

**Record of
Executive
Decisions
published
18/Apr/2008**

R. C. Rayner
City Solicitor

Civic Centre
Sunderland
19th March 2008

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Policy and Co-ordination

Date decision in force:

16/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

To note the implications of the Corporate Manslaughter and Corporate Homicide Act 2007 and to restore the Council's commitment to achieving a positive and effective health and safety culture. To approve the proposed system of reporting described in paragraph 6.4 of the report.

Reasons for decision:

To ensure that Members are aware of the Council's responsibilities and that there is a system of reporting in place.

Alternative options considered and rejected:

There are no alternative options as failure to comply with health and safety requirements may lead to the commission of an offence under the Act.

Title and author(s) of written report:

Corporate Manslaughter and Corporate Homicide Act 2007 - joint report of the City Solicitor and the Deputy Chief Executive

Contact Officer:

Bob Rayner

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Is this a key decision: No

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Policy and Co-ordination/Culture and
Leisure

Date decision in force:

28/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

To authorise the Director of Community and Cultural Services to award the design and build contract to the contractor who has submitted the most economically advantageous tender to the Council.

Reasons for decision:

To commence the construction of the two pools through the appointment of a construction contractor in line with the agreed project programme.

Alternative options considered and rejected:

No alternative options are proposed.

Title and author(s) of written report:

Coalfields 25 Metre Swimming Pool (Hetton) and Sunderland South 25 Metre Swimming Pool (Silksworth) - Appointment of a Construction Contractor - joint report of the Director of Community and Cultural Services and the City Treasurer

Contact Officer:

Paul Dobson

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5617566

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Culture and Leisure

Date decision in force:

16/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

To note the contents of the report.

Reasons for decision:

No decisions are required in respect of the report.

Alternative options considered and rejected:

There are no alternative options in respect of the report.

Title and author(s) of written report:

Great North Walk June 2008 - report of the Director of Community and Cultural Services

Contact Officer:

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5617566

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Is this a key decision: No

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
All Review Committees

Date decision in force:

16/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

To receive and note the report and appendices for information.

Reasons for decision:

Information regarding needs and perceptions of residents is vital for future planning.

Alternative options considered and rejected:

Not applicable.

Title and author(s) of written report:

Annual Residents Survey 2007 - Findings - report of the Deputy Chief Executive

Contact Officer:

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Is this a key decision: No

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
All Review Committees

Date decision in force:

16/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

To note the performance of the Council against key performance measures as part of the Council's quarterly monitoring arrangements.

Reasons for decision:

Monitoring and reviewing Council performance ensures that relative risks are actively managed.

Alternative options considered and rejected:

No alternative options are proposed.

Title and author(s) of written report:

Performance Report April - December 2007 Quarter 3 - report of the Chief Executive

Contact Officer:

Sarah Reed

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5531347

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sarah.reed@sunderland.gov.uk

Is this a key decision: No

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Children's Services

Date decision in force:

28/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

To approve:- (i) the admission policy and procedures; (ii) details of the over-subscription criteria; and (iii) published admission numbers (PANS).

Reasons for decision:

Cabinet approval for the admission arrangements is required prior to submission to DCSF and publication for parents.

Alternative options considered and rejected:

There are no alternative options to be considered at this time.

Title and author(s) of written report:

School Admission Arrangements - September 2009 - report of the Director of Children's Services

Contact Officer:

Helen Paterson

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5531355

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

The following Members declared interests as Governors of the undermentioned Schools:- Councillor Allan - Governor of Sandhill View and Hasting Hill Schools. Councillor Charlton - Governor of Hylton Red House Academy. Councillor Rolph - Governor of Newbottle Primary and Houghton Kepier Schools. Councillor P. Smith - Co-Sponsor Representative of Pennywell, Castle View and Hylton Red House Academies, Governor of St. Leonard's R.C. School and Plains Farm Primary School. Councillor Speding - Governor of Barnwell School. Councillor Symonds - Governor of Bexhill Primary and Town End Primary Schools. Councillor Trueman - Blackfell Primary School. Councillor P. Watson - Co-Sponsor Representative of Pennywell Academy.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Policy and Co-ordination

Date decision in force:

28/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

To approve the Sunderland Partnership Community Development Plan and to give support for the City Council leading the arrangements to develop and deliver a detailed action plan for the Community Development Plan.

