in Sunderland, Houghton, Hetton and Washington;
- Invite the Police and Crime Commissioner to attend a meeting of Sunderland City Council to report back on the progress being made to address the issue of motorbike and quadbike antisocial behaviour. This invite will be for a meeting which will take place no later than 31st January 2024;
- Ask the Chief Executive to write to the Home Secretary and ask the Government to ensure that local Police are equipped with the powers and the funding necessary to enable them to tackle motorbike and quadbike anti-social behaviour.

Proposer Councillor Paul Edgeworth
Seconder Councillor Ciaran Morrissey

Additional Signatories

Councillor Malcolm Bond
Councillor Margaret Crosby
Councillor Allen Curtis
Councillor Heather Fagan
Councillor Paul Gibson
Councillor Martin Haswell
Councillor Niall Hodson

Councillor Colin Nicholson
Councillor Stephen O'Brien
Councillor Julia Potts
Councillor George Smith
Councillor Peter Walton
Councillor Andrew Wood

2. Notice of Motion – School Crossing Patrols

Sunderland City Council has failed to recruit a sufficient number of school crossing patrol wardens to meet the needs of local children and parents.

Notwithstanding the length of time to acquire DBS checks at the enhanced level, Council notes that the role – pro rata, term time and limited hours – will only appeal to a small number of people and, coupled with this, the Council's recruitment process has been overly complicated for the role, with application packs spanning tens of pages. Creative ways of addressing the problem are required.

The Council therefore resolves to address this by asking the Chief Executive to explore two options and report to HR Committee.

- To create – over time – new, full-time parking enforcement staff whose role will also include undertaking school crossing patrols during term time to work alongside (not to replace) existing crossing patrol staff. When not undertaking crossing patrols, these staff members will then undertake enforcement work relating to parking.
- To consider the possibility of seconding existing members of staff (especially those with enhanced DBS checks) to undertake one crossing patrol per week as part of their existing role as a short-term solution to fill gaps whilst full-time staff are recruited.

Council also notes that there is a greater necessity to pay a market supplement premium to existing crossing patrol staff to maintain their services, rather than to Chief Officers.

Proposer Councillor Greg Peacock
Seconder Councillor Lyall Reed

Additional Signatories

Councillor Sam Johnston
Councillor Lynn Vera
Councillor Simon Ayre
Councillor Antony Mullen
Councillor Richard Dunn
Councillor Michael Dixon
Councillor Michael Hartnack

/

Report of the Cabinet

The CABINET reports and recommends as follows:-

1. Revisions to Constitution – Area Committees

That at its meeting held on 8 June 2023, Cabinet gave consideration to a report of the Executive Director of Health, Housing and Communities (copy attached) recommending that the Council amend the terms of reference of the Council's Area Committees and make the associated changes to the Constitution.

Accordingly the Cabinet recommend that Council: -

- (i) approve the changes to the terms of reference of the Council's Area Committees together with the other ancillary changes as set out in the report, with immediate effect; and
- (ii) authorise the Assistant Director of Law and Governance to make the associated amendments to the Constitution as set out in Annex 2 to the report, together with such amendments as may be required to ensure consistency between the updated provisions and the remainder of the Constitution.

CABINET MEETING – 8 June 2023

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Revisions to Constitution - Area Committees

Author(s):

Executive Director of Health, Housing and Communities

Purpose of Report:

To present proposals to amend the terms of reference of the Council's Area Committees and to make the associated changes to the Constitution.

Description of Decision:

To recommend Council to:-

- (1) Approve the changes to the terms of reference of the Council's Area Committees together with the other ancillary changes as set out in the report, with immediate effect and
- (2) authorise the Assistant Director of Law and Governance to make the associated amendments to the Constitution as set out in Annex 2 to the report, together with such other amendments as may be required to ensure consistency between the updated provisions and the remainder of the Constitution

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 proposed changes represent more clearly the role of Area Committees and particularly emphasise the key focus in terms of supporting residents and communities to maximise Community Resilience at an area level.

Alternative options to be considered and recommended to be rejected:

To leave the Constitution unchanged

This option was considered and rejected as the current Constitution does not fully reflect the role of Area Committees.

Impacts analysed:

Equality Privacy Sustainability Crime and Disorder

Is the Decision consistent with the Council's co-operative values? Yes

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

Revisions to Constitution - Area Committees

Report of the Executive Director of Health, Housing and Communities

1.0 Purpose of the Report

- 1.1 To present proposals to amend the terms of reference of the Council's Area Committees and to make the associated changes to the Constitution.

2.0 Description of Decision (Recommendations)

- 2.1 To recommend Council to:-

- (1) Approve the changes to the terms of reference of the Council's Area Committees together with the other ancillary changes as set out in the report, with immediate effect and
- (2) authorise the Assistant Director of Law and Governance to make the associated amendments to the Constitution as set out in Annex 2 to the report, together with such other amendments as may be required to ensure consistency between the updated provisions and the remainder of the Constitution

3.0 Introduction/Background

- 3.1 Following the recent review and consultation with Members regarding Area Committees and how they operated, it was agreed that some changes to the Constitution would be required to reflect the actual working arrangements more appropriately. Therefore, this report reflects the changes proposed to the Constitution Part 2 – Article 10 Area Committees.
- 3.2 The new arrangements will apply to all Area Committee operational delivery in the future and be applied as part of the Area Committees' review of their Area Priorities and in the development of Area Committees' Area Plans for 2023 – 2026.
- 3.3 The main reasons for the required changes are that the Constitution currently refers to Neighbourhood Investment Plans and as such the title does not clearly explain that they are the plans of the Area Committee to agree and deliver Area Committee priorities at an area level. The revised terms of reference now clearly articulate the role of the Area Committees in relation to supporting residents and communities to maximise community resilience, and how Area Committees achieve this through working collaboratively with services and partners to develop, deliver and effectively implement Area Committee priorities.

4.0 Proposed Constitutional changes

- 4.1 The proposed changes to the terms of reference of the Council's Area Committees include: -
- (1) renaming Neighbourhood Investment Plans as Area Committee Area Plans,
- (2) replacing references to monitoring and reviewing the quality and effectiveness of Council Services and other main providers and instead referring to

collaborative working with services and partners (including the voluntary community sector, public and private sector) to influence delivery at a local level,

- (3) retaining the monitoring and review role in relation to projects and activities that are funded through Area Committee resources and increasing emphasis on Area Committees' influencing role in relation to services and activities meeting local area priorities as outlined in Area Committee Area Plans, together with the Area Committees' lead role in relation to the development, delivery and effective implementation of the Area Committee Area Plans.

5.0 Reasons for the Decision

- 5.1 The proposed changes represent more clearly the role of Area Committees and particularly emphasise the key focus in terms of supporting residents and communities to maximise Community Resilience at an area level.

6.0 Alternative Options

- 6.1 To leave the Constitution unchanged
- 6.2 This option was considered and rejected as the current Constitution does not fully reflect the role of Area Committees.

