

**CABINET MEETING – 7 DECEMBER 2023**  
**EXECUTIVE SUMMARY SHEET – PART I**

**Title of Report:**

MINUTES, PART I

**Author(s):**

Assistant Director of Law and Governance

**Purpose of Report:**

Presents the minutes of the meeting held on 9 November 2023, Part I.

**Action Required:**

To confirm the minutes as a correct record.



Meeting of the **CABINET** held in **CITY HALL (COUNCIL CHAMBER)** on **THURSDAY 9 NOVEMBER 2023** at **10.00am**

**Present: -**

Councillor G Miller in the Chair

Councillors Chequer, Johnston, Price, Rowntree and Stewart.

**Also present: -**

Councillors F Miller, Scott and A Smith – Deputy Cabinet Members  
Councillor Morrissey

**Part I**

**Minutes**

The minutes of the meeting of the Cabinet held on 12 October 2023, Part I (copy circulated) were submitted.

1. RESOLVED that the minutes of the Cabinet meeting held on 12 October 2023, Part I, be confirmed and signed as a correct record.

**Declarations of Interest**

The following declarations were made: -

Agenda Item 7 – Capital  
Programme Planning  
2024/2025 to 2027/2028

Councillor Johnston declared an interest as an employee of Everyone Active and withdrew from the meeting during consideration of the report.  
Councillor Chequer declared an interest as her partner was an employee of Everyone Active and withdrew from the meeting during consideration of the report.

**Apologies for Absence**

Apologies for absence were received from Councillors Walker and Williams.

**Response from Scrutiny Coordinating Committee – 12 October 2023 – Second Revenue Budget Review 2023/2024**

The Assistant Director of Law and Governance submitted a report advising the Cabinet of the comments of the Scrutiny Coordinating Committee on a report of the

Director of Finance which advised Members of the Second Revenue Budget Review 2023/2024.

Councillor Stewart reported that the Scrutiny Coordinating Committee had received the report of the Director of Finance on the Second Review Budget Review for 2022/2023, at its meeting on 12 October 2023.

He was pleased to report to Cabinet that the Scrutiny Coordinating Committee acknowledged the information contained in the report including the overall budgetary positions and collection fund updates, as well as acknowledging the budgetary pressures. The Scrutiny Coordinating Committee also put on record its thanks to all Members and Officers involved in the preparation, implementation and monitoring of the council's revenue budget position.

With no further comments from the Scrutiny Coordinating Committee, it was: -

2. RESOLVED that the comments of the Scrutiny Coordinating Committee be received.

### **Response from Scrutiny Co-ordinating Committee – 12 October 2023 – Budget Planning Framework and Medium Term Financial Plan 2024/2025 – 2027/2028**

The Assistant Director of Law and Governance submitted a report advising the Cabinet of the comments of the Scrutiny Coordinating Committee on a report of the Director of Finance which advised Members of the Budget Planning Framework and Medium Term Financial Plan 2024/2025 to 2027/2028.

Councillor Stewart reported that the Scrutiny Coordinating Committee received the report of the Director of Finance on the Budget Planning Framework and Medium-Term Financial Plan for 2024/2025 – 2027/2028, at its meeting on 12 October 2023.

He was pleased to report to Cabinet that the Scrutiny Coordinating Committee accepted the report whilst recognising the work undertaken around the budget consultation and updating the capital strategy.

It was highlighted that the Scrutiny Coordinating Committee once again, through its comments, recommended that serious consideration was given to limiting any rises in council tax given the current financial climate and the impact that this could have on residents of the City. The Committee also remained committed to budget monitoring through continued updates.

With no further comments from the Scrutiny Coordinating Committee, the report was recommended to Cabinet.

Councillor Morrissey commented that the request that consideration be given to limiting the council tax rise was proposed on a cross party basis and it was felt that any rises should be an option of last resort.

Councillor Stewart said that serious consideration would be given to this proposal where possible and all options would be explored; any additional help from the Government would be welcome to help ease the burden on council tax payers.

Having considered the report, it was: -

3. RESOLVED that the comments of the Scrutiny Coordinating Committee be received and the Capital Strategy be referred to the Council for approval.

