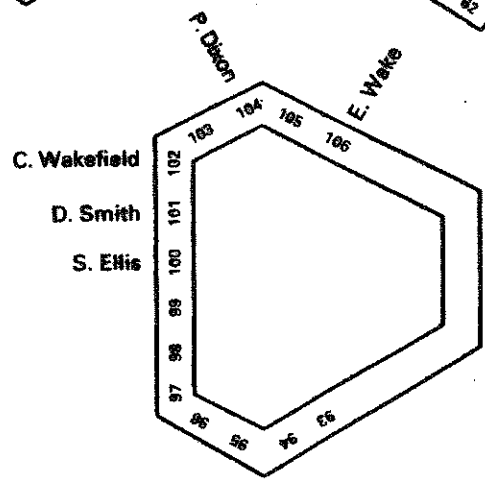
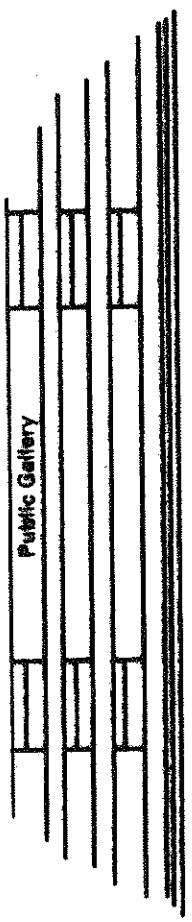
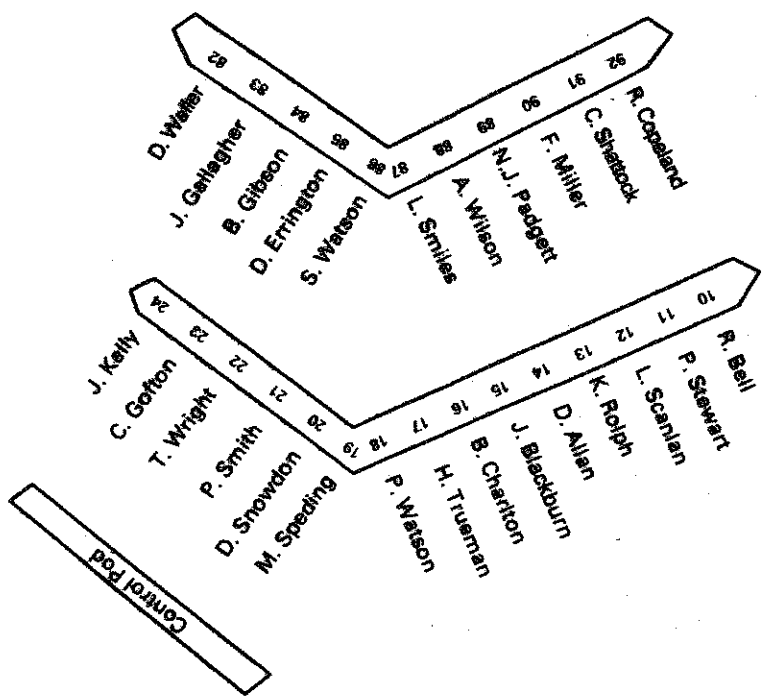


- | | | | |
|-------------|----|---------------|----|
| P. Tye | 40 | B. Scaplehorn | 73 |
| P. Gibson | 39 | D. Trueman | 74 |
| G. Thompson | 38 | L. Lauchlan | 75 |
| G. Miller | 37 | L. Williams | 76 |
| J. Scott | 36 | E. Ball | 77 |
| A. Hall | 35 | A. Emerson | 78 |
| P. Walker | 34 | B. McClennan | 79 |
| J. Fletcher | 33 | M. Mordey | 80 |
| M. East | 32 | T. Martin | 81 |
| R. Heron | 31 | | |
| D. Tate | 30 | | |
| F. Anderson | 28 | | |



- Deputy Mayor
I. W. Kay
- Chief Executive
D. Smith
- Mayor
N. Wright
- Head of Law
and Governance
E. Waugh
- Governance
Services
Officer
- Governance
Services
Manager



CIVIC CENTRE,
SUNDERLAND
16th March, 2012

TO THE MEMBERS OF SUNDERLAND CITY COUNCIL

YOU ARE SUMMONED TO ATTEND A MEETING of Sunderland City Council to be held in the Council Chamber, Civic Centre, Sunderland, on **WEDNESDAY, 28TH MARCH, 2012** at **6.00 p.m.**, at which it is proposed to consider and transact the following business, viz:-

1. To read the Notice convening the meeting.
2. To approve the minutes of the last meeting of the Council held on 7th March 2012 (copy herewith),
3. Receipt of Declarations of Interest (if any).
4. Announcements (if any) under Rule 2(iv).
5. Reception of Petitions.
6. Apologies.
7. Report of the Cabinet.
8. Report of the Standards Committee.
9. Written Questions (if any) under Rule 8.2.
10. To receive a report on action taken on petitions.
11. To consider the attached motions.

Contact: Lee Stoddart, Governance Services Manager
Email: lee.stoddart@sunderland.gov.uk

Tel: 0191 561 1007

11. To consider the undermentioned report: -

- (i) Quarterly Report on Special Urgency Decisions – Report of the Leader (copy herewith).

A handwritten signature in black ink, appearing to read "D. Suniti", is written on a light-colored rectangular background.

CHIEF EXECUTIVE

Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE on WEDNESDAY, 7TH MARCH, 2012 at 2.00 p.m.

Present: The Mayor (Councillor N. Wright) in the Chair
The Deputy Mayor (Councillor Kay)

| | | | | |
|-------------|-----------|-----------|---------------|------------|
| Councillors | Allan | P. Gibson | Oliver | Thompson |
| | Ball | Hall | Padgett | D. Trueman |
| | Bell | Heron | D. Richardson | H. Trueman |
| | Blackburn | Kelly | Scanlan | Vardy |
| | Bonallie | Lauchlan | Scaplehorn | Wakefield |
| | Charlton | MacKnight | Scott | Walker |
| | Curran | Maddison | Shattock | P. Watson |
| | Dixon | L. Martin | Smiles | S. Watson |
| | Ellis | T. Martin | D. Smith | Williams |
| | Fletcher | McClennan | P. Smith | Wilson |
| | Forbes | G. Miller | Snowdon | Wood |
| | Francis | Mordey | Speding | A. Wright |
| | E. Gibson | Morrissey | Tate | T. Wright |

The Notice convening the meeting was read.

Minutes

RESOLVED that the minutes of the last ordinary meeting of the Council held on 25th January, 2012 (copy circulated) be confirmed as a correct record.

