

## Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE on WEDNESDAY, 20<sup>TH</sup> JULY, 2011 at 6.00 p.m.

**Present:** The Mayor (Councillor N. Wright) in the Chair  
The Deputy Mayor (Councillor I. Kay)

Councillors	Allan	E. Gibson	Oliver	D. Trueman
	Anderson	P. Gibson	Padgett	H. Trueman
	Ball	Gofton	Porthouse	Tye
	Bell	A. Hall	D. Richardson	Wakefield
	Blackburn	Heron	Scanlan	Walker
	Bonallie	Howe	Scaplehorn	Waller
	Charlton	Kelly	Shattock	L. Walton
	Copeland	Macknight	Smiles	P. Watson
	Curran	Maddison	D. Smith	S. Watson
	P. Dixon	T. Martin	P. Smith	Williams
	Ellis	McClennan	Snowdon	A. Wilson
	M. Forbes	F. Miller	Speding	Wiper
	T. Foster	G. Miller	Stewart	Wood
	Francis	Mordey	Tate	A. Wright
	Gallagher	Morrissey	Thompson	T.H. Wright

The Notice convening the meeting was read.

### Minutes

RESOLVED that the minutes of the Annual Meeting of the Council held on 18<sup>th</sup> May, 2011 (copy circulated) be confirmed and signed as a correct record.

### Declarations of Interest

The following Councillor declared a personal interest in the under-mentioned item of business for the reason indicated:-

Item 8 – Report of the Standards Committee	Councillor Kay	Referred to in connection with paragraph 5.2 of the report.
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## **Mayor's Announcements**

### **(i) Former Councillors John Donnelly and Mary Elizabeth Porter**

The Mayor paid tribute to two former Members of the Council, John Donnelly and Mary Elizabeth Porter, who had recently passed away. Members and Officers stood for a minute's silence as a mark of respect for their former colleagues.

### **(ii) Municipal Journal Achievement Awards 2011**

Councillor T. Wright informed Members of Sunderland Council's success in winning the Public Private Partnership Achievement of the Year Award at the Municipal Journal Awards Ceremony held on 23<sup>rd</sup> June, 2011.

## **Reception of Petitions**

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

- (i) Councillor Morrissey – Petition to have the X2 to Newcastle Reinstated – Executive Director of City Services;
- (ii) Councillor T. Martin – Petition from Residents of Hudson Road requesting Parking Permits Outside Our Home – Executive Director of City Services;
- (iii) Councillor Heron – Petition from Residents of All Saints Drive regarding 'Speeding' Concerns – Executive Director of City Services; and
- (iv) Councillor A. Wright – Petition requesting the Council to provide an increased level of Dog Control Enforcement around Lakeside Village and Silksworth Lake to prevent Fouling and Dogs Running Loose – Executive Director of City Services.

## **Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Fletcher, S. Foster, Lauchlan, L. Martin, I. Richardson, Rolph and Wake.

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

### **1. Audit Commission Annual Audit and Inspection Letter**

That they had given consideration to a joint report of the Chief Executive and the Executive Director of Commercial and Corporate Services (copy circulated) on the Audit Commission Annual Audit Letter covering the year 2009/10 together with a copy of the Audit Letter which included issues arising

from the audit of the Council's financial statements and the results of the Audit Commission's work undertaken as part of the assessment of the Council's arrangements to securing value for money in its use of resources.

Accordingly the Cabinet had recommended the Council to note the contents of the report.

## **2. Update to the Constitution**

That they had given consideration to a report of the Executive Director of Commercial and Corporate Services (copy circulated) which had proposed amendments to the Constitution:-

- (a) the amendment of paragraph 4.1(a) to (c) of the delegations to the Head of Law and Governance as set out in Part 3 of the Constitution to read as follows:-

"4.1 (a) To institute, defend or participate in all proceedings, including appeals, in any Court or Tribunal. Where proceedings are instituted on behalf of the Council in the Court of Appeal or the Supreme Court, a report on the institution of such proceedings pursuant to this paragraph shall be submitted to Cabinet for information." and

- (b) the re-lettering of the remaining sub-paragraphs of 4.1 accordingly.

