

CABINET MEETING – 3RD FEBRUARY, 2010

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

MINUTES, PART I

Author(s):

City Solicitor

Purpose of Report:

Presents the minutes of the last meeting held on 13th January, 2010 Part I.

Action Required:

To confirm the minutes as a correct record.

At a meeting of the CABINET held in the CIVIC CENTRE (COMMITTEE ROOM NO. 1) on WEDNESDAY, 13TH JANUARY, 2010 at 2.00 p.m.

Present:-

Councillor Watson in the Chair

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

Part I

Minutes

The minutes of the meeting of the Cabinet held on 2nd December, 2009, Part I (copy circulated) were submitted.

(For copy report – see original minutes).

1. RESOLVED that the minutes of the last meeting be confirmed and signed as a correct record.

Receipt of Declarations of Interest

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

| | | |
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| Item 5 – Comprehensive Area Assessment (CAA) Reports and Performance Update (April – September) | Councillor P. Watson | Sunderland Partnership, Sunnyside Partnership |
| | Councillor F. Anderson | Sunderland Partnership, South Tyne and Wear Waste Management Joint Executive Committee (substitute) |
| | Councillor Blackburn | Tyne and Wear Integrated Transport Authority, South Tyne and Wear Waste Management Joint Executive Committee |

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| | Councillor Charlton | Sunniside Partnership, Sunderland Hospitals Trust |
| | Councillor Gofton | City of Sunderland College Board of Corporation |
| | Councillor Trueman | South Tyne and Wear Waste Management Joint Executive Committee |
| | Councillor N. Wright | Sunderland Hospitals Trust |
| Item 8 – Significant Partnerships – Annual Report 2008 | Councillor P. Watson | Sunderland Partnership, Safer Sunderland Partnership, BSF/Academies Working Group, Sunderland arc, Children’s Trust, Sunniside Partnership, Tyne and Wear Development Co Ltd and its subsidiaries, City Region Partnership |
| | Councillor F. Anderson | Sunderland Partnership, South Tyne and Wear Waste Management Joint Executive Committee (substitute), Tyne and Wear Development Co Ltd and its subsidiaries |
| | Councillor Allan | Sandhill Centre, Alternate Director of Tyne and Wear Development Co Ltd and its subsidiaries, NEPO |
| | Councillor Blackburn | South Tyne and Wear Waste Management Joint Executive Committee |
| | Councillor Charlton | Sunniside Partnership, Inclusive Communities Partnership, Inclusive Communities Partnership |

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| | Councillor Gofton | Tyne and Wear Archives and Museums Joint Committee, Empire Theatre Trust |
| | Councillor P. Smith | BSF/Academies Working Group, Children's Trust, Early Years and Childcare Strategic Partnership, Corporate Parenting Board, Sunderland Safeguarding Children Board (observer), 14-19 Steering Group |
| | Councillor D. Wilson | Joint Committee for the North of England Open Air Museum (Beamish), Empire Theatre Trust, Safer Sunderland Partnership |
| | Councillor N. Wright | Children's Trust, Sunderland Hospitals Trust |
| | Councillor Trueman | Corporate Parenting Board, NEPO, South Tyne and Wear Waste Management Joint Executive Committee |
| Item 10 – Climate Change Action Plan Progress Report | Councillor P. Watson | Sunderland arc |
| | Councillor Charlton and N. Wright | City Hospitals Trust |
| | Councillor Gofton | University of Sunderland |
| Item 13 – Calculation of Council Tax Base | Councillors F. Anderson and Blackburn | Hetton Town Council |
| Item 14 – Revenue Budget 2010/2011 – Proposals | Councillor P. Watson | Sunderland Partnership |
| | Councillor F. Anderson | Sunderland Partnership, South Tyne and Wear Waste Management Joint Executive Committee (substitute) |

