

CIVIC CENTRE,  
SUNDERLAND  
14th January, 2011

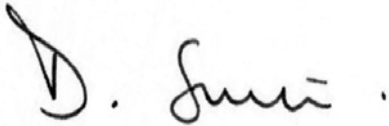
**TO THE MEMBERS OF SUNDERLAND CITY COUNCIL**

**YOU ARE SUMMONED TO ATTEND A MEETING** of Sunderland City Council to be held in the Council Chamber, Civic Centre, Sunderland, on **WEDNESDAY, 26TH JANUARY, 2011** 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 meeting of the Council held on 24th November 2010 (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. **Written Questions (if any) under Rule 8.2.**
9. **To receive a report on action taken on petitions.**
10. **To consider the attached motions.**

**11. To consider the undermentioned reports: -**

- (i) Quarterly Report on Special Urgency Decisions – Report of the Leader (copy herewith)**
- (ii) Appointments to Committees and Outside Bodies – The Health and Wellbeing Scrutiny Committee, Standards Committee, Sherburn House Charity, The Association of North East Councils and Active Sunderland Board - Report of the Director of Commercial and Corporate Services (copy herewith).**

A handwritten signature in black ink, appearing to read "D. Smith", is positioned below the list of reports.

**CHIEF EXECUTIVE**

## Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE on WEDNESDAY, 24<sup>TH</sup> NOVEMBER, 2010 at 6.00 p.m.

**Present:** The Mayor (Councillor T Martin) in the Chair  
The Deputy Mayor (Councillor N Wright)

Councillors	Allan	Gibson, E.	Old	Vardy
	Anderson	Gibson, P.	Oliver	Wake
	Ball	Gofton	Padgett	Wakefield
	Bell	Hall, A.	Rolph	Walker
	Blackburn	Hall, G.	Scott, J	Walton, J.
	Bonallie	Heron	Shattock	Walton, L.
	Charlton	Howe	Smith, D.	Watson, P.
	Cuthbert	Kay	Smith, P.	Watson, S.
	Ellis	Kelly	Snowdon	Williams
	Emerson	McClennan	Speding	Wilson, A.
	Errington	Maddison	Tate	Wilson, D.
	Essl	Martin, L.	Timmins	Wood
	Fletcher	Miller	Trueman, D.	Wright, A.
	Forbes, M.	Mordey	Trueman, H.	Wright, T.
	Francis	Morrissey	Tye	

The Notice convening the meeting was read.

### Minutes

RESOLVED that the minutes of the last ordinary meeting of the Council held on 29 September, 2010 (copy circulated) be confirmed and signed as a correct record.

### Declarations of Interest

The following Councillors declared personal interests in the under mentioned items of business for the reasons respectively indicated:-

Item 7(i) – Report of the Cabinet – Budget Planning Framework 2011/2012	Councillors Allan, Anderson, Gofton, H. Trueman and P. Watson	Members of the Association of North East Councils (ANEC)
	Councillor Tate	Member of the Local Government Pension Fund
		Member of the Integrated Transport Authority Scrutiny Committee

Item 7(ii) – Report of the Cabinet – Capital Programme Second Review 2010/2011 (including Treasury Management)	Councillors Allan, Anderson, Gofton, H. Trueman and P. Watson  Councillor J. Blackburn	Members of the Association of North East Councils (ANEC)  Member of Tyne and Wear Integrated Transport Authority / Nexus
Item 7(iii) – Report of the Cabinet – Licensing Act 2003 – Approval of Amendments to the Council’s Licensing Policy Statement	Councillor Wakefield	Daughter is licence holder at the Sun Inn, Newbottle Village

## **Mayor’s Announcements**

### **(i) Mr Norman Dennis Deceased**

It was with sadness that the Mayor asked the Council to remember former Councillor Norman Dennis who had served on the Council between 1971 and 1974 representing the constituents of Deptford ward.

Members and Officers then joined the Mayor in observing a minute’s silence as a mark of respect for Mr Dennis.

### **(ii) Guardian Public Services Awards**

At the invitation of the Mayor, the Portfolio Holder for Children and Learning City, Councillor Pat Smith, advised the meeting of the Council’s success in being awarded first prize in the Service Delivery category of the Guardian Public Services Awards for the XL Youth Village Scheme.

Councillor Smith thanked all those that had been involved in the scheme together with fellow Members for their support and assistance.

## **Reception of Petitions**

RESOLVED that the undermentioned petitions, submitted by the Councillors respectively named, be received and referred for consideration in accordance with the Council’s Petitions Scheme, to the Chief Officers indicated below:-

- (i) Councillor Morrisey – petition requesting the withdrawal of the 100 per cent relief on business rates granted to the Scientologists based in Fawcett Street – Director of Financial Resources

- (ii) Councillor Wood – petition from residents of Benedict Court and City Green regarding a Zebra Crossing at the bottom of the footpath leading to Cowan Terrace and on to Park Lane Interchange – Executive Director of City Services.

### **Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Copeland, M. Dixon, P. Dixon, Fairs, D. Forbes, Foster, O'Connor, D. Richardson, I.J. Richardson, Scaplehorn, J.B. Scott and Stewart.

### **The Cabinet reported as follows:-**

#### **1. Budget Planning Framework 2011/2012**

That they had given consideration to a report of the Director of Financial Resources (copy circulated) outlining the Key Factors influencing the development of the Revenue Budget for 2011/2012 and financial plans into the medium term which set out the budget planning framework for the Council for 2011/2012 and provided the basis of developing the Medium Term Financial Strategy.

They had also referred the report to the Management Scrutiny Committee for its comments in the context of the approved consultation arrangements for the Council's budget. The Scrutiny Committee had accepted the report and Members had commented that they awaited the detail of the Government's Spending Review.

Accordingly, the Cabinet had recommended that the Council approve the proposed budget planning framework which will guide the preparation of the Revenue Budget for 2011/2012.

#### **2. Capital Programme Second Review 2010/2011 (including Treasury Management)**

That they had given consideration to a report of the Director of Financial Resources (copy circulated) which had detailed:-

- the reprofiling of projects since the First Capital Programme Review was reported;
- the inclusion of additional schemes and revisions to costs and resourcing for 2010/2011 since the First Capital Programme Review was reported;
- the overall updated Capital Programme following the Second Review; and

- an update on progress on implementing the Treasury Management Strategy for 2010/2011.

They had also referred the report to the Management Scrutiny Committee for advice and consideration in the context of the inclusion of additional schemes for 2010/2011 costing over £250,000 which had been set out in an attached extract. The Children, Young People and Learning Scrutiny Committee had raised concerns in relation to safeguarding, which the Portfolio Holder had taken into consideration before making a decision and had provided the Scrutiny Committee with an appropriate reply. The Management Scrutiny Committee had accepted the proposed additional scheme as set out in the extract to the report.

Accordingly, the Cabinet had recommended that the Council approve the inclusion of the additional scheme for 2010/2011 and associated resourcing of the Capital Programme since the First Review of the Capital Programme had been approved by Council in September 2010.

### **3. Licensing Act 2003 – Approval of Amendments to the Council's Licensing Policy Statement**

That they had given consideration to a joint report of the Executive Director of City Services and the Head of Law and Governance (copy circulated) which had sought approval of the revised Licensing Policy Statement.

They had also referred the report to the Community and Safer City Scrutiny Committee for its comments in the context of the Council's obligation to review the Statement of Licensing Policy in order to fulfil its statutory duty. The Scrutiny Committee had endorsed the report but also expressed a wish that the policy include an indication that the Council would deter what Councillors perceived as a surfeit of licences in particular areas of the city.

Accordingly, the Cabinet had recommended that the Council consider the amendments to the policy and approve the Licensing Statement under the Licensing Act 2003.

The Leader of the Council, duly seconded by the Deputy Leader of the Council, moved the report of the Cabinet and it was, accordingly:

RESOLVED that the views of the Scrutiny Committees be noted and the report of the Cabinet be approved and adopted.

### **Written Questions under Rule 8.2**

Pursuant to Rule 8.2 of the Council Rules of Procedure, Members of the Council asked questions of the Leader and Members of the Executive.

The Portfolio Holder for Resources, Councillor Allan, proposed an extension to the time for responding to Written Questions which was agreed.

## Action Taken on Petitions

The Council received the undermentioned reports on action taken in relation to petitions which had been presented to Council.

**(i) Petition from residents of Washington requesting a feasibility study for improved parking facilities in front of the shops on Vigo Lane, Harraton, Washington presented to Council by Councillor Ian Cuthbert.**

The former Director of Development and Regeneration had agreed to undertake a feasibility study into a scheme to improve parking in front of the shops.

The feasibility Study had been completed. A parking lay-by could be provided on Vigo Lane, in front of the shops, at an estimated cost of £66,000. This included £42,000 for the diversion of underground NEDL and BT cables.

The Council's Capital Programme for traffic management schemes in 2010/11 had been significantly reduced following an in-year Local Transport Plan (LTP) budget reduction of circa £900k imposed by central government. Until such time as the LTP budget for 2011/12 was known and agreed, no decision could be made on progressing the scheme at that time.

Councillor Cuthbert and the lead petitioner had been notified.

**(ii) Petition from the Washington History Society – Request to install an Education and Heritage Centre which was presented to Council, by Councillor Jill Fletcher on 21 January 2010.**

The petition contained over 900 signatures

The Executive Director City Services had considered the petition and following consultation with the Portfolio Holder for Safer City a meeting had been held with members of the local voluntary sector and officers from Culture and Tourism to discuss their aspirations and needs in relation to a proposed centre. It had been agreed that a recommendation be taken forward to the Washington Area Committee for further consideration.

Washington Area Committee had agreed at its meeting on 4 February 2010 for a funding application to go forward for a feasibility study to be carried out.

The funding was to incorporate the following options:

- costs for the renovation and restoration of the preferred site (Spout Lane),
- to consider a range of options for alternative delivery incorporating the current heritage offer within the area,
- assessing the individual strengths and weaknesses of the heritage assets identified and how these assets contribute to the area and the city, and

- opportunities for collaboration between heritage sites and assets within the Washington area, including guidance on volunteers, management and governance.

In June 2010, following a procurement process undertaken by officers from Culture and Tourism and the Portfolio Holder for Safer City and Culture, the North of England Civic Trust (NECT) had been awarded the contract. The contract had commenced on 1 September 2010.

An interim meeting was to take place in November 2010 with NECT and Members/Officers from the City Council. The purpose of the meeting would be to update on the progress of works, with a full presentation on the outcomes of the study planned for January 2011.

Councillor Fletcher and the lead petitioner were to be notified.

## **Notices of Motion**

### **(i) Notice of Motion – Support to Show Racism the Red Card**

The Deputy Leader, seconded by the Leader, moved a motion in relation to supporting Show Racism the Red Card.

Upon being put to the meeting, the motion was carried unanimously and it was:-

RESOLVED that this Council acknowledges the excellent work that the charity Show Racism the Red Card has done in the cause of social cohesion across the country in recent years, and calls on everyone to support its good work.

### **(ii) Notice of Motion – Comprehensive Spending Review**

Councillor Speding, seconded by Councillor Allan, moved a motion relating to the recent Comprehensive Spending Review:-

Upon being put to the vote, the motion was carried, with 40 Members voting in favour thereof, viz:-

Councillors	Allan	Gibson, E.	Mordey	Trueman, D.
	Anderson	Gibson, P.	Old	Trueman, H.
	Ball	Gofton	Padgett	Tye
	Bell	Hall, A.	Rolph	Walker
	Blackburn	Heron	Scott, J.	Watson, P.
	Bonallie	Kay	Shattock	Watson, S.
	Emerson	Kelly	Snowdon	Williams
	Errington	Martin, T.	Speding	Wilson, A.
	Essl	McClennan	Tate	Wright, N.
	Fletcher	Miller	Timmins	Wright, T.



12 Members voting against, viz:-

Councillors	Ellis	Hall, G.	Oliver	Walton, L.
	Forbes, M.	Howe	Wake	Wood
	Francis	Morrissey	Walton, J.	Wright, A.

and two abstentions viz:-

Councillors	Smith, D.	Wakefield
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It was, therefore:

RESOLVED that this Council notes that the recent Comprehensive Spending Review is grossly disproportionate and unfairly targets children and young people and calls on the Coalition Government to reconsider this unfair position.

### **Appointments to Committees and Outside Bodies – The North Eastern Fisheries and Conservation Authority, the Great Eppleton Wind Farm Panel and the Sunderland Futures Partnership Board**

The Head of Law and Governance submitted a report (copy circulated) requesting Council to consider nominations to seats on the North Eastern Fisheries and Conservation Authority, the Great Eppleton Wind Farm Panel and the Sunderland Futures Partnership Board.

(For copy report – see original minutes).

The Leader moved the recommendations contained in the report and was duly seconded by Councillor Anderson.

Councillor M. Forbes moved an amendment that Councillor Wakefield be nominated to represent the Copt Hill area on the Great Eppleton Wind Farm Panel instead of Councillor Heron. Councillor Ellis seconded the amendment.

Upon having been put to the vote, the amendment was defeated, with 15 Members voting in favour thereof, viz:-

Councillors	Cuthbert	Hall, G.	Shattock	Walton, L.
	Ellis	Howe	Wake	Wood
	Forbes, M.	Morrissey	Wakefield	Wright, A.
	Francis	Oliver	Walton, J.	

38 Members voting against, viz:-

Councillors	Allan	Gibson, E.	Old	Trueman, H.
	Anderson	Gibson, P.	Padgett	Tye
	Ball	Gofton	Rolph	Walker
	Bell	Hall, A.	Scott, J.	Watson, P.
	Blackburn	Heron	Snowdon	Watson, S.
	Bonallie	Kay	Speding	Williams
	Emerson	Kelly	Tate	Wilson, A.

Errington  
Essl  
Fletcher

McClennan  
Miller  
Mordey

Timmins  
Trueman, D.

Wright, N.  
Wright, T.

and one abstention viz:-

Councillors Martin, T.

The substantive motion having then been put to the meeting it was:

RESOLVED that:-

- (i) Councillor R. Bell be confirmed as the Council's nominated representative on the new North Eastern Inshore Fisheries and Conservation Authority;
- (ii) Councillor R. Heron be nominated to represent the Copt Hill area on the Great Eppleton Wind Farm Panel; and
- (iii) the Portfolio Holder for Children and Learning City, Councillor Pat Smith, be nominated as the Council's representative on Sunderland Futures Partnership Board.

(Signed) T. MARTIN,  
Mayor.

## **THE CABINET reports as follows:-**

### **1. Updating the Constitution**

That they have given consideration to a report of the Head of Law and Governance (copy attached) which proposed amendments to the Constitution in order to transfer those powers which were currently delegated to the Director of Financial Resources under the Constitution to the new Executive Director of Commercial and Corporate Services, who would be commencing in post in the New Year. The Executive Director would also be designated as the Chief Finance Officer under Section 151 of the Local Government Act 1972.

Accordingly the Cabinet recommends the Council to note and endorse the arrangements for the transfer of delegated powers and the position of Chief Finance Officer (Section 151 Local Government Act 1972) set out in the report, to give effect to the Council's revised management structure.

### **2. Housing and Neighbourhood Renewal Enforcement Policy**

That they have given consideration to a report of the Executive Director of Health, Housing and Adult Services submitted a report (copy attached) on the statutory requirement to produce, review and publish a service specific enforcement policy and to seek approval for the proposed Housing and Neighbourhood Renewal Enforcement Policy which would act to serve statutory, strategic and operational aims.

The policy had been considered by the Sustainable Communities Scrutiny Committee and there was overwhelming support for it. The Committee was keen to see that all Members were made aware of the policy as it would be very useful information for Members when dealing with relevant issues in their Wards.

Accordingly the Cabinet recommends the Council to approve and adopt the Housing and Neighbourhood Renewal Enforcement Policy with immediate effect.

**N.B. The Cabinet will be considering the following reports and recommendations at its meeting to be held on 17 January 2011. Any additional comments or recommendations will follow.**

### **3. Calculation of Council Tax Base**

That they have given consideration to a report of the Executive Director of Commercial and Corporate Services (copy attached) seeking approval to the calculation of the Council Tax Base for 2011/2012 in accordance with the Local Government Finance Act 1992 and recommend to Council that:-

- (i) the report for the calculation of the Tax Bases for the City Council and Hetton Town Council for 2011/2012 be approved, and
- (ii) pursuant to the report and in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, as amended by Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003, the amount calculated by the City of Sunderland Council as its Council Tax Base for the year 2011/2012, shall be £80,167 and for the area of Hetton Town Council shall be £4,017.

### **4. Revenue Budget Proposals 2011/2012**

That they have given consideration to a joint report of the Chief Executive and the Executive Director of Commercial and Corporate Services (copy attached) noting the impact of the provisional Local Government Finance Settlement on the Budget Planning Framework for 2011/2012 and submit the provisional budget proposals for 2011/2012 as a basis for the continuation of budget consultation, prior to the receipt of the final Local Government Finance Settlement for 2011/2012.

Accordingly the Cabinet recommends the Council to approve the provisional budget proposals, as a basis for the continuation of budget consultation, prior to the receipt of the final Local Government Finance Settlement 2011/2012.

They also referred the report to the Management Scrutiny Committee for further advice and consideration. The comments of the Scrutiny Committee will be reported to the meeting.

## **5. Revenue Budget Third Review 2010/2011**

That they have given consideration to a report of the Executive Director of Commercial and Corporate Services on the overall Revenue position following the third review for 2010/2011 including:

- proposed contingency transfers and budget transfers for the third quarter of 2010/2011;
- details of the latest position regarding the impact of the Government review of public spending and the Council's response.

In accordance with the Council's Budget and Policy Framework certain transfers require Council approval. The following extract refers to those transfer of funds:

*'Additional cost containment actions taken to date have enabled in year savings to be achieved in excess of the level of in year grant reductions experienced by £3.467m. In addition savings as a result of interest on investments and rescheduling of debt of £4m are projected for this year. It is proposed that these amounts and any further underspendings from cost containment measures together with underspent contingencies at the end of 2011/2012 are transferred to the strategic investment reserve and earmarked to support transitional costs arising from the 2011/2012 budget setting process.'*

Accordingly the Cabinet recommends the Council to approve the budget transfers for the third quarter of 2010/2011 as set in the above extract.

They also referred the above extract of the budget transfers to the Management Scrutiny Committee, for advice and consideration. The comments of the Scrutiny Committee will be reported to the meeting.