7.0 Other Relevant Considerations / Consultations

- 7.1 The proposed amendments to the constitution have been consulted upon with Elected Members via Area Committee Workshops held in March and April 2023 and as part of the process for reviewing area priorities and developing Area Committee Area Plans for 2023 – 2026.
- 7.2 Specific points raised by members during the consultation were in relation to:-
 - (1) Area Committee continuing to have a monitoring and review role in relation to activities funded by Area Committee, which is reflected in the terms of reference.
 - (2) Area Plans being specifically referred to as Area Committee Area Plans.

8.0 Legal Implications

- 8.1 The Assistant Director of Law and Governance has been consulted and her comments taken into account in preparing this report.

9.0 Financial Implications

- 9.1 There are no direct additional financial implications arising from the proposal set out within the report. Financial provision for the delivery of the five Area Committee Area Plans is included within the relevant service revenue budget (Neighbourhood Funding) and additionally through other approved Council resources and external funding sources as appropriate.

10.0. List of Appendices

Annex 1 – Constitution Part 2 – Article 10 Area Committees

Annex 2 – Proposed changes to Constitution Part 2 – Article 10 Area Committees

Article 10 – Area Committees

10.01 Area Committees

The Council may appoint area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient transparent and accountable decision making.

10.02 Form, Composition and Function

- (a) Table of area committees The Council will appoint the area committees as set out in the first column of the table below, composed as set out in the second column of that table and with the terms of reference set out in the third column.

Name of Committee	Composition	Terms of Reference
<p>Sunderland North (Castle, Fulwell, Redhill, St. Peter's, and Southwick Wards).</p> <p>Sunderland East (Doxford, Hendon, Millfield, St. Michael's and Ryhope Wards).</p> <p>Sunderland West (St. Anne's, Pallion, Sandhill, Barnes, St. Chad's and Silksworth Wards).</p> <p>Washington (Washington East, West, Central, North and South Wards).</p> <p>Coalfields (Copt Hill, Hetton, Houghton and Shiney Row Wards).</p>	<p>All Members of the Council representing those wards included within each area committee boundary.</p>	<p>The purposes of the Area Committees are to:</p> <ul style="list-style-type: none"> • Lead development of a Neighbourhood Investment Plan, which includes all main priorities for improvement of the Area, for approval by the Cabinet. • Lead and enable effective implementation of the Neighbourhood Investment Plan. • Monitor the quality and effectiveness of services delivered by the Council and other main providers in the Area. • Actively encourage local residents to become involved in decision-making on matters which affect them. <p>In pursuit of these objectives the Area Committee may:</p> <ul style="list-style-type: none"> • Consult, engage and involve local people and organisations in development and delivery of the Neighbourhood Investment Plan. • Consult, engage and involve partner agencies in development and delivery of the Neighbourhood Investment Plan.

Name of Committee	Composition	Terms of Reference
		<ul style="list-style-type: none"> • Actively review the activities of other agencies within its area with a view to ensuring that services, initiatives and their manner of delivery meet local requirements as fully as possible. • Constructively challenge service providers to improve the standards of service and the levels of public satisfaction and trust with them. • Identify priorities for allocation of budgets delegated to the Area Committee. • Commission activity to improve local quality of life and public satisfaction in its area. • Promote and publicise initiatives taken to improve local quality of life and public satisfaction and to increase participation in decision making. • Request and consider reports in support of the Area Committee's work. <p>The Area Committee will also produce an Annual Report which will review and evaluate the degree to which it was successful in achieving its objectives and effective in promoting Community Leadership.</p>

(b) Delegations

The Council and the executive will include details of the delegations to area committees in Part 3 of this Constitution, including the functions delegated showing which are the responsibility of the executive and which are not, the composition and membership of the committees, budgets and any limitations on delegation.

10.03 Conflicts of Interest – Membership of Area Committees and Overview and Scrutiny Committees

(a) Conflict of Interest.

If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which the councillor concerned is a member, then the councillor may not speak or vote at the overview and scrutiny

committee meeting unless a dispensation to do so is given by the Standards Committee.

(b) General Policy Reviews.

Where the overview and scrutiny committee is reviewing policy generally the member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

10.04 Area Committees – Access to Information

Area Committees will comply with the Access to Information Rules in Part 4 of this Constitution. Agendas and notices for area committee meetings which deal with both functions of the executive and functions which are not the responsibility of the executive will state clearly which items are which.

10.05 Executive Members on Area Committees

A member of the executive may serve on an area committee if otherwise eligible to do so as a councillor.

Article 10 – Area Committees

10.01 Area Committees

The Council may appoint area Committees as it sees fit, if it is satisfied that to do so will ensure the delivery of services to support residents and communities to maximise Community Resilience at an area level.

10.02 Form, Composition and Function

- (a) Table of area committees The Council will appoint the area committees as set out in the first column of the table below, composed as set out in the second column of that table and with the terms of reference set out in the third column.

Name of Committee	Composition	Terms of Reference
<p>Sunderland North (Castle, Fulwell, Redhill, St. Peter's, and Southwick Wards).</p> <p>Sunderland East (Doxford, Hendon, Millfield, St. Michael's and Ryhope Wards).</p> <p>Sunderland West (St. Anne's, Pallion, Sandhill, Barnes, St. Chad's and Silksworth Wards).</p> <p>Washington (Washington East, West, Central, North and South Wards).</p> <p>Coalfields (Copt Hill, Hetton, Houghton and Shiney Row Wards).</p>	<p>All Members of the Council representing those wards included within each area committee boundary.</p>	<p>The purposes of the Area Committees are to:</p> <ul style="list-style-type: none"> • Lead on the development, implementation and effectiveness of an Area Plan, which includes all main priorities for the Area which enables its residents to be resilient, and in doing so have due regard to the needs of residents in the area, linked to the City Plan and other significant strategies for the City, for approval by the Cabinet. • Actively encourage local residents to become involved in shaping the Area Plan, ensuring delivery of activities to support matters which affect them.

		<p>To support delivery of these objectives the Area Committee may:</p> <ul style="list-style-type: none"> • Consult, engage and involve local people and organisations in development and delivery of the Area Plan. • Consult, engage and work collaboratively with partners (including the Voluntary and Community Sector, public and private sector) in development and delivery of the Area Plan and maximising social value within communities. • In developing Area Plans, identify priorities for allocation of budgets delegated to the Area Committee. • Commission activity to improve local quality of life and public satisfaction in its area, and publicise initiatives supported by the Area Committee. <p>Area Committees will report on the delivery of area priorities and working in partnership with communities through the production of an Annual Report to Council.</p>
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(b) Delegations

Area Committees have delegated decision making powers in relation to Area Budgets in support of delivery of Area Plans. The Council and the executive will include details of the delegations to area committees in Part 3 of this Constitution, including the functions delegated showing which are the responsibility of the executive and which are not, the composition and membership of the committees, budgets and any limitations on delegation.

10.03 Conflicts of Interest – Membership of Area Committees and Overview and Scrutiny Committees

(a) Conflict of Interest.

If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which the Councillor concerned is a member, then the Councillor may not speak or vote at the overview and scrutiny committee meeting unless a dispensation to do so is given by the Standards Committee.

- (b) General Policy Reviews.

