

## THE CABINET

### AGENDA

Meeting to be held in the Civic Centre (Committee Room No. 1) on  
Wednesday 16 April 2014 at 2.00 p.m.

#### Part I

ITEM		PAGE
1.	<b>Minutes of the Meeting of the Cabinet held on 12 March 2014 Part I</b>  (Copy herewith).	1
2.	<b>Receipt of Declarations of Interest (if any)</b>	
3.	<b>Apologies for Absence</b>	
4.	<b>Corporate Peer Review</b>  Report of the Chief Executive (copy herewith).	11
5.	<b>Nominations to the Committees to be established by the Combined Authority</b>  Joint report of the Chief Executive and the Head of Law and Governance (copy herewith).	43

Contact: Hazel Mackel, Governance Services Team Leader Tel: 561 1042  
[hazel.mackel@sunderland.gov.uk](mailto:hazel.mackel@sunderland.gov.uk)

Information contained in this agenda can be made available in other languages and formats on request.

- |    |  |     |
|----|--|-----|
| 6. |  <b>Scrutiny Committee – Policy Review Final Reports 2013/14</b>      | 47  |
|    | Joint report of the Scrutiny Committee, the Deputy Chief Executive and the Director of Public Health (copy herewith).                                  |     |
| 7. |  <b>The Localism Act 2011- Assets of Community Value</b>              | 115 |
|    | Report of the Deputy Chief Executive (copy herewith).  |     |
| 8. |  <b>Interim Waste Management arrangements commencing 1 April 2014</b> | 125 |
|    | Report of the Deputy Chief Executive (copy herewith).  |     |
| 9. |  <b>Beamish Museum – Guarantee</b>                                    | 135 |
|    | *<br>Report of the Head of Financial Resources (copy herewith).  |     |

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

The reports contained in Part II of the Agenda are not for publication as the Cabinet is considered likely to exclude the public during consideration thereof as they contain information relating to the financial or business affairs of any particular person (including the authority). (Paragraph 3 of Part 1, Schedule 12A of the Local Government Act 1972). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.

**Part II**

- |     |  |     |
|-----|--|-----|
| 10. | <b>Minutes of the Meeting of the Cabinet held on 12 March 2014 Part II</b> | 141 |
|     | (Copy herewith).   |     |



**Denotes Key Decision.**

**\* Denotes Regulation 10 Notice issues – item which is a key decision which is not included in the 28 Day Notice of Key Decisions.**

ELAINE WAUGH  
Head of Law and Governance

Civic Centre  
SUNDERLAND

8 April 2014



**CABINET MEETING – 16 APRIL 2014**  
**EXECUTIVE SUMMARY SHEET – PART I**

**Title of Report:**

MINUTES, PART I

**Author(s):**

Head of Law and Governance

**Purpose of Report:**

Presents the minutes of the last meeting held on 12 March 2014 Part I.

**Action Required:**

To confirm the minutes as a correct record.



**At a meeting of the CABINET held in the CIVIC CENTRE (COMMITTEE ROOM NO. 1) on Wednesday 12 March 2014 at 2.00pm.**

**Present:-**

Councillor Trueman in the Chair

Councillors Blackburn, Kelly, P. Smith and Speding

**Also present:-**

Councillor Wood

**Part I**

**Minutes**

The minutes of the meeting of the Cabinet held on 12 February 2014 Part I (copy circulated) were submitted.

(For copy report - see original minutes).

1. RESOLVED that the minutes of the last meeting be confirmed and signed as a correct record.

**Receipt of Declarations of Interest**

There were no declarations of interest.

**Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Gofton, G. Miller and P. Watson.

## **The Duty to Co-operate – Agreement of the Memorandum of Understanding Between the North East Local Planning Authorities**

The Deputy Chief Executive submitted a report (copy circulated) to advise of the new statutory requirement introduced by the Localism Act 2011 on all local planning bodies in respect of a Duty to Co-operate when preparing their Local Plans and to seek approval to a new Memorandum of Understanding (MOU) between the eight North East local planning authorities which set out the formal mechanisms in order to comply with the Duty.

(For copy report – see original minutes).

Councillor Speding highlighted to Cabinet Members the introduction of a “duty to cooperate” on all local planning authorities, through the Localism Act. He reported that although this Council had a strong track record of co-operation with neighbouring authorities on planning issues, under the Duty there was now a statutory need for Councils to show how they had co-operated on the preparation of their emerging Local Plans. He advised that in order to make sure that the Duty was being properly complied with, a Memorandum of Understanding had been prepared between the eight North East Local Planning Authorities which would establish a framework for the identification and discussion of strategic and cross-border strategic planning issues as part of the preparation of their local development plans.

Cabinet Members were informed that whilst the Memorandum was not a legally binding document, it set out the agreed processes, links and roles of existing groups and structures and how strategic and cross-boundary matters in respect of emerging local development plans could be raised and resolved through an agreed governance structure.

Councillor Speding reported it was necessary to make certain amendments particularly to take account of the development of the Combined Authority but also to ensure that local consultation and the role of local politicians, through Planning and Highways Committee, was fully acknowledged and embedded within the agreed document and governance arrangements. He therefore suggested an amendment to the recommendation contained in the report; to approve, in principle, the Memorandum of Understanding (MOU) between the eight North East Local Planning Authorities and delegates authority to the Chief Executive, in consultation with the Leader of the Council, to finalise and agree the MOU subject to appropriate amendments.

Consideration having been given to the report, it was:-

2. RESOLVED that approval be given, in principle, to the Memorandum of Understanding (MOU) between the eight North East Local Planning Authorities and to delegate authority to the Chief Executive, in consultation with the Leader of the Council, to finalise and agree the MOU subject to appropriate amendments.



## **Review of the Non-Domestic Rates Discretionary Relief Policy**

The Head of Financial Resources submitted a report (copy circulated) to provide an update the current policy of Discretionary Relief for Non-Domestic Rates awarded to Retail businesses to reflect the Government proposals announced in the Autumn statement on 5<sup>th</sup> December 2013 and subsequent guidance recently received.

(For copy report – see original minutes).

Councillor Speding in highlighting the report drew attention to the relief of up to £1,000 a year which was available for occupied retail businesses with a rateable value of £50,000 or less for 2014/15 and 2015/16. He explained that Appendix 1 to the report detailed the type of properties which would benefit from the relief.

Cabinet Members were also advised that 50% relief was available between April 2014 and 31st March 2016 for businesses that moved into retail premises that had been empty for a year or more.

Councillor Speding reported that the Government would fully reimburse the Council for the reduction in income from Business Rates as a result of the changes; therefore there would be no negative financial impact on the Council.

Consideration having been given to the report, it was:-

3. RESOLVED that approval be given to the amendment of the current policy on Non-Domestic Rates Discretionary Relief effective from the 1<sup>st</sup> April 2014 as detailed in the Government's Autumn statement, to include:-

- (i) relief of up to £1,000 per annum to occupied retail businesses with a rateable value of £50,000 or less for the financial years 2014/15 and 2015/16, and
- (ii) 50% relief for 18 months between 1<sup>st</sup> April 2014 and 31<sup>st</sup> March 2016 for businesses that move into retail premises that have been empty for a year or more.

## **Collective Energy Switching Scheme**

The Executive Director of People Services submitted a report (copy circulated) to seek approval to enter into a contract with iChoosr to deliver a collective energy switching scheme for the City.

(For copy report – see original minutes).

Councillor Kelly reported that the Cabinet was being asked to agree that Sunderland participated in the Collective Energy Switching Scheme, as part of the Affordable Warmth Strategy. He reminded Cabinet Members that this was a joined up approach with Warm Up North to make homes in the city more energy efficient, which could result in around 5,000 homes benefiting over the next four years. Collective Switching would be one part of the Council's approach to reduce fuel poverty and improve family resilience in the city.

Cabinet Members having been pleased that this initiative would help residents of the City out of fuel poverty, it was:-

4. RESOLVED that approval be given to:-
  - (i) establish a collective energy switching scheme for both domestic and SME businesses in the City,
  - (ii) the use of the NEPO procurement framework for Collective Energy Switching Schemes with I-Choosr as the switching agent,
  - (iii) the timescale of the first switching process, and
  - (iv) any income received over and above costs be used to support future fuel poverty initiatives.

### **People Services – Adult Social Care Grant Assistance Process**

The Executive Director of People Services submitted a report (copy circulated) to inform of the proposals for the adult social care grant assistance process from 2015/16, seeking approval for the proposals and to seek approval of the award of grant assistance funding to Third Sector organisations for 2014/15 for services that supported adult social care priorities.

(For copy report – see original minutes).

The Chairman reported that the Directorate had historically provided grant assistance funding to the Third Sector to support adult social care priorities through an annual open application, evaluation and award process. He advised that in 2013/14, 21 organisations received funding for either core costs which contributed to the running of organisations or a range of different projects that were delivered on a citywide basis and that supported adult social care priorities.

The Chairman highlighted that it was recognised that continuing financial pressures and the potential for further reductions to the budget in the next few years would make it difficult to maintain the level of funding to the core funded organisations. Therefore, as part of the Council's ongoing review of processes and ways of working, for the financial year 2014/15, the Directorate intended to extend the funding provided to the organisations for a further 12 months with a view to reviewing the current adult social care grant assistance process for implementation 2015/16 onwards.

Consideration having been given to the report, it was:-

5. RESOLVED that the proposals for the adult social care grant assistance process for 2015 onwards and the funding proposed for 2014/15 be approved.

## **Low Carbon Social Housing Pilot – Biomass District Heating System and Small and Medium Sized Enterprise (SME) Supply Chain Training**

The Deputy Chief Executive and the Executive Director of People Services submitted a report (copy circulated) to seek approval to progress the delivery of the Low Carbon Social Housing Pilot project, approve the funding package and agree project management, partnership and procurement arrangements.

(For copy report – see original minutes).

Councillor Blackburn highlighted that the project had been developed to respond to a European Regional Development Fund call for projects supporting “the application of testing of innovative energy efficiency and renewable energy measures in existing social housing”. He advised that the Council had secured £1.13m towards the total project costs of £2.38m and that following the withdrawal of the original partner, Gentoo would now deliver a low-carbon social housing exemplar in Sunderland.

Councillor Blackburn requested that agreement be given for the Council to progress this important low carbon project which would contribute to carbon emission reduction targets as well as delivering economic benefits to residents and businesses.

Consideration having been given to the report, it was:-

### 6. RESOLVED that:-

- (i) the Council be the applicant and accountable body for the project and acts as project manager;
- (ii) the Council enter into partnership and contract delivery arrangements with the project partner (Gentoo) and sub-contractors where appropriate;
- (iii) the Council procure a supplier or consortium of specialist training services for the targeted Small and Medium Sized Enterprises (SMEs);
- (iv) the Deputy Chief Executive and the Executive Director of People Services be authorized, in consultation with the Cabinet Secretary, to take all necessary steps to procure and deliver the planned activities subject, where appropriate, to relevant grant funding conditions; and
- (v) the terms of the European Regional Development Fund (ERDF) Final Grant Offer and the requirement to enter into a funding agreement on this basis be acknowledged.

## **School Admissions Arrangements from September 2015**

The Executive Director of People Services submitted a report (copy circulated) to seek approval for the proposed school admission arrangements for the academic year September 2015/16 and to describe proposed amendments to published admission numbers (PANs) for the academic year 2014/15 where it was necessary to provide additional places.

(For copy report – see original minutes).

Councillor Smith highlighted that approval was sought for the school admission arrangements for September 2015, which was a statutory requirement before submission to the Department for Education and published for parents to make school applications for September 2015. She explained that the proposed admission arrangements had been consulted on and would be published, in line with the School Admissions Code.

The attention of Cabinet Members was then drawn to the following appendices to the report which also required approval to make sure the Council complied with the duty to submit its admissions arrangements to the Secretary of State:

- (a) the admission policy and procedures;
- (b) details of the oversubscription criteria; and
- (c) published admission numbers

7. RESOLVED that in relation to the 2015/16 academic year, approval be given to the:-

- (i) Admissions Policy and procedures associated with the coordinated scheme of admissions. This includes a proposed change to the scheme as described in 5.5 – 5.7 of the report;
- (ii) criteria that will be applied where oversubscription occurs; and
- (iii) published admission numbers (PANS).

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

At the instance of the Chairman it was: -

8. RESOLVED that in accordance with the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during consideration of the remaining business as it was considered to involve a likely disclosure of information relating to the financial or business affairs of any particular person (including the authority) (Paragraph 3 of Part 1, Schedule 12A of the Local Government Act 1972). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.

(Signed) P. WATSON,  
Chairman

**Note:-**

The above minutes comprise only those relating to items during which the meeting was open to the public.

Additional minutes in respect of other items are included in Part II.



**CABINET MEETING – 16 APRIL 2014**  
**EXECUTIVE SUMMARY SHEET – PART I**

**Title of Report:**

Corporate Peer Challenge – Final Report

**Author(s):**

Chief Executive

**Purpose of Report:**

To present the findings of the Corporate Peer Review and to seek approval of the action plan which has been prepared to implement the recommendations.

**Description of Decision:**

Cabinet is recommended to:

- a) Note the findings of the Corporate Peer Challenge
- b) Agree the action plan to implement the recommendations from the report.

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

\*Yes

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

**Suggested reason(s) for Decision:**

- To strengthen Community Leadership across the city
- To better define the role and shape of the Council
- To improve the way we review and agree future service delivery models
- To ensure we have a first class interface with customers so that we fully understand this needs of the people in the city.

**Alternative options to be considered and recommended to be rejected:**

No alternative options as this is a direct response to a peer challenge.

**Impacts analysed:**

Equality  Privacy  n/a Sustainability  n/a Crime and Disorder  n/a

**Is this a “Key Decision” as defined in the Constitution?**

No

**Is it included in the 28 day Notice of Decisions?**

No

**Scrutiny Committee:**





**CORPORATE PEER CHALLENGE – FINAL REPORT**

**Report of the Assistant Chief Executive**

**1. Purpose of the Report**

- 1.1 To present the findings of the Corporate Peer Challenge and to seek approval of the action plan which has been prepared to implement the recommendations.
- 1.2 This report sets out the scope of the peer challenge and the processes that were undertaken to inform the findings of the report. It seeks approval from Cabinet of the attached action plan which will support the implementation of the recommendations in a way that is appropriate to Sunderland.

**2. Description of Decision (Recommendations)**

- 2.1 Cabinet is recommended to:
- a) Note the findings of the Corporate Peer Challenge
  - b) Agree the action plan to implement the recommendations from the report.

**3. Background**

- 3.1 The Council hosted a Corporate Peer Challenge in November 2013 as part of its approach to self-regulation and sector led improvement. The team of peers came in to the council to provide support and challenge around the Council's transformation priorities of:
- Community Leadership (defining the role and shape of the Council)
  - Alternative Delivery Models (defining the future of service delivery) and
  - Customer Relationship Management (defining the Council's relationship with its citizens).
- 3.2 The Council requested that the peer challenge was forward looking rather than assessing past success. The peer challenge therefore focussed on:
- providing external “critical friend” challenge to our transformation journey ahead and an opportunity for reflection
  - the depth of understanding and how well embedded and integrated the current agenda around community leadership is
  - the capacity and capability challenges to date and moving forward around alternative service delivery modelling
  - assisting the council in assessing the journey towards understanding and using customer insight to manage demand and improve customer journeys and experience
  - the level of understanding and capacity and capability challenge to date and moving forward around customer relationship management.
- 3.3 The peer challenge took place on 5-8 November 2013 and the peer team members were:

- Simon Warren (Chief Executive, Wolverhampton City Council)
- Cllr Keith Wakefield (Leader, Leeds City Council)
- Cllr Peter John (Leader, London Borough of Southwark)
- Jane Burns (Monitoring Officer, Gloucestershire County Council)
- Stewart Martin (Head of Commissioning, Hertfordshire County Council).
- Marcus Coulson (LGA Review Manager)
- Amy Beeton (LGA – shadowing Marcus Coulson)

3.4 In order to get a good understanding of how we implement these priorities in Sunderland, the peer team conducted a series of meetings throughout the week with elected Members, frontline staff, middle and senior managers, as well as a number of partners who work with the council.

#### **4. Findings of the Corporate Peer Challenge**

4.1 The peer team very much appreciated the welcome they received in Sunderland and the openness and honesty with which people engaged in the peer challenge process. They felt that the Council has a clear brand as a “*Community Leadership Council*” and that our values of Proud, Decent, Together resonated with the people of the city, their past, present and future. The peer team recognised the work we do in relation to economic regeneration, skills for jobs and inclusiveness through a pride in the city for all the people. However, they also acknowledged a challenging future for the Council and the city as a whole, in a time of further efficiencies, changes to how services are delivered and greater pressure on resources.

4.2 In terms of their findings, the peer team identified strengths within the council and set out a number of areas we will want to consider for improvement. They reported back under the following headings:

- Leadership
- Community Leadership
- Context and priorities
- Financial planning/implementation
- Capacity and resources
- Customer insight.

4.3 An overview of their findings under each of these headings can be found at Appendix A.

4.4 The full report from the Peer Challenge can be found at Appendix B.

4.5 Since receiving the report, a high level action plan has been developed to implement the recommendations contained within the report. This can be found at Appendix C.

#### **5. Reasons for the Decision**

5.1 Cabinet is requested to note the findings of the peer challenge and approve the attached high level action plan so that, as a council, we can:

- Strengthen Community Leadership across the city
- Better define the role and shape of the Council
- Improve the way we review and agree future service delivery models

- Ensure we have a first class interface with customers so that we fully understand this needs of the people in the city.

## **6. Alternative Options**

6.1 There a no alternative options, as this is a direct response to the peer challenge.

## **7. Impact Analysis**

**7(a) Equalities** – An equality analysis has been undertaken and makes some recommendations for officers with lead responsibilities when implementing actions, particularly in terms of:

- understanding the diversity of communities in the city and communicating messages to communities appropriately
- monitoring outcomes for groups within the protected characteristics of the Equality Act 2010 and other vulnerable groups, such as those living in poverty.

## **8. List of Appendices**

**Appendix A – Overview of the strengths and areas for improvement set out in the Peer Challenge final report**

**Appendix B – Final Peer Challenge Report**

**Appendix C – High level action plan**



# CORPORATE PEER CHALLENGE –OVERVIEW OF FINDINGS

## Leadership

### Strengths

- There is clear political and managerial leadership based on a strong partnership between the Leader and Chief Executive, which is endorsed by members, staff, unions and partners
- Senior members and officers understand their respective roles and how these complement each other to move the Council forward
- There has been significant and positive progress in political and managerial leadership over the past 4 years: *“Relationships have never been better”*
- The Leader is seen as accessible and collaborative. He is a key influencer regionally and in the Key Cities movement
- The Chief Executive is well-respected and his meetings with a range of staff are greatly valued
- The Council is seen as fundamentally important to the positive future of Sunderland

### Areas for Improvement

- The Administration’s vision and priorities need further development and clearer articulation
- Develop member and community capacity in order to change behaviour, manage expectations and thereby reduce demand
- There is some evidence to suggest that change projects could be more effectively coordinated to avoid unintended consequences for service delivery
- Communication of the transformation message to staff, members, partners and public needs to be relentless and consistent

## Community Leadership

### Strengths

- Community Leadership Council is a clear brand
- Community Leadership infrastructure in place: Area Committees, (*Place and People Boards*), Three major boards, - HWB, Education and Economy Boards
- Localism being developed through a level of financial autonomy (SIB)
- Partners are engaged
- Effective joint member/officer leadership
- Area Committees are working innovatively on local priorities

### Areas for Improvement

- Consider how Areas Committees can help deliver council priorities by:
  - Addressing the communication and understanding at the operational level of both members and officers
  - Ensuring use of available resources
  - Continuing to nurture social capital
  - Deciding how to deliver a more tangible impact for local people and communities and publicise them
  - Considering how to develop public engagement in meetings and spending processes
  - Agreeing which further services can be devolved

## Context and Priorities

### Strengths

- The Council is leading the City by:
  - Having a clear ambition for regeneration
  - Being a trusted partner
  - Embracing the LEP to raise its regional presence
  - Achieving recognition through national awards
  - Playing a lead role in the national Key Cities initiative
- Major transformations in services have been delivered
- The University and the College are well placed and willing to be used as economic drivers of regeneration
- Your values (Proud, Decent, Together) reflect your communities.

### Areas for Improvement

- Recognise the potential of the creative and cultural sector in supporting economic growth
- Clarify and communicate your key priorities to all
- Make clear to staff, partners and potential investors what a future Sunderland will look like and their part in it
- Review how performance management and reporting can help you realise your priorities

## Financial planning/implementation

### Strengths

- Strong and effective financial management by:
  - Strong political and officer leadership on MTFS
  - Track record of delivering huge savings
  - Good awareness of financial challenges ahead and being well placed to deal with them
  - Brave investments in a time of austerity including an ambitious capital programme
  - The use of innovative financial models: LABV, Leisure Trust, BID

### Areas for Improvement

- Communicate the reasons for the uneven distribution of cuts across directorates to create a shared understanding of the reasons.

## Capacity & Resources

### Strengths

- You are forward thinking and enthusiastic about change, innovation and risk e.g. Intelligence Hub
- Officers are empowered to lead in their own directorates and they demonstrate this
- The Council seeks to play to people's strengths valuing them for their unique contributions as staff are valued for their unique contributions capitalising on talent
- Your approach to Customer Services is well established and professional
- Community Directory sets out a useful list of Community Assets and resources which direct people to organisations other than the Council - publicise this to staff.

### Areas for Improvement

- Consider frontline staff's capacity for transformation with dwindling resources
- Some frontline staff do not feel valued

- At a community level partners and officers would like frontline members to be encouraged to be more pro-active
- Seek to develop community capacity to deliver services

## **Customer insight**

### **Strengths/Areas for Improvement (combined)**

- You have a good range of information in the authority and the City. But you still need to bring it together now and make better use of it in order to target diminishing resources more effectively
  - e.g. Care Bill, prevention, early intervention
  - Do not wait for the Intelligence Hub

## **Addressing the scope**

### **Community Leadership**

Consider the depth of understanding that is held, particularly by frontline councillors and how well embedded and integrated the current agenda is around community leadership.

### **Alternative Service Delivery**

Adopting Trusts and Social Enterprises to deliver services effectively is a significant challenge which can require a new skill-set. We recommend you consider prioritising those which will bring the best return on investment in dealing with future cost pressures and which will build the capacity and capability needed to deliver in a period of dwindling resources.