## **6. Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982**

That they have given consideration to a joint report of the Executive Director of Commercial and Corporate Services and Executive Director of City Services (copy attached) to request that the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 relating to the regulation of sex establishments be formally adopted.

Accordingly the Cabinet recommends the Council to resolve that Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) in relation to the regulation of sex establishments shall apply to its area and that the Schedule shall come into force on 7 March 2011.

**UPDATING THE CONSTITUTION**

**Report of the Head of Law and Governance**

**1. PURPOSE OF THE REPORT**

- 1.1 To propose further amendments to the Constitution.

**2. DESCRIPTION OF THE DECISION**

- 2.1 That Council be recommended to note and endorse the arrangements for the transfer of delegated powers and the position of Chief Finance Officer (Section 151 Local Government Act 1972) set out in the report, to give effect to the Council's revised management structure.

**3. Transfer of Delegated Powers of the Director of Financial Resources**

- 3.1 It is necessary to transfer powers currently delegated to the Director of Financial Resources under the Constitution and all other ad hoc delegations in relation to specific matters which remain extant, to the Executive Director of Commercial and Corporate Services, with effect from 1st January 2011, to reflect the Council's revised establishment structure. The Executive Director of Commercial and Corporate Services is also designated as Chief Finance Officer (Section 151 Local Government Act 1972) for the purposes of Article 12 of the Constitution.

**4. REASONS FOR DECISION**

- 4.1 It is necessary to revise and update the Constitution for the reasons set out in the report.

**5. ALTERNATIVE OPTIONS**

- 5.1 No alternative options are submitted for consideration.

**6. BACKGROUND PAPERS**

- 6.1 Sunderland City Council Constitution.

**REPORT OF THE EXECUTIVE DIRECTOR OF HEALTH, HOUSING AND  
ADULT SERVICES**

**HOUSING AND NEIGHBOURHOOD RENEWAL ENFORCEMENT POLICY**

**1. PURPOSE OF THE REPORT**

- 1.1 The purpose of the report is to inform Cabinet of the statutory requirement to produce and publish a service specific enforcement policy and to seek Cabinet approval for the proposed Housing and Neighbourhood Renewal Enforcement Policy which will act to serve statutory, strategic and operational aims.

**2. DESCRIPTION OF THE DECISION**

- 2.1 Cabinet is requested to approve that the proposed Housing and Neighbourhood Renewal Enforcement Policy be referred to Council for approval and adoption by the Council with immediate effect.

**3. BACKGROUND**

- 3.1 The existing policy was developed having regard to the 1998 Enforcement Concordat and the Regulator's Compliance Code. The Code is designed to complement the concordat but unlike the concordat that was voluntary, the Code **must** be taken into account by regulators such as local authorities when determining any general policy or principles about the exercising of specified regulatory functions or when exercising or giving guidance about those functions.
- 3.2 The Council implemented the Housing Renewal and Financial Assistance Policy with effect from 1 April 2003 following adoption by Cabinet on 15 January 2003 and from that time the enforcement policy has been an integral part of the overall policy subject to annual review until Cabinet approved a new Financial Assistance Policy in July 2008.
- 3.3 The introduction of the Housing Act 2004 provided a series of substantial new enforcement powers, many of which came into force in 2006, and the Regulators' Compliance Code ("the code") issued under section 22 of the Legislative and Regulatory Reform Act 2006 recommended that regulators publish an enforcement policy that takes account of the requirements of the Code.



- 3.4 The existing Housing Enforcement Policy was approved in February 2009 however since that time new powers in relation Anti Social Behaviour have been adopted by the Council and needed to be embedded within the Enforcement Policy. In addition, the proposed policy has been updated in relation to enforcement options and an improved layout now includes a summary of the Council's enforcement response for a range of circumstances.

#### **4. CURRENT POSITION**

- 4.1 In order to comply with the Regulator's Compliance Code, the Council is required to adopt and publish an enforcement policy designed to promote efficient and effective approaches to regulatory inspection and enforcement in order to improve regulatory outcomes without imposing unnecessary burdens on landlords and other businesses.
- 4.2 The policy applies to the Council's enforcement activities in exercising the statutory powers at its disposal in dealing with anti social behaviour, sub-standard or disused private sector housing and outlines the approach to be taken in the use of such powers including investigation, inspection, and dialogue with persons who may be affected by the enforcement activity largely vested in the Council's Housing and Neighbourhood Renewal Team.
- 4.3 The policy was developed with a view to protecting the health, safety and welfare of the residents of Sunderland and to encourage good standards in terms of maintenance and management of homes predominately in the private sector. Further aims are to support the sustainability of the housing stock and the residential environment.
- 4.4 The policy also applies to the ancillary enforcement activities undertaken by the service in the residential sector to deal with matters such as accumulations of waste, statutory nuisances and blocked or defective drainage.
- 4.5 The existing policy has generally been found to apply well for the purpose for which it was developed. However, the introduction and Council adoption of new powers in relation to Anti Social Behaviour under the provisions of the Violent Crime Reduction Act 2006 and the Criminal Justice and Immigration Act 2008 mean that the existing policy will no longer be fit for purpose.
- 4.6 Section 118 of the Criminal Justice and Immigration Act 2008 introduced closure notices and orders to allow the courts to close on a temporary basis, premises associated with significant and persistent disorder or persistent serious nuisance. The tool is similar to the existing crack house closure.

- 4.7 Drink Banning Orders have been introduced through the Violent Crime Reduction Act 2006. They are designed to address an individual's alcohol misuse behaviour and protect others and their properties from such behaviour. They are civil orders that can be made against an individual aged 16 or over if they have engaged in criminal or disorderly conduct whilst under the influence of alcohol. The order remains in place for a minimum of two months and a maximum of two years. There is no custodial penalty for breach or an order although breach of a subsequent court sanction could result in a custodial sentence.
- 4.8 The Home Secretary in a recent speech announced that the current Government intended to look to remove Anti Social Behaviour Order powers from statute. The Executive Director will continue to monitor this position.
- 4.9 Additionally, the statutory duties which the Council must provide in respect to tenancy harassment as set out by the Protection of Eviction Act 1977 will transfer from the Council's Legal Services to the Strategic Housing Service within this year as part of the Councils Business Transformation Programme. When protocols are finalised these duties will be included within the Enforcement Policy.

## **5. REASONS FOR DECISION**

- 5.1 The proposed new enforcement policy is designed to promote efficient, effective and consistent approaches to inspection, investigation and enforcement in order to improve regulatory outcomes without imposing unnecessary burdens.

## **6. ALTERNATIVE OPTIONS**

- 6.1 The alternative option considered and rejected was that the existing policy (which does not have regard to the new powers adopted by the Council) be retained, despite the introduction of new powers and legislative requirements and contrary to statutory guidance.

## **7. RELEVANT CONSIDERATIONS/CONSULTATION**

### **7.1 Financial Implications**

The Director of Financial Resources has confirmed that there are no additional cost implications associated with this report. The costs associated with the implementation of the Housing and Neighbourhood Renewal Enforcement Policy will be met from existing resources.

## 7.2 **Risk Analysis**

This proposal mitigates risk in terms of legal concerns and indemnity of officers' actions.

The risks of not adopting this policy are that:

Enforcement action is not targeted to benefit those who are most disadvantaged or who would benefit most.

The opportunity to improve clarity, consistency and transparency on why and how we take enforcement action may not be achieved.

The profile of taking enforcement action to protect residents is not raised nor receives further political endorsement.

There may be a greater risk of legal challenge against enforcement decisions.

## 7.3 **Employee Implications**

### 7.3.1 **Legal Implications**

Legal Services have also been consulted with regard to the legal aspects of the Policy.

### 7.3.2 **Policy Implications**

The proposed Housing and Neighbourhood Renewal Enforcement Policy will support and strengthen the Council's key strategies and policies. Such relevant strategies including the Housing Strategy, the Empty Property Strategy, the Anti-Social Behaviour Strategy, the Homelessness Strategy, and the BOTM Succession Strategy.

### 7.3.3 **Health and Safety Considerations**

All project activities will be undertaken with due regard to health and safety legislation and Council policies and will seek to assist often the most vulnerable people in the city.

### 7.3.4 **Equality Considerations**

All project activities will be undertaken with due regard to equality legislation and Council policies.

### 7.3.5 **Stakeholder Consultation**

The members of the Council's Private Landlord Forum have been consulted in respect to the proposed Enforcement Policy.

The appropriate entry has been in place in respect to the Forward Plan.

## **8. APPENDICES**

Appendix 1 - Proposed document "Housing and Neighbourhood Renewal General Enforcement Policy"

## **9. BACKGROUND PAPERS**

Housing Act 2004

Legislative and Regulatory reform Order 2006

Legislative and Regulatory Reform (Regulatory Functions) Order 2007

Cabinet Office Enforcement Concordat

Regulators' Compliance Code issued under section 22 of the Legislative and Regulatory Reform Act 2006

Copies of the above documents are held by the Housing and Neighbourhood Renewal Team and can be viewed by arrangement. Contact the Housing and Neighbourhood Renewal Team on 0191 5611488.

### Introduction

The Council is provided with a wide range of powers in relation to standards of housing to enable it to protect individuals, families and the community as a whole. The Housing and Neighbourhood Renewal Team within Health Housing and Adult Services has responsibility for exercising these powers in Sunderland. The team also has the responsibility on behalf of the Council for tackling antisocial behaviour and other crime related issues and where appropriate this is done in partnership with other agencies.

This policy applies to the enforcement activities of Sunderland City Council in exercising the statutory powers at its disposal in dealing with unsafe, substandard or disused private sector housing and anti social behaviour and outlines the approach to be taken in the use of such powers including investigation, inspection, and dialogue with persons who may be affected by such enforcement activity. The policy also applies to the ancillary enforcement activities undertaken by the service in the residential sector to deal with matters such as statutory nuisances and blocked or defective drainage.

This enforcement policy is designed to promote efficient, effective and consistent approaches to regulatory inspection and enforcement. This is in compliance with the Regulators' Compliance Code ("the Code") issued under the provisions of the Legislative and Regulatory Reform Act 2006. Any departure from the code will be properly reasoned, based on material evidence and documented.

Legislation places responsibility on; owners, landlords, tenants and occupiers of private housing and the Housing and Neighbourhood Renewal Team has been vested with the role of providing advice, guidance and assistance to enable persons to meet the statutory requirements. The purpose of this policy is to explain fully how the Housing and Neighbourhood Renewal Team will fulfil this role and sets down the enforcement approach to be taken with those who are not willing to comply with their legal responsibilities.

### Principles of Enforcement

The Council will have regard to the following factors in developing policy and making enforcement decisions:

#### **Regulator's Compliance Code**

This enforcement policy is designed to promote efficient, effective and consistent approaches to regulatory inspection and enforcement in order to improve regulatory outcomes without imposing unnecessary burdens. This is in

compliance with the *Regulators' Compliance Code* ("the Code") issued under the provisions of the Legislative and Regulatory Reform Act 2006. In certain instances the Council may conclude that a provision of the Code is not relevant in the circumstances or is outweighed by another consideration. Any departure from the Code will be properly reasoned, based on material evidence and documented.

The Council will have regard to the following factors in developing policy and making enforcement decisions:

- **Economic progress**

Enforcement and interventional activities will be kept under review so as to minimise economic burdens whilst fulfilling the public protection role. Officers will consider the impact of interventions on economic progress and will adopt an approach where the requirements justify the costs incurred.

- **Risk assessments**

Resources will be targeted on the basis of risk assessments and actions directed where they will be most effective

- **Advice and Guidance**

The Council has produced a range of information leaflets on private housing and neighbourhood relations matters. Further information and guidance is available on the Council's website "<http://www.sunderland.gov.uk>" selecting housing service under search. In the course of any enforcement action we will provide clear, concise and accessible information and guidance to help recipients meet their obligations.

- **Inspections and other visits**

All visits and inspections will be justified and where appropriate joint inspections may be carried out with other regulators.

- **Information requirements**

A balanced approach to information needs will be taken with a view to reducing burdens on businesses whilst meeting statutory requirements.

- **Compliance and enforcement actions**

The basis of non-compliance will normally be raised informally before enforcement action is commenced except where this approach may compromise the action, where there is a serious breach of legislation or imminent serious risk to persons or property. A history of good compliance will be recognised. When enforcement action is considered reasons will be discussed whenever possible. Clear reasons will be stated for any action taken and the action will be proportionate to the nature of the breach of regulation.

- **Accountability and consultation**

Sunderland City Council is an accountable body and considered actions shall be justifiable, transparent and in accordance with Council policy in the context of the legal and administrative framework set down for enforcement agencies. The Council will offer consultation and feedback opportunities to persons affected by enforcement activity.

In certain instances we may conclude that provision in the code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

### **Enforcement Concordat**

This will still apply to those regulatory functions where the Regulator's Compliance Code is not applicable. In November 1998 Sunderland City Council formally agreed and adopted the principles of good enforcement in line with the *Enforcement Concordat* produced by the Government's Cabinet Office in conjunction with the Local Government Association. The Housing and Neighbourhood Renewal Team is committed to carrying out enforcement action in an equitable, practical and consistent manner.

The Housing and Neighbourhood Renewal Team in conducting enforcement activities on behalf of the Council will endeavour to adhere to the principles of consistency, transparency and helpfulness as contained in the Enforcement Concordat.

### **Other Provisions**

In carrying out their investigatory and enforcement role officers will have regard to the provisions of the Human Rights Act 1998 and where relevant, activities will be conducted in line with the Criminal Proceedings and Investigations Act 1996, the Regulation of Investigatory Powers Act 2000 and Data Protection legislation. Information sharing with partners in order to tackle anti-social behaviour will take place in line with the agreed protocols of the Safer Sunderland Partnership, in line with the provisions of Section 115 of the Crime and Disorder Act 1998 and the Freedom of Information Act 2000.

The Council has a number of designated Housing Renewal Areas. These areas have been assessed as having some of the worst housing conditions across the city with a large proportion of empty properties, an oversupply of privately rented properties and often a higher numbers of issues relating to anti social behaviour. Any enforcement actions in such areas will be undertaken in line with this policy and, in addition, any neighbourhood renewal plans, including Neighbourhood Renewal Assessments, Master plans and Area Action Plans will be reported to the Council's Cabinet.

Enforcement action will be considered in proportion to the risk to health or safety of residents or on evaluation of the potential impact of substandard housing upon the local community and with due regard to the provisions of the Code. Action will be appropriate to circumstances, and will take into account the seriousness of any breach of statutory provisions and the needs and circumstances of tenants and owners. Council action to tackle antisocial behaviour will have protection of the victim or witness at heart, including respecting the confidentiality of complainants and where appropriate the protection of their identity.

It is recognised that use of formal enforcement procedures may be generally considered as a last resort action to be used appropriately where other approaches would be or have proven to be ineffective or where there is an imminent risk to health and safety of residents. The provision of information and advice and the engagement of owners, landlords, tenants and residents in constructive dialogue are seen as important means of encouraging the co-operation of owners to maintain their properties in good repair, ensure a high standard of management in the private rented sector and the prevention and early resolution of cases of anti-social behaviour.

All enforcement decisions will be documented and, other than where emergency enforcement action is taken, Sunderland City Council will always inform owners and occupiers of the action it proposes to take. If there are concerns that the Council has made an unfair decision, any interested person can request that an appropriate senior manager review the decision. When formal enforcement action is taken, the Council will always advise interested persons of the appeals process available to them.

Enforcement actions have to be taken within the context of the legal and policy framework set for all enforcement agencies. The Enforcement Concordat lays out the principles of good enforcement. These are:

- Drawing up clear standards
- Setting out the level of service and performance the public and business can expect to receive
- Dealing with the public and the business in an open and honest way
- Providing a courteous, efficient and helpful service
- Responding promptly and positively to complaints about the service
- Ensuring that enforcement action is proportionate to the risks to the public
- Carrying out duties in a fair, equitable and consistent manner

A full version of the Enforcement Concordat is available from the Housing and Neighbourhood Renewal Team or by accessing the Cabinet Office's website at [www.cabinetoffice.gov.uk](http://www.cabinetoffice.gov.uk)



## Council Aims and Objectives

Sunderland City Council's strategic aims are laid down in the Sunderland Strategy 2008-2025, 'Sunderland for a better future' and the Council incorporates its strategic aims and objectives in the Corporate Improvement Plan, Service Plans and Strategies that determine how the Council's corporate strategic objectives will be delivered. With regard to crime and disorder the Safer Sunderland Partnership establishes its priorities in the Safer Sunderland Strategy. The Safer Sunderland Strategy 2008-2023 sets out key challenges and priorities for the future. This strategy is supported by a number of local sub-strategies one of these being the Anti Social Behaviour (ASB) Strategy. The work already undertaken by the Council through the 'Together' programme and RESPECT agenda will be embedded and progressed within the Citywide ASB strategy and subsequent ASB Delivery Plan. It will progress the work already being achieved in tackling anti-social behaviour through prevention, early intervention, enforcement, support and rehabilitation. The Council's overall aims and objectives in respect of housing are laid down in the Housing Strategy 2006-2011, and the Private Sector Housing Strategy and Empty Property Strategy set out the Council's vision for housing renewal and which prescribes the standards it wishes to see achieved in the private housing sector. These strategic aims and objectives are then translated into specific service plans that set out how delivery will be achieved.

For the Housing and Neighbourhood Renewal Team the principal aims of the service are to:

- Assist in the provision of safe, secure, warm and affordable decent housing.
- Assist in the creation of safe communities and increased resident confidence
- Deliver a high quality service to those who live here delivering a better environment for all and to work with our partners towards the achievement of the council's overall aims and objectives.
- Assist in delivering the Council's strategic aims in respect to Housing and Community Safety.

Sunderland City Council's plans are drawn up in consultation with Members, the public and reflect the needs of Sunderland as identified through consultation, customer feedback and from the outcomes of the Council's actions.

## Approach to Enforcement

The Council's Housing and Neighbourhood Renewal Team has a range of measures, interventions and enforcement powers that may be employed to ensure that compliance with legislation, guidance and good standards of management are achieved.

Actions available to protect public health, tackle anti social behaviour and secure improvement in housing conditions within the private sector are broadly divided into two categories:

- **Informal action**
- **Formal action**

Once we have established that action needs to be taken to resolve an issue, wherever possible an informal approach will be adopted having regard to the Code and the Concordat. However, in certain cases there will be no alternative but to take formal action. Appendix 1 provides a summary of appropriate actions.

