

ENVIRONMENTAL AND PLANNING REVIEW COMMITTEE

AGENDA

Meeting to be held in the Civic Centre (Committee Room No. 1)
on Monday, 11th December, 2006 at 5.30 p.m.

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If you require this, please telephone 0191 553 1059

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R.C. RAYNER,
City Solicitor.

Civic Centre,
SUNDERLAND

30th November, 2006

At a meeting of the ENVIRONMENTAL AND PLANNING REVIEW COMMITTEE held in the CIVIC CENTRE on MONDAY, 13TH NOVEMBER, 2006 at 5.30 p.m.

Present:-

Councillor Blackburn in the Chair

Councillors Higgins, Paul Maddison, L. Scott, Tansey, Whalen, Wares and Wood

Also Present:-

Councillors Lawson, Rolph and Tate

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Fletcher, MacKnight and Tye.

Declaration of Interest

Item 5 - Quality of Local Bus Services

Councillor Wood declared a personal interest in the item as a Council appointed Member of the Tyne and Wear Passenger Transport Authority and as Chairman of the Board of Compass Community Transport.

Minutes of the Last Meeting

1. RESOLVED that the minutes of the meeting of the Committee held on 16th October, 2006 (copy circulated) be confirmed and signed as a correct record, subject to:-

- (i) Page 10, paragraph 3, reference to "methanol gas" be amended to read "methane gas";
- (ii) Page 10, paragraph 4, reference to an electrically powered cleansing vehicle "was being trialled" be amended to read "was being used"; and

- (iii) Page 10, paragraph 5, reference to an experiment with drivers starting work from home rather than the depot “was being undertaken” be amended to read “was to be undertaken”.

Study into the Council’s approach to Carbon Management – Evidence Gathering

The City Solicitor and Director of Development and Regeneration submitted a joint report (copy circulated) which introduced Mr. Barrie Brass, Regional Manager, of the Carbon Trust who was present to provide evidence to the Committee with regard to its study into carbon management.

(For copy report – see original minutes).

Mr. Brass explained that the Carbon Trust was an independent company funded by the Government through the climate change levy. Its main aim was to assist the Government in reaching its Kyoto targets by helping the UK to move to a low carbon economy. The Trust would provide advice to businesses and the public sector on reducing carbon emissions and highlight the opportunities provided by low carbon technology. The move towards a low carbon economy had been boosted by the recent publication of the Stern Review which dispelled claims that such a move would be economically damaging.

Mr. Brass informed the Committee of the Local Authority Carbon Management Programme which guided Local Authorities through a five stage process to help them realise carbon emissions savings. Sunderland was only 6 months into its programme, which was due to be completed in April 2007 and Mr. Brass felt it was not appropriate to comment on outcomes which were not yet clear. He advised that Members were in a unique position in representing the people of the City and as purveyors of the public purse. Examples set by the Council would be emulated by others. The advantage of the early adopter approach was that it created a confidence which encouraged others to follow.

For the programme to be sustainable it required the full support of Senior Officers and Members and a top down approach throughout the organisation. Other important elements included, ring fenced budgets for energy efficiency, the appointment of a Carbon Reduction Manager and procurement policies which included life cycle costings.

As an example of best practice in the region, Mr. Brass cited the wind turbines at the Nissan car plant.

The Chairman referred to an online calculator he had seen which could be used by people wishing to make payments to offset carbon emissions created when taking flights or car journeys.

Mr. Brass replied that this could be found on the Energy Saving Trust's website. He stated that opinions on the value of offsets were mixed and that personally he remained to be convinced. Priority should be given to addressing demand side issues with offsets used only as a last resort.

In response to an enquiry from the Chairman, Mr. Brass advised that wood was considered to be carbon neutral. Egger UK were building a 50,000 kilowatt wood fuelled boiler at its Hexham plant which had previously burnt gas. The boiler would be the largest of its kind in Britain.

There being no further questions for Mr. Brass, the Chairman thanked him for his presentation.

As part of the Committee's study and with a view to the long term future, Councillor L. Scott suggested that a feasibility study into the use of High Temperature Incineration might prove interesting. In addition with regard to the schedule attached to the report, he advised that the list of Members undertaking the study should be updated to provide for the addition of Councillor Tansey and the deletion of Councillor Dixon.

Peter High having informed the Committee of the options being considered as part of the development of a future waste management contract, it was:-

2. RESOLVED that:-

- (i) the evidence submitted by Mr. Brass be received and noted; and
- (ii) the study schedule be amended to include Councillor Tansey as a replacement for Councillor Dixon.

Quality of Local Bus Services

The City Solicitor and Director of Development and Regeneration submitted a joint report (copy circulated) which provided background information on the current situation regarding bus services operating in the City. The report also introduced John Usher, Nexus Head of Transport and Integration and Peter Lawson, Nexus Transport Planning Manager who provided the Committee with a detailed powerpoint presentation on the Tyne and Wear Bus Strategy.

(For copy report and presentation – see original minutes).

Members were advised of the following issues:-

- (i) the bus network comprised of:
 - Superoute (commercial bus services)
 - Other commercial bus services
 - Secured bus services
 - Demand responsive services – *Linkup*

- Schools and Works services
 - Community transport
- (ii) the objectives of the bus strategy were to:
- Increase ridership (stop decline)
 - Encourage modal shift from car to bus
 - Produce reliable services – linked to bus priority
 - Improve integration between modes and services
 - Ensure good accessibility to essential services (social inclusion)
 - Improve overall product – information, passenger infrastructure, bus priority, quality vehicles, fares
 - Keep under review methods of delivering bus services (voluntary partnership through to Quality Bus Contract) to ensure integrity and development of the network
- (iii) the current position included:
- Overall bus use increasing with impact of free concessionary travel, but adult farepaying and child decreasing so trend of decline may reappear after one “off impact”
 - Only 70% of buses are punctual
 - As costs of operation rise above inflation so do fares need to rise above inflation
 - Concentration on core routes with reduction in overall bus miles operated
- (iv) current bus strategy delivery options under the Transport Act 2000 included
- Voluntary Partnership – Superroute
 - revised to give new impetus but will it deliver?
 - Statutory Quality Partnership (SQP)
 - Little take up since 2000
 - Enhanced Quality Partnership
 - Recognition that SQP not being developed – attempt to strengthen partnership – needs more to overcome legal barriers
 - Some progress to date with Go North East, Stagecoach and Arriva to build new relationship
 - Quality Contract
 - Political support throughout Tyne and Wear
 - Bus strategy identifies possible reasons for intervention
 - Very difficult to justify under current legislation – lobbying to make process easier
- (v) The key issue – what needed to be delivered and how
- A stable network – less frequent changes to timetables and fares
 - Reliable services – through monitoring and enforcement with stable network encouraging bus priority

- Better integrated – network planning, common brand, ticketing, information
- True integration of services and ticketing
- Better buses (consistency)
- Higher levels of funding will deliver a better product

(vi) favoured changes to the legislative framework:

- Lowering the barriers to Quality Contracts to
 - Remove Secretary of State's powers of approval and untie hands to make local decision
 - Ease the "only practicable way" test plus three "E" (Effective, Efficient, Economic)
 - Permit longer franchise periods (up to 10 years)
- Lowering the barriers to Partnerships - particularly competition issues to enable co-operation (but does this merely lead to local monopolies?)

(vii) deliverables from a Quality Contract:

- Stable costed network based on consultation
 - Integrated network – timetable and ticketing
 - Improved reliability (linked to bus priority)
 - Consistent quality standards
- But :-
- Quality comes at a cost
 - PTA/Nexus become accountable
 - Critical that district councils deliver bus priority and supporting land use decisions

(viii) deliverables from a Quality Partnership:

- Influence on network design – but has to be profitable
 - Full consultation
 - More stable fares – linked to the cost of the business
 - Oversight of patronage and revenue data
- But :-
- No integration of timetables and ticketing
 - Does not deliver full control
 - Local semi-regulated monopolies
 - How to cope with more than one operator in an area (competition law)
 - Again critical that district councils deliver

(ix) the way forward:

- Continue to lobby for greater local determination of bus service delivery
- Continue to develop Quality Contract Proposals
- Continue to develop partnership options with the bus operators

The Chairman thanked Mr. Usher and Mr. Lawson for their presentation and invited questions from Members.

He stated that in reality, public transport rested in those routes secured by Nexus. There was no public control over other routes. Mr. Usher stated that Nexus could report to the Committee what was happening on these routes but not why. The operators could not be forced to explain their actions to Members.

Councillor Wares stated that bus usage had decreased because buses were not available. It was becoming increasingly difficult to use the buses, routes had been withdrawn or frequencies decreased. He stated that the people of Sunderland deserved a decent bus service and asked what Nexus required to enable a service similar to that of the pre de-regulation era.

Mr. Lawson explained that the legal complexities of the Transport Act 2000 were a hurdle, no-one in the UK had taken up a Statutory Quality Partnership. He hoped that legislation in the Queen's speech would help remove this hurdle. Mr. Usher added that the messages coming from Government seemed favourable in this regard.

Councillor Tansey stated that he endorsed everything that had been said by Councillor Wares and expressed sympathy with Nexus. He stated that during its first few weeks of operation the Park Lane Interchange had averaged 400 daily bus journeys, this was now down to 170. He added that Stagecoach no longer chose to use it and asked whether this was because of differences in charges. Mr. Usher advised that there was a fixed rate for all operators.

Councillor Tansey added that although it was only a 200 yard walk from Holmeside to the Metro station at the Interchange this was difficult for the elderly and disabled passengers of operators not using the Interchange.

Councillor Whalen stated that he had sympathy for Nexus but advised that every day he received representations about the increasing isolation being faced by senior citizens because of the reduction in routes and frequencies.

Councillor Wood confirmed that Stagecoach didn't use the Interchange to the extent it had done in the past as it was quicker for cross City services not to do so. He stated that the No. 38 still went into the City Centre via the Interchange but the majority of people got off at the bottom of Burdon Road as that was where they wanted to be. He advised that the Transport Minister had quoted Sunderland as an example of a bus/train/light rail interchange but had been referring to Fawcett Street not Park Lane. He urged the Council to work in co-operation with the operators and Nexus to prioritise bus services and provide the priorities required by operators to speed up services and make them more effective.

Mr. Usher advised that Nexus were working to:-

- improve journeys where they hit congestion and pinch points.

- introduce full corridor improvement schemes e.g. on Durham Road which didn't currently operate as a full corridor because of issues of access.
- make buses more attractive and efficient.

Councillor L. Scott stated that everyone would like to go back to the 'good old days' of pre de-regulation. In reality this would be a struggle. There was now falling ridership, increased car usage and more choice in how to get from A to B. He highlighted cost as a factor in declining bus usage. A shared taxi journey was usually cheaper as well as being more convenient, direct and comfortable.

Mr. Usher confirmed that recent price rises introduced by operators were above inflation and with regard to subsidy, Nexus would like to see commercial operators cross subsidise less profitable routes via the more lucrative ones.

In response to a further enquiry from Councillor L. Scott, Mr. Usher advised that operators made a profit of 13% in Tyne and Wear. One operator had run a depot in South Shields at a profit of 10% which it had found was not sustainable.

The Chairman having thanked Mr. Usher and Mr. Lawson for their presentation moved that representatives of Bus Operators within Sunderland be invited to attend a future meeting of the Committee.

3. RESOLVED that:-

- (i) the evidence provided in the report and presentation be received and noted; and
- (ii) representatives of bus operators in Sunderland be invited to attend a future meeting of the Committee.

Update on Sustainable Development Initiatives for Communities and Residents in Sunderland

The Director of Development and Regeneration and City Solicitor submitted a joint report (copy circulated) which updated the Committee on the initiatives which had been delivered or were being developed during 2006/7 which supported communities in Sunderland in becoming sustainable communities.

(For copy report – see original minutes).

Jim Gillon, Sustainability Co-ordinator presented the report and tabled for Members information a copy of 'Green Speak – Your Personal Guide to Environmental Jargon'. In addition, Mr. Gillon informed the Committee of the Sustainability Team's page on the Council's website which detailed the range of educational events and activities to help residents, schools and organisations learn about how they could become more sustainable. Members also viewed a short eco-footprint, day-in-the-life video diary of a Washington resident which had featured on the BBC's Politics Show.

Members welcomed the Green Speak leaflet as extremely useful and the Chairman asked if an article on sustainability could be placed in Sunrise. Mr. Gillon replied that this would depend upon whether funding could be secured.

The Chairman asked if the DEFRA funding was a 'one off' grant. Mr. Gillon confirmed that it was. He advised that it was hoped that the video diary could be placed on the website and that he would investigate the feasibility of distributing copies to community groups and schools.

