

CIVIC CENTRE,
SUNDERLAND
15 September 2015

TO THE MEMBERS OF SUNDERLAND CITY COUNCIL

YOU ARE SUMMONED TO ATTEND A MEETING of Sunderland City Council to be held in the Council Chamber, Civic Centre, Sunderland, on **WEDNESDAY 23 SEPTEMBER 2015** at **6.00 p.m.**, at which it is proposed to consider and transact the following business:-

Item	Page
1. To read the Notice convening the meeting.	-
2. To approve the minutes of the Meeting of the Council held on 24 th June 2015 (copy herewith).	1
3. Receipt of Declarations of Interest (if any).	-
4. Announcements (if any) under Rule 2(iv).	-
5. Reception of Petitions.	-
6. Apologies.	-

7.	Report of the Cabinet (copy herewith)	9
8.	Report of the Audit and Governance Committee (copy herewith).	17
9.	Written Questions (if any) under Rule 8.2.	-
10.	To receive a report on action on petitions.	25
11.	To consider the attached motions (copies herewith).	29
12.	To consider the following reports:-	
	(i) Appointments to Committees and Outside Bodies – report of the Head of Law and Governance (copy herewith).	37
	(ii) Quarterly Report on Special Urgency Decisions – report of the Leader (copy herewith).	39
	(iii) Appointments - Interim Head of Paid Service, Returning Officer & Electoral Registration Officer, Deputy Electoral Registration Officer and Interim Director of Children’s Services (copy herewith).	41



EXECUTIVE DIRECTOR OF COMMERCIAL DEVELOPMENT

Minutes

Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE on WEDNESDAY, 24 JUNE, 2015 at 6.00 p.m.

Present: The Mayor (Councillor Curran) in the Chair
The Deputy Mayor (Councillor Emerson)

Councillors	Allan	Fletcher	Leadbitter	Taylor
	Allen	Forbes	MacKnight	Trueman, D.
	Ball	Foster	McClennan	Trueman, H.
	Bell	Francis	Marshall	Turner
	Blackburn	Galbraith, G.	Middleton	Turton, W.
	Copeland	Galbraith, I.	Mordey	Tye
	Cummings	Gallagher	O'Neil	Walker, P.
	Davison	Gibson, E.	Porthouse	Waller
	Dixon, D.	Gibson, P.	Price	Waters
	Dixon, M.	Gofton	Scanlan	Watson, P.
	Elliott	Heron	Smith, D.	Watson, S.
	Ellis	Howe	Smith, P.	Williams
	English	Jackson	Snowdon, D.	Wilson, A.
	Essl	Kay	Snowdon, D.E.	Wilson, D.
	Farr	Kelly	Speding	Wright, N.
	Farthing	Lauchlan	Stewart	

Also Present:-

Honorary Aldermen: - M.L. Arnott, M. Smith.

The notice convening the meeting was read.

Minutes

8. RESOLVED that the minutes of the Meeting of the Council held on 20th May, 2015 (copy circulated), be confirmed and signed as a correct record.

Declarations of Interest

There were no declarations of interest made.

Announcements

(i) Sunderland BME Network “One Voice” Community Awards

At the invitation of the Mayor, the Deputy Leader Councillor H. Trueman informed Members of the receipt of two awards from the Sunderland BME Network “One Voice” Community Awards. The awards were for:-

- Public Sector Organisation,
- Contribution to the Sustainable Sunderland Partnership.

(ii) North East Better Health at Work Award Certificate

At the invitation of the Mayor, Councillor Kelly informed Members that the Council had recently been awarded Continuing Excellence status under the North East Better Health at Work Award, a regional scheme that recognised companies, large and small, that valued the health and wellbeing of their employees.

The award was the culmination of four years of fantastic work by a number of teams across the council, focused on improving the health and wellbeing of employees. There had been many developments, campaigns and activities completed throughout this time and work was now on-going towards maintaining the level of the Award and mentoring other organisations across the City through the process.

(iii) Raich Carter Sports Centre – Recreation Facility of the Year

At the invitation of the Mayor, Councillor Ball informed Members that in March 2015 the Raich Carter Sports Centre had won the ‘Recreation Facility of the Year’ category in the Tyne and Wear ‘What’s on Awards’, sponsored by Best Western.

Awards had been made in 16 categories with the aim to reward the top performing businesses, including restaurants, children’s entertainment venues, takeaways, parks, arts venues and hotels. The awards received nominations from across Tyne and Wear and were voted for by the readers of the Sunderland Echo and Shields Gazette.

In its category, the Raich Carter Sports Centre was shortlisted and up against some strong opposition including the Aquatic Centre, Haven Point South Shields and the Sunderland Wall.

The Centre Manager, Craig Jobson, had commented that ‘over the last year the Board of Directors and centre staff had worked exceptionally hard to ensure that our customers were provided with the best possible service when using our facilities or participating in activity programmes – this award was testament to the hard work of both staff and Board Members’.