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| | Councillor Blackburn | Tyne and Wear Integrated Transport Authority, South Tyne and Wear Waste Management Joint Executive Committee |
| | Councillor Trueman | South Tyne and Wear Waste Management Joint Executive Committee |
| | Councillors Anderson, Blackburn, Charlton, P. Smith, P. Watson and N. Wright | Members of GMB (in relation to Single Status and Equal Pay) |
| | Councillor Allan | Member of GMB and Unison (in relation to Single Status and Equal Pay) |
| | Councillors Allan, Anderson, Charlton, Gofton, P. Smith and Trueman | Local Government Pension Scheme |
| Item 15 – Revenue Budget and Trading Services Third Review 2009/2010 | Councillor P. Watson | Sunderland Partnership, Safer Sunderland Partnership, BSF/Academies Working Group, Sunderland arc, Children’s Trust, Sunnyside Partnership, Tyne and Wear Development Co Ltd and its subsidiaries, City Region Partnership |
| | Councillor F. Anderson | Sunderland Partnership, South Tyne and Wear Waste Management Joint Executive Committee (substitute), Tyne and Wear Development Co Ltd and its subsidiaries |
| | Councillor Blackburn | South Tyne and Wear Waste Management Joint Executive Committee |

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| | Councillor Charlton | Sunniside Partnership |
| | Councillor Gofton | Empire Theatre Trust |
| | Councillor P. Smith | BSF/Academies Working Group, Children's Trust, Youth Offending Service Management Board, Sunderland Safeguarding Children Board (observer), 14-19 Steering Group |
| | Councillor D. Wilson | Empire Theatre Trust, Safer Sunderland Partnership |
| | Councillor N. Wright | Children's Trust |
| | Councillor Trueman | Corporate Parenting Board, South Tyne and Wear Waste Management Joint Executive Committee |
| Item 16 – Capital Programme – Third Review 2009/2010, Provisional Resources 2010/2011 and Treasury Management Review 2009/2010 | Councillor P. Smith | Early Years and Childcare Strategic Partnership |
| | Councillor Blackburn | Tyne and Wear Integrated Transport Authority |
| | In relation to BSF Wave 1 | |
| | Councillor Allan | Governor of Sandhill View School |
| | Councillor Charlton | Governor of Hylton Red House Academy |
| | Councillor D. Wilson | Governor of Castle View Academy |

In relation to the Primary Strategy for Change Programme (as detailed projects relating to these priorities are being formulated)

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| Councillor F. Anderson | Hetton Primary | |
| Councillor Blackburn | Easington Lane Primary, Hetton Lyons Primary | |
| Councillor Gofton | Hill View Infant | |
| Councillor P. Smith | St. Leonard's RC Voluntary Aided Primary, Plains Farm Primary | |
| Councillor Trueman | Blackfell Primary | |
| Councillor N. Wright | Grange Park Primary | |
| Item 17 – Updating the Constitution | Councillor P. Watson and D. Wilson | Safer Sunderland Partnership |

Councillor F. Anderson and Blackburn declared personal and prejudicial interests in Item 16, "Capital Programme – Third Review 2009/2010, Provisional Resources 2010/2011 and Treasury Management Review 2009/2010", as their grandchildren attended Hetton Comprehensive School. They withdrew from the meeting during consideration of the report.

Apologies for Absence

None.

Report of the Meeting of the Personnel Committee, Part I

The report of the meeting of the Personnel Committee held on 5th January, 2010, Part I (copy circulated) was submitted and consideration was given thereto.

(For copy report – see original minutes).

2. RESOLVED that the report of the meeting held on 5th January, 2010, Part I be noted.

Comprehensive Area Assessment (CAA) Reports and Performance Update (April - September)

The Chief Executive submitted a report (copy circulated) to provide the findings from the inaugural Comprehensive Area Assessment (CAA) and a performance update in relation to those areas identified by the Audit Commission as being the focus of improvement during 2010.

(For copy report – see original minutes).

The Chairman introduced Messrs. D. Jennings, G. Barker and B. Glaister from the Audit Commission who were in attendance at the meeting to present the findings of the CAA.

Mr. Jennings thanked Cabinet Members for the opportunity to present the CAA findings and briefly explained how the CAA process was undertaken. He advised that the CAA framework comprised an Area Assessment and an Organisational Assessment. He drew attention to the Area Assessment which focused on outcomes in local priorities and future prospects and highlighted that:-

- There were four underpinning themes running through the assessment: sustainability, inequality, vulnerable people and value for money
- Green and red 'flags' signal exceptional performance, improvement or innovation, and significant concerns about future outcomes respectively. In year 1 the Sunderland Strategic Partnership got no red or green flags.
- The judgement was agreed across inspectorates

Mr Jennings then drew attention to how Sunderland's public services were doing in each of their local priority areas