There being no further questions for Mr. Gillon the Chairman thanked him for his report, and it was:-

4. RESOLVED that the ongoing progress of the Council's Sustainability Team in delivering, supporting and communicating to communities how they could become more sustainable through practical approaches, be noted.

Local Transport Plan 2001/2006 – Delivery Report

The Director of Development and Regeneration and the City Solicitor submitted a joint report which highlighted the progress and achievements set out in the Local Transport Plan for Tyne and Wear Delivery Report 2001/2006.

(For copy report – see original minutes).

To complement the report Bob Donaldson, Manager, Transportation provided Members with a presentation which informed Members of the following:-

- The Local Transport Plan 2001-2006 (the LTP) was prepared by the five Tyne and Wear Local Authorities and Passenger Transport Authority/Nexus. Its Delivery Report provided an opportunity to reflect on the success of the first LTP, and to inform residents, businesses and other stakeholders.
- The Delivery Report covered:-
 - The impact of the Local Transport Plan
 - Major Schemes carried out in Tyne and Wear
 - The contribution to wider objectives
 - Progress Against Targets
 - Delivery of LTP Strategies.
- Between April 2001 and March 2006 an implementation programme of schemes and policy measures was carried out throughout Tyne and Wear.
- Major Schemes included Sunderland Direct and Southern Radial Route.
- 15,000 individual schemes and programmes included road safety and public transport improvements, road and bridge maintenance schemes.

The LTP was set out in the context of a variety of challenges, which included:-

- Over 5,000 road accident casualties each year.
- High levels of child pedestrian accidents.
- Steady decline in bus patronage leading to withdrawal of marginal services, often heightening social exclusion.
- Growing congestion on key corridors.
- Faster rate of growth in car ownership than all other metropolitan areas outside London.
- Long-term decline in cycle use.

The objectives of the LTP were:-

- To improve accessibility to key services.
- To support and promote increases in economic activity.
- To reduce adverse Environmental impacts of traffic.
- To improve integration between public transport and between land use and transport planning.
- To continue to improve Road Safety and reduce fear of crime associated with transport.

The Strategies of the LTP focused on:-

Accessibility: Improved access to key services such as health care, education and employment.

Cycling: Promotion of cycling, to reduce congestion and provide environmental benefits.

Public Transport: Improved public transport, to provide an alternative to the private car.

Maintenance: Maintenance and improvement of the existing transport infrastructure.

Safety: Maintained progress in reducing road casualties.

Demand Management: Traffic and travel demand managed effectively.

Economic: Economic growth supported to increase prosperity and reduce social exclusion.

Environment: Contribution to environmental programmes and improved air quality.

A total of £51 million LTP spending took place in Sunderland between 2001 and 2006 this was divided between maintenance (£20m), integrated transport (£18m) and major schemes (£13m). Spending within the 3 blocks included:-

Maintenance –

- Highways Schemes - £9m
- Bridges Schemes - £10m
- Street Lighting - £1m

Integrated Transport -

- Cycling - £1m
- Safety and Security - £3m
- Safer Routes to School - £1m

Major Schemes

- Southern Radial - £13m between 2001-2006
- The following significant Maintenance Schemes were funded from the Integrated Transport Block:-
 - Wearmouth Bridge - £3m (Structural Maintenance)
 - Queen Alexandra Bridge - £4.4m (Exceptional Bid for Major Maintenance)

Mr. Donaldson highlighted the following case studies which had contributed to the overall objectives of the LTP:-

- Sunderland Direct
- Sunderland Cycle Schemes
- the Southern Radial Route
- Signage in Washington
- the Hetton Sustainable Transport Project
- the Hylton Grange Interchange
- the Doxford Travel Plan

In conclusion Mr. Donaldson advised that:-

- The LTP had delivered significant investment and improvements in transport in the City.

- Of the £236 million investment in Tyne and Wear, £51 million was invested in Sunderland, in addition to Sunderland Direct.
- Major projects included refurbishment of both the Wearmouth and Queen Alexandra Bridges.
- No less important were the numerous smaller schemes and progress which had contributed to the wider objectives of the LTP, such as Social Inclusion and Quality of Life.

Members welcomed the report and Councillor Wood asked if the Committee could receive reports at a future meeting on the Strategic Transport corridor and the 3rd Wear Crossing. This was agreed.

The Chairman having thanked Mr. Donaldson for his presentation, it was:-

5. RESOLVED that:-

- (i) the progress and achievements set out in the Local Transport Plan for Tyne and Wear Delivery Report 2001/2006 be noted; and
- (ii) reports on the Strategic Transport corridor and the 3rd Wear Crossing be submitted to a future meeting of the Committee.

Reference from Cabinet : Comprehensive Performance Assessment – Value for Money Self Assessment

The City Solicitor and City Treasurer submitted a joint report (copy circulated) on the Council's Value for Money Self Assessment which had been considered by Cabinet at its meeting held on 8th November, 2006. The report had been referred to each of the six Review Committees to provide Members with an opportunity to comment on how the Council was seeking to provide value for money for local citizens with regard to those areas within the purview of their Committee's terms of reference.

(For copy report – see original minutes).

Andrew Stewart, Finance Manager introduced the Cabinet report highlighting the background as detailed in paragraph 3, and the overall position as detailed in paragraph 5.2.1. Keith Lowes, Head of Planning and Environment together with Bob Donaldson, Manager, Transportation were in attendance highlighting the issues detailed in the report regarding:-

- Economic and Community Development
- Planning
- Transport Planning Policy and Strategy
- Highways Roads and Transport Services
- Street Lighting
- Traffic Management and Road Safety
- Public Transport – Parking Services

In addition to the information contained in the report Mr. Lowes advised that Sunderland had been provisionally removed from the list of Planning Standards Authorities for 2007/8. This would be confirmed in March 2007. The Service had been stabilised and improved through investment in better business practices, improved performance management and in recruitment and retention. The recent planning peer review had been favourable, the Service had recently achieved maximum Pendleton Points and all Department for Communities and Local Government targets in respect of planning were being exceeded.

Councillor Wood referred to page 104 of the Cabinet report and asked for clarification of the term 'rationalisation of car parks'. Mr. Donaldson replied that this referred to the removal of the Tavistock Multi-Storey Car Park and its replacement at Sunnyside.

There being no further questions or comments, it was:-

6. RESOLVED that the Value for Money Self Assessment be endorsed.

City of Sunderland Local Development Framework Annual Monitoring Report

The Director of Development and Regeneration submitted a report (copy circulated) which sought comments from the Committee on the Council's Local Development Framework Annual Monitoring Report 2005/06.

(For copy report – see original minutes)

Neil Cole, Manager, Planning Policy presented the report advising that the Committee's comments would be reported to Cabinet for consideration on 6th December, 2006 when approval would be sought for a recommendation that the Annual Monitoring Report be agreed and submitted to the Secretary of State via the Government Office for the North East. The matter would also be submitted to the Planning and Highways Committee for comment.

Mr. Cole informed Members that he would bring a full progress report on the Development Plan Documents to the Committee at its meeting in January 2007.

In response to an enquiry from Councillor Wood, Mr. Cole advised that appendix 1 in relation to Business Development referred to the amount of employment land available by specific type. B1a referred purely to office development and B1 referred to office development and light industrial.

In response to an enquiry from Councillor Whalen, Mr. Cole advised that item 9 in the appendix referred to the wind turbine development at the Nissan Factory. The whole of the Tyne and Wear Regional Spatial Strategy target in this regard was being met in Sunderland.

7. RESOLVED that Cabinet be advised that the Committee supported the recommendation that the LDF Annual Monitoring report be agreed and submitted to the Secretary of State.

The Chairman then closed the meeting having thanked Members and Officers for their attendance.

(Signed) J. BLACKBURN,
Chairman.

Item No.4

**ENVIRONMENTAL AND PLANNING REVIEW COMMITTEE 11
DECEMBER 2006**

**STUDY INTO THE COUNCIL'S APPROACH TO CARBON MANAGEMENT
– EVIDENCE GATHERING**

LINK TO WORK PROGRAMME – POLICY REVIEW AND DEVELOPMENT

**Report of the City Solicitor and Director of Community and Cultural
Services**

1 Purpose of the Report

- 1.1 To receive evidence from Norma Johnston, Assistant Head of Environmental Services in relation to the Committee's study into carbon management.

2 Background

- 2.1 On 19th June 2006, the Review Committee agreed to undertake a study into the Council's approach to carbon management. A summary of the remit and objectives of the study is included as an appendix.
- 2.2 As a starting point and basis for the study, the Committee received a report setting out the national and local context shaping the Council's approach to carbon management, together with aims and approaches to be included in the carbon management programme. The Committee has also received evidence on best practice from a regional perspective from the Carbon Trust.
- 2.3 As the next stage in the study, Norma Johnston has been invited to the meeting to discuss issues such as the packaging of consumer goods and the use of re-useable carrier bags and their contribution to reducing the levels of waste going to landfill.

3 Recommendation

- 3.1 The Review Committee is asked to consider the evidence provided.

4 Background Papers

Sunderland Strategy 2004/2007

Contact Officer: Jim Diamond (0191 553 1396)
james.diamond@sunderland.gov.uk

Title of study	Study into the Council's Approach to Carbon Management
Committee	Environmental and Planning Review Committee
Members undertaking study	Councillors J Blackburn (Chair), D Whalen (Vice Chair), C Anderson, J Fletcher, M Higgins, N Macknight, Paul Maddison, L Scott, M Tansey, P Tye, R Wares, P Wood
Officer support/ Contacts	Jim Diamond – Review Committee Administrator
Remit and Objectives of the study	To consider the Council's approach to carbon management and examine the progress being made in reducing the level of carbon emissions.
Key questions/ Evidence to be obtained	<p>During the study the Committee will need to fulfil the following key objectives:-</p> <ul style="list-style-type: none"> ❑ To obtain an overview of national and local policies on carbon management and the responsibilities of local authorities; ❑ To obtain details of the current position within the city; ❑ To consider the vision and content underlying the Council's approach to reducing levels of carbon emissions contained in the Carbon Management Programme; ❑ To receive updates on the progress being made across Council services including corporate services, buildings, vehicle fleets, street lighting and landfill sites; ❑ To consider initial proposals for future initiatives to promote awareness raising and encouraging and coordinating action across communities and organisations across the city; ❑ To make appropriate recommendations to the Cabinet based on the evidence received.
Method (Meetings, surveys, visits etc)	Options include inhouse and external bodies providing evidence to full committee, invitations for the submission of written evidence, member visits to examine examples of good practice within other local authorities, views of government bodies and agencies, open forums, surveys, direct consultation with community groups and members of the community.
Participants	<p>The Committee are likely to obtain evidence from representatives of:</p> <p>Service providers within the authority Partner organisations Carbon Trust Advice on good practice within other authorities Views of central government Academic Institutions Community Organisations</p>
Timescale	<p>The Committee will formally approved the remit and scope of the study on 17 July 2006 Familiarisation with issues in 17 July 2006 Evidence gathering is expected to take place from September/February 2006/07 This followed by consideration of recommendations in March 2007 and approval of the final report by April 2007</p>

Item No.5

**ENVIRONMENTAL AND PLANNING REVIEW COMMITTEE
DECEMBER 2006**

11th

REGIONAL SPATIAL STRATEGY PANEL REPORT

LINK TO WORK PROGRAMME – INFORMATION AND AWARENESS

Report of the City Solicitor

1 Background

- 1.1 On 6 December 2006, Cabinet will consider the attached report by the Director of Development and Regeneration.
- 1.2 The report outlines the Panel Report into the Regional Spatial Strategy (RSS) and seeks endorsement of the joint response of the five Tyne and Wear District.
- 1.3 The Chairman has requested that the report be submitted to the Committee for information.

2 Background Papers

- 2.1 There are no background papers.

Contact Officer: Jim Diamond (0191 553 1396)
james.diamond@sunderland.gov.uk

CABINET – 6 DECEMBER 2006

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

REGIONAL SPATIAL STRATEGY PANEL REPORT:
OUTLINE OF ISSUES WITH RESPECT TO THE JOINT TYNE AND WEAR
DISTRICTS POSITION ON RSS.

Author:

Director of Development and Regeneration

Purpose of Report: The purpose of this report is to inform Cabinet of the Panel Report into the Regional Spatial Strategy (RSS) and seek endorsement of the joint response of the five Tyne and Wear districts.

Description of Decision:

The Cabinet is recommended to agree that, notwithstanding that the Panel Report is not open to formal consultation, that the action taken in forwarding this report and appendix to GONE and NEA for consideration is endorsed.

Is the decision consistent with the Budget/ Policy Framework? Yes
If not, Council approval is required to change the Budget/ Policy Framework

Suggested reason(s) for Decision: To endorse the course of action proposed by the Tyne and Wear Chief Executives' Group.