Reasons for decision:

The Community Development Plan is the essential framework for ensuring a co-ordinated and effective approach to Community Development across Sunderland both through the alignment of support to the VCS and also the development of appropriate practices and procedures across all Partner organisations of the Sunderland Partnership.

Alternative options considered and rejected:

There are no alternative options proposed.

Title and author(s) of written report:

Sunderland Partnership Community Development Plan - report of the Director of Community and Cultural Services

Contact Officer:

Paul Dobson

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5617566

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Policy and Co-ordination

Date decision in force:

28/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

(i) To authorise the Director of Development and Regeneration to enter into negotiations for the disposal of the Council's interest at Beacon Drive North Haven by way of a joint sale with the Marine Activity Centre at best consideration for the Council. (ii) To authorise the Director of Development and Regeneration in consultation with the Portfolio Holder for Resources to agree the terms of the disposal at best consideration.

Reasons for decision:

The MAC is anxious to realise a receipt from the disposal of the site to assist with its business operation. As a consequence, and to help avoid the risk that the offer for the site is withdrawn the MAC has requested that the disposal be dealt with as expeditiously as possible. Consequently it is proposed that the terms be delegated to the Director of Development and Regeneration in consultation with the Portfolio Holder for Resources.

Alternative options considered and rejected:

For alternative options please see attached Schedule or for further information contact Hazel Mackel on 0191 5531042.

Title and author(s) of written report:

Council Land Interest at Beacon Drive, North Haven, Sunderland - report of the Director of Development and Regeneration

Contact Officer:

Phil Barrett

Extension:

5531502

Email:

phil.barrett@sunderland.gov.uk

Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Children's Services

Date decision in force:

16/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

(i) To approve the proposal that the University of Sunderland become a formal co-sponsor to the Red House Academy which will open in September 2009; (ii) To endorse the Stage 2 BSF/Academies Final Business Case previously submitted to Pfs and DCSF and to note the current affordability position, which remains within the affordability envelope approved by Cabinet on 13th February, 2008 as part of the Stage 1 FBC submission; and (iii) To note that this will enable work to begin on site at Red House Academy.

Reasons for decision:

The addition of Sunderland University as a co-sponsor to the Red House Academy will formalise the University's long standing involvement in the Sunderland Academies programme and will provide a valuable sponsorship role for Red House Academy. The BSF/Academies Stage 2 FBC is an essential step in the procurement process and requires approval from Pfs/DCSF in order to draw down BSF funding and to award contracts to begin work on site at Red House Academy.

Alternative options considered and rejected:

There are no alternative options to be considered at this time.

Title and author(s) of written report:

Building Schools for the Future (BSF) - Further Progress - report of the Director of Children's Services

Contact Officer:

Beverley Scanlon

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5531965

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Is this a key decision: No

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

The following Councillors declared personal interests as Members of the bodies indicated:- Councillor Timmins - City of Sunderland College Board and University of Sunderland Board. Councillors Charlton and P. Smith - Co-sponsor Representatives of Hylton Red House Academy.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Culture and Leisure

Date decision in force:

16/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

To note the action taken by the Director of Development and Regeneration to procure works at Herrington Country Park as a matter of urgency.

Reasons for decision:

The provisions of paragraph 5.4(g) of the Council's Procurement Procedure Rules require that the action taken and the reasons for it be reported to Cabinet.