Accordingly the Cabinet had recommended the Council to note and endorse the proposed amendments as appropriate.

## **3. The Queen's 2012 Diamond Jubilee - Competition for Grant of Lord Mayoralty**

That they had given consideration to a report of the Chief Executive (copy circulated) seeking endorsement to Sunderland's application for the grant of Lord Mayoralty through the competition authorised by HM The Queen, where towns were being invited to apply for City Status, and cities were being invited to apply for granting of Lord Mayoralty to celebrate the Queen's 2012 Diamond Jubilee.

Accordingly the Cabinet had recommended the Council to note the detail of the competition entry and to endorse the actions of the Chief Executive in submitting the application by the deadline of 27 May 2011.

**4. Capital Programme Outturn 2010/2011 and First Capital Review 2011/2012 (including Treasury Management)**

That they had given consideration to a report of the Executive Director of Commercial and Corporate Services which detailed:-

- the Capital Programme Outturn for 2010/2011;
- the outcome of the First Capital Review for 2011/2012 taking account of the Capital Programme Outturn 2010/2011;
- changes made to the Capital Programme 2011/2012 since its approval; and
- an update on progress in implementing the Treasury Management Borrowing and Investing Strategy for 2011/2012.

Accordingly the Cabinet had recommended the Council to approve the additional scheme costing over £250,000 in 2011/2012 as set out in the extract attached to the report.

They had also referred the matter to the Management Scrutiny Committee for advice and consideration. The Scrutiny Committee had supported the Cabinet recommendations to Council to approve the inclusion of an additional scheme for 2011/2012 as set out in the extract.

**5. Revenue Budget Outturn for 2010/2011 and First Revenue Review 2011/2012**

That they had given consideration to a report of the Executive Director of Commercial and Corporate Services which had detailed the Revenue Budget Outturn for 2010/2011 and the First Revenue Review 2011/2012 and specifically the approval of the virement of funds.

Accordingly the Cabinet recommended the Council to approve the virement as detailed in the extract attached to the report.

They had also referred the matter to the Management Scrutiny Committee for advice and consideration in relation to the issues of virement. The Scrutiny Committee had supported the Cabinet recommendation to Council to approve the issues of virement as set out in the extract to the report.

**6. Food Law Enforcement Service Plan 2011/12**

That they had given consideration to a report of the Executive Director of City Services (copy circulated) on the Food Law Enforcement Service Plan for 2011/2012, the comments of the Community and City Scrutiny Committee and to seek approval of the Plan.

They had also referred the report to the Health and Well-Being Scrutiny Committee for advice and consideration. The Committee had supported the Cabinet's recommendation that the Plan be approved and had also referred to the very high standard of work undertaken by staff within the Team and the high regard in which they were held.

Accordingly the Cabinet had recommended the Council approve the Food Law Enforcement Service Plan.

## **7. Establishment of an Early Implementer Health and Wellbeing Board**

That they had given consideration to a report of the Executive Director of Health, Housing and Adult Services (copy circulated) to set out proposals for the early establishment of an Early Implementer Health and Wellbeing Board proposed under the Health and Social Care Bill.

Accordingly the Cabinet had recommended the Council to agree the proposals for establishing the Early Implementer Health and Wellbeing Board in July 2011 with initial membership as proposed in the attached report and to authorise the Chief Executive to draw up the appropriate governance arrangements for the Board.

Councillor Oliver having been nominated as the Opposition Member on the Early Implementer Health and Wellbeing Board, it was:-

RESOLVED that the views of the Scrutiny Committees be noted, Councillor Oliver be appointed as the Opposition Member on the Early Implementer Health and Wellbeing Board and that, otherwise, the report of the Cabinet be approved and adopted.