Alternative options to be considered and recommended to be rejected: It is considered that the recommended course of action will assist in progressing the views of the Tyne and Wear authorities towards influencing the eventual outcome of RSS. Since the publication of the Panel Report is not a formal consultation stage, then the alternative of making no response at this time is open to Members, awaiting the publication of the Secretary of State's Modifications.

Is this a "Key Decision" as defined in the Constitution?

No

Relevant Review Committee:

Environmental and Planning Review Committee

Is it included in the Forward Plan?

No

Planning and Highways Committee

**REGIONAL SPATIAL STRATEGY PANEL REPORT:
OUTLINE OF ISSUES WITH RESPECT TO THE JOINT TYNE AND WEAR
DISTRICTS' POSITION ON RSS.**

Report of the Director of Development and Regeneration.

1.0 Purpose of the report

- 1.1 The purpose of this report is to inform Cabinet of the Panel Report into the Regional Spatial Strategy (RSS) and seek endorsement of the joint response of the five Tyne and Wear districts.

2.0 Description of Decision (Recommendations)

- 2.1 The Cabinet is recommended to agree that, notwithstanding that the Panel Report is not open to formal consultation, that the action taken in forwarding this report and appendix to GONE and NEA for consideration is endorsed.

3.0 Background and current position

- 3.1 The Submission Draft of Regional Spatial Strategy for the North East was subject of an Examination in Public (E.P.) in March/April this year, overseen by an independently appointed Panel. The Tyne and Wear districts submitted jointly agreed representations to the RSS and provided input to the EiP.
- 3.2 The Panel has now published its findings. These are not subject of consultation but will be considered by the Secretary of State prior to publication of the final draft of RSS for consultation in winter 2006/7.
- 3.3 The attached report, contained in the Appendix, provides more detail on the process and discusses the Panel's proposals with respect to the Tyne and Wear districts' joint concerns. Section 4 below summarises the main concerns identified by officers.
- 3.4 The Tyne and Wear Chief Executives' Group at its meeting on 8 November agreed the report as set out below in the Appendix and the recommendations (Section 2 above). The report and the annex to it has been forwarded as officer comment to Government Office North East (GONE) and the North of England Assembly (NEA). The Chief Executives' Group also agreed to seek endorsement by members.

4.0 Issues of concern for Tyne and Wear

- 4.1 The principal issues of concern are:

- There is still no phasing of development across authorities in the City Region to focus the step change in economic growth and new housing in Tyne and Wear in the early years of RSS.
- Support is given for increased employment land in Tyne and Wear to make up its shortfall, but no adequate mechanism is suggested for commensurate reduction in the oversupply of land in Durham and Northumberland.
- The recommended deletion of the Prestige Employment Site “Tyne Wear Park” will exacerbate land shortages in Tyne and Wear overall but more so south of the Tyne, particularly in the light of the Panel’s recommendation to identify a 25 year employment land supply.
- The potential for mixed use development of sites on the banks of the Tyne in North and South Tyneside has not been given proper recognition by the Panel.
- An increase in net additional housing in the region is proposed, but the proportion in Tyne and Wear reduces slightly to 41.5%; no apparent regard has been given to the request for 50% to match the 50% of regional employment that is located in Tyne and Wear.
- Potential for high levels of unsustainable Greenfield housing development in Northumberland and County Durham has been retained and, notably in Northumberland, increased.
- The Panel recommendation that Tyne and Wear as a sub-region should provide 80% of new housing on brownfield land could be a challenge for the authorities in that they also have to identify more brownfield employment sites for the longer term. The role of Annual Monitoring Reports will be important to ensure that these targets are effectively managed and delivered.
- Sustainable transport policy is not sufficiently aspirational as addressed by the Panel, in particular having no recommendations to speed up vital improvements needed to bring the Tyne and Wear Metro into the 21st Century.
- Waste management apportionment at district level in Tyne and Wear is proposed by the Panel but there are concerns about the accuracy and clarity of the figures to be used.

4.2 There are several matters not treated consistently across the Panel’s report which are highlighted in the Appendix. Also a number of areas have been relegated to ‘review’, including taking account of sub-regional housing market areas in allocating land, employment land provision and reviewing the transport package to achieve a more balanced approach.

4.3 These items will be subject to further study and review in the next round of RSS. A full review of RSS should be undertaken every five years unless major changes in circumstances trigger the need for an earlier review.

5.0 Conclusions

5.1 From the above, the key matters that particularly stand out as needing challenge by the Tyne and Wear authorities are:

- The inadequate treatment of the allocation and de-allocation of employment land between Tyne and Wear and adjoining Counties;
- The deletion of the Tyne Wear Regional Employment Site (Tyne Wear Park). This raises serious concerns that the conurbation may be disadvantaged by not having enough employment land that is readily available, thus impacting on the ability to deliver the regional economic strategy. The proposed regional review of employment land should therefore be brought forward at the earliest opportunity, to include particular consideration of sub-regional land needs south of the Tyne.
- Allowing too much housing development outside the conurbation with a high proportion on Greenfield land. The authorities should re-emphasise that Tyne and Wear should be allocated 50% of the regional total of additional houses and that this sub-region has the potential to deliver these at the higher brownfield target recommended by the Panel;
- The lack of ambition for sustainable transport, with the strategic issue of better public transport not being addressed;
- The need for greater clarity in waste management policies and targets.

6.0 Reasons for the Decision

6.1 To endorse the course of action proposed by the Tyne and Wear Chief Executives' Group.

7.0 Alternative Options

7.1 It is considered that the recommended course of action will assist in progressing the views of the Tyne and Wear authorities towards influencing the eventual outcome of RSS. Since the publication of the Panel Report is not a formal consultation stage, then the alternative of making no response at this time is open to Members, awaiting the publication of the Secretary of State's Modifications.

8.0 Relevant Considerations/Consultations

8.1 The background report has been subject of consultation with all the Tyne and Wear districts, who are similarly seeking endorsement by Members.

8.2 The City Treasurer has been consulted and the report has no financial implications for the City Council.

8.3 The City Solicitor has been consulted and the report has no legal implications for the City Council.

9.0 Appendices

9.1 Appendix providing detailed response.

10.0 Background Papers

10.1 RSS Panel Report July 2006.

10.2 Report to Tyne and Wear Chief Executives Group 8 November 2006.

10.3 Series of officer responses prepared for the EiP.

10.4 Cabinet report 12 October 2005 in response to Submission RSS incorporating Joint Response of Tyne and Wear districts.

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APPENDIX

REGIONAL SPATIAL STRATEGY PANEL REPORT: OUTLINE OF ISSUES WITH RESPECT TO THE JOINT TYNE AND WEAR DISTRICTS POSITION ON RSS.

1. INTRODUCTION

- 1.1 Regional Spatial Strategy (RSS) Submission Draft was published for consultation by the Regional Planning Board (North East Assembly) in June 2005. The five districts of Tyne and Wear submitted Joint Comments in October 2005.
- 1.2 The Submission Draft was subsequently subject of an Examination in Public (EiP) during March/April 2006 overseen by an independent Panel appointed from the Planning Inspectorate. The Panel took written representations from participants on key issues it had identified. Planning Policy Officers of the Tyne and Wear districts prepared responses on a joint basis. At the EiP officers representing Tyne and Wear took part in the 'round table' discussion of the issues.
- 1.3 The Panel published its report in July 2006 (it is available on the EiP website www.northeasteip.co.uk). The Panel Report is not subject to consultation. The Secretary of State will consider the report, together with the representations on the RSS, with the aim of publishing Proposed Changes in winter 2006/7. There will be a period of public consultation (at least 8 weeks) on the proposed changes. Following consideration of responses to the consultation the Secretary of State is expecting to publish the final RSS in spring 2007.
- 1.4 The Panel Report takes the form of discussion and recommendations on an issue by issue basis. The Panel's proposed changes are incorporated into a comprehensive list of policies in the Panel Report Appendix C.
- 1.5 There follows a summary of the main policy areas where the Tyne and Wear districts jointly disagree with or have concerns over the Panel's views.

2. ISSUES OF POLICY

VISION AND SPATIAL STRATEGY

- 2.1 The Tyne and Wear districts supported the broad strategy of RSS to enhance economic growth and thereby reverse net out migration, from both the North East Region and the Tyne and Wear conurbation. It had concerns that no real testing of alternatives for long term spatial development had been undertaken and the spatial pattern of development put forward in RSS basically conformed to the current

pattern of activities. A balance of employment and housing opportunities was sought within the Tyne and Wear conurbation.

- 2.2 The Panel supports the RSS vision and strategy, considering it provides an adequate framework for delivering prosperity and growth. Its conclusions are largely based on the support of ONE North East and the Regional Economic Strategy's emphasis on the growth potential of the City Regions' core areas.
- 2.3 The Tyne and Wear districts' main concern was, and is, that the RSS has not translated the broad strategy into appropriate sub-regional policies and allocations to support the regeneration and development of the conurbation. The Panel has taken account of some of its arguments but it has not given support in certain key areas.
- 2.4 The Panel does support the 'City Region' approach, seeing it as being consistent with the Northern Way Growth Strategy. It agrees with the use of 'functional areas' for the allocation of development rather than by local authorities, such as the use of 'housing market areas' for understanding housing needs. However it restrains its recommendations on these matters largely to proposals for the next Review of RSS.

TYNE AND WEAR CITY REGION

- 2.5 The Panel has recommended that the Tyne Wear City Region should be extended to include Alnwick District. This makes for a very large City Region covering 14 individual districts, with the potential for difficulties in reaching agreement on joint decisions.
- 2.6 The Tyne and Wear districts sought priority for economic and housing development to first take place in the conurbation through a City Region wide phasing policy. Tyne and Wear raised concerns that land allocations allowed too much development beyond the conurbation on unsustainable Greenfield sites.
- 2.7 The Panel does not appear to have addressed this directly, although it has made concessions to the arguments that it is more sustainable to concentrate development in the conurbations and core areas. It has done this through a number of restrictions and re-allocations, notably:
 - Regeneration of peripheral areas to be primarily for indigenous needs, not to meet local aspirations;
 - It has resisted representations of others to allow new housing to accompany employment allocations in areas such as SENNTRI;
 - Durham City is not to be considered a major growth area so as to protect its unique character;
 - Changes to the potential of 'Prestige Employment Sites' in Northumberland and Durham;
 - Deletion of all 'reserve' employment sites,

- An overall, though still insufficient, increase in net additional housing allocated in Tyne and Wear, with increased amounts of development in the earlier periods of RSS;
 - It has suggested that too much Greenfield housing potential has been identified in Easington, Sedgfield and Blyth Valley and that reductions here would be appropriate, the re-allocation to be made to the Tyne and Wear conurbation (though the Panel has not made the re-allocation);
- 2.8 The Panel has failed to recognise the contribution of the Tyne riverside in North and South Tyneside to the regeneration of the Tyne and Wear City Region. Reference should be included to this area in City Region Policy 6 (6a or 6b) to refer to both banks of the river Tyne in North and South Tyneside rather than just South Shields and North Shields. A related reference should be included in Policy 13 Brownfield Mixed Use Developments to include areas in the River Tyne growth corridor in Wallsend and Jarrow/Hebburn.
- 2.9 The Panel has partially but not wholly supported the Tyne and Wear districts' request that greater priority should be given to the improvement and protection of the environment in the conurbation, important for retaining and attracting residents and employment. It recommends for the Tyne and Wear City Region Policy the establishment of strategic networks of green infrastructure linking existing and proposed green spaces with green corridors through the urban area.

ECONOMIC PROSPERITY AND GROWTH

- 2.10 **Employment Land** In Tyne and Wear the Panel accepts that employment growth will gravitate to the urban cores. It recommends increasing employment development on brownfield land and around transport hubs, in line with representations from the joint districts. It also accepts the argument that it would be unsustainable for Tyne and Wear to have to rely on employment sites in Durham and Northumberland to make up an apparent shortfall. To address this matter the Panel proposes de-allocation of peripheral employment sites commensurate with identification of land in the core areas. However it does not propose how this should be undertaken and indeed does not make any amendments to the amounts of land allocated to each district in the North East in Policy 18. This lack of direction from the Panel, unless clearly addressed by the Secretary of State, will leave a major issue to be resolved by the local authorities and NEA. This would have a knock on effect for the preparation of Local Development Framework Core Strategies and related plans.
- 2.11 **Prestige Sites** Amendments to 'Prestige Employment Sites' in peripheral parts of the region are proposed by the Panel, supporting Tyne and Wear views. In particular the Panel seeks to resist further B1

offices on business park type developments on peripheral sites, reflecting the thrust of national guidance in PPS6.