Consideration will be given to:

- The impact of interventions on economic progress, especially small businesses,
- Whether benefits justify the costs and poses the minimum burden to achieve the objective,
- Whether informal action may compromise the objective or whether there is a serious breach of legislation or serious instance of ASB. For example, where an imminent risk to public health exists and removal of the risk is only guaranteed through a formal approach.
- Any relevant history in relation to the case. In particular, officers will consider whether any formal action has been taken in the past, the recipient's response and the ability and willingness of the recipient to keep to agreed timetables of work and/or reduce acts of ASB
- Whether an act or omission is serious enough to warrant formal action, or whilst there is no infringement of legislation, a positive benefit from informal action can be derived.

The initial decision to take informal or formal action will be made by the enforcement officer. The decision will be agreed with the relevant line manager however, overall responsibility for officers' actions rests with the Head of Service and Business Unit Manager. Accordingly, management arrangements provide for regular performance monitoring of the Team's actions, outputs and outcomes.

### **Informal action**

In dealing with requests for service or unsatisfactory housing conditions identified by other means the first option is for officers to take an informative and advisory approach to owners, occupiers, tenants and landlords alike and every effort will be made to resolve matters by informal means. Owners, occupiers, tenants and landlords may expect a written explanation of opinions if they so request.

The Council has adopted an effective multi agency 'graded response' to tackling anti-social behaviour across Sunderland irrespective of housing tenure. The focus is on preventing anti-social behaviour escalating by means of early intervention which may include the issuing of early warning letters and Acceptable Behaviour Agreements.

The ASB Team deal with serious and persistent ASB that impacts on the community, however it is recognised that less serious acts of ASB, such as neighbour disputes impact greatly on the quality of peoples lives and the Council Mediation Service offers an alternative route for complainants to resolve these types of dispute. We may consider that the parties involved should be referred to this service, subject to their agreement. Mediation is often successful for resolving disputes between neighbours.

Advisory letters will contain an explanation of what breaches of legislation have been identified, what remedial action is needed and what would be a reasonable timescale for compliance. The recipient will also be advised of what formal action may be pursued if remedial action is not forthcoming.

The Council is not precluded from taking immediate formal enforcement action where such action may be considered necessary and appropriate in the light of situations or circumstances. This will include situations where there is an imminent risk to the occupants of a property or members of the public or where a relevant person has previously failed to respond to an informal approach.

Sunderland City Council has a long-established Private Landlords Forum which was set up in 2001 to promote dialogue between private landlords and the Council. The Voluntary Landlord Accreditation Scheme largely arose out of this and is designed as a partnership arrangement between landlords and the Council to improve the quality and management of the private rented sector and to reduce ASB. Landlords are invited and encouraged to sign up to agreed and prescribed standards and in turn gain an improved relationship and increased support from the Council. Accredited Landlords undertake to meet agreed standards without the need for formal enforcement intervention by the Council. This is proving a successful partnership and has enabled some positive joint actions to improve conditions in the private rented sector and also in tackling anti social behaviour and management issues.

In recognition of their co-operative working relationship with the Council, formal action in relation to property standards will not normally be taken against accredited landlords in the first instance unless there is imminent danger to the occupiers of a property i.e. category 1 hazards as defined by the Housing Act 2004. Where possible an informal approach will be taken, officers will consult with the accredited landlord and obtain agreement for all necessary works to be carried out within specified timescales. If the landlord fails to comply with those arrangements the Council will then serve the requisite legal notice and also charge the recipient the costs incurred in service of the notice.

### **Formal Action**

If informal engagement fails, or it is not appropriate to adopt an informal approach, as certain circumstances require immediate intervention, formal action may be taken. Formal action includes:

### ***Service of Statutory Notices***

We can serve statutory legal notices that require the recipient of the notice to take specific action to improve the situation. All notices contain notes that explain the effect of the notice and the recipient's right of appeal. When we do this, we often charge the appropriate person for the cost associated with the service of the notice. A list of fees and charges can be found on the Councils website at [www.sunderland.gov.uk/index.aspx?articleid=2371](http://www.sunderland.gov.uk/index.aspx?articleid=2371) and enter the fees and charges listed on the right hand side of the screen.

We will always be willing to discuss the works specified in the notice, as well as timescales given and the reason for the service of the notice. In emergency circumstances we are authorised to carry out works without the service of a notice; normally when this would cause an undue delay.

If the recipient fails to comply with the notice, the Council has various sanctions it can impose including: carrying out works in default, caution, prosecution, and/or the use of emergency powers.

In other situations, there is a presumption that notices will be served if the criteria set down in the legislation are met. However, this presumption can be rebutted depending on the circumstances of the case. As cases vary so much it is difficult to be prescriptive about when we will not serve notices. Each case is looked at individually and the following are the main factors taken into account:

- The effects of the situation on the health and safety of those affected,
- Any previous complaints about the person concerned or his agent,
- The willingness of the person complained of to put right any problems without the need for formal enforcement action,
- Lack of credible evidence or reliable witnesses.

### ***Carrying out Works in Default***

In many cases the Council has the power to carry out work in default of a statutory notice.

If the recipient of the notice does not do the work required we, where appropriate, are able to employ a contractor to enter the property and carry out the work. When we have to do this, we will charge the appropriate person for the cost of the works together with an administration fee.

In determining whether carrying out works in default is the most appropriate course of action, we will consider the following:

- The effects of not carrying out the work on the health and safety of the residents concerned
- The reason for the work not being carried out in the first place
- Whether benefits justify the costs and poses the minimum burden to achieve the objective,

This is not an exhaustive list and other factors may be taken into account.

It should be noted that carrying out works in default does not necessarily prevent us from also issuing a formal caution or prosecuting the offender. We are legally entitled to ensure that the work is carried out and we will also consider if it is appropriate to take further action.

There are various methods by which we can recover costs incurred in carrying out works in default, dependent on the type of notice that has been served:

- **Sundry debtor method** - Using this method we will send the appropriate person an invoice requesting payment. If this is not paid within 28 days, a reminder invoice is sent requesting payment immediately. If the invoice is not paid within two weeks of the reminder being sent, the matter, depending on the size of the debt, will be referred to the Council's Legal Services to pursue debt recovery proceedings.
- **Charge on the property** - When works in default are carried out we may place a land charge on the property. When the property is sold, the Council can recover the amount of the debt and any accrued interest.
- **Enforced Sale Procedure** – In some cases when there are land charges on a property amounting to a considerable debt, we have the power to recover the amount owed through enforced sale of the property.
- **Rent Repayment Order** – A Rent Repayment Order (RRO) is a financial penalty that can be imposed upon a landlord who, without reasonable excuse, manages or lets a property which ought to be licensed under Part 2 or 3 of the Housing Act 2004 and is not so licensed.

An application to the Residential Property Tribunal for an order may only be made if the landlord has been convicted of the offence of operating a licensed property without a license, or the local authority is satisfied the offence has been committed (even though the landlord has not been prosecuted for offence).

The Residential Property Tribunal may make an order if it is satisfied that the landlord has been convicted of the offence, or, that he has committed it. The Residential Property Tribunal has the power to make an RRO for an amount equivalent to any rent received during the period of the offence up to a maximum of 12 months.

### ***Court Orders***

We may obtain civil orders from the relevant court to protect the public from behaviour that causes, or is likely to cause harassment, alarm or distress. Examples of these are Possession Orders, Direction Orders, Anti-social Behaviour Orders (ASBO's), Parenting Orders, Drink Banning Orders, Closure Orders and Individual Support Orders.

### ***Injunctions***

We may use a range of injunctions which are available to tackle anti-social behaviour, housing related and public nuisance. Injunctions are flexible, straightforward and fast – a court can make an injunction before the problem escalates allowing for immediate protection for others. They can also prevent perpetrators from entering specific premises or areas.

### ***Caution or Prosecution***

Where an offence has been committed, under particular legislation, non-compliance with a statutory notice issued by an authorised officer is a criminal offence. The Council is the prosecuting authority for such offences and proceedings are taken in the relevant Court.

In cases where an offender admits the offence an alternative to prosecution is the issuing of a formal caution. A formal caution is where an offender is given written details of the offence and he signs to say that he admits the offence. It is not a form of sentence.

The Council, maintains a record of the caution for a period of three years as it may subsequently influence a decision to instigate proceedings should a further relevant offence occur. It may also be cited in court in the same way as a previous conviction if the Council takes legal action for a subsequent offence.

The decision to offer a formal caution or prosecute is one that is not taken lightly. We recognise that our decision is significant and could have far reaching consequences upon the alleged offender and others.

Each case that we deal with is unique and must be considered on its own facts. In deciding whether to issue a formal caution or proceed with a prosecution, the initial recommendation will be made by the enforcement officer in consultation with the Team Leader and Assistant Manager or Manager. Having collected and collated evidence, the manager will consult with the Head of Service and ultimately Legal Services to consider and review the merit of the proposed action.

Where a decision to **prosecute** is made, this decision will be taken in line with the **Crown Prosecutors Code**, which details considerations to be taken into account before considering prosecution proceedings. The Council has a target to ensure that instructions to commence legal proceedings are given to Legal Services within 8 weeks of the expiry of the time period for complying with a formal notice.

A full copy of the code is available from:

The Crown Prosecution Service London  
50 Ludgate Hill

London  
EC4M 7EX

**Tel:** 020 7796 8000

**Web:** <http://www.cps.gov.uk/publications/docs/code2004english.pdf>

There are two overarching tests used in determining whether to prosecute. These are the **Evidential Test** and the **Public Interest Test**:

- **Evidential Test**

The prosecutor must be satisfied that there is enough evidence to provide a realistic prospect of conviction. This is an objective test and means that a court is more likely than not to convict the offender of the charge alleged. In deciding

whether there is a realistic prospect of conviction, consideration is given to the following matters:

- **Is the evidence admissible in court?** There are certain legal rules that might mean that evidence that seems relevant may not be used at a trial.
- **Is the evidence reliable?** The prosecutor has to consider whether there is evidence that may detract or support any admission by the offender.

- **Public Interest Test**

If the evidential requirements are met, the prosecutor must then consider whether the public interest requires a prosecution. It is not the case that the Council will prosecute simply because an offence has been committed. There should generally be a public interest in bringing such an offence to Court.

The following are examples of factors taken into account when determining public interest; again this list is by no means exhaustive:

- **The seriousness of the offence.** This will mean considering, for example, the effect of not complying with the notice.
- **Whether there was violence used in the commission of the offence.** This may be particularly important when we investigate cases of anti social behaviour.
- **The vulnerability of the victim of the offence.** Again, this is a particularly important consideration when considering anti social behaviour cases. Although offences of this type are not acceptable regardless of the victim, it is considered even less acceptable if the victims are elderly, suffering ill health or disability or have young children.
- **Whether the offence was motivated by discrimination.** Consideration as to the nature of the sanction imposed will be determined by whether the offender was motivated by any form of discrimination against the victim's ethnic or national origin, sex, religious beliefs, political views or sexual orientation.
- **The history of the offender.** In particular, regard will be given to whether notices have been served in the past, the response to those notices and any previous private sector housing based convictions.
- **The likely penalty.** Consideration will be given to whether the offence is such that it would only attract a nominal penalty from the Court.
- **Reason for the offence occurring.** Although there may be, on the face of it, a breach of the law, there may also be a statutory defence available. Other factors will also be considered. For example, if the offence results from a genuine mistake or misunderstanding these may be factors against prosecution but this would be balanced against the seriousness of the offence, or in the case of an industry or business whether best practical means were being employed.
- **Victim's well being.** Consideration is not only given to the offence and the offender but also the victim. Consideration will be given to the victim's physical or mental health but again this is balanced against the seriousness of the offence.
- **Witnesses.** Regard will be had to the ability and willingness of witnesses (which generally includes the victim) to give evidence.

In addition to the two tests there are certain conditions that must exist before a **caution** can be administered, they are as follows:

- There must be evidence of the offender's guilt sufficient to give a realistic prospect of conviction
- The offender must admit the offence
- The offender must understand the significance of the caution and give his informed consent to accepting the caution.

If any of the above criteria are not met, then we will **not** consider the issuing of a formal caution. Above all, a caution will not be used as a substitute for a prosecution that would otherwise be unsustainable.

### ***Use of Emergency Powers***

Emergency powers allow the Council to carry out works, where justified on the grounds of risk to the public, without the prior service of a statutory notice. This is carried out when we judge it necessary to undertake works immediately. An example of this would be when it is judged necessary to secure a building that is not adequately secured against unauthorised entry, with the intention of protecting the person entering the building and others against their acts, including arson. This is also carried out when it is not practicable to ascertain the details of an owner or to trace the whereabouts of an occupier who is not present at the property.

In all cases where an offence is committed, we will give consideration as to whether a sanction should be imposed and if so, which one. In some cases it may be appropriate to impose more than one sanction, for example, carrying out works in default in conjunction with prosecution.

## **Legislation**

The Team's regulatory functions are extensive. They include: anti-social behaviour, public health nuisance, housing improvement and inspection of Houses in Multiple Occupation. Shown below is a schedule of legislation that Officers of the Team enforce on a regular basis:

- Anti-social Behaviour Act 2003
- Crime and Disorder Act 1998
- Criminal Justice and Public Order Act 1994
- Criminal Justice and Immigration Act 2008
- Violent Crime Reduction Act 2006
- Local Government Act 1972
- Building Act 1984
- Civil Procedures Rules
- Clean Air Act 1993
- Control of Pollution Act 1974



- Environmental Protection Act 1990
- Housing Acts 1985, 1996 and 2004
- Housing, Grants, Construction and Regeneration Act 1996
- Local Government and Housing Act 1989
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Prevention of Damage by Pests Act 1949
- Public Health Acts 1936 and 1961
- Public Health Acts Amendment Act 1907
- Caravan Sites Act 1968
- Caravan Sites and Control of Development Act 1960

### ***Anti-Social Behaviour***

Anti-social behaviour can include a whole range of problems – noisy neighbours, abandoned cars, vandalism, graffiti, litter and youth nuisance. It can hold back the regeneration of the most disadvantaged areas, creating an environment in which crime can take hold. The Crime and Disorder Act 1998 and the Anti-social Behaviour Act 2003, created new powers and incentives to help local authorities deal with the issue.

Specific measures that have been introduced include;

- **Anti Social Behaviour Orders (ASBO's)** are statutory measures that contain conditions prohibiting offenders from specific anti-social acts or entering defined areas. They are civil orders made in court, and are effective for a minimum of two years. ASBOs can be applied for by local authorities, police forces, British Transport Police and by registered social landlords, but not by members of the public.
- **Parenting Orders** are made when there has been a problem with an under 16-year olds behaviour. Orders impose requirements on the parent(s) or guardian, which will usually include their attendance on guidance or counselling programme.
- **'Crack House' Closure Orders** have been introduced to enable the swift closure of properties taken over by drug users or dealers of Class A drugs. We work in partnership with the Police in determining the appropriateness of issuing a Notice. The Police must then apply to the court within 48 hours to apply for a Closure Order. The Order can last for 3 months and can be extended for a further 3 months. During this time entering or remaining in the property will be an offence and the property will be sealed.
- **Closure Orders** Section 118 of the Criminal Justice and Immigration Act 2008 introduced new powers for the courts to close on a temporary basis, premises associated with significant and persistent disorder or persistent serious nuisance. The tool is similar to the existing crack house closure. Since the order is tenure neutral it also applies to owner occupied properties. Closure would clearly have a dramatic impact and should only be pursued after a full range of appropriate anti social behaviour interventions have failed.

- **Acceptable Behaviour Agreements (ABAs)** are voluntary written agreements between a person who has been involved in anti-social behaviour and one or more local agencies whose role it is to prevent such behaviour (e.g. police and housing). They are most commonly used for young people but may also be used for adults.
- **Drink Banning Orders (DBOs)** have been introduced through the Violent Crime Reduction Act 2006 and have been available to Local Authorities and the Police from the 31<sup>st</sup> August 2009. DBOs are designed to address an individual's alcohol misuse behaviour and protect others and their properties from such behaviour. DBOs are civil orders that can be made against an individual aged 16 or over if they have engaged in criminal or disorderly conduct whilst under the influence of alcohol. The order last for a minimum of two months and a maximum of two years. There is no custodial penalty for breach of an order although breach of a subsequent court sanction could result in a custodial sentence.

### **Public Health (Nuisance)**

Section 79 of the **Environmental Protection Act 1990** defines Statutory Nuisance. These are nuisances to which the abatement procedures of Part 3 of the Act apply and are:

- Any premises in such a state as to be prejudicial to health or a nuisance;
- Smoke emitted from premises so as to be prejudicial to health or a nuisance;
- Fumes or gases emitted from private dwellings so as to be prejudicial to health or a nuisance;
- Any dust, steam, smells or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance
- Any accumulation or deposit that is prejudicial to health or a nuisance;
- Artificial light emitted from premises so as to be prejudicial to health or a nuisance;
- Any animal kept in such a place or manner as to be prejudicial to health or nuisance;
- Noise emitted from premises so as to be prejudicial to health or a nuisance;
- Noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street; or
- Any other matter declared by any enactment to be prejudicial or a nuisance.

A nuisance is taken to be anything that interferes with the use and enjoyment of a neighbouring property or which materially affects the comfort and quality of life of the public at large. **Prejudicial to health** is defined as injurious or likely to cause injury to health.

Where we are satisfied that a statutory nuisance exists, or, is likely to occur or recur, we are required to serve an abatement notice requiring all or any of the following:

- Requiring the abatement of the nuisance or prohibiting or restricting its occurrence;
- Requiring the execution of such works or steps as necessary for the purposes;

The notice must specify the time or times within which the Notice is to be complied with. The notice must also indicate the rights for and times of appeal. The period allowed for compliance must be reasonable but may nevertheless be short, for example, to deal with noise from a party.

Where the period allowed is less than the time allowed for appeal, the notice is suspended in certain circumstances. In certain circumstances, we may serve an abatement notice to deal with a nuisance that exists or has occurred outside its area.

### **Public Health (drainage)**

The Building Act 1984 as it relates to the Team is concerned mainly with repair to existing drainage systems. The relevant sections of the Act are Sections 59 and 60.

The procedure is applied to buildings that have: -

- Unsatisfactory provision for drainage (sec.59 (1) (a))
- Cesspools, private sewers, drains, soil pipes, rainwater pipes, spouts, sinks or other necessary appliances which are insufficient or, in the case of a private sewer or drain communicating with a public sewer, is so defective as to admit subsoil water (Sec.59 (1) (b))
- Cesspools, etc. as detailed in (b) above, in such a condition as to be prejudicial or a nuisance and this also covers cesspools, private sewers and drains no longer in use (Sec.59 (1) (c))
- Rainwater pipes being used for foul waste, soil pipes from water closets not properly ventilated and surface water pipes acting as vents to foul drains or sewers (Sec.60).