Where the overview and scrutiny committee is reviewing policy generally the member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

10.04 Area Committees – Access to Information

Area Committees will comply with the Access to Information Rules in Part 4 of this Constitution. Agendas and notices for area committee meetings which deal with both functions of the executive and functions which are not the responsibility of the executive will state clearly which items are which.

10.05 Executive Members on Area Committees

A member of the executive may serve on an area committee if otherwise eligible to do so as a Councillor.

Report of the Human Resources Committee

The HUMAN RESOURCES COMMITTEE reports and recommends as follows: -

1. Grievance Procedure: Chief Executive/Amendment to Employment Procedure Rules

That at its meeting held on 14 July 2023, the Committee gave consideration to a report of the Director of Smart Cities and Enabling Services (copy attached) recommending that the Council amend the Employment Procedure Rules to provide for the suspension and disciplinary functions currently assigned to the Human Resources Committee as a whole, to be undertaken by an Investigatory and Disciplinary Panel of three members, convened from the membership of the Human Resources Committee, as set out in the Grievance Procedure: Chief Executive.

The Committee approved the Grievance Procedure subject to an amendment to paragraph 2.6 to provide for the Leader of the Council to be made aware when a grievance is received. In addition, further information on the process of convening the Grievance Panel has been incorporated in an updated version of the Grievance Procedure, which is attached to this report.

Accordingly, the Committee recommend that Council amend the Employment Procedure Rules to provide for the suspension and disciplinary functions currently assigned to the Human Resources Committee as a whole, to be undertaken by an Investigatory and Disciplinary Panel of three members, convened from the membership of the Human Resources Committee, as set out in the Grievance Procedure: Chief Executive.

GRIEVANCE PROCEDURE: CHIEF EXECUTIVE

REPORT OF THE DIRECTOR OF SMART CITIES AND ENABLING SERVICES

1. Purpose of Report

- 1.1 The purpose of this report is to propose a new procedure for the management of grievances that are submitted directly against the Chief Executive Officer or grievances that are raised by the Chief Executive Officer.

2. Description of the Decision (Recommendation)

- 2.1 The Human Resources Committee is recommended to:

2.1.1 adopt the Grievance Procedure: Chief Executive as set out in Appendix 1 and authorise the Director of Smart Cities and Enabling Services to make any typographical or stylistic corrections to the procedure as are necessary.

2.1.2 recommend Council to amend the Employment Procedure Rules (Appendix 2) to provide for the suspension and disciplinary functions currently assigned to the Human Resources Committee as a whole, to be undertaken by an Investigatory and Disciplinary Panel of three members, convened from the membership of the Human Resources Committee, as set out in the Grievance Procedure: Chief Executive.

3. Background

- 3.1 Grievance procedures are needed to provide individuals with a course of action if they have a complaint which they are unable to resolve informally. A grievance procedure allows for the opportunity to formally resolve matters internally without recourse to an employment tribunal.

- 3.2 This Procedure will apply:

- where an employee raises a grievance against the Chief Executive of the Council (as defined in the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework and Conditions of Service Handbook); and
- where the Chief Executive of the Council raises a grievance against an individual elected member(s) or the employing Council generally.

- 3.3 The Council's existing Grievance Procedure does not cover grievances that are submitted directly against the Chief Executive or grievances that are raised by the Chief Executive. It is therefore necessary to develop a separate Procedure for grievance matters pertaining to the Chief Executive as significant procedural differences are required.

- 3.4 Members will see that the draft Procedure provides that if there are serious concerns about a Chief Executive's conduct, they may be referred to an Investigatory and Disciplinary Panel of three members convened from the membership of the Human Resources Committee. The Council's Employment Procedure Rules (Appendix 2) currently provide for the Human Resources Committee as a whole to have the functions of suspending the Chief Executive, undertaking disciplinary action (except for dismissal) against a statutory officer and disciplinary action (including dismissal) against any other chief officer or deputy chief officer. (A statutory officer, as defined in the Rules, may only be dismissed by a resolution of Council.)
- 3.5 It is proposed that the Investigatory and Disciplinary Panel be composed of a Chair and two additional Panel members, an arrangement that mirrors that of the Appeals Panel. Flexibility in the make-up of the Investigatory and Disciplinary Panel (achieved through the 3 Member proposal) will help prevent any perception of bias and can also help achieve balance where diversity and cultural mix are relevant and important considerations within a specific process. Best practice states that the constitution of panels should be considered depending upon the nature of the issue to be considered. Additionally, support will be offered to those responsible for reaching a decision in such matters to come to the matter afresh, appropriately trained and properly resourced.
- 3.6 If the Human Resources Committee approves the Grievance Procedure, it will therefore be necessary to recommend Council to amend the Employment Procedure Rules to provide for the relevant disciplinary functions to be undertaken by a Panel drawn from the Committee, rather than the Committee as a whole. In accordance with the model procedure suggested in the JNC Conditions of Service Handbook, the Panel would include at least one member of the executive.

4. Financial Implications

- 4.1 There are no direct additional financial implications regarding this proposal.

5. Consultation

- 5.1 The trade unions will be consulted on this proposal and any comments received from trade union colleagues will be shared with the Committee.

Grievance Procedure: Chief Executive

Purpose

This procedure sets out the Council's Grievance Procedure in relation to any concern, problem, issue or complaint that an employee or a group of employees have in relation to work, working conditions or relationships against the Chief Executive or which the Chief Executive of the Council wishes to raise against others, which necessitates an informal or formal discussion.

Document Control

Implementation date	
Author	HR & OD
Version	2
Review date	2026

Purpose

This Procedure document sets out the Council's Grievance Procedure in relation to any concern, problem, issue or complaint that an employee or a group of employees have in relation to work, working conditions or relationships against the Chief Executive or which the Chief Executive of the Council wishes to raise against others, which necessitates an informal or formal discussion. Complaints of bullying and harassment should be raised under this Procedure document.

1. Introduction

1.1 This Procedure document covers the following circumstances:

- where an employee raises a grievance against the Chief Executive of the Council (as defined in the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework and Conditions of Service Handbook); and
- where the Chief Executive of the Council raises a grievance against an individual elected member(s) or the employing Council generally.

1.2 The Council promotes a positive working environment and has developed policies and procedures to support this. However, it is recognised that from time to time, employees will have concerns, problems, or complaints about an aspect of their employment. This Procedure document has been developed to support employees who feel that they have an issue against the Chief Executive which they need help to resolve.

1.3 This Procedure document provides employees with an opportunity to resolve their grievances in a timely, fair, and consistent manner, to help to maintain effective working relationships. Employees will not be treated any less favorably or suffer any detriment in their employment as a result of raising a grievance under this Procedure document.

1.4 Employees are very much encouraged to resolve their grievance informally, wherever possible. Line managers will support employees in doing this. However, in circumstances where this is not possible or where the informal route has failed, employees should follow the formal grievance procedure as outlined in this Procedure document.

1.5 The procedure detailed in Section 2 is set out in the flow chart at Appendix 1.

2. Procedure for dealing with a grievance raised by an employee against the Chief Executive

2.1 An employee raising a grievance against the Chief Executive should do so using this grievance procedure. However, while operating within the context of the employee's grievance procedure, it is only the mandatory stages of a grievance

procedure (i.e. the formal stages, as referred to in Section 3 of this document) that can resolve the grievance when the person complained of is the Chief Executive.