- 2.12 **Tyne Wear Park** However the Panel also recommends deletion of Tyne Wear Park (South Tyneside). This is a major upset to the strategy for Tyne and Wear. It will reduce the RSS identified supply by 90 ha, equivalent to about 18 months development at current rates (leaving about 12 years supply). The identified land supply for the three authorities south of the Tyne amounts to about half of the total for Tyne and Wear. Loss of Tyne Wear Park would reduce potential supply for these authorities by more than 20%.
- 2.13 It is of some concern that the Panel appears to have placed much of its reason for deletion of the site on a visit to the Port of Sunderland, the report stating, *“With large brownfield sites such as this situated at the heart of the urban core it would seem perverse to retain or allocate further Greenfield sites in more peripheral locations around Tyne and Wear for longer term growth.”* However this comment does not take account of the realities of the location of the Port of Sunderland in relation to the sub-region nor the difficulties in bringing it forward in even the medium term.
- 2.14 **Land Supply** The Panel also recommend extending the period for identifying supply of employment land to 25 years. This could assist authorities in protecting existing employment sites from undesirable changes of use. A concern here is that the recommendation to identify a 25 year supply has been incorporated into Policy 18 (land supply) but no alteration has been made to the amounts of land allocated in the policy’s table. The extended period might lead to a need to identify further employment sites in Tyne and Wear, particularly to serve Gateshead, South Tyneside and Sunderland. Whilst the NEA has begun a study of regional land supply no end date for its completion has been set.
- 2.15 A possible issue for Tyne and Wear authorities in identifying brown field employment land is the Panel’s recommendation under housing Policy 30 that the Tyne and Wear sub-region should provide 80% of the sub-regional housing target on previously developed land (Brownfield). This may restrict the authorities’ ability to identify additional brownfield employment sites.
- 2.16 **Offices** The Panel has introduced a new Policy 18A to control the allocation of B1a office development. This requires that proposals on strategic locations not in a city or town centre must show that they cannot be accommodated there, or on a regional brownfield mixed use site, and that they will not put strategies in local development documents at risk. However it is considered that this is still too open to interpretation. Whilst individual proposals might not be seen as breaching local planning strategy, an accumulation of individually approved proposals could. This would lead to the possibility of

intensive office employment occurring in unsustainable locations away from town centres and inaccessible by public transport, exacerbating commuting by car.

- 2.17 **Airport Related Land** The Tyne and Wear districts were concerned to prevent land reserved for airport related use becoming part of the general employment land supply, in competition with other more sustainable strategic sites. The Panel has taken account of these concerns by excluding consideration of non-airport related uses at airports and has proposed a list defining 'airport related' development.

HOUSING

- 2.18 **Housing Numbers** The Panel has recommended increased net additional housing provision, from RSS 107,000 to 112,000. It has increased the Tyne and Wear allowance from 45,000 to 46,400, though the proportion of the regional total has marginally been reduced from 42% to 41.5%. The Tyne and Wear authorities requested 100,000 net additional houses for the whole region and 50,000 for Tyne and Wear, so as to limit the amount of Greenfield and unsustainable development in the shire counties, concentrating development where major economic growth is to occur. Furthermore the Tyne and Wear sub-region is in a position to achieve such an enhanced allocation whilst also meeting the target for development on brownfield sites set by the Panel.

NET ADDITIONAL HOUSING 2004 - 2021

	TEES VALLEY	DURHAM	NORTH'LAND	TYNE & WEAR
PANEL PROPOSAL	33,000	19,000	13,000	46,500
CHANGE TO RSS	+ 4,000	-1,000	0	+1,500

- 2.19 The Panel has concluded its housing allocations on the basis of a revised population model produced by NEA at the Examination. The model does not take account of the RSS locational strategy and Government Office has written to the Planning Inspectorate requesting further justification of the Panel's recommendations. This has been partly provided by the Panel but on first reading there appear to be inconsistencies in its argument. A full explanation is awaited.
- 2.20 Amongst Tyne and Wear authorities Gateshead has received a particularly low share of new housing, purely as a result of the workings of the model. If the numbers are not increased substantially the regional strategy to focus housing development in the conurbations where the supply of brownfield land is evident will be frustrated. Newcastle and Sunderland, on the other hand, by the same token have been allocated substantial increases over RSS. Sunderland's allocation broadly supports the numbers put forward in its Interim Strategy for Housing Land.

- 2.21 The Panel, in using the revised model projections, has increased housing allocations for the period 2004 – 2011 in Tees Valley, Northumberland and Tyne and Wear, with a small reduction in County Durham. In the following period 2011 – 2016 all sub-regions receive an increase over RSS, whilst the final period 2016 – 2021 sees a reduction for all sub-regions.
- 2.22 In the early periods of RSS the continued potential for development in Northumberland and Durham over and above existing planning consents will maintain high levels of Greenfield development in certain districts, contrary to the Tyne and Wear request for a reduction of Greenfield potential. The Panel has proposed sub-regional brownfield housing targets to be met by 2008. For Tyne and Wear it proposes a target of 80% of new housing on brownfield land. In Northumberland the target is only 50%, whereas the overall regional target is 70% (the national target is 60%). The Tyne and Wear districts had argued that every authority should meet the national target as a minimum to help reduce the amounts of unsustainable Greenfield development coming forward in rural areas. The retention of high levels of 'easy' Greenfield development will continue to encourage development at a distance from the main centres of employment and hence increase commuting to the main urban areas.
- 2.23 Finally on housing, the Panel in paragraph 7.38 appear to be suggesting that the district-by-district housing allocations can be breached so long as the new housing is on brownfield sites. Another reading of it is that allowing further windfalls beyond the set brownfield target would require consequent reductions in any planned Greenfield housing development to hold to the overall allocation of housing. It is not clear from the paragraph or the proposed modification to Policy 30 and this is an important point requiring clarification.

WASTE MANAGEMENT

- 2.24 The Panel Report recommends modification of RSS Table 2 to include the disaggregated waste arisings for the Borough Council areas in Tees Valley and Tyne & Wear. It recommends amending the supporting text relevant to Table 2 to indicate the figures in Table 2 are regarded as interim guidance only until more refined data is available. New information should be available in Spring 2007. However, the Tyne and Wear districts are concerned as to the accuracy of disaggregated figures that are contained in a recent consultant's study. The imposition of rigid limits could be at odds with the provisions of PPS10 which implies that a benchmark approach to performance should be provided. It would seem more appropriate to wait for the Spring 2007 figures than use earlier data that is not supported by the Tyne and Wear authorities.

CONNECTIVITY

- 2.25 The Panel is not convinced that the package of transport proposals set out in RSS provides the proper balance to reflect the spatial strategy, nor are the resources likely to be available to support all the proposals. They consider that even if major highways schemes are eliminated from the list there would still be insufficient resources to ensure the implementation of the major public transport schemes. The Panel considered that it did not have the information required to carry out a proper review of the balance of the package of proposals or the priorities set out in RSS Table 3. It therefore has recommended that the content of the transport package be reviewed, leaving the region somewhat in limbo on transport schemes planning without intervention.
- 2.26 In regard to Tyne and Wear, the Panel did not accept Tyne and Wear districts' recommendation that revitalisation of the Metro should not be "long term" and left it with that status. However the proposed review of schemes could allow for reconsideration.
- 2.27 The Panel has only tinkered with Policy 51 that deals with regional public transport provision. There is a marked lack of ambition in its approach to developing sustainable transport in all its variety and in particular the issue of how to achieve a better public transport system has not been addressed by the Panel.

3. MATTERS OF INCONSISTENCY, AMBIGUITY AND REVIEW

- 3.1 Several matters are inconsistently handled or ambiguously treated by the Panel, sometimes across different sections of the report. These matters are referred to in Annex 1 to this report. They are largely related to employment land and housing provision. It is hoped that the inconsistencies and ambiguities will be addressed by the Secretary of State in preparing final RSS.
- 3.2 The Panel also seeks not to follow through some of its thinking in this RSS, for instance the use of housing market areas for the allocation of housing, but to leave these matters for review and possible inclusion at the next round of RSS. These are set out in Annex 2 to this report.

4. CONCLUSION

- 4.1 The Panel has given a mixed response to Tyne and Wear Joint Districts' concerns:
- Sustainable employment locations are given greater support.
 - Offices are to be concentrated in city centres.
 - Phasing of development across the City Region is not accepted.
 - No support is given to regional reduction of additional housing, nor 50% for Tyne and Wear

- Some additional control has been placed on rural Greenfield employment development but the potential for Greenfield housing is still of great concern.
- Enhancement of public transport does not meet RSS sustainability aspirations, with the Tyne and Wear Metro revitalisation being left as 'long term'.

4.2 The level of inconsistency and ambiguity in the Panel report is worrying, as is the deletion of the Tyne Wear Park Prestige Employment Site from the plan without identifying replacement land.

THIS REPORT WAS PREPARED BY THE DIRECTOR OF DEVELOPMENT AND REGENERATION SUNDERLAND ON BEHALF OF THE TYNE AND WEAR DISTRICTS.

ANNEX 1: ISSUES WHICH ARE CONSIDERED INCONSISTENT OR AMBIGUOUS		
Issue	Comments	Panel Report
Metrocentre	The Panel Report recommends "that any proposals for the extension or redevelopment of the Metrocentre are justified in terms of the need for the development, the sequential approach and the impact on the vitality and viability of urban rural town centres." This is inconsistent with the Panel recommendation for Policy 26 which states "No provision should be made for additional retail or leisure development at the Metrocentre or the surrounding retail complex".	Policy 6.3 (c) / Policy 26
Tyne Wear Park	The Tyne Wear Park Prestige Employment Site is recommended for deletion from the RSS (Paragraph 5.61) however, the site remains within the edited table incorporated in Policy 18 (Appendix C, Pages C29 – C30) of the Panel Report.	Para 5.61 / Policy 18
NET Park	The NET Park Prestige Employment Site is recommended to be restricted to 13ha however ambiguity is created relating to the definition of a Prestige Employment Site: How is this 13 ha site essentially different to other non-Prestige sites within the Tyne & Wear Region offering a similar size and employment capacity.	Para 5.62
De-allocation of Peripheral Sites	The Panel Report recommends peripheral employment sites in counties adjoining Tyne and Wear are de-allocated commensurate with the supply of sites within the urban core (Policy 18 (d)). Whilst the concept of this recommendation is considered clear, ambiguity exists as no guidance is provided for the proposed delivery, implementation and monitoring procedures for a workable policy.	Policy 18
Office Development	New Policy 18A includes a mixture of terms, some of which are not defined in RSS, viz: "Other strategic employment land locations"; "regional brownfield mixed use development"; "major brownfield mixed use development". Greater clarity and definition is needed.	Policy 18A
Airport development	Panel recommend its airport related use list be referred to in the revised Policy 21 but have omitted to do this in Appendix C.	Rec 5.3 / Policy 21
Clearance and Compensatory Housing	Clarification is required to confirm whether compensatory housing provision should be made for houses demolished due to abandonment in areas of low demand. Policy 29 (Paragraph 2) provides limited guidance regarding the issue, significantly diluting the previously robust guidance provided within Policy H2 of RPG1 (Nov 2002).	Policy 29
Regional Brownfield Mixed-use Developments	The Panel Report recommends the title of Policy 13 should be changed to a more generic title such as "Brownfield Mixed-Use Developments". An inconsistency arises as the title has not been changed in the table within Policy 18.	Para 5.43 / Policy 18
Employment Land Supply / Brownfield Targets	The Panel recommends a target for Tyne and Wear of 80% of future dwellings to be built on brownfield land; however the Panel Report also recommends authorities provide a supply of employment land for a 25 year period, looking to Tyne and Wear to identify more brownfield and land close to transport hubs. Meeting the high housing target could cause problems in identifying new employment sites.	Para 5.41 – 5.46 / Policy 18 / Para 7.36
Inaccurate Calculation of Tables	Inconsistencies exist throughout the tables within the Panel Report relating to the provision of dwellings, these include: Total Dwelling Construction (Policy 28): The sum of the	Policy 28 / Policy 29

	<p>columns is 319 dwellings over the totals provided in the table.</p> <p>Improving the Housing Stock (Policy 29): The table is 10 dwellings over the totals provided in the table.</p> <p>Dwelling Provision (Policy 30): The table is incorrect with only 2 sub-tables (out of a total of 16) correct.</p> <p>Furthermore, no explanation is provided as to the discrepancies existing in the 3 tables within the housing chapter, viz: the sum of gross housing (pol 28) less demolitions (pol 29) is 10,000 dwellings less than the net housing additions (pol 30)..</p>	/ Policy 30
Monitoring of Mixed-use Sites	Ambiguity exists through limited guidance being provided, relating to the monitoring of mixed-use sites. Mixed-use sites may include residential, leisure, retail and other uses, often occupying similar amounts of floorspace (high-rise flats, tiered developments offering ground floor retail use and allowing either residential or office space above) resulting in difficulties for monitoring employment land.	Para 5.41 – 5.46