Reception of Petitions

9. 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:-

Councillor Ellen Ball – Petition from residents to request that Sunderland City Council install street lighting columns on the footpaths that cross the area known as the Store Field, Ryhope and carry out repairs to these footpaths. – Executive Director of Commercial Development.

Councillor Gillian Galbraith – Petition from residents of Oakfield Court and the surrounding area to request the reinstatement of the number 35A bus service from East Herrington to Silksworth by Go North East. – Go North East, Nexus and the Executive Director of Commercial Development.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Atkinson, Beck, Lawson, F. Miller, G. Miller, Scaplehorn, M. Turton, Wood, T.H. Wright and Alderman Greenfield.

Area Committees Annual Report 2014/15

The Chief Executive submitted the Combined Area Committee Annual Report (copy circulated) which summarised the work of the five Area Committees during the year 2014/2015.

(For copy report – see original minutes).

Councillor Gofton, duly seconded by Councillor P. Gibson, moved the Combined Annual Report of the Area Committees and accordingly it was:-

10. RESOLVED that the achievements and impact of the work of the Area Committees during 2014/2015, as outlined in the Annual Report, be received and noted.

Scrutiny Annual Report 2014/15

The Chief Executive submitted the Annual Scrutiny Report (copy circulated) which summarised the work of the Scrutiny Committee and panels during the year 2014/2015.

(For copy report – see original minutes).

Councillor N. Wright, duly seconded by Councillor D.E. Snowdon, moved the Annual Report of the Scrutiny Committee and accordingly it was:-

11. RESOLVED that the operation, achievements and impact of the Scrutiny Committee during 2014/2015, as outlined in 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.

Appointments to Committees and Outside Bodies

The Head of Law and Governance submitted a report (copy circulated) which requested that the council consider the appointments of Vice Chairman of the East Sunderland Area Committee and Chairman of the East Sunderland Area Place Board, Alternate Vice Chairman of the East Sunderland Area Committee and Chairman of the East Sunderland Area People Board, Representation on the Corporate Parenting Board from the East Sunderland Area People Board, Representation on the South and East Children's Centre Local Advisory Partnership Board and representation on Oxclose and District Young People's Project.

(For copy report – see original minutes).

12. RESOLVED that:-

- (i) Councillor Elizabeth Gibson be appointed Vice Chairman of the East Sunderland Area Committee and Chair of the East Sunderland Place Board for the remainder of the Municipal Year;
- (ii) Councillor Christine Marshall be appointed alternate Vice Chairman of the East Sunderland Area Committee and Chair of the East Sunderland Area People Board, as the East Sunderland Area People Board representative on the Corporate Parenting Board and to serve on the South and East Children's Centre Local Advisory Partnership Board; and
- (iii) Councillor Bernard Scaplehorn be appointed in place of Councillor Paul Middleton on the Management Committee of the Oxclose and District Young People's Project.

Dismissal of Statutory Officers – Mandatory Standing Orders

The Director of Human Resources and Organisational Development and the Head of Law and Governance submitted a joint report (copy circulated) which informed Members of the introduction of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, which required amendments to the Council's Constitution in order to reflect new provisions in respect of the dismissal of certain statutory officers, namely the Head of Paid Service, Chief Financial Officer and Monitoring Officer and to recommend appropriate amendments to the Constitution to be agreed no later than the first ordinary Council meeting after the Annual Meeting.

(For copy report – see original minutes).

13. RESOLVED that:-

- (i) a Dismissal Advisory Committee with the Terms of Reference as set out in Appendix 1 be established; and
- (ii) the Head of Law and Governance, in consultation with the Leader to be authorised to :-
 - a. Amend Article 4 of the Constitution to provide that the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer is a function of full Council.
 - b. Amend the Employment Procedure Rules as set out in Appendix 2.
 - c. Amend Part 3 of the Constitution – “Responsibility for Functions” to include the Dismissal Advisory Committee.
 - d. Make such other minor or consequential amendments to the Constitution as considered appropriate in order to comply with the requirements of the Regulations and to reflect the proposals set out in the report.
 - e. Determine the level of remuneration, allowances or fees to be paid to an Independent Person who was appointed to the Dismissal Advisory Committee, such remuneration, allowances or fees not to exceed the level payable to the Independent Person in respect of that person's role as Independent Person under the Localism Act 2011.

Quarterly Report on Special Urgency Decisions

The Leader of the Council submitted a quarterly report (copy circulated) on executive decisions which had been taken as a matter of special urgency.

(For copy report – see original minutes).

14. RESOLVED that the report be received and noted.

(Signed) B. CURRAN,
Mayor.

Report of the Cabinet

The CABINET reports and recommends as follows:-

1. Revenue Budget Outturn for 2014/2015 and First Revenue Review 2015/2016

That they have given consideration to a report of the Director of Finance on the Revenue Budget Outturn for 2014/2015 and First Revenue Review 2015/2016 namely requesting the Council to approve the transfer of funds.