### **Customer Insight**

Develop the role and impact of Area Committees through a more proactive role of frontline members and the more extensive use of the community.

### **Customer Service**

It will be important to keep the offer relevant as customer preferences for contacting the council change.





**Leader of the Council**  
Councillor Paul Watson

**Chief Executive**  
Dave Smith

**Sunderland City Council**  
Civic Centre  
Burdon Road  
Sunderland  
SR2 7DN

Dear Paul and Dave,

## **Sunderland City Council – Corporate Peer Challenge Report**

1. On behalf of the team, I would like to say what a pleasure and privilege it was to be invited in to Sunderland City Council. The team very much appreciated the welcome we received, the openness and honesty with which people engaged in the peer challenge process as well as the support provided in the lead up to, and during the course of, the challenge.
2. This Corporate Peer Challenge delivered by the Local Government Association (LGA) is part of the new approach to sector led improvement. Our four days on-site with you were preceded by a discussion of the scope for the work and how you wished to use the knowledge and experience of local government sector colleagues to give ‘critical friend’ challenge to the issues you are dealing with.
3. This letter acts as a record of the Corporate Peer Challenge you commissioned and gives greater detail to the points raised in the presentation delivered to you on Friday 8<sup>th</sup> November 2013. These issues are described in detail for you to take forward on your journey of improvement.
4. The peer challenge process took the form of scoping meetings and conversations, a document and data review prior to being on-site, and then an on-site timetable of interviews, focus groups and conversations. The feedback on the final day summarised this and outlined the key issues. This letter covers more detail for you to consider.

5. The Corporate Peer Challenge Team was:
  - **Simon Warren**, Chief Executive, Wolverhampton City Council
  - **Councillor Keith Wakefield**, Leader of Leeds City Council
  - **Councillor Peter John**, Leader of the London Borough of Southwark
  - **Jane Burns**, Director: Strategy and Challenge, Gloucestershire County Council
  - **Stewart Martin**, Head of Commissioning, Health and Community Services, Hertfordshire County Council
  - **Ami Beeton**, Adviser, Local Government Association
  - **Marcus Coulson**, Programme Manager, Local Government Association
  
6. To give consistency and structure to the peer challenge team's data collection, discussions and deliberations five key questions were used in this process. These are:
  - Does the council understand its local context and has it established a clear set of priorities?
  - Does the council have a financial plan in place to ensure long term viability and is there evidence that it is being implemented successfully?
  - Does the council have effective political and managerial leadership and is it a constructive partnership?
  - Are effective governance and decision-making arrangements in place to respond to key challenges and manage change, transformation and disinvestment?
  - Are organisational capacity and resources focused in the right areas in order to deliver the agreed priorities?
  
7. In conjunction you asked the team to consider at a number of areas to add value to your own improvement process. These were:
  - Providing external "critical friend" challenge to our transformation journey ahead and an opportunity for reflection
  - Considering the depth of understanding and how well embedded and integrated the current agenda around community leadership is
  - Considering capacity and capability challenges to date and moving forward around alternative service delivery modelling
  - Assisting the council in assessing the journey towards understanding and using customer insight to manage demand and improve customer journeys and experience

- Considering level of understanding and capacity and capability challenge to date and moving forward around customer relationship management
8. It is important to stress again that this was not an inspection. The peers used their knowledge and experience to reflect on the evidence presented to them by the people they met, things they saw and the material they read.
  9. Using the five key corporate questions allows the Local Government Association (LGA) Local Government Development Team to achieve a level of consistency between different Corporate Peer Challenges over time. When engaged on-site with client councils we give feedback that is specific and relevant.
  10. The LGA Peer Challenge Team focus on what can add the most value through this process rather than imposing a framework that some clients may find unworkable. On this occasion the most useful feedback the on-site team could give was on the five areas of focus identified during the scoping process to develop our understanding and a set of headlines that spoke to the narrative of Sunderland City Council and the present position of the authority. We believe this gives greater clarity to our views on the key issues you face, so enabling you to move forward more easily.

## Executive Summary

- Community Leadership Council is a clear brand
- Values of Proud, Decent, Together guides the way you approach things
- We see you prioritising
  - Economic Regeneration
  - Skills for jobs
  - Inclusiveness through pride in the city
- The future will be more of a challenge in a number of ways. Therefore priorities need to be more clearly articulated and understood

11. The Peer Challenge Team opened the presentation with a summary of our feedback to Sunderland City Council. The Council has a clear brand as a Community Leadership Council and through this seeks to deliver engagement with the public and further improvements. The values of Proud, Decent, Together, were generated from a comprehensive process and they resonate with the people of the City, their past, present and future. The Peer team saw the Council prioritising economic regeneration, skills for jobs and inclusiveness through a pride in the city for all the people.

12. The future for the Council and the City as a whole will be more challenging in a time of further efficiencies, changes to how services are delivered and greater pressure on resources. To achieve this we suggest the Council's priorities are clearly articulated to staff, partners and all those who use services so they recognise their role and the expectations upon them. This would also include an understanding of the opportunities being created in the city for communities, families and individuals.

## Leadership

- There is clear political and managerial leadership based on a strong partnership between the Leader and Chief Executive, which is endorsed by members, staff, unions and partners
- Senior members and officers understand their respective roles and how these complement each other to move the Council forward
- There has been significant and positive progress in political and managerial leadership over the past 4 years:
- “Relationships have never been better”
- The Leader is seen as accessible and collaborative. He is a key influencer regionally and in the Key Cities movement
- The Chief Executive is well-respected and his meetings with a range of staff are greatly valued
- The Council is seen as fundamentally important to the positive future of Sunderland
- The Administration’s political vision and priorities need further development and clearer articulation
- Develop member and community capacity in order to change behaviour, manage expectations and thereby reduce demand
- There is some evidence to suggest that change projects could be more effectively coordinated to avoid unintended consequences for service delivery
- Communication of the transformation message to staff, members, partners and public needs to be relentless and consistent

13. It was clear from the initial meeting to scope this work, through the set-up phase and whilst we were on-site that there is a joint political and managerial leadership of the Council and the City based on a strong partnership between the Leader of the Council and Chief Executive. They demonstrate a positive relationship with thoughtful clear messages given to all stakeholders. This approach is welcomed and endorsed by members, staff, unions and partners.

14. The positive relationships are further echoed between senior members and officers who were able to reflect on their understanding of their respective roles and how these complement each other to move the Council forward.

15. The recent history of member and officer relationships at Sunderland City Council is now a good one as there has been significant positive progress in political and managerial leadership over the past four years. This led one person involved to comment "Relationships have never been better".
16. The Leader of the Council is seen by other members, staff and partners as accessible and collaborative, about which they talk positively. He is a key influencer in the North East Region and in the Key Cities movement. This demonstrates that Sunderland City Council has the desire and ability to promote itself on regional and national stages and speak about its ambition to drive improvement.
17. The Chief Executive of Sunderland City Council is well-respected. In particular his regular meetings with a range of staff to explain the position of the Council and the on-going need for efficiencies and transformation are greatly valued at this time of change.
18. The Council is well placed in its partnership and regeneration plans. It is seen by all stakeholders with whom we spoke as fundamentally important to the positive future of Sunderland. This includes all the areas and locations across the city and the identity of the City as it moves forward.
19. While the values of the Community Leadership Council are clear they are not universally understood. The Team could not find an articulation of the Council's priorities, the absence of which led to a degree of confusion at the front line on what people should be doing. This was demonstrated through the comment from one employee in a focus group, who summed up the thoughts of many: *"we think we are doing a good job, but we don't know whether we are doing the right thing"*. If there is confusion within the Council, then it is reasonable to assume that this would be true of the population in general. The Council may wish to revisit its priorities and how these are used and understood by employees and residents alike.
20. A key aim of the transformation process for Sunderland is to change the behaviour of the population, manage expectations about what the Council can provide and thereby reduce demand. To achieve these aims – which we accept many councils face - you should consider how you are going to develop the skills and abilities of elected members and the capacity of your local communities to cope.
21. During our time on-site with you there was some evidence to suggest that change projects could be more effectively coordinated to avoid unintended consequences for service delivery. There are various types of change: transformation projects, alternative service delivery activities and efficiency projects, which can create occasional misunderstandings across directorates as to genuine priorities. We suggest you consider how to reduce the potential

for these through more robust programme management, clear allocation of resources, effective directorate level engagement and on-going communication.

22. It is clear to us all that the current changes to local government are profound, but its final size, shape and role remains unclear. Therefore it is impossible to paint a picture for staff showing what the Council will look like in a few years time. Dealing with this level of ambiguity is very difficult, particularly when you are transforming the Council at an impressive pace. In order to give coherence to what you are achieving the Team strongly suggests that you relate the many transformational projects that are running at the moment to a clear articulation of your priorities.

## Community Leadership

- Community Leadership infrastructure in place: Area Committees, (*Place and People Boards*), Three major boards, - HWB, Education and Economy Boards
- Localism being developed through a level of financial autonomy (SIB)
- Partners are engaged
- Effective joint member/officer leadership
- Area Committees are working innovatively on local priorities
- Consider how Areas Committees can help deliver council priorities by:
  - Addressing the communication and understanding at the operational level of both members and officers
  - Ensuring use of available resources
  - Continuing to nurture social capital
  - Deciding how to deliver a more tangible impact for local people and communities and publicise them
  - Considering how to develop public engagement in meetings and spending processes
  - Agreeing which further services can be devolved

23. You have your Community Leadership infrastructure in place such as the Area Committees and their Place and People Boards. This gives a clear focus for frontline councillors and, through the provision of budgets, an ability to get things done that are important to constituents. The three major boards; Health and Wellbeing, Education and Economy would fit nicely into a set of strategic priorities.

24. Your view of localism is being developed through a level of financial autonomy for Area Committees and also using the Strategic Initiative Budget (SIB) approach. Firstly the small budgets given to front line councillors allows them to make small changes within their wards to help local people. The SIB approach is altogether larger and allows councillors, through the Area Boards, to focus major funding streams, for example, mending potholes or the resurfacing of roads.

25. We found that all your partners were engaged in the community leadership work and attend and account for their performance at joint meetings. This included the, Police, Fire and Rescue Service, Further Education College, the



voluntary sector, Clinical Commissioning Group (CCG) and Sunderland Live. Furthermore the Police expressed a real desire to see greater joint working, whilst the CCG recognises the huge opportunities integration offers. Interestingly some partners, the CCG in particular, were keen to see the Council ensure that its focus is not purely on savings, but on the opportunities that genuine transformation offer – not least in integration with health. Improved communication of priorities and community leadership may well help in this regard.

26. The work of elected members in the Area Committees and in the respective Boards was being driven by effective joint member/officer leadership in these arenas. This is a good foundation upon which to develop.
27. The Area Committees are working innovatively on local priorities. Examples we saw included negotiated differences in street scene activities and approaching NEETs differently such as the funding of thirty-nine apprenticeships with local employers.
28. We believe that the Areas Committees are doing a good job which could be further enhanced to help deliver council priorities in a number of ways:
  - a. Firstly, there appeared to be a level of variability in the understanding of the role of Areas Committees and what they could achieve. Therefore the communication and understanding at the operational level of both members and officers should be improved.
  - b. Secondly, in view of the fact that the use of funds across all Area Committees has been variable, we suggest you consider how each committee could use all the available resources.
  - c. Thirdly, you should continue to nurture social capital by considering the genuine capacity of the local voluntary sector and its ability to develop further and ensuring local Councillors are at the heart of the dialogue. This would enable the Council to rationalise budgets in the future. Examples of activities to consider from other councils would be assistance with environmental clean-up activities, the Village in Bloom initiative and volunteering to help the elderly.
  - d. Finally, there should be the opportunity to decide how to deliver a more tangible impact for local people and communities. Outcomes should then be evaluated and publicised to demonstrate success to the public. Consideration should be given to furthering the localism agenda by greater public engagement in meetings and spending processes. This would develop greater democratic accountability and agreement across the Council to identify further services and decisions that could be devolved.

## Context and priorities

- The Council is leading the City by:
  - Having a clear ambition for regeneration
  - Being a trusted partner
  - Embracing the LEP to raise its regional presence
  - Achieving recognition through national awards
  - Playing a lead role in the national Key Cities initiative
- Major transformations in services have been delivered
- The University and the College are well placed and willing to be used as economic drivers of regeneration
- Recognise the potential of the creative and cultural sector in supporting economic growth
- Your values (Proud, Decent, Together) reflect your communities
- Clarify and communicate your key priorities to all
- Make clear to staff, partners and potential investors what a future Sunderland will look like and their part in it
- Review how performance management and reporting can help you realise your priorities

29. It was clear that the Council is leading the city in a number of ways. Firstly due to a clearly articulated ambition for regeneration. Secondly because it is a trusted partner, which is a commendable achievement and is based on good leadership. The Council is achieving recognition through national awards and is also embracing the Local Economic Partnership (LEP) to raise its regional presence and playing a lead role in the national Key Cities initiative, not least through the Leader.

30. During its recent history the Council has achieved major transformations in governance, service design and service delivery whilst good relationships have been maintained with both staff and partners with many reflecting on the great respect they have for these achievements. This is significant.

31. We spoke to both the University of Sunderland and Sunderland Further Education College. They are well placed and willing to be engaged as partners in the economic regeneration in the City. Their potential is as yet under used and should be considered further. We believe they could be

much better utilised as part of the regeneration plans which are critical to the future success of the City.

32. There is a thriving University and a Further Education College in Sunderland. There are two aspects to this part of the City's landscape that has the potential to enhance economic growth; firstly the creation of a distinct student culture and secondly to make more of an effort to retain home-grown graduates. In nurturing these two aspects we see the explicit recognition of the potential of the creative and cultural sectors as key.
33. Sunderland Council has put much work into understanding the values of the people of the city. Proud, Decent, Together resonate as authentic because they reflect your communities.
34. An area for improvement for the Council is to clarify and communicate your key priorities to all. We heard evidence and saw for ourselves, that it is not always possible to see where you are putting your energies. Whilst we have no doubt that Council staff and partners understand what they are doing and where they are going it is not clear in your generic literature. The Community Leadership Council brand whilst bringing people together does not say what you are doing, and not doing. This could and should be clearer.
35. The aspirations you have for Sunderland are impressive and the regeneration plans are exciting. We recommend you build on these strengths and make it clear to staff, partners and potential investors what a future Sunderland will look and feel like and their part in it. This message could also be targeted at those who will make the Sunderland of the future such as families and their children in order to raise their aspirations.
36. When considering the twin issues of performance management and performance reporting we saw a mixed picture. Whilst we are wary of the creation of a burdensome performance management architecture we think you should consider developing a collective understanding of performance against your priorities.

## Financial Planning / implementation

- Strong and effective financial management by:
  - Strong political and officer leadership on MTFS
  - Track record of delivering huge savings
  - Good awareness of financial challenges ahead and being well placed to deal with them
  - Brave investments in a time of austerity including an ambitious capital programme
  - The use of innovative financial models: LABV, Leisure Trust, BID
  - Communicate the reasons for the uneven distribution of cuts across directorates to create a shared understanding of the reasons

37. The Peer Challenge Team were impressed by the strong and effective financial management of Sunderland City Council. This was evidenced by resilient political and officer leadership on the Medium Term Financial Strategy (MTFS) with a recent track record of delivering huge savings. There is a thoughtful awareness of the financial challenges ahead and the Council appears well placed to deal with them. There have been some brave investments made during a time of austerity which include an ambitious capital programme. The Council is also using a number of innovative financial models such as a Local Asset Based Vehicle (LABV), the work around the Leisure Trust and the Business Improvement District. All of which have the potential to work well for the authority.

38. There was only one area where the team thought the Council could seek to improve in this regard. Budget cuts have been made across directorates on different occasions which have not been distributed evenly; however the Peer Team recognise this has been done for good reasons. The area for improvement here is for the Council to communicate these reasons across the different directorates to ensure there is a shared understanding of the approach.

## Capacity & Resources

- You are forward thinking and enthusiastic about change, innovation and risk e.g. Intelligence Hub
- Officers are empowered to lead in their own directorates and they demonstrate this
- The Council seeks to play to people's strengths valuing them for their unique contributions as staff are valued for their unique contributions capitalising on talent
- Your approach to Customer Services is well established and professional
- Community Directory sets out a useful list of Community Assets and resources which direct people to organisations other than the Council - publicise this to staff
- Consider frontline staff's capacity for transformation with dwindling resources
- Some frontline staff do not feel valued
- At a community level partners and officers would like frontline members to be encouraged to be more pro-active
- Seek to develop community capacity to deliver services

39. As an organisation going through significant change you demonstrate that you are forward thinking and enthusiastic about change, innovation and risk. An example of this would be your plans for the Intelligence Hub.

40. The Peer Challenge Team saw evidence that officers are empowered to lead in their own directorates and they demonstrate this through the way they describe what they do and what they have evidently achieved.

41. The Council seeks to play to people's strengths valuing them for their unique contributions and you seek to capitalise on their talent through moving them to areas where their skills can be best used. We heard from a number of staff who said they feel valued for their unique contributions. We heard examples of heads of service and others who were leading change projects outside of the remit of their 'day job'. They value these development opportunities and the ability to work with very senior officers and members.

42. Your approach to Customer Service is well established and professional. The Council's offer is consistent and coherent and includes business areas such as education, finance and social services. This has been achieved partly

through using a combined flexible workforce working shifts, especially in TeleCare and social services. It will be important to keep the offer relevant as customers' preferences for contacting the council change.

43. The Community Directory sets out a useful list of Community Assets and resources which direct people to organisations other than the Council. This is a good example of 'demand management'; guiding people to use resources other than the Council and boosting community capacity. Our recommendation is that you ensure you publicise this to all staff and monitor how well it is used.
44. Staff morale appears to be holding up robustly under the pressure of severance and increased workloads. However, given the demands of transforming at the pace you are going, combined with a general reduction in people, we suggest you consider the frontline staff's capacity for engagement and transformation with dwindling resources.
45. Some frontline staff do not feel valued. Whilst frontline staff felt they were doing a good job they didn't necessarily know if it was the right job. They were not always clear about council decisions that were played out in the media, for example the Bridge and Vaux site and felt that if they were better informed they could act as champions for the Council in the City.
46. While some front line councillors are very pro-active, others are less so. In general, at a community level partners and officers would like frontline members to be more pro-active. There is an opportunity for members in area committee meetings to actively pursue initiatives and fully deliver on their community leadership remit. This relates to comments in paragraph 28 about local decision-making and delegation.
47. Seek to develop community capacity to deliver services. There appears to be confidence in the local voluntary sector's ability to do more, yet this needs further testing with partners in this sector. This has also been referenced in paragraph 43.

## Customer insight

- You have a good range of information in the authority and the City. But you still need to bring it together now and make better use of it in order to target diminishing resources more effectively
  - e.g. Care Bill, prevention, early intervention
  - Do not wait for the Intelligence Hub

48. There is a good range of customer information in the authority collected by you and partners. However you still need to bring this information together and make better use of it in order to target diminishing resources more effectively. Examples of where this would be prudent are in relation to the implications of the Care Bill, the changing demographic profile of a growing demand on services from the elderly and the need to ensure that prevention and early intervention activities are adopted. The Intelligence Hub should be a solution that will assist in these and other areas, although we recommend you act on these areas now and not wait for it to be a panacea which may not be affordable.

## Addressing your scope

- Considering the depth of understanding and how well embedded and integrated the current agenda around community leadership is
- Considering capacity and capability challenges to date and moving forward around alternative service delivery modelling
- Assisting the Council in assessing the journey towards understanding and using customer insight to manage demand and improve customer journeys and experience
- Considering level of understanding and capacity and capability challenge to date and moving forward around customer relationship management

The Peer Challenge Team wanted to ensure we addressed the scope of this work as set out by you. To that end we include here some short summary points for consideration.

49. You asked about Community Leadership, as you take this for your branding and it is an important aspect of your way forward. Our reflection is that it is a

positive message for members, staff and partners seeking to reflect the past present and future of Sunderland. Our recommendation is that you consider the depth of understanding that is held, particularly by frontline councillors and how well embedded and integrated the current agenda is around community leadership.

50. Your approach to alternative service delivery modelling is being well led by staff from different areas of the Council as touched on in paragraphs 40 and 41. However adopting Trusts and Social Enterprises to deliver services effectively is a significant challenge which can require a new skill-set. We recommend you consider prioritising those which will bring the best return on investment in dealing with future cost pressures and which build the capacity and capability needed to deliver in a period of dwindling resources.
51. Our view on your journey towards understanding and using customer insight to manage demand and improve customer journeys and experience is covered in detail in paragraph 28 where we make a number of recommendations to develop the role and impact of Area Committees through the more proactive role of frontline members and the more extensive use of the community.
52. In terms of the level of understanding, capacity and capability required in the challenge to date and then moving forward around customer relationship management. Your approach to Customer Service is well established and professional. The offer is consistent and coherent including a number of business areas. It will be important to keep the offer relevant as customers' preferences for contacting the council change.



## Next Steps

- Reflect on our comments and recommendations
- Consider what you do differently
- Consider communication of the key messages and to publish the final report

53. In order to take this work forward we recommend you reflect on the comments and recommendations made both in the presentation and report, as well as the dialogue we have had and are willing to continue to have, with you.

54. As a result of your considerations you may wish to think about what it is, that can be done differently at Sunderland to achieve what you know if possible. There is an opportunity for the Council to lead Sunderland into the future for the benefit of all concerned. This will only take place if individuals choose to take up the challenge.

55. The Local Government Association recommends that you publish this report in the spirit of transparency. There are positive messages for members, staff and the wider community of Sunderland that are a testament to the hard work and dedication of all those involved.

The Peer Challenge Team would like to thank you and all your colleagues for inviting the corporate peer challenge and to everyone involved for their participation. If you require further information please do get in touch with me, my details are below.