Declarations of Interest

The following Councillors declared personal interests in the following items in the Cabinet report in respect of the interests respectively indicated:-

| | | |
|---|------------------|--|
| Item 6(ii) and (iii) – Report of the Cabinet – Capital Programme 2012/2013 and Treasury Management Policy and Strategy 2012/2013 | Councillor Allan | Governor of Thorney Close Primary School Member of Local Government Pension Scheme Member of Trade Union |
| Including Prudential Indicators for 2012/2013 to 2014/2015 and Revenue Budget | Councillor Ball | Member of Trade Union |
| | Councillor Bell | Member – Tyne and Wear |

2012/2013 and Medium
Term Financial Strategy
2011/2012 to 2014/2015

| | |
|----------------------|---|
| | Archives and Museums Joint Committee Member – North Trust Inshore Fisheries Conservation Director of Beamish Museum Limited and Joint Committee Member of Trade Union |
| Councillor Blackburn | Member – South Tyne and Wear Waste Management Partnership Member – Tyne and Wear Integrated Transport Authority Member – Hetton Town Council Member of Trade Union |
| Councillor Bonallie | Member of Trade Union |
| Councillor Charlton | Member of Trade Union |
| Councillor Curran | Member of Trade Union |
| Councillor Fletcher | Member of Trade Union |
| Councillor E. Gibson | Member of Trade Union – retired |
| Councillor Hall | Board Member of Gentoo Living Employed Anchor Trust Member of LGPS Member of Trade Union |
| Councillor Heron | Member – Hetton Town Council Member – Tyne and Wear Fire and Rescue Authority Member of Trade Union |
| Councillor Kay | Member of LGPS Member of Trade Union |
| Councillor Kelly | Member of Association of North East Councils Member of Trade Union |
| Councillor Lauchlan | Member of Trade Union |
| Councillor MacKnight | Member of Trade Union |

| | |
|----------------------|---|
| Councillor T. Martin | Member of LGPS Member of Trade Union |
| Councillor McClennan | Member of LGPS |
| Councillor G. Miller | Member of Trade Union |
| Councillor Mordey | Governor – Hudson Road School Governor – Grangetown Primary School Member – Tyne and Wear Pensions Committee Member of Trade Union |
| Councillor Oliver | Governor – Farringdon Community Sports College |
| Councillor Snowdon | Member of Trade Union |
| Councillor Scott | Member of Trade Union |
| Councillor Shattock | Member of Trade Union |
| Councillor P. Smith | Member of LGPS Member of Trade Union |
| Councillor Speding | Member of Football Association Ltd Member of LGPS Member of Trade Union Member of Association of North East Councils Member – South of Tyne and Wear Waste Partnership |
| Councillor Tate | Director – Newcastle International Airport Local Authority Holding Company Member of Trade Union Member of LGPS Member – Hetton Town Council Wife is an employee of Easington Lane School Chair of Hetton Home Care Services Member – Sunderland Empire Theatre Trust |

| | |
|-----------------------|---|
| Councillor H. Trueman | Member of LGPS Member of Trade Union Member – Association of North East Councils Member – Sunderland Partnership |
| Councillor Wakefield | Member of Trade Union |
| Councillor P. Walker | Member of Trade Union |
| Councillor P. Watson | Member of Trade Union Member – Association of North East Councils NE LEP Member Member – Sunderland Partnership |
| Councillor S. Watson | Member of Trade Union |
| Councillor Williams | Governor – Wessington Primary School |
| Councillor Wilson | Member of Trade Union |
| Councillor Wood | Member of Tyne and Wear Integrated Transport Authority |
| Councillor N. Wright | Member of Trade Union |
| Councillor T. Wright | Member of Trade Union Member of Empire Theatre Trust |

Announcements

There were no announcements.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Anderson, Copeland, Emerson, Errington, Essl, Fairs, S. Foster, T. Foster, Gallagher, Gofton, Howe, F. Miller, Porthouse, I. Richardson, Rolph, Stewart, Tye, Wake, Waller, Walton and Wiper.

The Cabinet reported as follows:-

That they had referred the initial proposals on these matters to the Management Scrutiny Committee which had supported the recommendations set out in the report to Cabinet dated 11 January 2012.

That they had also subsequently, on 15 February 2012, submitted the report referred to in item 2 to the meeting of the Audit and Governance Committee on 10 February 2012 and also the reports referred to in items 1, 2, 3 and 4 to the Management Scrutiny Committee on 16 February 2012.

The Management Scrutiny Committee had commented that officers and the Cabinet were to be congratulated on the preparation of the 2012 /2013 budget and agreed that the Cabinet's actions be supported.

Subsequently the precept figures of the Tyne and Wear Fire and Rescue Authority and the Northumbria Police Authority had been confirmed as those set out in the report to Cabinet on 15 February 2012.

1. Draft Council Tax Leaflet 2012/2013

That they had given consideration to a joint report of the Chief Executive and the Executive Director of Commercial and Corporate Services relating to the Draft Council Tax Leaflet 2012/2013 document and recommended that the final version be circulated with Council Tax Bills. The latest outlined version of the Council Tax Leaflet 2012/2013 had been tabled at the meeting.

2. Capital Programme 2012/2013 and Treasury Management Policy and Strategy 2012/2013, including Prudential Indicators for 2012/2013 to 2014/2015

That they had given consideration to a joint report of the Chief Executive and the Executive Director of Commercial and Corporate Services (copy circulated) and recommended that approval be given to:

- (i) the proposed Capital Programme for 2012/2013;
- (ii) the Treasury Management Policy and Strategy for 2012/2013 (including specifically the Annual Borrowing and Investment Strategies);
- (iii) the Prudential Indicators for 2012/2013 to 2014/2015; and
- (iv) the Minimum Revenue Provision Statement for 2012/2013.

The Audit and Governance Committee had been consulted specifically on the Treasury Management Strategy and Policy for 2012/2013 and had been pleased to note that there were no major changes being proposed to the overall Strategy and that the careful and prudent approach adopted by the Council in previous years would continue.

The Committee had also noted the Annual Borrowing and Investment Strategy and the positive and prudent approach which had been taken to both borrowing and investment by the Council.

The Committee had been satisfied that the arrangements for Treasury Management were in an excellent position for the next and future years and resolved that the Council be advised accordingly.

3. Revenue Budget 2012/2013 and Medium Term Financial Strategy 2011/2012 to 2014/2015

That they had given consideration to a joint report of the Chief Executive and the Executive Director of Commercial and Corporate Services (copy circulated) on:

- the overall revenue budget position for 2012/2013;
- the projected balances position as at 31 March, 2012 and 31 March, 2013 and advise on their level;
- a risk analysis of the Revenue Budget 2012/2013;
- a summary of the emerging medium term financial position facing the Council from 2013/2014 to 2014/2015;
- views received from the North East Chamber of Commerce and Trade Unions.

They had therefore recommended that:

- (i) the notes of the meetings with the North East Chamber of Commerce and the Trades Unions be noted;
- (ii) the Revenue Budget for 2012/2013, as set out at Appendix I, be approved; and
- (iii) the medium term financial strategy 2011/2012 to 2014/2015 be noted.

4. Determination of Council Tax 2012/2013

That they had given consideration to a report of the Executive Director of Commercial and Corporate Services making, subject to the approval of the Revenue Budget 2012/2013 as summarised at Annex 1 of the report (copy circulated), recommendations with respect to Council Tax levels for 2012/2013, and advising that the Council Tax had been calculated using the tax bases for the areas of the City Council and Hetton Town Council as approved by Council on 25 January 2012, and setting out a number of resolutions required to be made to determine the Council Tax, including the confirmed precepts from the Major Precepting Authorities and the Parish of Hetton Town Council.

They therefore recommended that the report having advised of the statutory requirements to recommend to Council a proposed Council Tax Requirement which for Sunderland would mean a freeze to the Council Tax for 2012/2013, Council confirm the Council Tax Requirement for its own purposes is £96,302,324 (excluding Parish precepts), and

- i) it be noted that at its meeting on 25th January 2012 the Council approved the following amounts for the year 2012/2013 in accordance with the amended regulations made under Section 31B(3) of the Local Government Finance Act 1992 (the 'Act'):
 - a) £81,202 being the amount calculated by the Council, in accordance with the above regulation of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its Council Tax Base for the year (Item T).
 - b) £ 4,130 being the amount calculated by the Council, in accordance with the Regulations, as the amount of it's Council Tax Base for the year for dwellings in the area of the Parish of Hetton Town Council.
- ii) the following amounts be now calculated by the Council for the year 2012/2013 in accordance with Sections 31 to 36 of the Local Government and Finance Act 1992:
 - a) £729,371,824 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act taking into account all precepts issued to it by Parish Councils.
 - b) £633,015,356 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.
 - c) £96,356,468 being the amount by which the aggregate at ii (a) above exceeds the aggregate at ii (b) above, calculated by the Council, in accordance with Section 31A (4) of the Act, as its Council Tax Requirement for the year (Item R in the formula in Section 31A(4) of the Act)
 - d) £1,186.6268 being the amount at ii (c) above (Item R) all divided by Item T (i (a) above), calculated by the Council, in accordance with Section 31B (1) of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).