When we serve a Notice under the Building Act, it must indicate the nature of the defect and the works required and state the time within which they are to be executed. The time allowed should not be less than the period for appeal, that is, 21 days (sec.99 (1)).

### **Housing Improvement**

**Housing Health and Safety Rating System (HHSRS)** - The Housing Health and Safety Rating System (HHSRS or the Rating System) is the Government's approach to the evaluation of the potential risks to health and safety from any deficiencies identified in dwellings.

The underlying principle of the HHSRS is that any residential premises should provide a safe and healthy environment for any potential occupier or visitor.

The HHSRS is founded on the logical evaluation of both the likelihood of an occurrence that could cause harm, and the probable severity of the outcomes of such an occurrence. It relies on the informed professional judgements of both of these to provide a simple means of representing the severity of any dangers present in a dwelling.

For the purposes of the HHSRS, it must be pointed out that the assessment is solely about the risks to health and safety. The feasibility, cost or extent of any remedial action is irrelevant to the assessment. For example some deficiencies, such as a broken stair tread or a leaking pipe may be quickly, easily and cheaply remedied, but while such deficiencies are present, the threat to health or safety can be considerable.

The Council has a duty under the Housing Act 2004 to take action if we discover a Category 1 hazard in a property, and we have the power to take action to deal with a Category 2 hazard.

The first step will be to approach the owner informally, however the amount of leeway allowed informally will be at our discretion. We will have consideration to the requirements of the Regulators' Compliance Code and the Enforcement Concordat, whichever one is applicable.

If the owner does not respond within a reasonable time, we are most likely to move onto formal action, which may include any of the following:

- Serve an **Improvement Notice** requiring that the hazard is removed within a set time
- Make a **Prohibition Order** which prohibits the use of all or part of the dwelling. In reaching a decision officers will consider the following factors.
  - Whether a category 1 or category 2 hazard exists on the premises.
  - Whether there is an interim or final management order existing on the property
  - The availability of local accommodation for the re-housing of any displaced occupants.

The Council must review the suspension of a prohibition order not less than one year after the order was made.

- Serve a **Hazard Awareness Notice** for minor hazards. The notice simply advises and does not require action to be taken by the owners. This does not preclude the council from instigating further action at a later date.
- Take **Emergency Remedial Action** or make an **Emergency Prohibition Order** if a category 1 hazard exists and is so serious that it represents an 'imminent risk of serious harm' to the occupants. Such a notice allows the Council to enter the premises and take urgent action to deal with the hazard.
- Make a **Demolition Order**. In certain situations, a demolition order can be made in regard to properties where a category 1 hazard or category 2 hazard exists where this is considered to be the most appropriate course of action (unless the premises are a 'listed' building). In deciding whether to make a demolition order the Council should:
  - Take into account the availability of local accommodation for rehousing the occupants
  - Take into account the demand for, and sustainability of, the accommodation if the hazard was remedied

- Consider the prospective use of the cleared site
- Consider the local environment, the suitability of the area for continued residential occupation and character of the neighbourhood
- **Declare a Clearance Area.** The Council can declare an area to be a Clearance Area if it is satisfied that each of the residential buildings in the area contains one or more category 1 hazards or (in certain cases) category 2 hazards and that the other buildings in the area (if any) are dangerous or harmful to the health or safety of the inhabitants. The Council will consider the desirability of clearance in the context of the proposals for the wider neighbourhood of which the dwelling forms part. In deciding whether to declare a clearance area the following should be considered.
  - The likely long-term demand for residential accommodation.
  - The degree of concentration of dwellings containing serious hazards within the area.
  - The overall availability of housing accommodation in the wider neighbourhood in relation to housing needs and demands.
  - The proportion of dwellings free of hazards and other, non-residential, premises in sound condition, which would also need to be cleared to arrive at a suitable site.
  - Whether it would be necessary to acquire land surrounding or adjoining the proposed clearance area; and whether land can be acquired by agreement with owners.
  - The existence of any 'listed' building protected by notice pending listing. Protected buildings should only be included in a clearance area in exceptional circumstances and only when building consent has been given.
  - The results of statutory consultations.
  - The arrangements necessary for re-housing the displaced occupants and the extent to which occupants are satisfied with those arrangements.
  - The impact of clearance on and the scope for relocating, commercial premises.
  - The suitability of the proposed after-use of the site having regard to its shape and size the needs of the wider neighbourhood and the socio-economic benefits which the after use would bring, the degree of support by the local residents and the extent to which such use would attract private investment into the area.
  - In those circumstances when the Council is considering declaration of a Clearance Area a Neighbourhood Renewal Assessment will be undertaken.

Even without using emergency powers, we can, with or without the agreement of the owner, carry out the works required in a notice and charge accordingly. Alternatively the owners can be prosecuted for failing to comply with an Improvement Notice or Prohibition Order.

If a hazard is specific to a child or elderly person but none of these occupy the property, then we could decide to suspend the notice (or part of it) until such time as a child or elderly person moves in. If this is carried out then we are obliged to review the situation at least once a year to check if the suspension continues to be justified.

The Act gives us the power to charge to recover the costs of any enforcement action: any such charge must be reasonable and can only cover the Council's costs.

The Housing Act 2004 allows for the Council to make a charge in respect of the service of notices in order to recover its costs. The current enforcement system is that a **Notice of Intention** is served on the landlord and, once this expires, a formal Notice is served, for which there is a charge. A charge is also made where an **Improvement or Prohibition Notice** has been served.

**HMO Licensing** - The Housing Act 2004 introduced mandatory licensing for houses in multiple occupation (HMOs) comprising of three or more storeys and occupied by five or more persons (comprising at least two households).

A licence will be granted subject to the applicant passing a "fit and proper person" test and it will relate to one property and one person with a maximum set term of five years.

There is a charge payable to the Council for the issuing of a licence.

The Council also has the power to designate HMOs in the whole or part of the district as subject to additional licensing. This will allow us to extend the requirements of licensing to HMOs that do not fall within the mandatory threshold.

The Council can designate an area as subject to additional licensing if:

- It is an area of low demand
- Licensing will improve social or economic conditions
- Licensing will lead to a reduction in anti-social behaviour

We must take reasonable steps to consult persons likely to be affected by the proposed designation and to have regard to any representations made in the course of the consultation process.

**Selective Licensing** - The Housing Act 2004 allows the Council to designate all or part of the private rented sector housing in the City as subject to selective licensing if either:

- Area of low demand (or likely to become one), and
- Licensing, when combined with other measures, will contribute to improvement of social or economic conditions

Or:

- Area has experienced significant and persistent anti-social behaviour
- Private landlords are taking insufficient steps to tackle it

- Licensing, when combined with other measures, will lead to reduction or elimination of the problems

Selective licensing is only available in respect to properties occupied under a tenancy or licence and specifically excludes properties let by registered social landlords. There is a charge payable to the Council for the issuing of a licence.

There are consequences for the landlord/manager for non-compliance with licensing provisions and these include: refusal of license, revocation of license, making a rent repayment order. In the case of managing a house without a licence it is a criminal offence carrying a maximum penalty upon conviction of a fine not exceeding £20,000 and in the case of breach of condition of licence liable on summary conviction to a maximum fine of £5000.

Currently, we operate a Selective Licensing Scheme in the Middle Hendon and 'Long Streets' area of the city.

**Interim and Final Management Orders** - The Council has been given powers under section 102 of the Housing Act 2004 to take over the management of privately rented accommodation if it is not being managed responsibly and safely to the benefit of occupiers or others living in the vicinity.

The Council must make an Interim Management Order (IMO) if it is satisfied that there is no reasonable prospect of the property being licensed in the near future with appropriate conditions or it is necessary to protect the health, safety or welfare of occupiers of the property or properties in the vicinity. An IMO is in force for 12 months and allows the Council to manage the property with many of the rights of a landlord and to collect rent and expend it on work to the property. The Council may delegate the management of the HMO to another organisation. An IMO ceases to have effect if a licence is granted. There are provisions to vary, revoke and appeal against an IMO.

The Council must make a Final Management Order (FMO) where, on expiry of an IMO if, the property requires to be licensed but the Council considers it is still unable to grant a licence. A FMO is similar to an IMO in that the Council continues to manage the property with many of the rights of the landlord, but they must be reviewed from time to time. The Council may delegate the Management of the HMO to another organisation. As with IMOs, there are provisions for varying, revoking and appealing the making of a FMO.

The Council do not become the legal owners of the property and cannot sell the property.

**Service level agreements** – Sunderland City Council is no longer a social landlord, therefore housing management services for properties subject to orders will be procured by formal agreement for those service levels required.

### **Empty Properties**

The **Local Government (Miscellaneous Provisions) Act 1982** as it relates to the Team is concerned mainly with the problem of unauthorised entry to property.

The relevant section of the Act is Section 29. If it appears that a building is not adequately secured against unauthorised entry, we can serve a notice specifying such works needed to rectify the problem. When such action is warranted and a notice is served a timescale of 48 hours minimum must be specified. In extreme circumstances, that is, if there is a risk of arson, injury etc. emergency powers allow the property to be sealed immediately.

We may recover from any person to whom the notice is given the expenses incurred by the Council in carrying out the works (sec.29 (11)). This legislation is used by the Council to deal with the common problem of trespass into vacant properties.

**Empty Dwelling Management Orders (EDMOs)** - We may make an Empty Dwelling Management Order to rent out properties that the owner has chosen to leave empty and use the rental income to cover repair and management charges and take control of an empty property. This enables us to secure occupation and proper management of privately owned houses and flats and where the property has been empty for six months or longer.

The Council do not become the legal owner of the property and cannot sell the property.

**Enforced sales procedure (ESP)** - This is used to recoup debts and to bring empty properties back into use. The emphasis is on ensuring a stable community.

Where statutes confer the necessary rights, we can **either**

- Recover the expenses through debt recovery process **OR**
- Charge the legal title(s) to a property with the debt and then selling it to recover the debt.

Where statutory provisions permit, recovery of debts can be made on:-

- Land
- Occupied dwellings
- Empty properties
- Commercial Premises

**Compulsory Purchase Orders** - The Council can compulsorily purchase a property using powers under section 17 of the Housing Act 1985 to tackle issues in declining areas.

Compulsory purchase would usually take place

- where a property has been vacant for at least 2 years and is a source of recurring problems and complaints from residents in the neighbourhood.
- Where it is known that the reoccupation or development is not imminent.
- Where our attempts at persuasion and statutory action have failed to achieve a satisfactory solution.



## Legal Proceedings

All enforcement action taken will be as set out above and in conjunction with Legal Services.

### Review of Legislative Provisions

The policy and range of enforcement actions to be employed may be subject to legislative changes and may need to be revised accordingly. The policy will be reviewed at least on an annual basis and at other such times as legislative changes come into immediate effect.

### Charging for the Issue of Notices

The Council may make a reasonable charge under section 49 of the Housing Act 2004 as a means of recovering certain administrative and other expenses incurred in issuing and serving certain types of notice. Charges for the following will be reviewed on an annual basis:

- An Improvement Notice under section 11 or 12
- Making a Prohibition Order under section 20 or 21
- Serving a Hazard Awareness Notice under section 28 or 29
- Taking Emergency Remedial Action under section 40
- Making an Emergency Prohibition Order under section 43; or
- Making a Demolition Order under section 265 of the Housing Act 1985

### Licence Fees

The Council will charge a fee which will be reviewed annually. The licence will be valid for a period of five years. The Council may charge a fee for variation of a licence but no charge will be applied for revocation of a licence.

The Executive Director of Health, Housing and Adult Services has delegated powers in respect of fixing such charges.

### Public Register

Section 232 of the Housing Act 2004 requires every Housing Authority to establish and maintain a register of:

- All licenses granted under Part 2 and 3 of the Act (HMO and selective licensing);
- All temporary exemption notices served;
- All management orders made.

Similarly the Caravan Sites and Control of Development Act 1960 requires the authority to maintain a register of licensed caravan sites.

Registers may be in such a format as the Authority consider necessary, subject to requirements prescribed in Regulations and can be found at [www.sunderland.gov.uk/index.aspx?articleid=2371](http://www.sunderland.gov.uk/index.aspx?articleid=2371)

### **Requisition for Information**

When we need to obtain information about a property in respect of which we are proposing to take enforcement action, we will serve a requisition for information under section 16 of the **Local Government (Miscellaneous Provisions) Act 1972**, on the occupier and/or any person who has a legal interest in the property, or who directly or indirectly receives the rent or who is authorised to manage or to arrange the letting of the property.

We will generally indicate the Act and the section of the Act that we are proposing to enforce. A requisition for information will generally be served at an early stage of the enforcement process. However where the Council considers urgent action is needed it may be served at the same time as a formal notice.

### **Powers of entry**

Legislation enforced by the Team gives us, on production of our authority, the power to enter premises at any reasonable time. These far reaching powers of entry allow access to ascertain whether or not a statutory nuisance exists; or for the purpose of taking any action, or executing any work, authorised or required by law. This may include inspections or the taking of samples, photographs, and recordings.

A number of these acts allow us to obtain a warrant from a magistrate where either entry has been refused or refusal of entry is apprehended. This warrant permits us to enter at any time (by force if need be) in order to ascertain whether there is a contravention of the relevant act or to carry out remedial action.

### **Authorisation of Officers**

Only officers who the Council have determined as competent will be authorised to take enforcement action. They will hold appropriate qualifications or experience. Officers will also have sufficient training and understanding of this enforcement policy and in their area of work to ensure a consistent approach to their duties. We undertake to monitor officers' actions to ensure they are always in accordance with our policies.

All officers carry identification and an authorisation to show what legislation they are able to enforce. They are required to show these if asked.

All officers are required to carry out their duties in accordance with set procedures and protocols. These procedures vary depending on the area of work involved.

### **Interviews under caution**

Such interviews are governed by Codes of Practice issued under the Police and Criminal Evidence Act (PACE).

### **Delegation of Authority**

The Executive Director of Health, Housing and Adult Services has made delegations of authority to the Head of Housing Services, Housing and Neighbourhood Renewal Manager and the Assistant Housing and

Neighbourhood Renewal Manager and other senior managers of the Business Unit in respect to enforcement activity. These details can be found within the Directorate Delegation and Service Protocol Scheme.

### **Consultation processes**

The service employs a range of measures to engage landlords, tenants and other residents. Commercial landlords are surveyed in accordance with National Indicator 182 to gauge impact of enforcement on businesses, tenants are subject to customer satisfaction surveys and the Council engages resident groups in renewal areas. The Private Landlords Forum continues to be held on a quarterly basis and Newsletters are distributed in areas of specific activity.

### **Openness and Helpfulness**

Sunderland City Council aims to be open about the work it does and its Housing and Neighbourhood Renewal Team will be available to provide general advice, deal with specific cases and investigate complaints and other requests for service. The Council views formal enforcement as a last resort and prefers to work with our clients and customers to achieve compliance. The Council will also provide its customers with a case officer who will provide their contact details. If English is not their first spoken language, we can make arrangements to provide a translation and interpretation service.

### **Dissatisfaction and Complaints Procedure**

If any person is dissatisfied with the action that an officer of the Council has taken, then a senior manager will investigate their concerns. Sunderland City Council aims to settle all areas of dissatisfaction quickly and smoothly, recognising that it is preferable to resolve complaints where they arise. Complainants are asked initially to make their complaint to the person dealing with their query or that person's line supervisor or manager. Many issues can be resolved promptly with an explanation, action or apology. All matters will be logged by the Complaint's Co-ordinator of the Health, Housing and Adult Services Directorate to ensure performance can be reviewed. However if the complaint cannot be resolved at this stage, or the complainant feels that more important issues are involved your complaint will be progressed to a senior officer or dealt with in accordance with the Councils formal complaints procedure.

### **Endorsement**

This policy was endorsed and adopted by Sunderland City Council on (date to entered). It is reviewed annually and the Council would be pleased to receive any comments on it.