Yours sincerely



**Marcus Coulson**  
Programme Manager  
**Local Government Association**  
Tel: 07766 252 853  
Email: [marcus.coulson@local.gov.uk](mailto:marcus.coulson@local.gov.uk)  
[www.local.gov.uk/peer-challenges](http://www.local.gov.uk/peer-challenges)



## CORPORATE PEER REVIEW – ACTION PLAN

ID	Recommended Action from LGA Peer Review	Lead Responsibility	Timescale for implementation
<b>A LEADERSHIP – Lead (SR) (including reference to Financial Planning*)</b>			
A1.	i) Revisit council priorities to ensure they are fit for purpose  ii) Clearly articulate the vision and priorities to: <ul style="list-style-type: none"> <li>• Elected Members</li> <li>• Council employees</li> <li>• partners</li> <li>• public</li> </ul>	Vince Taylor  Sam Meredith	30th June 2014  30 <sup>th</sup> June 2014  Annual basis thereafter
A2.	Develop skills and abilities of elected members to change behaviour, manage expectations and thereby reduce demand  Address the communication and understanding at the operational level with both members and officers of how the work of the Area Committees contributes to the delivery of Council priorities	Phil Spooner  Charlotte Burnham	31 <sup>st</sup> December 2014  31 <sup>st</sup> December 2014  Quarterly basis thereafter
A3.	Work with local communities to develop their capacity to deal with the necessary changes in the way services are delivered	Phil Spooner	31 <sup>st</sup> March 2015
A4.	To avoid unintended consequences for service delivery, ensure that transformation projects are more effectively coordinated through: <ul style="list-style-type: none"> <li>• more robust programme management</li> <li>• clear and prioritised allocation of resources</li> <li>• effective communication /effective directorate level engagement</li> <li>• on-going communication around financial impacts</li> </ul> Ensure that transformation projects link clearly to the council's priorities and potential impact on local areas is understood.	Mike Poulter/Paul Davies          Sam Meredith	30 <sup>th</sup> June 2014  Quarterly basis thereafter          30 <sup>th</sup> June 2014

ID	Recommended Action from LGA Peer Review	Lead Responsibility	Timescale for implementation
	Ensure the transformation message to employees, members, partners and public continues and is consistent		Quarterly basis thereafter
<b>B COMMUNITY LEADERSHIP – Lead (PHS)</b>			
B 1.1	Work with elected Members to ensure that Area Committees make use of all resources available to them to deliver the council's priorities	Charlotte Burnham	31 March 2015
1.2	Explore ways in which Areas Committees can engage the voluntary and community sector and deliver improvements in local areas, in accordance with council priorities, thereby rationalising budgets	Charlotte Burnham	28 <sup>th</sup> February 2015
1.3	Area Committees to consider how to deliver a more tangible impact for local people and communities and publicise them	Charlotte Burnham	30 <sup>th</sup> September 2014
1.4	Consider how to develop public engagement and spending processes	Charlotte Burnham (Sonia Tognarelli)	30 <sup>th</sup> June 2014
B2.	Agree which further services can be devolved to the Area Committees and its supporting Place and People Boards	Janet Johnson (Place and Economy based services) Neil Revely (People based services)	30 <sup>th</sup> June 2014 30 <sup>th</sup> June 2014
B3.	Consider how the Council can engage more with partners to deliver transformation projects which align with city priorities	Janet Johnson (Place and Economy based services) Neil Revely (People based services)	30 <sup>th</sup> June 2014 30 <sup>th</sup> June 2014
B4.	Develop frontline member skills enabling them to be pro-active within the community (links to A2 and A3)	Charlotte Burnham	31 <sup>st</sup> March 2015

ID	Recommended Action from LGA Peer Review	Lead Responsibility	Timescale for implementation
B5.	Work with the voluntary and community sector to develop community capacity to deliver services (links to A3)	Charlotte Burnham	31 <sup>st</sup> March 2015
<b>C CONTEXT AND PRIORITIES (Lead JJ)</b>			
C1.	Work with the University and the College to explore the potential of the creative and cultural sector in supporting economic growth	Janet Johnson/Neil Reveley	30 <sup>th</sup> September 2014
C2.	<p>Make clear what a future Sunderland will look like</p> <p>Articulate this vision to the following, and their part in it, to:</p> <ul style="list-style-type: none"> <li>elected members</li> <li>employees</li> <li>partners</li> <li>residents</li> <li>potential investors.</li> </ul>	<p>Vince Taylor</p> <p>Phil Spooner Sam Meredith Sarah Reed/Jessica May Sam Meredith Business Investment Director</p>	30 <sup>th</sup> June 2014
C3.	Review how performance management and reporting can help the Council to realise its priorities	Vince Taylor	30 <sup>th</sup> June 2014
<b>D CAPACITY AND RESOURCES&amp; CUSTOMER INSIGHT (Lead SS)</b>			
D1.	Continually review the Customer Service offer to ensure it remains relevant and continues to meet customer's needs.	Liz St Louis	Monthly review and annual assessment each March
D2.	Consider frontline teams' capacity for actively engaging with transformation work with dwindling resources	John Rawling	30 <sup>th</sup> June 2014 Quarterly basis thereafter
D3.	Consider how the council can ensure frontline employees feel consistently valued and informed about the council's priorities and major decisions.	John Rawling/Sam Meredith	30 <sup>th</sup> June 2014 Quarterly basis thereafter
D4.	Use the customer information which is accessible within the authority to better inform decision making and target diminishing resources more effectively.	Liz St Louis	Monthly review and annual assessment each March

<b>ID</b>	<b>Recommended Action from LGA Peer Review</b>	<b>Lead Responsibility</b>	<b>Timescale for implementation</b>
D5.	Implement the Intelligence Hub immediately as this is integral to the refreshed 3 year change programme to achieve planned efficiencies whilst providing sustainable public services.	Liz St Louis	Review impact at quarterly basis

**CABINET MEETING – 16 APRIL 2014**  
**EXECUTIVE SUMMARY SHEET – PART I**

**Title of Report:**

Nominations to the Committees to be established by the Combined Authority

**Author(s):**

Joint Report of the Chief Executive and the Head of Law and Governance

**Purpose of Report:**

To seek Cabinet nominations for the Committees of the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority (the Combined Authority).

**Description of Decision:**

Cabinet is requested to:-

1. Provide the nominations requested in paragraphs 4.1 and 4.2 of the report.
2. Note the appointments to be made by the Leader as set out in paragraph 5.1 of the report.

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

**\*Yes/No**

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

**Suggested reason(s) for Decision:**

The Combined Authority is expected to come into operation during April 2014, and early meetings of its committees together with the joint committee and sub-committee will take place. Council has delegated authority to Cabinet to make the nominations required for the Combined Authority up until Annual Council on 11<sup>th</sup> June 2014.

**Alternative options to be considered and recommended to be rejected:**

If nominations were not made until Annual Council in June 2014, Sunderland City Council would not be represented on the committees of the Combined Authority until that time. Therefore that option is recommended to be rejected.

**Impacts analysed:**

**Equality**  **Privacy**  **Sustainability**  **Crime and Disorder**

<b>Is this a “Key Decision” as defined in the Constitution?</b> <b>No</b>	<b>Scrutiny Committee</b>
<b>Is it included in the 28 day Notice of Decisions?</b> <b>No</b>	



**NOMINATIONS TO THE COMMITTEES TO BE ESTABLISHED BY THE COMBINED AUTHORITY****Report of the Chief Executive and the Head of Law and Governance.****1.0 Purpose of the Report.**

1.1 To seek Cabinet nominations for the Committees of the Combined Authority.

**2.0 Description of Decision (Recommendation)**

2.1 Cabinet is requested to:-

1. Provide the nominations requested in paragraphs 4.1 and 4.2 of the report.
2. Note the appointments to be made by the Leader as set out in paragraph 5.1 of the report.

**3.0 Background**

3.1 On 24<sup>th</sup> July 2013 Council endorsed Cabinet's decision to agree the submission to Government of a Scheme for the creation of a Combined Authority consisting of the Tyne and Wear Councils along with Northumberland and Durham County Councils. Following a Government consultation, the Statutory Order creating the Combined Authority has been laid before Parliament, with an anticipated start date during April 2014.

3.2 At its meeting on 26<sup>th</sup> March 2014, Council appointed the Leader of the Council as this Authority's Member of the Combined Authority, and appointed the Deputy Leader of the Council as the Substitute Member, as required by the Order.

3.3 The Combined Authority will make appointments to its committees, following approval of its Constitution on the first day it becomes operative under the Order. The draft Constitution provides for two members from each constituent authority to sit on the Overview and Scrutiny Committee, and one Member from each authority to sit on the Governance Committee. On 26<sup>th</sup> March 2014, Council delegated authority to Cabinet to nominate Members to those Committees, such delegated authority to operate in the period until Annual Council.

3.4 A joint committee of the Combined Authority and the seven constituent authorities is also to be established, together with a sub-committee thereof (Transport North East Committee and Transport North East (Tyne and Wear) Sub-Committee). The Leader of the Council has authority under the Council's Constitution to make appointments to the joint committee and sub-committee.

**4.0 Combined Authority Committee Nominations**

4.1 The Governance Committee will be made up of one Member from each constituent authority and two non-voting co-opted members. Cabinet is requested to nominate the Member for the Governance Committee of the Combined Authority.

4.2 The Overview and Scrutiny Committee will be made up of two Members from each constituent authority. Cabinet is requested to nominate the Members for the Overview and Scrutiny Committee of the Combined Authority.

#### **5.0 Joint Committee and Sub-Committee Appointments.**

5.1 The Leader will appoint two members to the Transport North East Committee, and one Member to the Transport North East (Tyne and Wear) Sub-Committee.

#### **6.0 Reason for Decision**

6.1 The Combined Authority is expected to come into operation during April 2014, and early meetings of its committees together with the joint committee and sub-committee will take place. Council has delegated power to Cabinet to make the nominations required for the Combined Authority up until Annual Council on 11<sup>th</sup> June 2014.

#### **7.0 Alternative Option Recommended to be Rejected.**

7.1 If nominations were not made until Annual Council in June 2014, Sunderland City Council would not be represented on the committees of the Combined Authority until that time. Therefore that option is recommended to be rejected.

#### **8.0 Background Papers**

- i) Cabinet Report – Creation of Combined Authority – 24 June 2013.
- ii) Council Report – Appointments – Combined Authority – 26 March 2014.
- iii) Draft Statutory Instrument – The Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014.

**CABINET MEETING – 16 APRIL 2014**  
**EXECUTIVE SUMMARY SHEET – PART I**

**Title of Report:**

Scrutiny Committee – Policy Review Final Reports 2013/14

**Author(s):**

Report of the Scrutiny Committee, Deputy Chief Executive and Director of Public Health.

**Purpose of Report:**

To set out the recommendations of the Scrutiny Committee following its scrutiny policy reviews into Alcohol and Licensing in Sunderland and Child Obesity.

**Description of Decision:**

To consider and approve the recommendations of the Scrutiny Committee and the proposed Action Plans for their implementation.

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

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

**Suggested reason(s) for Decision:**

The scrutiny policy review recommendations are intended to inform the future development of policy and practice by Cabinet.

**Alternative options to be considered and recommended to be rejected:**

The Scrutiny Committee and its Scrutiny Panels have gathered detailed evidence and arrived at conclusions and recommendations which are intended to improve services. There are no alternatives to be considered.

**Impacts analysed;**

Equality  Non Privacy  Non Sustainability  Non Crime and Disorder  Non

**Is this a “Key Decision” as defined in the Constitution?** Yes

**Is it included in the 28 day Notice of Decisions?** Yes

**Scrutiny Committee**



**SCRUTINY COMMITTEE – POLICY REVIEW FINAL REPORTS****Report of the Scrutiny Committee, the Deputy Chief Executive and Director of Public Health****1. Purpose of the Report**

- 1.1 To set out the recommendations of the Scrutiny Committee following its scrutiny policy reviews into Alcohol and Licensing in Sunderland and Child Obesity.

**2. Description of Decision (Recommendations)**

- 2.1 The Cabinet is requested to consider the Scrutiny Committee's policy review final reports and endorse the recommendations contained within the reports.
- 2.2 To assist the Cabinet in its consideration of the recommendations of the Scrutiny Committee, a proposed Action Plan for the implementation of these recommendations has been prepared in consultation with the appropriate Portfolio Holders.

**3. Background**

- 3.1 On 13 June 2013, the Scrutiny Committee identified a number of policy review topics based on issues highlighted at the council's Annual Scrutiny Debate. Each of the Committee's six Scrutiny Panels were commissioned to undertake policy reviews during the municipal year
- 3.2 Two of the seven policy reviews were completed and agreed by the Scrutiny Committee at its meeting of 13 February 2014. The remaining five policy reviews will be submitted to Cabinet at its June 2014 meeting.

**4 Current Position**

- 4.1 The two policy review reports, together with an Action Plan for the implementation of the recommendations, are attached as an appendix as follows:-
- (a) City Services Scrutiny Panel Policy Review – Alcohol and Licensing in Sunderland (**Appendix 1a and 1b**); and
  - (b) Children's Services Scrutiny Panel Policy Review – Child Obesity (**Appendix 2a and 2b**)

**5. Reasons for the Decision**

- 5.1 The recommendations are intended to support the future development of policy and practice by the Cabinet.

## **6. Alternative Options**

- 6.1 The Scrutiny Committee and its Scrutiny Panels have gathered detailed evidence and arrived at conclusions and recommendations which are intended to develop policy within the Council. There are no alternatives to be considered.

## **7 Impact Analysis**

### Equalities

- 7.1 Equality issues were addressed during the evidence gathering process and this is reflected in the recommendations. Service directorates have undertaken an equality analysis in respect of the delivery of the recommendations.

### Privacy Impact Assessment

- 7.2 The proposals have no immediate additional implications for the protection of privacy of the public. Any privacy issues which arise will be addressed through the delivery of the action planning process.

### Sustainability

- 7.3 The proposals have no immediate implications for sustainability.

### Reduction of Crime & Disorder – Community Cohesion / Social Inclusion

- 7.4 Any crime and disorder issues will be addressed as part of the delivery of the action plan by Members and officers.

## **8. Relevant Considerations / Consultations**

- 8.1 The findings in the report are the result of consultation and evidence gathering by the Scrutiny Committee.

## **9. Background Papers**

Final reports of the City Services Scrutiny Panel and the Children's Services Scrutiny Panel.

---

Contact Officer: Helen Lancaster, Scrutiny Coordinator  
Helen.lancaster@sunderland.gov.uk  
0191 561 1233

**City Services Scrutiny Panel  
Spotlight Policy Review 2013 – 2014**

**Alcohol and Licensing in Sunderland  
Final Report**

**Contents**

1	Foreword from the Scrutiny Lead Member .....	2
2	Introduction .....	3
3	Aim of Review .....	3
4	Terms of Reference .....	3
5	Membership of the Panel .....	4
6	Method of Investigation .....	4
7	Findings of Review .....	5
8	Conclusion .....	18
9	Recommendations .....	20
10	Acknowledgements .....	21
11	Background Papers .....	21

## **1 Foreword from the Scrutiny Lead Member for City Services**

It gives me great pleasure to introduce the City Services Scrutiny Panel's policy review into Alcohol and Licensing in Sunderland.

At the start of the year, when the Scrutiny Committee was considering the range of issues it wished to examine, the Panel was asked to undertake a brief spotlight review into Alcohol and Licensing in Sunderland.

The Panel's review has focused on operation of licensing policy in Sunderland and the new powers available to the council under recent licensing legislation and the extent to which the council may wish to exercise those powers.

In presenting our findings, the Panel considers that it is important to bear in mind that the majority of drinkers consume alcohol in a responsible manner and that it would be wrong and counter-productive for the Council to approach licensing policy in a high handed and draconian manner.

It is also vital to recognise the important role of well run pubs and clubs in the fabric of social life and as part of a vibrant city centre. The council and its partners have an important role in promoting the livelihood of the licensed trade and the contribution it makes to the city economy.

However, the Panel do have a number of concerns relating to the low price of alcohol in many of the city's supermarkets and off licences, its increasingly widespread availability and the use of inappropriate marketing and promotions often aimed at the young. There is strong evidence to suggest that this can encourage severe alcohol misuse which in turn can lead to long term harm. There is also evidence to suggest cheap alcohol can encourage both pre-loading and binge drinking which are associated with increases in alcohol-related violence.

Clearly, the misuse of alcohol and its associated problems is a complex issue involving a wide range of social and cultural factors which are largely outside of local authority control. However, licensing policy is one of the tools that can have a direct impact and just as importantly send out a message to the public.

In conclusion, I would like to thank my colleagues on the City Services Scrutiny Panel and all of the officers and staff involved for their hard work during the course of the review and thank them for their valuable contribution.

Councillor Stephen Bonallie, Lead Scrutiny Member for City Services



## **2 Introduction**

- 2.1 In 2010/11, the Community and Safer City Scrutiny Committee conducted a policy review into Alcohol, Violence and the Night Time Economy. This was a broad ranging review that looked in detail at the relationship between alcohol and violent crime and the action being taken by the Council and the Safer Sunderland Partnership.
- 2.2 During the review, the Committee highlighted the potential implications of the Police Reform and Social Responsibility Act 2011 on licensing policy and alcohol consumption in the city. As the Act had at that stage yet to be introduced, the Committee suggested that this issue be monitored and revisited in more detail at a later date. In view of the on-going public concern regarding the effects of excessive alcohol consumption, the Panel considered that it would now be a good time to review this issue.
- 2.3 It should be stressed that it was not the intention of the Panel to duplicate the work undertaken by the Community and Safer City Scrutiny Committee. Instead, the Panel has focused on the new licensing powers made available by the Act and their applicability for the situation in Sunderland.
- 2.4 Nevertheless, the Panel has taken the opportunity to briefly review the impact of alcohol on health, crime and public safety in Sunderland in order to obtain a clearer understanding of the challenges faced by the city.

## **3 Aim of the Review**

- 3.1 To examine the operation of licensing policy in Sunderland and the new powers available to the council under recent licensing legislation.

## **4 Terms of Reference**

- 4.1 The Panel agreed the following terms of reference for the review:-
- (a) the national and local context to licensing policy;
  - (b) the range of powers available to the local authority in relation to licensing legislation;
  - (c) the extent and areas in which the council may wish to exercise those powers;
  - (d) whether the council's approach to the exercise of licensing powers needs to be modified to meet the aspirations of the city.

## **5 Membership of the Panel**

- 5.1 The membership of the City Services Scrutiny Panel consisted of Councillors Stephen Bonallie (Lead Member), Michael Essl, Stephen Foster, Neville Padgett, Stuart Porthouse, Lynda Scanlan, Dianne Snowdon, Amy Wilson.

## **6 Methods of Investigation**

6.1 The following methods of investigation were used for the review:

- (a) Desktop Research
- (b) Use of secondary research e.g. surveys and questionnaires;
- (c) Evidence from relevant Council officers and key stakeholders.

## 7 Findings of the Review

Findings relate to the main themes raised during the Panel's investigations and evidence gathering.

### 7.1 Licensing of Alcohol – Current Legislation

7.1.1 The Panel was informed of the development and operation of the licensing regime in Sunderland, including the two key pieces of government legislation; the Licensing Act 2003 and Police Reform and Social Responsibility Act 2011.

#### *Licensing Act 2003*

7.1.2 The Licensing Act 2003 transferred responsibility for issuing licenses from Magistrates to local authorities and established a single integrated scheme for licensing premises which are used for the sale or supply of alcohol.

7.1.3 The Act represented an attempt to liberalise the licensing system, promote a more vibrant evening economy and redress the problems of disorder associated with the standardised closing time. Key measures included:-

- abolishing set licensing hours in England and Wales, with the potential for up to 24 hour opening, seven days a week;
- decisions to be subject to consideration of their impact on local residents, businesses, and the expert opinion of a range of authorities in relation to the licensing objectives;
- a new system of personal licences relating to the supply of alcohol to enable holders to move more freely between premises; and
- any person or responsible authority being able to apply to the licensing authority for a review of an existing premises licence, with the aim of amending its conditions or revoking it entirely.

7.1.4 As part of the Act, licensing authorities were expected to promote the statutory licensing objectives of preventing crime and disorder; preventing public nuisance; public safety; and protecting children from harm.

7.1.5 However, licensing authorities were also expected to grant licence applications unless there was a well-founded and evidenced objection based on the above. In practice such objections have often proved difficult to evidence with the legislation effectively weighted toward the applicant.

7.1.6 The 2003 Act also required a licensing authority to publish a statement of their licensing policy on a minimum of a five year period. Sunderland's most recent statement was made in January 2010, meaning another will need to be published by January 2016.

#### *Police Reform and Social Responsibility Act 2011*

7.1.7 In April 2012, the Government introduced the Police Reform and Social Responsibility Act 2011 amid concerns over the levels of alcohol related crime and binge drinking in our city centres.

7.1.8 The Act effectively overhauled the provisions of the Licensing Act 2003. The Government's stated intention was to balance licensing policy more in favour of local communities. The new measures were designed to give the police and licensing authorities more powers to tackle the irresponsible premises and crack down on sales of alcohol to children.

7.1.9 Measures contained in the Act include:-

- Doubling the fine for persistent underage sales to £20,000 and making it easier to shut down businesses found to be culpable. Also increasing the period of voluntary closure, as an alternative to a fine, from 48 to 336 hours;
- Empowering licensing authorities to introduce a Late Night Levy so that businesses trading late contribute to policing costs;
- Providing stronger powers to remove or refuse to grant licences to premises that are causing problems without having to wait for the police or another responsible authority;
- Empowering licensing authorities to introduce Early Morning Alcohol Restriction Orders which enable local areas to restrict alcohol sales late at night where they cause problems;
- Stronger powers through licensing to control density of licensed premises;
- Reducing the evidential requirement placed upon licensing authorities when making their decisions;
- Removing the vicinity test for licensing representations to allow more people to comment on alcohol licences; and
- Health bodies being made responsible authorities so that they are automatically notified about new premises applications and can make representations, although these must be relevant to the existing statutory licensing objectives.

7.1.10 The introduction of the Act was accompanied by the Government's Alcohol Strategy published in March 2012. Again this focused on greater powers for local areas to tackle alcohol-related issues. The Strategy also emphasised the importance of securing the support of the alcohol industry, including plans to build on the Public Health Responsibility Deal. The Responsibility Deal, which was launched in March 2011, is a voluntary partnership for businesses and influential organisations to work collaboratively to improve public health.