Alternative options considered and rejected:

The alternative option would have been not to have acted to commission the relevant works, this would have resulted in the loss of £106,000 in Single Programme Grant for Herrington Country Park enhancement works, therefore this course of action was rejected.

Title and author(s) of written report:

Herrington Country Park : Improvement Works - report of the Director of Development and Regeneration

Contact Officer:

Phil Barrett

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phil.barrett@sunderland.gov.uk

Is this a key decision: No

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

Councillor Symonds declared a personal interest as a Member of ONE NorthEast.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Health and Well-Being

Date decision in force:

28/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

To approve and adopt the 15 Year Plan for Adult Social Care and to authorise the Director of Health, Housing and Adult Services to complete any remaining gaps and make relevant updates to the draft Plan, prior to its publication.

Reasons for decision:

The 15 Year Plan for Adult Social Care provides the framework for transforming how Sunderland currently delivers the social care agenda, in order that it is in a position to respond to the demographic challenges it faces as well as the changing expectations of individuals and their carers. The Plan sets out the vision and 5 key aims for adult social care, reflecting national policy drivers and local expectations, which will result in independence, well being and choice for individuals in Sunderland.

Alternative options considered and rejected:

The alternative is for the Cabinet not to recommend the 15 Year Plan for Adult Social Care to Council for approval and adoption. This would result in the City not having a future vision and direction for adult social care; therefore not being in a position to respond to local need, national drivers and would not meet the expectations of the citizens of Sunderland.

Title and author(s) of written report:

Sunderland's 15 Year Plan for Adult Social Care - report of the Director of Health, Housing and Adult Services

Contact Officer:

Neil Revely

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neil.revely@sunderland.gov.uk

Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Policy and Co-ordination

Date decision in force:

28/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

To agree to the disposal of the Council's freehold interest in 0.96 hectares of land at Camberwell Way, Doxford International Business Park, Sunderland to Landid for the price set out in the report on Part II of the agenda or at such figure as represents best consideration and on terms to be agreed by the Director of Development and Regeneration.

Reasons for decision:

The disposal of the land will enable the site to be developed and the Council to secure further investment in the City from an international company.

Alternative options considered and rejected:

The alternative options are:- (i) to decline the application whereupon the development will not proceed; and (ii) to release the site on the open market which may lead to an alternative offer being accepted. Under these circumstances the company has indicated it would relocate outside of the City. Both of these options have been considered and are not recommended.

Title and author(s) of written report:

Disposal of Land at Camberwell Way, Doxford International Business Park, Sunderland - joint report of the Chief Executive and the Director of Development and Regeneration

Contact Officer:

Phil Barrett

Extension:

5531502

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phil.barrett@sunderland.gov.uk

Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Health and Well Being/Regeneration and
Community

Date decision in force:

28/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

To approve:- (a) the invitation of Contractors to tender for the installation of Through Floor Lifts and Ceiling Tracking Hoists; and (b) awarding the contract to the Contractor who provides the most economically advantageous tender.

Reasons for decision:

This proposal was identified by the Business Improvement Plan and will save staff time, may reduce the unit cost for equipment and will improve the Customer journey.

Alternative options considered and rejected:

There are no alternative options for consideration.

Title and author(s) of written report:

Chronically Sick and Disabled Persons Adaptations Annual Tender Through Floor Lifts and Ceiling Tracking Hoists - report of the Director of Health, Housing and Adult Services

Contact Officer:

Neil Revely

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Health and Well Being

Date decision in force:

28/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

To approve arrangements for the procurement of social care for adults with a learning disability in seven residential homes within the City of Sunderland.