### **Consultation and Review**

This is a public document. Further copies of this and other documents mentioned above can be obtained from the Housing and Neighbourhood Renewal Manager, Housing Service, Health Housing and Adult Services, PO Box 102, Civic Centre, Sunderland, SR2 7DN. Many of the documents can also be found on our website – <http://www.sunderland.gov.uk>

Offence / Incident	Priority / Category	Legislation	Initial action (all Requests for Service to be responded to within 2 working days)	Secondary action	Subsequent actions	
<b>Empty Properties</b>						
<b>Empty property open to access (immediate danger to public health and/or within hotspot areas)</b>	High	Sec. 29, Local Govt (Misc Prov) Act 1982	Undertake inspection of property within 24 hours	Determine ownership and contact owner(s) the same day for the property to be secured.	If owner refuses to issue instructions for the work to be carried out immediately by LA contractor.	Undertake works in default and recover costs. Consider Empty Dwelling Management Order
				If ownership details cannot be verified the same day issue instructions for the work to be carried out immediately by LA contractor.		Consider EDMO
<b>Empty Property in a ruinous or dilapidated state or dangerous condition</b>	High	Sec. 77-83, Building Act 1984	Undertake inspection of property within 24 hours	Refer to Building Control same day.		
<b>Empty property open to access (no immediate danger to public health)</b>	Medium	Sec. 29, Local Govt (Misc Prov) Act 1982	Undertake inspection of property within 24 hours	Determine ownership and contact owner(s) within 2 working days for property to be secured within	If property is not secured in a reasonable timescale, notice to be served advising that LA will	Undertake WID and recover costs. Consider EDMO

				an agreed timescale.	undertake works in a further 2 working days.	
<b>Housing Health and Safety Rating System</b>						
<b>Presence of Category 1 hazard</b>	High	Sec 11 – 27 Housing Act 2004	Visit to be undertaken within 24 hours. Presence of cat 1 hazard verified during visit to premises.	Contact landlord (letter and phone call) within 2 working days and advise of works required and timescale to complete works within.	If works are not carried out within the agreed timescale serve Improvement Notice.	Notice of entry to be given to landlord in order to carry out a full HHSRS inspection with a view to serving an Improvement Notice.  Non compliance will lead to carrying out WID, recovery of costs and potentially prosecution
<b>Presence of Category 1 hazard (owner occupied)</b>	High	Sec 28, Housing Act 2004	Visit to be undertaken within 48 hours. Presence of cat 1 hazard verified during visit to premises.	Hazard Awareness Notice issued within 14 days. If hazard is affecting other properties consider service of Improvement Notice or Statutory Nuisance Notice (Environmental Protection Act 1990)		
<b>Presence of Category 1 hazard Imminent risk to occupant(s) and/or neighbouring</b>	High	Sec. 40 - 45, Housing Act 2004	Visit to be undertaken within 48 hours. Presence of cat 1 hazard verified during visit to premises.	Emergency remedial action with immediate effect (no necessity to give landlord notice of entry)	Serve NERA within 7 days of commencing work	WID and recover costs Prosecution

<b>occupier(s)</b>				Emergency prohibition with immediate effect (no necessity to give landlord notice of entry)	EPO to be served same day	Non compliance to lead to prosecution
<b>Presence of Category 1 hazard Property non-repairable at reasonable cost (non sustainable)</b>	High	Sec. 46, Housing Act 2004	Visit to be undertaken within 48 hours.	Onsite meeting with owner or his representative.	Manager to determine most appropriate course of action. Consider Demolition Order or Closure Order.	
<b>Presence of Category 2 hazard</b>	Medium	Sec. 28, Housing Act 2004	Visit to be undertaken within hours. Presence of cat 2 hazard verified during visit to premises.	Contact landlord (phone call and letter) within 3 working days and advise of works required and timescale to complete works within	If works are not carried out within the agreed timescale serve Improvement Notice.	Notice of entry to be given to landlord in order to carry out a full HHSRS inspection with a view to serving an Improvement Notice. Non compliance may lead to carrying out WID, recovery of costs and potentially prosecution
<b>Presence of Category 2 hazard (owner occupied)</b>	Medium/low	Sec 28, Housing Act 2004	Visit to be undertaken within 48 hours. Presence of cat 2 hazard verified during visit to premises.	Hazard Awareness Notice to be issued within 14 days. If hazard is affecting other properties consider service of Improvement Notice.	Consider referral to Support agencies including Home Improvement Agency	
<b>Area Renewal</b>						

<b>Area in which all or most properties contain cat.1's</b>	High	Sec. 47, Housing Act 2004	Undertake an appraisal of the area to determine appropriate level of intervention.	Report to H and N R Manager.		
<b>Licensable Houses in Multiple Occupation</b>						
<b>Operating without a licence</b>	High	Sec.72, Housing Act 2004	Visit to be undertaken within 48 hours of notification to determine status of property. (Notice of entry not required).	Initiate investigation for enforcement options including; prosecution, IMO, rent repayment order (RPT), within 2 working days.  Issue Application Pack within 2 working days. Consider the need for service of an HMO declaration.	Process application to notice of intention to grant / refuse licence stage within 28 days of receipt of full application	Conclude investigation with regard to enforcement options within 3 weeks  Grant licence within 10 days of expiry of notice of intention or consideration of any representations made.  Refuse licence within 10 days of consideration of any representations made and invoke the Management Order procedure within same period.
<b>Operating without a licence, with no prospect of being licensed in near future and health and safety is compromised</b>	High	Sec.72, Housing Act 2004	Visit to be undertaken within 48 hours to determine status of property. (Notice of entry not required).	Within 24 hours, use findings of inspection to determine if occupants can remain at the property.  If property remains occupied but	Management Order to be reviewed no longer than 12 months from the effective date.	Conclude investigation with regard to enforcement options within 3 weeks

				unlicensed, invoke Management Order Procedure within 7 days		
<b>Contravening licence conditions</b>	High	Sec.72, Housing Act 2004	Visit to be undertaken within 48 hours of receipt of complaint/evidence to determine compliance with licence. (Notice of entry may be required; therefore initial visit may be within 4 days).	Initiate enforcement options including prosecution, service of IMO and rent repayment order (RPT) within 48 hours		
<b>Permitting over occupation</b>	High	Sec 72, Housing Act 2004	Visit to be undertaken within 48 hours of receipt of complaint to determine status of property. (Notice of entry may be required).	Consider enforcement options including; prosecution, service of IMO and rent repayment order (RPT) within 5 working days		



<p><b>Presence of Category 1 hazard</b>  <b>Imminent risk to occupant(s) and/or neighbouring occupier(s)</b></p>	<p>High</p>	<p>Sec. 40 - 45, Housing Act 2004</p>	<p>Visit to be undertaken within 48 hours. Presence of cat 1 hazard verified during visit to premises.</p>	<p>Contact to be made with the landlord/licence holder as soon as possible. Where the landlord cant be contacted or refusal to carry out the necessary works the following should be considered:</p> <p>Emergency remedial action with immediate effect (no necessity to give landlord notice of entry)</p> <p>Emergency prohibition with immediate effect (no necessity to give landlord notice of entry)</p>	<p>Serve NERA within 7 days of commencing work</p> <p>Emergency Prohibition Order to be served same day</p>	<p>WID and recover costs  Prosecution</p> <p>Non compliance to lead to prosecution</p> <p>Consider if Licence holder is fit and proper to hold the licence within 2 weeks.  Initiate potential prosecution proceedings and further action where consideration of revoking licence is required within 2 weeks.</p>
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<b>Landlord found not to be a fit and proper person before granting licence</b>	High	Section 66, Housing Act 2004	Prepare and serve refusal to grant HMO licence documentation within 7 days of decision.	Consider any written representations made within 14 days of the end of the consultation period.	Serve refusal documents to necessary persons. Or  Where new licence holder has been proposed determine the fit and proper person status and consider grant/refusal of the HMO licence.	Prepare consultation documentation to grant licence to new proposed licence holder.  Grant licence within 10 days of expiry of notice of intention or consideration of any representations made.  Refuse licence within 10 days of consideration of any representations made and invoke the Management Order procedure within same period.
<b>Landlord found not to be a fit and proper person after a licence is granted</b>	High	Section 66, Housing Act 2004	Initiate investigation within 48 hours of receipt of information. Determination of landlord being fit and proper within 7 days on completion of investigation.	Revocation of the HMO Licence documentation within 7 days of the date the decision was made and provide at least 14 days consultation period under section 70 of the Housing Act 2004.	Instigate Management order proceedings if suitable person cant be found to hold the licence within 28 days.	
<b>Contravening the House in Multiple Occupation (England) Regulations</b>	High	Section 234, Housing Act 2004	Visit to be undertaken within 48 hours of receipt of the complaint to determine extent of the breach.	Consider revoking licence within 28 days where a suitable licence holder can't be found.	Repeated breaches of the regulations then consider prosecution and the fit and proper person status of the HMO	

2006					Licence holder	
<b>Non Licensable Houses in Multiple Occupation</b>						
<b>Permitting over occupation</b>	High	Sec 139-144, Housing Act 2004	Visit to be undertaken within 48 hours of receipt of complaint to determine status of property. (Notice of entry may be required).	Give 7 days notice of intention to serve an Overcrowding Notice to relevant persons	After 7 days serve Overcrowding Notice on relevant persons. Notice becomes operative after a further 21 days	Consider prosecution for continued contravention
<b>Contravening the Management of Houses in Multiple Occupation (England) Regulations 2006</b>	High	Section 234, Housing Act 2004	Visit to be undertaken within 48 hours of receipt of the complaint to determine extent of the breach.	Letter/Notice to be served within 5 days.	Repeated breaches of the regulations then consider prosecution	
<b>Category 1 hazard causing Imminent risk of harm from non maintenance of fire precautions and poor management</b>	High	Section 234, Housing Act 2004	Visit to be undertaken within 24 hours. Presence of cat 1 hazard verified during visit to premises.	Contact to be made with the landlord/licence holder as soon as possible. Where the landlord cannot be contacted or refusal to carry out the necessary works the following should be considered:  Emergency	Serve NERA within	WID and recover costs

				remedial action with immediate effect (no necessity to give landlord notice of entry)  Emergency prohibition with immediate effect (no necessity to give landlord notice of entry)	7 days of commencing work  Emergency Prohibition Order to be served same day	Prosecution  Non compliance to lead to prosecution
<b>Presence of Category 1 hazard where property does not have the appropriate fire detection</b>	High	Sec 11-27, Housing Act 2004	Visit to be undertaken within 24 hours. Presence of cat 1 hazard verified during visit to premises.	Landlord to be notified immediately on establishing the imminent risk and requesting immediate action to reduce the risk by installing temporary battery alarms. Letter to be sent to landlord same day. Further action to be considered within 24 hours. Consider the service of Emergency Remedial Action notice or Emergency Prohibition Order where property is in poor condition. Full HHSRS inspection should be	Full HHSRS inspection should be requested with landlord within 2 working days where appropriate for an improvement notice to be served.	Initiate WID and recover costs. Initiate potential prosecution proceedings and further action within 2 weeks of non compliance with the Improvement notice.

				requested with landlord within 2 working days where appropriate for an improvement notice to be served.		
<b>Fire incident at property notified by the Fire Authority</b>	High	Sec. 40 - 45, Housing Act 2004	Visit to the property within 48 hours to assess whether the property has any imminent risk or category 1 hazards as a result of the fire.	Contact landlord by telephone immediately and advise of actions to be taken to remove/reduce the risk (letter and phone call followed by letter) within 24 hours.	Consideration of the most appropriate course of action within 24 hours. Landlord to be notified immediately on establishing the imminent risk and requesting immediate action to reduce the risk by installing temporary battery alarms. Letter to be sent to landlord same day. Further action to be considered within 24 hours. Consider the service of Emergency Remedial Action notice or Emergency Prohibition Order where property is in poor condition. Full HHSRS inspection should be requested with landlord within 48 hours where appropriate for an	Letter with Schedule of works or Service of Improvement Notice within 10 working days of inspection.  Non compliance then initiate WID immediately after expiry of the notice or potential prosecution proceedings within 2 weeks of non compliance of the Improvement Notice

					improvement notice to be served.	
<b>Protecting Public Health</b>						
<b>Blocked drain, waste pipe, soil pipe or wc. Public health impact beyond property boundary or, rented property where landlord not willing to undertake works</b>	High	Sec 17, Public Health Act 1961	Site visit within 48 hours. Determine impact of blockage.	Notice to be served within 48 hours on relevant persons requiring works to be carried out within 48 hours.		WID and recovery of costs
<b>Blocked; drain, waste pipe, soil pipe or w.c. No public health impact beyond property boundary</b>	Low / Medium	Sec 17, Public Health Act 1961	Advice and letter within 5 days			
<b>Broken drain repairable for &lt;£250. Public health impact beyond property boundary or,</b>	High	Sec. 17, Public Health Act 1961	Site visit within 48 hours. Determine impact of blockage.	Notice to be served within 48 hours on relevant persons requiring works to be carried out within 7 days.		WID and recovery of costs

<b>rented property where landlord not willing to undertake works</b>						
<b>Broken drain repairable for &lt;£250. No public health impact beyond property boundary</b>	Low / Medium	Sec. 17, Public Health Act 1961	Advice and letter			
<b>Broken drain NOT repairable for &lt;£250. Public health impact beyond property boundary or, rented property where landlord not willing to undertake works</b>	High	Sec 59, Building Act 1984.	Site visit within 48 hours. Determine impact of blockage.	Notice to be served within 48 hours on relevant persons requiring works to be carried out within 48 hours.		WID and recovery of costs
<b>Broken drain NOT repairable for &lt;£250. No public health</b>	Low / Medium	Sec 59, Building Act 1984.	Advice and letter			

<b>impact beyond property boundary</b>						
<b>Blocked private sewer. Public Health impact</b>	High	Sec 35, Local Govt (Misc Prov) Act 1976	Site visit within 48 hours. Determine which properties are served by the sewer. Attempt to speak to relevant occupiers.	Letter to all relevant households requiring works to be carried out within appropriate time period.	Notice to be served on relevant persons requiring works to be carried out within 48 hours	WID and recovery of costs
<b>Blocked private sewer. No public health impact</b>	Low / Medium	Sec 35, Local Govt (Misc Prov) Act 1976	Site visit within 48 hours. Determine which properties are served by the sewer. Attempt to speak to relevant occupiers.	Letter to all relevant households requiring works to be carried out within appropriate time period.	Notice to be served on all relevant households requiring works to be carried out within appropriate time period.	WID and recovery of costs
<b>Collapsed/broken private sewer. Public health impact</b>	High	Sec 59, Building Act 1984.	Site visit within 48 hours. Determine which properties are served by the sewer. Attempt to speak to relevant occupiers.	Letter to all relevant households requiring works to be carried out within appropriate time period.	Notice to be served on all relevant households requiring works to be carried out within 48 hours.	WID and recovery of costs
<b>Collapsed/broken private sewer. No public health impact</b>	Low / Medium	Sec 59, Building Act 1984.	Site visit within 48 hours. Determine which properties are served by the sewer. Attempt to speak to relevant occupiers.	Notice to be served on all relevant households requiring works to be carried out within appropriate time period.	Notice to be served on all relevant households requiring works to be carried out within appropriate time period.	WID and recovery of costs
<b>Statutory nuisance</b>	Medium	Sec 80, Environmental Protection Act 1990	Site visit within 48 hours to ascertain existence of nuisance	Issue diary sheets where appropriate.	If nuisance is proved Abatement Notice to be served	WID and/or prosecution



<b>Filthy or verminous premises and articles</b>	High	Sec. 83-84, Public Health Act 1936	Site visit within 48 hours to ascertain condition of premises. Issue advice and guidance. Agree timescale for property to be cleansed.	Service of Notice to cleanse the premises and cleanse or destroy articles. Referral to support agencies where appropriate within 48 hours.	Service of Notice to cleanse the premises and cleanse or destroy articles.	WID
<b>Licensing of Caravan Sites</b>						
<b>Operating without a licence</b>	High	Caravan Sites and Control of Development Act 1960	Site visit within 5 working days to ascertain status and condition of site.	Consider enforcement options within 2 working days. Application pack to be issued within 3 days.	Site owner to submit application within 28 days	Complete application to be determined within 2 months
<b>Anti Social Behaviour</b>						
<b>Serious ASB</b> (Including; racial harassment, domestic violence or threats of violence).						
<b>ASB widespread across an area (directly linked to private rented sector)</b>	High	Part 1A Anti Social Behaviour Act 2003. Housing Act 2004	Initiate investigation within 2 working days of receipt of information.	Evidence gathering consultation with Police and necessary partner agencies, obtain statements from complainants. Consider short term appropriate actions. May include; Warning letters,	Longer term solutions may include; Premises closure order. Introduction of Selective Licensing. Area renewal initiatives etc	

				<p>notices, raise at LMAPS or call ELMAPS, undertake leaflet drop or community impact questionnaires if appropriate, Acceptable Behaviour Agreement, referral to victim support or other interventions</p>		
<p>Violence, abuse and threat of violence</p>	<p>High</p>	<p>S 222 Local Government Act 1972 (as amended by the Police and Justice Act 2006 Crime and Disorder Act 1998 Anti Social Behaviour Act 2003</p>	<p>Initiate investigation within 2 working days of receipt of information.</p>	<p>Gather evidence. Raise awareness of issue with relevant agencies</p>	<p>Warning Letter raise at LMAPS or call ELMAPS, undertake leaflet drop or community impact questionnaires if appropriate, Acceptable Behaviour Agreement, referral to victim support, Visit/ continuing correspondence Final Warning</p>	<p>Section 222 Injunction Anti Social Behaviour Order</p>
<p>Persistent serious Anti-Social Behaviour in the community arising from a particular property</p>	<p>High</p>	<p>Part 1A Anti Social Behaviour Act 2003</p>	<p>Initiate investigation within 2 working days of receipt of information.</p>	<p>Gather evidence. Consultation with Police and necessary partner agencies, obtain statements from complainants Warning letter raise at LMAPS or call ELMAPS, undertake</p>	<p>Visit / continuing correspondence Premises closure order</p>	

				<p>leaflet drop or community impact questionnaires if appropriate, Acceptable Behaviour Agreement, referral to victim support or other interventions If property is PRS Consider the service of a Special Interim Management Order,</p>		
Racial Abuse	High	<p>S 222 Local Government Act 1972 (as amended by the Police and Justice Act 2006 Crime and Disorder Act 1998 Anti Social Behaviour Act 2003</p>	<p>Referral to Arch, Safe Homes, raise at LMAPS or call ELMAPS, undertake leaflet drop or community impact questionnaires if appropriate, Acceptable Behaviour Agreement, referral to victim support,</p>	<p>Letter to seek independent advice</p>		<p>Section 222 Injunction or ASBO</p>
<p><b>Medium Impact</b> This is for situations where there is no immediate threat to the person who made the complaint or anyone else, such as damage to property or regular loud noise. Our aim is to interview the person who made the complaint within five working days of receiving the</p>						

complaint.						
Rowdy and Nuisance Behaviour	Medium	Crime and Disorder Act 1998 Anti Social Behaviour Act 2003	<p>Letter/advisory information to complainant within 2 working days of receipt of enquiry.</p> <p>Where considered appropriate advisory leaflet to residents in the in the relevant area within 7 working days</p> <p>Where further complaints are rec'd - Request to complainant to provide further evidence over the following 7 days</p>	<p>Review case upon receipt of complainants' evidence and instigate appropriate action with 2 days.</p> <p>May include; consultation with Police and necessary partner agencies, obtaining statements from complainants, visit will be considered if there is evidence of increased activity, warning letter raise at LMAPS or call ELMAPS, undertake leaflet drop or community impact questionnaires if appropriate,</p>	<p>Acceptable Behaviour Agreements</p> <p>Parenting Contract</p> <p>Referral to intervention project such as Targeted Youth Support, Family Intervention, victim support etc.</p>	<p>Anti Social Behaviour Order, Parenting Orders</p>
<b>Noise Nuisance</b>	Medium /Low	Environmental Protection Act 1980	Referral to Environmental Health within 2 days	Joint visit will be considered with EH where ASB is evident and there is evidence of increased activity		
<b>Low impact ASB</b> This is fairly	Low	Anti Social Behaviour Act	Letter/advisory information to	Should the situation deteriorate with	Referral to LMAPS	

<p>low-level persistent ASB, such as garden misuse, ball games, minor neighbour disputes and occasional noise. Our aim is to interview the person who made the complaint within ten working days of receiving the complaint. Level 4: Sometimes there is not enough information regarding the ASB complaint. This level acknowledges and logs the complaint and then closes the case due to insufficient information.</p>		<p>2003 Environmental Protection Act 1980</p>	<p>complainant within 4 working days.  Where considered appropriate advisory leaflet to residents in the in the relevant area within 7 working days.</p>	<p>further complaints being received requested to provide evidence and appropriate further action will be determined.  Visit will be considered if there is evidence of increased activity.</p>		
<p>Note. All timescales above relate to real working days time in either hours or days</p>						

## **Cabinet – 17 January 2011**

### **Council Tax Base 2011/2012**

#### **Report of the Executive Director of Commercial and Corporate Services**

##### **1. Purpose of Report**

- 1.1. To detail the calculation of the Council Tax Base for 2011/2012 and to seek approval to recommend to Council the Council Tax Base for 2011/2012 in accordance with the Local Government Finance Act 1992.