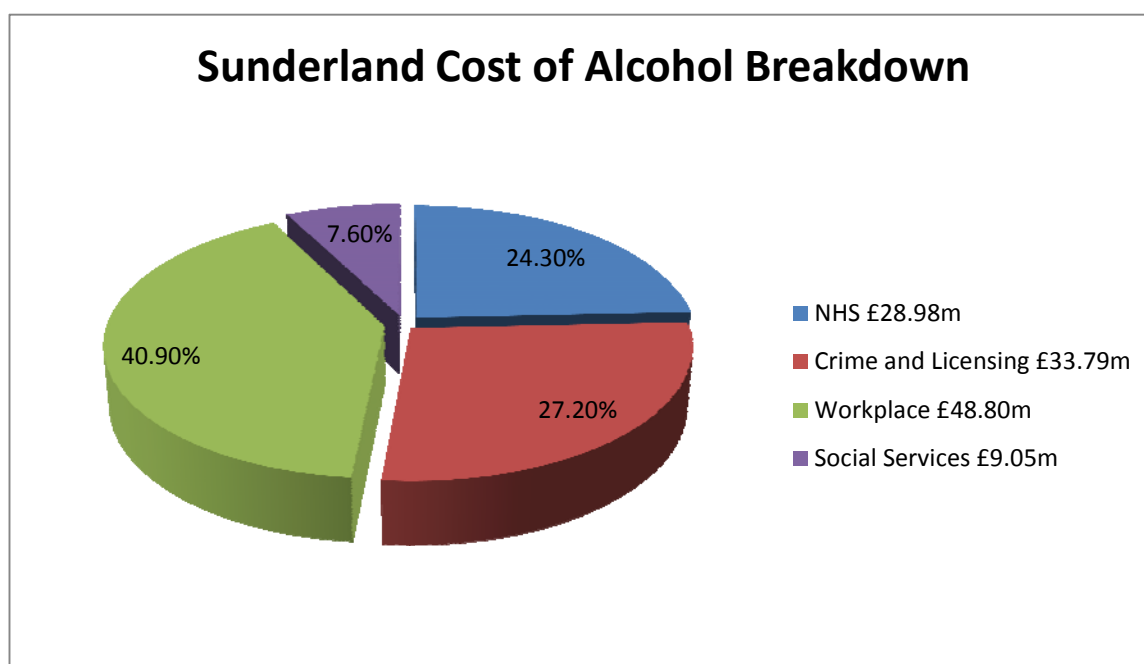
7.1.11 The Strategy also called for the introduction of a Minimum Unit Price (MUP). However, following lobbying from the alcohol industry this was not introduced on the grounds that such a move required a clearer evidential base.

7.1.12 The Strategy also referred to the important role of the new Police and Crime Commissioners in raising alcohol related crime as a priority and the

importance of partnership working between police, local authorities, the licensing trade and health.

## 7.2 The Cost of Alcohol to Sunderland

7.2.1 The Panel considered it important to obtain an overview of the cost of alcohol misuse to the people of Sunderland. Research conducted by Balance indicates that in 2012/13, the cost of alcohol misuse in Sunderland totalled almost £120m. The table below shows the cost in terms of a breakdown between the NHS, Crime and Licensing, the Workplace and Social Services:-.



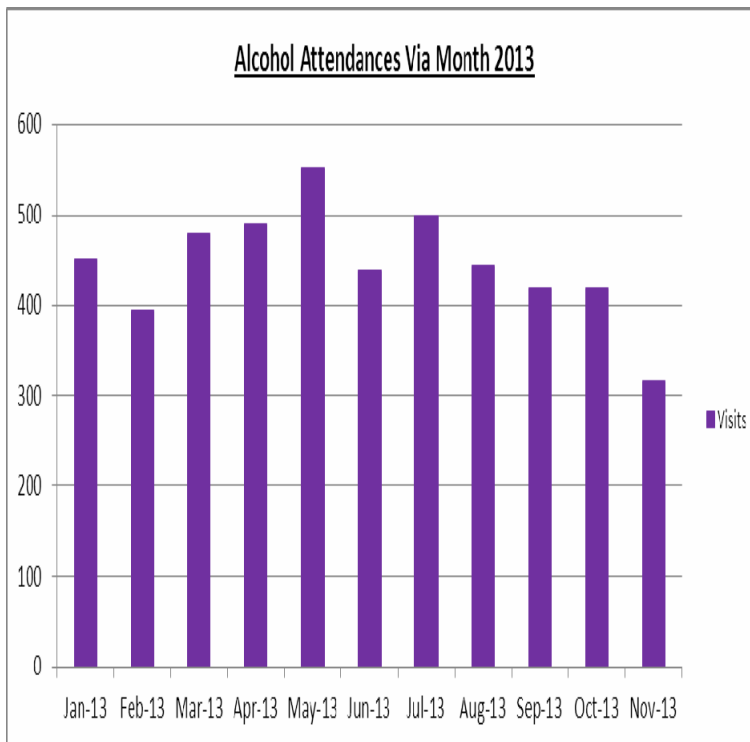
7.2.2 Annually, this represents a cost to each resident of £433; higher than the north east average of £419 and the national average of £402.

### *Health*

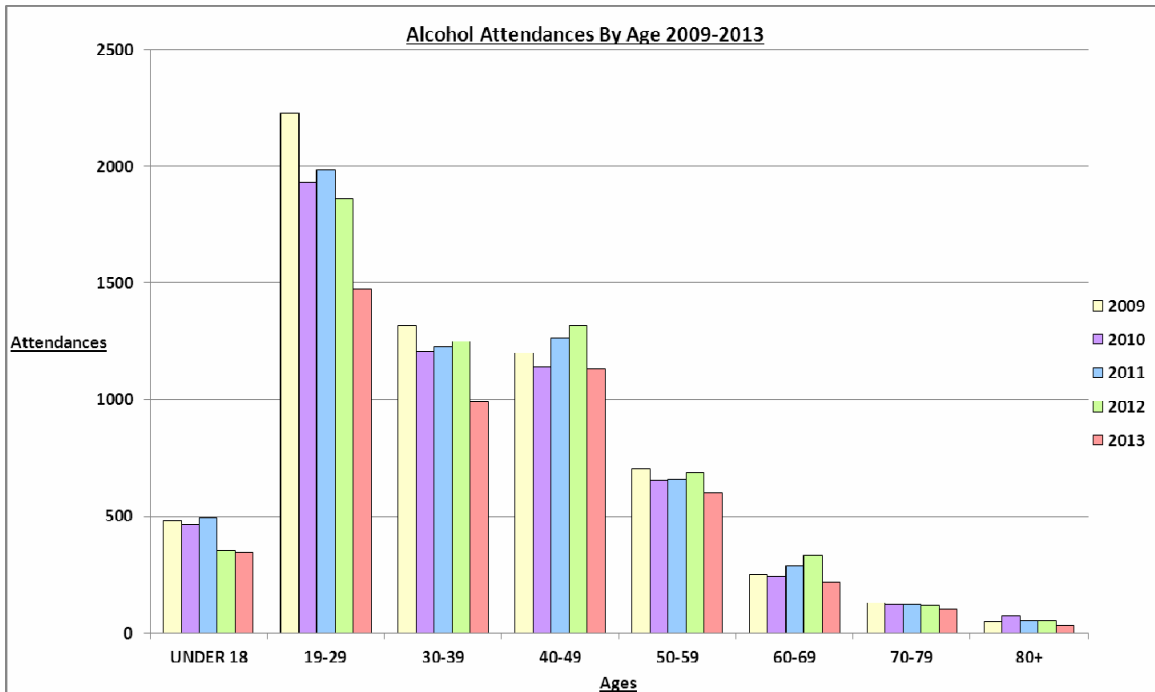
7.2.3 Economic costs are not the only concern. There is also the serious cost in terms of the health and well-being of individuals and families. At a local level, Sunderland has some of the most worrying trends regarding alcohol related harm in the country; including higher than average numbers of alcohol specific and related mortalities and alcohol specific and attributable hospital admissions for men, women and under 18 year olds. Furthermore, alcohol harm is also connected to health inequalities with people on lower incomes suffering a greater risk than those on higher incomes.

7.2.4 Statistics provided by Balance show that on average there have been 44 alcohol related deaths per year since 2001, with death rates in Sunderland higher than those for the North East. Mortality rates for chronic liver disease are increasing and years of life lost through drink are higher than the national average.

7.2.5 Dr Kate Lambert, Consultant in Emergency Medicine (City Hospitals) outlined to the Panel the impact that of alcohol related attendances on the hospital and provided the latest us with the latest figures for 2013.



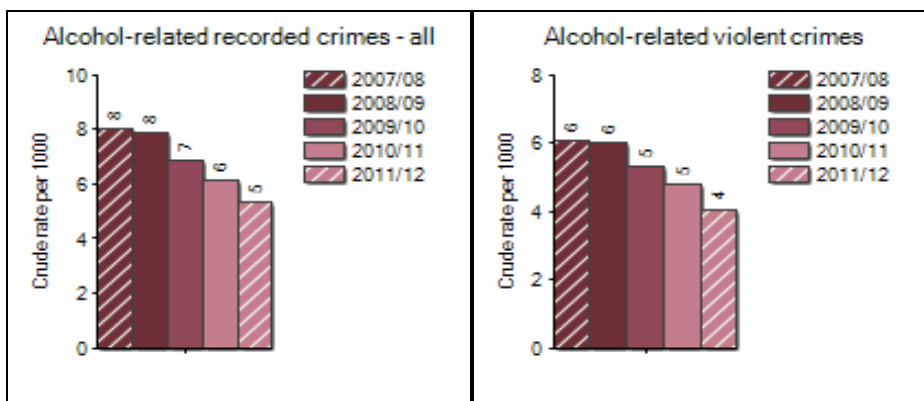
7.2.6 Dr Lambert, noted that while there has been a decline in the number of young people attending hospitals, there has been a rise in the 20-30yrs age bracket of both sexes. While alcohol consumption peaked in 2005 it is still at high level with a small number of people drinking increasing amounts of alcohol and causing themselves considerable long term harm. Alcohol attendances across age groups are set out below:-



7.2.7 Dr Lambert referred to the important work of Turning Point who are based in the A&E and can discuss with patients their level of alcohol use to determine whether an assessment or brief intervention is needed.

*Crime and Disorder*

7.2.8 The Community and Safer City Scrutiny Committee report into Alcohol Violence and the Night Time Economy examined in detail the link between alcohol and crime and disorder in Sunderland and it is not the intention of this report to go into further detail. Suffice to say that, though as a city we have seen a fall in the overall rate of crime, the issue of alcohol-related violent crime remains a major issue as demonstrated with data Local Alcohol Profiles England (LAPE).



7.2.9 The Panel heard from Chief Inspector Jerry Pearson on the relationship between alcohol and crime and disorder. It was considered that while there were generally few major crime and disorder issues in the city centre on an evening, there were lower level disorder issues and anti-social behaviour associated with alcohol misuse that affected both the city centre and a number of public areas.

7.2.10 C.I. Pearson highlighted the influence that binge drinking can have on the likelihood of a person both becoming aggressive and being a victim of crime. Pre-loading – the drinking of cheap alcohol at home before going out to pubs and clubs - was also seen to be associated with higher overall alcohol intake and a factor in crime and disorder offences.

7.2.11 Since the change in licensing hours, the Police had noticed that people tended to start drinking later in the night with the city centre only filling up around midnight on a weekend. While there has been no overall increase in crime there has been an increase between the hours of 3.00am and 6.00am; indicating that that problems of disorder have moved to later in the evening. Overall, the Police were in favour of returning to fixed licensing hours of the past.

7.2.12 Inspector Mick Hall confirmed that Police are proactive in targeting areas known for street drinking but they also tried to avoid moving the problem to areas that were less safe for the young people involved.

### **7.3 Challenges Facing the City**

7.3.1 After looking at the cost to health and wellbeing posed by alcohol misuse, the Panel looked at the main challenges facing the city, namely:

- the low cost of alcohol;
- widespread availability of alcohol; and
- the marketing of alcohol

#### *Low Cost of Alcohol*

7.3.2 The Panel was informed that there existed strong evidence that an increase in the unit price of alcohol could lead to a reduction in demand and thereby a corresponding reduction in harm. It is the view of the Panel that the major problem lies with the sale of very cheap alcohol in many supermarkets and off licences, the use of loss leaders and promotions and the availability of super strength lagers and ciders which are cheap but very high in alcohol content.

7.3.3 Despite their previous commitment to introduce a Minimum Unit Price (MUP) for alcohol and stating they were consulting purely on the cost per unit, the Government has announced they are to delay the implementation of MUP until there is further empirical evidence to support it. The Government instead intends to introduce a ban on the sale of alcohol in England and Wales below the level of alcohol duty for a product plus 'VAT'. Balance referred to recent



studies in Canada that have demonstrated the positive impact a MUP has had in reducing the number of alcohol related deaths.

- 7.3.4 Balance also expressed concern that the Government has also decided not to introduce a ban on multi-buy promotions such as three bottles of wine for £10 as they consider evidence is not available to suggest this would significantly reduce consumption. Again, research indicates that such promotions can have a big impact on levels of alcohol consumption.
- 7.3.5 The Panel noted that the low cost of alcohol is less of a problem in pubs who would be mostly unaffected by the introduction of a Minimum Unit Price. However, it would be wrong to ignore some of the irresponsible promotions carried out by those pubs and clubs offering cheap drink targeted at young people.
- 7.3.6 The Panel was informed of attempts by Association of Greater Manchester Authorities to use licensing powers to make it illegal to sell alcohol below a certain unit price though this has been blocked through legal challenge.
- 7.3.7 The Panel heard that a minimum 40 pence unit price for alcohol would not affect the price of a pint sold in the city's pubs or clubs but would deter the sale of strong beers and lagers at low prices in some of the supermarkets and off licences.
- 7.3.8 Clearly, at the present time there is a limited amount that can be done on MUP by the local authority other than lobby the Government. However, it is important that the situation be monitored and regularly reviewed.

#### *Accessibility and Availability of Alcohol*

- 7.3.9 The Licensing Act 2003 represented a liberalisation of the country's licensing laws and a central tenant of the Act was that new licensing authorities were expected to grant licence applications unless there was a well-founded and evidenced objection.
- 7.3.10 The new licensing law therefore made it easier to get a licence and, as a result, we have seen a proliferation of outlets selling alcohol across the city. Nonnie Crawford, Director of Public Health referred to the clear relationship that exists between the increased number and density of alcohol outlets and alcohol consumption in adults and young people. The evidence shows that increases in the density of alcohol outlets tend to be associated with not only an increase in alcohol consumption, but also alcohol-related crime and violence and under 18 alcohol specific hospital admissions. It was the Director's view that alcohol was now too easy to access and that the number of outlets in the city had reached a virtual saturation point and that the city needed to think long and hard as to whether a limit had now been reached.
- 7.3.11 Balance also referred to the Government's decision to introduce one new, light touch authorisation called a Community and Ancillary Sellers Notice (CAN). This will provide ancillary sellers, such as hairdressers, beauty salons

and gift shops and community groups with a cheaper, simpler and easier alternative to either a full premises licence or using multiple Temporary Event Notices (TENs). No application or hearing process will be required for applicants. Instead, CAN users will just need to notify their licensing authority, alongside payment of a small fee, that they will be selling a small amount of alcohol over the course of a year. This will make it significantly easier for ancillary sellers to provide alcohol as part of their business, but also makes alcohol even more readily available than before.

7.3.12 It is the view of Balance that the commitment from the Government to reduce the “red tape” for businesses in areas such as ancillary sales, means there will be further opportunities to increase the availability of alcohol and with reduced means by which it can be controlled.

7.3.13 The Government has also consulted on lifting restrictions on the sale of alcohol at motorway service areas (MSAs), which has caused many significant concerns, particularly around the encouragement of drink-driving. The Panel expressed concern at the prospect of restrictions being lifted further and alcohol being more readily available on motor ways, sending confusing and contradictory messages to the public on the safety of drink-driving.

7.3.14 The UK is also seeing new means of accessing alcohol that make it difficult to control and enforce. Balance referred to recent research from Alcohol Concern Cymru which showed 15% of their research sample of 14-17 year olds, who had previously bought or attempted to buy alcohol for themselves or someone else, had been successful in buying alcohol online, and over two thirds of these said they find it “easy” to do so. Similarly, 13 per cent said they have successfully bought alcohol by telephone from a home delivery service, and again over two thirds of these said it was “easy” to do so. Both online and telephone alcohol delivery services were chosen by many because they regarded them as easy ways to bypass age verification checks, and as a quick and convenient way of acquiring alcohol.

7.3.15 In order to combat this problem, many areas were reviewing their licensing policy in relation to the home delivery of alcohol through services such as ‘dial a drink’ and take aways who deliver alcohol alongside food. Gateshead Council has recently successfully opposed an application to allow a take away pizza shop to deliver alcohol alongside their food and Newcastle Council, as part of its Licensing Policy has stated the Licensing Authority considers that it will normally be inappropriate to grant an alcohol licence at premises which are principally used as a take away.

7.3.16 The Panel expressed its concerns at the potential ease with which young people in particular can access alcohol. It is important to review the avenues for tightening licensing policy in this area.

### *Marketing of Alcohol*

7.3.17 During the review, the Panel heard that there was an established link between advertising and consumption of alcohol, particularly among those less than 18 years old. The Panel saw the marketing of alcohol as being associated with fun, success and attractiveness, making no reference to the potential effect on health and wellbeing. As a result we are in danger of sending out mixed messages to young people.

7.3.18 In supermarkets there is frequent use of multi sale promotions that effectively encourage the purchaser to buy and consume more alcohol than they originally intended. Alcohol offers are often prominently displayed in shops and at the end of aisles and made as accessible as possible.

7.3.19 The Panel considers that there is a pressing need to promote a more responsible and balanced image. In particular there is a need for greater action by the alcohol industry to make greater progress on sale, marketing and promotion of alcohol.

#### **7.4 New Powers Available to Licensing Authorities**

7.4.1 The Panel took evidence to gain more detail on the range of new licensing powers available and the use being made of existing licensing legislation. It also took the opportunity to consider the increased influence of health issues as a factor in determining licensing applications and the potential for greater partnership working.

##### *Late Night Levy*

7.4.2 The aim of a Late Night Levy is to allow local areas to charge businesses that supply alcohol late into the night for the extra enforcement costs that the night-time economy generates for police and licensing authorities. This power was made available from October 2012 and covers the whole of the licensing authority's area. The licensing authority does have the power to choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply. Potential exemptions from a Late Night Levy include premises within a Business Improvement District (BID), those with overnight accommodation, bingo halls and theatres and cinemas.

7.4.3 The amount charged for a late night levy has been set at a national level and is calculated according to rateable value. This system applies to the existing licence fee and the levy charge is intended to be collected alongside the annual licence fee. The rate of a levy per premises depends upon rateable values and ranges from £299 to £1493. Licensing authorities have the discretion to offer a 30% reduction from the levy to premises that are either a member of a best practice scheme, or in receipt of Small Business Rate Relief and have a rateable value of less than £12,000. For those areas which have high rateable values and a high number of licensed premises operating between the hours of midnight and 6am, there is potential to generate significant funds through the introduction of a levy. The monies generated are intended to be split on a 70/30 basis between the areas' Police and Crime

Commissioner and the licensing authority and can be spent on tackling alcohol-related crime and problems associated with the night time economy.

- 7.4.4 Balance referred to the example of Newcastle City Council which became the first in the country to introduce a Late Night Levy. The Council also introduced a best practice scheme to stand alongside their levy and a 30% reduction for successful applicants. They estimate given the high number of licensed premises operating during midnight and 6am in the city, the levy will generate between £300k to £400k to be split between the police and council. Other areas currently consulting on the introduction of a levy include York City Council and the London Borough of Islington.
- 7.4.5 The Panel questioned whether the introduction of a late night levy would be suited to the particular needs and circumstances in Sunderland. Such a levy could have the potential to detrimentally affect pubs and clubs in Sunderland many of whom already face stringent economic circumstances. The Panel was also conscious of the Business Improvement District for the city centre, which would potentially limit the number of premises the Levy could be applied to.
- 7.4.6 In these circumstances the Panel would suggest that the introduction of a Late Night Levy would not be an appropriate measure for Sunderland but that the situation continues to be monitored.

#### *Early Morning Restriction Orders*

- 7.4.7 Early Morning Restriction Orders (EMROs) are a power made available for licensing authorities from October 2012. They are intended to enable licensing authorities to restrict sales of alcohol in the whole, or a part of, their areas for any specified period between 12 midnight and 6 am, if they consider this appropriate for the promotion of the licensing objectives. In practice this means a licensing authority can use local evidence to determine where an EMRO should be applied, for example if data suggests alcohol-related crime and disorder is occurring within only a few streets and is only problematic between specific hours. If introduced it would be applicable to premises licences, club premises certificates and temporary event notices that operate within the specified EMRO period only. This reduces the need for a blanket ban on sales in other areas where there is no crime and disorder.
- 7.4.8 During consideration of this issue it was noted that EMRO's were an untested power as each authority proposing an EMRO to date has not proceeded with their implementation. Balance updated the situation with regard to a number of other authorities:-
- Hartlepool Borough Council was the first in the country to consult and hold a hearing on the potential introduction of an EMRO. Despite initial evidence for a need for an EMRO in the town, it was felt following consultation, the evidence was not strong enough to warrant proceeding with the process and it was suggested the premises may instead wish to

pursue other opportunities to improve their night time economy, such as the introduction of a Best Bar None Scheme.

- The Police have also requested an EMRO in other authorities such as Northampton and Manchester. However despite significant evidence for the need for an EMRO, it has been decided they are not appropriate for these localities. Much of the concern and representations made as part of the consultation process has focussed on the negative impact an EMRO would have on local businesses if they had to close at a terminus hour, for example at 3am. Whilst the impact on local business is not a licensing objective, it is mentioned in EMRO guidance and appears to be impacting upon their implementation.

7.4.9 Clearly, the legal situation and the evidential base required for the success of an EMRO in the face of a challenge is open to doubt. It is also far from clear as to whether there is a need for an EMRO in Sunderland. The Panel would however suggest that further work be undertaken to determine its applicability for the city.

#### *Cumulative Impact Policy*

7.4.10 The Licensing Act 2003 allows a licensing authority to consider the introduction of a Cumulative Impact Policy (CIP) if a large concentration of licensed premises in any area is impacting upon crime and disorder or public safety. If there is sufficient evidence and following consultation, this area can be determined to be a Cumulative Impact Area (CIA). This indicates that the licensing authority intends to restrict the introduction of new premises or extensions to current licences in the designated area.