Reasons for decision:

In line with the requirements of the Government guidance in 'Valuing People' (2001) and Valuing People Now (2008), the Trust, in line with other Health Service providers across the country, is being discouraged from providing social care to concentrate on their core business of providing health care services. The Sunderland Learning Disability Partnership Board has agreed that 7 of the 16 NTW homes do not fit the definition of more complex needs and as such, it is necessary to commission a new social care provider. Therefore, in partnership with NTW, the Council is undertaking a procurement process to commission the appropriate services to meet the residents' needs. These new arrangements will also allow the opportunity to progress opportunities to maximise choice and control for service users. The status of the seven homes in terms of CSCI Registration will be reconsidered to look at moving towards supported tenancies for individuals.

Alternative options considered and rejected:

(a) To continue with present arrangements. This is not viable in the light of Northumberland Tyne and Wear NHS Trust policy and national guidance. (b) To move residents to alternative accommodation. This would be inappropriate to residents' needs, be disruptive to their lives, and not provide continuity of care. (c) For the Council to manage and provide the social care services. This option is not recommended as the Council does not intend to increase its portfolio. (d) Do nothing - this is not viable.

Title and author(s) of written report:

Procurement of Social Care for Adults with a Learning Disability - report of the Director of Health, Housing and Adult Services

Contact Officer:

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5661882

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Regeneration and Community

Date decision in force:

28/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

(i) To authorise an exception to the Procurement Procedure Rules to procure in the interim a continuation of the Family Intervention Project with the existing provider without the requirement to tender, or obtain quotations for the services; and (ii) To agree the recommendation for the future procurement of the Project beyond the year 08/09.

Reasons for decision:

Due to the timing of the notification from the Government's Respect Youth Task Force of the additional funding, and in order to secure the Respect Youth Task Force funding and provide continuity of service to the families currently in receipt of the ongoing support provided by the current contractor it is not possible to re-procure this contract in the time required to comply in full with the Procurement Procedure Rules. Cabinet are advised that if approval is granted to extend the current contract, the project will be re-procured during 2008 in accordance with the Procurement Procedure Rules for the years 2009/10 and 2010/11.

Alternative options considered and rejected:

Due to the late notification from the Government's Respect Youth Task Force, the ability to fund from Support People Budget and the continued support to families already within the programme, there are considered to be no alternative options.

Title and author(s) of written report:

Extension of Family Intervention Project (FIP) - report of the Director of Health Housing and Adult Services

Contact Officer:

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5661882

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neil.revely@sunderland.gov.uk

Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Environmental and Planning

Date decision in force:

16/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

(i) To agree that the Council enters a new agreement with the Traffic Penalty Tribunal Joint Committee; and (ii) To nominate Members to sit on the Traffic Penalty Tribunal Joint Committee.

Reasons for decision:

The reasons for the decision is to ensure continuation of the Adjudication Service that allows motorists who wish to appeal to an independent body against the issue of a Penalty Charge Notice the opportunity to do so.

Alternative options considered and rejected:

There are no alternative options recommended.

Title and author(s) of written report:

Traffic Penalty Tribunal Joint Committee - joint report of the Director of Development and Regeneration and the City Solicitor

Contact Officer:

Phil Barrett/Bob Rayner

Extension:

5531502/5531003

Email:

phil.barrett@sunderland.gov.uk

Is this a key decision: No

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Policy and Co-ordination

Date decision in force:

16/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

For full description please see attached Schedule or for further information please contact Kate Cuthbert on extension 5537881.

Reasons for decision:

To reflect additional duties and responsibilities being undertaken by the postholders and to provide an appropriate response to the Development of Services.

Alternative options considered and rejected:

The proposals are an appropriate response to meet the requirements of the services and the proposed grades are commensurate with the duties and responsibilities of the posts.

Title and author(s) of written report:

Report of the Meeting of the Personnel Committee, Part II held on 3rd April, 2008
- report of the City Solicitor

Contact Officer:

Kate Cuthbert

Extension:

5537881

Email:

kate.cuthbert@sunderland.gov.uk

Is this a key decision: No

Does the Decision contain Confidential/Exempt Information: Yes

Declarations of Interest and Dispensations:

None.