- Prosperous City – The City had a good record of attracting business and Economic Masterplan was looking to future despite a history of low wages levels. The City had prepare a good recession response but there were real challenges to creating higher value jobs.
- Learning City – There had been historic problems with skills, NEETs and attainment. Plans were in place and there were signs of improvement and evidence of a real partnership approach. NEETs were near the red flag level for year 1
- Healthy City – There was a legacy of significant problems and inequalities. It was necessary to ensure all plans were finalised however progress had been clear, but some key targets had been missed.
- Safe City - Crime in the City was lower and reducing and much progress had been made on drugs, safer homes and youth engagement. There were clear plans in place for the future.
- Attractive and Inclusive – The City was 3rd best out of 20 largest cities. Progress had been made in relation to green spaces and information available. Housing in the City was good, but affordable housing was needed. Community cohesion was an issue however there were partnerships in place to address this.

Turning to the Organisational Assessment, Mr. Barker reported that the Council had been assessed having an overall score of 3 out of 4 and described as “performing well.” He explained that the assessment process was much more stringent than previous assessments and was focused more on strategic outcomes rather than processes. He highlighted that:-

- the Council worked well with partners,
- big changes were being delivered,
- it was recognised that the Council got to transform and lead transformation of City,
- Children's Services were performing well,
- Adult social services were excellent,
- there had been a good recession response, and
- there was a clear, long term, shared vision with the Council's partners.

In relation to the Use of Resources Assessment, Mr. Barker reported that the Council had a clear, well managed financial position and a full range of strong governance arrangements with several examples of notable practice which could be shared with partners.

In conclusion, Cabinet Members were advised that in relation to managing resources the Council's policies were still being embedded across the services and it had been noted that the Council would be revisiting its targets for carbon reductions to be more ambitious.

In response to the presentation, Cabinet Members enquired why Sunderland had not achieved a green flag status for its innovations particularly in youth engagement, the XL Village Events which had been recognised nationally and had been taking place across the city and the Sixth Form Colleges. Mr. Jennings explained that the inspection had been a joint process and a number of areas where good progress had been made had been identified but from the Council's starting position and its overall impact had not been assessed as a green flag. He agreed to discuss how the information could be best presented in business cases in the future.

Cabinet Members also referred to the award of green flags to other authorities in the region where Sunderland Council had given equal support in response to the economic downturn.

Councillor Charlton agreed that the assessment process had been much more stringent and, at the end of the day, the Council would be recognised for the excellent services it provided. The City had been well prepared to meet the recession and had an excellent reputation for job creation and attracting investment. He hoped that these issues could be highlighted in the next assessment.

The Leader on behalf of the Cabinet Members thanked Mr. Jennings for the presentations and explanation of the findings of the assessment and also thanked the Director of Financial Resources and the Executive Directors for all their hard work. He assured the Audit Commission that the assessments would be used as a tool for future service improvements.

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

3. RESOLVED that:-

- (i) report and the presentations from the Audit Commission on the CAA findings be noted and submitted to Council for consideration.
- (ii) the current performance of the Council and partners in relation to risk areas and improvement activity identified to deliver associated outcomes be noted.

Implementing Key Projects

The Chief Executive submitted a report (copy circulated) which outlined work undertaken to date within four key projects to deliver the Council's improvement agenda and to recommend options to enable the Council to further develop and improve services. This work was within the context of changing customer expectations and the need to deliver increased efficiency and effectiveness.

(For copy report – see original minutes).

Councillor Allan reported that the Council continued to perform very well in terms of individual services whilst delivering substantial efficiency savings within both the current and previous spending review periods. He added that the environment within which Local Authorities operated was constantly changing and in particular, reflected the increasing expectations placed upon Councils by both its customers and central Government. The improvement agenda was an essential part of the Council's response to these changes, whilst, importantly acknowledging the emerging era of a reduction in public spending. He therefore recommended that support be given to a number of key projects to deliver an improved customer experience, whilst delivering efficiencies across the Council which would require funding of £935,000 from the Capital Programme contingencies for the Business Improvement Programme (BIP) Projects and Core ICT Systems to enable their implementation.

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

4. RESOLVED that approval be given for funding of £935,000 from the Capital Programme contingencies for the Business Improvement Programme (BIP) Projects and Core ICT Systems to enable the implementation of a number of improvement projects detailed in paragraph 5.5 of the report.