ANNEX 2: MATTERS FOR FURTHER REVIEW PROPOSED BY THE PANEL		
Topic	Matter for Review	Panel Report
Housing	The Panel recommend the next Review of housing matters should be based on broad city region housing market areas; take into account the implications of local housing market areas, which cover more than a single local authority area; recognise mobile elements of demand across the city regions and also at the local housing market level; provide greater transparency on the application of strategic decisions. They conclude there is a need to provide a framework for an approach to the housing requirement assessment for the next Review of RSS1.	Para 1.55
Employment	The Panel are of the opinion that employment land requirements should be based on analysis at city region level, and more consideration should be given to the contribution expected from particular parts of the city regions. However, they do not consider it is practicable to recast the Submission Draft at this stage, but recommend that a city region approach be adopted at the next RSS Review.	Para 1.38 Rec 5.1
Centres	The Panel are of the opinion there is a need for a more explicit statement dealing with the future of centres at a level below that set out in Policy 25 to provide a context for these strategic choices. They expect the RSS to include guidance on the future of centres such as Redcar and South Shields, and the balance to be struck between such centres and the major centres set out in Policy 25. Further work should be done to allow the next RSS Review to set out a more extensive hierarchy and provide guidance on the future of the hierarchy.	Para 1.51
Urban & Rural Centres & the Metro Centre	Further work should be done to allow the next RSS Review to set out a more extensive hierarchy and provide guidance on the future of the hierarchy.	Rec 6.1 (b)
Sustainable Development	The regional climate change impacts report, 'And the Weather Today is', is to be updated and used to improved understanding of regional impacts and opportunities and used to make appropriate changes during the RSS review process.	New Policy 2A – 1 (b)
Vision and Strategy	The Panel are of the opinion that the balance of evidence supports the proposed economic growth rate and that any under performance can be dealt with through the Plan Monitor and Manage and Review processes.	Para 2.24

Housing	The Panel recognised that the evidence submitted relating to the sub-regional approach did not adequately reflect the way the housing markets in the Region operated. However, they considered it would be impractical to recast the assessment in the Submission Draft and considered that the geographic dimensions should be applied to future housing forecasts.	Para 7.14
Housing	The next review of housing matters should: a) Be based on broad city region housing market areas b) Take into account the implications of local housing market areas, which cover more than a single local authority area; c) Recognise mobile elements of demand across the city regions and also at the local housing market level; and d) Provide greater transparency on the application of strategic decisions.	Rec 7.2
Housing	The Panel recommend the next review of the RSS should be supported by a consistent approach across the region to the assessment of land supply, particularly the assessment of urban capacity.	Rec 7.5 Rec 7.8
Transport	The Panel recommends authorities: a) Review the content of the transport package with a view to achieving a more balanced approach. b) Reconsider the priorities set out in Table 3 (of the Draft RSS)	Rec 9.1

**STUDY INTO ROAD SAFETY AND CHILD PEDESTRIAN ACCIDENTS WITHIN
THE CITY – PROGRESS REPORT****LINK TO WORK PROGRAMME – POLICY REVIEW AND DEVELOPMENT****Report of the City Solicitor****1. Purpose of the Report**

- 1.1 To update the Review Committee on the progress being made in implementing the recommendations of its study into road safety and child pedestrian accidents.

2. Background

- 2.1 During 2005/06, the Review Committee conducted a policy study into road safety and the level of child accidents in the city.
- 2.2 The final report was approved by the Committee on 24 April 2006 and referred to the meeting of the Cabinet held on 7 June 2006. The Cabinet accepted the report.
- 2.3 In order to monitor the progress currently being made on this issue, provision has been made in the annual work programme for an update report.
- 2.4 Layton Rahman, Principal Engineer will be in attendance to update the Committee on the progress being made.

3 Progress on Recommendations of the Committee

- 3.1 As a result of its study the Committee made a number of recommendations. These are set out below:-

a) that the targets set out in the Local Road Safety Action Plan should be regularly reviewed and that progress reports should be submitted to this Committee

b) that further research be carried out to:

Isolate the specific reasons why Sunderland has a greater child pedestrian casualty problem.

Determine why the age group 5-9 is most at risk as pedestrians.

Identify the reason for the significant improvements to the child pedestrian casualty rate for 2004.

- c) that the Council should further investigate the potential of Homes Zones and the lessons learnt from the experience of the Staithes development in Gateshead and the Square Route Scheme at New Herrington
- d) that the Council continue to deliver local publicity campaigns promoting road safety and driver awareness through the national and local media.
- e) that the Council, with its partners, should develop the existing speed management framework into a comprehensive Speed Management Strategy
- f) that there needs to be continued joint working both between Directorates of the Council and neighbouring health and local authorities in order to maximise the use of available resources.

3.2 Layton Rahman, Principal Engineer will be in attendance to update the Committee on the progress being made.

4 Recommendation

4.1 That the Review Committee consider the progress currently being made in relation to its recommendations.

5. Background Papers

Agenda & Minutes Environment and Community Services Review Committee
Environment and Community Services Review Committee – Final Report into Road Safety and Child Pedestrian Accidents 2006.

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**ENVIRONMENTAL AND PLANNING REVIEW
COMMITTEE**

11 DECEMBER 2006

AUDIT SUMMARY REPORT: BETTER SCRUTINY

REPORT OF THE CITY SOLICITOR

1. Purpose of Report

- 1.1 To provide the Committee with a report following a workshop facilitated by the Audit Commission for members involved in Review Committees. The report includes an action plan to take forward the issues arising from the workshop.

2. Background

- 2.1 In 2004 Audit Commission carried a review of the Council's scrutiny function. On 10th November 2006, this was followed up with a one-day workshop to which all Council members were invited.
- 2.2 The objectives of the workshop were to critically examine the scrutiny function and to promote a better understanding of the scrutiny role in terms of its contribution to both service improvement and performance management.

3. Approach to the Workshop

- 3.1 The content of the workshop was based on:
- How the Review Committees currently function
 - Key documents, especially the Council's Overview and Scrutiny Handbook and minutes/agendas
 - Best practice observed elsewhere.
- 3.2 The workshop was structured around four interactive exercises:
- Expectations of scrutiny - relative roles of officers and members, and desirable behaviours at scrutiny meetings
 - Purpose of scrutiny - content and management of agendas
 - Constructive challenge through scrutiny
 - Identifying actions that will lead to building on what has already been achieved and providing better scrutiny meetings.

4. Main Outcomes

4.1 Expectations of scrutiny

Expectations of officers attending review committee. Participants identified the need for:

- Clear, unambiguous reports - written and verbal, in plain English and jargon free. Oral reports should be made on the assumption

that the report has been read and therefore there is no need to repeat it;

- A culture of openness - reports should include all key information relevant to ensure good understanding and not just present a partial picture;
- Availability of the appropriate person – those attending should be sufficiently senior but able to answer detailed questions;
- The importance of not patronising members.

Expectations of members at Review Committee. Participants identified the need for:

- Constructive challenge on reports;
- Respect and politeness to be shown to presenters;
- The ability to voice public concerns; and
- Reports to have been read before meetings.

Following a self-assessment exercise, participants generally felt that they were being challenging and adding value through their review committee work, but that there was scope to improve the clarity of officer reports and quality of questioning.

Members also identified the potential to promote more vigorously the role and impact of scrutiny work, e.g. through Council media releases.

4.2 Purpose of scrutiny

Participants considered the purpose of scrutiny as set down in the Council's handbook and Audit Commission Corporate Assessment Key Lines of Enquiry. They were invited to review recent committee agendas and assess how well they were meeting these requirements.

Members identified a number of positive examples of scrutiny exercises, in particular the review of the Port Regeneration Initiative, which they thought had provided an early opportunity for public consultation, going beyond the statutory requirements, demonstrated Members' commitment to addressing public concerns and contributed to improved value for money. Where Review Committees had undertaken more detailed reviews they thought that these had worked well and that committees should undertake more of this type of activity.

Cabinet member attendance was welcomed and encouraged but members were concerned that if there were a large number of referrals from cabinet this could impact on the time available to members to carry out detailed review work.

Members also identified that sometimes the list of agenda items was too long and it wasn't always clear why some items were there. Facilitators expressed the view that most scrutiny meetings worked better with short agendas, when the purpose of each agenda item was clearly defined, and when similar types of item were grouped together.

Members were invited to reconsider the role of briefings in scrutiny agendas and it was noted that some recent briefings e.g. on 2012 Olympics was of general interest and could usefully have been separated from the main business of the scrutiny committee, and publicised to a wider audience in terms of members, Council staff and the public. A discussion took place as to the potential for:

- More proactive advertising of "general interest" briefings to be held outside the Committee process.
- Use of different meeting times and venues, including community-based venues, as an alternative to meeting in the Civic Centre.

4.3 Challenge through scrutiny

A role play exercise was undertaken based on the facilitators' observation drawn from a range of local authorities. This gave members the opportunity to identify and avoid poor practice, and indicated that they had a good understanding of how to undertake effective challenge. It was stressed that:

- Challenge needed to be based on accurate performance and financial information, for example the extent to which the Council was meeting targets. Externally set expectations needed to be clear and public concerns and perceptions needed to be addressed without overemphasising anecdotal experiences and individual cases.
- Questions should lead to action points with processes in place to ensure that these are followed up at future meetings.

5. **Next Steps**

- 5.1 Participants were asked to reflect and to identify key areas for improvement both within their control and where they would need additional support to effect change.
- 5.2 The areas identified for development are set out in the draft Action Plan at Appendix A.

6. **Recommendation and Conclusion**

- 6.1 Members are recommended to consider the Action Plan and adopt this, subject to any amendments agreed at this meeting.

7. **Background Papers**

Audit Summary : Better Scrutiny Meetings

Contact Officer : Karen Brown 0191 553 1004

Action Plan for Better Scrutiny Meetings

Action 1.	To seek more public involvement and awareness of the work of the Review Committees.
	<ul style="list-style-type: none"> • All Review Committee to explore occasional meeting venues outside of the Civic Centre. • Explore links between themes on agenda and associated venues e.g. meet in library when considering library service targets. • Further enhancement of website to publicise meetings.
Action 2.	To adopt more use of media releases to publicise the work of the Review Committees.
	<ul style="list-style-type: none"> • Anticipate possible media interest at each monthly coordination meeting. • Consider possible topics for media release after each Review Committee meeting.
Action 3.	To limit the number of items for detailed scrutiny taken to each Review Committee meeting and have more clarity why each item is on the agenda.
	<p>Chairman to work with support officers prior to the meeting to:</p> <ul style="list-style-type: none"> • Focus on delivery of the annual work programme • Defer work programme items only when essential and clear reasons to be reported through the Policy & Coordination Review Committee. • When taking new items of business, balance the need for new and emerging issues with existing items of business • Categorise items on the agenda i.e. information/briefing items to be separated on the agenda from scrutiny items.
Action 4.	To ensure agenda items intended as information briefings on current issues are considered in the appropriate context.
	<ul style="list-style-type: none"> • Communications team to consider improved information briefings to members to reduce the need for briefings through review committees. • Chairman to be consulted on briefing items to ensure the best method for disseminating information. • If appropriate, consideration be given to provide briefings to a wider audience e.g. other members, staff and the general public to aid a more cross-cutting approach.
Action 5.	To ensure reports to Review Committees are written in a style which is clear, concise, and jargon free.

	<ul style="list-style-type: none"> • Template for Review Committee reports to be re-worked to include a checklist of key issues to be included in the reports and to specify format/content/length. • Exception reporting to be used • Contextual reporting e.g. benchmarking with other authorities, historical performance.
Action 6.	To develop a set of common expectations that will contribute to improving scrutiny.
	<ul style="list-style-type: none"> • Review Members to meet with senior officers to discuss and agree a set of common expectations.
Action 7.	To aid development of confidence and skills in questioning and challenge.
	<ul style="list-style-type: none"> • Ongoing training and support to Members in developing questioning skills in addition to that already provided as part of induction.
Action 8.	To carry out more detailed reviews in key service areas
	<ul style="list-style-type: none"> • Develop and build on the strong foundation already established in the area of detailed policy reviews. • Explore the possibility of providing scrutiny support in terms of research activity.
Action 9.	To achieve consistency, clarity and better documentation around decisions and action arising at Review Committee meetings.
	<ul style="list-style-type: none"> • To ensure that what is agreed is done and reported back, the actions list already in use for post-committee agreement with the Chairman be further developed and implemented.