- e) £54,144 being the precept notified by Hetton Town Council as a special item under Section 34 (1) of the Act.
- f) £1,185.9600 being the amount at ii (d) above less the result given by dividing the amount at ii (e) above by the Item T (i (a) above), calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- g) £1,199.0699 being the amount given by adding to the amount at ii (f) above the amount ii (e) divided by the amount at i (b) above, calculated by the Council in accordance with Section 34 (3) of the Act as the basic amounts of its Council Tax for the year for dwellings in the area of the Parish of Hetton Town Council.

| (h) Valuation Band | Parts of the Council's Area | |
|--------------------|-----------------------------|---------------------------------------|
| | Hetton Town Council | All other parts of the Council's Area |
| A | £ 799.38 | £ 790.64 |
| B | £ 932.61 | £ 922.41 |
| C | £ 1,065.84 | £ 1,054.19 |
| D | £ 1,199.07 | £ 1,185.96 |
| E | £ 1,465.53 | £ 1,449.51 |
| F | £ 1,731.99 | £ 1,713.05 |
| G | £ 1,998.45 | £ 1,976.60 |
| H | £ 2,398.14 | £ 2,371.92 |

being the amounts given by multiplying the amounts at ii (f) and ii (g) above by the number which, in the proportion set out in Section 5 (1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36 (1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- iii) it be noted that for the year 2012/2013, Tyne and Wear Fire and Rescue Authority and Northumbria Police Authority have confirmed the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings as follows:

Precepting Authority

| Valuation Bands | Northumbria Police Authority | Tyne & Wear Fire and Rescue Authority |
|-----------------|------------------------------|---------------------------------------|
| A | £ 55.79 | £ 48.77 |
| B | £ 65.08 | £ 56.90 |
| C | £ 74.38 | £ 65.03 |
| D | £ 83.68 | £ 73.16 |
| E | £102.28 | £ 89.42 |
| F | £120.87 | £105.68 |
| G | £139.47 | £121.93 |
| H | £167.36 | £146.32 |

- iv) having calculated the aggregate in each case of the amounts at (ii) h and (iii) above, and having received confirmation of the precept in paragraph (iii), the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2012/2013 for each of the categories of dwellings shown below:

| Valuation Bands | Parts of the Council's Area | |
|-----------------|-----------------------------|---------------------------------------|
| | Hetton Town Council | All other parts of the Council's Area |
| A | £ 903.94 | £ 895.20 |
| B | £ 1,054.59 | £ 1,044.39 |
| C | £ 1,205.25 | £ 1,193.60 |
| D | £ 1,355.91 | £ 1,342.80 |
| E | £ 1,657.23 | £ 1,641.21 |
| F | £ 1,958.54 | £ 1,939.60 |
| G | £ 2,259.85 | £ 2,238.00 |
| H | £ 2,711.82 | £ 2,685.60 |

- v) To note that under Section 52ZB of the Local Government Finance Act 1992, the Authority's relevant basic amount of council tax for 2012/2013 is not excessive in accordance with the principles determined under Section 52ZC(1) of the Act.

(i.e. the proposed Council Tax Freeze for 2012/13 means that the Council does not need to hold a referendum on its proposed council tax. New regulations introduced by the government (Section 52ZC of the Local government Finance Act 1992) requires all billing authorities (councils and precept authorities (i.e. Fire and Police authorities)) to hold a referendum on their proposed level of basic Council tax each year from 2012/13 if they exceed government guidelines set out annually.

For 2012/13 the guideline increase for the council was 3.5%.

As the council is proposing a council tax freeze for 2012/13 then the above regulations have no impact for 2012/13).

It was then moved by Councillor P. Watson and seconded by Councillor H. Trueman that the report of the Cabinet be approved and adopted. Councillor Bell moved that the time limit for the Leader's speech to the motion be extended and upon being put to the meeting the procedural motion was agreed.

Leader Portfolio

Councillor Wood, seconded by Councillor Oliver, moved an amendment that the Special Responsibility Allowances Line 11 be reduced by £36,764.

Upon being put to the vote, the Amendment was defeated with 9 Members voting in favour thereof, viz:-

| | | | |
|-------------|----------|-----------|-----------|
| Councillors | Forbes | Morrissey | Vardy |
| | Francis | Oliver | Wood |
| | Maddison | D. Smith | A. Wright |

And 44 Members voting against:-

The Mayor (Councillor N. Wright)
The Deputy Mayor (Councillor Kay)

| | | | | |
|-------------|-----------|-----------|---------------|-------------|
| Councillors | Allan | P. Gibson | D. Richardson | D. Trueman |
| | Ball | Hall | Scanlan | H. Trueman |
| | Bell | Heron | Scaplehorn | Wakefield |
| | Blackburn | Kelly | Scott | Walker |
| | Bonallie | Lauchlan | Shattock | P. Watson |
| | Charlton | MacKnight | Smiles | S. Watson |
| | Curran | T. Martin | P. Smith | Williams |
| | Dixon | McClennan | Snowdon | Wilson |
| | Ellis | G. Miller | Speding | T.H. Wright |
| | Fletcher | Mordey | Tate | |
| | E. Gibson | Padgett | Thompson | |

Leader Portfolio

Councillor Oliver, seconded by Councillor Wood, moved an amendment that Community News – Line 1 be deleted to make a saving of £82,925.

Upon being put to the vote, the Amendment was defeated with 12 Members voting in favour thereof, viz:-

| | | | | |
|-------------|--------|-----------|----------|-----------|
| Councillors | Dixon | Francis | Oliver | Wakefield |
| | Ellis | Maddison | D. Smith | Wood |
| | Forbes | Morrissey | Vardy | A. Wright |

And 41 Members voting against:-

The Mayor (Councillor N. Wright)
The Deputy Mayor (Councillor Kay)

| | | | | |
|-------------|-----------|-----------|---------------|-------------|
| Councillors | Allan | Hall | D. Richardson | Thompson |
| | Ball | Heron | Scanlan | D. Trueman |
| | Bell | Kelly | Scaplehorn | H. Trueman |
| | Blackburn | Lauchlan | Scott | Walker |
| | Bonallie | MacKnight | Shattock | P. Watson |
| | Charlton | T. Martin | Smiles | S. Watson |
| | Curran | McClennan | P. Smith | Williams |
| | Fletcher | G. Miller | Snowdon | Wilson |
| | E. Gibson | Mordey | Speding | T.H. Wright |
| | P. Gibson | Padgett | Tate | |

Deputy Leader Portfolio

Councillor Oliver, seconded by Councillor Wood, moved that the grant to Tyne and Wear Anti-Fascist Association – Line 3 be deleted to make a saving of £8,000.