In accordance with the Council's Budget and Policy Framework certain transfers require Council approval. The attached extract sets out the relevant extract from the Cabinet report, which refers to a proposal that £0.649m underspend is transferred to the Strategic Investment Reserve to support transitional arrangements arising from implementation of the savings programmes for 2015/2016 and future years.

They also referred the extract of the budget transfer to the Scrutiny Committee, for advice and consideration. The Scrutiny Committee supported the transfer of funds to the Strategic Investment Reserve to support transitional arrangements arising from implementation of the savings programmes for 2015/2016 and future years and supported the Cabinet recommendation that the transfer be submitted to Council for approval.

Accordingly the Cabinet recommends the Council to approve the budget transfer as set above and in the attached extract.

2. Capital Programme Outturn 2013/2014 and First Review 2014/2015 (including Treasury Management)

That they have given consideration to a report of the Director of Finance on an aspect of the report on the Capital Programme Outturn 2014/2015 and First Review 2015/2016 (including Treasury Management), namely requesting the Council to note the variations to the capital programme with an estimated cost variance of £250,000 or more in 2015/2016.

They referred the report to the Scrutiny Committee to note the variation to the Capital Programme 2015/2016 with an estimated cost variance of £250,000 or more, details of which are set out in the attached extract. The Scrutiny Committee noted the report and were satisfied with the proposed variation to the Capital Programme.

Accordingly, the Cabinet recommends the Council to note the proposed variations to the capital programme with an estimated cost variance of £250,000 or more in 2015/2016 as set out in the attached extract.

Revenue Budget Outturn for 2014/2015 and First Revenue Review 2015/2016

Cabinet Meeting 24 June 2015

Extract of Report

Virements over £55,000 for the Final Quarter 2014/2015

Proposal for Transfer to Strategic Investment Reserve

It is proposed that the remaining £0.649m underspend is transferred to the Strategic Investment Reserve to support transitional arrangements arising from implementation of the savings programmes for 2015/2016 and future years.

	Transfer From £000	Transfer To £000
General Balances	649	
Transfer to:		
Strategic Investment Reserve		649
TOTAL	649	649

**Capital Programme Outturn 2014/2015 and First Capital Review 2015/2016
(including Treasury Management)**

Cabinet Meeting 24 June 2015

Extract of Report

Variations to the Capital Programmes in excess of £250,000 - Fully Funded

Variations to the 2015/2016 Capital Programme in excess of £250,000 - Fully Funded	£000
Leader	
Industrial Portfolio Improvements Works - discussions with tenants on the scope of works required at Rainton Bridge have resulted in a request by a tenant for additional capital works to be incorporated in the scheme which will be fully funded by the tenant	620
Cabinet Secretary	
Seafront Regeneration – approved by Cabinet 14 th April 2015, funded by Heritage Lottery Fund / Coastal Community Fund grants and prudential borrowing (£0.556m spend in 2015/2016 and £0.460m in 2016/2017). <ul style="list-style-type: none"> • The additional HLF funding will add to existing programme funding to deliver a fully restored lighthouse and tunnel at Roker which will be opened up as a visitor attraction. • The additional CCF funding and council matched funding will enable works at Seaburn Recreation and Cliffe parks to provide for new and improved events infrastructure key to the on-going regeneration of the seafront 	556
Business Investment Grants - Regional Growth Funding approved for business support grants to SME's following a joint bid with South Tyneside Council with £0.296m available in 2015/2016 to be defrayed by end September 2015 - fully funded by Regional Growth Fund grant.	296

Report of the Audit and Governance Committee

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

1. Annual Report on the work of the Audit and Governance Committee 2014/15

That they have given consideration to a report by the Director of Finance (copy attached) on the work of the Audit and Governance Committee during 2014/15, demonstrating how they have fulfilled their delegated responsibilities.

Accordingly, the Committee recommends Council to note the Annual Report on the Work of the Audit and Governance Committee 2014/15.

ANNUAL REPORT ON THE WORK OF THE COMMITTEE 2014/15

Report of the Director of Finance

1. Purpose of Report

- 1.1 This report provides a summary of the work undertaken by the Audit and Governance Committee during 2014/15 and the outcome of this work. The purpose of this report is to demonstrate how the Committee has fulfilled its role and will be presented to Council once agreed by this committee.