7.4.11 Balance informed the Panel of several examples from across the region of Cumulative Impact Policies. Newcastle City Council, as part of its licensing policy review, has recently consulted on and agreed to extend CIAs which now cover the city centre, Jesmond, Gosforth, Chillingham Road and Ouseburn to include all pubs, off licences and take aways in these areas. They have also agreed to introduce a further three CIA's for off licences in Elswick, Benwell and Scotswood and Shields Road in Byker.

7.4.12 A Cumulative Impact Policy can set out the operating hours that the licensing authority would expect premises to work within and licensees would not be able to assume that longer opening hours will be available in the designated area

7.4.13 However, central to the establishment of any CIP is the need for a rigorous evidence base in order to know what effect drinking is having on a particular area, which in practice can be difficult and resource intensive to compile.

7.4.14 One of the key sources of information may come from Accident and Emergency statistics. Dr Kate Lambert informed the Panel that the hospital was now compiling statistics which would improve our understanding of the link between alcohol and health in a particular locality. This included

information on the date, location and type of incident involved which could be shared with other agencies such as the licensing authority and potentially provide an evidenced and objective measure of community violence and disorder in a particular area. For example, local health bodies will potentially be able instigate a review of a licence if A &E is regularly dealing with patients as a result of violence at a particular pub.

7.4.15 The system was based on the Cardiff Model which looked into the effects of alcohol upon the night time economy, and also studied the numbers of alcohol related assaults which present to Accident and Emergency Departments. In Cardiff this has seen a sustained reduction in violence of up to 40%.

7.4.16 The Panel consider that Cumulative Impact Policies represent a potential tool for dealing with a large concentration of licensed premises in any area that is impacting upon crime and disorder or public safety. It suggests that further work be undertaken between partners to determine their applicability for the city and whether robust data base can be developed.

#### *Role of Health in Licensing*

7.4.17 The Police Reform and Social Responsibility Act 2011 provides for an increased role for health in the licensing of alcohol. Whilst the Government, following consultation, has not made health a licensing objective, health are now a responsible authority and as such can actively contribute to the licensing agenda.

7.4.18 As public health is now a function of local authorities, there is an opportunity to enhance closer working relationships between public health and licensing colleagues / committees to ensure it is fully aware of how and why it should contribute to this agenda.

7.4.19 The Panel welcomes this approach which places the issue of licensing firmly in the realm of its contribution to the health and wellbeing of the public.

#### *Partnership Working*

7.4.20 During the review, the Panel was impressed by the level of partnership working at a city wide and regional level. The problem of alcohol misuse is a complex issue which will only be tackled by a variety of agencies working together in order to maximise the powers and resources available.

7.4.21 It is not only with other agencies that the Council must work in partnership. It is also important that the Council works with local residents and seeks to achieve greater community involvement in local licensing decisions. Local residents and the community have the right to object to licences but only objections based on sound evidence are likely to have any impact upon licensing decisions. Many residents may not be aware of this. The Panel considers that the Council has an important role in raising public awareness of the legal situation.

## **7.5 Supporting the Alcohol Industry to Improve**

- 7.5.1 The Council's Trading Standards Team already do a considerable amount of work behind the scenes in working with the off licence trade to develop good practice. The Panel thinks that it is crucial for the Council to continue to work closely with the licensed premises to improve standards.
- 7.5.2 A central theme of Government policy on alcohol is the important role of the alcohol industry itself in self-regulating and developing a responsible approach to the sale, promotion and marketing of alcohol. The industry has also pledged to fund arm's length education programmes for young people to better navigate the mixed messages sent out about alcohol and tackle the issue of online access to alcohol by young people.
- 7.5.3 The Panel was informed of the development of the Best Bar None (BBN) scheme which promotes the responsible management of alcohol licensed premises. The aim of BBN is to reduce alcohol related crime and disorder by building a positive relationship between the licensed trade, police and local authorities, as well as improving the knowledge and skills of enforcement and regulation industries, licensees and bar staff.
- 7.5.4 The process for Best Bar None includes assessing venues that have entered the scheme against a variety of categories which include how they manage the internal and external environment of the premises, their drink and drugs policy, crime prevention and emergency procedures.
- 7.5.5 It was considered that whilst these schemes can be costly to operate, they have shown great outcomes.

### *Pubwatch*

- 7.5.6 As another example of self-regulation within the alcohol industry, the Panel met with Elaine Griffiths Chair of Sunderland Pubwatch to obtain her view on the issue of licensing and alcohol in the city.
- 7.5.7 Pubwatch was originally set up in 1997 with the aim of promoting safety for customers, staff and the local community. Pubwatch members meet regularly with the Police, City Centre Management, City Council and Apex to discuss ways of improving safety and sharing of information. It was felt that the rapid growth of the scheme also shows the value placed on Pubwatch by both the licensed trade and the Police.
- 7.5.8 The Panel referred to the potential for membership of PubWatch to be made compulsory as part of the licensing regime in order to broaden its scope and encourage self-regulation.

## 8 Conclusion

- 8.1 The Panel considers that it is important to bear in mind that the majority of drinkers consume alcohol in a responsible manner and that it would be wrong and counter-productive for the Council to approach licensing policy in a high handed and draconian manner.
- 8.2 It is also vital to recognise the important role of well run pubs and clubs in the fabric of social life and as part of a vibrant city centre. The council and its partners should help to promote the livelihood of the licensed trade and contribution it makes to the city economy.
- 8.3 There is a danger to overdramatise the crime and disorder issues in the city centre on a weekend as has often occurred in the national TV and Press.
- 8.4 The Panel also deems it essential to tailor our approach to the particular situation in Sunderland. Different areas of the country such as Blackpool and Newcastle will inevitably face different challenges. Nor does the Panel think that it is possible or desirable to “turn back the clock” and reverse the changes that have been made to licensing hours and the liberalisation of alcohol licensing.
- 8.5 However, the Panel does have a number of concerns relating to the low price of alcohol in many of the city’s supermarkets and off licences, its increasingly widespread availability and the use of inappropriate marketing and promotions often aimed at the young. There is strong evidence to suggest that this can encourage severe alcohol misuse which in turn can lead to long term harm. There is also evidence to suggest cheap alcohol can encourage both pre-loading and binge drinking which are associated with increases in alcohol-related violence.
- 8.6 Clearly, the misuse of alcohol and its associated problems is a complex issue involving a wide range of social and cultural factors which are largely outside of local authority control. However, licensing policy is one of the tools that can have a direct impact and just as importantly send out a message to the public.
- 8.7 As part of the review, the Panel looked at the potential use and applicability of tools such as Cumulative Impact Policies, the Late Night Levy and Early Morning Restriction Orders. We also note that a number of these policies are subject to legal challenge and it will be important to monitor the outcome.
- 8.8 The Panel considers that the success of licensing policy will greatly depend on the quality of information available. Information is a powerful tool in tackling alcohol-related problems and we need to strengthen data sharing within local partnerships, in particular between crime and health agencies and the licensing authority.
- 8.9 Information provided by Accident and Emergency can help to ensure that health issues are given greater role in the consideration of licensing



processes. This should allow the licensing authority to take wider alcohol related health harm into account when developing new policies.

- 8.10 The Panel would also emphasise the value of good partnership working in order to focus and coordinate efforts of local agencies, industry and the voluntary sector. The Council and its partners need to work closely with pubs and encourage self-regulation. Schemes such as Pubwatch can help ensure that we marry the encouragement of the night time economy with the tackling of excessive drinking and attendant issues of crime and disorder.
- 8.11 There is also an important role for local agencies such as the Health and Wellbeing Boards, the Police and Crime Commissioner and organisations such as Balance to take the lead and promote issues relating to alcohol misuse.
- 8.12 But perhaps most importantly we need, as a society, to develop a more mature and sensible approach to alcohol. The misuse of alcohol and its associated problems is a complex issue involving a wide range of social and cultural factors. Largely these are outside of local authority control. However, the local authority does have some influence – and one of those areas is in its licensing policy. It is for this reason that the Panel sees the use of its licensing powers as an important tool in tackling many of the issues associated with excessive drinking.

## 9 Recommendations

9.1 The Panel's recommendations are as outlined below:-

- (a) That further work be undertaken to assess evidence from Accident and Emergency in order to identify any areas of the city that may demonstrate a link between the level of crime and disorder and the number of licenced premises;
- (b) That the Council, in consultation with partners, considers whether there is any evidence of a need for a Cumulative Impact Policy in any part of the city;
- (c) That the Council investigates the activities of premises selling takeaway food in relation to the delivery of alcohol with a view to obtaining evidence which may inform future licensing decisions;
- (d) That the Council, at the next revision of the Licensing Policy Statement, includes a model condition which would require an alcohol licensee to be a member of a relevant Pubwatch Scheme;
- (e) That the introduction of a voluntary agreement with licensed premises for a suitable closing hour be explored firstly with partners and then, if necessary, with the relevant Pubwatch scheme in any appropriate areas of the City;
- (f) that the Council lobbies central government to introduce measures to tackle the low unit cost of alcohol sold in many supermarkets and other off licensed premises, which can lead to the excessive consumption of alcohol and associated harm to health, and the disparity in cost with alcohol sold at on-licensed premises where alcohol consumption occurs in a regulated environment;
- (g) That the Place Boards receive information on licensing law in order to facilitate the assistance of residents in pursuing their rights to apply for the review by the Council of the licences of premises that they feel create problems for the community .

## **10. Acknowledgements**

10.1 The Panel is grateful to all those who have presented evidence during the course of our review. We would like to place on record our appreciation, in particular of the willingness and co-operation we have received from the below named:-

- (a) Les Clark - Head of Street Scene;
- (b) Tom Terrett - Assistant Head of Street Scene
- (c) Nonnie Crawford - Director of Public Health;
- (d) Richard Reading - Trading Standards and Licensing Manager;
- (e) Dr Kate Lambert - Consultant in Emergency Medicine, City Hospitals;
- (f) CI Jerry Pearson – Northumbria Police;
- (g) Inspector Mick Hall – Northumbria Police
- (h) Jan Van Wagtendonk - Independent Chair of Sunderland Safeguarding Board;
- (i) Elaine Griffiths - Chairperson of Sunderland City Centre Pub Watch;
- (j) Sue Robinson – Balance Crime and Disorder Manager (North East Public Protection Partnership);
- (k) Leanne Davis – Balance Regional Coordinator (North East Public Protection Partnership)

## **11 Background Papers**

11.1 The following background papers were consulted or referred to in the preparation of this report:

- (a) Home Office - Government Alcohol Strategy
- (b) Home Office – Next Steps on Delivering the Government’s Alcohol Strategy
- (c) Home Office Research Report – Impact of Licensing Act 2003 on Levels of Crime and Disorder
- (d) Alcohol, Violence and the Night Time Economy - Community and Safer City Scrutiny Committee Policy Review 2010/11



**City Services Scrutiny Panel**  
**Alcohol and Licensing: Policy Review recommendations 2013/14**

Ref	Recommendation	Action	Owner	Due Date	Progress Commentary
(a)	That further work be undertaken to assess evidence from Accident and Emergency in order to identify any areas of the city that may demonstrate a link between the level of crime and disorder and the number of licensed premises	<ol style="list-style-type: none"> <li>1. Liaise with Sunderland Royal Hospital to request relevant data.</li> <li>2. Analyse data to determine any links.</li> <li>3. Report findings to Scrutiny Committee.</li> </ol>	Trading Standards and Licensing Manager	<ol style="list-style-type: none"> <li>1. End Q1 2014/5</li> <li>2. End Q2 2014/5</li> <li>3. End Q3 2014/5</li> </ol>	
(b)	That the Council, in consultation with partners, considers whether there is any evidence of a need for a Cumulative Impact Policy in any part of the city	<ol style="list-style-type: none"> <li>1. Liaise with Police and Director of Public Health to identify any relevant evidence.</li> <li>2. Analyse evidence to determine any justification for any policy.</li> <li>3. Report findings to Scrutiny Committee.</li> </ol>	Trading Standards and Licensing Manager	<ol style="list-style-type: none"> <li>1. End Q1 2014/5</li> <li>2. End Q2 2014/5</li> <li>3. End Q3 2014/5</li> </ol>	
(c)	That the Council investigates the activities of premises selling takeaway food in relation to the delivery of alcohol with a view to obtaining evidence which may inform future licensing decisions	<ol style="list-style-type: none"> <li>1. Liaise with other licensing authorities to obtain any relevant evidence and collate details of relevant licensees in the City</li> <li>2. Analyse information to determine need to change any policy.</li> <li>3. Report conclusions to Scrutiny Committee.</li> </ol>	Trading Standards and Licensing Manager	<ol style="list-style-type: none"> <li>1. End Q1 2014/5</li> <li>2. End Q2 2014/5</li> <li>3. End Q3 2014/5</li> </ol>	
(d)	That the Council, at the next revision of the Licensing Policy Statement, includes a model condition which would require an alcohol licensee to be a member of a relevant Pubwatch Scheme	<ol style="list-style-type: none"> <li>1. Amendment of Policy Statement</li> </ol>	Trading Standards and Licensing Manager	2016 (when Policy is legally required to be reviewed)	

<b>(e)</b>	That the introduction of a voluntary agreement with licensed premises for a suitable closing hour be explored firstly with partners and then, if necessary, with the relevant Pubwatch scheme in any appropriate areas of the City	<ol style="list-style-type: none"> <li>1. Liaise with Police and Director of Public Health to identify any consensus on a suitable closing hour.</li> <li>2. If appropriate, to liaise with the relevant Pubwatch scheme.</li> <li>3. Report outcome to Scrutiny Committee.</li> </ol>	Trading Standards and Licensing Manager	<ol style="list-style-type: none"> <li>1. End Q1 2014/5</li> <li>2. End Q2 2014/5</li> <li>3. End Q3 2014/5</li> </ol>	
<b>(f)</b>	that the Council lobbies central government to introduce measures to tackle the low unit cost of alcohol sold in many supermarkets and other off licensed premises, which can lead to the excessive consumption of alcohol and associated harm to health, and the disparity in cost with alcohol sold at on-licensed premises where alcohol consumption occurs in a regulated environment	<ol style="list-style-type: none"> <li>1. Write to Home Office with the views of the Scrutiny Committee.</li> </ol>	Trading Standards and Licensing Manager	<ol style="list-style-type: none"> <li>1. End Q1 2014/5</li> </ol>	
<b>(g)</b>	That the Place Boards receive information on licensing law in order to facilitate the assistance of residents in pursuing their rights to apply for the review by the Council of the licences of premises that they feel create problems for the community	<ol style="list-style-type: none"> <li>1. Provide briefing to each Place Board on licence reviews.</li> <li>2. Produce advice note on the subject for publishing on the Council's website.</li> </ol>	Trading Standards and Licensing Manager	<ol style="list-style-type: none"> <li>1. End Q2 2014/5</li> <li>2. End Q2 2014/5</li> </ol>	

## EQUALITY ANALYSIS

Please refer to Part 2 of the Equality Analysis Guidance

### **Name of Policy/Decision/Project/Activity:**

City Services Scrutiny Panel – Alcohol and Licensing: Policy Review recommendations Action Plan 2014/15

### **Equality Analysis completed by:**

Name / Job Title  
Richard Reading, Trading  
Standards and Licensing Manager  
Date: 4.04.14

### **Responsible Officer:**

Name /Job Title: Richard Reading,  
Trading Standards and Licensing  
Manager

Date: 4.04.14

**Is this a:** Policy ( ) Strategy ( ) Function ( )  
Service ( ) Project ( ) Other ( x )

**Is it:** New/Proposed ( x )  
Changing/Being Reviewed ( ) Other ( )

## 1. Purpose and Scope

### **Purpose**

In this section outline briefly what the policy, decision or activity is, what the intended outcomes/benefits (linked to the Corporate Outcomes Framework) are and over what period of time will the outcomes be achieved. Why does it need to be implemented or revised?

The action plan sets out how the Council will, in 2014/15, implement the recommendations of the City Services Scrutiny Panel's Policy Review of Alcohol and Licensing.

### **Scope**

In this section consider who or where is the target for the policy or activity, this could be specific groups of people or organisations, individual wards, neighbourhoods or communities or the entire city. Links to, and overlap with, wider, local, sub-regional, regional or national priorities or activities should also be considered.

The target beneficiaries of the action plan are all of the residents and alcohol licensed businesses of the City.

--

**Intelligence and Information**

What sources of information have been used to inform this assessment/analysis? This should include but is not limited to consultations, resident/service user feedback and statistical data and intelligence.

<p>The plan is in the format usually used by the Scrutiny Committee.</p> <p>Implementation of the plan will use data collected via consultation with other agencies and service users.</p>
--

**2. Analysis of Impact on People**

This section offers an opportunity to assess the intended and potential impact of the policy, decision or activity on the people of Sunderland. This includes specific consideration of the impact on individuals, groups with protected characteristics and communities of interest within the city. Please briefly outline any positive, negative or neutral impacts on the specific groups below. In this assessment it is important to remember the Council is required to give due regard to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Characteristic	List of Impacts		
	Positive	Neutral	Negative
Age	Improved licensed premises sector in the City.	None	None.
Disability	Improved licensed premises sector in the	None	None.



	City.		
Gender/Sex	Improved licensed premises sector in the City.	None	None.
Marriage and Civil Partnership	Improved licensed premises sector in the City.	None	None
Pregnancy and maternity	Improved licensed premises sector in the City.	None	None.
Race/Ethnicity	Improved licensed premises sector in the City.	None	None.
Religion/belief	Improved licensed premises sector in the City.	None	None.
Sexual Orientation	Improved licensed premises sector in the City.	None	None.
Trans-gender/gender identity	Improved licensed premises sector in the City.	None	None.

**Other individuals or groups impacted on:**

The policy or action may also have an impact on other groups or individuals which are not covered by the statutory requirements. Please outline any additional individuals or groups which have not already been covered. This could include socio-economic groups, voluntary and community sector, carers or specific communities which face additional challenges (such as former coal mining areas or areas of high deprivation)

It is not anticipated that any specific groups or communities would be affected by this action plan other than the benefits they will receive as part of the general population.

**Gaps in intelligence and information:**

Having undertaken the analysis are there any areas of intelligence or information which need to be improved? Please outline and areas where the current information is not complete enough to take a decision. Addressing this gap should be covered in the action plan.

None.

**Policy/Decision/Project/Activity Title:**

City Services Scrutiny Panel – Alcohol and Licensing: Policy Review recommendations Action Plan 2014/15

**Responsible Officer:** Richard Reading, Trading Standards and Licensing Manager

**3. Summary of Impacts and Response to Analysis**

Please provide a summary of the overarching impacts that have been highlighted through the analysis process through the three questions below. It is important to recognise that individuals may belong to one or more of these characteristic groups and the combined impact could be greater than any single impact.

**Who will the policy/decision/project/activity impact on and who will benefit?**

The plan will directly impact upon alcohol licensees in the City. All residents and retailers of alcohol in the City will benefit

**Who will not benefit and why not?**

It is not anticipated that any specific group would not benefit as a direct result of the plan

**Who should be expected to benefit and why don't they?**

No-one is expected to fail to benefit.

**4. Response to Analysis, Action Plan and Monitoring,**

In this section please outline what actions you propose to take to minimise the negative, and maximise the positive, impacts that have been identified through the analysis. By considering and implementing these actions the policy or action can be refined to make sure that the greatest benefits are achieved for the people of Sunderland. The performance monitoring process should also be set out to explain how ongoing progress is going to be followed to make sure that the aims are met.

From the analysis four broad approaches can be taken, (No major change, continue with the policy/action despite negative implications, adjust the policy/decision/action or stop the policy/action). Please indicate, using the list below, which is proposed.

No Major Change (  )

Continue Despite Negative Implications (  )

Adjust the Policy/Decision/Project/Activity ( )

Stop ( )

**Action Plan**

ACTION	WHO	WHEN	MONITORING ARRANGEMENTS

October 2013

**Children’s Services Scrutiny Panel  
Policy Review 2013 – 2014**

**Child Obesity**

**Final Report**

**Contents**

1	Foreword from the Scrutiny Lead Member .....	2
2	Introduction .....	3
3	Aim of Review .....	3
4	Terms of Reference .....	3
5	Membership of the Panel .....	3
6	Methods of Investigation .....	3
7	Findings of the Review .....	5
8	Conclusions .....	16
9	Recommendations .....	17
10	Acknowledgments .....	18
11	Background Papers .....	18
	Appendix 1 .....	19

# 1 Foreword from the Scrutiny Lead Member for Children's Services

Child obesity is regarded as a global epidemic and continues to be a worldwide health concern to developed countries including the UK. There are many factors which contribute to obesity levels including the consumption of unhealthy foods, a lack of exercise, a lack of sleep and the socio-economic situation to name a few. Children who are classed as obese are at far greater risk of developing serious medical conditions including Type II diabetes, asthma and musculoskeletal disorders.



Modern society looks to make things easier, quicker more convenient and in doing so often removes the physical aspects from life. People use cars more and more instead of walking or cycling, young people are obsessed with social media, computer games and the internet to the detriment of playing games or sport, and food is fast, on the go and calorie laden rather than a home cooked family shared experience. In gathering our evidence it was good to see strong examples of projects and programmes that are looking to address these changes by offering cooking on a budget, taster sessions in sports and games and interventions that look to support families in improving their lifestyle choices.

Increasingly we hear the term 'the obesogenic environment' and how a variety of social, cultural and environmental factors are contributing towards the obesity problems within communities and regions. The prevalence of fast food takeaways, the demise of the traditional high street and the ever increasing pace of life all contribute and influence an individual's lifestyle choices. The battle against obesity is only just beginning and the importance of gathering extensive data and intelligence will be paramount to ensure that local authorities and their key partners remain proactive in providing targeted programmes and interventions for local communities.

I would like to take this opportunity to express my gratitude to all the witnesses and council officers who gave of their time to provide invaluable evidence to the panel. I would also like to thank my colleagues on the Children's Services Scrutiny Panel who all contributed their time, experience, knowledge and enthusiasm to this review.

Councillor Debra Waller, Scrutiny Lead Member for Children's Services

## **2 Introduction**

- 2.1 The Scrutiny Debate provided a variety of scrutiny topics for potential review during the coming year. The Children's Services Scrutiny Panel, commissioned by the Scrutiny Committee, agreed to undertake a spotlight review around the issue of child obesity in Sunderland.

## **3 Aim of the Review**

- 3.1 To look at how Sunderland City Council and its partners are tackling child obesity.