## **North East Devolution**

The Chief Executive submitted a report seeking consent to the making of the statutory order to abolish the existing combined authorities in the region (i.e. North East Combined Authority (NECA) and North of Tyne Combined Authority (NTCA)) and replace them with a single mayoral combined authority which would encompass the areas of the seven Councils, which was to be known legally as the North East Mayoral Combined Authority (NEMCA).

The Leader stated that Cabinet would recall the earlier discussions on the proposal to establish a Devolution Deal for the North East, the creation of a North East Mayoral Combined Authority required to implement the deal, and the Cabinet's agreement to the 'minded to' deal published by the Government in December 2022.

Considerable work had taken place in the months since these discussions, and the Cabinet was now requested to agree in principle that the Council should consent to the making of the necessary statutory order to abolish the existing combined authorities in the region (the North East Combined Authority and the North of Tyne Combined Authority) and replace them with a single mayoral combined authority which encompassed the areas of the seven councils – the five councils in Tyne and Wear along with County Durham and Northumberland.

As had previously been discussed, it was considered that the creation of a new mayoral combined authority would unlock significant benefits for the region and its people through a devolution deal enabling access to £4.2 billion of funding over a 30-year deal cycle, together with devolved powers to better shape skills provision; housing, regeneration and planning; transport; arts, culture, heritage and sport; digital connectivity; clean energy; and public service reform.

The Leader explained that, following the required Governance Review to support the case for creating the new Combined Authority, a public consultation was undertaken at the beginning of the year, and in June, alongside the other six councils, Cabinet agreed that the relevant statutory criteria had been met and they were satisfied that sufficient public support had been demonstrated for the new proposals.

These proposals included the establishment of an Elected Mayor to take up office following local elections on 7<sup>th</sup> of May 2024 when the new combined authority would come into place, with details of the proposed governance model and decision-making arrangements outlined in the Draft Statutory Order Overview at Appendix 1.

The Cabinet heard that the results of the public consultation were submitted to the Secretary of State with the formal request to make the statutory order and it was now a matter for them to decide if the relevant statutory criteria in the Local Democracy, Economic Development and Construction Act 2009 had been met, before doing so. The Secretary of State must also have confirmation of the consent of the seven councils before making the order, and so with the benefits in mind of creating the mayoral combined authority to unlock significant funding and powers provided by a North East Devolution Deal, the Cabinet was asked to agree the recommendations.

Councillor Morrissey commented that when a devolution deal was last put to the region it was decisively rejected by 78% of voters. There were several devolved offices in the North East and the experience with them so far had not been beneficial to the Sunderland area. Local Government leaders had been asked to agree this on behalf of central government, rather than from the grass roots up.

The Chief Executive highlighted that the referendum in 2004 was about a new governance model rather than a devolution deal and the current deal had been subject to robust public consultation with health and education sectors etc. The deal had not been imposed and leaders had negotiated on behalf of the region. The deal was being done for the right reasons, for the North East to benefit from additional funding and to make a difference to the regional economy.

Accordingly it was: -

4. RESOLVED that: -

- (i) the content of the report be considered;
- (ii) it be agreed in principle that the Council should consent to the making of the order;
- (iii) the Chief Executive be authorised, in consultation with the Leader of the Council, to issue the Council's formal consent to the Secretary of State when requested;
- (iv) the Chief Executive be authorised, in consultation with the Leader of the Council, to finalise the terms of the side agreement regarding the support arrangements associated with these proposals; and
- (v) the Chief Executive be authorised to take all other steps necessary to implement these proposals.

### **Capital Programme Planning 2024/2025 to 2027/2028**

The Director of Finance submitted a report updating Cabinet on the level of capital resources and commitments for the forthcoming financial year within the current approved capital programme and setting out proposed additional capital project proposals for inclusion in the Capital Programme 2024/2025 to 2027/2028 which would be reported to Cabinet in February 2024.