Strategic Investment Plan – Wind Energy Programme

The Deputy Chief Executive submitted a report (copy circulated) which requested approval to:-

- (a) access up to £385,000 from the funding provided to support the implementation of the Strategic Investment Plan, to fund the installation of 3 wind turbines at the Venerable Bede C of E, Washington, and St. Robert of Newminster Schools, and
- (b) develop a business case to develop the wind turbine opportunity at Rainton Bridge North Industrial Estate, subject to successful planning approval of St. Robert's wind turbine and confirmation that national Feed-in Tariffs for renewable energy generation come into force from April 2010.

(For copy report – see original minutes).

Councillor Timmins reminded Cabinet Members that in March 2008, through the Strategic Investment Plan (SIP), the Cabinet had agreed to fund a “Sustainable City” project to provide a visible demonstration of how Sunderland City Council was meeting its own sustainability goals and cutting carbon emissions. He reported that £250,000 of SIP funding was allocated to part finance a wind energy programme and initial scoping work identified several Council sites that had potential to accommodate a range of wind turbines from small models in the range of 6 to 15 kilowatts to medium sized models in the range of 100 – 225 kilowatts.

Cabinet Members were advised that detailed feasibility work had identified that both the Venerable Bede C of E School and Washington School were suitable to accommodate a small sized turbine. St. Robert of Newminster RC School and Rainton Bridge North Industrial Estate could each accommodate a medium sized turbine. Business cases and options for financing the wind turbines at the 3 school sites had been prepared. The project costs stood at £684,245, of which £300,000 had been secured through Department for Children, Schools and Families funding. In addition to using the committed £250,000, it was proposed to release the remaining £134,245 previously allocated in the SIP to the wood fuel project as this project was no longer feasible at this stage.

Councillor Timmins highlighted that the report also presented options for delivering a wind turbine at Rainton Bridge North Industrial Estate and that notwithstanding financing options, each scheme would be required to secure the appropriate planning consents and would be subject to public consultation.

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

5. RESOLVED that approval be given for:-

- (i) up to £385,000 of funding from Strategic Investment Plan funds to meet the costs of the Wind Energy Programme, and
- (ii) a business case, to develop a wind turbine at Rainton Bridge North Industrial Estate, subject to the successful development of the St. Robert of Newminster School site to allow the Council to increase its capacity in project managing wind turbine projects of this scale.

Significant Partnerships – Annual Report 2009

The Assistant Chief Executive submitted a report (copy circulated) to provide an overview of the effectiveness of the Council's arrangements to promote better partnership working through the significant partnerships with which the Council was engaged. The report set out the approach to ensuring high standards and robust governance and accountability were in place and details about the performance, including financial performance where applicable, and added value of the significant partnership. The report also informed of the planned review of the Council's current approach to further strengthen and develop partnership working arrangements.

(For copy report – see original minutes).

Councillor Anderson highlighted that the Council's current corporate framework for partnership arrangements had been identified as best practice by the Audit Commission through its CAA Use of Resources Assessment 2009. She reported that details regarding each significant partnership's performance and added value were attached to the report and they demonstrated that the Council's significant partnerships continued to achieve considerable successes, delivering value for money and adding value. She drew attention to a number of positive outcomes of partnership working for the information of Cabinet Members.

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

6. RESOLVED that the arrangements in place and the performance and added value of the Council's significant partnerships be noted.

Adopting a Sustainability Policy for Sunderland City Council

The Deputy Chief Executive submitted a report (copy circulated) proposing a Sustainability Policy for the Council, and changes to Council targets on cutting its own carbon emissions.

(For copy report – see original minutes).

Councillor Trueman reported Sunderland had had an environmental or sustainable development strategy for over a decade, and this strategy had now been fully incorporated into the Sunderland Strategy 2008-2025. He added that the Council also had many programmes and initiatives that aimed to improve the sustainability of the Council itself. However it did not yet have one overall sustainability or environmental policy that applied across the range of services it provided. He explained that the report requested the adoption of a Sustainability Policy for the Council, which would allow it to demonstrate how it managed the economic, social and environmental impacts of all its services. Many programmes already existed to support this Sustainability Policy, for example, the Sustainable Construction Policy, Flexible Working and Wellness programmes, Carbon Plan, Travel Plan, and Fairtrade City status.

Councillor Trueman reported that the policy would also require the Council to improve the sustainability of other Council services, for example, by increasing its carbon reduction targets, introducing Environmental Management Systems to more services and reviewing the ethical policies of suppliers. He added that these improvements were essential if the Council was to continue to improve its performance and reputation regarding sustainability, to the public and to the Audit Commission.