##### **2. Description of Decision**

Cabinet is recommended to recommend to Council:

- 2.1. The report for the calculation of the Tax Bases for the City Council and Hetton Town Council for 2011/2012 be approved.
- 2.2. That pursuant to the report and in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 and the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003, the amount calculated by Sunderland City Council as its Council Tax Base for the year 2011/2012, shall be £80,167, and for the area of Hetton Town Council shall be £4,017.

##### **3. Background to the Calculation of the Council Tax Base**

- 3.1 The Council Tax Base is the estimated number of properties in each valuation band adjusted to take account of the estimated number of discounts, disregards and exemptions. The Council levies a Council Tax on the basis of properties in band D and thus the numbers for each valuation band are adjusted to the proportion which their number is to band D. The Council must then estimate its level of collection for the year and apply this figure to arrive at the Council Tax Base figure.
- 3.2 The Council Tax Base must be calculated for both the Billing Authority and for the Hetton Town Council (a local parish precept). The Billing Authority Tax Base will be used to calculate the Council Tax for the City Council and as the basis for the major precepting authorities (Northumbria Police Authority and Tyne and Wear Fire and Rescue Authority) to determine their precept requirements.
- 3.3 Under the Council Tax (Reductions for Disabilities) Regulations 1992 properties adapted to meet the needs of a disabled person are charged at a rate equal to the next lowest valuation band. For instance a qualifying band C property would be charged at the band B rate. This lower band is described as the 'alternative valuation band'. Prior to 1<sup>st</sup> April 2000 properties already in band A could not qualify for any disabled reduction as there was not a lower band to be charged at. From the 1<sup>st</sup> April 2000, however, the regulations were amended to introduce an additional 'alternative valuation band' (below band A) to allow band A properties to qualify for a disabled reduction. Instead of paying the normal band A charge (six-

ninths of the band D charge) a qualifying band A property is now charged at five-ninths of the band D charge. For the purpose of the Council Tax Base calculation it is necessary to show Band A properties which qualify for disabled reduction as if it was an additional valuation band. In this report the 'additional' valuation band is shown as either (A) or Disabled (A).

#### 4. Calculations of the Billing Authority's Council Tax Base

- 4.1 This calculation is in two parts – 'A' - the calculation of the estimated adjusted band D properties and 'B' - the estimated level of collection.
- 4.2 The calculation of 'A' - the relevant amounts for each band is complex and includes a number of calculations which are shown at Appendix 1.
- 4.3 The relevant amounts 'A' as calculated in Appendix 1 are shown below:

<b>BAND</b>	<b>RELEVANT AMOUNT 'A'</b>
	<b>£      p</b>
Disabled (A)	106.67
A	44,414.50
B	11,551.36
C	12,731.56
D	7,439.00
E	3,289.31
F	1,329.97
G	917.50
H	<u>23.00</u>
	<u>81,802.87</u>

#### 4.4 Calculation of Item 'B' - Estimate of Collection Rate

This element of the formula is to reflect the level of collection anticipated. Last year an anticipated collection rate of 98% was assumed. On the basis of current collection levels it is suggested that the collection rate should remain at 98% for 2011/2012.

#### 4.5 Calculation of Council Tax Base

The Council's Tax Base is therefore:

$$\begin{aligned} & \text{'A' x 'B'} \\ & \text{£81,802.87 x 98\% = £80,166.81} \end{aligned}$$

(for comparison, the tax base for the current financial year is £80,259.72).

Appendix 2 shows, for Members information, the Tax Base for each property band.

#### 4.6 Reason for the variation in the Tax Base

The main reason for the reduction in the Tax Base from 2010/2011 to 2011/2012 of £92.91 (0.12%) is an increase in the number of single person discount awards. The number of single person discount awards has increased following a specific data matching exercise involving Council Tax Benefit claimants.

### 5. Calculation of Council Tax Base for Hetton Town Council - Local Precept

- 5.1 The rules for calculating the Council Tax Base for the area covered by Hetton Town Council are similar to those used in calculating the Billing Authority's Tax Base. These detailed calculations are shown in Appendix 3.
- 5.2 The amounts calculated for each band are shown below:

<b>BAND</b>	<b>RELEVANT AMOUNT 'A'</b>
	<b>£    p</b>
Disabled (A)	7.92
A	2,742.33
B	649.25
C	341.78
D	199.75
E	91.06
F	49.11
G	16.67
H	<u>1.00</u>
	<u>4,098.87</u>

- 5.3 The same collection rate is required to be used for Parish precepts as for the Billing Authority. The Tax Base for Hetton Town Council is therefore:

$$\begin{aligned} & \text{'A' x 'B' (where 'B' is the estimated collection rate)} \\ & \text{£4,098.87 x 98\% = £4,016.89.} \end{aligned}$$

(for comparison, the tax base for the current financial year is £4,042.60)

Appendix 2 shows, for Members information, the Tax Base for each property band.

### 6. Background Papers

Working papers on individual Tax Band calculations.  
Statutory Instrument 2003 No. 3012  
Council Tax Base Report 2010/2011



## Calculation of the Billing Authority's Council Tax Base

- 1.1 Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (S.I. 1992 No. 612) and amended by (S.I. 2003 No. 3012) states that a Billing Authority's Council Tax Base for a financial year shall be calculated by applying the formula -

$$'A' \times 'B'$$

Where 'A' is the total of the relevant amounts for each of the Valuation Bands which are shown or likely to be shown in the Authority's Valuation List as at 30 November in the year prior to the year in question and where 'B' is the Authority's estimate of its collection rate for that year.

- 1.2 As stated above the Council is required to approve the calculation of both items 'A' and 'B' in arriving at its Tax Base.

Calculation of Item 'A' - relevant amounts for each Valuation Band:

- a) Regulation 5 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as amended, states that item 'A' should be calculated by applying the following formula:

$$(H - Q + J) \times (F/G)$$

where H = number of chargeable dwellings

Q = is a factor to take account of discounts of Council Tax payable. It is calculated as  $Q = (R \times S)$

R = number of discounts estimated to be payable in respect of these dwellings

S = the percentage relating to discounts

J = adjustment (whether positive or negative) in the numbers of dwellings or discounts during the period

F = the relevant prescribed proportions for each Band

G = the relevant prescribed proportion for Band D

- b) The calculation of each of the above items is, where appropriate, to be made in accordance with paragraph 2-11 of Regulation 5 of the Local Authorities (Calculation of Council Tax Base) Regulations 2003. The different items are to be calculated as follows:

Item H - the number of chargeable dwellings is the sum of:

The number of dwellings listed in each Band in the copy of the Valuation List on the relevant day less an estimate of the number of such dwellings which were exempt on that day.



1.4 Applying the figure on the previous page to the calculation  $(H - Q + J) \times (F/G)$  produces a relevant amount for each Valuation Band - Item A in Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 2003 as follows:

<b>BAND</b>	<b>RELEVANT AMOUNT</b>
	<b>'A'</b>
	<b>£ p</b>
Disabled (A)	106.67
A	44,414.50
B	11,551.36
C	12,731.56
D	7,439.00
E	3,289.31
F	1,329.97
G	917.50
H	<u>23.00</u>
	<u>81,802.87</u>

## Appendix 2

### Council Tax Base - City of Sunderland

Band	Item 'A'		Item 'B'	Tax Base 'A' x 'B'	
	£	p		%	£
(A)		106.67	98		104.54
A	44,414.50		98	43,526.21	
B	11,551.36		98	11,320.33	
C	12,731.56		98	12,476.93	
D	7,439.00		98	7,290.22	
E	3,289.31		98	3,223.52	
F	1,329.97		98	1,303.37	
G	917.50		98	899.15	
H	23.00		98	22.54	
	<b><u>81,802.87</u></b>			<b><u>80,166.81</u></b>	

### Council Tax Base - Hetton Town Council

(A)	7.92		98	7.76	
A	2,742.33		98	2,687.48	
B	649.25		98	636.26	
C	341.78		98	334.94	
D	199.75		98	195.76	
E	91.06		98	89.24	
F	49.11		98	48.13	
G	16.67		98	16.34	
H	1.00		98	0.98	
	<b><u>4,098.87</u></b>			<b><u>4,016.89</u></b>	

**Calculation of Council Tax Base For Hetton Town Council - Local Precept**

1.1. The rules for calculating the Council Tax Base for any part of a Billing Authority's area (e.g. Local Parish) are the same as the rules contained in Appendix 1 except that chargeable dwellings and discounts are to be taken for only those dwellings and discounts relating to the area for which the Council Tax Base is to be calculated.

1.2. As in Appendix 1 the rules require the calculations of items 'A' and 'B'.

Item A is calculated by the formula:

$$(H - Q + J) \times (F/G)$$

1.3. The calculations detailed above have been carried out in respect of the Hetton Town Council for each relevant band and the result of the calculations is shown below:

1.4. Tax Base Calculation - Hetton  $(H - Q + J) \times (F/G)$

	Disabled Band	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
Item H	15	4,723	890	409	210	78	37	12	1
Item R	3	2,458	249	102	45	22	12	8	2
Item S	25	25	25	25	25	25	25	25	25
Item J	0	5	7	1	1	2	0	0	0
Item F	5	6	7	8	9	11	13	15	18
Item G	9	9	9	9	9	9	9	9	9

**BAND RELEVANT AMOUNT**

	'A'
	£ p
Disabled (A)	7.92
A	2,742.33
B	649.25
C	341.78
D	199.75
E	91.06
F	49.11
G	16.67
H	1.00
	<u>4,098.87</u>

**REVENUE BUDGET PROPOSALS 2011/2012**

**Report of the Chief Executive and Director of Commercial and Corporate Services**

**1. Purpose of Report**

- 1.1 Following the receipt of the provisional Local Government Finance Settlement on 13<sup>th</sup> December 2010, attention has been given to the impact of the settlement on the Budget Planning Framework for 2011/2012 established and approved by Cabinet at its October 2010 meeting and updated at its December 2010 meeting.
- 1.2 To report the provisional budget proposals for 2011/2012, as a basis for the continuation of budget consultation, prior to the receipt of the final Local Government Finance Settlement 2011/2012.

**2. Description of Decision**

- 2.1 Members are requested to approve the provisional budget proposals, as a basis for the continuation of budget consultation, prior to the receipt of the final Local Government Finance Settlement 2011/2012.

**3. Impact of the Provisional Local Government Finance Settlement on the Budget Planning Framework for 2011/2012**

- 3.1. The outcome of the provisional Local Government Finance Settlement for 2011/2012 was announced on 13<sup>th</sup> December 2010 and is the subject of a separate report on this Cabinet agenda. The provisional settlement for 2011/2012 forms the first year of a two year settlement covering 2011/2012 and 2012/2013.

A brief summary of the main impact of the settlement on the budget position is set out below.

**3.2. Overall Resources (Revenue Spending Power) for 2011/2012 and 2012/13**

- 3.2.1 In presenting the provisional Local Government Settlement and its impact on local Councils the government have introduced a new concept of "Revenue Spending Power" to describe the changes to Local Government funding. A Local Authority's "Revenue Spending Power" is made up from the combined total of:

- Council Tax Requirement,
- Formula Grant allocation,
- New Specific Core Grants, and
- NHS funding for social care.

3.2.2 The table below shows the overall Resources Position for 2011/2012 compared to 2010/2011 as defined by the new Revenue Spending Power concept.

	<b>2010/11 Adjusted (£m)</b>	<b>2011/12 (£m)</b>	<b>Change (£m)</b>	<b>Change (%)</b>
Council Tax Requirement	95.238	95.238	0	0
Formula Grant	178.278	158.132	(20.146)	(11.30)
Learning & Disabilities	10.834	11.056	0.222	2.05
Early Years Intervention	17.968	15.651	(2.317)	(12.90)
New Deal for Communities	2.366	0	(2.366)	(100)
Cohesion	0.107	0	(0.107)	(100)
Working Neighbourhood Fund	9.940	0	(9.940)	(100)
Prevent	0.116	0	(0.116)	(100)
Housing & Council Tax Benefit	3.682	3.383	(0.299)	(8.12)
Preventing Homelessness	0.181	0.216	0.035	19.34
Indicative Council Tax Freeze Grant	0	2.385	2.385	100
Spending power before inclusion of NHS funding	<b>318.710</b>	<b>286.061</b>	<b>(32.649)</b>	<b>10.2</b>
NHS to Support Social Care	0	4.339	4.339	100
<b>Revenue Spending Power</b>	<b>318.710</b>	<b>290.400</b>	<b>(28.310)</b>	<b>(8.88)</b>

3.2.3 The table shows the Council is facing a loss in its overall resources of £28.310m equivalent to an 8.88% reduction if the new the Social Care funding allocated to the NHS of £4.339m is taken into account. As this money will be paid by government to the NHS the Council's real overall grant reduction in 2011/2012 amounts to £32.649m equivalent to a 10.2% reduction.

### **3.3. Schools Funding**

#### **3.3.1 Dedicated Schools Grant**

Funding for Sunderland schools continues to be influenced by reductions in pupil numbers. The October census data shows that pupil numbers are expected to reduce by 634. A cash floor arrangement at local authority level will be retained for 2011/2012, set at minus 2%. Based on the October data Sunderland is £50,000 above the floor protection, equivalent to the funding of 10 children. Therefore the outcome of the January census may once again see Sunderland receive the floor allocation.

The challenge is how to deliver the 1.5% floor protection for schools with an approximate 2% reduction in the Dedicated Schools Grant (DSG).

The DSG is split into 2 separate parts the Individual Schools Budget (ISB) and the Central expenditure (Local Authority support to Schools). The Central Expenditure limit will need to decrease by £1.1m to deliver the ISB 1.5% floor protection for schools. Options are currently being developed for approval by the Schools Forum in January.

The table below details the potential call on the total indicative funding available:

	<b>2010/2011</b>	<b>2011/2012</b>	<b>Variance</b>
Pupil Numbers	38,859	38,225	(634)
Guaranteed Unit of Funding (GUF)	£5024.78	£5024.78	
	£m	£m	£m
Grant Total (Pupils x GUF)	195.258	192.073	(3.185)
Floor Protection	0.730	0	
Early Years Funding	2.211	2.211	
Total Indicative Funding Available	198.199	194.283	(3.916)
ISB Delegated to Schools	183.438	180.509	
Rates	2.338	2.451	
Total ISB Budget	185.776	182.960	(2.816)
School Block - Other Expenditure	12.423	11.323	(1.100)
Total Indicative Call on Funding	198.199	194.283	(3.916)

### 3.3.2 Pupil Premium Funding

The pupil premium will be implemented from April 2011 and paid to the local authority as part of the pupil premium grant. It must be passed on in its entirety to schools. Sunderland Schools are likely to receive additional funding of approximately £3.4m based on 7,840 pupils eligible for free school meals in October 2010.

### 3.3.3 School Funding

In order to fund the pupil premium the Department for Education (DfE) has ended some Area Based Grants. The value of these grants within Children's Services is £4.5m that supported improvement in schools. In addition the Harnessing Technology Grant is to end that currently pays for Broadband connectivity and a managed internet service in all schools. Schools will now be required to fund this connectivity at an additional cost of £0.7m.

The level of the settlement as a whole is not as favourable for schools as it appeared at the time of the spending review. Michael Gove has acknowledged that some schools will see their funding cut and that the pupil premium funding has come from within the education budget. Officers continue to work with the Schools Forum to determine the allocation of funding to schools.



3.3.4 The table below summarises the impact on resource levels in 2011/2012 compared to 2010/2011 which shows an overall reduction of £8.033m.

	Centrally Retained Schools Block	Individual Schools Budget	Total Dedicated Schools Grant
	£m	£m	£m
Funding DSG	(1.100)	1.100	-
Reduction in Pupil Numbers		(3.916)	(3.916)
Area Based Grants	(4.500)		(4.500)
Harnessing Technology Grant		(0.700)	(0.700)
Early Years Intervention Grant	(2.317)		(2.317)
Pupil Premium		3.400	3.400
	(7.917)	(0.116)	(8.033)

The position is exacerbated by the previous use of flexibilities afforded through use of Area based grants to support Children's Services reductions in previous years amounting to £2.3m. This includes the 2010/2011 in year grant reduction which it is now clear was wholly related to Early Intervention Grant. In effect this means that reductions made to other Area based grants now ceased amounting to £1.1million need now to be found from Early Intervention projects, and that the 2011/2012 reduction will be 25.6% or £4.6m. Proposals to address the balance of £1.2million are currently being considered and will be reported as part of the final proposals to February Cabinet.

### 3.4. Specific and Special Grants / Core Grants

3.4.1 The majority of former specific and special grants have been transferred into Formula Grant with those remaining now termed Core Grants.

3.4.2 The Council has received most of its Core grant allocations within the Settlement details released with those known at this stage fully set out in the table in section 3.2.2 totalling:

- £32.649m Council core grants including Council Tax Freeze grant
- £4.339m will be channelled through the Health Authority for Supporting Social Care

3.4.3 The PFI core grant has also not yet been confirmed but the allocation for the council is not expected to change from the previous year's allocation.

3.4.4 The new core grant known as the New Homes Bonus Grant worth £196m nationally is intended to incentivise local authorities to build and bring into use more homes, with a special emphasis on creating more affordable housing. Proposals for use of the funding will be considered once firm allocations are known.

3.4.5 Specific Grant in respect of Music Services amounting to £0.434m and former Area Based Grant relating to rights to free transport of £0.117m are still under review and is not expected to be announced until March 2011.

### **3.5. Area Based Grant**

3.5.1 The government has dismantled the Area Based Grant from 2011/2012. Sunderland previously received £35.9m through this mechanism in 2010/2011. These funds have either ceased or been directed through other funding streams:

- Working Neighbourhoods Fund (£9.9m), Cohesion (£0.1m) and Prevent (£0.1m) grants have ended (£10.1m in total);
- £17.4m worth of grants have transferred into Formula Grant;
- Grants totalling £3.3m have transferred into the Early Intervention Grant;
- Education related Grants totalling £4.5m have ended but they are to be used to fund the new Pupil Premium;
- Other grants worth £0.5m are still unknown at this stage as the government has yet to reach a decision on their future.