- 2.2 An internal procedure to be followed by an aggrieved employee will comprise at least two formal stages. After the initial filtering and any attempt at informal resolution (see paragraphs 2.3 to 2.8 below), if the matter remains unresolved, then a panel of elected members (the Grievance Panel) will be convened by the Assistant Director of Law and Governance from within the membership of the Human Resources Committee to hear the grievance on behalf of the employer (Formal Stage 1) (see paragraphs 3.1 to 3.6 below). It is here that the power exists to resolve a grievance against the Chief Executive. All members of HR Committee will be requested to provide information regarding their availability to ensure the panel can be convened as soon as practicable. When selecting members of the panel, consideration will be given to avoiding any conflict of interest arising, including having regard to any future panels which may be convened, and which may have a bearing on the particular grievance concerned. Priority may also be given to including members who have undertaken relevant training and / or have relevant experience. The Grievance Panel can either uphold or dismiss the grievance. If the outcome of the Stage 1 investigation is that the grievance is not upheld, then the aggrieved employee has the right to appeal (Formal Stage 2) to a panel of elected members who have had no prior involvement in the matter, (the Appeal Panel) (see paragraphs 3.7 to 3.11 below).
- 2.3 The Council as employer and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions, or confirmation of those decisions.
- 2.4 An aggrieved employee may be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union at any meeting that deals with the grievance.

Initial filtering of grievances

- 2.5 Where an employee raises a grievance against the Chief Executive, an initial filtering will take place to filter out and deal with 'allegations' against the Chief Executive which are clearly unfounded or trivial or can best be dealt with under some other procedure. For example, allegations and complaints that are directed at the Chief Executive, but are complaints about a particular service, should be dealt with through the Council's general complaints procedure. If the matter is a serious complaint against the Chief Executive's personal behaviour such as sexual or racial harassment, the matter would potentially be one that would be appropriate for an investigation under the disciplinary procedure.
- 2.6 To enable this process to happen, the Council's Monitoring Officer would be the recipient of any grievance raised against the Chief Executive (referred to below as the Receiving Officer). If the Monitoring Officer is the person bringing the

grievance against the Chief Executive or has a conflict of interest in respect of the grievance, then the matter should be raised with the Specialist Lead – People Management. The Specialist Lead – People Management will then decide whether it can be something they deal with themselves (in which case they would then be the Receiving Officer), whether the matter can be referred to the Deputy Monitoring Officer or whether a Monitoring Officer from a neighbouring authority should be commissioned to act as the Receiving Officer instead. This will be a decision for the Specialist Lead – People Management to take. In all circumstances the Receiving Officer will notify the Leader of the Council that a grievance against the Chief Executive has been received and the nature of the grievance. Care will be taken to minimise the risk of the information provided to the Leader being of such a nature and/or extent as to give rise to a conflict of interest for the Leader in connection with any future involvement in the process.

- 2.7 A meeting will be held as soon as possible between the Receiving Officer and the aggrieved employee without unreasonable delay after a grievance is received. The employee will be given an opportunity to explain their grievance and how they would like it to be resolved. Consideration will be given by the Receiving Officer to adjourning the meeting for any investigation that may be necessary. Where the Receiving Officer is a Monitoring Officer or Deputy Monitoring Officer, they will be supported, if necessary, by a member of the Council's HR Advice Team.
- 2.8 The Receiving Officer is responsible for the filtering process, the outcome of which could include the following:
- i. the Receiving Officer decides that the grievance is about a council service, rather than a complaint against the Chief Executive personally. In this case the Receiving Officer will refer the matter back to the aggrieved employee and indicate that the matter is one that they could raise under the appropriate complaints process for the council rather than as a grievance against the Chief Executive.
 - ii. the Receiving Officer decides that there are other formal appeal procedures that apply rather than the grievance procedure eg, in cases of redundancy.
 - iii. the Receiving Officer decides that the grievance should not be directed at the Chief Executive as it does not relate to a specific action of the Chief Executive or a specific omission of the Chief Executive and so should be directed to an intermediate manager.
 - iv. the Receiving Officer decides that the grievance is patently frivolous or clearly unfounded and therefore the employee will be informed of this and the reason why the Receiving Officer holds that opinion.

Resolving grievances informally

- 2.9 Where the Receiving Officer is satisfied that the grievance is neither procedurally flawed nor patently frivolous or clearly unfounded then, if appropriate, an attempt will be made at that time to resolve the matter informally. This might be through internally facilitated informal joint discussions or informal joint discussions facilitated externally by an external mediator.
- 2.10 If the concerns cannot be resolved informally the matter will move to the first formal stage as outlined below.

3. Resolving grievances formally

Formal stage 1

The grievance investigation

- 3.1 Where informal attempts at resolution are considered inappropriate or have been tried and failed, then the Receiving Officer should manage the Stage 1 investigation. It is for the Receiving Officer to determine how the matter will be investigated. This will be communicated to the aggrieved employee at that time.
- 3.2 If the outcome of the investigation is in favour of the aggrieved employee, a solution should be proposed, considering the remedy requested by the aggrieved employee and the Receiving Officer's assessment of what would be appropriate in all the circumstances. If the Chief Executive is unwilling to accept these proposals, the matter will be referred to the Grievance Panel for it to resolve.

The Grievance Panel hearing

- 3.3 The Grievance Panel will be convened by the Monitoring Officer or an officer acting on their behalf from within the membership of the Human Resources Committee and will comprise three elected members as standard, with a quorum of three elected members. The Grievance Panel will hear the case and reach its conclusion.
- 3.4 The Grievance Panel will be responsible for considering the grievance with appropriate technical and procedural advice from the Receiving Officer and/or the Specialist Lead – People Management where they are not also the Receiving Officer. The Receiving Officer and Specialist Lead – People Management may authorise another officer to undertake this function.

(a) The Panel upholds the grievance

- 3.5 Where the Panel **upholds** the grievance, this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.
- 3.6 Where the Panel **upholds** the grievance and decides that it is a matter of a serious nature, it may decide to refer the matter to an Investigating and Disciplinary Panel of three members, convened by the Monitoring Officer or an officer acting on their behalf from within the membership of the Human Resources Committee, for consideration. That Panel would then have to consider under the Council's disciplinary procedure whether there was a case to answer, and, if so, would commission an independent investigation under the Council's Disciplinary Procedure.

(b) The Panel dismisses the grievance

- 3.7 If the Panel finds against the aggrieved employee, then that person has a right of appeal to a member Appeal Panel, and the Chief Executive should be immediately informed that this has happened.