- (i) To note the report of the 3rd April; and
- (ii) To approve the following staffing proposals:-

Corporate Services

To extend the fixed term contract of the Project Manager, e-Democracy Project, POJ until 30 June 2008.

Office of Chief Executive

To establish 5 posts of ICT Specialist, POG/J.

Children's Services Directorate

To redesignate and regrade the post of Performance and Information Manager, POL to Information Manager, POJ/K.

To extend the fixed term contracts detailed below from 1 April 2008 to 31 March 2009:

- Integrated Local Services Manager, POJ;
- Extended Services Manager, Early Years Settings and Partnerships, POJ;
- Performance and Quality Group Manager, POH/I;
- Project and Support Services Manager, POH/I;
- 5 posts of Extended Services Area Co-ordinator, L7;
- 3 posts of Early Years Foundation Stage Consultant, L7.

Building Schools for the Future

The post of Assistant Project Director (Build) is redesignated as a permanent post, JNC grade subject to evaluation by Aquarius Consultants.

The post of Assistant Project Director (Transformation) is redesignated as a permanent post at JNC grade subject to evaluation by Aquarius Consultants and is retitled as 'Virtual Headteacher – Building Schools for the Future/Transformation'.

2 x BSF/Academies Project Manager posts are extended to 31st January 2010.

1 x BSF/Academies ICT Project Manager post is extended to 31st January 2010.

Health, Housing and Adult Services Directorate

To establish 1 WTE post of Team Manager, POG.

To establish the post of Contract Monitoring Manager, POG.

Pupil Referral Unit

To establish the post of Head of Pupil Referral Unit, L12-17.

Record of Executive Decisions Published: 18/Apr/2008

Decision Taker: Cabinet

Appropriate Review Committee:
Policy and Co-ordination

Date decision in force:

28/Apr/2008

Date of decision:

16/Apr/2008

Full description of decision:

To agree to the disposal of the Council's freehold interest in 0.96 hectares of land at Camberwell Way, Doxford International Business Park, Sunderland to a company for the amount detailed in the report or at such figure as represents best consideration and on terms to be agreed by the Director of Development and Regeneration.

Reasons for decision:

The disposal of the land will enable the site to be developed and the Council to secure further investment in the City from an international company.

Alternative options considered and rejected:

The alternative options are:- (i) To decline the application whereupon the development will not proceed; and (ii) To release the site on the open market which may lead to an alternative offer being accepted. Under these circumstances the company has indicated it would relocate outside of the City. Both of these options have been considered and are not recommended.

Title and author(s) of written report:

Disposal of Land at Camberwell Way, Doxford International Business Park, Sunderland - joint report of the Chief Executive and the Director of Development and Regeneration

Contact Officer:

Phil Barrett

Extension:

5531502

Email:

phil.barrett@sunderland.gov.uk

Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: Yes

Declarations of Interest and Dispensations:

None.

The alternative options available to the Council are detailed below:-

- To refuse the request by the Marine Activities Centre.
- To agree to transfer the Council's freehold interest at nil consideration allowing the MAC to retain 100% of the capital receipt or agree with the MAC that part of the capital receipt that the Council would receive would be used to fund the MAC. In these instances the Council would receive less than best consideration.
- To advertise the disposal of its freehold interest with the encumbrance of the lease which has 114 years left to run. It is considered that this option is less valuable as a market opportunity.
- To take possession of the site by virtue of non-performance of lease covenants, i.e. use of the site for marine activities purposes.
- The Council could seek to acquire the MAC's leasehold interest to facilitate development of the site in question. This option would require the Council to agree a purchase price with the MAC, and to fund any acquisition at risk. In particular it would require the Council to take the risk of marketing the site to secure developer interest. This option has a higher level of risk and will not realise any greater financial return than the proposed joint sale because the costs of buying out the leasehold interest could be expected to be 50% of any capital receipt.

These options have been considered and for the reasons stated are not recommended.