### **3.6 Council Tax Freeze Grant**

3.6.1 The settlement also confirms that the government is to provide £650m to fund the implementation of a Council Tax freeze in 2011/12 (equivalent to a council tax increase of 2.5%). This funding will be provided over the next 4 years to compensate councils for not increasing their council tax in 2011/12 but there is no funding to freeze Council Tax beyond 2011/12. Indicative allocations of grant amounting to £2.385m have been notified, however the actual sum received will be amended in accordance with Council tax base figures and at this stage the estimated grant would be £2.272m.

### 3.7 Proposals to meet variations in Core Grant allocations

3.7.1 As set out at paragraph 3.4 a number of Core Grants are subject to a net reduction of £8.164m. However if the Council Tax Freeze grant and the NHS funding for Support Social Care are excluded from this amount there is a reduction of £14.888m as shown below:

<b>Core Grant</b>	<b>2010/2011 allocation</b>	<b>2011/2012 allocation</b>	<b>Variation</b>
	<b>£'m</b>	<b>£'m</b>	<b>£'m</b>
Learning & Disabilities	10.834	11.056	0.222
Early Years Intervention	17.968	15.651	(2.317)
New Deal for Communities	2.366	0	(2.366)
Cohesion	0.107	0	(0.107)
Working Neighbourhood Fund	9.940	0	(9.940)
Prevent	0.116	0	(0.116)
Housing & Council Tax Benefit	3.682	3.383	(0.299)
Preventing Homelessness	0.181	0.216	0.035
<b>Variation in Core Grant excluding Council Tax Freeze grant and NHS Support to Social Care</b>	<b>45.194</b>	<b>30.306</b>	<b>(14.888)</b>
Indicative Council Tax Freeze Grant	0	2.385	2.385
NHS Support Social Care	0	4.339	4.339
<b>Revenue Spending Power</b>	<b>45.194</b>	<b>37.030</b>	<b>(8.164)</b>

3.7.2 In light of the overall funding position it is proposed that in relation to the variation in Core Grants (excluding the Council Tax Freeze grant and NHS funding to support Social Care) that:

- Grant reductions of £15.145m be passported to the areas of relevant expenditure in accordance with actions taken in relation to the in year grant reductions for 2010/2011 and the agreed approach set out within the Budget Planning Framework;
- Expenditure relevant to the core grants which have increased be frozen at their 2010/2011 level of funding, with the increased funding available in 2011/2012 of £0.257m made available to meet the overall funding gap.

3.7.3 In relation to the NHS funding to Support Social Care it is proposed that the Council should work closely with its NHS partners to identify how the funding can be secured. However at this stage the due to the lack of clarity on this process it is proposed that the availability of the funding is not taken into consideration in the budget planning.

3.7.4 In relation to the Council Tax Freeze Grant it is proposed that for Budget Planning purposes an assumption of £2.272m be included in relation to grant income for 2011/2012.

## 4. Budget Planning Framework

4.1 When the Budget Planning Framework was approved in October 2010 it was agreed that the following spending commitments would be taken into account:

- A pay freeze for 2011/2012 and 2012/2013 be assumed with reference made to the current position with the employers national negotiations on pay;
- price increases be included on the basis of prudent assumptions in respect of:
  - Independent Care Providers;
  - Energy costs which remain volatile;
  - Other contractual obligations.
- prudent provision in respect of pensions increases taking into account both national reviews and local actuarial review of pensions (the latest position regarding the actuarial review of pensions will be reported to the February Cabinet) ;
- provision be made for spending commitments in respect of:
  - debt charges and interest receipts;
  - landfill tax and waste disposal strategic solution;
- the impact of demographic changes in respect of adult social care;
- pressures relating to safeguarding and external placements;
- service pressures as a result of the economic downturn;
- replacement of the temporary use of Working Neighbourhood's Funding to support mainstream grants to small businesses.

4.2 In addition Cabinet agreed :

- that budgets be prepared on the basis that all spending pressures not specifically identified above as commitments be accommodated within Directorate cash limits;
- that taking into account the Sunderland Way of Working and existing initiatives, Directors be requested to prepare longer term efficiency plans to identify efficiency savings, covering a four year period based on 10% year on year targets, to be reviewed and reassessed as confirmed changes in Government funding are announced and as the Business Transformation Programme progresses;
- that commitments against general balances be noted and the scope to utilise balances temporarily be explored.

4.3 The impact of the Comprehensive Spending Review announced on 20th October 2010 was reported to Cabinet in December 2010, and Cabinet agreed at that time to continue the work set out at 4.2 above, together with a much increased focus on Service Reviews and other options to enable the Council to address the anticipated overall funding gap.

4.4 Since the Budget Planning Framework was approved and in light of the Provisional Local Government Finance Settlement, draft budgets have been amended to reflect:

- Single Status Phase 2 – continued prudent provision has been made to reflect the impact of the implementation of single status phase 2;
- Integrated Transport Agency – a reduction of £1.048m has been notified in respect of the levy payment amounting to a 5% reduction as part of the review of Joint Service budgets and will be taken into account in finalising the overall position;
- a re-assessment of the provision for waste disposal to reflect latest projections of waste collection, increased landfill tax and the impact of recycling initiatives;
- additional impact of demographic changes e.g. Bereavement Services.

## **5. Provision for Spending Pressures and Commitments**

5.1. At this point in the preparation of the Revenue Budget for 2011/2012, provision has been made to address a number of spending commitments and pressures as set out below:

### **5.2. Resources**

#### **5.2.1 Port**

The Port continues to be affected by the global economic downturn producing difficult trading conditions, and resulting in reduced income levels continuing to be experienced. The Port Director continues to seek new business opportunities in order to mitigate the deficit position. However at this stage it is considered prudent to include provision of £750,000 to address this shortfall in income.

#### **5.2.2 Debt Charges**

Provision of £1m is included at this stage to meet the debt charges arising from the existing Capital Programme Scheme approvals and in recognition of the impact of the increase in new prudential borrowing costs announced in the Spending Review.

#### **5.2.3 VAT Increase**

The Emergency Budget on 22nd June 2010 included a measure to increase the standard rate of VAT, from 17.5% to 20% from 4th January 2011. This new rate applies to all VATable goods and services at the standard rate.

In relation to expenditure which the Council incurs in providing services, the Council is able to reclaim from Government the value of any VAT paid out on the cost of supplies or services and therefore has a mainly neutral impact on the cost of services to the Council. The main exception is where charges for services provided to the Council by third parties may increase e.g. in the social care sector, as a consequence of their inability to recover the additional VAT costs they incur.

In relation to income generated from Council services the charges must include the increase in VAT from 4th January 2011. In the current financial climate of government grant reductions, the general principle is to seek to pass on the increase in VAT to the customer for services after considering, on a case by case basis, issues such as:

- the most cost effective time to implement the change in customer prices, whilst minimising the financial loss to the Council, and
- the practicality of what the increase of 2.5% will mean to the inclusive charge to the customer particularly for relatively small fees such as leisure activities e.g. increasing a charge of £2.00 to £2.04 could more realistically result in a price of £2.05.

### **5.3. Healthy City**

The following proposals are made:

#### **Fees for Independent Care Providers**

An additional £1.064m is proposed to be provided to assist in funding fees for independent care providers for children's social care in 2011/2012.

In addition there are a number of other proposals for investment that are outlined later in the report to enable services to be reconfigured in accordance with the 15 year modernisation plan for adult social care.

### **5.4. Children and Learning City**

The following proposals are made:

#### **Fees for Independent Care Providers**

An additional £0.394m is proposed to be provided to assist in funding fees for independent care providers for children's social care in 2011/2012.

## Safeguarding

A sum of £1.5m is proposed to fund the following:

- The safeguarding service continues to experience a high number of referrals in Case Management. In order to respond to these additional safeguarding needs, additional and more costly agency social workers have been recruited. A planned Recruitment and Retention strategy is beginning to have an impact on recruitment, including recruitment of experienced social workers from the United States. The ongoing implication of maintaining the established number of social workers and having plans in place to reduce reliance on external agency staff is £350,000.
- Sunderland still has relatively few looked after children placed in external placements in comparison with most other local authorities nationally and regionally. However, the cost of these placements results in a significant budget pressure. Based on the outturn position over the past 3 years for external placements there is an inherent budget deficit within Children's Services of £1.150m. Whilst strategies are in place to recruit additional foster carers to meet current and projected demands it is important to address this shortfall. The impact of the implementation of the Children's Placement Strategy and in particular the Foster Care Strategy will be closely monitored to ensure savings are realised in the medium term.

## 5.5. Prosperous City

The following proposals are made:

### Working Neighbourhoods Fund

When Working neighbourhoods fund was introduced in 2008/2009 Council agreed that £1.070m of the fund be utilised to support mainstream Council Business Investment Activity and job creation schemes on a temporary basis for each of the three years of the life of the fund through to 2010/2011. As the Working Neighbourhoods funding is to cease from 2011/2012, it is necessary replace the use of the grant with mainstream Council resource. A sum of £1.070m is therefore included within the budget planning.

### Economic Downturn

The Council continues to experience a downturn in income in relation to a number of services including car parking, rents from the property portfolio and planning application fees. Whilst it is planned that all services will be subject to service review, it is considered prudent at this stage to include a sum of £0.750m in the budget planning proposals.

## 5.6. Sustainable Communities

The following proposals are made:

### Waste Disposal

In accordance with the policy of gradually building up provision within the Council's base budget to fund the eventual affordability gap associated with the Waste Disposal Solution, it is proposed to make provision of £1.2million for 2011/2012, taking into account the landfill tax that will be saved when the Waste Disposal Strategic Solution comes on stream.

## 5.7. Attractive and Inclusive City

The following proposal is made:

### 'Kerb It' Replacement Scheme

A sum of £146,000 is proposed to meet the additional costs of leasing vehicles to support the 'blue bin' scheme which is replacing the existing 'kerb it' scheme. This will allow for the provision of rear end loading vehicles to accommodate the new bin.

## 5.8. Overall Spending Commitments Position

The table below shows the summary position in relation to spending commitments for 2011/2012 which are provided for within the planning framework at this stage.

	<b>2011/2012</b>
	<b>£m</b>
Pensions and other Cost Pressures	1.668
Port	0.750
Debt Charges	1.000
Fees for Independent Care Providers and other contract inflation	1.691
Safeguarding / External Placements	1.500
Working Neighbourhoods Fund	1.070
Economic Downturn	0.750
Waste Disposal	1.200
Kerb it Vehicle Leasing	0.146
	<hr/> <b>9.775</b> <hr/>



## **6. Budget Consultation**

6.1 The Budget and Policy Framework procedure rules contained within the Constitution of the Council requires consultation on budget proposals to take place. In September 2010 Cabinet approved proposals regarding the consultation strategy and framework for the budget for 2011/2012 and proposed briefings to the following stakeholders:

- Trade Unions;
- Representatives of Business Ratepayers;
- Voluntary Sector;
- Youth Parliament;
- Schools Forum, Head Teachers and Governors.

At each stage in the budget preparation process reports are referred to the Management Scrutiny Committee for review.

6.2 In addition to the above stakeholder consultation, a survey was undertaken with the citizen's panel - Community Spirit - on nine service priority areas for 2011/2012. The survey asked respondents to indicate the extent to which they agreed that the areas identified should be a priority for 2011/2012.

6.3 To supplement the survey, focus groups were held, with Community Spirit panel members and representatives from the voluntary and community sector, in different locations throughout the city.

6.4 Detailed analysis of the feedback undertaken is still being finalised but the provisional budget proposals in this report are consistent with the summary findings to date. This report will become the basis for second stage consultation. Elements of the consultation undertaken to date, which has not yet been fully analysed, together with the results of the second stage of consultation will be considered in framing the final budget proposals to be submitted to Cabinet in February, 2011.

## 7. “One off” Spending Pressures

### 7.1 Invest to Save Transitional Costs

#### - SWITCH Team

To enable transition to revised operational arrangements reflecting the Sunderland Way of Working the Council has established the SWITCH team. This will enable people who are displaced as new organisational structures are established to be given the opportunities of alternative employment in priority projects until they are accommodated in a permanent position within the council’s new operating arrangements. During this period of transition, additional staffing costs will need to be met. A sum of £8.3m has been provided within the Budget Planning proposals at this stage. This will be reviewed on an ongoing basis together with the impact of any other transitional costs related to the implementation of savings proposals which will be reported to Cabinet as appropriate.

### 7.2 Invest to Save Directorate Modernisation Programmes

There are a number of significant pressures in Adult Services arising from demographic changes and implementation of government policy. In accordance with the Budget Planning framework policy of identification of actions to contain pressures Health Housing and Adult Services have identified £4.509 million additional savings proposals in order to reinvest in the following areas:

#### 7.2.1 Home care services

By investing in low level preventative services such as Home Care, in line with Government and Council policy to support more people to live at home for longer should they choose this, helping prevent more costly admissions to residential and nursing care - £1.709m

#### 7.2.2 Extra care facilities

By investing in Extra Care facilities (Cherrytree Gardens) and additional new schemes helps prevent people from admissions to residential and nursing care and provides people with their own independence - £0.629m

#### 7.2.3 Accommodation solutions

By investing in new accommodation solutions for:

- Clients with Learning disabilities, including the provision of community living schemes and provision of care support teams within these facilities. This assists in meeting increasing demand for these services as people with significant disabilities are living longer. This in turn prevents admissions to Residential and Nursing care and promotes independence - £1.888m
- Clients with Mental Health needs, including the provision of Residential and Nursing care facilities and other accommodation solutions. This helps to meet an increasing demand for the service and promotes independence - £0.217m

#### 7.2.4 Home Improvement Agency services

Investing in the Home Improvement Agency which delivers Disabled Facility Grants assists home owners to achieve Decent Homes Standards, together with providing minor alterations and the Handyperson service. These services all help to maintain people within their own homes for longer, thus preventing more costly forms of support and admission to residential care. In addition it ensures that people live in homes which are of a decent standard – £0.066m.

7.3 There are a number of other one off revenue spending priorities that have been identified which accord with the priorities arising both from budget consultation but also key strategic priorities to enable economic regeneration in the city at this time of economic restraint. They include:

- City Centre Developments - continued investment in the city centre to attract visitors and businesses to the city on a permanent basis
- Festivals and Events - investment in key events that can demonstrate value for money in terms of impact on the local economy
- Highways – whilst significant investment has been made in recent years on roads and footpaths and conditions are comparatively good compared to other Council's, the impact of severe winter conditions continues to impact on the road conditions and in particular potholes. This again has been identified as a key priority through budget consultation and will be considered alongside other priorities.

The above priorities alongside key priorities for capital spending which support the Council's Economic Masterplan and regeneration activities will be considered in the light of overall resources and affordability. This will be reported as part of the final budget proposals in February.

### **8. Overall Position - Proposals to meet the funding gap 2011/2012**

8.1 As part of the Budget Planning Framework for 2011/2012 Cabinet agreed in October 2010 that taking into account the Sunderland Way of Working and existing initiatives, Directors should bring forward savings, based on 10% targets, to be reviewed and reassessed as confirmed changes in Government funding are announced and as the Business Transformation Programme progresses.

8.2 The impact of the Comprehensive Spending Review announced on 20th October 2010 was reported to Cabinet in December 2010, and Cabinet agreed at that time that the work set out above, together with a much increased focus on Service Reviews would enable the Council to address the anticipated overall funding gap.

8.3 The provisional settlement has confirmed that the gap in Council funding is broadly as anticipated and that the previously proposed course of action is still valid. Progress in relation to proposals to meet the funding gap of £38m are set out below.

	2011/2012	2011/2012
	£m	£m
Directorate Improvement Plans		9.0
Business Transformation Programme		
- Directorate Proposals	15.9	
- Additional Requirement	13.8	29.7
Total Requirement		38.7

### **Directorate Improvement Programmes**

8.3.1 In accordance with the budget planning framework directorates have brought forward proposals for savings options equivalent to 10% of their net delegated budgets totalling £9m. The vast majority of these savings relate to the additional service reviews and service modernisation programmes being considered including those related to adult social care, and housing related support and neighbourhood services.

### **Business Transformation Programme**

8.3.2 One of the key ways the Council has been planning to address the anticipated reduction in public spending has been through the Business Transformation Programme which is examining every aspect of the way we work by looking at the organisation in a different way with two main objectives:

- To challenge what we are doing, how we are doing it and how effective it is;
- To organise in a way that maximises value for money.

8.3.3 These reviews are progressing and will provide significant savings which are to be taken into account in the 2011/2012 budget and over the next three years. Plans are being implemented in respect of the following key strands of business.

- **Strategic and Shared Services**  
This review is implementing new standardised ways of delivering support services by bringing staff together within their own area of expertise, introducing standardised consistent practices, redesigning processes and using ICT to maximise efficiencies.

- Customer Services  
All customer contact to be undertaken through the Customer Services Network in order to:
  - maximise resolution at the first point of contact,
  - avoiding unnecessary contact,
  - further develop transactional website functionality.
  
- ICT  
This involves the pooling of ICT software and Hardware to enable the most efficient and effective way to meet the needs of the business and reduce costs. The ICT will be maximised with additional investment where there is a sound business case to do so.
  
- Property Rationalisation and Smarter Working  
The key aim is to maximise the use of space available and utilise the lowest number of locations in order to save on running costs. In addition the use of ICT will enable alternative forms of working for example, home working, hot desking or use of hand held devices to deliver speedier services.
  
- Service Commissioning and Review and Procurement
  - Procurement  
Centralising procurement activity and ensuring all purchasing goes through expert procurement officers will enable savings to be made from bulk purchases.
  
  - Service Commissioning and Review  
The reviews seek to gain a comprehensive understanding of customer need and how best that need can be delivered in respect of front line and other services in the most productive manner. This includes involving communities and people who use services in the design of outcomes based services.

Service reviews are progressing in respect of Facilities Management, Health Inequalities and Anti Social Behaviour.