Formal Stage 2

The right to appeal the Grievance Panel's decision

- 3.8 The Appeal Panel will be convened by the Monitoring Officer or an officer acting on their behalf from within the membership of the Appeals Committee and will comprise three elected members as standard, with a quorum of three elected members. The members of the Appeal Panel must not have had any prior involvement in the case. The Appeal Panel will hear the case and reach its conclusion.
- 3.9 The Appeal Panel will be responsible for considering the appeal with appropriate technical and procedural advice from the Receiving Officer and/or the Specialist Lead – People Management where they are not also the Receiving Officer. The Receiving Officer and Specialist Lead – People Management may authorise another officer to undertake this function.
- 3.10 Where the Appeal Panel **upholds** the appeal, this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.
- 3.11 Where the Appeal Panel upholds the appeal and decides that it is a matter of a serious nature, then it may decide to refer the matter to an Investigatory and Disciplinary Panel of the Human Resources Committee, convened as described earlier in this procedure. That Panel would then have to consider whether there was a case to answer, and, if so, would commission an independent investigation under the disciplinary procedure.
- 3.12 Where the Appeal Panel **dismisses** the appeal, then the matter is regarded as having been concluded.

4 Procedure for dealing with grievances raised by the Chief Executive

- 4.1 Where the Chief Executive raises a grievance, then similar principles need to apply, namely:
- Informal attempts at resolution should be regarded as preferable to immediate recourse to formal procedures

There will be two stages available to the aggrieved employee, in this case the Chief Executive.

- 4.2 A Chief Executive cannot take out a grievance against another member of staff, as any cause for such concern would constitute grounds for disciplinary action and as head of the paid service the Chief Executive could initiate such action against any other employee. A Chief Executive grievance must be against one or more elected member(s) and the Council's Monitoring Officer will act as Receiving Officer.
- 4.3 Where the Chief Executive raises a grievance, this should be referred to the Receiving Officer in the first instance who should establish, through discussions with the appropriate parties, whether there is any prospect of resolving the matter informally. This might be through internally facilitated informal joint discussions or informal joint discussions facilitated externally by an external mediator.
- 4.4 In the event that informal resolution is neither appropriate nor successful, the Receiving Officer should refer the matter to a Grievance Panel, convened as described earlier in this procedure from within the membership of the Human Resources Committee. If the Grievance Panel considers it appropriate, having come to its conclusions, it might refer a matter about the conduct or behaviour of an elected member to the council's Standards Committee or other appropriate arrangements. The outcomes of the Grievance Panel are as contained in paragraphs 3.4 to 3.7 above.
- 4.5 Where the Grievance Panel does not uphold the grievance brought by the Chief Executive, the Chief Executive has a right of appeal. An appeal by the Chief Executive against the outcome of the Grievance Panel's deliberations should be to the full Council.

5 Grievances raised by the Chief Executive during disciplinary proceedings

- 5.1 Where the Chief Executive is the subject of a disciplinary / capability investigation and raises a grievance relating to the case, the Investigating and Disciplinary Advisory Committee will decide how to deal with the grievance. This will depend on the facts of the case, the stage of the disciplinary procedure reached, and the nature of the grievance raised. In some cases, it may be appropriate to hear the grievance before continuing with the disciplinary / capability investigation. In other cases, it will be appropriate to deal with the issues raised in the grievance as part of the wider disciplinary / capability investigation.

6. **Alternative Procedures**

There are a number of alternative procedures which are all available on the hub or from line managers which an aggrieved employee may wish to follow:

- Whistleblowing
- Anti-fraud and Corruption
- Disciplinary

The Council may determine which procedure is most appropriate in respect of any issue raised.

Employee raises a grievance against the Chief Executive

Initial filtering of the concern is carried out by the Monitoring Officer (Receiving Officer)

The Receiving Officer deems the matter inappropriate for consideration. The employee is informed that the matter is either:

- About a Council Service
- Concerns another procedure – e.g., Redundancy
- Relates to an Officer other than the Chief Executive or
- is frivolous or unfounded and will therefore not be considered under the Grievance Procedure (Chief Executive)

The Receiving Officer deems the matter appropriate for consideration under the grievance procedure and attempts to resolve the matter informally.

Unresolved

Resolved

First Formal Stage

An investigation is carried out by the Receiving Officer (RO) or if deemed appropriate by the RO, an independent investigator. If the outcome of the investigation is in favour of the aggrieved employee, and resolution is not achieved, the grievance will be considered by the Grievance Panel.

Upheld

Dismissed

Resolved

Unresolved

Chief Executive accepts the remedy

Chief Executive does not accept the remedy

Resolved

Unresolved

Aggrieved employee pursues an appeal against the decision.

Second Formal Stage

An appeal panel will consider the facts of the case and make the final decision on behalf of Sunderland City Council.

If UPHHELD: Remedy imposed on Chief Executive.

If DISMISSED: The matter is considered resolved and no further internal avenues are available.

Report of the Standards Committee

The STANDARDS COMMITTEE reports and recommends as follows: -

1. Appointment of Independent Person(s)

That at its meeting on 12 September 2023, the Committee will give consideration to a report of the Assistant Director of Law and Governance setting out proposals for the recruitment process for the role of Independent Person(s).

The Committee's recommendations to Council will be set out in a supplementary report.

Note: At its meeting on 12 September 2023, the Committee will also give consideration to a report of the Assistant Director of Law and Governance inviting them to review the current Code of Conduct and to determine whether it wishes to propose any amendments. Any such proposals will be reported to a future meeting of Council.

APPOINTMENT OF INDEPENDENT PERSON(S)**REPORT OF THE ASSISTANT DIRECTOR OF LAW AND GOVERNANCE****1. Background**

- 1.1 In accordance with the Localism Act 2011, the Council is required to appoint at least one Independent Person (IP) to assist in carrying out its duties in respect of dealing with Code of Conduct complaints. The IP must be consulted before the Council takes a decision in respect of any allegation made against an elected member (including town councillors) which has been investigated. They may also be consulted about any other aspect of a councillor's alleged breach of the Council's Code of Conduct for Members and may be consulted by a councillor against whom any allegation has been made. In addition, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 have made provision for IPs to be included in Panels which exercise certain advisory functions in connection with disciplinary and dismissal procedures involving the Chief Executive, Chief Finance Officer or Monitoring Officer.
- 1.2 The legislation does not prescribe the term of office for the IP, however, it requires the position to be advertised in such manner as the Council considers is likely to bring it to the attention of the public.
- 1.3 A report published in 2019 by the Committee on Standards in Public Life regarding Local Government Ethical Standards made a "Best Practice" recommendation that local authorities should have access to at least two IPs. When the legislation was first introduced, the Council did appoint two IPs, but in recent years has appointed only one. While the Council has not experienced any issues with any potential conflict of interest for any of its IPs over the years, it is proposed that members recommend Council to appoint two IPs on this occasion.
- 1.4 This Council currently has one IP, namely Dennis Hall, who will have served for six years by the time his current term of office expires at the end of September 2023. Mr Hall may be reappointed for a further term of office. Mr Hall is a retired local government officer who has previously held the role of Monitoring Officer and he has indicated that he would wish to be considered for reappointment to this role. Prior to their retirement, former Cllr Peter Gibson, who chaired the Standards Committee for a number of years, and former Cllr Peter Wood, a long serving member of the Committee, were consulted for their views regarding the role of IP. Both former councillors strongly supported the reappointment of Mr Hall, with his contribution to the Committee being described as "first class" "very helpful" and the comment being made that his work could not be praised too highly. As the Council's Monitoring Officer, I would confirm that officer colleagues and I have found Mr Hall's contribution to be extremely helpful and we value the many years of local government experience which he brings to the role. There is a relatively small pool of people capable and willing to undertake the role of IP and reappointment of Mr Hall,

together with appointment of a second IP, may bring the benefit of continuity and experience to the role, combined with the “fresh” additional perspective that a new appointee can bring.