### **The Standards Committee reported and recommended as follows:-**

#### **1. Annual Report on the Work of the Standards Committee 2010-2011**

That they had given consideration to a report by the Executive Director of Commercial and Corporate Services (copy circulated), being the third Annual Report to Council, having been prepared on the work of the Standards Committee during 2010/2011.

Accordingly, the Committee had recommended the Council to note the Annual Report on the Work of the Standards Committee 2010/2011.

RESOLVED that the report of the Standards Committee be received and noted

**The Audit and Governance Committee reported and recommended as follows:-**

**1. Annual Report on the work of the Audit and Governance Committee 2010/2011**

That they had given consideration to a report by the Executive Director of Commercial and Corporate Services (copy circulated) on the work of the Audit and Governance Committee during 2010/2011, it being their second Annual Report to Council.

Accordingly, the Committee had recommended Council to note the Annual Report on the Work of the Audit and Governance Committee 2010/2011.

**2. Treasury Management - Review of Performance 2010/2011**

That they had given consideration to a report by the Executive Director of Commercial and Corporate Services (copy circulated) on 30 June 2011 on the annual borrowing and investment performance for the financial year 2010/2011, produced in accordance with the requirements of the Treasury Management Policy and Strategy, agreed by Council, and reported to Council to comply with the requirements of the CIPFA Treasury Management Code of Practice.

The Treasury Management Review had also been noted at the Cabinet meeting held on 22 June 2011.

Accordingly, the Committee had recommended Council to note the Treasury Management Review of Performance 2010/2011.

RESOLVED that the report of the Audit and Governance Committee be noted.

**Scrutiny Matters – Annual Report 2010/2011**

The Chief Executive submitted the Annual Scrutiny Report (copy circulated) which summarised the work of each of the under-mentioned seven Scrutiny Committees during the year 2010/2011:-

- (i) Management Scrutiny Committee
- (ii) Children, Young People and Learning Scrutiny Committee
- (iii) Community and Safer City Scrutiny Committee
- (iv) Environment and Attractive City Scrutiny Committee
- (v) Health and Wellbeing Scrutiny Committee
- (vi) Prosperity and Economic Development Scrutiny Committee
- (vii) Sustainable Communities Scrutiny Committee

(For copy report – see original minutes).

Councillor Tate, duly seconded by Councillor G. Miller, moved the Annual Report of the Scrutiny Committees and it was:-

RESOLVED that the Annual Report be received and noted.

### **Written Questions under Rule 8.2**

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

Councillor Oliver, seconded by Councillor Wood, moved an extension to the time for responding to Written Questions which was agreed.

### **Action Taken on Petitions**

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

**(i) Petition from Residents of Benedict Court and City Green to request Sunderland City Council to provide a Zebra Crossing on Cowan Terrace. Presented by Councillor P. Wood on 24<sup>th</sup> November, 2010**

The petition had been considered by the Executive Director of City Services, following traffic surveys and consultation, who had declined the proposal as the location for a zebra crossing on Cowan Terrace did not meet the national criteria for the provision of formal pedestrian crossing facilities.

However, the provision of a lowered dropped crossing facility, at the suggested location, including tactile paving would be included as a high priority in the 2011/12 Capital Programme as part of the Supporting Safe and Sustainable Communities theme of the Local Transport Plan 3.

Councillor Wood and the petitioners had been notified.

**(ii) Petition to improve Parking Facilities for the Residents of Kestrel Close, Ayton, Washington. Presented by Councillor E. Wake on 25<sup>th</sup> June, 2008**

The Executive Director of City Services in consultation with Washington Area Committee had approved a scheme to provide off-street parking places with equal matched funding from Gentoo and savings identified in the Washington Road Safety Measures SIP Project.

Councillor E. Wake and the lead petitioner had been informed accordingly.