Upon being put to the vote, the Amendment was defeated with 9 Members voting in favour thereof, viz:-

| | | | |
|-------------|----------|-----------|-----------|
| Councillors | Forbes | Morrissey | Vardy |
| | Francis | Oliver | Wood |
| | Maddison | D. Smith | A. Wright |

And 44 Members voting against, viz:-

The Mayor (Councillor N. Wright)
The Deputy Mayor (Councillor Kay)

| | | | | |
|-------------|-----------|-----------|---------------|-------------|
| Councillors | Allan | P. Gibson | D. Richardson | D. Trueman |
| | Ball | Hall | Scanlan | H. Trueman |
| | Bell | Heron | Scaplehorn | Wakefield |
| | Blackburn | Kelly | Scott | Walker |
| | Bonallie | Lauchlan | Shattock | P. Watson |
| | Charlton | MacKnight | Smiles | S. Watson |
| | Curran | T. Martin | P. Smith | Williams |
| | Dixon | McClennan | Snowdon | Wilson |
| | Ellis | G. Miller | Speding | T.H. Wright |
| | Fletcher | Mordey | Tate | |
| | E. Gibson | Padgett | Thompson | |

Deputy Leader Portfolio

Councillor Oliver, seconded by Councillor Wood, moved an amendment that staff time released to support Union responsibilities – Line 5 be reduced to make a saving of £154,665.

Upon being put to the vote, the Amendment was defeated with 9 Members voting in favour thereof, viz:-

| | | | |
|-------------|---------|-----------|-----------|
| Councillors | Dixon | Maddison | Vardy |
| | Forbes | Morrissey | Wood |
| | Francis | Oliver | A. Wright |

And 1 Member abstaining, viz:-

Councillor Wakefield

And 41 Members voting against, viz:-

The Mayor (Councillor N. Wright)
The Deputy Mayor (Councillor Kay)

| | | | | |
|-------------|-----------|------------|---------------|-------------|
| Councillors | Allan | Hall | D. Richardson | Tate |
| | Bell | Heron | Scanlan | Thompson |
| | Blackburn | Kelly | Scaplehorn | D. Trueman |
| | Bonallie | Lauchlan | Scott | H. Trueman |
| | Charlton | MackKnight | Shattock | Walker |
| | Curran | T. Martin | Smiles | P. Watson |
| | Ellis | McClennan | D. Smith | S. Watson |
| | Fletcher | G. Miller | P. Smith | Williams |
| | E. Gibson | Mordey | Snowdon | T.H. Wright |
| | P. Gibson | Padgett | Speding | |

Deputy Leader Portfolio

Councillor Wood, seconded by Councillor Oliver, moved an amendment that training budget to support apprenticeships – Line 5 be increased at a cost of £22,880.

Upon being put to the vote, the Amendment was defeated with 9 Members voting in favour thereof, viz:-

| | | | |
|-------------|---------|-----------|-----------|
| Councillors | Ellis | Maddison | Wakefield |
| | Forbes | Morrissey | Wood |
| | Francis | Oliver | A. Wright |

And 1 Member abstaining, viz:-

Councillor D. Smith

And 42 Members voting against, viz:-

The Mayor (Councillor N. Wright)
The Deputy Mayor (Councillor Kay)

| | | | | |
|-------------|-----------|-----------|---------------|-------------|
| Councillors | Allan | P. Gibson | Padgett | Thompson |
| | Ball | Hall | D. Richardson | D. Trueman |
| | Bell | Heron | Scanlan | H. Trueman |
| | Blackburn | Kelly | Scaplehorn | Walker |
| | Bonallie | Lauchlan | Scott | P. Watson |
| | Charlton | MacKnight | Shattock | S. Watson |
| | Curran | T. Martin | Smiles | Williams |
| | P. Dixon | McClennan | P. Smith | Wilson |
| | Fletcher | G. Miller | Snowdon | T.H. Wright |
| | E. Gibson | Mordey | Speding | |

Health and Well Being Portfolio

Councillor A. Wright, seconded by Councillor Oliver, moved an amendment that the Revenue Contributions to Capital Outlay to support – Feasibility Study for Crowtree Leisure Centre Redevelopment be increased at a cost of £30,000.

Upon being put to the vote, the Amendment was defeated with 6 Members voting in favour thereof, viz:-

| | | | |
|-------------|---------|----------|-----------|
| Councillors | Forbes | Maddison | Wood |
| | Francis | Oliver | A. Wright |

And 45 Members voting against, viz:-

The Mayor (Councillor N. Wright)
The Deputy Mayor (Councillor Kay)

| | | | | |
|-------------|-----------|-----------|---------------|-------------|
| Councillors | Allan | P. Gibson | D. Richardson | Thompson |
| | Ball | Hall | Scanlan | D. Trueman |
| | Bell | Heron | Scaplehorn | H. Trueman |
| | Blackburn | Kelly | Scott | Wakefield |
| | Bonallie | Lauchlan | Shattock | Walker |
| | Charlton | MacKnight | Smiles | P. Watson |
| | Curran | T. Martin | D. Smith | S. Watson |
| | Dixon | McClennan | P. Smith | Williams |
| | Ellis | G. Miller | Snowdon | Wilson |
| | Fletcher | Mordey | Speding | T.H. Wright |
| | E. Gibson | Padgett | Tate | |

Attractive and Inclusive City Portfolio

Councillor Wood, seconded by Councillor Oliver, moved an amendment that free parking for multi-storey car parks be introduced with a reduction in car park income – Line 8 at a cost of £181,447.

Upon being put to the vote, the Amendment was defeated with 9 Members voting in favour thereof, viz:-

| | | | |
|-------------|---------|-----------|-----------|
| Councillors | Dixon | Morrissey | Wakefield |
| | Forbes | Oliver | Wood |
| | Francis | Vardy | A. Wright |

And 42 Members voting against, viz:-

The Mayor (Councillor N. Wright)
The Deputy Mayor (Councillor Kay)

| | | | | |
|-------------|-----------|-----------|---------------|-------------|
| Councillors | Allan | P. Gibson | Padgett | Speding |
| | Ball | Hall | D. Richardson | Tate |
| | Bell | Heron | Scanlan | Thompson |
| | Blackburn | Kelly | Scaplehorn | D. Trueman |
| | Bonallie | Lauchlan | Scott | H. Trueman |
| | Charlton | MacKnight | Shattock | Walker |
| | Curran | T. Martin | Smiles | S. Watson |
| | Ellis | McClennan | D. Smith | Williams |
| | Fletcher | G. Miller | P. Smith | Wilson |
| | E. Gibson | Mordey | Snowdon | T.H. Wright |

Attractive and Inclusive City Portfolio

Councillor Morrissey, seconded by Councillor Oliver, moved an amendment that the Revenue Contributions to Capital Outlay be increased to support Increased Highway Maintenance at a cost of £24,013.

A general discussion then ensued and upon being put to the vote, the Amendment was defeated with 7 Members voting in favour thereof, viz:-

| | | | | |
|-------------|---------|-----------|-------|-----------|
| Councillors | Forbes | Morrissey | Vardy | A. Wright |
| | Francis | Oliver | Wood | |

And 44 Members voting against, viz:-

The Mayor (Councillor N. Wright)
The Deputy Mayor (Councillor Kay)

| | | | | |
|-------------|-----------|---------------|------------|-------------|
| Councillors | Allan | Hall | Scanlan | D. Trueman |
| | Ball | Heron | Scaplehorn | H. Trueman |
| | Bell | Kelly | Scott | Wakefield |
| | Blackburn | Lauchlan | Shattock | Walker |
| | Bonallie | MacKnight | Smiles | P. Watson |
| | Charlton | T. Martin | D. Smith | S. Watson |
| | Curran | McClennan | P. Smith | Williams |
| | Ellis | G. Miller | Snowdon | Wilson |
| | Fletcher | Mordey | Speding | T.H. Wright |
| | E. Gibson | Padgett | Tate | |
| | P. Gibson | D. Richardson | Thompson | |

Attractive and Inclusive City Portfolio

Councillor Oliver, seconded by Councillor Francis, moved an amendment to increase Revenue Contributions to Capital Outlay to support Increased Seafront development at a cost of £24,014.