- 1.5 The Council awards an annual allowance of £1,000 for the role of IP, plus reasonable travel and subsistence expenses and it is recommended that this should continue.

2. Recruitment Process

- 2.1 It is proposed that a similar process be undertaken to the recruitment process followed previously, namely that the Monitoring Officer finalises the role description and person specification and makes arrangements for the role to be advertised on the North East Jobs website. Drafts of the role description and person specification are appended to this report for the Committee’s information. The Monitoring Officer will convene a Panel of three members of the Committee, two majority and one opposition member, to undertake shortlisting and interviewing of applicants, with a view to recommending appointments to Council for approval. As the Panel will not be constituted as a formal sub-committee, shortlisting and / or interviews may be conducted via Teams, if Panel members prefer.
- 2.2 In respect of Mr Hall, given his previous experience in this role and the positive feedback on his contribution, the Committee may wish to consider agreeing that should Mr Hall formally confirm his wish to be considered for reappointment, he will only be requested to submit an up-to-date CV and will not be required to attend for interview.

3. Interim Arrangements

- 3.1 As the recruitment process will take some weeks, it is proposed that Council be recommended to extend the current term of office of Mr Hall until the conclusion of the recruitment and appointment process.

4. Recommendation

- 4.1 To recommend Council to:

- 4.1.1 Approve the recruitment process for the role of Independent Person(s) as outlined in the report, including the proposed approach to the appointment of Mr Hall, should he formally confirm his wish to be considered for appointment for a further term of office;

- 4.1.2 following the conclusion of the recruitment process, appoint up to two Independent Persons for terms of two years’ duration, which may be extended by the Council for two further two year terms (i.e. six years in total) and to award an annual allowance of £1,000 and reasonable travel and subsistence expenses in respect of the role;

4.1.3 extend the current term of office of Mr Hall until the conclusion of the recruitment process and appointment of Independent Person(s) for the new term(s) of office

4.1.4 authorise the Monitoring Officer to make all associated arrangements.

Background Papers

None

Role Description for Independent Person appointed by Sunderland City Council for Standards of Conduct Issues affecting City Council and Hetton Town Council Members

1. The City Council is to appoint one or more individuals to carry out the role of "Independent Person", which is a role created under Section 28(7) of the Localism Act 2011. The Council has a duty under that Act to promote and maintain high standards of conduct for its elected and co-opted members and to make arrangements for the consideration of complaints of breaches of its members' code of conduct.
2. The statutory role of the Independent Person arises where the Council has received an allegation that one of its members (or a member of Hetton Town Council) has breached the Council's Code of Conduct for Members (or the Town Council's code of conduct).

In those circumstances:

- (a) if the Council decides to investigate the allegation, the Council **must** consult the Independent Person, and take their views into account, before making a decision on that allegation; and
 - (b) the Council **may** seek the views of the Independent Person about any other aspect of the allegation, whether or not it decides to investigate; and
 - (c) the member of the Council (or Hetton Town Council) who is the subject of the allegation **may** also seek the views of the Independent Person at any time.
3. When a complaint has been investigated, the Independent Person will receive a copy of the investigation report from the Council and be asked for their view on it and any views they may have upon how the Council should determine the allegation. These views will then be taken into account in the final decision-making process. The final decision may be made by the Monitoring Officer where the investigation has concluded that there has been no breach of the Code, but otherwise is likely to be made by a committee or sub-committee of elected members after a hearing.
 4. The views of the Independent Person may be sought by the Council at other stages in the process, for instance by the Monitoring Officer to assist in deciding whether a complaint could be resolved informally.
 5. It is envisaged that the views of the Independent Person will usually be sought by the Council (through its Monitoring Officer) in writing, either by letter or e mail, and that the response of the Independent Person will usually be conveyed in the same way. On occasions however advice may be sought by telephone or at a meeting.
 6. Any Independent Person is likely to be expected to attend any hearing which is held by the Council to decide whether there has been a breach of the Code of Conduct. If it is decided at that hearing that there has been a breach, the Independent Person will be asked for his or her view as to what action, if any, should be taken as a result.

7. As part of the statutory role, the Independent Person will also be available for consultation by any Council (and Hetton Town Council) member who is the subject of an alleged breach of the Code of Conduct. Such consultation may be sought at any time during the process and may be carried out by telephone, written correspondence (e-mail or letter) or at a meeting (including at a final hearing).

(This advisory role to an individual Council member will only arise where the member is subject to an alleged breach of the relevant code of conduct. An Independent Person will not be expected – and should decline - to give advice to Council or Hetton Town Council members in any other circumstances. Where such advice is required, Council members will be expected to seek it from the Monitoring Officer, or some other appropriate Council officer).

8. The Independent Person may from time to time be asked for his or her views about other aspects of the Council's standards arrangements, for instance the suitability of the Council's Code of Conduct or the procedures which the Council adopts for the handling of any allegations of member misconduct. The Independent Person may be invited to attend committee meetings for this purpose.
9. In addition to undertaking functions in connection with the ethical standards regime, an Independent Person may be requested to participate in any Panel convened to deal with disciplinary or dismissal proceedings concerning the Head of Paid Service, Chief Financial Officer or Monitoring Officer.
10. An Independent Person will be encouraged to acquire some understanding of the work of the Council and how it operates. Support will be provided by the Council's Monitoring Officer, who will arrange any necessary training and the provision of such information which is considered necessary to enable the Independent Person to perform the role properly.

APPOINTMENT OF INDEPENDENT PERSON(S)
PERSON SPECIFICATION – SUNDERLAND CITY COUNCIL

ATTRIBUTES	ESSENTIAL	DESIRABLE
Knowledge	<ul style="list-style-type: none"> • Be prepared to undergo formal training in the role 	<ul style="list-style-type: none"> • Knowledge of the roles and responsibilities of councillors at principal council and parish council level • Understanding of the diverse functions of a principal council, contemporary issues and challenges facing local government • Awareness of the ethical standards regime
Experience and skills	<p>The post holder must</p> <ul style="list-style-type: none"> • Have personal integrity and act independently • Be fair and able to take an objective view of sometimes emotive issues • Have an ability to act impartially • Be able to exercise sound judgement • Have excellent inter-personal skills • Be able to express their ideas and point of view effectively, while being an excellent listener 	<ul style="list-style-type: none"> • Experience of acting as an Independent Person or independent co-opted member of a local authority standards committee
Character	<ul style="list-style-type: none"> • Be willing to adhere to the Council's Code of Conduct for Members • Discrete 	<ul style="list-style-type: none"> • Be committed to public services and the principles of accountability, probity and openness

<p>Circumstances</p>	<p>The post holder must not</p> <ul style="list-style-type: none"> • have been a Councillor, Co-opted Member or Employee of the Council (or Hetton Town Council) within the last 5 years <p>Note: “Co-opted Member” here does not include someone who has been an Independent Person in respect of the relevant Council’s standards committee</p> <ul style="list-style-type: none"> • be in a position of management, control or major decision-making within any voluntary or community organisation funded by the Council • be related to, or be a close friend of, a Member or co-opted Member or officer of the Council or Hetton Town Council 	
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Report of the Audit and Governance Committee

The AUDIT AND GOVERNANCE COMMITTEE reports and recommends as follows: -

1. Annual Report on the Work of the Audit and Governance Committee 2022/2023

That the Audit and Governance Committee have given consideration to a report by the Director of Finance (copy attached) on the work of the Audit and Governance Committee during 2022/2023, demonstrating how they have fulfilled their responsibilities.