Councillor Stewart highlighted that Cabinet Members would see within the report that there were additional capital proposals for 2024/2025 to 2027/2028 worth over £57m. This included additional Council investment of £38m, with £5m anticipated from external funding sources and drawing on £14m of existing capital programme resources. This would build upon the significant capital investment already planned of over £600m from 2023/2024 through to 2027/2028.

Councillor Stewart reported that, in identifying projects for investment, the capital priorities were aligned to the City Plan providing for a dynamic, healthy and vibrant smart city.

Several schemes were included which would support the delivery of front-line services to residents across the city including new safe accommodation for domestic abuse victims, improved leisure facilities, investment in improving the city's secondary school autism provision, improvements to the Bishopwearmouth Crematorium and investment in the replacement Coalfields Depot.

Councillor Stewart highlighted section 6 of the report which set out that the Council anticipated that resources yet to be confirmed in respect of Transport, Disabled Facilities Grant and Education would be allocated to those service areas.

Upon consideration of the report it was: -

5. RESOLVED that the additional new start capital project proposals set out in the report for inclusion in the full capital programme 2024/2025 to 2027/2028 to be reported to Cabinet in February 2024.

### **Procurement of Care and Support at Home Services**

The Director of Adult Services submitted a report seeking approval to procure care and support at home services which enabled people to live independently at home and to authorise the Director of Adult Services, in consultation with the Healthy City Portfolio Holder and Director of Finance, to subsequently award contract(s) to the successful bidder(s).

Councillor Chequer reported that the existing contracts for the provision of care and support at home services were due to end in November 2024, however the Council still had a duty to commission services to support adults who had social care and support needs to enable them to live independently at home. The commissioning of ongoing care and support provision would help ensure that the residents' care and support needs were met.

The value of the contract(s) would exceed £500,000, therefore in accordance with the Council's Procurement Procedure Rules Cabinet approval was required prior to proceeding with the procurement process.

Therefore, the Cabinet: -

6. RESOLVED that: -

- (i) the procurement of care and support at home services be approved; and
- (ii) the Director of Adult Services be authorised to, in consultation with the Healthy City Portfolio Holder and Director of Finance to subsequently award contract(s) to the successful bidder(s).

### **Contract Term Variation of the Contracts for the Provision of Personal Care and Nursing Care within a Care Home**

The Director of Adult Services submitted a report seeking approval to vary the contract term of all contracts for the Provision of Personal Care and Nursing Care within a Care Home and to allow the contract period to be extended for 24 months from 1<sup>st</sup> September 2024 to 31<sup>st</sup> August 2026.

Councillor Chequer advised that the Council had a contract in place for the provision of personal and nursing care within a care home for adults aged 65 years and over. The contracts commenced on 1<sup>st</sup> September 2019 and would end on 31<sup>st</sup> August 2024. There was no extension period specifically built into the contracts, but the contracts did allow for variations to the terms and conditions.

The extension period would provide a reasonable period of stability for providers whilst allowing the Council to consider and then implement the implications of the new Procurement Act which would come into force in October 2024. It would enable the Council to work with service providers in the care home market to review current care home provision, consider the requirements for this type of provision in the future and then develop a new contract to reflect this.

Accordingly it was: -

7. RESOLVED that the Director of Adult Services be authorised, in consultation with the Healthy City Portfolio Holder and the Director of Finance, to vary the terms of all relevant contracts to allow an extension of the current arrangements for a period of 24 months from 1 September 2024 to 31 August 2024.

### **Creating a Smokefree Generation and Tackling Youth Vaping Consultation**

The Executive Director of Health, Housing and Communities submitted a report seeking approval to support the consultation proposals for Creating a Smokefree Generation and Tackling Youth Vaping as set out in the report.

Councillor Chequer stated that local authorities were responsible for improving the health of the local population and had a critical role in protecting residents from



health harms. Smoking was the key driver of health inequalities and premature death in Sunderland. Tobacco was responsible for 64,000 deaths in England and 512 deaths in Sunderland per year and smokers lost an average of ten years of life expectancy, or around one year for every four smoking years.

Non-smokers were exposed to second-hand smoke (passive smoking) which meant that, through no choice of their own, many would come to harm - in particular children, pregnant women, and their babies. It was a major risk factor for poor maternal and infant outcomes, significantly increasing the chance of stillbirth and could trigger asthma in children.