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

7. RESOLVED that:-

- (i) the Sustainability Policy be adopted, and commitment be given to developing the improvement areas indicated, to support the policy, and
- (ii) increasing carbon reduction targets to 30% by 2020, which will be delivered by a refreshed Carbon Plan in 2011/12 be agreed.

Climate Change Action Plan Progress Report

The Deputy Chief Executive submitted a report (copy circulated) to present progress on Sunderland's Climate Change Action Plan and to request approval of the revised carbon reduction initiatives and targets, which was needed for Sunderland to meet the first requirement of the EU Covenant of Mayors initiative.

(For copy report – see original minutes).

Councillor Trueman highlighted that Sunderland had made several public commitments to tackling climate change, the most recent, and legally binding, being the EU Covenant of Mayors, signed on 14th January 2009. He reported that the Council planned to meet these commitments through its Climate Change Action Plan, adopted in November 2008, as the framework through which Sunderland would work to reduce the City's carbon emissions. He advised that the report summarised the progress made since the Action Plan was developed and refreshed Sunderland's carbon emission reduction targets, in line with new UK targets, and those arising from the EU Covenant of Mayors initiative.

Councillor Trueman reported that significantly, the City's carbon emissions continued to fall with emissions in 2007 being 5.6% below 2005, and that they should continue to fall to 8% below 2005 levels, on the basis of initiatives delivered in 2008 and 2009. He added that looking forward from 2010 – 2020, it was proposed that Sunderland now aimed to cut its emissions by 34%, in line with new UK targets. The revised action plan outlined measures that could reduce the City's emissions by 29% overall, with the shortfall to be found in future revisions of this Action Plan. He explained that, to achieve these higher targets, Sunderland would need to develop the following new initiatives:-

- Ensuring the emerging Economic Masterplan not only developed low carbon industries, but supported all homes, buildings and transport in using low carbon technologies.
- Efforts to insulate every possible home in Sunderland should increasingly focus on programmes to insulate homes with solid wall construction, which was where the greatest potential existed to save energy in the City's existing housing.

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

8. RESOLVED that:-

- (i) the progress reported against Sunderland's Climate Change Action Plan be noted, and
- (ii) the submission of this Action Plan, and the information contained within, to the EU Covenant of Mayors office be approved.

Procurement of Legionella Risk Assessment, Monitoring and Maintenance Services

The Deputy Chief Executive submitted a report (copy circulated) to seek agreement to the procurement of services from specialist water hygiene contractors to ensure the effective control of Legionella bacteria in Sunderland City Council premises.

(For copy report – see original minutes).

Councillor Allan reported that the Council had a range of statutory responsibilities in respect of property health and safety matters, one of which was to maintain the quality of drinking water in Council buildings. He added that these services were already provided, but there was not one contract in place and over time the scope of the services that were required had changed. He explained that by seeking tenders for the work the continuity of the service could be improved, and value for money could be demonstrated. The services provided would continue to be funded from the Council's existing repairs and renewals budget.

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

9. RESOLVED that the Deputy Chief Executive be authorised to seek tenders for the procurement of services relating to the risk assessment, management, monitoring and maintenance tasks required for legionella control in Council buildings.

Provisional Revenue Support Grant Settlement for 2010/2011

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

(For copy report – see original minutes).

Councillor Allan reported that the Council's increase in general formula grant for next year was unchanged from that announced as part of the three year settlement. He advised that the Council would receive an increase of 1.84% next year and whilst it was disappointing that this is below the national average increase of 2.65%, it was still above the minimum increase 1.5% that Metropolitan and County Councils across the country had been guaranteed.

Councillor Allan outlined that there were a number of technical changes within the settlement and these were fully set out within the report and had been taken into account in the provisional budget proposals which appeared later on today's Agenda. He drew attention to the recent consultation which had been launched by the Government in relation to the provision of free personal care who had assessed high personal needs. The Government was currently consulting on options for allocating grant support to fund this provision and again this was reflected within the provisional budget proposals which appeared later on the Agenda.

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

10. RESOLVED that the report be received and noted.

Calculation of Council Tax Base.

The Director of Financial Resources submitted a report (copy circulated) which provided detail on the calculation of the Council Tax Base for 2010/2011 and sought approval to recommend to Council the Council Tax Base for 2010/2011 in accordance with the Local Government Finance Act 1992.

(For copy report – see original minutes).