Upon being put to the vote, the Amendment was defeated with 7 Members voting in favour thereof, viz:-

| | | | | |
|-------------|-------------------|---------------------|---------------|-----------|
| Councillors | Forbes Francis | Morrissey Oliver | Vardy Wood | A. Wright |
|-------------|-------------------|---------------------|---------------|-----------|

And 44 Members voting against, viz:-

The Mayor (Councillor N. Wright)
The Deputy Mayor (Councillor Kay)

| | | | | |
|-------------|---|--|--|--|
| Councillors | Allan Ball Bell Blackburn Bonallie Charlton Curran Ellis Fletcher E. Gibson P. Gibson | Hall Heron Kelly Lauchlan MacKnight T. Martin McClennan G. Miller Mordey Padgett D. Richardson | Scanlan Scaplehorn Scott Shattock Smiles D. Smith P. Smith Snowdon Speding Tate Thompson | D. Trueman H. Trueman Wakefield Walker P. Watson S. Watson Williams Wilson T.H. Wright |
|-------------|---|--|--|--|

A general discussion then ensued and the substantive motion to approve and adopt the report of the Cabinet was put to the meeting and agreed and it was:-

RESOLVED that the report of the Cabinet be approved and adopted.

(Signed) N. WRIGHT,
Mayor.

The CABINET reports and recommends as follows:-

1. Localism Act 2011 – Pay Accountability Provisions

That they considered a recommendation from the Personnel Committee on a joint report of the Director of Human Resources & Organisation Development and the Executive Director of Commercial and Corporate Services which set out the pay implications of the Localism Act 2011 and the draft Pay Policy Statement.

The Cabinet recommends the Council to approve and adopt the attached draft Pay Policy Statement for publication by 31 March 2012.

Sunderland City Council

DRAFT Pay Policy Statement 2012/13

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1. Introduction and Purpose

1.1 Aims and Purpose

This document sets out the Council's pay policy for 2012/13 aimed at supporting the remuneration of the workforce in a fair and transparent way. This Pay Policy Statement has been produced having regard to Government Guidance issued under section 38 of the Localism Act 2011. The policy is subject to annual review and must be approved by full Council for each financial year from 2012/13 onwards. It will be published on the Council's website as soon as reasonably practicable after approval or amendment.

It sets out:

- The methods by which salaries of all employees are determined.
- The detail and level of remuneration of the Council's most senior staff, i.e. 'chief officers' as defined by the relevant legislation.
- The remuneration of the lowest paid employees.
- The relationship between the remuneration of its Chief Officers and the remuneration of employees who are not Chief Officers.

The Code of Recommended Practice for Local Authorities on Data Transparency, published in September 2011 by the Government also sets out key principles for local authorities in creating greater transparency through the publication of public data. As part of the code, the Government recommends that local authorities should publish details of senior employee salaries. This pay policy forms part of the Council's response to transparency of senior pay through the publication of a list of job titles and remuneration in Appendix 1.

Further information on senior pay is published on the Council's website, alongside the Statement of Accounts. This can be accessed at:

[www.sunderland.gov.uk/Council and Democracy/Senior Pay Information](http://www.sunderland.gov.uk/Council%20and%20Democracy/Senior%20Pay%20Information),
or

Website URL: <http://www.sunderland.gov.uk/index.aspx?articleid=4994>

1.2 Not in Scope

The arrangements set out within this document do not extend to those employees who are employed within the control of school governing bodies.

- 1.3 Other legislation relevant to pay and remuneration
Under section 112 of the Local Government Act 1972, the Council has the power to appoint officers on such reasonable terms and conditions as the authority thinks fit, subject to Section 41 of the Localism Act 2011 (requirement for determinations relating to terms and conditions of chief officers to comply with the pay policy statement.)

In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. This includes legislation such as the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations. There is also significant legislation relating to pensions and payments upon termination of employment.

Sunderland City Council is an equal opportunity employer. The overall aim of our Single Equality Scheme is to ensure that people are treated fairly and with respect. The scheme also contains a specific objective to be a diverse organisation which includes recruiting and retaining a diverse workforce and promoting equality and diversity through working practices. This pay policy forms part of our policies to promote equality in pay practices. By ensuring transparency of senior pay and the relationship with pay of other employees, it will help ensure a fair approach which meets our equality objectives.

- 1.4 Context
In setting the pay policy arrangements for the workforce the Council seeks to pay appropriate salaries within the constraints of a public sector organisation.
The pay policy is simply one aspect of the Council's whole approach to managing its human resources within the context of the Sunderland way of working, the Council's values and its organisational philosophy.

2. **Pay Structure and general principles regarding the remuneration of all staff**

- 2.1 Pay Structure
The Council operates a graded salary structure of incremental salary scales with a range of spinal column points (pay points), using the nationally negotiated pay spines as the basis for its local pay structures, together with some locally determined rates.

The large majority of the Council's (non teaching) workforce are covered by the National Joint Council for Local Government Services (NJC) pay spine (spinal column points 4-49), plus some additional local salary scales (spinal column points 50-58). Other appropriate nationally agreed spines apply to smaller defined groups of employees, such as Craft, JNC for Youth & Community Workers, Employees covered by the Soulbury Committee Agreement, and the Joint National Council for Chief Officers (JNC) (see Paragraph 4).

The salary figures in this report are gross salary figures before deductions, such as salary sacrifice, are made, at the discretion of the employee.

2.2 Pay Awards

National and Provincial Agreements for the Council's workforce include the negotiation of collective agreements on pay and conditions, which are reviewed and negotiated annually, through agreements of the relevant national bodies such as the National Employers' Organisation for Local Government Services, on behalf of all local authorities in England and Wales, and the signatory Trade Unions. The annual pay awards, if any, take account of a number of issues, including what can be agreed with the relevant trade unions, the general economic situation, the results of consultation, the affordability position of local authorities, the average rate of pay settlements across the economy, the employee relations climate, etc. While the Council as an Employer is consulted as part of the negotiation process, it does not control the level of any national pay award.

2.3 Grading of posts

The grading of posts is determined by either the Cabinet, following the consideration of recommendations from the Council's Personnel Committee or under delegated powers by the Director of HR & OD. For some categories of staff, job evaluation techniques are used.

- 2.4 Appointment to new and existing posts
Appointments are made in accordance with the Council's Code of Practice on Recruitment and Selection. For posts graded on incremental scales, appointments are normally made at the minimum of the salary grade, with employees progressing to the maximum point of the salary range via annual incremental progression where applicable, subject to relevant criteria being met. While provision exists to appoint above the minimum of the grade, this is applied in exceptional circumstances only. The equality impact of the decision is a key issue, and it is imperative that anomalies are not created as a result of such decisions. In cases where the criteria to appoint above the minimum of the grade is met, comprehensive records need to be maintained and monitored on an ongoing basis, for use in assessing recruitment and retention trends and for monitoring purposes.
- 2.5 Market Pay
From time to time it may be necessary to take account of the external pay levels in the labour market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using data sources available from within the local government sector and outside, as appropriate.
- 2.6 Temporary pay supplements
Where employees temporarily undertake either the full range of duties of a higher graded post or a proportion of the duties of that post, a commensurate salary may be paid.