## Notices of Motion

### (i) Notice of Motion – Tourist Information Centre

Councillor Wood, seconded by Councillor A. Wright, moved the following motion in relation to the Tourist Information Centre:-

“This Council, recognising the importance of tourism to the city’s economy, regrets the removal of the tourist information centre from its prime Fawcett Street location to the deepest recesses of the second floor of the central library.”

Upon being put to the vote the motion was defeated, with 12 Members voting in favour thereof, viz:-

Councillors	Dixon	Francis	Morrissey	Wiper
	Ellis	Howe	Oliver	Wood
	Forbes	Maddison	Walton	A. Wright

50 Members voting against, viz:-

The Mayor (Councillor N. Wright) in the Chair  
The Deputy Mayor (Councillor Kay)

Councillors	Allan	T. Foster	G. Miller	Tate
	Anderson	Gallagher	Mordey	Thompson
	Ball	E. Gibson	Porthouse	D. Trueman
	Bell	P. Gibson	D. Richardson	H. Trueman
	Blackburn	Gofton	Scanlan	Tye
	Bonallie	Hall	Scaplehorn	Walker
	Charlton	Heron	Shattock	Waller
	Copeland	Kelly	Smiles	P. Watson
	Curran	McClennan	P. Smith	S. Watson
	Emerson	MacKnight	Snowdon	Williams
	Errington	T. Martin	Speding	Wilson
	Essl	F. Miller	Stewart	T.H. Wright

and 2 abstentions, viz:-

Councillors	D. Smith	Wakefield
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It was therefore:-

RESOLVED that the motion be defeated.



**(ii) Notice of Motion – Free Schools and Academies**

Councillor Oliver, seconded by Councillor Morrissey, moved the following motion in relation to Free Schools and Academies:-

“This Council, recognising the importance of Education to the City, will support applications from schools to become Free Schools or Academies where they would benefit pupils.”

Councillor P. Watson, seconded by Councillor Speding, moved the following amendment:-

Delete after “will support” on the first line; “applications from schools to become Free Schools or Academies where they would benefit pupils”.

Add after “will support” on the first line; “schools to teach their children in which ever type of school setting is most appropriate and beneficial to them, whilst considering the needs of all children across the whole city”.

Upon being put to the vote the amendment was carried, with 54 Members voting in favour, viz:-

The Mayor (Councillor N. Wright) in the Chair  
The Deputy Mayor (Councillor Kay)

Councillors	Allan	T. Foster	Mordey	Tate
	Ball	Gallagher	Padgett	Thompson
	Bell	E. Gibson	Porthouse	D. Trueman
	Blackburn	P. Gibson	D. Richardson	H. Trueman
	Bonallie	Gofton	Scanlan	Tye
	Charlton	Hall	Scaplehorn	Wakefield
	Copeland	Heron	Shattock	Walker
	Curran	Kelly	Smiles	Waller
	Dixon	McClennan	D. Smith	P. Watson
	Ellis	Macknight	P. Smith	S. Watson
	Emerson	T. Martin	Snowdon	Williams
	Errington	F. Miller	Speding	Wilson
	Essl	G. Miller	Stewart	T.H. Wright

and 10 Members voting against, viz:-

Councillors	Francis	Maddison	Walton	Wood
	Forbes	Morrissey	Wiper	A. Wright
	Howe	Oliver		

Upon being put to the vote the new substantive motion was carried unanimously with 63 Members voting in favour, viz:-

The Mayor (Councillor N. Wright) in the Chair  
The Deputy Mayor (Councillor Kay)

Councillors	Allan	Francis	Morrissey	D. Trueman
	Anderson	Gallagher	Oliver	H. Trueman
	Ball	E. Gibson	Padgett	Tye
	Bell	P. Gibson	Porthouse	Wakefield
	Blackburn	Gofton	D. Richardson	Walker
	Bonallie	Hall	Scanlan	Waller
	Charlton	Heron	Scaplehorn	Walton
	Copeland	Howe	Shattock	P. Watson
	Curran	Kelly	Smiles	S. Watson
	Dixon	McClennan	D. Smith	Williams
	Ellis	MacKnight	Snowdon	Wilson
	Emerson	T. Martin	Speding	Wiper
	Errington	F. Miller	Stewart	Wood
	Essl	G. Miller	Tate	A. Wright
	Forbes	Mordey	Thompson	T.H. Wright
	T. Foster			

Accordingly it was:-

RESOLVED that this Council, recognising the importance of Education to the City, will support schools to teach their children in whichever type of school setting is most appropriate and beneficial to them, whilst considering the needs of all children across the whole City.