Councillor Allan drew attention to the highly technical nature of the report with a multitude of calculations which essentially determined the Council Tax Base for 2010/2011. He reported that the calculations set out accord with the statutory provisions in accordance with those provisions, it was necessary for the Cabinet to recommend the Council Tax Base to Council for approval at its meeting at the end of January.

Cabinet Members having given consideration to the report, it was:-

11. RESOLVED that it be recommended to Council that:-

- (i) report for the calculation of the Tax Bases for the City Council and Hetton Town Council for 2010/2011 be approved, and
- (ii) pursuant to the report, and in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, as amended by Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003, the amount calculated by Sunderland City Council

as its Council Tax Base for the year 2010/2011, shall be £80,260, and for the area of Hetton Town Council shall be £4,043.

Revenue Budget 2010/2011

The Chief Executive and the Director of Financial Resources submitted a report (copy circulated) on the provisional budget proposals for 2010/2011, and to seek approval for them as a basis for the continuation of budget consultation, prior to the receipt of the final Local Government Finance Settlement 2010/2011.

(For copy report – see original minutes).

Councillor Allan highlighted that the report set out the provisional budget proposals for the purposes of ongoing consultation relating to the Revenue Budget for 2010/2011. He reported that this had been a particularly difficult budget, as the economic downturn continued to have a significant negative impact on the Council's position and of course there were a wide range of pressures that the Council wanted to and needed to address. He was particularly pleased to bring forward these provisional proposals which he believed represented an excellent balance between investing in key priority services and maximising efficiency savings through doing things differently to modernise and improve the Council's services.

Councillor Allan reported that this approach had enabled significant redirection of money to support key priorities which had been confirmed through consultation with citizens and stakeholders. He drew attention to the detail of the significant investment in the report and thanked Cabinet colleagues for the positive and constructive way in which they had engaged, with their Directors, in achieving the level of efficiency savings to enable this redirection of resources to these important areas.

Councillor Allan outlined that there were a number of outstanding uncertainties around the financial position and therefore some final decisions remained to be taken, and, of course, the consultation which the Council would be undertaking between now and the February meeting was very important to inform those final decisions. He reported that at this stage it was proposed to consult on a Council Tax rise which should be possible to be set within Government guidelines.

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

12. RESOLVED that the provisional budget proposals, be approved as a basis for the continuation of budget consultation, prior to the receipt of the final Local Government Finance Settlement 2010/2011.

Revenue Budget and Trading Services Third Review 2009/2010

The Director of Financial Resources submitted a report (copy circulated) to provide details of the outcome of the Revenue Budget and Trading Services Third Review for 2009/2010.

(For copy report – see original minutes).

Councillor Allan highlighted that all Cabinet Members would have been briefed and consulted in respect of the position for their Portfolio. He drew attention to the major issues highlighted within the report, namely:

- the pay award for 2009/2010, which was agreed at a lower level than that provided for within the contingency. However, following arbitration the 2008/2009 pay award was in fact greater than had been allowed for by the Council in that year. In overall terms there was a net saving to the Council of just under £¾ million and this was being used to support the provisional budget proposals which were set out in a separate item later on the Agenda.
- the position of utility prices remained volatile and it had been necessary to set aside prudent provision to cater for the potential financial impact of significant increases. It was proposed to transfer a sum of just under £½ million to Directorate budgets to enable them to meet utility prices pertaining in 2009/2010 and prudent provision had been included within the provisional budget proposals for 2010/2011.
- the impact of the economic downturn on the Council's budgets through car parking, planning applications, building control fees, legal fees or rental income. Significant prudent provision had been made in determining this year's budget and it had been necessary to revise those estimates in framing the 2010/2011 budget. These areas would continue to be kept under review.
- Directorate cash limits continued to be under significant pressure, particularly in the areas of Adult Social Care and Children's Services, but taking into account earmarked reserves and provisions and delegated surpluses, it was currently projected that there would be no breach of cash limits for 2009/2010.

Cabinet Members commended the report, it was:-

13. RESOLVED that the proposed contingency transfers and budget adjustments proposed at Appendices B and C, be approved.

Capital Programme - Third Review 2009/2010, Provisional Resources 2010/2011 and Treasury Management Review 2009/2010

The Director of Financial Resources submitted a report (copy circulated) to provide details on the outcome of the Third Review of the Capital Programme for 2009/2010, to show provisional capital resource allocations for 2010/2011 and to provide an update on progress in implementing the Treasury Management Borrowing and Investment Strategy for 2009/2010.