Accordingly, the Committee recommends Council to note the Annual Report on the Work of the Audit and Governance Committee 2022/2023.

ANNUAL REPORT ON THE WORK OF THE COMMITTEE 2022/23

Report of the Director of Finance

1. Purpose of Report

- 1.1 This report provides a summary of the work undertaken by the Audit and Governance Committee during 2022/23 and the outcome of this work. The purpose of this report is to demonstrate how the Committee has fulfilled its role and will be presented to Council once agreed by the Committee.

2. Purpose and Role of the Committee

- 2.1 The Audit and Governance Committee is a key component in the Council's Corporate Governance Arrangements. Its main objectives are to:

- Provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment and reporting arrangements that underpin good governance and financial standards.
- Oversee the annual financial reporting and governance processes.
- Oversee internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

- 2.2 Its role is to:

- approve the Authority's Statement of Accounts, income and expenditure, and balance sheet or record of receipts and payments (as the case may be);
- consider the effectiveness of the authority's corporate governance arrangements, risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements and seek assurance that action is being taken on risk-related issues identified by auditors and inspectors;
- be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
- receive, consider and monitor reports on treasury management policy, strategy and practices.

3. Matters Considered

- 3.1 The Committee met four times during the year to consider its business. All appropriate officers of the Council have been in attendance at the meetings to present reports and provide additional information in order to clarify issues and respond to questions from members of the Committee. Regular attendees at the meetings were the Director of Finance, Assistant Director of Assurance and Property Services, Chief Accountant, Senior Manager - Assurance and the Council's External Auditors.
- 3.2 To enable the Committee to fulfil its role as set out in paragraph 2.1, a range of reports were considered, as follows:
- a) Members were provided with an update on the City plan and the assurance and review arrangements in place. Members were pleased that key partners and stakeholders across the City were being involved in the review.
 - b) The Committee endorsed the Risk and Assurance Map for 2022/23 which sets out the key risk areas for the Council, the assurance that would be gathered in relation to them and where the assurance would be sought from. The report included the plans of work for the year for the Internal Audit and Risk and Assurance teams, and the performance indicators for Internal Audit. The Committee was also given the opportunity to identify any areas of work to be considered for the year.
 - c) Progress reports in relation to the Risk and Assurance Map were presented to the Committee. These provided details of the level of assurance for the strategic and corporate risk areas from management, specialist assurance functions, Internal Audit, Risk and Assurance, the external auditor and other external agencies.
 - d) Specific key issues were highlighted within the Risk and Assurance Map update reports for members to consider further, members raised queries, including, work in relation to the strategic risk areas/City Plan, changes to risk scores and the actions being taken address them and how the risk scores are evaluated for new risks.
 - e) External Auditors provided progress reports to each meeting, the Annual Audit Letter, Audit Completion Report, and the Review of the Council's arrangements for securing value for money. The External Auditor also presented their Audit Strategy Memorandum setting out their work for the coming year.

- f) The results of the Annual Governance Review for 2021/22 were presented, which summarises the overall governance arrangements in place within the Council and made recommendations for further improvement. The head of internal audit's opinion on the Council's internal control environment was positive. The resultant Annual Governance Statement highlighted the good corporate governance arrangements in place and was approved by the Committee and included within the Council's Statement of Accounts.
- g) The annual Statement of Accounts 2021/22 (subject to audit) was issued to the Committee members and published online in line with the extended statutory deadline. The audited accounts were presented at the November 2022 Committee meeting. The Chair thanked the External Auditor and the Finance team for their work on the Statement of Accounts.
- h) There is a requirement to undertake an annual assessment of the Council's status as a going concern in line with the CIPFA/LASAAC Code of Practice. The Committee received the report in relation to this which sets out the evidence relied upon to make the assessment.
- i) The Committee received reports in relation to the Council's Treasury Management arrangements to receive assurance that they are appropriate and approved the Treasury Management Policy and Strategy. The Committee asked questions in relation to various aspects of the reports, including the potential impact of the increase in inflation and interest rates.
- j) The Committee received the Data Protection Annual Report 2021/22 which is reported to the Committee on an annual basis.

3.3 From the reports presented the Committee has been proactively monitoring activity in a number of important areas, as follows:

- *Risk and Assurance Map* – The Committee closely monitored activity in relation to changes to the strategic risk scores. In particular numerous questions were asked following a presentation regarding the Council's arrangements to reduce carbon emissions.
- *Treasury Management* – The Committee has received regular updates regarding the Council's performance in relation to Treasury Management. Members questioned the potential impact of increases in inflation and interest rates.
- *Cyber Security* – Queries were raised regarding the Council's arrangements for cyber security which resulted in a presentation by the Chief Information Officer setting out the threats and activity to protect the Council.

- 3.4 It can be seen that the work of the committee is wide ranging with members monitoring performance more closely in those areas where it was deemed appropriate.
- 3.5 The Chartered Institute of Public Finance and Accountancy has issued further guidance in relation to effectiveness of Audit Committees in local government. This is currently being reviewed and any improvements required will be considered in the next review of the remit and effectiveness of the Committee during 2024.

4. Recommendation

- 4.1 The Committee is asked to consider the report and provide any comments for inclusion prior to the report being presented to Council.

Action Taken on Petitions

ACTION TAKEN ON PETITIONS

Council Members are asked to note the action taken in relation to the under-mentioned petitions which were presented to Council:-

1. Petition – To Include Alston Crescent on Priority Gritting Routes

A petition signed by 29 residents, was presented to Council on 14 June 2023 by Councillor Peter Walton. The petition read as follows:

“I/we the undersigned call on Sunderland City Council to include Alston Crescent on its list of priority gritting routes.”

Council Officers have considered the petition.

Throughout the summer months preparations for the forthcoming winter season take place and as part of these preparations all the gritting routes are reviewed to establish that they are still fit for purpose and delivering the outcomes that meet our requirements. This includes reviewing any additions or removal of certain roads and streets. Our winter gritting route resources are finite and there are requirements to ensure any routes can be completed within a requisite time and additions to routes will inevitably increase response times. Alston Crescent will be considered alongside any other potential additions as part of this review.

Councillor Walton has been advised of the response.