3. Senior Management Information

- 3.1 Definition of Senior Management
For the purposes of this statement, senior management means 'chief officers' as defined within the Localism Act. Specifically:
"2 (a) The head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989;
(b) its monitoring officer designated under section 5(1) of that Act;
(c) a statutory chief officer mentioned in section 2(6) of that Act;
(d) a non-statutory chief officer mentioned in section 2(7) of that Act;
(e) a deputy chief officer mentioned in section 2(8) of that Act."

3.2 Key Principles

- i) The Chief Officer pay policy is designed to be easily understood and be transparent to the post holders, key stakeholders and the public. The structure and level of the pay arrangements is designed to enable the Council to attract, motivate, and retain key senior talent for the authority.
- ii) The policy is based upon salaries with clear differentials between levels of work/job size, within a range that is affordable now, will remain so for the medium term, and will be subject to review to ensure it continues to remain fit for purpose. It is intended that the authority will market test the rates of pay when vacancies arise, as part of consideration on whether or not roles continue to be required within the context of the Council's priorities and commitments at that time.
- iii) These posts do not attract performance related pay, bonuses or any other additions to basic salary. This approach enables the Council to assess and budget accurately in advance for the total senior pay bill over a number of years.
- iv) In setting the pay policy for senior staff, a market position has been established that aims to attract and retain the best talent available at a senior level within a national recruitment context, to lead and motivate the Council's workforce that is rewarded under a nationally agreed negotiating framework.
- v) The remuneration for roles at this level have all been set following independent advice from external consultants, Aquarius:
www.aquariusconsultants.com
- vi) Other terms and conditions of employment for this group are as defined within the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service handbook, with discretion to set actual pay levels at a local level, but within a national negotiating framework. These national provisions are supplemented by the Council's local employment policies. These posts are part of the nationally defined Local Government final salary pension scheme.

3.3 Individual elements of the remuneration package:

a) Chief Executive

The current salary of the post is £175,699.

- b) Deputy Chief Executive and Executive Directors
The current salary of these posts fall within a range of £107,572, rising to a maximum of £128,063. The posts are: Deputy Chief Executive; Executive Director of Childrens Services; Executive Director of City Services; Executive Director of Commercial and Corporate Services and Executive Director of Health Housing and Adult Services.
- c) Deputy Executive Directors and Corporate Directors
The current salary of these posts fall within a range of £81,960 - £97,327. The posts are Deputy Executive Director of Childrens Services; Deputy Executive Director of City Services; Assistant Chief Executive; Director of Communications and Corporate Affairs; Director of Human Resources and Organisational Development.
- d) The designated Monitoring Officer, which is the Head of Law and Governance, is paid within a range of £70,924 - £84,966.
- e) Heads of Service and other officers reporting directly to one of the statutory or non-statutory chief officers listed in (b), (c) and (d) above. The current salaries of these posts fall within four different ranges: Band 1 (£71,982 - £85,725); Band 2 (£63,325 - £75,863); Band 3 (£56,157 - £65,111) and Band 4 (£53,272 - £57,643).

The designated Returning Officer for the Council, who is the Head of Paid Service, also carries out the role of Acting Returning Officer at UK parliamentary elections and local returning/counting officer at European elections and at other referenda or electoral processes that occur from time to time. These additional roles usually carry an entitlement to payment from central government budgets at levels set by order in relation to each poll. The payment scales for national elections are set out in a Statutory Instrument laid before Parliament in respect of each individual election and are applied to both national and local elections. The Statutory Instruments are published on www.legislation.gov.uk

4. Lowest Paid Employee Information

4.1 Definition of Lowest paid employees

Those staff who are employed in jobs which are paid at Grade A level (spinal column point 4)(£12,145 per annum for a full time 37 hour week), this being the lowest salary paid to employees other than apprentices. This salary is only paid to newly appointed Cleaners for the first six months of service. The salaries attributable to apprentices depend on age and are those set out within the National Minimum Wage legislation. Given the specific nature of these appointments, the Council does not include apprentices within the definition of lowest paid employees for the purposes of this policy statement.

5. The relationship between the highest and lowest paid employees

5.1 Pay Multiples

In setting the relevant pay levels a range of background factors were taken into consideration for senior pay alongside the significant scope and scale of the authority in the national context. For example, the scope and scale of the Chief Executive's post encompasses responsibilities commensurate with a large city authority, including responsibility for:

- The provision of wide ranging services to 281,463 residents of Sunderland.
- An overall budget of £744.7 million for service delivery and the more than 700 services the Council provides.
- Undertaking the role of the Head of Paid Service to 12,400 employees.
- Lead Policy Advisor to the Council's 75 Elected Members.

One way of measuring pay relationships is to use a pay multiple. The ratio between the pay of the Chief Executive in Sunderland City Council and the lowest paid workers is 14.47:1. This meets the Government expectation that the pay multiple relationship should be below 20:1 in local government.

5.2 Pension Contributions

During 2012/12 the employer will contribute 14.4% of pensionable pay to the pension fund for all employees in the Local Government Pension Scheme. Employees also pay a contribution of between 5.5% and 7.5%.

5.3 Pay Policy Decisions for the Wider Workforce

These are determined by the Cabinet, following consideration of recommendations of the Council's Personnel Committee which is composed of elected members. This ensures that decisions in relation to workforce pay are taken by those who are directly accountable to local people.

6. The approach towards payment of those officers ceasing to hold office under or be employed by the Authority

Payments to Chief Officers upon termination of their employment are determined by the Council's Personnel Committee. Decisions are made in line with the Council's policies which apply to all employees. The Council does not re-engage former Chief Officers.

THE STANDARDS COMMITTEE reports and recommends as follows:-

1. Localism Act 2011 – The Amended Standards Regime

That they have given consideration to a report of the Head of Law and Governance and Monitoring Officer (copy attached), outlining the changes to the new Standards Regime and recommending proposals in respect of the recruitment of “Independent Persons”, as required by the Act in order for the Council to ensure that appropriate arrangements are in place in readiness for the implementation date of the new legislative provisions that are expected to come into force on 1 July 2012.

The Standards Committee recommends that:-

- (i) there be two Independent Persons appointed;
- (ii) the appointments be for two years, but with provision to extend for a further three years without re-advertisement;
- (iii) a Panel comprising the Chair and three other members of the current Standards Committee be set up to shortlist and interview candidates and to make a recommendation to Council for appointment; and
- (iv) the Head of Law and Governance, in consultation with the Executive Director of Commercial and Corporate Services, be authorised to finalise the role description and set the initial allowances and expenses for the Independent Persons and to take all necessary steps to progress their recruitment.

LOCALISM ACT 2011 – THE AMENDED STANDARDS REGIME

REPORT OF THE HEAD OF LAW AND GOVERNANCE AND MONITORING OFFICER

1 Introduction

- 1.1 At its meeting in November 2011, the Committee received an update on the provisions in the Localism Act 2011 (the Act) regarding the new standards regime.

The purpose of this report is to outline the changes to the regime and recommend proposals in respect of the recruitment of “Independent Persons”, as required by the Act.

Although Standards for England will cease to exist on 31 March 2012, the Government has indicated that other parts of the existing standards regime will remain in place until the end of June. Their current intention is that the new legislative provisions will come into force on 1 July 2012 and therefore it will be necessary for the Council to ensure that appropriate arrangements are in place in readiness for the implementation date.