(For copy report –see original minutes).

Councillor Allan, in highlighting the report, advised that Portfolio Holders had been briefed on the variations in relation to their own areas of the Capital Programme. He reported that there was net slippage on the Capital Programme amounting to £11.430 million which meant that the revised Capital Programme for 2009/2010 as reported amounts to £105.990 million.

Turning to the resources available for the 2010/2011 Capital Programme, Councillor Allan drew attention to Paragraph 6 of the report and advised that notifications were still being received. He explained that Cabinet Portfolio Holders would be consulted in relation to new starts for their own specific areas of the Capital Programme and these would be reported through to the February meeting for approval.

Finally, with regard to Treasury Management activity, Councillor Allan was pleased to be able to report the beneficial impact of debt restructuring undertaken during the early part of this year. This had been assessed at just over £1 million this year which would help the Council to address some of those one-off spending priorities which would come forward as part of the Revenue Budget and Capital Programme for next year. Further debt restructuring was in train and should provide financial benefits in due course. He added that the report also highlighted the actions taken by the Director in consultation with himself to vary the Council's lending list as it was important that this area was kept under close review and put the Council in a position to respond between meetings as necessary. The updated lending list was appended to the report for endorsement.

Councillor Allan then having moved that the recommendations be approved, with the exception of the matters in relation to BSF Wave 2 in which Councillors Anderson and Blackburn had declared personal and prejudicial interests, it was:-

14. RESOLVED that:-

- (i) in relation to the Third Review of the Capital Programme for 2009/2010:
 - (a) to approve, and where necessary to recommend to Council, the inclusion of additional schemes for 2009/2010 detailed at Appendix A and associated resourcing of the Capital Programme since the Second Review of the Capital Programme was reported to October Cabinet;
 - (b) to approve the tendering of a contract for the replacement of school windows referred to at paragraph 4.1 within the report;
- (ii) in relation to the Capital Programme for 2010/2011:
 - (a) to agree to the allocation of resources as set out in paragraph 6, subject to any adjustment when final announcements are made;

- (b) to note that Cabinet Members with Portfolios for areas covered by the Children's Services, Adult, Housing, Highways and Other Services Blocks will consider proposals for new starts based on the resource allocations outlined in paragraph 6 in order to incorporate proposed new starts in the Capital Programme to be presented to Cabinet in February 2010;
- (iii) in relation to the Treasury Management Strategy for 2009/2010:
 - (a) to note the progress in implementing the Treasury Management Strategy for 2009/2010;
 - (b) to endorse the amendments to both the Lending List Criteria set out in Appendix B and the Lending List set out in Appendix C.

Councillors Anderson and Blackburn then withdrew from the meeting. It having been moved that the remainder of the report be approved, it was:-

15. RESOLVED that those items in relation to BSF Wave 2 be approved.

Councillors Anderson and Blackburn were re-admitted to the meeting.

Updating of the Constitution

The Chief Executive and Chief Solicitor submitted a report (copy circulated) which proposed amendments to the Constitution.

(For copy report – see original minutes).

Councillor Allan highlighted that the report sought powers to be given to the Chief Solicitor to take proceedings in relation to Drink Banning Orders (DBOs) under the Violent Crime Act 2006 and Closure notices/orders under new powers in the Anti Social Behaviour Act 2003 which had been provided by the Criminal Justice and Immigration Act 2008. He explained that DBOs were Civil Orders made against individuals aged over 16 who had engaged in criminal or disorderly conduct while under the influence of alcohol. DBOs might prohibit individuals from entering pubs or clubs in any given vicinity and a breach of a DBO was an offence.

Councillor Allan advised that Closure Orders could be made in respect of any land or place by the Police or the Council where Anti Social Behaviour had occurred and the use of the premises was resulting in significant and persistent disorder or nuisance. A closure order could last for up to 3 months and it was an offence to breach the Order.

Councillor Allan reported that in both cases, the proposals were supported by the Safer Sunderland Partnership and Northumbria Police who would be consulted before the powers were exercised.

Councillor Allan then referred to the remainder of the report which proposed amendments to the terms of reference to the Development Control Sub Committees in respect of consideration of applications in neighbouring authorities, the Personnel Committee to deal with retirement issues and the Audit and Governance Committee on proposed changes to enhance their work. He also drew attention to amendments proposed to the powers delegated to Chief Officers which related to legislative changes, recently approved policies and tidying up provisions which needed to be recorded to ensure the Constitution was fully updated.