REPORT OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION AND THE CITY SOLICITOR

DECriminalISED PARKING ENFORCEMENT – ACTION PLAN UPDATE

1.0 PURPOSE OF THE REPORT

This report is to inform the Committee of the progress made with regard to the action plan developed from the post implementation review of the Council's Decriminalised Parking Enforcement (DPE) regime.

2.0 BACKGROUND

2.1 Members will recall previous reports on the progress made in the implementation of measures to remedy deficiencies in the Decriminalised Parking Enforcement (DPE) regime, most recently at the Committee's meeting on 18th September 2006.

2.2 The action plan addresses all the recommendations made as a result of the post implementation review of the DPE regime.

2.3 The difficulties associated with recruiting and retaining staff for the Transport and Engineering Service has been reported previously to the Committee.

A recent recruitment exercise for the 21 vacancies within the service resulted in 3 appointments being made. During the same period 2 members of staff retired.

2.4 Despite the staffing difficulties progress has continued in implementing the recommendations contained in the action plan appended hereto.

3.0 ACTION PLAN AND PROGRESS

3.1 There are twenty four recommendations in the plan, with timescales and responsibilities identified, together with comments on the action to date.

3.2 Progress has been achieved in the development of procedures for the introduction of TRO's and the implementation of schemes.

3.3 Other procedures will be introduced progressively, however the resource issue continues to be a problem.

3.4 The on site validation process of TRO's has been on-going. Amendment schedules have been prepared and the administration process of introducing new Orders has commenced.

The timetable for completion of this process is dependent to a large degree upon the responses received from the informal and statutory consultation.

On site checking will continue, and where necessary additional orders may be introduced.

4.0 RECOMMENDATIONS

4.1 The Committee is recommended to consider and note the contents of this report.

5.0 BACKGROUND PAPERS

5.1 Joint meeting of the Policy and Co-ordination Review Committee and the Environmental and Planning Review Committee 26 January 2006.

5.2 Environmental and Planning Review Committee 12 December 2005.

5.3 Environmental and Planning Review Committee 20 June 2006

5.4 Environmental and Planning Review Committee 18 September 2006

DPE ACTION PLAN – PROJECT BOARD MONDAY 27th November 2006

No.	<u>Recommendations</u>	<u>Action</u>	<u>Target Date</u>	<u>Progress</u>	<u>Responsible</u>	<u>Comments</u>
1	<p>The system for the handling of requests for schemes and tracking of progress be revised and controls introduced to ensure compliance. Once agreed this system should be formally documented.</p>	<p>The existing spreadsheet system is to be reviewed to determine whether it allows for the efficient and effective management of processing and tracking of requests. Any deficiencies identified and improvement action agreed.</p> <p>Consider how best to deal with telephone requests and acknowledgements including the recording of data on spreadsheet system</p> <p>System used for this work is to be documented (including procedures for management review to ensure compliance). Staff are to be briefed on the requirements of the procedure.</p> <p>Written service standards will be developed in relation to the processing of requests (e.g. response times) accompanied by appropriate performance management arrangements.</p>	<p>19 May 2006</p> <p>19 May 2006</p> <p>16 June 2006</p> <p>30 June 2006</p>	<p>Complete</p> <p>Complete</p> <p>Complete/ Ongoing</p> <p>Complete/ Ongoing</p>	<p>Head of Transport and Engineering/ Manager</p> <p>Head of Transport and Engineering/ Manager</p> <p>Head of Transport and Engineering/ Manager</p> <p>Head of Transport and Engineering/ Manager</p>	<p>The review of the existing system has concluded that improvements can be made.</p> <p>Telephone requests for service are recorded within the system.</p> <p>Availability of management resource is affecting the implementation of all of the systems described in this action.</p> <p>Procedures have been prepared for the section, some are in use, others are in draft form.</p>
2	<p>Pending completion of the above improvements, the existing records should be reviewed to determine the position for live requests.</p>	<p>Current spreadsheet to be reviewed to determine the position for cases where no acknowledgement or no full response date has been recorded. If any cases are found where no response has been issued, the Traffic, Parking and Road Safety Manager will consider the appropriate action to take.</p> <p>The schemes with merit will be reviewed on a</p>	<p>30 Sept 2006</p> <p>31 Jan 2007</p>	<p>Ongoing</p> <p>Ongoing</p>	<p>Manager in consultation with Head of Transport and Engineering</p>	<p>To be completed within the target date.</p> <p>Review to be completed</p>

No.	<u>Recommendations</u>	<u>Action</u>	<u>Target Date</u>	<u>Progress</u>	<u>Responsible</u>	<u>Comments</u>
		quarterly basis and the list will be revised / updated as necessary in consultation with Director of Development and Regeneration and Portfolio Holder as appropriate.				in Jan 2007-
3	A conclusion be reached as to whether computerisation of part or all of the process would improve efficiency and effectiveness.		30 th June 2006 Revised date	Ongoing	Head of Transport and Engineering	Logging of requests is now via a single system. Review to determine viability of extended system.
4	The system for making, logging, referencing and storing of TRO's, and the system for the retention of supporting documentation, be revised in line with good practice, incorporating suitable controls to ensure compliance with the Regulations in all cases. Once agreed this system should be formally documented.	Models operated by other Authorities to be researched to identify good practice. Once agreed, the optimal solution will be implemented	30 Sept 2006	Complete/Ongoing	Head of Transport and Engineering / Assistant City Solicitor	All original TROs are now stored in the Deeds rooms and copies have been provided to Engineering staff. There has been a limited response from other Authorities with regard to existing procedures. To date only one helpful response has been received. Sunderland City Council will continue to develop and refine processes and procedures. Identification of best practice across this service area will continue. The current system is documented by virtue of the cross directorate

<u>No.</u>	<u>Recommendations</u>	<u>Action</u>	<u>Target Date</u>	<u>Progress</u>	<u>Responsible</u>	<u>Comments</u>
		<p>In the interim, the current system (spanning both the Traffic Team and Legal Services) will be evidenced, any weaknesses addressed (including formal communication arrangements) and staff briefed on the requirements. Enhanced quality assurance arrangements (including checklists and increased supervision) will be put in place to ensure compliance with the written procedures.</p>	9 June 2006	Complete/Ongoing		<p>procedure document, which has been drafted and is in the process of review. Within the Directorate a notification of TRO has been formalized.</p> <p>A checklist identifying milestones in the TRO process has been prepared. A spreadsheet has been developed listing the progress of new TRO's and is used as a monitoring document at liaison meetings.</p>
5	<p>Improved communication arrangements between the Development and Regeneration Directorate and City Solicitor's Department should be developed</p>	<p>Monthly liaison meetings to occur between the Traffic Team, Parking Team and Legal Services with a standing agenda.</p>	28 April 2006	Complete	<p>Head of Transport and Engineering / Assistant City Solicitor</p>	<p>Liaison meetings are taking place and will be programmed accordingly.</p> <p>All amendments /clarifications will be discussed in detail</p>

No.	<u>Recommendations</u>	<u>Action</u>	<u>Target Date</u>	<u>Progress</u>	<u>Responsible</u>	<u>Comments</u>
		Opportunities for developing team working skills and behaviours between Traffic, Parking and Legal staff with TRO responsibilities are to be explored.	26 May 2006	complete/on going	Head of Transport and Engineering / Assistant City Solicitor / Corporate Head of Personnel	between Traffic and Legal staff prior to formal advertisement. A course for writing TRO's has been attended by representatives from Traffic and Legal. This is an area of continuing development and will be improved and will be on going.
6	The potential impact, if any, of the areas of non-compliance should be identified and any necessary action taken.	The areas of non compliance are to be considered in detail and remedial actions taken where appropriate.	14 July 2006	On going	Assistant City Solicitor and Head of Transport and Engineering	As part of this consultants have undertaken surveys of the TRO's across the City. This will allow for any clarifications or amendments to existing orders to be made. A further review of TRO's across the City is ongoing with a projected completion date of November 2006. Minor amendments identified as part of the review will be subject to the statutory consultations and process.
	The computerised system	Park Map to be updated with consolidation order	24 Feb 2006	Complete/On	Head of Transport	Consultants have been

No.	<u>Recommendations</u>	<u>Action</u>	<u>Target Date</u>	<u>Progress</u>	<u>Responsible</u>	<u>Comments</u>
7	for the recording of TROs be kept up to date or an alternative IT solution developed and maintained.	and amendment order. The effectiveness and functionality of Park Map is to be reviewed against alternative ICT solutions.	1 July 2006	going Complete	and Engineering Head of Transport and Engineering / Assistant City Solicitor	used to update the Parkmap system with the schedules included within the 2003 Consolidation Order and 2006 Amendment Order. A process of verification is programmed. Training in the use of Parkmap has been given by the software supplier Buchanan. D&R have reviewed Parkmap and approved the system. An order has been placed with Buchanan's for an upgrade to a networked system. The system is now networked but further training of staff is required to realise the potential of the system.
8	The responsibility for ensuring that the lines and signs placed on site, in respect of new TRO's, is held by the Traffic, Parking and Road Safety Section and that appropriate arrangements are developed to meet that responsibility.	Current organisational arrangements are being reviewed in order to address this recommendation.	28 April 2006	Completed	Head of Transport and Engineering	Current organisational arrangements have been examined this suggests that organisational changes may be necessary and changes will be subject to reports to the appropriate Committee.

No.	<u>Recommendations</u>	<u>Action</u>	<u>Target Date</u>	<u>Progress</u>	<u>Responsible</u>	<u>Comments</u>
		Implement new organisational arrangements along with protocol for signing off TRO signing and lining prior to enforcement	28 July 2006	Ongoing	Head of Transport and Engineering	<p>Any resultant establishment change will be subject to approval and the ability to attract suitably qualified and experienced personnel.</p> <p>Current practice is being developed into new written procedures.</p> <p>The draft procedures are being introduced and refined with experience. Reference Recommendation 1.</p> <p>The staffing issues within the section remain unchanged.</p> <p>Notwithstanding this situation significant progress has been made. As reported in Recommendation 5 and 6.</p>
9	Revised arrangements are introduced for the inspection and maintenance of lines and signs in relation to parking restrictions, considering the options for	NCP instructed to carry out inspection of lines and signs as part of their patrolling. NCP to be provided with Training in order to undertake this role.	2 Feb 2006 26 May 2006	Complete Complete	Head of Transport and Engineering Head of Transport and Engineering	Procedure in place

No.	<u>Recommendations</u>	<u>Action</u>	<u>Target Date</u>	<u>Progress</u>	<u>Responsible</u>	<u>Comments</u>
	<p>co-ordination with the other highways inspection and maintenance arrangements. The revised arrangements should be formally documented and agreed.</p>	<p>Procedure for reporting problems, placing orders for remedial action and monitoring progress of works to be fully documented, including quality assurance to ensure compliance with the written procedures.</p> <p>Reports provided and checked as part of monthly invoice.</p>	<p>31 March 2006</p> <p>1 April 2006</p>	<p>Complete</p> <p>Complete</p>	<p>Head of Transport and Engineering</p> <p>Head of Transport and Engineering</p>	<p>Procedure in place and any improvements in service will be subject to the ability to increase resources in this area.</p>
10	<p>As a precaution, appropriate checks be made to ensure that formal project management arrangements are being operated throughout the Directorate.</p>	<p>A review of the current position is to be undertaken and the findings considered by the Directorate Management Team.</p> <p>Reports to DMT on regular basis re project management arrangements in place and progress on key projects.</p>	<p>July 2006</p> <p>31 March 2006</p>	<p>Complete</p> <p>Ongoing</p>	<p>Director of Development and Regeneration</p> <p>Director of Development and Regeneration</p>	<p>The current list of projects has been reviewed.</p> <p>Arrangements for the arranging of project management are being revised.</p> <p>DMT regularly discuss project management arrangements and progress on key projects.</p>
11	<p>The Council review the approach to drafting TROs and the level of description included, to one where the description is sufficient to illustrate to the public the nature of the restriction whilst not being unnecessarily specific, whilst still complying with the law.</p>	<p>Legal Services and the Traffic Team to agree the approach for the future.</p>	<p>7 July 2006</p>	<p>Complete</p>	<p>Assistant City Solicitor / Manager, Traffic, Parking and Road Safety and Parking Services Team Leader</p>	<p>Through team development working and liaison as set out in Recommendation 5 above this completed action will be kept under review.</p>
12	<p>Improved communication arrangements should be</p>	<p>Any actions required from this recommendation will be dealt with within Recommendation 5.</p>				