- 1.2 The new system has some mandatory elements, but also much more scope for local discretion as to what arrangements are put in place. An overview of the new provisions is set out below.

2. Overview of Provisions

- 2.1 The Council will be under a statutory duty to promote and maintain high standards of conduct by its members and co-opted members.

- 2.2 The Council must adopt a code of conduct dealing with the conduct of its elected and co-opted members when acting in that capacity. The code can contain whatever the Council thinks appropriate, provided it is consistent (when viewed as a whole) with the following seven principles: Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; and Leadership, and that it includes such provision as the Council thinks appropriate for the registration and disclosure of pecuniary and other interests. Further than that, there is no guidance on the content of the code of conduct and the Government is not issuing a “model” code for adoption by authorities.

Members will no longer be required to give a formal undertaking to comply with the code.

2.3 The Council must put in place arrangements under which written allegations of breaches of the code of conduct can be investigated, and decisions on them can be made. Alleged failures to comply with the code can only be dealt with under these arrangements, and in no other way. There is no legislative requirement to have a “Standards Committee”, however, as there is need to have the means to consider complaints and it would be more appropriate for this function to be undertaken by a panel of members rather than officers, the Council will need to decide whether to continue to have a separate Standards Committee, or whether to arrange for this function to be undertaken by another committee of members. The arrangements for investigating complaints can be whatever the Council chooses except that they must include the appointment by the Council of at least one “Independent Person”.

2.4 The Independent Person must be recruited through public advertisement and approved by a majority of Council members. Existing independent members of the Standards Committee will be ineligible, because the Act excludes from this role any person who has been an elected member, co-opted member or officer of the Council in the previous 5 years.

The Independent Person’s role is to give a view on any alleged breach of the code, if asked by either the Council or any member who is the subject of a complaint. The Council must ask for the Independent Person’s views before finally determining an allegation it has investigated.

2.5 The existing statutory sanctions for a breach of the code of conduct are abolished. There will therefore be no scope for the partial or total suspension or disqualification of a member. The Council will be limited to its common law powers, which essentially are (i) formal censure (ii) publication of the breach (in whatever way it might choose) (iii) removing a member from a particular committee and (iv) asking the member to undergo training.

2.6 The Monitoring Officer must maintain a Register of Members’ Interests. This will be a new register, not the continuation of the existing one, and (subject to the provisions referred to in next paragraph) it is for the Council to decide what must be included in it. It must be published on the Council’s website, and be available for inspection at all reasonable times.

2.7 The concepts of “personal” and “prejudicial” interests are discontinued. Disclosable Pecuniary Interests (“DPIs”), which will be defined in Regulations, must be notified to the Monitoring Officer for entry on the Register within 28 days of becoming a member. The draft regulations regarding DPIs are not yet available but it is known that the definitions will apply not only to a member’s own interests, but also to those of their spouse, civil partner, or other person with whom the member is living as if they were spouses or civil partners, so long as the member is aware that their spouse (etc) has such an interest.

Apart from DPIs, it is for the Council to decide what other interests should be registered. The Act does not require members to keep register entries up to date.

Sensitive interests can be withheld from public access to the Register, but only where there is a danger of violence or intimidation.

- 2.8 If a member is present at a meeting at which they have a DPI in any matter under consideration and the interest has not been registered, they must disclose the interest. He or she must then register it with the Monitoring Officer within 28 days. If the interest is already registered, the Act does not require the Member to declare it at the meeting.
- 2.9 A member who has a DPI in any item of business at a meeting must not take part in the debate, nor vote, unless they have obtained a dispensation. There is no legal requirement to leave the room.
- 2.10 There is a more generous regime for the granting of dispensations for members to speak and vote where they have a DPI. At present, the grounds for a dispensation for a prejudicial interest are very limited. In future, members may be given a dispensation either to speak but not vote, or to speak and vote, on several grounds, including that it would be in the interests of local people to allow a dispensation, or even that it is simply “appropriate to grant a dispensation”. Dispensations may last for up to four years.
- 2.11 It will be a criminal offence for a member, without reasonable excuse, to breach the statutory requirements on the registration, and disclosure, of DPIs as will knowingly or recklessly providing false or misleading information in relation to such interests. Any prosecution requires the consent of the Director of Public Prosecutions. On conviction, a member may be fined, and/or disqualified for up to five years.
- 2.12 Finally, Parish Councils will also have a duty to promote and maintain high standards of conduct by their members and to adopt a code of conduct for them (although they can if they choose simply adopt the code of the District Council). There must also be a Register of Interests for the members of each Parish Council.

Importantly however:

- A Parish Council is not required to have any arrangements to deal with any allegations that one of its members is in breach of its code of conduct. Instead, the District Council’s arrangements must also cover such allegations and make provision for them to be investigated and decided upon by the District Council.
- The District Council’s Monitoring Officer is made responsible for maintaining and publishing the Register of Interests for Parish Councils.
- The role of the Independent Person includes giving a view on any alleged breach of the code if asked by any parish councillor who is the subject of a complaint

3. Next Steps

- 3.1 It is clear that there are a number of issues to consider and arrangements to be put in place in order to be ready to implement a new regime from 1 July.

It is however difficult to finalise matters in the absence of the draft regulations defining DPIs.

- 3.2 Committee members previously expressed support for the principle of seeking, if possible, to adopt a code of conduct which is consistent with those adopted by neighbouring authorities.

It is therefore proposed that further discussions be held with the Monitoring Officers of those authorities before detailed recommendations are submitted to the Council. In addition, a meeting between standards committee chairs is being convened by Newcastle Council in order to discuss the way forward.

It is hoped that the draft regulations will be issued in sufficient time for a special meeting of the Standards Committee to be convened in order for it to be consulted on the detailed recommendations, prior to determination of the way forward by the full Council.

- 3.3 In the meantime, it is considered that there is merit in progressing arrangements to recruit Independent Persons. It is recommended that it would be sensible to appoint two such persons, to cover the situation that would arise should any complaint be referred to the Council and one Independent Person be unable to act for any reason (e.g. due to illness or a conflict of interest). It is proposed that the Independent Persons be appointed for a maximum of five years (two years initially, with scope for the Council to extend the appointment for a further three years without re-advertising). A draft role description is shown in the Appendix to this report.
- 3.4 As the Independent Persons will not be members of the Council, their remuneration falls outside the remit of the Independent Remuneration Panel. It is therefore proposed that the Head of Law and Governance, in consultation with the Executive Director of Commercial and Corporate Services, be authorised to set the initial allowance and expenses. (This function could subsequently be delegated to whichever committee the Council determines will deal with standards issues).
- 3.5 It is also recommended that shortlisting of candidates is undertaken by a panel comprised of the Chair of the current Standards Committee plus three other committee members, which will make recommendations to full Council regarding the appointments.

4. **Recommendations**

- 4.1 That the Standards Committee recommend to Council

4.1.1 that there be two Independent Persons appointed

4.1.2 that the appointments be for two years, but with provision to extend for a further three years without re-advertisement

4.1.3 that a Panel comprising the Chair and three other members of the current Standards Committee be set up to shortlist and interview candidates and to make a recommendation to Council for appointment

- 4.1.4 that the Head of Law and Governance, in consultation with the Executive Director of Commercial and Corporate Services, be authorised to finalise the role description and set the initial allowances and expenses for the Independent Persons and to take all necessary steps to progress their recruitment.