## **4 Terms of Reference**

- 4.1 The title of the review was agreed as "Childhood Obesity" and its terms of reference were agreed as:
- (a) To investigate the effectiveness of current obesity programmes that the Council undertakes or commissions;
  - (b) To consider the drivers and changes in national policy around child obesity and how this is reflected at a local level;
  - (c) To examine the importance of multi-agency/multi-setting approaches in tackling child and family obesity;
  - (d) To explore some of the social determinants on child obesity including the council's scope of influence on such factors.

## **5 Membership of the Panel**

- 5.1 The membership of the Children's Services Scrutiny Panel during the Municipal Year is outlined below:

Cllrs Debra Waller (Scrutiny Lead Member for Children's Services), Florence Anderson, Anthony Farr, Bob Francis, Doris MacKnight, Robert Oliver, Philip Tye, Linda Williams, and co-opted member Rose Elliott.

## **6 Methods of Investigation**

- 6.1 The approach to this work included a range of research methods namely:
- (a) Desktop Research;
  - (b) Use of secondary research e.g. surveys, questionnaires;
  - (c) Evidence presented by key stakeholders;
  - (d) Evidence from members of the public at meetings or focus groups; and,
  - (e) Site Visits.
- 6.2 Throughout the course of the review process the panel gathered evidence from a number of key witnesses including:
- (a) Nonnie Crawford – Director of Public Health;
  - (b) Lorraine Hughes – Public Health Lead;

- (c) Victoria French – Assistant Head of Community Services;
- (d) Tracy Webb – Senior Specialist Dietician – Sunderland Hospitals;
- (e) Professor Mike Kelly – Director of the Centre of Public Health (NICE);
- (f) Simon Marshall – Headteacher Highfield Community Primary School;
- (g) Christine Bulmer – Wellness Programme Manager;
- (h) Felicity White - Head of Nutrition & Dietetics;
- (i) Dan Hattle – Planning Implementation Technical Manager.

6.3 All statements in this report are made based on information received from more than one source, unless it is clarified in the text that it is an individual view. Opinions held by a small number of people may or may not be representative of others' views but are worthy of consideration nevertheless.



## 7 Findings of the Review

Findings relate to the main themes raised during the panel's investigations and evidence gathering.

### 7.1 What is Obesity?

7.1.1 Overweight and obesity are defined as abnormal or excessive fat accumulation that may impair health. Body Mass Index (BMI) is a simple index of weight-for-height that is commonly used to classify overweight and obesity in adults. It is defined as a person's weight in kilograms divided by the square of their height in metres (kg/m<sup>2</sup>). The World Health Organisation (WHO) definition is:

- a BMI greater than or equal to 25 is overweight
- a BMI greater than or equal to 30 is obesity.

7.1.2 BMI provides the most useful population-level measure of overweight and obesity as it is the same for both sexes and for all ages of adults. However, it should be considered as a rough guide because it may not correspond to the same degree of fatness in different individuals.

7.1.3 Children need a healthy, balanced diet that gives them enough energy to grow and develop. This means that children usually need to take in more energy than they use and this extra energy forms new tissues as they grow. However, if children regularly take in too much energy, this is stored as fat and they will put on excess weight. According to WHO, in 2010, there were around 40 million children under the age of five who were overweight worldwide. In the same year, three out of 10 children aged two to 15 were obese in the UK alone.

7.1.4 Data for Sunderland over the past two years shows that the prevalence of obesity among Reception year children, at 10 per cent, is close to the regional and national average (9 per cent). It should be noted that there are areas in Sunderland where the local prevalence of obesity is anywhere between 13 per cent and 17 per cent. At Year 6 (ages 10-11) 21 per cent of children are obese and has fallen from a peak in 2011/12 of 24 per cent and is also close to regional averages, the national average is 19 per cent. However, as with Reception year data there are areas where this average can range from between 26 per cent and 34 per cent<sup>1</sup>. Overweight and obese children are more likely to become obese adults, and have a higher risk of morbidity, disability and premature mortality in adulthood. Although many of the most serious consequences may not become apparent until adulthood, the effects of obesity – for example, raised blood pressure, fatty changes to the arterial linings and hormonal and chemical changes such as raised cholesterol and metabolic syndrome – can be identified in obese children and adolescents.

7.1.5 In adults obesity is established using waist circumference and the Body Mass Index (BMI), in children and adolescents it is more complex as they are still growing and BMI differs between boys and girls. To address this children and adolescents' weight status in the UK is assessed by reference to the BMI percentile charts which are comparable growth charts. Each child has its own growth chart where weight and height information is plotted. There are trigger points on the chart which alerts practitioners when action is required.

---

<sup>1</sup> Public Health Advice, Information and Intelligence for Gateshead, South Tyneside and Sunderland. December 2013.

0 - 5 Percentile – Underweight  
5 - 85 Percentile – Healthy Weight  
85 - 95 percentile – Overweight  
95 - 100 percentile - Obese

7.1.6 Actions are triggered from 85th percentile. The term ‘excess weight’ is used to describe children whose weight is found to be greater than 85th percentile which includes overweight and obese.

## **7.2 National Policy Context**

7.2.1 The importance and implications to the nation’s health of obesity has not been lost on government with the introduction of a raft of reports, policies and strategies on obesity since 2004. The House of Commons ‘Report on Obesity’ (2004) highlighted the need for joined up solutions requiring cultural and societal changes and as a result obesity was identified by the UK Government as a policy priority.

7.2.2 *Healthy Lives, Healthy People – A Call to Action on Obesity* (2011) recognises the scale of the obesity issue and endeavours to explain the importance on economic and social levels. The report is intended to act as a rallying cry to everyone. The approach through national ambitions, around a sustained downward trend in the level of excess weight in children by 2020 and a downward trend in the level of excess weight averaged across all adults by 2020, illustrates what could be achieved if everyone works together.

7.2.3 The main components of this new approach are outlined as:

(a) *Empowering Individuals* through the provision of guidance and a focus on equipping people to make the best possible choices.

(b) *Partners to play a full role* through developing a greater role for business, other partners in change4life and the food and drinks industry.

(c) *Local government to lead* in driving health improvements and harnessing partners at a local level through the freedom to determine local approaches which work for local people and for the specific population groups facing the greatest challenges.

(d) *Build the evidence base* through recognising that there is a need to further develop the evidence on effectiveness and cost effectiveness in many areas of action on overweight and obesity.

7.2.4 *Healthy People, Healthy Lives – Our Strategy for Public Health*, (2010), indicates schools and local communities will be empowered to provide opportunities to forge local partnerships with the intention of delivering better health outcomes for children and young people.

7.2.5 *Healthy Lives, Healthy People: Update and Way Forward* introduced reforms to the Public Health system to come under local authority control from April 2013. Local authorities will now take the lead for improving health and coordinating local efforts to protect the public’s health and wellbeing. The document clarifies the role of local authorities and the Director of Public Health in relation to health improvement, health protection and population healthcare.

- 7.2.6 Recent figures from the HSE giving statistics on obesity, physical activity and diet for England (2012) indicated that children living in the highest income quintile are also the least likely to become obese. The proportion of children who were overweight (including obese) generally increased as the income quintile decreased.
- 7.2.7 The National Institute for Clinical Excellence (NICE) has in the past recommended that any interventions or programmes should be based on:
- Careful planning taking into account the local and national context and working in partnership with recipients;
  - A sound knowledge of community needs;
  - Existing skills and resources by identifying and building on the strengths of individuals and communities and the relationships within communities.
- 7.2.8 NICE have also identified and commented on what it terms a 'paucity of data on the cost effectiveness of interventions, particularly interventions undertaken in the UK and with more than a year follow up'. NICE highlighted the lack of evidence surrounding the cost effectiveness of interventions which focus largely on diet, physical activity or behavioural treatments. To this end NICE has recently published guidance (October 2013) and recommendations on lifestyle weight management services for overweight and obese children and young people aged under 18.
- 7.2.9 The Secretary of State for Education is to re-introduce compulsory competitive sport and PE back into the National Curriculum. Following on from the London Olympics which 'inspired a generation' the Government's new PE curriculum will see pupils from the age of seven comparing personal bests at the running track and learning to swim at least 25 metres using a range of swimming strokes. Children will also take part in competitive football, netball, cricket, hockey and tennis matches as part of a normal school week. The changes will:
- Enable pupils to be physically active for sustained periods of time;
  - Develop pupils' competence in a broad range of physical activity programmes;
  - Provide opportunities for pupils to engage in competitive sport and activities and help pupils to lead healthy and active lifestyles.
- 7.2.10 The Government is also set to make cookery lessons compulsory for pupils aged 7 to 14 from September 2014 in a bid to improve their diets. Government advisers Henry Dimbleby, son of broadcaster David, and John Vincent, founders of the Leon fast-food chain, have also proposed that head teachers ban pupils from bringing in packed lunches or leaving school premises during their lunch break in an effort to get young people to eat healthier cooked meals.

### **7.3 Local Policy Context**

- 7.3.1 While national policies demonstrate the need to reduce current obesity levels if serious health consequences for future generations are to be avoided, on a local level the Clinical Commissioning Group has reflected this with four out of the five localities in Sunderland listing childhood obesity as one of the top six priorities in their Clear and Credible Plans. The current strategy (NHS SoTW Overweight and Obesity Strategy) was published in 2010 and is in need of a refresh to reflect recent changes in structure, policy and legislation, specifically Healthy Lives Healthy People: A Call to Action on Obesity (2011).

- 7.3.2 Halting and reducing childhood obesity is a key local priority of the Joint Strategic Needs Assessment, Sunderland Strategy 2008-2025 and Corporate Plan 2012/12-2014/15 and is identified within council service plans and partnership plans, such as the Children and Young People Plan Strategy 2010/2025 and the Public Health Plan 2013-15. It is also important that there are strategic linkages of plans to help ensure actions and measures are complementary and add value to one another, whilst maximising the potential partnership and multi-agency working for better outcomes for children and young people.
- 7.3.3 Breastfeeding support continues to improve, reflected in increased levels of initiation and continuation, which is shown to be an important part of efforts to reduce levels of childhood obesity. In Sunderland there is still a long way to go until breastfeeding is considered the norm, however good quality ante-natal and post-natal support is pivotal in supporting those mothers who choose to breastfeed. Public Health funding continues to support services including a Public Health Midwife and peer support services. There is clearly a continued drive to increase rates of breastfeeding within Sunderland and is recognised in a number of key policy documents.
- 7.3.4 Sunderland's Child Poverty needs assessment also identifies that there is a correlation between low income and a greater risk of obesity in childhood as well as adulthood. Local and national data tells us that children who grow up in poverty are more likely to suffer from poor health and less likely to access cultural and leisure activities. Recent data for Sunderland indicates that over the past six years the gap between the prevalence of obesity among the most disadvantaged and the most advantaged socioeconomic groups has widened for both Reception and Year Six children<sup>2</sup>.

#### 7.4 **Changing Behaviours and Promoting Healthy Lifestyles in Sunderland**

##### ***Change4Life***

- 7.4.1 One of the most recognisable brands in health improvement is the Change4Life programme. It is a brand that is both trusted and utilised by the public, private and voluntary sector organisations. The goal of change4life is fundamentally to help all families in England eat well, move more and live longer and its ambition is to create a movement in which everyone in society can play a part, leading to essential changes to those behaviours that can help people lead healthier lives. The Department of Health intend it to become the sole branded programme for all healthy lifestyle information, products and tools for families and adults.
- 7.4.2 Change4life is supported by a wide range of national and local supporters all sharing the goals and ambitions of the programme. It is interesting to note that Change4life has had the fastest awareness build of any government campaign according to independent audits by the Central Office of Information, with 88 per cent of mothers with children, 11 years old or under, recognising the change4life brand<sup>3</sup>.
- 7.4.3 The Change4Life campaign was launched in Sunderland in August 2013 with events running at various locations across the city highlighting to families the benefits of improved diets, exercise and community involvement. Sunderland also has a number of key initiatives that support the Change4Life objectives and look to

---

<sup>2</sup> Public Health Advice, Information and Intelligence for Gateshead, South Tyneside and Sunderland. December 2013.

<sup>3</sup> Change4Life tracking study, TNS/BMRB, 2010

promote the healthier lifestyles in young people and their families. This includes secondary schools games organisers who are working with feeder primary schools on a range of activities designed to promote the Change4Life objectives. There is an amount of ring-fenced funding within school budgets for this and it can help to support a range of out of school activities, training and support for families to help young children become more active and also support parents in making healthier lifestyle choices for the whole family.

- 7.4.4 This development and introduction to Change4Life for children and their families early into school life can help to change attitudes and lifestyle choices. It can also provide a link for those individuals and families that need extra support to consider and become involved in one of the LAF programmes.

### **Children's Centres**

- 7.4.4 The various Children's Centres across Sunderland provide a range of universal support programmes to aid the early development of children through a variety of courses including Busy Bodies which aims to keep children healthy, active and on the move and, Time for Rhyme which helps grow confidence and develop a child's speech. There are also more specific provisions that centre around nutrition and healthy eating including Cooking on a Budget which instructs parents how to make healthy meals as well as developing budgeting skills and making the most of ingredients. Cooking with Kids also provides a free two hour session, once a week, for four weeks. The sessions include tips for cooking on a budget, introducing healthy options while parents have fun preparing and cooking food with their children (birth to four years).

- 7.4.5 The GIGGLES programme has also been developed with Children's Centres to provide support for young children, whose weight is above the healthy range, and their families. The programme is family centred and aims to be a fun and exciting way to learn about healthy lifestyles and how families can make changes to their lifestyles to help their child to reach his/her healthy weight. Topics include portion size, reading food labels, managing difficult behaviour, fussy eating and the benefits of physical activity. The GIGGLES programme is available to all families who have pre-school children to four years old.

*"All the sessions were helpful and fun for kids."*

*"Playing and getting exercise he didn't know he was getting."*

Feedback from families on the Giggles Programme

### **The National Child Measurement Programme**

- 7.4.6 The National Child Measurement Programme (NCMP) was established in 2006 to measure the weight and height of children in reception class (aged four to five years) and year six (aged 10 to 11 years) to assess overweight children and obese levels within primary schools. This data can be used at a national level to support local public health initiatives and inform the local planning and delivery of services for children. The programme is now recognised internationally as a world-class source of public health intelligence and holds UK National Statistics status. The NCMP was set up in line with the Government's strategy to tackle obesity and to:

- inform local planning and delivery of services for children;
- gather population-level data to allow analysis of trends in growth patterns and obesity;

- increase public and professional understanding of weight issues in children and be a vehicle for engaging with children and families about healthy lifestyles and weight issues.

Children's heights and weights are measured and used to calculate a BMI centile. The measurement process is overseen by trained healthcare professionals in schools.

7.4.7 The Panel noted that participation in the programme was not compulsory, but non-participation was on an opt-out basis only. Before the programme starts each school year, local authorities write to the parents and carers of all children eligible for measurement to inform them of the programme and to give them the opportunity to opt their children out. Until March 2013 PCTs were responsible for the collection, holding and processing of NCMP data. However, following legislation changes local authorities are now responsible for the collection of NCMP data. Local authorities are asked to collect data on children's height and weight from all state maintained schools within their area. The data is collated and validated by the Health and Social Care Information Centre (HSCIC).

7.4.8 Sunderland has a 97 per cent inclusion rate in the NCMP programme. It was also recognised by the Panel that children with certain disabilities and medical conditions were excluded from the measurement programme, as such measurements would be inappropriate. Although it is not possible to openly share individual results, including with participating schools, all parents are informed directly of their child's measurement outcome. In Sunderland once a child is classified as overweight or obese through the NCMP the parent receives a letter with a Change4Life leaflet and a link to the website along with a self-referral form to a weight management scheme. This gives parents the option to be proactive and also through self-referral there is the greater likelihood of taking up and completing the course. The Panel acknowledged the importance of having parents on board along with schools to provide and promote a healthier lifestyle.

***Sunderland Lifestyle, Activity and Food (LAF) Programme***

7.4.9 The Sunderland LAF Programme, funded through the Public Health budget, is an integral part of Sunderland City Council's plans to combat child obesity in conjunction with the Government's National Obesity Strategy. The LAF programme is available to any child aged 5-15 years who is above the 91<sup>st</sup> centile on the UK BMI chart. The programme looks to encourage and support children and their families to eat well, become more active and ultimately live longer. Young people identified can be triaged to a LAF programme only, LAF programme and dietitian, dietitian only (for initial assessment then if suitable transferred to LAF), dietitian only (for initial assessment then if suitable transferred to LAF and a 1:1 review following the programme) or dietitian only with 1:1 follow up.

*"The visit from the LAF team to our school has had a positive impact on the children. They have an increased understanding of the importance of exercise and eating healthy foods."*

Bishop Harland Primary School

7.4.10 Members highlighted the difficult and sensitive nature of the subject and that a lot of parents do not see the overweight issue within their own family. They therefore do not address the problem and fail to engage readily with services and the LAF programme. Due to these factors it can be very difficult to engage with those that the programme is aimed at, and that would benefit from it. A range of promotional

and awareness raising methods have been developed to overcome this situation. These include:

- A range of leaflets for referring agents, self-referral and the next steps following referral;
- LAF promotional DVD which is played across the city in GP Practices, Wellness Centres and Children's Centres;
- LAF Facebook page;
- Assembly presentations at primary and secondary schools including the distribution of self-referral leaflets;
- Drop-in sessions at secondary schools;
- Local media coverage;
- Taster sessions; and
- Attendance at a variety of community events across the city.

7.4.11 The LAF Team has also increased its involvement with the National Childhood Measurement Programme (NCMP) including the delivery of a pilot measurement programme in schools aimed at Years Three, Four and Five. This has seen the team engage with over 3,000 children around prevention and further enhanced the opportunities to promote the programme directly to those most in need.

*"It was good to see so many children had a good idea of what constitutes a healthy diet following the session."*

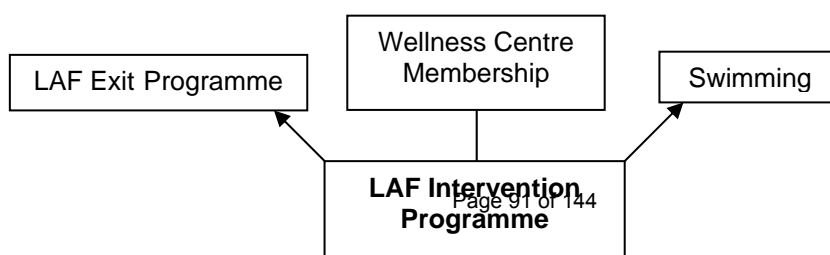
New Penshaw Academy

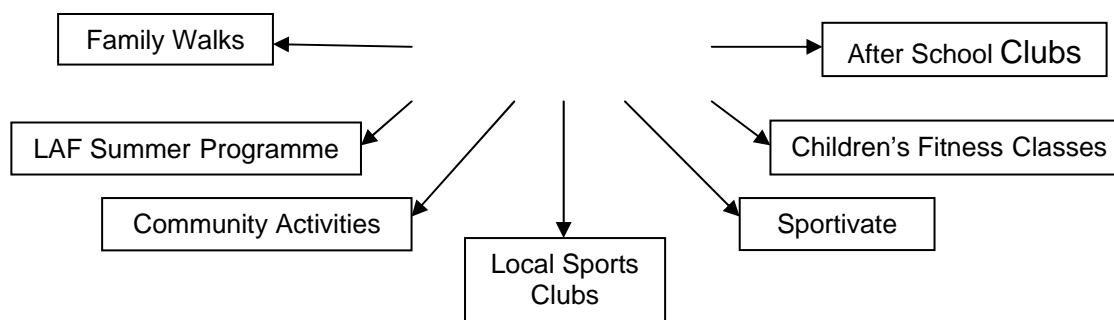
7.4.12 It was noted that during 2012/13 a total of 306 children and their families were referred to the LAF programme, of which 191 were self-referrals, with 159 of these families starting the programme. Both services accept referrals from over 125 GP's and practice nurses from all 59 GP practices across the city. In addition other referral routes included school nurses, health visitors, paediatricians, allied health professionals, social workers, Community and Adolescent Mental Health Services and self-referral.

*"Working with the LAF programme, has really helped to bring the importance of healthy eating to the children and their families."*

Broadway Junior School

7.4.13 Members of the Panel noted that the LAF programme ran as an eight week block intervention programme with sessions lasting between 1½ to 2 hours. These sessions are delivered from a range of venues including schools, church halls, community venues and leisure facilities across the city. The programme includes education around portion sizes, practical cooking and nutritional information, as well as physical activity sessions that include swimming, gym sessions, dance, zumba and sports. The LAF team will also signpost families to additional existing activities across Sunderland.





**Figure 1:** Typical activities available to families on the LAF Programme

7.4.14 Like with many interventions families can often struggle on their own following the initial eight week LAF programme so with this in mind monthly follow up sessions, with the LAF team, are offered. These monthly follow up sessions allow families to try new activities as well as the continued measurement of the child. Most follow up sessions involve physical activity and allow the team to stay in contact with families which can lead to greater adherence to the lifestyle ideals of the programme and ultimately improved long term results.

"The programme has helped me loads, my mam works in a bakery and would always be bringing things home. I only have them once a week and I have lost weight as well as this my confidence has improved."

LAF Programme Participant

7.4.15 The LAF programme has enjoyed great success and has supported over 881 families since it began in 2010. Following completion of the programme many have seen good results, increased confidence and self-esteem and have shown positive lifestyle changes. This was illustrated to the Panel when they met with a family who had been on the LAF programme and there was clear evidence of the confidence in the young person and a positive attitude to continue to make healthy lifestyle choices. However, the problem still exists that it is difficult to get families engaged with the programme, it is hoped that through the increased involvement of schools with the Change4Life programme from a primary age and the support and drive of headteachers, secondary schools games organisers and governing bodies that this reluctance can be broken down.

***Specialist Childhood Weight Management Service***

7.4.16 Working as an integrated part of the LAF programme is the Specialist Childhood Weight Management Programme which caters for children and young people (aged between 0-16 years) and their families where the child has been identified as having a BMI on or above 99.6<sup>th</sup> centile on the UK BMI or above the 91<sup>st</sup> centile with additional complex needs. The nature of the work undertaken by the Specialist Childhood Weight Management Service has resulted in long term contact with families who often have very complex needs. Due to the complexities encountered, interventions are tailored to meet the specific requirements and needs of each individual and family, this can include 1:1 appointments with a dietitian, group work with a dietitian or a combination of these with attendance on a LAF programme. The interventions are aimed to be holistic in approach and focused on helping families to make sustained changes to tackle the young person's unhealthy weight.