Reports

COUNCIL

13 SEPTEMBER 2023

Update on Special Urgency Decisions

Report of the Leader

The Council's Constitution requires that a quarterly report be submitted to Council on executive decisions which have been taken as a matter of special urgency. The relevant provisions are now contained in Regulations 11 and 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

These are the special urgency provisions under which key decisions may be taken by the executive, although not contained in the 28 day Notice of Key decisions (whether proposed to be taken in public or private), where compliance with Regulation 10 (the general exception) was also impracticable.

There have been no such instances since the last report.

Recommendation

That the Council notes the content of this report.

APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES

REPORT OF THE ASSISTANT DIRECTOR OF LAW AND GOVERNANCE

1.0 Introduction and Background

1.1 The purpose of this report is to inform Council of changes required to the allocation of Committee seats between political groups as a result of the Hendon election. Approval is also sought to a number of proposed changes to various committees together with some changes which are unrelated to the outcome of the election.

2.0 Changes to Appointments on Committees

2.1 A review of the political balance of the Council to ensure places on Committees are allocated in accordance with the relevant statutory requirements has been undertaken, following the Hendon Ward election.

2.2 So far as reasonably practicable, the proportion of the total number of committee seats allocated to each group should reflect each group's proportion of the membership of the authority. As a result, three seats need to be reallocated from the Liberal Democrat and Others Group to the Labour Group.

2.3 The rule about the proportion of the total number of committee seats allocated to each group takes priority, and the Council then has to try to reflect the relevant proportions on each individual committee. Due to the size of the Council's committees, this subsequent rule is met most closely by transferring one member from each of three 12-member committees, which are Human Resources Committee and the thematic Scrutiny Committees.

2.4 For completeness, if the preference was to transfer the members from any committees other than the 12-member ones, this would need to be included as a proposed "alternative arrangement" on the Council agenda and could only be approved if no member voted against the proposal.

2.5 If, prior to the meeting, Group Leaders provide the details regarding which committees the seats will be reallocated from, this will be included on a supplementary report.

2.6 A request has been received from the Majority Group in Opposition for Councillor Crosby to take the place of Councillor Nicholson on the Audit and Governance Committee.

2.7 A request has been received from the Minority Group in Opposition for Councillor Ayre to take the place of Councillor S Johnston on the Licensing and Regulatory Committee.

3.0 Additions and Changes to Outside Bodies

St Luke's Neighbourhood Trust

3.1 A request has been received from the Majority Group in Opposition for Councillor Haswell to take the place of Councillor Nicholson on the St Luke's Neighbourhood Trust.

4.0 Recommendations

4.1 The Council is accordingly invited to approve the proposals set out in the report.

Motions on Notice

MOTIONS ON NOTICE

Council Members are asked to consider the under-mentioned Motions:-

1. Notice of Motion – Starting to Solve the Sunderland Sewage Problem for Good

This Council remains concerned about the impact of dumping of raw sewage and other faecal matter into the River Wear and the North Sea off Roker, Seaburn and Hendon beaches can have on the health and wellbeing of bathers and on the reputation of Sunderland as a visitor destination.

Council therefore agrees to:

Ask the Cabinet to produce a report outlining what steps the Council could take to better protect the health and safety of anyone taking part in activities in the River Wear and/or the water off beaches in Sunderland; and report back to full Council.

Ask the Cabinet to consider commissioning a full independent investigation and survey of the sewage system and outflows into the North Sea and River Wear in Sunderland; and report back to full Council.

Proposer: Councillor Malcolm Bond

Seconder: Councillor Paul Gibson

2. Notice of Motion – Sunderland City Council’s Summer of Failures

This Council recognises that it has a responsibility to provide high-quality services to residents of Sunderland, Washington and the Coalfields and, therefore:

- Its actions affect how residents feel about living in the city.
- It represents the city on the national and international stage and must ensure that its actions promote the city in a positive light.

Therefore, Council regrets the reputational damage done to the city by its actions over the summer as a consequence of:

- Its failure of vulnerable residents and their families by not ensuring that respite services continue to operate at Grace House. This problem is compounded by the Council’s inability to secure suitable alternative provision.
- The total lack of commentary from the Council's leadership to reassure residents concerned about the loss of the city centre cinema and the Wilko store
- Its failure to provide adequate leadership at, or show due concern following, the World Triathlon Championship Series event, where at least 88 athletes fell ill after competing.

Council resolves:

- That the Leader of the Council should write letters to the families devastated by the Grace House closure, apologising for the authority's failures and detailing how he plans to resolve the situation.
- That the Leader will set up a cross-party city centre working group which will engage with businesses and leisure providers to address concerns relating to the loss of retail and leisure opportunities.
- That the Leader should write an open letter to competitors at the triathlon, apologising for the Council's failure to ensure that they had a positive experience while competing in the city and for his lack of compassion in his initial media remarks following their illness.

Proposed by Councillor Sam Johnston

Seconded by Councillor Lyall Reed

Additional Signatories

Councillor Greg Peacock
Councillor Adele Graham-King
Councillor Richard Dunn
Councillor Michael Hartnack
Councillor Michael Dixon
Councillor Antony Mullen
Councillor Simon Ayre

3. Notice of Motion – In Recognition of Our Key Workers

This council notes that:

- On the 23rd March 2020 the then Prime Minister, Boris Johnson, announced the first national lockdown during a televised address to the nation. It was the day the seriousness of the Covid Pandemic finally registered with the nation.
- The Prime Minister's comments that "we will turn the tide of coronavirus in 12 weeks" proved wildly inaccurate with the number of deaths caused by the virus now approaching 200,000 people, more than 1270 sadly from Sunderland.
- The 3 lockdowns instigated by the Government in their attempts to limit the number of deaths during the pandemic were only possible through the courageous actions, and sadly in some cases sacrifice, of Key Workers in areas such as health and social care, education, food retail sector, key public services, local government and many more.

This council will take a proactive approach to ensure that these Key Workers within our communities are not forgotten, through:

- Promoting within Sunderland the notion of an annual "Key Worker Day" in recognition of the many residents of this City who risked themselves to ensure we could all remain safe during the pandemic.

- Discuss with our trade union colleagues on an appropriate date for the first annual Key Worker Day to be held no later than 31st March 2024 and actively promote this with our partners.
- Consulting via the Budget-setting process, on the introduction of an additional day of annual leave for Council staff from 2024/25 financial year in recognition of the service they have provided to our residents during the pandemic.

Proposer Councillor Sean Laws
 Secunder Councillor Beth Jones

Additional Signatories

Cllr Graeme Miller	Cllr Michael Mordey	Cllr Jimmy Warne
Cllr Claire Rowntree	Cllr Alex Samuels	Cllr Iain Scott
Cllr Kevin Johnston	Cllr Catherine Hunter	Cllr Joanne Chapman
Cllr John Price	Cllr Linda Williams	Cllr Dianne Snowdon
Cllr Alison Smith	Cllr Paul Stewart	Cllr Michael Butler
Cllr Usman Ali	Cllr Fiona Miller	Cllr Alison Chisnall
Cllr John Usher	Cllr Ehtesham Haque	
Cllr Phil Tye	Cllr Peter Walker	
Cllr Juliana Heron	Cllr Kelly Chequer	