#### 8.3.4 Additional requirement from Service Reviews and other Plans

As agreed by Cabinet in December 2010 additional actions are required in order to meet the current funding gap of £13.8m for 2011/2012. This includes the development of a programme of service reviews over the following areas which are currently being scoped for review which will support the delivery of savings in the next two years;

- Sport, Leisure & Wellness
- Services for Over 65's
- Neighbourhood Services
- Safeguarding Children
- Transport and Fleet Management
- Information, Advice and Guidance
- Planning Services
- Housing Related Support

In light of the front loading of budget reductions and lead time time taken for cashable savings to be realised from service reviews it has been necessary for Directors in conjunction with Portfolio holders to consider proposals including:

- Consideration of areas to 'stop spend' either in the short or medium term.
- Other options including consideration of service reductions where they will have the least impact on outcomes for the community.
- One off use of delegated surpluses and other balances in order to meet the funding gap in the short term while longer term plans are developed.

Whilst significant progress has been made proposals are still in the development and verification stage and final proposals will be reported to February Cabinet.

8.3.5 The overall position in respect of savings arising from the Business Transformation Programme are set out below:

	2010/2011	2011/2012	2012/2013 to 2014/2015	Cum. Position
	£m	£m	£m	£m
<b>Gross Project Savings</b>				
Strategic and Shared Services	3.323	6.809	16.494	26.626
Customer Services	0.124	0.968	1.208	2.300
ICT	0	0.639	0.761	1.400
Property Rationalisation / Smarter Working	0	0.856	6.144	7.000
Service Assessment and Commissioning				
- Procurement	0.664	4.628	1.994	7.286
- Service Reviews initial Target	0	2.032	3.256	5.288
- Additional Required Service Reviews	0.000	13.768	16.232	30.000
<b>Programme Savings</b>	<b>4.111</b>	<b>29.700</b>	<b>46.089</b>	<b>79.900</b>

## **9 Outstanding Uncertainties**

- 9.1 There are a number of uncertainties still to be resolved in relation to next year's budget, including:
- transitional costs in relation to the implementation of savings proposals;
  - finalisation of additional savings from service reviews and other options to meet the funding gap;
  - the outcome of the actuarial review on pensions;
  - the outcome of the Final Local Government Revenue Support Grant Settlement for 2011/2012 and related grant announcements;
  - the outcome of the final review of the council's contingency provision;
  - how the Council will access the NHS funding in respect of Support for Social care which has been taken into account in the government funding calculations for the Council;
  - the final Collection Fund position.

In addition, it will be necessary to consider the outcome of further consultation to take place on the budget.

## **10. General Balances**

- 10.1 A Statement of General Balances is attached at Appendix 1.

Some savings are being generated in 2010/2011 from actions to meet the 2010/2011 in year Government Grant Reductions, Interest on Balances and Debt Charges, and unutilised contingency provisions. However, any savings generated will be required to fund the following significant one off spending pressures:

- Invest to save transitional costs associated with the Improvement Programme;
- Other Services Capital Programme developments including Economic Development and other one off spending priorities.

The balances position will be updated / reviewed as the budget is progressed. A full risk analysis will be presented with the final budget proposals to the February meeting of Cabinet.

## **11. Suggested Reason for Decision**

- 11.1 To enable constitutional requirements relating to the development of the revenue budget to be met.

## **12. Alternative options to be considered and recommended to be rejected**

- 12.1 There are no alternative options recommended for approval.

**Background Papers**

Local Authority Finance (England) Provisional Revenue Support Grant  
2011/2012 and related Matters

Budget and Planning Framework 2011/2012 (October 2010 Cabinet, Updated  
December 2010 Cabinet)



## Appendix 1

### Statement of General Balances

	£000	£000
<b>Balances as at 31<sup>st</sup> March 2010</b>		<b>14.749</b>
<b>Use of Balances 2010/2011</b>		
- Contribution to Revenue Budget	(3.307)	
- Contribution to fund the Capital Programme	(3,872)	(7.179)
<b>Estimated Balances 31<sup>st</sup> March 2011</b>		<b>7,570</b>

The above position will be reviewed and updated and reported to Cabinet as part of the final budget proposals in February, 2011.

**ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**Joint report of the Executive Director of Commercial and Corporate Services and Executive Director of City Services**

**1. PURPOSE OF THE REPORT**

- 1.1 To formally resolve to adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 relating to the regulation of sex establishments.

**2. DESCRIPTION OF DECISION**

- 2.1 To recommend Council to resolve that Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) in relation to the regulation of sex establishments shall apply to its area and that the Schedule shall come into force on 7 March 2011.

**3. BACKGROUND**

- 3.1 Members will recall that in September 2010 the Council approved a number of amendments to the Constitution, including the consolidation and reorganisation of delegations to the Executive Director of City Services to reflect various changes in Licensing legislation. One of the changes referred to in the report related to the law in respect of venues where entertainment such as lap dancing is provided. Such venues are reclassified as “sexual entertainment venues” and local authorities which adopt the relevant provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 may regulate such venues as sex establishments. The Council agreed to adopt this legislation.

**4. CURRENT POSITION**

In order to acquire these new licensing powers and comply with procedural requirements set out in the legislation with regard to the giving of public notice of the proposal to adopt the powers, the Council needs to formally resolve to apply Schedule 3 of the 1982 Act (as amended) by a specified date. The purpose of this report is to recommend that Council makes an explicit resolution to adopt the legislation by 7 March 2011. If the Council does not pass a resolution to adopt the new powers before 6th April, 2011, it is required to consult local people as soon as practicable thereafter about whether it should make such a resolution.

5. **REASONS FOR THE DECISION**

- 5.1 The Council, by making the decision recommended, will enable local residents to have the opportunity to object to lap dancing clubs and similar venues on the basis that such establishments would be inappropriate for their area.

6. **ALTERNATIVE OPTIONS**

- 6.1 No alternative options are submitted for consideration as the proposal is considered to be the optimum course of action for the Council.

7. **BACKGROUND PAPERS**

The Policing and Crime Act 2009 (Commencement No. 4) Order 2010. SI 2010 No. 507 - re lap dancing as sex establishments.

**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 (Southwick P.A.C.T) from residents of Southwick Central Area, regarding traffic issues along Faber Road. Presented by Councillor Copeland on 14<sup>th</sup> June 2010**

The Executive Director of City Services received the petition in relation to this matter on 16<sup>th</sup> June 2010. Subsequently a review of the planning background and highways issues involved in the redevelopment in the area has been carried out.

The principles of redevelopment were agreed in the Southwick Masterplan, which was approved at Cabinet on the 18<sup>th</sup> January 2006. This established the planning policy and the form of main road layout, and subsequent planning permissions have been granted for phases of the redevelopment. Works to complete the Faber Road improvements are being carried out by Gentoo Construction, and include traffic signals, pedestrian refuges, mini roundabouts and parking bays.

Officers have attended the local residents meetings (“Police and Community Together” programme or “P.A.C.T.”) where traffic issues have been a regular point of discussion.

The Executive Director of City Services, in consultation with local ward members and the portfolio holder for Attractive and Inclusive City has considered the findings and recommendations of the review report. It has been concluded that the Faber Road improvements will continue to be implemented as originally intended, and the performance of the route will be monitored and reviewed as part of the ongoing road safety strategy of the area. An additional issue raised by residents regarding misuse of the new children’s play park at Beaumont Street will also be monitored.

Councillors Norma Wright, Christine Shattock, Rosalind Copeland and the Lead Petitioner have been notified.

**(ii) Petition requesting the installation of traffic calming measures around the Barnes Junior and Infant Schools. Presented by Councillor Allan on 27<sup>th</sup> January 2010**

The Executive Director of City Services considered the petition and determined that the petitioners' request should be acceded to. A scheme will be implemented in the current financial year to install the traffic calming measures.

Councillor Allan and the lead petitioner have been have been notified of the Executive Director's decision.

**(iii) Petition requesting the withdrawal of relief on business rates granted to the Scientologists based in Fawcett Street because they were not registered with the Charity Commission, therefore should not be treated as a charity, nor are the Scientologists premises registered as a place of worship. The petitioners stated that businesses were struggling to survive and had to pay their rates and most businesses could not afford to operate from such a prime location. They believed this decision was unfair and unacceptable and Sunderland City Council should revoke the decision immediately. Presented by Councillor Morrissey on 24<sup>th</sup> November 2010**

The Executive Director of Commercial and Corporate Services considered the petition and responded to the points made in the petition as follows:

- **The Scientologists are not a registered charity, therefore should not be treated as a charity.**

The Church of Scientology Religious Education College Inc. ('CoS') was granted mandatory and discretionary relief from national non-domestic rates ('business rates'), on its property in Fawcett Street, Sunderland. This decision was based upon a judgement as to whether the organisation is established for 'charitable purposes' and not on its status as a registered charity.

During the last four years, officers have considered the application, at length and in depth. Due regard was given to the decision of the Charity Commission to refuse the application of another organisation, the Church of Scientology (England and Wales), for registration as a charity. However, it is important to note, that for the purposes of business rates relief, the ratepayer does not need to be registered with the Charity Commission in order to be eligible for mandatory and/or discretionary rating relief. The ratepayer does, however, have to demonstrate that it is an organisation established for 'charitable purposes' i.e. purposes

beneficial to the community. On this point, the Council reviewed the Charity Commission's published guidance to examine the scope of the descriptions of 'charitable purposes' contained within the Charities Act 2006.

Officers carried out enquiries with other Local Authorities, some of whom also grant relief to this organisation, and considered the information submitted by the applicant, legislation, case law, legal advice and also carried out a visit to the property in question. CoS provided the Council with persuasive evidence to demonstrate its assertion that it is an organisation established for charitable purposes and that its use of the premises in Fawcett Street benefited sections of the public in Sunderland. As a consequence of having considered guidance, advice and information, it was concluded on balance that the local organisation should benefit from the relief granted.

The Director has confirmed that any application made for business rates relief would be treated in the same manner and the decision would be reached on the basis of the information available to the Council.

- **The Scientologists premises are not registered as a place of worship.**

Following the receipt of legal advice in the initial stages of the decision making process, the Council did not class Scientology as a religion for the purposes of its application nor did it treat the premises as a place of worship, registered or otherwise.

- **Most businesses cannot afford to operate from such a prime location.**

A number of Charity Shops in Sunderland receive mandatory relief (80%) from national non-domestic rates ('business rates'). These are located throughout the City Centre including Fawcett Street, Blandford Street, High Street and Holmeside.

Small Business Rate Relief is also granted to businesses with a Rateable Value of less than £18,000, which is a measure that was introduced by the former Government and implemented by the present Coalition Government. There are a number of properties that receive Small Business Rate Relief throughout the city centre, including some in Fawcett Street.

The Council seeks to assist small businesses wherever possible.

- **The decision is unfair and unacceptable.**

The Council endeavours to treat all organisations fairly and equitably within the parameters set out in regulations approved by Government. The Council can only make decisions based on the regulations. It is clear that clarification is required from government on the current regulations and legislative change may be required to prevent non-registered charities from benefiting from the relief, if this is its intended policy.

Councillor Morrissey and the Lead Petitioner have been notified.

**NOTICES OF MOTION**

Council Members are asked to consider the undermentioned Motions:-

**(i) Notice of Motion – Pupil Premium**

This Council welcomes the pupil premium and asks that it be put to best use for all pupils in the City.

Councillor R. Oliver  
Councillor A. Morrissey  
Councillor A. Wright  
Councillor R. Francis  
Councillor L. Martin  
Councillor R.S. Vardy  
Councillor J. Walton  
Councillor L. Walton  
Councillor G.E. Howe  
Councillor P. Wood

**(ii) Notice of Motion – Government Cuts**

This Council deplores the savage and ideologically driven cuts imposed on local government spending announced by the Coalition Government. Furthermore, we will act to limit as much as possible the impact of the imposed cuts on the services this Council provides to the people of Sunderland.

Councillor P. Watson  
Councillor M. Mordey  
Councillor F. Anderson  
Councillor P. Smith



**COUNCIL****26<sup>TH</sup> JANUARY, 2011****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.

COUNCIL

26<sup>TH</sup> JANUARY 2011

**APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES – HEALTH AND WELLBEING SCRUTINY COMMITTEE, CHILDREN, YOUNG PEOPLE AND LEARNING SCRUTINY COMMITTEE, STANDARDS COMMITTEE, SHERBURN HOUSE CHARITY, THE ASSOCIATION OF NORTH EAST COUNCILS AND ACTIVE SUNDERLAND BOARD**

**Report of the Director of Commercial and Corporate Services**

**1.0 Introduction**

1.1 The purpose of this report is to consider nominations to seats on the Health and Wellbeing Scrutiny Committee, the Children, Young People and Learning Scrutiny Committee, Standards Committee, Sherburn House Charity, the Association of North East Councils and Active Sunderland Board.

**2.0 The Health and Wellbeing Scrutiny Committee**

2.1 The Council has received notice that Councillor Kathryn Chamberlin has resigned from her seat on the Health and Wellbeing Scrutiny Committee due to work commitments. As the Committee is politically balanced the resultant vacancy will need to be filled by a member of the majority party in opposition. The Conservative Group have nominated Councillor Tony Morrissey to replace Councillor Chamberlin. The Council is accordingly requested to consider the nomination of the Conservative Group.

**3.0 Children, Young People and Learning Scrutiny Committee,**

3.1 The Children, Young People and Learning Scrutiny Committee currently has vacancies for two voting, co-opted members who are parent governors. The Council's Governor Support Team has contacted all eligible parent governors (those serving on school governing bodies maintained by the local authority) and two nominees, Janice Bell and Hayley Harper, have been identified. The Council is accordingly requested to consider the nominations to the Children, Young People and Learning Scrutiny Committee.

#### **4.0 Standards Committee**

- 4.1** Members will be aware that the coalition government is making proposals to overhaul the Standards regime.
- 4.2** Under the current arrangements, at least 25% of the members of the Standards Committee must be independent members. In making appointments to the Committee, the Council is required to have regard to guidance from Standards for England. That guidance provides that independent members should serve no more than a total of eight years after which new Members should be recruited. There are two long serving members of the Council's Standards Committee, Mr G Cook and Mr J P Paterson. Ordinarily appointments to the Committee are made at Annual Council however both individuals will have served in excess of 8 years by the next Annual Meeting in May or shortly thereafter. A number of authorities have expressed concern that, given the current uncertainty regarding the future of the standards regime, it may be preferable to retain those who had been trained and understand their role rather than try to recruit, appoint and train new members for what may be a very short term.
- 4.3** Standards for England have advised that, in the circumstances and as long as the original appointment was carried out in accordance with the correct legal requirements at the time, an authority can extend the term of appointment for a further period. However, this can only be done during the term of office of an existing independent member. Once the independent member's term has expired, the full recruitment procedures must be followed again.
- 4.4** In the circumstances, it is therefore recommended that Council agrees to extend the existing terms of office of Mr G Cook and Mr J P Paterson until such time as the Council reviews its arrangements in respect of the standards regime, in the light of the Coalition Government's proposals.

#### **5.0 The Sherburn House Charity**

- 5.1** The Council has been notified formally by the Chief Officer of Christ's Hospital in Sherburn, Mr Stephen Hallet, that the Council's representative to the Governors of Sherburn House Charity, Councillor Tom Wright, has resigned as a Governor due to ill-health. The Council is accordingly requested to consider nominating a replacement Governor for the remainder of Councillor Wright's unexpired term up to 28<sup>th</sup> August 2012.

## **6.0 The Association of North East Councils (ANEC)**

- 6.1** At its extraordinary meeting on 16<sup>th</sup> November 2010 ANEC agreed changes to its constitution including a revision to the rules covering representation from member Councils. The new rules provide that each constituent authority shall be entitled to nominate, as voting representatives, its Leader or Elected Mayor plus one elected member per 50,000 or part thereof of its population. Under the new rules Sunderland is therefore now entitled to nominate seven members including the Leader of the Council. ANEC's new Constitution requests Councils to consider political proportionality and diversity issues when making their nominations. ANEC has confirmed that, if necessary, it will utilise its powers of co-option to achieve its required political representation.
- 6.2** At its Annual meeting in May the Council appointed six Members, including the Leader, to ANEC, so Sunderland is now entitled to appoint one additional Member. The Council is, therefore, requested to consider nominating one further member as a voting representative to ANEC.
- 6.3** In addition, Council is requested to note that ANEC has appointed the Leader of the Council to serve as a Director on the Board of Directors of ANEC Limited; a company set up to take on the Association's legal obligations and liabilities in accordance with the Company's Memorandum and Articles of Association which provide that the directors of the Company shall consist of the Leaders/Elected Mayors of the constituent authorities at any time in place.

## **7.0 Active Sunderland Board**

- 7.1** The Active Sunderland Board was established in response to a national review of sport and physical activity by Sport England; which culminated in the setting up of a "Single Delivery System" and a requirement, by Sport England, for each local authority to establish a Community Sport Network. The Active Sunderland Board fulfils this role and its terms of reference were approved in August 2010.
- 7.2** The aim of the Board is to play a strategic role concerned with setting the long term outcomes for sport and physical activity in the city and measuring achievement against them. The Board is to be chaired by the Portfolio holder with responsibility for sport and leisure and will consist of representatives from:
- Local Authority Sport and Leisure Service
  - Children's Services
  - Adult Services
  - Community Safety
  - Local Strategic Partnership
  - Tyne and Wear County Sports Partnership
  - Sunderland AFC Foundation
  - Sunderland Sports Council

- Specialist Sports Colleges
- Gentoo
- Sunderland CVS
- Sunderland College
- Sunderland University
- Sunderland Teaching Primary Care Trust

**7.3** The Council is invited to consider nominating the Portfolio holder for Attractive and Inclusive City, Councillor James Blackburn, to the Active Sunderland Board.

## **8.0 Recommendations**

**8.1** The Council is accordingly recommended to consider:

- (i) appointing Councillor A Morrissey to the vacancy on the Health and Wellbeing Scrutiny Committee,
- (ii) appointing Janice Bell and Hayley Harper as voting, co-opted members who are parent governors on the Children, Young People and Learning Scrutiny Committee,
- (iii) agreeing to extend the existing terms of office of Mr G Cook and Mr J Paterson, as independent members of the Standards Committee, until such time as the Council reviews its arrangements in respect of the standards regime, in the light of the Coalition Government's proposals,
- (iv) nominating a replacement Governor to the Sherburn House Charity for the remainder of the unexpired term up to 28<sup>th</sup> August 2012,
- (v) appointing a further Member of the Council to ANEC and noting the appointment of the Leader of the Council as a Director of ANEC Limited, and
- (vi) nominating the Portfolio holder for Attractive and Inclusive City, Councillor James Blackburn, to the Active Sunderland Board.