"All advice provided helped to change my child's lifestyle, also made my child look at the things that we needed to change."

Comment on Specialist Childhood Weight Management Programme



- 7.4.17 The weight management programme interlinks and works in conjunction with the LAF programme and in moving forward the Local Authority and NHS are looking at developing further an integrated wellness service model that provides for the multiple lifestyle risks that many people in Sunderland have. The aim will be to have services that are more aligned to the needs, assets and values of local communities so that there is a co-design approach, working with families, which eventually develops into a co-production model.
- 7.4.18 It was acknowledged by Members that often a lot of work was required with families to unpick many of the 'myths' and 'misinformation' that exists around food and diet. It was also highlighted that it was not necessarily foods that were unhealthy but diets, the importance was to ensure moderation and portion control. It was essential that there was a consistency of message on and around diet.
- 7.4.19 The programme continues to see a significant number of children and has focused very clearly on seeing families on a 1:1 basis through an increased availability of appointments in a variety of settings and at convenient times. The service continues to have a positive impact on children and their families through weight management, lifestyle choices and general wellbeing.

#### ***Family Feedback***

- 7.4.20 The true measure of such programmes and interventions are the outcomes for the young people and their families and while weight measurements and BMI calculations provide a very quantifiable assessment of progress, in talking with families it is clear that there are other positive benefits and outcomes. Members of the Panel met with a family who had undertaken, and continue to be involved with, the LAF programmes and it was evident that healthy lifestyle changes were not the only outcomes of involvement.
- 7.4.21 It was understood by Members that R (young person who provided evidence to the Panel) had been bullied through early school life and had been referred to the Specialist Childhood Weight Management Programme via the hospital. It was interesting to note that such a big step was undertaken by the whole family and the whole family supported each other. It was clear that R had undertaken a number of physical activities as part of the LAF programme and R informed the Panel that LAF activities were more enjoyable than those at school. R explained that in the LAF programme everyone was treated as an equal and was of a similar ability, with the programme designed to develop skills and enjoyment. Through these programmes R has made new friends and has increased his own confidence, which was evidenced by Members through R's attendance at the scrutiny panel meeting.
- 7.4.22 The single biggest change that the family made to their lifestyles was around portion sizes. The family, it was acknowledged, were not eating particularly unhealthily but needed advice and support around meal sizes and quantities. Also with the whole family in support changes are so much easier to adopt. In fact the family made a very simple change to help combat this issue, they bought smaller plates. RP (young person's parent) also highlighted the ability to contact the service for support and guidance at various times to help R and the family from straying off course.
- 7.4.23 The family had no reservations about undertaking the programme as they had, importantly, acknowledged that there was a problem. R also stated that all the LAF

team were very approachable and very friendly which makes the programme very accessible and enjoyable.

## 7.6 The School Setting

7.6.1 Children divide the majority of their time between home and school and it is in these settings that children will work, play, rest and eat. So important to the issue of childhood health that the Government commissioned John Vincent and Henry Dimbleby, the founders of the food company Leon, to tackle the poor public image of school meals. The School Food Plan suggests a link between nutrition and academic performance highlights that parents currently spend almost £1bn on packed lunches but only 1 per cent of them actually meet nutritional standards. In contrast, scientific studies show most school meals are a healthier option.

7.6.2 The report also suggests a range of measures for headteachers to increase take-up of school meals. They include banning unhealthy packed lunches full of sugary drinks, crisps and sweets, or even a total ban on all packed lunches. Children could also be barred from leaving school premises at break time, preventing them from buying unhealthy food, such as takeaways. But schools should also make their meals more exciting and ensure unhealthy snacks are not served during mid-morning breaks.

	Total Schools	CCS	Opt Out	% Take-Up of Schools	Pupil Roll - CCS	Take-Up	% Take-Up
Primary	82	74	8	90.2%	17,806	10,305	57.9%
Secondary	17	4	13	23.5%	3,401	1,831	53.8%
Nursery	9	9	0	100.0%	720	168	23.4%
Special	7	6	1	85.7%	466	346	74.2%
<b>TOTAL</b>	<b>115</b>	<b>93</b>	<b>22</b>	<b>80.9%</b>	<b>22,393</b>	<b>12,650</b>	<b>56.5%</b>

Figure 2: Sunderland School Meal Take-Up

7.6.3 In investigating some of the themes highlighted by the School Food Plan the Children's Services Scrutiny Panel visited Highfield Community Primary School to discuss school lunches, packed lunches and general issues around children's diet. Highfield Community Primary School has a well above average proportion of pupils known to be eligible for pupil premium, which provides additional funding for children in the care of the local authority, children of service families and pupils known to be eligible for free school meals.

7.6.4 The school was specifically chosen due to its lunchtime policy of not allowing pupils to bring packed lunches. In speaking with the Headteacher it was noted, by Members, that the school had opened five years ago with children coming from various schools within the area, and in these previous schools packed lunches had been a regular part of school life. The Headteacher discussed how the implementation of school meals for all, in place of packed lunches, had been managed concluding that communication was the key. Before implementing what was in essence a radical policy into the school it was important to ensure that key groups including school governors, teachers and support staff were on board before any such changes were communicated to parents.

7.6.5 Members were informed, during their visit, that the Senior Management Team of the school was a visible presence every morning, lunch and home time to speak with parents regarding any issues relating to these changes or other more general

issues. This added to teachers speaking with classes and also assemblies about the changes and why they were happening, through to inviting parents into school to sample the quality of school meals, had helped to make the transition. However it was reported that the school had faced a number of parents with issues relating to these changes but through a firm approach, supported by the whole school, backed by sound reasoning and justification for the actions the Headteacher and school successfully implemented a new school lunch policy.

7.6.6 The School was identified, by the Scrutiny Panel, as part of the school meals consortium (local authority provision) and offered a two choice lunch option every day for pupils. The school was also very responsive to the needs of its pupils and works closely with families where pupils are proving difficult to feed. The Headteacher explained that there were a lot of ‘narrow’ and/or traditional diets within the school and part of the role of the school was to engage with and educate pupils to broaden their tastes over time. There was also a senior member of staff at the pass everyday working and communicating with the children, ensuring that all pupils had a meal and supporting those with ‘narrow’ or traditional diets to broaden their tastes. In conjunction with this the School also runs cookery courses for parents. The Headteacher explained the importance of engaging with pupils around eating habits from a very early age otherwise there was always the risk that these habits become established and extremely difficult to change.

7.6.7 Crucially a real driver for healthy eating in the school was identified as family learning. The school holds cookery lessons with a ‘party’ at the end of the course where the food is prepared and cooked by the parents. The Headteacher highlighted the importance of developing relationships within the community and that involving those families that were clearly seen as community leaders also aided the initiative and made implementation and involvement easier.

7.6.8 The Headteacher informed the Panel that school results were very positive with pupils narrowing the gap in attainment by Year One and by Year Six pupils attainment was above the Sunderland average. These improvements cannot be simply attributed to a healthier diet or pupils eating a hot meal at lunchtime and it would be foolish to say otherwise. However, the Headteacher certainly believed that it contributed to these successes through improved concentration from healthier, nourished pupils.

7.6.9 The Food Plan is supported by the Department of Education who are to invest £17.4 million over the next two years, including £4.8m to help thousands of schools get help to increase take-up of school food, £9.6m to help schools get ready to provide school meals to all infant pupils in England from September 2014, and £3m to ensure healthy breakfasts are available for thousands of children who arrive at school hungry. It will be interesting to monitor and review the impact of these reforms and additional funding on school food standards.

7.6.10 In considering the debate around packed lunches and school meals the Scrutiny Panel Members invited a group of secondary school pupils to attend a meeting and discuss the pros and cons of packed lunches and school meals. The pupil’s comments are detailed in the table below:

<b>PACKED LUNCHES</b>		<b>SCHOOL LUNCHES</b>	
<i>Positive</i>	<i>Negative</i>	<i>Positive</i>	<i>Negative</i>
Cheaper	Sweets	Hot well-cooked dinners	Price
Supervised	No hot food	Variety of drinks	Overall poor standards
Your choice of food	Crowd	Nice area to sit in	Tougher dinner nannies

No queues	Not enough seats	Healthy Portions	Overcrowded, not enough seats
Pick healthy choices	No hot food	Clean	Expensive
Quick	Fizzy Drinks	Spacious	Dinner ladies aggressive
Wide variety of the healthy eatwell plate	Crisps	Healthy	Lines are poorly organised
Uncrowded	Area untidy, unorganised	Veg & Meat	Queues!!
Respectful	Chocolate	You don't have to carry your food around all day, more hygienic.	Bad food e.g. poorly cooked, hair in food, lack of food, poor sandwiches
Fruit	Cake	Variety of hot & cold meals	Sweet puddings & custard
Can provide a 'healthy lunch'	Stodgy puds	Different food everyday	Long Queues, it affects our lessons
Own choice	Crisps	Wide choice	Litter
Yoghurt	Litter!!	Can be cheap and tasty	Temptation
No queue in packed lunch hall	Kids can bring in items of food/drink which aren't healthy	Food is high quality and changes	Thumb print machines always breaking
Know you'll have something you like	Same thing every day in some cases	Most foods are healthy	Sometimes you can't get dinner because you've queued too long
Cheese	Could fill with unhealthy food inside	Large portions	Dirty rubbish, litter and food left on table
Sandwiches	You can choose what you want which can turn out unhealthy	Vegetables, meat, pasta	Fatty foods, not monitored so you could buy loads of fatty foods and get away with it.
		Convenience of hot food on site	Limited menu options

**Figure 3:** Pupil comments on school meals and packed lunches

7.6.11 The Scrutiny Panel also surveyed a number of schools about lunchtime policies and it was noted that the majority of schools do operate a form of lunchtime 'lockdown' whereby pupils are prohibited from leaving the school site at lunchtimes. However, some schools will allow pupils to go home at lunchtime provided that parental permissions have been given.

7.6.12 Many schools do not operate a packed lunch policy as there are issues related to the managing and policing of any such policy. It was also noted that those who did operate such a policy faced significant opposition from parents over specific elements including not allowing sugary or fizzy drinks, chocolate and sweets etc. Some schools operating packed lunch policies do try to monitor what students consume although sometimes have fallen short of banning certain foods. While other schools actively discourage fizzy/sugary drinks and will confiscate cans if seen. Schools surveyed argued that there was always drinking water available so that students do not necessarily have to buy drinks. Some schools were also looking to promote their own site-made packed lunch bag, containing healthy choice items. Other schools were providing a pre-order grab and go healthy choice packed lunch, thereby offering healthy alternatives to traditional school meals.

7.6.13 Schools also promote healthy lifestyles in a number of ways particularly through the curriculum, Sunderland Healthy Schools, Healthy Early Years and Personal, Social, Health & Citizenship Education (PSHCE). Some schools even maintain their own gardens where the children grow fruit, vegetables and herbs, which encourages young people to learn about healthy eating. The produce is also used in the kitchens so pupils witness and understand the whole food cycle from planting through to eating. Also many schools offer a wide range of sporting and physical activity opportunities with PE as part of the curriculum. Some schools also promote healthy eating cookery workshops which encourage students to cook and eat healthily.

## 7.8 Community Projects

### **Stay & Bake**

- 7.8.1 Members visited a Stay & Bake course as part of their review into childhood Obesity. It was an opportunity to understand how the Stay and Bake sessions work and how they interact and engage with hard-to-reach families around a number of key themes. The development of cooking skills and greater awareness of nutrition are only part of the benefits from the sessions, as it also allows secondary messages to be relayed to parents around key issues. In tackling child obesity such courses can act as a springboard to families cooking healthier meals, eating together and taking a greater interest in what they eat.

*"I have loved this course. It has given me confidence to experiment more at home."*

Stay and Bake Participant

- 7.8.2 The Stay and Bake course was developed from a workshop between West Children's Centres and Pennywell Early Years' Centre in 2012 where the key issues for under five year olds and their families were identified as obesity, oral health, bottle/breast feeding, speech/language development and money management. The aim of the 'cooking on a budget' style courses are to engage more effectively with hard-to-reach families needing support in the five identified areas. With parents attending the course an opportunity is created to invite specialist speakers to attend the sessions and talk with parents while their food is cooking, the secondary message. At the end of each session, parents are joined by their children to eat the food they have just cooked together for lunch.

*"My little girl is so fussy but she has tried the food we made and enjoyed them. We made the food at home too."*

Stay and Bake Participant

- 7.8.3 The courses have had a number of outcomes including the implementation of healthy eating at home, recipe requests at home from children, instigating community interest from other parents to attend the course and multi-agency interaction was very positive. The courses have continued to engage with Stay and Bake parents through follow-on courses around food hygiene, first aid, employability skills and fitness & healthy eating. The retention rates have been high with 40 per cent of parents who have attended every session going onto employment, education or training. All attendees reported feeling fitter and happier with two parents also having stopped smoking. Further feedback from previous courses highlights that parents are using their knowledge to help other family members with their cooking and healthy eating.

*"We specifically supported three 'fussy eaters', focussing on encouraging them to sit at the table, participate in the meal time and ultimately to choose to try new foods."*

7.8.4

Stay and Bake Course Supervisor

which included a cooker, fridge, bowls, and utensils. This obviously put these families at a disadvantage from many other families in being able to prepare and cook fresh healthy meals for their families. As part of the course the group would also be taken shopping to show the types and variety of foods that could be bought on a budget and how this equated to family meals. The courses were also an

opportunity to get people to try new foods. Members were informed that over the six week course a variety of meals were cooked each week with ingredients being supplied through the course. The meals cooked were manageable and cost effective using simple everyday ingredients.

### ***Other Projects***

- 7.8.5 There are many other projects and community initiatives that aim to provide opportunities for young people and their families to improve their lifestyle choices. This includes family health projects that deliver practical information and skills development around food safety, cooking, healthy eating and providing exercise opportunities. Such projects within communities also provide valuable links with LAF project workers, exercise class providers and other partner agencies providing a multi-agency approach to improving children and their families' lifestyle.
- 7.8.6 Easington Lane Community Access Point have developed in association with MBC Ceramic an innovative project that looks to encourage both changing lifestyles around food and diets and providing the skills to families to develop healthy eating. The project, which is supported by the Council's Coalfields Area Committee, will also introduce ceramics as a tool to look at producing good food on a low budget. The project will also facilitate the production, by the children, of a recipe book and ceramic bowls and will be taken to the voluntary and community sector networks for wider circulation and the project will also work with local groups and schools.
- 7.8.7 There are also numerous sports and physical activity courses which run through the school holidays that provide a combination of physical activity and sports sessions for young people. These are often delivered by the existing Local Authority commissioned youth provision services and can link in and access LAF project workers to compliment their work with information around nutrition and healthy eating. The youth provision across the city already has established relationships with many young people and can provide an access route for a number of services as well as promoting and signposting young people to a variety of services for support and help.
- 7.8.8 In Sunderland, like many cities, the football club is at the heart of the community and it is important that it recognises this responsibility and is able to use its effect as a role model to help to positively influence many of the young people who so avidly support the club. The Foundation of Light (formerly SAFC Foundation) is the official charity of Sunderland Football Club. The Foundation engages over 42,000 children, young people and families per year, using football and the SAFC brand to deliver education, health and sports programmes. Programmes include bespoke projects enhancing the national curriculum across all key stages; health and wellbeing initiatives and multi-sports coaching and targeted youth provision. The Foundation's 'Tackle It' programmes use a combination of sports coaching, classroom and workshop sessions to teach people about positive choices which impact on their academic, health and social lives. Tackle It Health/Fit for Football addresses key issues in health, nutrition and exercise which can then be incorporated into everyday activity, facilitating and encouraging a healthy lifestyle by the whole family. The Foundation has strong links with the local authority and often delivers such projects in partnership with Sunderland City Council and other partner organisations.

## **7.9 The Obesogenic Environment**

7.9.1 The term 'obesogenic environment' is often cited and has been defined as the 'sum of the influences that the surroundings, opportunities or conditions of life have on promoting obesity in individuals and populations'. The term embraces the entire range of social, cultural and infrastructural conditions that influence an individual's ability to adopt a healthy lifestyle.

### ***Active Travel & Physical Activity***

7.9.2 The Department of Health (DH) recommends that children over five should engage in at least 60 minutes of moderate to vigorous intensity physical activity every day. Physical activity that can be incorporated into everyday life, such as brisk walking and cycling, has been found to be as effective for weight loss as supervised exercise programmes. Creating an environment that encourages or promotes walking and/or cycling as part of everyday life can have a significant impact on public health. The Government sees this as an essential component of a strategic approach to increasing physical activity and may even be more cost-effective than other initiatives that promote exercise, sport and active leisure pursuits.

7.9.3 Sunderland has looked to promote the benefits of cycling through large scale events like the Sunderland Big Bike Ride which first took place in May 2011, attracting over 500 participants, and continues to go from strength to strength. The cities Walking, Cycling and Active Travel network groups also continue to work together to examine opportunities for new provision and improve cycling and walking infrastructures in the city.

7.9.4 The Local Transport Plan, setting out priorities and objectives for the development of transport, for Tyne and Wear (Gateshead, Newcastle, North Tyneside, South Tyneside and Sunderland) has clear objectives for promoting and improving the access to cycling and walking within the region. The Plan contains both cycling and walking strategies which look to achieve improved accessibility by prioritising walking and cycling; providing an improved context for public transport and reducing the over reliance on motor cars. In Sunderland accessibility will be integral to all master plans and development briefs for the city.

7.9.5 Local authorities also have an important influence over whether planning applications for new developments prioritise the need for people to be physically active as part of their daily life. Public Health England recognise that people are more likely to walk and cycle if there are destinations (such as shops, schools and employment) within walking and cycling distance. Joint Strategic Needs Assessments (JSNAs), joint health and wellbeing strategies, and other local strategies also present opportunities to consider the roles of walking and cycling. These opportunities all present numerous potential benefits for policy areas such as air quality, community safety, social inclusion, road safety, and public health.

7.9.6 The JSNA around increasing and improving physical activity is currently being refreshed but it is clear that Sunderland through a variety of initiatives, including Change4Life, LAF Programmes, Active Sunderland and school sports, want to encourage young people to be more active and importantly enjoy the sports and physical activity they undertake. It can help develop a healthy lifestyle approach and encourage more young people and their families to become more active as sports skills are developed. In speaking with Professor Kelly, Director of the Centre of Public Health (NICE), it was acknowledged how important the local environment was to encouraging sport and physical activity through the accessibility of sports, physical activities, green spaces, and facilities. It was noted that across the city there were a

range of partners and established sports clubs contributing to sport and physical activity opportunities for residents of the city.

### **Healthy Food Choices**

*'The increase in fast food outlets will be a contributory factor in the growth of the obesogenic environment.'*<sup>4</sup>

- 7.9.7 Improving the quality of the food environment, and in particular around schools, has the potential to influence families and children's food-purchasing habits, possibly influencing future diets. Action on the food environment is supported by the NICE public health guidance, 'Prevention of Cardiovascular Disease'. In this NICE recommends encouraging planning authorities "to restrict planning permission for takeaways and other food retail outlets in specific areas (for example, within walking distance of schools)".
- 7.9.8 The National Planning Policy Framework (NPPF) makes it the duty of local planning authorities (LPAs) to promote healthy communities. Local plans should "take account of and support local strategies to improve health, social and cultural wellbeing for all".
- 7.9.9 There has been extensive media coverage of a number of local authorities looking to use planning to restrict hot food takeaways as a way of tackling the levels of obesity in both young people and the adult population. A number of LPAs have such policies or draft policies to do just this. As would be expected these are urban authorities with high levels of deprivation. In a review conducted by LGiU (Local Government Information Unit) it was found that 15 councils had supplementary planning documents (SPDs) that focused on hot food takeaways or had a wider SPD on retail, shopping and town centre activities.

#### **CASE STUDY**

*Takeaways near schools in Salford could be banned from selling "hot food over the counter" before 17:00 to encourage children to eat healthily. The ban would affect new outlets opened within 400m (1,300ft) of a school.*

*The Draft Planning Policy has been out for consultation and recommends that no over the counter hot food sales are conducted before 5pm from fast food outlets. The consultation, despite widespread media coverage, only received 22 responses of which 7/8 were specific objections to either restricting people's choice or business.*

*This potential planning restriction could not be implemented retrospectively and would apply only to future take away outlets. There is also an issue around the classification of such premises and this would not cover newsagents, mini-supermarkets, garages and bakeries all of which can provide hot food of a similar nature.*

*Also in speaking with Salford City Council officers it was highlighted that if the restriction was subject to an appeal an independent appeal board could take a very different view and this could jeopardise the enforcement of the policy.*

**Salford City Council**

7.9.10

restricting access to hot food takeaways through some form of exclusion zone to designated areas or imposing specific opening time restrictions on new premises. Local concerns can also play a factor through potential increases in anti-social behaviour, late night noise, litter and crime. An overconcentration of fast food outlets can also affect a local environment and remove the diverse mixture of shops

<sup>4</sup> Takeaways Toolkit: Greater London Authority. November 2012



that can create a vibrant high street and encourage young people and families to invest both physically (through walking to the shops) and financially.

Local Authority	No. of Fast Food Outlets	Population at 2010	Crude rate per 100,000 population
Darlington	105	100,843	104
Durham	397	510,804	78
Gateshead	185	191,690	97
Hartlepool	105	91,304	115
Middlesbrough	140	142,370	98
Newcastle	274	292,179	94
North Tyneside	167	198,478	84
Northumberland	220	311,991	71
Redcar & Cleveland	113	137,398	82
South Tyneside	120	153,670	78
Stockton	159	192,389	83
Sunderland	251	283,509	89

**Figure 4:** The Prevalence of Fast Food Outlets in the North East  
**Source:** Public Health England

7.9.11 It is also worth considering that a number of authorities have had their planning decisions challenged through the appeals process. While some of these appeals have been successful many have also been rejected. The common challenge being the lack of direct evidence to link takeaway proximity with health outcomes, in many cases the existence of an exclusion zone may be a consideration in an appeal, but the decisions are very often made on other planning grounds.