In Sunderland those who were on low incomes or living in areas of deprivation were far more likely to smoke than the general population. Smoking attributable mortality rates were 2.1 times higher in the most deprived wards than in the least deprived.

Councillor Chequer highlighted that the independent Khan Review: making smoking obsolete said “without further action, England will miss the smokefree 2030 target by at least seven years, and the poorest areas will not meet the target until 2044”.

In October 2023, the Department of Health and Social Care (DHSC) published its policy paper, Stopping the start: our new plan to create a smokefree generation. A consultation launched 12 October 2023 and closing on 6 December 2023 was seeking views on three areas:

- **Introducing new legislation to raise the age of sale for tobacco:** This would mean that anyone born on or after 1 January 2009 would never be able to legally buy tobacco. This would not criminalise smoking or remove the right to purchase tobacco from anyone who currently had it.

Rationale included:

- **Smoking is not a free choice it is an addiction:** The only free choice was whether to smoke that first cigarette. Two thirds of those trying just one cigarette, usually as children, go on to become daily smokers. Most adult smokers want to stop smoking, but on average it would take 30 attempts, and many never succeed.
- **Raising the age of sale will not increase the black market:** Raising the age of sale would have a gradual impact over time. When the age of sale increased from 16 to 18 in 2007 it had no impact on the illicit market. The illicit market share of cigarettes was 15% in 2006-7 and reduced to 13% in 2007-8, remaining the same in 2008-9. In 2022 it was 11%
- **Further regulating vaping to reduce its appeal to children:** The legislation proposals to curb the rise in youth vaping through measures to reduce the appeal of vaping amongst children and young people by:
  - restrictions on their marketing
  - descriptions of flavours
  - branding/imagery (to not allow child friendly imagery like cartoons)
  - instore promotion
  - raising price of single use vapes.

- **Introducing new powers for local authorities to issue fixed penalty notices to enforce age of sale legislation for tobacco products and vapes -**  
Proposals around issuing fixed penalty notices around breaches of sale of both tobacco products and vaping products were supported.

Councillor Chequer concluded that all of these measures would help to achieve the target of 5% smoking prevalence by 2030 and to deliver local Health and Wellbeing Board priorities and the objectives of Sunderland's City Plan and Healthy City Plan.

Councillor Morrissey noted that the Council's smoking cessation service did not currently differentiate between smokers and those who used vapes and if a smoker moved on to vaping then they were still included in the figures.

Councillor Chequer undertook to look into that issue as she was not fully apprised at the current time. The Executive Director of Health, Housing and Communities added that the current 'Quit Smoking' service was focused on cigarette smokers and was looking at a pilot which used vapes in a structured way to move away from smoking.

Councillor F Miller referred to the introduction of powers to issue fixed penalty notices to enforce age of sale legislation and supported an increase in the level of the fines and felt that these should be similar to sale of alcohol penalties. She also suggested that Trading Standards undertake test purchases of vaping products.

Councillor Chequer agreed that these were the reasons why she felt strongly about responding to the consultation, particularly on issues such as fixed penalty notices and the regulation of vapes and the marketing that appeared to be designed to appeal to children.

The Executive Director of Health, Housing and Communities stated that hopefully changes in the legal position would support this agenda and additional funding for Environmental Health and Trading Standards would be part of the consultation.

The Leader expressed his support for the consultation response and noted that it was a key cornerstone of the Council's move to change behaviours in the city.

Upon consideration of the report, it was: -

8. **RESOLVED** that the Executive Director of Health, Housing and Communities be authorised, in consultation with the Portfolio Holder for Healthy City and the Health and Wellbeing Board, to respond to Creating a Smokefree Generation and Tackling Youth Vaping consultation on the proposed actions the UK Government will take to reduce smoking and youth vaping.

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

At the instance of the Chair, it was: -

9. 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 exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) (Local Government Act 1972, Schedule 12A, Part 1, Paragraph 3). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.

(Signed) G MILLER  
Chair

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.