2. Role of the Committee

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

3. Matters Considered

- 3.1 The Committee has met five times during the course of the year to consider a range of issues. Appropriate officers of the Council have been in attendance at the meetings to present reports and provide additional information in order to clarify issues and respond to questions from members of the Committee. Regular attendees at the meetings were the Director of Finance, Head of Assurance, Procurement and Projects, Assistant Head of Financial Resources, the Audit, Risk and Assurance Manager and the Council's External Auditors.
- 3.2 To enable the Committee to fulfil its role as set out in paragraph 2.1, a range of reports were considered, as follows:

- a) The Committee endorsed the Corporate Assurance Map for 2014/15 which set out the key risk areas for the Council, the assurance that will be gathered in relation to them and where the assurance will be sought from. The report included the plans of work for the year for the Internal Audit and Risk and Assurance teams, and the performance indicators for Internal Audit. The Committee was also given the opportunity to identify any areas of work to be considered for 2014/15.
- b) Committee Members were provided with an update on current and future issues that would impact on the Council so that they could ensure that these issues were appropriately reflected in the work of the committee and the reports presented to them. Members also received a presentation regarding the law and regulations in relation to fraud and the Council's approach to fraud prevention which prompted a number of questions and discussions.
- c) Progress reports in relation to the Corporate Assurance map were presented on a quarterly basis. These provided details of the level of assurance for the strategic and corporate risks areas from management, specialist assurance functions, Internal Audit, Risk and Assurance, the external auditor and other external agencies. The Committee received an update on improvements made to the Council's ICT service from the Assistant Chief Executive, which had been highlighted during the previous year.
- d) Specific key issues were highlighted within the Corporate Assurance Map update reports for members to consider further, specifically in relation to the results of external reviews of the Council's Children's Safeguarding service. A number of areas for improvement were identified and the Chief Operating Officer for People Services attended the committee on three occasions to provide an update on progress.
- e) The Corporate Assurance Map update report in March 2015 also identified that a significant risk recommendation regarding the arrangements for the testing of emergency lighting in Council premises had not been implemented. The Committee highlighted its concern over this resulting in the testing arrangements being put in place without delay.
- f) The Committee raised questions about the activity being undertaken to address the risk in the Strategic Risk Profile regarding the development of skills for younger people and their access to education. A presentation was provided on the Changing Role of the Local Authority in Improving Educational Outcomes by the Head of Educational Attainment & Lifelong Learning. Information regarding performance measures was also provided.
- g) The newly appointed Executive Director of Commercial Development attended the committee to explain her role within the Council and her background.

- h) External Auditors provided progress reports to each meeting, the Annual Audit Letter, Audit Completion report and the Annual Certification of Claims and Returns report. These reports provided a very positive opinion regarding the Council's performance, financial management and value for money arrangements. The External Auditor also presented their Audit Strategy Memorandum setting out their work for the coming year.
- i) The results of the Annual Governance Review for 2013/14 were presented, which summarises the overall governance arrangements in place within the Council, and makes recommendations for further improvement. The head of internal audit's opinion on the Council's internal control environment was positive. The resultant Annual Governance Statement highlighted the good corporate governance arrangements in place and was approved by the Committee and included within the Council's Statement of Accounts.
- j) The annual Statement of Accounts 2013/14 (subject to audit) was presented for members to challenge and approve before they were made available for public inspection and to the external auditors. Once the external auditor had completed the audit, any amendments were submitted back to the Committee for approval. The External Auditor commented positively on the arrangements the Council has in place with regard to the production of the Accounts.
- k) The annual statement of Accounts 2013/14 were also presented for the Tyne and Wear Development Joint Committee and Beamish Museum Joint committee as both of these committees no longer existed to consider the accounts.
- l) The Committee received reports in relation to the Council's Treasury Management arrangements to receive assurance that they are appropriate and approved the Treasury Management Policy and Strategy. The Committee noted the good performance in this area, and asked questions in relation to the Council's approach.
- m) Included within the Corporate Assurance Map update reports the Committee was provided with information regarding the areas of counter fraud work undertaken and the results of this work. No particular concerns were highlighted.

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

- *Corporate Assurance Map* – The Committee received quarterly update reports in relation to the assurance provided through the Corporate Assurance Map. This co-ordinates assurance from different sources to provide an overall view of the governance arrangements within the Council and its arrangements to manage risks. The implementation of improvements in the Children's Safeguarding service was specifically considered.

- *Treasury Management* – The Committee have received regular updates regarding the Council's performance in relation to Treasury Management and continue to assure themselves about the arrangements in light of current developments in this area.

3.4 It can be seen that the work of the committee is wide ranging with members monitoring performance more closely in those areas where it was deemed appropriate.

4. Recommendation

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

Action on Petitions

ACTION TAKEN ON PETITIONS

Council Members are asked to note the action taken in relation to the under mentioned petition which was presented to Council by Councillor Gillian Galbraith on 24 June 2015: -

(i) Petition requesting the reinstatement of bus service 35A between East Herrington and Silksworth.

The text of the petition read:

“The residents of Oakfield Court and the surrounding area are having difficulties in getting to Silksworth since Go North East have taken off the number 35A bus service and replaced it with the 35 which only runs once every hour.

This is causing hardship for especially the elderly residents who need to journey to Silksworth to access the Health Centre for Doctor’s appointments, also the Post Office.

For residents who live in parts of Farringdon the Gentoo office is also there.

They are aware that Nexus support an evening and weekend service 35A however this does not help with Doctor’s appointments.”

The petition was forwarded to the bus operator Go North East and to Nexus for their response. Details of their deliberations and response are outlined below.