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

16. RESOLVED that the Council be recommended to note and endorse as appropriate:-

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

World Class Facilities....Growing the Football Family – A Football Investment Strategy For Sunderland

The Executive Director of City Services submitted a report (copy circulated) to present the Sunderland Football Investment Strategy "World Class Facilities...Growing the Football Family" for adoption and to seek endorsement of the proposed arrangements for investment in order to access an in principle allocation of funds from the Football Foundation.

(For copy report – see original minutes).

Councillor Blackburn highlighted that the Football Association (FA) had developed a new national Strategy and strategic approach that encouraged local authorities to work with the FA and the Football Foundation (FF), to develop clear area strategies that set out key priorities for investment to improve facilities and encourage increased quantity and quality of participation. He explained that the process of developing a World Cup submission had strengthened links between Durham County FA and other local partners, which had supported the parallel process of developing a detailed Football Investment Strategy and the city's investment aspirations for 2018 and beyond.

Councillor Blackburn reported that the Investment Strategy set out a clear 'vision' for football facilities and the 'player development pathway' in Sunderland, across public, private and school based provision. It established a clear approach to the level of provision including the implementation of local standards for playing fields and ancillary facilities. He advised that all elected Members had been given the opportunity to inform the Strategy, via workshop arrangements and as a result of all consultation a tiered model for provision had emerged. Work had been completed to ensure each site in the city was identified at a specific tier in the model and considered for investment where required.

Cabinet Members having been advised that by adopting the Football Investment Strategy, a framework from which to guide future investment, resources and subsequently increase satisfaction and participation in football and physical activity in the city would be provided, it was:-

17. RESOLVED that the:-

- (i) Football Investment Strategy, as detailed in Appendix 1 of the report, be adopted as a citywide document,
- (ii) proposed principles for investment outlined in Section 6 of the report be approved,
- (iii) the Football Foundation Grant be accepted and the Executive Director of City Services in consultation with the Portfolio Holder be authorised to develop a portfolio of projects in conjunction with the Football Foundation, and
- (iv) arrangements for the procurement of contractors for projects within the initial project portfolio by the Executive Director of City Services be approved.

Offering a Project Management Service for Self Funded Home Improvements, Adaptations and Repairs (Home Improvement Agency)

The Executive Director of Health, Housing and Adult Services submitted a report (copy circulated) to seek approval to an amendment to the Private Sector Housing Renewal Financial Assistance Policy 2008-2011 which would result in the Home Improvement Agency (HIA) being able to charge for project management services to clients who wished to fund the work themselves.

(For copy report – see original minutes).

Councillor Trueman reported that the introduction of a project management service into the Home Improvement Agency (HIA) would enable residents who were not eligible for council financial assistance but who wished to pay for improvements, adaptations and repairs using their own finance to purchase a project management service. He explained that the project management assistance available would include, but it was not necessarily restricted to, property survey, preparation of

schedule of works, procurement of a contract and oversight of works to be carried out. He added that to enable the service to be introduced, an amendment needed to be made to the Private Sector Housing Renewal Financial Assistance Policy (FAP) to ensure that the correct legal framework was in place for the service.

Councillor Trueman reported that the HIA was finding that many homeowners who applied for financial assistance but did not qualify still liked to go ahead with the work and pay for it themselves but did not feel confident identifying relevant works in their homes, liaising with contractors and overseeing the work. Therefore the service would have a real positive impact in terms of supporting people to remain in their own homes and would enable the HIA to charge for services, meaning that this would be at no additional cost to the Council.

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

18. RESOLVED that the Financial Assistance Policy, as detailed in paragraph 4.9 of the report, be approved to enable the HIA to introduce a stand alone project management service.

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

At the instance of the Chairman, it was:-

19. RESOLVED that in accordance with the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during consideration of the remaining business as it was considered to involve a likely disclosure of information relating to any individual, which is likely to reveal the identity of an individual, the financial or business affairs of any particular person (including the Authority holding that information) or to consultations or negotiations in connection with labour relations matters arising between the Authority and employees of the Authority (Local Government Act 1972, Schedule 12A, Part 1, Paragraphs 1, 2, 3 and 4).

(Signed) P. WATSON,
Chairman.

Note:-

The above minutes comprise only those relating to items during which the meeting was open to the public.

Additional minutes in respect of other items are included in Part II.