<u>No.</u>	<u>Recommendations</u>	<u>Action</u>	<u>Target Date</u>	<u>Progress</u>	<u>Responsible</u>	<u>Comments</u>
	developed between the two areas.					
13	Any future specifications should remove this potential ambiguity and this should also be formally clarified with NCP.	NCP to be formally written to clarify the current position regarding the specification. Suitable amendments will be made to the specification at the next contract renewal.	4 Feb 2006 October 2010	Complete Ongoing	Parking Services Team Leader Parking Services Team Leader	Completed 5 April 2006 Any new contract will incorporate this and any other necessary changes
14	The Council formally exercise this option as there is no cost implications and photographs are of valuable assistance at appeal.	Instructions to be issued to NCP.	4 Feb 2006	Complete	Parking Services Team Leader	Completed 5 April 2006
15	Information should be routinely provided on a monthly basis in order that the Council can assure itself that the staff deployed on the contract are appropriately training.	Instructions to be issued to NCP and added to Standing Agenda.	4 Feb 2006	Complete	Parking Services Team Leader	Completed 5 April 2006
16	The Council keep the NCP training material under review to ensure it is in line with legislation, the contract specification and Council	Item to be included on the Standing Agenda with NCP NCP to be requested to submit significant variations to their training material to the Council for review.	4 Feb 2006 22 June 2006	Complete On going/complete	Head of Transport and Engineering Head of Transport and Engineering	Completed 13 April 2006 Completed

<u>No.</u>	<u>Recommendations</u>	<u>Action</u>	<u>Target Date</u>	<u>Progress</u>	<u>Responsible</u>	<u>Comments</u>
	policy.	Council to issue to NCP any significant required changes to their training material to address changes to legislation etc. Annual formal review to be undertaken of the training materials.	March 2007	Complete	Manager, Traffic, Parking and Road Safety and Parking Services Team Leader	This review will be undertaken throughout the life of the contract.
17	The warnings should be revised so that the nature of them is clear and so that there is no implication that a payment is required.	Instructions to be issued to NCP. Checks are to be undertaken to ensure that warnings issued are in accordance with instructions issued.	31 March 2006 28 April 2006	Complete Complete	Parking Services Team Leader Parking Services Team Leader	As part of the monthly monitoring of the contract performance
18	A standard agenda be developed for these meetings to ensure key areas are covered.	An agreed Standing Agenda is to be developed and kept under review.	20 Feb 2006	Complete	Parking Services Team Leader / Head of Transport and Engineering	
19	The checks of monthly invoices expected to be undertaken should be documented.	The items to be identified and checked will be documented and review to ensure appropriateness of level of checking	26 May 2006	Complete	Parking Services Team Leader	As part of the monthly monitoring of the contract performance
20	That a written procedure should be drafted covering each stage of the recovery	Procedures to be refined and documented covering all issues and scenarios of PCN issue and debt recovery, to incorporate quality assurance to ensure	16 June 2006	Complete	Parking Services Team Leader	

No.	<u>Recommendations</u>	<u>Action</u>	<u>Target Date</u>	<u>Progress</u>	<u>Responsible</u>	<u>Comments</u>
	<p>process including the identification of PCNs to be written off, obtaining the necessary approvals, and recording the sums as written off within the computer system.</p>	<p>that the written procedures are compiled with.</p> <p>These are to be agreed with Legal Services and Internal Audit</p> <p>Authority will be sought from the City Treasurer to write off irrecoverable sums and such authority will be sought on an annual basis thereafter.</p> <p>Appropriate adjustments should be made on the computer system for all amounts approved for write-off. These adjustments will be suitably controlled and identifiable against the approved write off sum. Adjustments due to write off will be capable of being distinguished from PCNs cancelled for other reasons.</p>	<p>30 June 2006</p> <p>Annually</p>	<p>Complete</p> <p>Ongoing</p>	<p>Parking Services Team Leader</p> <p>Parking Services Team Leader</p>	<p>Procedures have been developed but require consultation with the City Treasurer and City Solicitor before implementation.</p>
21	<p>The Council works with NCP in future in assessing their performance and focusing this improvement</p>	<p>This will be considered as part of the quarterly meeting between NCP and the Head of Transport and Engineering.</p>	<p>13 April 2006</p>	<p>Complete</p>	<p>Head of Transport and Engineering</p>	<p>Quarterly meetings now consider this issue.</p>

No.	<u>Recommendations</u>	<u>Action</u>	<u>Target Date</u>	<u>Progress</u>	<u>Responsible</u>	<u>Comments</u>
	<p>planning process on outcome measures. This should include an assessment of how the contract and NCP's performance contributes to the achievement of the Local Transport Plan and Council Parking Policy.</p>	<p>Discuss with other DPE Authorities about benchmarking initiatives</p>	<p>30 May 2006</p>	<p>Ongoing</p>	<p>Parking Services Team Leader</p>	<p>Information has been obtained from another DPE Authority. Work is on going in the development of suitable performance indicators for the City.</p> <p>From the information available it would appear that the KPI's which are in use are comparable with similar Authorities who are operating DPE.</p> <p>This is an area where further development is required and will be linked into the overall Transport Strategy for Sunderland City Council and the Local Transport Plan for Tyne&Wear.</p>
<p>22</p>	<p>Where an appeal is allowed, the information held in the spreadsheet should be expanded upon to show the reasons for the successful appeal. Similarly, where the Parking Services Team decide not to contest an appeal the reasons for this should also be recorded. This information should be used</p>	<p>PCN record processes protocol to be further developed in order to address this recommendation. Learning points will be discussed at the monthly meetings with NCP or Legal Services where appropriate.</p>	<p>30 June</p>	<p>Complete</p>	<p>Parking Services Team Leader</p>	<p>The recording system has been amended and improved to address this recommendation.</p>

<u>No.</u>	<u>Recommendations</u>	<u>Action</u>	<u>Target Date</u>	<u>Progress</u>	<u>Responsible</u>	<u>Comments</u>
	thereafter to identify any particular trends or problem areas, and to identify issues where the Council or NCP need to take any particular action to ensure that as high a proportion possible of PCNs issued are valid and likely to be upheld at appeal.					
23	The delegation scheme of the Directorate of Development and Regeneration be revisited to ensure clarity as to which officers are responsible for ensuring the DPE scheme is operating effectively, and that the performance monitoring arrangements be reviewed to give the Director assurance in relation to these issues.	Scheme of delegation to be re-visited to ensure that responsibility for the operation of the DPE scheme is clearly allocated. Performance monitoring arrangements to be reviewed to ensure that adequate monitoring and reporting of performance takes place. This will include reporting against the Service Standards which are to be developed as well as a range of other performance information (e.g. response times, no. of cancelled PCN's, no. of appeals and their outcome, no. of complaints, etc.)	30 May 2006 8 September 2006	Ongoing Ongoing	Head of Transport and Engineering and Performance Development Manager Head of Transport and Engineering and Performance Development Manager	The scheme of delegation is currently being reviewed. Any amendments necessary will be made in conjunction with that review. The Directorate has a comprehensive performance monitoring framework. The new service standards/procedures will be incorporated in the forthcoming service planning process for future years.
24	A logging system be developed in order to track progress in relation to all instructions issued to NCP. This log should be regularly reviewed and progress should form part of the	System to be developed along with contract monitoring role. Include as standard item on agenda	30 June 2006 1 Feb 2006	Complete Complete	Parking Services Team Leader Parking Services Team Leader	Completed 20 March 2006

<u>No.</u>	<u>Recommendations</u>	<u>Action</u>	<u>Target Date</u>	<u>Progress</u>	<u>Responsible</u>	<u>Comments</u>
	weekly contract management meetings with NCP.					

Where two or more people are identified as being responsible the bold lettering indicates the lead officer.

**ENVIRONMENTAL AND PLANNING REVIEW 11 DECEMBER 2006
COMMITTEE**

**DECRIMINALISED PARKING ENFORCEMENT – OPTIONS FOR SERVICE
DELIVERY**

REPORT OF THE CITY SOLICITOR

LINK TO WORK PROGRAMME : CALL-IN

1. Purpose of Report

- 1.1 For the Committee to consider whether to review the executive decision taken by Cabinet on 22 November 2006 in relation to the future operational management of parking in the city.

2. Background

- 2.1 The Review Committee has the power to call-in executive decisions made but not yet implemented. The purpose of call-in is to consider whether to recommend that a decision be reviewed by the Executive. A decision may be called in by the Chairman or any three members of the appropriate Review Committee in accordance with the constitution of the Council.
- 2.2 Councillors P Wood, Paul Maddison and M Tansey have called-in the executive decision of Cabinet published on 24th November 2006 in relation to the future operational management of parking in the city. A copy of the report is attached as an appendix.

3. Call-In Procedure

- 3.1 Overview and Scrutiny Committees have the power to call in executive decisions made but not yet implemented and consider whether to recommend that a decision be reviewed by the Executive. Call-in is available where members of the appropriate overview and scrutiny committee have evidence which suggests that a decision has not been taken in accordance with the principles set out in Article 13 (Decision Making) of the Constitution. Call in should only be used in exceptional circumstances and cannot be used in respect of day to day management and operational decisions.
- 3.2 Article 13.02 of the Constitution sets out principles of decision making. This states that all decisions of the Council will be made in accordance with the following principles:
- (a) Proportionality (i.e. the action must be proportionate to the desired outcome);
 - (b) Due consultation and the taking of professional advice from officers;

- (c) Respect for human rights;
- (d) A presumption in favour of openness; and
- (e) Clarity of aims and desired outcomes.

3.3 It is incumbent upon those members who have served the notice to explain why they consider that the principles of good decision-making are not satisfied in this instance.

3.4 If, having considered the decision, the Committee is still concerned about it, then it may refer it back to Cabinet for reconsideration, setting out the nature of its concerns or refer the matter to full Council.

4 **Conclusion & Recommendation**

Members are asked to review the decision taken on the future operational management of parking in the city and are requested to consider whether:

- i. The Committee believes the decision is appropriate (and therefore should be implemented without further delay);
- ii. The Committee has concerns regarding the decision and requests that the decision be reviewed by Cabinet.
- iii. The Committee has concerns regarding the decision and requests that it be referred to full Council.

5. **Background Papers**

Cabinet Agenda 22 November 2006
Sunderland Council Constitution

Contact Officer : James Diamond 0191 553 1396

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CABINET MEETING – 22nd November 2006

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Decriminalised Parking Enforcement: Options For Service Delivery

Author(s):

Director of Development and Regeneration and City Solicitor

Purpose of Report:

To consider options for the future operational management of parking in the City

Description of Decision:

Cabinet is recommended to authorise officers to pursue Option 2 to the extent of delivering on-street enforcement service in-house, and to receive a further report on the implications in due course.

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason for Decision:

Recent publicity over the DPE regime has damaged the City's and Council's reputations and affected public confidence in the off-street enforcement system. Whilst acknowledging NCP's management of on-street parking as satisfactory, there is a need to take decisive action over on-street enforcement activities to help restore confidence and build a better relationship with communities.

Alternative options to be considered and recommended to be rejected:

Section 4.0 of the report outlines 3 core options for future service delivery. Option 2 identifies 'in-house' service provision as a way forward, however, in order to achieve this at the lowest financial impact, it is considered appropriate that a part of the service only, that of on-street service provision, be pursued in this vein, by way of a negotiated variation to the existing contract with NCP.

Is this a "Key Decision" as defined in the Constitution? Yes

Is it included in the Forward Plan?
No

Relevant Review Committee:

Environmental and Planning

DECRIMINALISED PARKING ENFORCEMENT: OPTIONS FOR SERVICE DELIVERY

REPORT OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION AND CITY SOLICITOR

1.0 Purpose of the Report

1.1 To consider options for the future operational management of parking in the City.

2.0 Description of Decision

2.1 Cabinet is recommended to authorise officers to pursue Option 2 to the extent of delivering on-street enforcement service in-house, and to receive a further report on the implications in due course.

3.0 Introduction/Background

3.1 Decriminalised Parking Enforcement (DPE) was introduced in Sunderland in February 2003. Decriminalised parking legislation enabled the Council to take over from the Police the enforcement of on-street waiting, loading and parking restrictions.

3.2 National Car Parks Ltd (NCP) is currently contracted to provide parking enforcement and related services throughout Sunderland until February 2010.

3.3 The contract covers the enforcement of all on-street regulations within the City and the management of the Council's off-street car parks. The contract also provides for emptying and maintenance of Pay and Display ticket machines, the management of initial correspondence, including the processing of 'notice to owner' letters, charge certificates for appeals and receiving penalty charge notice (PCN) payments.