Go North East responded to Councillor Galbraith on 30 June 2015. In this they acknowledge that they made changes to services in Sunderland at the end of January. A review of the service 35A was instigated following feedback from passengers about the route being too complicated, and the actual changes which were introduced were done so after a thorough review of passenger numbers and travel patterns, a consultation event at Park Lane Interchange, and face to face surveys with passengers on board service 35A in the affected area.

Their analysis showed that the number of people travelling directly between The Herringtons and Silksworth was not sufficient for a 20-minute service to continue to operate. However, the connection is still available throughout the day with no change of buses required. Service 38 provides a direct connection to Silksworth hourly on Monday to Saturday daytimes, with service 35A continuing to provide the link on evenings and Sundays. It is also possible to make the journey on a more frequent basis with one change of bus, by using service 33/33A from Silksworth to Barnes Park, and then service 35/36 from Barnes Park to the Herringtons, with each of these services running up to every 15 minutes on Monday to Saturday daytimes.

They have no plans to increase the frequency of the connection between The Herringtons and Silksworth at the current time, however they state that they continually review all of their services to ensure that they meet the needs of passengers

Nexus wrote to Councillor Galbraith on 21 July with their response. This explained that as Go North East is a commercial operator, Nexus has very little control over the decisions made in relation to their commercial networks. Evening and Sunday journeys on the '35A' are financially supported by Nexus and continue to service Oakfield Court. Nexus also continue to provide an hourly daytime service for the residents of Oakfield Court in the form of the Nexus secured service '37'. This provides hourly links to Doxford Park, East Herrington and Washington Galleries. It also highlighted other services such as taxi-card and group travel which may assist residents.

The Nexus response mentions that they believed that the changes in January were done without the appropriate consultation and encouraged the petitioners to continue to continue Go North East.

The City Council does not have any legal or financial responsibility for bus services. The City Council's powers in this context are limited to influencing or lobbying the commercial operators and requesting Nexus to secure additional services to make good any gaps in the commercial network. In either instance the final decision on whether to reinstate the service will rest with the operator or Nexus.

In the case of this petition both avenues available to the City Council to resolving this matter have been exhausted and there is nothing further within the current legislative framework that can be done.

Councillor Gillian Galbraith and the petitioners have been notified.

Notices of Motion

NOTICES OF MOTION

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

(i) Ofsted Judgement

This Council deeply regrets the recent Ofsted judgement that “there are widespread and serious failures that leave children unsafe and mean that the welfare of children looked after is not adequately safeguarded or promoted” and resolves to do all in its power to realise Ofsted’s expectation “that all children and young people receive the level of help, care and protection that will ensure their safety and help prepare them for adult life.”

Councillor P. Wood
Councillor G.E. Howe
Councillor R. Francis
Councillor M. Dixon

(ii) Defending the Right to Strike

This Council notes:

- In February 2015 the United Nations agency the International Labour Organisation (ILO) reaffirmed its belief that ‘without protecting a right to strike, Freedom of Association, in particular the right to organise activities for the purpose of promoting and protecting workers’ interests, cannot be fully realised.’
- In July 2015 the Conservative Government announced its intention to change legislation affecting trade unions and their members to make it harder to win ballots for industrial action. This will only be lawful if there is a 50% turnout among trade union members entitled to vote in addition to a simple majority voting for industrial action.
- The Conservatives seek a further requirement for those working in ‘important public services’ to secure the support of 40% of all trade union members. Non-voters will be counted as ‘against’ industrial action which is contrary to ILO guidance. This means that on a 50% turnout, 80% will have to vote for industrial action for it to be lawful in many public services.
- No such thresholds apply to elections in local government, for police and crime commissioners, or in European or Westminster elections.
- The government has refused the request of trade unions to make electronic balloting legally permissible and increase turnout this way.

This Council further notes:

- The proposed Conservative legislation will also introduce greater restrictions for picketing. These include requirements on unions to inform the police of the name of a picket supervisor and ensure that they have a letter of authorisation they must be required to carry, inform the police of how many will be expected to attend a picket line and what banners or materials will be used as well as notify the police of details of how trade unions intend to use social media during a dispute.
- The Trade Union Bill has been criticised by human rights organisations Liberty, Amnesty International and the British Institute of Human Rights arguing it “would hamper people’s basic rights to protest and shift even more power from the employee to the employer.”
- The Conservative government wants to remove the ban for employers to employ agency workers during a period of lawful industrial action
- The government want to grant Ministers the power to reduce the amount of facilities time agreed by employer and the workforce which is in place to ensure adequate workplace representation.
- Trade unions take industrial action for a wide range of reasons including defending wages and pensions, conditions at work and safety.