Background Papers
Localism Act 2011

Appendix

Role Description for Independent Persons appointed by Sunderland City Council for Standards of Conduct Issues affecting City Council and Hetton Town Council Members

1. The City Council is to appoint two individuals to carry out the role of "Independent Person", which is a new role created under Section 28(7) of the Localism Act 2011. The Council has a duty under that Act to promote and maintain high standards of conduct for its elected and co-opted members and to make arrangements for the consideration of complaints of breaches of its members code of conduct. The Council has yet to determine its arrangements for the undertaking of these responsibilities but it is likely that they will be delegated to a committee of elected members.
2. The statutory role of the Independent Person arises where the Council has received an allegation that one of its members (or a member of Hetton Town Council) has breached the Council's Code of Conduct for Members (or the relevant Town Council's code of conduct).

In those circumstances:

- (a) if the Council decides to investigate the allegation, the Council **must** consult the Independent Person, and take their views into account, before making a decision on that allegation; and
 - (b) the Council **may** seek the views of the Independent Person about any other aspect of the allegation, whether or not it decides to investigate; and
 - (c) the member of the Council (or Hetton Town Council) who is the subject of the allegation **may** also seek the views of the Independent Person at any time.
3. When a complaint has been investigated, the Independent Person will receive a copy of the investigation report from the Council and be asked for his or her view on it and any views he or she may have upon how the Council should determine the allegation. These views will then be taken into account in the final decision making process. The final decision may be made by the Monitoring Officer where the investigation has concluded that there has been no breach of the Code, but otherwise is likely to be made by a committee of elected members after a hearing.
 4. The views of the Independent Person may be sought by the Council at other stages in the process, for instance by the Monitoring Officer to assist in deciding whether a complaint could be resolved informally.
 5. It is envisaged the views of the Independent Person will usually be sought by the Council (through its Monitoring Officer) in writing, either by letter or e mail, and that the response of the Independent Person will usually be conveyed in the same way. On occasions however advice may be sought by telephone or at a meeting.

Any Independent Person is likely to be expected to attend any hearing which is held by the Council to decide whether there has been a breach of the Code of Conduct. If it is decided at that hearing that there has been a breach, the Independent Person will be asked for his or her view as to what action, if any, should be taken as a result.

6. As part of the statutory role, the Independent Person will also be available for consultation by any Council (and Hetton Town Council) member who is the subject of an alleged breach of the Code of Conduct. Such consultation may be sought at any time during the process and may be carried out by telephone, written correspondence (e mail or letter) or at a meeting (including at a final hearing).

(This advisory role to an individual Council member will only arise where the member is subject to an alleged breach of the relevant code of conduct. An Independent Person will not be expected – and should decline - to give advice to Council or Hetton Town Council members in any other circumstances. Where such advice is required, Council members will be expected to seek it from the Monitoring Officer, or some other appropriate Council officer).

7. In addition to this statutory role, the Independent Person may from time to time be asked for his or her views about other aspects of the Council's standards arrangements, for instance the suitability of the Council's Code of Conduct or the procedures which the Council adopts for the handling of any allegations of member misconduct. The Independent Person may be invited to attend committee meetings for this purpose.
8. An Independent Person will be encouraged to acquire some understanding of the work of the Council and how it operates. Support will be provided by the Council's Monitoring Officer, who will arrange any necessary training and the provision of such information which is considered necessary to enable the Independent Person to perform the role properly.

ACTION TAKEN ON PETITIONS

Council members are asked to note the action taken in relation to the under mentioned petitions which were presented to Council.

(i) Petition objecting to the Council using Thompson Park Compound as a refuse collection depot and welfare facility by Streetscene – Presented by Councillor C Shattock on 7th December 2011

The Executive Director of City Services reports that he has considered the petition which was signed by 25 residents and has agreed to continue to operate the services from the Thompson Park Compound in accordance with restrictions on the activities carried out. Operations in the park will be monitored closely to ensure impacts are minimised.

The method of operation has been investigated by relevant Council Officers from Development Control, Planning and Environment Health Teams and found to be appropriate.

Streetscene operations need to use facilities available to ensure it can provide the highest level of service with the resources available. The use of the compound at Thompson Park will allow services in the park and the local Street Scene area to be provided efficiently and in a more responsive way.

Council Officers have given firm assurances to act as a good neighbour to residents and liaise regularly with residents and if appropriate through the Friends of Thompson Park Steering Group.

Councillor Shattock and the lead petitioner have been informed accordingly.

(ii) Petition against the closure of Crowtree sauna and the lack of accessible replacement and urging the Council to replace the closed Crowtree sauna with an accessible facility; not leaving the many users having to face the prospect of a long, expensive journey to Washington or Hetton – Presented by Councillor P Dixon on 5th October 2011

The Executive Director of City Services reports that he has considered the petition which was signed by 88 residents and determined that the petitioners' request to replace the Crowtree sauna should be declined.

In planning for the development of a new sauna, not only would this require a revenue budget, but significant capital expenditure would be required for its construction. External funders do not regard sauna provision as a priority in achieving an increase in participation in sport and physical activity. Therefore, any development would need to be financed by City Council budgets and, given the current economic climate, no Council funding is currently available to prioritise this.

The Executive Director did, however, agree to consider the development of a sauna and 'add value' to a facility, where the cost implications are not prohibitive.

The Ward Councillors and the lead petitioner have been notified of the Executive Director's decision.

NOTICE OF MOTION

Council Members are asked to consider the undermentioned Motion:-

(i) Notice of Motion – Extension of High Speed Rail to the North East

This Council expresses its support for the extension of high-speed rail to the north-east and seeks a commitment from Her Majesty's Government to this effect.

Councillor P. Wood
Councillor R. Oliver
Councillor A. Wright
Councillor A. Morrissey
Councillor L. Martin
Councillor R.S. Vardy
Councillor P. Maddison
Councillor M. Forbes
Councillor R. Francis

(ii) Notice of Motion –Government Performance

This Council notes the appalling record of the Conservative led Coalition Government since its formation following the General election of 2010 and furthermore deplores the extensive list of broken promises. From reneging on their cast iron guarantee of a Referendum on Europe to breaking their pledge to Students not to increase university fees, this Conservative led Coalition has proven itself unworthy of the Nations trust and should apologise to those they have misled.

Councillor P. Watson
Councillor J. Kelly
Councillor H. Trueman
Councillor M. Speding
Councillor T. Wright

(iii) Notice of Motion – Proposed Closure of Gill Bridge House and Shackleton House

Sunderland City Council views with concern the proposal by "Her Majesty's Revenue and Customs" to close Gill Bridge House and Shackleton House which are situated in Sunderland city centre.

Recognising that the staff who work in these offices are universally opposed to this proposal and claim to contribute £500,000 per annum to the city centre economy, we believe that this will result in:

- i) An adverse economic impact on the City centre.
- ii) A poorer service for customers who use the facilities in these offices.

Therefore this Council resolves to:

- a) Support the campaign to oppose this proposal.
- b) Instruct the Chief Executive to write to David Guake MP, Exchequer Secretary to the Treasury, expressing our objections.

Councillor P. Watson
Councillor H. Trueman
Councillor M. Speding
Councillor J. Kelly
Councillor T. Wright
Councillor D. Allan
Councillor R.D. Tate

COUNCIL

28TH MARCH 2012

Quarterly Report on Special Urgency Decisions

Report of the Leader

The Council's Constitution requires that a quarterly report be submitted to Council on executive decisions which have been taken under Rule 16 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

This is the special urgency provision under which key decisions may be taken by the executive notwithstanding that the item was not contained in the Forward Plan and compliance with Regulation 15 (the general exception) was impracticable.

There have been no such instances since the last quarterly report.

Recommendation

That the Council notes the content of this report.