3.4 The broadcast of the BBC Programme "Inside Out" on Monday 2nd October 2006 has raised concerns over the operation of on-street parking enforcement in the City. The principal concerns are:

- Use of discriminatory language among NCP employees;
- Inappropriate references to people with disabilities and to members of minority ethnic communities;

- Possible criminal behaviour;
 - Apparent failure to perform the contract to a standard expected by the Council.
- 3.5 Several meetings have taken place between the Council and NCP, at which the Council's concerns have been stated. NCP has acknowledged its failings and is embarking upon a series of measures to make reparation.
- 3.6 At its meeting on 16th October 2006, the Environmental and Planning Review Committee considered a report, attached at appendix 1, on the issues raised in the BBC programme and received a presentation from the senior management of NCP on their investigations and actions taken and those proposed for the future. Following a debate the Committee resolved to request Cabinet to formally review the contract and the options available.

4.0 Current Position

- 4.1 The BBC programme identified a number of serious issues over the operation of the parking enforcement system in the City. The regional broadcast generated significant public concern over the culture and credibility of the on-street enforcement service and damaged the reputation of the City and the City Council. At the time of writing this report a further national BBC broadcast using previously shown film portraying racist and discriminatory language, is anticipated.
- 4.2 It has been suggested that the DPE regime in the City be "suspended". This is not a position available to the Council as there is no legal basis for it and in any case would result in uncontrolled parking throughout the city to the detriment of the safe and efficient use of roads and parking spaces.
- 4.3 The Environmental and Planning Review Committee was advised on the salient provisions of the contract with NCP (copy attached). In summary, there is a condition entitling the Council to terminate the contract where the Contractor commits a breach of any of its obligations under the terms of contract. Notwithstanding the literal interpretation the question for the Court is whether the cumulative effect of the breaches of the contract are sufficiently serious to justify the innocent party in bringing the contract to a premature end. However, case law shows that the test of what is sufficiently serious is severe. If insufficient grounds exist then the Council would face a substantial claim for damages.
- 4.4 In the light of the above consideration has been given to how the Council may best assure itself as to future service delivery and seek to restore its reputation and that of the City. The following three core options have been identified:

Option 1: Continue with Current Service Provider

- 4.5 In their meetings with and presentation to Members and Officers of the Council, NCP has acknowledged and apologised for behaviour, which was both wrong and unacceptable. NCP also outlined actions being taken to recover the reputation of their organisation and repair damage done to that of the Council's.
- 4.6 NCP believes that there is much objective evidence to suggest that on-street parking enforcement is good and would seek to:
- a) complete their investigations, taking, as appropriate, action against employees, and
 - b) re-launch the service, including improved training, equipment and uniforms, increase management support and develop more proactive stakeholder and community engagement.

Option 2: Provide Parking Services 'in-house'

- 4.7 The Council could decide to manage all or part of the DPE regime 'in-house'. Prior to decriminalisation, the Council undertook directly the management of its off-street parking facilities, and currently the Council has a Parking Services team, which monitors the contract with NCP, deals with formal representations and cases with the National Parking Adjudication Service and debt recovery.
- 4.8 Taking services 'in-house' prior to the natural end of the contract in 2010 has the risk of expensive litigation and potential damages costs as outlined in paragraph 4.3. In order to explore this option further, informal discussions have taken place with NCP management, who have indicated that, whilst reluctant to do so, NCP would be prepared to negotiate with the Council a variation to the contract, which would see on-street enforcement activity being transferred to the Council to undertake direct. This could result in costs to the Council associated with NCP's loss of profit and recovery of overheads on this part of the service, which would form part of any detailed negotiations.
- 4.9 This arrangement would see NCP retaining responsibility for off-street management until the end of the contract. Off-street enforcement has operated satisfactory throughout the course of the contract so far and with approximately 2/3rds of the staff employed though the contract working in these car parks, the status quo here would avoid any additional, larger compensation payments, even if NCP agreed to relinquish their contractual obligations in total.
- 4.10 This option would involve:
- detailed negotiations with NCP in respect of the contract;
 - undertaking TUPE consultations in relation to those staff still in service with the contractors and training those staff;
 - a re-launch of the service with a Customer Charter for the public.

Option 3: Terminate the Contract Early and Procure a New Service Provider

- 4.11 This option would require a fresh procurement process. NCP was awarded the current contract having submitted the most economically advantageous tender. It is unlikely that the Council could demonstrate value for money in terminating NCP's contract and procuring a new one at this stage, and would potentially face the similar risks in relation to protecting the reputation of the Council at the point of service delivery, and substantial claims for damages from NCP.

Proposal

- 4.12 It is proposed that Option 2 to be pursued to the extent of delivering on-street enforcement 'in-house'. Should Cabinet agree in principle to the proposed decision, establishment changes will be necessary to ensure the Council is equipped to manage and operate on-street enforcement activity. Discussions will also be necessary with NCP to agree the precise details of a contract variation. A further report presenting the financial and other arrangements will be presented to Cabinet in due course with a view to introducing new arrangements within 6 months.

5.0 Reason for Decision

- 5.1 Recent publicity over the DPE regime has damaged the City's and Council's reputations and affected public confidence in the on-street enforcement system. Whilst acknowledging NCP's management of off-street parking as satisfactory, there is a need to take decisive action over on-street enforcement activities to help restore confidence and build a better relationship with communities.

6.0 Alternative Options

- 6.1 Section 4.0 of the report outlines 3 core options for future service delivery. Option 2 identifies 'in-house' service provision as a way forward, however, in order to achieve this at the lowest financial impact, it is considered appropriate that a part of the service only, that of on-street service provision, be pursued in this vein, by way of a negotiated variation to the existing contract with NCP.

7.0 Relevant Consultations

- 7.1 The City Treasurer will be consulted on the detailed negotiations and his comments included in a future report.

8.0 Background Papers

- 8.1 NCP Contract documents.

DECRIMINALISED PARKING ENFORCEMENT – INSIDE OUT PROGRAMME

LINK TO THE WORK PROGRAMME – MEMBERS ITEM

Report of the City Solicitor

1.0 PURPOSE OF THE REPORT

1.1 The Chairman has requested that an item be placed on the agenda to consider the implications for the Council of issues raised by the BBC TV documentary “Inside Out” broadcast on Monday 2 October 2006, to enable Members to be made aware of the actions taken in response to the contents of the programme.

2.0 BACKGROUND

2.1 On 14 March 2001, Cabinet gave approval for the introduction of Decriminalised Parking Enforcement (DPE) in Sunderland, subject to the examination of a detailed business case and consideration of various procurement options. These were reported to and approved by Cabinet on 14 November 2001. DPE was introduced in Sunderland in February 2003.

2.2 Decriminalised Parking legislation enabled the Council to take over from the Police the enforcement of on street waiting restrictions. National Car Parks (NCP) is currently contracted to provide enforcement services throughout Sunderland until February 2010.

2.3 The Council, by adopting DPE, enabled a more proactive level of on street enforcement to be undertaken of traffic regulations which have been introduced to secure a more efficient and safe use of the highway. The contract also includes the supervision and patrolling of the Council’s off-street car parks.

2.4 As Members will be aware, a recent edition of the BBC TV documentary “Inside Out” looked at aspects of the operation of the decriminalised parking regime in Sunderland using covert filming.

2.5 The contents of the programme revealed a number of serious concerns regarding the enforcement of the decriminalised parking regime, including:-

- Racist attitudes and language amongst staff and that enforcement had been undertaken on racial grounds;
- Negative attitudes towards disabled people;
- Possible criminal conduct;
- Failure to perform the contract services properly.

2.6 In response to the contents of the programme, the Council has taken a number of immediate steps.

- An urgent meeting was held on 3 October 2006 with the local NCP Managers to review the programme and to seek action and assurances about a number of aspects of the DPE scheme in operation;
- A meeting between senior executives of NCP and the Council's Director of Development and Regeneration and City Solicitor was held on 9 October 2006;
- A meeting has been arranged between the Chief Executives of the Council and NCP;
- A letter has been sent to NCP at national level expressing serious concern not just at the content but also the reputation issues for the Council and the City;
- NCP has been instructed to remove the relevant personnel from the contract;
- A request to the BBC to review all footage taken in order to ensure that the programme shown reflected accurately what had been found and also to ensure that there are no other issues that we should be made aware of.

2.7 Relevant officers and officials from NCP will be in attendance to update the Committee on the actions taken to date and those proposed to address the monitoring and management of the contract generally and, in particular, staff training.

3 RECOMMENDATIONS

3.1 The Committee is asked receive the oral report.

4 BACKGROUND PAPERS

None

ENVIRONMENTAL AND PLANNING REVIEW COMMITTEE -

16 OCTOBER 2006

DECRIMINALISED PARKING ENFORCEMENT – INSIDE OUT PROGRAMME

CONTRACT WITH NATIONAL CAR PARKS LIMITED

Addendum Report of the City Solicitor

1. INTRODUCTION

The purpose of this addendum is to provide members with information regarding the terms of the Council's contract with National Car Parks Limited (NCP).

2. TERMS AND DURATION OF THE CONTRACT

The contract commenced on 3 February 2003 and is for a period of seven years. The conditions of the contract are based on a standard form issued by the Association of Metropolitan Authorities for long term contracts of this nature.

3. THE SCOPE OF THE CONTRACT

The contract covers the enforcement of all on-street regulations within the City and the management of the Council's off-street car parks. NCP also provides the services of emptying and maintenance of Pay and Display machines, the management of first line correspondence including the processing of notice of owner, charge certificates for appeals, and receiving payments for PCNs.

The contract contains a detailed specification of the services required and containing five sections dealing with

- General Requirements
- Parking Enforcement – routine, seasonal and for special events
- PCN Ticket processing
- The Management of Car Parks and Associated Equipment
- IT requirements

4. RELEVANT CONDITIONS OF THE CONTRACT

Clause 1.6 provides that, "Contract Standard means such standard as complies in each and every respect with all relevant

provisions of the Contract and where and to the extent that no criteria are stated in the Contract the standard is to be to the entire satisfaction of the Authorised Officer”.

The contract under Clause 6.1 provides that “the Contractor shall, subject to the Conditions, carry out and complete the Service in compliance with the Contract Documents”.

Clause 6.2 provides that “At all times the Contract shall provide the Service with reasonable skill, care and diligence with the utmost good faith and to the Contract Standard”.

Clause 6.7 entitles the Council to deduct sums due to the contractor where there is a failure properly to provide the service.

Clause 8.2 requires that, “the Contractor’s personnel employed in and about the provision of the Service shall be properly and sufficiently qualified, competent, skilled, honest and experienced and shall at all times exercise care in the execution of their duties and the Contractor shall ensure that such persons are properly and sufficiently instructed and supervised with regard to the provision of the Service”.

Clause 8.3 entitles the Council’s Authorised officer to require the contractor to remove personnel from the provision of the service and immediately provide replacements.

Clause 15.1 states that, “The Contractor will not treat one group of people less favourably than others because of their colour, race, nationality or ethnic origin, sex or disability in relation to decisions to recruit train or promote its personnel”.

Clauses 15.4, 15.5, 15.6, 15.7 provide as follows,

“The Contractor shall set out its policy on equal opportunities

- i. in instructions to those concerned with recruitment training and promotion.
- ii. in documents available to its personnel recognised trade unions or other representative groups of its personnel.
- iii. in recruitment advertisements and other literature.

The Contractor shall, on request, provide the Council with examples of the instructions and other documents, recruitment advertisements and other literature.

The Contractor shall observe as far as possible all Codes of Practice issued by the Commission for Racial Equality, Equal Opportunities Commission or Disability Rights Commission.

The Contractor shall provide such information as the Council may reasonably request for the purpose of assessing the Contractor's compliance with Condition 15.6".

Clause 16 requires NCP to comply with all statutory and other provisions in connection with the service.

5. **TERMINATION**

Clause 29.2.1 entitles the contract to terminate the contract by notice in writing having immediate effect where the Contractor commits a breach of any of its obligations under the contract.

This clause has been considered by the Court of Appeal in the case of Rice –v- Great Yarmouth Borough Council.

Notwithstanding the literal interpretation of the clause it was held that the notion that this would entitle the Council to terminate such a contract at any time for any breach of any term flew in the face of commercial sense. The question for the Court is whether the cumulative effect of the breaches of the contract are so serious as to justify the innocent party in bringing the contract to a premature end. The test of what is sufficiently serious is severe.

Although that case concerned breaches of a ground maintenance contract, the length of the contract and the multi-faceted nature of the contractor's obligations under the specification are analagous to this contract which requires the contractor to complete a multitude of different tasks at different times.

A letter has been sent to NCP instructing them to remove offending personnel from the provision of the service.

A series of meetings have been held with NCP in relation to the matters revealed by the programme.

It should be noted that if the Council terminated the contract on grounds which a court found to be insufficient it would face a substantial claim for damages, and that any consideration of this is a matter for Cabinet.

6. **RECOMMENDATION**

That Members note the position in respect of the contract in the context of the presentations they will receive.