This Council believes:

- The right to strike and protest are fundamental rights which should be respected in a free and democratic society
- The Conservative government’s Bill will undermine constructive employment relations across Wearside and that harmonious industrial relations are achieved by meaningful engagement and not additional legal restrictions to trade union members
- The government’s Trade Union Bill is part of a disturbing trend to erode civil liberties and inhibit the right to speak out or protest against the government
- The Conservative government’s Trade Union Bill is a politically-motivated attack on trade unions and could have negative consequences for working people in Sunderland and society

This Council resolves to:

- Oppose the Trade Union Bill 2015-16
- To write to the Secretary of State for Business, Innovation and Skills stating the council’s opposition to their Trade Union Bill and to participate in any consultations
- Support the Northern TUC and civil liberties groups in campaigning to defend the right to strike and oppose the Trade Union Bill
- Continue to value the importance of meaningful workforce engagement and representation through trade unions in Sunderland

Councillor P. Watson
Councillor D. Allan
Councillor H. Trueman
Councillor D. MacKnight
Councillor M. Speding
Councillor M. Mordey
Councillor P. Gibson
Councillor E. Gibson
Councillor A. Lawson
Councillor P. Smith

Reports

APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES

Report of the Head of Law and Governance

1.0 Introduction

1.1 The purpose of this report is to confirm the appointments of Hetton Town Council on the Standards Committee and to make appointments to the Health & Wellbeing Board Chairs Network and the North East Culture Partnership of the Association of North East Councils (ANEC) and the Sunderland Autism Partnership Board.

2.0 Standards Committee

2.1 The Council was notified on 16 June 2015 that the Annual Meeting of Hetton Town Council had nominated Councillors R. Heron and K. Hepple to sit as the Town Council's representatives on the Standards Committee for the Municipal Year 2015/2016.

3.0 Health & Wellbeing Board Chairs Network and the North East Culture Partnership of the Association of North East Councils (ANEC)

3.1 On 23 June 2015 a request was received from the Association of North East Councils to confirm the Council's appointments to its Health & Wellbeing Board Chairs Network and the North East Culture Partnership.

3.2 A request has now been received to consider appointing the Leader of the Council to the Health and Wellbeing Chairs Network and the Public Health, Wellness and Culture Portfolio Holder to the North East Culture Partnership.

4.0 Sunderland Autism Partnership Board

4.1 Following a restructure, the Sunderland Autism Partnership Board will not only focus on adults with autism but also look at services for children and families with autism.

4.2 A request was therefore received for the Children's Services Portfolio Holder to be appointed to the Board.

5.0 Recommendations

4.1 The Council is accordingly recommended to:-

- (i) confirm the appointments of Councillors R. Heron and K. Hepple as the representatives of Hetton Town Council on the Standards Committee;
- (ii) approve the appointment of the Leader of the Council on the Health and Wellbeing Chairs Network and the Public Health, Wellness and Culture Portfolio Holder to the North East Culture Partnership, and
- (iii) approve the appointment of the Children's Services Portfolio Holder on the Sunderland Autism Partnership Board.

Quarterly Report on Special Urgency Decisions**Report of the Leader**

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

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

There have been no such instances since the last report.

Recommendation

That the Council notes the content of this report.

APPOINTMENTS – INTERIM HEAD OF PAID SERVICE, RETURNING OFFICER & ELECTORAL REGISTRATION OFFICER, DEPUTY ELECTORAL REGISTRATION OFFICER AND INTERIM DIRECTOR OF CHILDREN’S SERVICES

REPORT OF THE HEAD OF LAW AND GOVERNANCE

Purpose of Report

1. The purpose of this report is to recommend Council to appoint an Interim Head of Paid Service, a Returning Officer & Electoral Registration Officer, a Deputy Electoral Registration Officer and an Interim Director of Children’s Services and to approve appropriate amendments to delegated functions as a consequence of these designations.

Interim Head of Paid Service, Returning Officer & Electoral Registration Officer, Deputy Electoral Registration Officer

2. Under the Council’s Constitution, the designation of Head of Paid Service and Returning Officer and Electoral Registration Officer is assigned to the Chief Executive. This post will be vacant with effect from midnight 30th September and therefore in order to comply with legislative requirements, it is proposed that designations are put in place, pending the making of long term arrangements.
3. The Local Government and Housing Act 1989 requires a relevant authority to designate an officer as Head of Paid Service. It is the duty of the Head of Paid Service to report to the Council where he/she considers it appropriate upon proposals as to:
 - a) the manner in which the discharge by the Council of its different functions is coordinated;
 - b) the number and grades of staff required by the Council for the discharge of its functions;
 - c) the organisation of the Council’s staff and the appointment and the proper management of the Council’s staff.