### **(iii) Notice of Motion – Sunderland Way of Working**

Councillor Speding, seconded by Councillor H. Trueman, moved the following motion in relation to the Sunderland Way of Working:-

“In light of recent news regarding the steps taken by Conservative led Shropshire Council in respect of its staff, this Council, reaffirms its commitment to do its utmost to protect our staff and their livelihoods through the Sunderland Way of Working.”

Upon being put to the vote the motion was carried unanimously with 64 Members voting in favour, viz:-

The Mayor (Councillor N. Wright) in the Chair  
The Deputy Mayor (Councillor Kay)

Councillors	Allan	Francis	Oliver	D. Trueman
	Anderson	Gallagher	Padgett	H. Trueman
	Ball	E. Gibson	Porthouse	Tye
	Bell	P. Gibson	D. Richardson	Wakefield

Blackburn	Gofton	Scanlan	Walker
Bonallie	Hall	Scaplehorn	Waller
Charlton	Heron	Shattock	Walton
Copeland	Howe	Smiles	P. Watson
Curran	Kelly	D. Smith	S. Watson
Dixon	McClennan	P. Smith	Williams
Ellis	MacKnight	Snowdon	Wilson
Emerson	T. Martin	Speding	Wiper
Errington	F. Miller	Stewart	Wood
Essl	G. Miller	Tate	A. Wright
Forbes	Mordey	Thompson	T.H. Wright
T. Foster	Morrissey		

Accordingly it was:-

RESOLVED that in light of recent news regarding the steps taken by Conservative led Shropshire Council in respect of its staff, this Council, reaffirms its commitment to do its utmost to protect our staff and their livelihoods through the Sunderland Way of Working.

### **Quarterly Report on Special Urgency Decisions**

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

(For copy report – see original minutes).

RESOLVED that the report be noted.

### **Appointments to Committees and Outside Bodies – Sustainable Communities Scrutiny Committee, Audit and Governance Committee, Kepier Almshouses Charity/Houghton-le-Spring Relief in Need Charity, Sandhill View Youth Project (A690) and the St. Peter’s Church Bakehouse Café Board**

The Executive Director of Commercial and Corporate Services submitted a report (copy circulated) requesting Council to consider appointments in respect of the above Bodies.

(For copy report – see original minutes).

The Leader of the Council having moved that the recommendations contained in the report be approved, it was:-

RESOLVED that approval be given to:-

- (i) the appointment of Councillor Porthouse to the Sustainable Communities Scrutiny Committee in place of Councillor Essl;

- (ii) the appointment of the Cabinet Secretary to the Audit and Governance Committee in place of the Deputy Leader;
- (iii) the nomination of Mrs. Susan Wardle of Houghton-le-Spring as the Council's representative on the Kepier Almshouses Charity/Houghton-le-Spring Relief in Need Charity to fill the vacancy resultant on the resignation of Mr. R. Toy;
- (iv) the appointment of Councillor Gallagher to the Sandhill View Youth Project (A690) in place of Councillor Tye; and
- (v) the nomination of Councillor Curran to represent the Council on the Board of the St. Peter's Church Bakehouse Café'

The Mayor then closed the meeting having thanked everyone for their attendance and contribution to the meeting. In addition she welcomed those new Members who were attending their first meeting of the Council and hoped they'd had an interesting evening.

(Signed) N. WRIGHT,  
Mayor.