4. Under the Council's Employment Procedure Rules, the appointment of the Head of Paid Service is made by full Council on a recommendation by Human Resources Committee and is subject to the "objection" procedure under which a member of the executive may object to the appointment. As there is a statutory requirement to appoint a Head of Paid Service, Council is recommended to suspend the application of the Employment Procedure Rules in respect of the making of a recommendation by the Human Resources Committee, in order to enable the Council to make an appointment which will take effect from 1 October 2015. It is proposed that the remuneration in respect of the designation of Interim Head of Paid Service and in respect of any other officers who may be required to undertake additional duties as a result of the interim arrangements, will be determined by the Director of Human Resources and Organisational Development, in consultation with the Leader.
5. In addition, the Representation of the People Act 1983 requires the Council to appoint an officer to be the Returning Officer for its own elections and for those of any parishes within its district and also to appoint an Electoral Registration Officer. The Electoral Registration Officer discharges the functions of the Acting Returning Officer at a UK Parliamentary election. It is good practice to also appoint a Deputy Electoral Registration Officer who can act in the absence of the Electoral Registration Officer. The Returning Officer's responsibilities are of a personal nature, distinct from their duties as an employee of the Council. The payment scales for national elections are set out in a statutory instrument laid before Parliament in respect of each individual election and, in accordance with the Council's pay policy, are applied to both local and national elections.
6. It is recommended that the Council appoint Sonia Tognarelli, Director of Finance as Interim Head of Paid Service, Sue Stanhope, Director of Human Resources and Organisational Development as Returning Officer and Electoral Registration Officer and Lindsay Dixon, Head of Electoral Services as Deputy Electoral Registration Officer.

Delegated Functions

7. The Constitution provides for a number of delegated functions and designations as "proper officer" which currently sit with the position of Chief Executive. While this post is vacant, it is recommended that in order to enable the continued exercise of these functions, they be delegated to the Interim Head of Paid Service, other than those which relate to the Returning Officer role.

8. A suggested allocation of delegated responsibilities is shown in the Appendix to this report. These have been taken from the existing delegations to the Chief Executive, updated to reflect changes in legislative provisions since originally drafted. In addition, an express authority has been included in respect of the exercise of the Council's rights as member of any company (to reflect current practice) and to reflect the practice of the Chief Executive to act as company secretary in respect of a number of companies either owned by the Council or in which the Council participates, such as the Empire Theatre Trust Limited and Sunderland Care and Support Limited. The proposed delegations will be able to be exercised by the Interim Head of Paid Service and the Returning Officer in addition to the functions currently delegated to them in respect of their substantive posts.
9. One of the legislative references that is required to be updated, which relates to anti-social behaviour, also appears in the delegations to the Head of Law and Governance and therefore it is proposed that a corresponding amendment be made to those delegations.
10. It is suggested that the opportunity is also taken to clarify an apparent inconsistency between paragraph 10.4 of the Delegations to Chief Officers (Interpretation and General) as set out in the Constitution which indicates that officers may authorise other officers ***within their own Department*** (emphasis added) to exercise powers that have been delegated to them and paragraph 8 of Section 4 – Delegations to Chief Officers which does not restrict the authorisation of other officers in this way. It is suggested that the former paragraph is amended to remove the apparent restriction. This will give increased flexibility while retaining the provision that the relevant chief officer remains responsible for the exercise of any power that has been delegated to them and regarding which they have authorised another officer to exercise functions.

Interim Director of Children's Services

11. The Commissioner for Children's Services in Sunderland, Nick Whitfield, has recommended that the Council appoint Steve Walker, as Interim Director for Children's Services. Mr Walker will be seconded from Leeds City Council where he has led on much of their improvement work, having previously worked in Swansea, where he was also involved in the improvement of services for children. It is therefore proposed that Mr Walker be appointed to the statutory position of Director of Children's Services on an interim basis. Mr Walker will join the Executive Management Team and in accordance with statutory guidance, will report directly to the Interim Head of Paid Service.

There is a statutory requirement for an authority's Director of Children's Services to be represented on its Health and Wellbeing Board and therefore Council is also requested to confirm this appointment.

12. Members of the executive have been notified of the proposed appointments referred to in this report, in accordance with the Employment Procedure Rules.

Recommendation

That Council

- (1) Resolves to suspend the operation of the Employment Procedure Rules (in particular Rules 2,3 and 4) as they apply to the appointments referred to in this report, such suspension to be for the purpose of this item of business only.
- (2) Approves, with effect from 1 October 2015
 - i. the appointment of Sonia Tognarelli, Director of Finance, as Interim Head of Paid Service and that she be authorised to undertake the functions set out in Section A of the Appendix to this report on an interim basis, in addition to those functions delegated to the Director of Finance under the Constitution and
 - ii. the appointment of Sue Stanhope, Director of Human Resources and Organisational Development as Returning Officer and Electoral Registration Officer and that she be authorised to undertake the functions set out in Section B of the Appendix to this report, in addition to those functions currently delegated to the Director of Human Resources and Organisational Development under the Constitution and
 - iii. the appointment of Lindsay Dixon, Head of Electoral Services, as Deputy Electoral Registration Officer and that she be authorised to undertake the functions of the Electoral Registration Officer in their absence.
- (3) Approves the appointment of Steve Walker as Interim Director of Children's Services, appoints the Interim Director to the Health and Wellbeing Board and authorises the Interim Director to undertake those functions which are within the remit of the statutory role of Director of Children's Services, which are currently delegated under the Constitution to the Executive Director of People Services.

- (4) Authorises the Director of Human Resources and Organisational Development, in consultation with the Leader, to determine the remuneration to be awarded in respect of the interim appointments and in respect of any officers who undertake additional responsibilities as a consequence of the interim arrangements;
- (5) Authorises the Head of Law and Governance to amend the Constitution as appropriate to reflect the delegations set out in the Appendix to this report and the delegation of relevant functions to the Interim Director of Children's Services and to make such other amendments as are appropriate to reflect the appointments agreed by the Council.

Background Papers

No background papers were used in the preparation of this report.

Delegations

A. Interim Head of Paid Service

- To be the Council's principal adviser on general policy, and to ensure that proposals are consistent with policy.
- To make long term assessments of resources, needs and commitments, and to co-ordinate advice on forward planning.
- To ensure that the Council's policies and programmes are implemented and that the Council's staff are managed effectively having regard to statutory responsibilities.
- To grant exemptions from politically restricted posts and generally to deal with such posts.
- To keep a record of particulars of any notice given under Section 117 of the Local Government Act 1972 by an Officer of the Council as to a pecuniary interest in any contract or proposed contract.
- To receive and record declarations of hospitality received from officers.
- To witness and receive declarations as to the acceptance of office by a Councillor under Section 83 of the Local Government Act 1972.
- To receive notices of resignation as councillors under Section 84 of the Local Government Act 1972.
- To convene meetings of the Council for the election of a casual vacancy in the office of Mayor under Section 88 of the Local Government Act 1972.
- To receive notices of a casual vacancy of the office of councillor under Section 89(1) (b) of the Local Government Act 1972 and of a Parish Councillor under Rule 8 of the Local Elections (Parishes and Communities) Rules 1986.
- To sign photographic copies of documents under Section 22 of the Local Government Act 1972.

- To authenticate notices orders and other documents under Section 234 of the Local Government Act 1972.
- To send copies of byelaws to every parish to which they apply, under Section 236 of the Local Government Act 1972.
- To certify copies of byelaws under Section 238 of the Local Government Act 1972.
- To keep the roll of Freemen of the City under Section 248(2) of the Local Government Act 1972.
- Under Paragraph 4 of Schedule 12 of the Local Government Act 1972, to sign and serve Summonses of council meetings to every Member of the Council and to receive notices from Members as to the address to which their Summonses should be sent.
- To certify resolutions of the Council in respect of proceedings under the Public Health Acts 1875 to 1925 under paragraph 25(7) of Schedule 14 of the Local Government Act 1972.
- To exercise functions under the Registration Services Act 1953.
- To receive notices under the Local Government (Committees and Political Groups) Regulations 1990.
- To exercise powers under Section 1 of the Localism Act 2011 to provide financial and other assistance for economic development purposes provided that where the amount to be given to any one body in any one financial year is over £50,000, the matter shall be referred to the Cabinet for consideration.
- To approve the use by Chief Officers of external consultants where the cost is estimated to exceed £10,000 but not to exceed £100,000.
- To issue closure orders under the Anti-Social Behaviour, Crime and Policing Act 2014.
- To be the responsible person for ensuring compliance with the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009.

- To approve, in consultation with the Head of Law and Governance, the payment of an indemnity to any Member or Officer up to a maximum of £50,000 in accordance with the approved policy, with requests above this sum being referred to Cabinet for consideration.
- To manage, operate and develop policies associated with Community Development and working with the voluntary and community sector, including Community Associations.
- To authorise officers to sign contracts with a value exceeding £50,000.
- To exercise the Council's rights in any company or other form of corporate body of which the Council is a shareholder or member, unless alternative arrangements are specified in the relevant body's articles of association, other governing instrument, any shareholders' agreement or any specific delegations in relation to particular bodies.
- To undertake the role of company secretary in any company for which the Council provides company secretarial or administrative services.
- To carry out any function which is delegated to a particular officer.
- To exercise all other functions which the Chief Executive is authorised to undertake or for which the Chief Executive is the nominated officer or "proper officer" under the current constitution, other than those set out in Section B below which are delegated to the Returning Officer.

B. Returning Officer

- To act as Electoral Registration Officer and Returning Officer for the Council and any parish councils within the Council's area and exercise those functions in relation to elections listed in Section D of Schedule 1 of the Functions Regulations other than those reserved to the Council in Part 2, and be responsible for electoral areas and local government boundary reviews.

C. Head of Law and Governance

Delete 5.1 (c) and 5.8 to 5.12 of the current delegation scheme and include authority

- To make applications for injunctions and orders and to commence proceedings under the Anti-Social Behaviour, Crime and Policing Act 2014.

Delegations to Chief Officers

Amend Paragraph 10.4 of Section 10 Interpretation and General to provide that:

- Any power delegated to a Chief Officer or Head of Service may be delegated by him to any Officer of the Council provided that this is not precluded in law.