#### **CASE STUDY**

*Sandwell Council adopted an SPD for hot food takeaways in 2012, which included a 400m buffer near schools. In one appeal, it was noted that as there was little support from the school affected and little secondary evidence, the application was approved. Council officers reported that they have subsequently made efforts to work more closely with public health colleagues and to engage with schools on the issue.*

*All subsequent appeals that have gone to the Planning Inspectorate have been dismissed, so the SPD appears to have been effective.*

**Sandwell Council**

**Source:** Healthy People, Healthy Lives Briefing. Public Health England. November 2013

7.9.12 Public Health England advocates that health professionals concerned with the rise and proliferation of fast food outlets should look to local councillors and lead officers to act as champions over the issue and liaise with planning officers. There is also the opportunity to set up Health Impact Assessment (HIA) training for public health and planning teams with the ultimate aim of looking at the practicalities and process for incorporating HIAs into the planning process.

7.9.13 The fact still remains that, at present, there is a lack of an evidence base to support any causal links between fast food outlets and obesity and this puts LPAs in a much weaker position if and when challenges arise. In conversation with Professor Kelly, the Panel were aware that NICE has called upon local authorities to use their existing powers in order to control the number of takeaways and other food outlets in an area, particularly near schools. Professor Kelly also highlighted the importance of developing local practices within a multi-agency field of diet, physical activity and environment to influence strategies that help people to change. NICE are very keen to urge local authorities to engage with local communities to identify the environmental barriers, and improve access to healthy eating.

### ***Lifestyle & Social Pressures***

- 7.9.14 UK culture often stigmatises the overweight and obese and this is reinforced by the fashion industry and media, impacting on the psychological well-being of children. This can manifest itself in low self-esteem, low self-confidence and can often lead to bullying issues which may result in comfort eating. It is at this point that the problem becomes circular often developing into a downward spiral. However, as already highlighted the causes of obesity are extremely complex and include numerous factors including genetics, lifestyle, environment, culture and economics.
- 7.9.15 Added to this is the fact that over the last two decades there have been significant changes to the way in which we live our lives, and these have impacted on children and young people. Technological advancements have changed the way children play and spend their free time. Children play video games, surf the internet and use social media and mobile phones on an ever increasing basis, all of which a very sedentary functions. Parents are also more inclined to drive their child to places and may be anxious if their child is playing out, often out of genuine concern from all too frequent incidents reported in the media. Eating habits have changed too. Children tend to graze by repeatedly snacking and eating and drinking more high energy, calorie laden foods but fail to use up the energy or calories they consume due to lack of physical activity.
- 7.9.16 In speaking with young people Members discovered just how brand conscious, in relation to food and drink, young people really are. Members asked a number of young people to recognise food and drink products and restaurant chains only from their logo. It was interesting to see that the young people recognised the brands very easily and this illustrated the power of advertising on creating brand awareness in young people. This was reinforced by Professor Kelly who reported that the commercial sector has much better understanding of communities and its demographic customer base and reacts better to changes in local populations or trends. The retail food sector is no different and is able to tailor their offer to the needs of specific areas and it is a strategy that is very well developed.

## **8 Conclusions**

The Panel made the following overall conclusions:-

- 8.1 Obesity is now being referred to as a ticking time bomb so critical is the situation. The World Health Organisation calls it a global epidemic with over one billion adults overweight. Perhaps more concerning is that childhood obesity is also reaching epidemic proportions with 17.6 million children under 5 estimated to be overweight worldwide. The problem is global and accounts for 2-6 per cent of total health care costs in several developed countries and the true costs are far greater when obesity-related conditions are included. These stark figures are clearly not lost on the UK government with a raft of policies and strategies focusing on and driving for improvements to these extremely important issues.
- 8.2 Change4Life is an important campaign which provides a multimedia marketing approach that helps to raise awareness to the lifestyle issues associated with obesity and has had a positive impact on recruiting families to sign up to the campaign nationally. Change4life has had a tremendous impact but how do we know that families in need of help are the ones signing up to the campaign? Other than parents, school is the one place of fundamental influence on children's habits including eating and physical activity programmes. Therefore by promoting

change4life and its various sub-brands in school provides children and families with the information to start to make changes in their lifestyles and be able to recognise change4life logos on healthy products.

- 8.3 The Sunderland children's weight management service, known locally as the LAF Programme, which includes community based programmes and a hospital based clinician led programme are well established and continue to deliver very positive outcomes for those involved. The instigation of self-referral routes to the programme has helped to make access for young people and families much easier. However it still remains a concern that many families do not recognise or deny any problems and fail to engage with the LAF Programme. The team use a variety of methods to improve referrals and the development of links with schools through the Change4Life initiative may help to encourage families to seek further support once engaged. The greater shift toward family focused provision could also help, and its virtues were well illustrated by the family interviewed by the Panel. This could be delivered as part of the integrated wellness service model.
- 8.4 The paucity of research around child obesity is recognised by NICE and organisations are only just beginning to gather data and develop research. To this end NICE have recently published guidance which is aimed at local commissioners, the NHS and providers of community-based services that take a lifestyle approach to tackling overweight or obesity in young people. It also goes to highlight the importance of the National Childhood Measurement Programme (NCMP) as a vehicle for collecting data and is an important scheme that provides evidence to help develop and target interventions. The interrogation of this and other data could also help to identify localities and population groups that are of greatest need. The NCMP could also provide the impetus to follow-up on those individuals who opt out of the measurement programme and also those identified as overweight or obese. The continued use of the NCMP will increase the evidence base available to the local authority and health partners and continue to develop a picture of Sunderland leading to the identification of trends and patterns which could assist the future development of intervention programmes.
- 8.5 Schools look set to be a key battleground for health professionals and policy makers in the fight to improve children's diet. The School Food Plan supports important reforms, from September 2014, to promote the provision and take up of healthy school food and the banning of packed lunches. As the Panel's research confirms the drive to implement such radical changes lies with the management structure within each school and ultimately the headteacher. Many schools canvassed are acutely aware of the importance of a healthy meal at school but also of the practicalities of policing children's lunches, and it is often difficult for schools to prioritise obesity as an issue. Schools do look to address the issue through specific focus on curriculum work, school meal policies, nutrition and physical activity guidelines, lunchtime pupil management, work with parents, out of hours provision. This is most effective when recognised as part of a more comprehensive strategy.
- 8.6 The School Food Plan has many positive recommendations and in speaking with a number of young people highlighted a number of interesting factors that could further contribute to its success. To be truly effective perhaps young people need a greater involvement and understanding over food choices and their eating environment to ensure that the school meal offer is as attractive as it can be to young people. It will be of interest to review the impact of the School Food Plan on schools following the introduction of reforms in September 2014.

- 8.7 Community focused interventions look to support families and young people to develop their skills around cooking, nutrition and other healthy lifestyle choices. A number of area committees are aiding the drive to tackle obesity issues through supporting a number of community based projects that aim to promote and develop family skills around cooking, physical activity and healthy lifestyle choices. These are positive steps and can help develop that whole family approach and also provide the spur that some families may need to take further support through access to more intensive support provided by Sunderland LAF programmes.
- 8.8 Evidence also demonstrates that efforts to tackle the rise in childhood obesity should focus on prevention (universally for all children) and treatment (children overweight and obese). However, more intensive efforts could be targeted at those at particular risk of obesity (for example, children with parents who are obese or those in less affluent areas) and using a combination of approaches may be beneficial since this may help ensure the appropriate intensity needed for the population at large, and for those experiencing specific risk factors.
- 8.9 The Stay and Bake Courses have received positive feedback from many of the participants and the establishment of cookery courses for families on a budget are initiatives that are being used or developed in many community and school settings which again support the whole family approach. The ability of such courses to also provide additional information around many other healthy lifestyle issues including oral hygiene, debt management etc. only helps to strengthen the support available. Again it will be important to review these programmes and look to measure the outcomes in terms of the difference these courses can make to families lifestyle and the choices they make.
- 8.10 The increased reliance on the car over the last fifty years has contributed to the decline in people walking and cycling. This steady decline mirrors the increase in the proportion of inactive, overweight and obese people within the population. Public Health England recognises that US research has indicated that each additional kilometre walked per day is associated with a 4.8 per cent reduction in the likelihood of obesity; conversely each additional hour spent in a car per day increases the likelihood of obesity by 6 per cent. In looking to boost active travel local authorities can provide a cost-effective investment to tackle obesity and support the active transport components within local transport plans. As well as supporting evidence based guidance from NICE and the Association of Directors of Public Health. Active initiatives like the Sunderland Big Bike also helps to promote active travel and the local transport plan and JSNA both set out clear priorities and objectives for developing and supporting active travel locally and regionally.
- 8.11 Fried chicken, beef burgers, pizza, kebabs the list of fast food options goes on and on and is almost as endless as the number of outlets that seem to flourish in town and city centres. The vibrancy of the local environment, brought about by a mixture of retail outlets on the high street, is in danger of being lost or overwhelmed by fast food takeaways, money lending shops and licensed betting offices. Increasingly local authorities are looking to planning policy to prohibit or restrict fast food takeaways and promote healthy communities. There are of course issues with this and gathering evidence that directly links takeaway proximity with health outcomes remains difficult. However this should not deter from the opportunity for both planning and public health teams to explore the practicalities of health impact assessments within the planning process in relation to fast food takeaways.

8.12 The way young people and families play, interact and eat has changed in line with modern fast paced lifestyles and the traditional physical activities associated with play have often been replaced by more hi-tech sedentary pastimes. There is no doubt that the rise in obesity and child obesity is at the forefront of global, national and regional policy makers as the issue has no signs of declining. The importance of focusing on prevention and treatment with families is crucial and through developing robust evidence bases, demonstrated by the NCMP, policy makers can look to targeted interventions. However the impact of interventions will need to be monitored closely, and as the evidence grows policy makers and service designers will need to determine those interventions that prove most effective in the battle against obesity.

## **9 Recommendations**

9.1 The Children's Services Scrutiny Panel has taken evidence from a variety of sources to assist in the formulation of a balanced range of recommendations. The Panel's key recommendations are as outlined below:-

- (a) That Public Health Strategy looks to monitor the implementation and impact of the School Food Plan reforms on local schools and that this is complemented by an enquiry to the Secretary of State for Education as to how this will be undertaken at a national level;
- (b) That Public Health and Planning teams within the local authority look to conduct joint training sessions related to Health Impact Assessments (HIA) considering the practicalities to incorporating HIAs within the planning process;
- (c) That data gathered from the National Childhood Measurement Programme (NCMP) along with intelligence gathered from the impact of other obesity and lifestyle programmes, including LAF Programmes and community based or led services across Sunderland, is utilised to model and target intervention resources effectively;
- (d) That Public Health Strategy explore and consider ensuring that key policy documents including the Joint Strategic Needs Assessment, the Joint Health and Wellbeing Strategy, other local needs assessments and strategies, and where appropriate local area committees and frontline councillors consider and take into account realistic opportunities to increase active travel.

## **10. Acknowledgements**

10.1 The Committee is grateful to all those who have presented evidence during the course of our review. We would like to place on record our appreciation, in particular of the willingness and co-operation we have received from the below named:-

- (a) Nonnie Crawford – Director of Public Health;
- (b) Lorraine Hughes – Public Health Lead;
- (c) Victoria French – Assistant Head of Community Services;
- (d) Tracy Webb – Senior Specialist Dietician – Sunderland Hospitals;
- (e) Dan Hattle – Planning Implementation Technical Manager;
- (f) Professor Mike Kelly – Director of the Centre of Public Health (NICE);

- (g) Simon Marshall – Headteacher Highfield Community Primary School;
- (h) Christine Bulmer – Wellness Programme Manager;
- (i) Felicity White - Head of Nutrition & Dietetics;
- (j) Stay and Bake Participants;
- (k) Staff and Pupils from Thornhill School;
- (l) LAF Programme Participants and Families.

## 11. Background Papers

11.1 The following background papers were consulted or referred to in the preparation of this report:

- (a) Obesity and the environment: increasing physical activity and active travel. Public Health England. 2013;
- (b) Obesity and the environment: regulating the growth of fast food outlets. Public Health England. 2013;
- (c) Healthy Lives, Healthy People: A call to action on obesity in England. Department of Health. 2011;
- (d) Healthy People, Healthy Lives Briefing. Public Health England. November 2013;
- (e) Change4Life: Three Year Social Marketing Strategy. Department of Health. 2011;
- (f) Obesity: working with local communities. National Institute for Health and Clinical Excellence. 2012;
- (g) Obesity, hot food takeaways and planning: Salford and beyond. Local Government Information Unit. 2013;
- (h) The School Food Plan. Henry Dimbleby and John Vincent. 2013;
- (i) The views of young people in the UK about obesity, body size, shape and weight: A systematic review. University of London. 2013; and
- (j) Sunderland Lifestyle, Activity and Food (LAF) Programme and Specialist Childhood Weight Management Service: Annual Report. Sunderland City Council. 2013.

Ref	Recommendation	Action	Owner	Due Date	Progress Commentary
(a)	That Public Health Strategy looks to monitor the implementation and impact of the School Food Plan reforms on local schools and that this is complemented by an enquiry to the Secretary of State for Education as to how this will be undertaken at a national level.	<ul style="list-style-type: none"> <li>• Provide analysis of the impact on meals take-up from September 2014</li> <li>• Look at the impact of the School Food Plan on service provision in Schools</li> <li>• Look at how changes are communicated with schools and parents</li> <li>• Provide a summary and overview of the implementation and impact of the school food plan within consortium schools to scrutiny and Public Health</li> <li>• That the Scrutiny Committee enquire to the DfE as to the monitoring arrangements around outcomes from a national level</li> </ul>	Director of Public Health / FM Business Development Manager (Consortium Schools)          Scrutiny Officer	Feb 2015          Sept 2014	
(b)	That Public Health and Planning teams within the local authority look to conduct joint training sessions related to Health Impact Assessments (HIA) considering the practicalities to incorporating HIAs within the planning process	<ul style="list-style-type: none"> <li>• Investigate the work being undertaken by other local authorities in relation to fast food licensing/planning</li> <li>• Establish health impact assessment (HIA) training for public health and planning teams and agree a process for incorporating HIAs into the planning process.</li> <li>• Public Health professionals to identify councillors and lead officers to act as champions on the issue and liaise with planning officers.</li> </ul>	Director of Public Health / Interim Head of Planning	Jan 2015	

<b>(c)</b>	That data gathered from the National Childhood Measurement Programme (NCMP) along with intelligence gathered from the impact of other obesity and lifestyle programmes, including LAF Programmes and community based or led services across Sunderland, is utilised to model and target intervention resources effectively	<ul style="list-style-type: none"> <li>• USE NCMP data to identify high prevalence areas for targeted interventions</li> <li>• Develop action plan with Childhood Obesity Group to identify additional capacity and gaps with provision</li> <li>• Use findings from the review to support development of action plan</li> <li>• Use data from weighing and measuring pilots carried out by the LAF team within primary and secondary schools to look at emerging data trends</li> </ul>	Health Improvement Practitioner/Public Health Lead	Ongoing – review progress April 2015	
<b>(d)</b>	That Public Health Strategy explore and consider ensuring that key policy documents including the Joint Strategic Needs Assessment, the Joint Health and Wellbeing Strategy, other local needs assessments and strategies, and where appropriate local area committees and frontline councillors consider and take into account realistic opportunities to increase active travel	<ul style="list-style-type: none"> <li>• Area Committees, People &amp; Place Boards with assistance from Public Health People and City Services Staff consider actions that are beneficial to the access to healthy food and active travel agenda</li> <li>• Look at how strategic policies and plans can support active travel</li> <li>• Ensure active travel is considered alongside other intervention and outcomes are identified through the JSNA process</li> <li>• Ensure that active travel projects are rigorously evaluated.</li> </ul>	Director of Public Health/Area Committees	Jan 2015	



## EQUALITY ANALYSIS

Please refer to Part 2 of the Equality Analysis Guidance

### **Name of Policy/Decision/Project/Activity:**

Children's Services Scrutiny Panel – Child Obesity: Policy Review recommendations Action Plan 2013/14

### **Equality Analysis completed by:**

Name / Job Title  
Nonnie Crawford Director of Public Health  
Date: 4.04.14

### **Responsible Officer:**

Name /Job Title: Nonnie Crawford  
Director of Public Health

Date: 4.04.14

**Is this a:** Policy ( ) Strategy ( ) Function ( )  
Service ( ) Project ( ) Other ( x )

**Is it:** New/Proposed ( x )  
Changing/Being Reviewed ( ) Other ( )

## 1. Purpose and Scope

### **Purpose**

In this section outline briefly what the policy, decision or activity is, what the intended outcomes/benefits (linked to the Corporate Outcomes Framework) are and over what period of time will the outcomes be achieved. Why does it need to be implemented or revised?

The action plan sets out how the Council will, in 2014/15, implement the recommendations of the Children's Services Scrutiny Panel's Policy Review of Child Obesity

### **Scope**

In this section consider who or where is the target for the policy or activity, this could be specific groups of people or organisations, individual wards, neighbourhoods or communities or the entire city. Links to, and overlap with, wider, local, sub-regional, regional or national priorities or activities should also be considered.

The target beneficiaries of the action plan are all children, young people and families of the City, but we recognise that obesity levels are not equally spread across the socioeconomic spectrum, with higher levels of obesity being found among people living in disadvantaged communities.

### Intelligence and Information

What sources of information have been used to inform this assessment/analysis? This should include but is not limited to consultations, resident/service user feedback and statistical data and intelligence.

Intelligence, evidence and data utilised from that submitted to the Child Obesity Policy Review

Implementation of the plan will include data collected via a number of sources including from local people (adults and children).

## 2. Analysis of Impact on People

This section offers an opportunity to assess the intended and potential impact of the policy, decision or activity on the people of Sunderland. This includes specific consideration of the impact on individuals, groups with protected characteristics and communities of interest within the city. Please briefly outline any positive, negative or neutral impacts on the specific groups below. In this assessment it is important to remember the Council is required to give due regard to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Characteristic	List of Impacts		
	Positive	Neutral	Negative
Age	Reduction in child obesity and associated health risks	None	None.
Disability	Reduction in child obesity and associated	None	None.

	health risks		
Gender/Sex	Reduction in child obesity and associated health risks	None	None.
Marriage and Civil Partnership	Reduction in child obesity and associated health risks	None	None
Pregnancy and maternity	Reduction in child obesity and associated health risks	None	None.
Race/Ethnicity	Reduction in child obesity and associated health risks	None	None.
Religion/belief	Reduction in child obesity and associated health risks	None	None.
Sexual Orientation	Reduction in child obesity and associated health risks	None	None.
Trans-gender/gender identity	Reduction in child obesity and associated health risks	None	None.

**Other individuals or groups impacted on:**

The policy or action may also have an impact on other groups or individuals which are not covered by the statutory requirements. Please outline any additional individuals or groups which have not already been covered. This could include socio-economic groups, voluntary and community sector, carers or specific communities which face additional challenges (such as former coal mining areas or areas of high deprivation)

It is not anticipated that any specific groups or communities would be affected by this action plan other than the benefits they will receive as part of the general population.

**Gaps in intelligence and information:**

Having undertaken the analysis are there any areas of intelligence or information which need to be improved? Please outline and areas where the current information is not complete enough to take a decision. Addressing this gap should be covered in the action plan.

There may be issues relating to availability of information on the implementation of the school food plan by those schools who are not part of the consortium receiving school meals delivered by council contracted services (25% of the total)

**Policy/Decision/Project/Activity Title:**

Children's Services Scrutiny Panel – Child Obesity: Policy Review 2013/14 recommendations Action Plan

**Responsible Officer:** Nonnie Crawford, Director of Public Health

### 3. Summary of Impacts and Response to Analysis

Please provide a summary of the overarching impacts that have been highlighted through the analysis process through the three questions below. It is important to recognise that individuals may belong to one or more of these characteristic groups and the combined impact could be greater than any single impact.

**Who will the policy/decision/project/activity impact on and who will benefit?**

The plan will directly impact upon children, young people and their families. All residents of the city will benefit from the delivery of the actions both directly and indirectly

**Who will not benefit and why not?**

It is not anticipated that any specific group would not benefit as a direct result of the plan

**Who should be expected to benefit and why don't they?**

All children receiving school meals should benefit but it is currently unknown how implementation is progressing in those schools not currently receiving meals from the Council's contracted services.

### 4. Response to Analysis, Action Plan and Monitoring,

In this section please outline what actions you propose to take to minimise the negative, and maximise the positive, impacts that have been identified through the analysis. By considering and implementing these actions the policy or action can be refined to make sure that the greatest benefits are achieved for the people of Sunderland. The performance monitoring process should also be set out to explain how ongoing progress is going to be followed to make sure that the aims are met.

From the analysis four broad approaches can be taken, (No major change, continue with the policy/action despite negative implications, adjust the policy/decision/action or stop the policy/action). Please indicate, using the list below, which is proposed.

No Major Change (  )

Continue Despite Negative Implications (  )

Adjust the Policy/Decision/Project/Activity ( )

Stop ( )

**Action Plan**

ACTION	WHO	WHEN	MONITORING ARRANGEMENTS

October 2013

**CABINET MEETING –16 APRIL 2014**  
**EXECUTIVE SUMMARY SHEET – PART I**

**Title of Report:**

The Localism Act 2011- Assets of Community Value

**Author:**

Report of the Deputy Chief Executive

**Purpose of Report:**

To seek Cabinet’s approval to the proposed arrangements to implement the Community Right to Bid provisions contained in the Localism Act 2011.

**Description of Decision:**

Cabinet is recommended to:

- (1) Note the Council’s obligations under the Localism Act in relation to Assets of Community Value (“ACV”) and the Community Right to Bid and approve the proposed arrangements set out in this report for administering these new duties.
- (2) Authorise the Head of Planning and Property to maintain and publish the required lists of ACV and unsuccessful nominations for ACV and to take all necessary steps to promote and implement the proposed arrangements.
- (3) Authorise the Head of Planning and Property in consultation with the Head of Scrutiny and Area Arrangements to receive and determine nominations to list any building and/or other land as ACV and to deal with compensation claims relating to listing of ACV
- (4) Authorise the Deputy Chief Executive, in consultation with the Cabinet Secretary and the Portfolio Holder for Responsive Services and Customer Care, to determine any review of such decision of the Head of Planning and Property and Head of Scrutiny and Area Arrangements as mentioned in (3) above
- (5) Recommend Council to authorise the Head of Law and Governance, in consultation with the Leader, to amend the Council’s Constitution as necessary to reflect the above arrangements

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

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

**Suggested reason(s) for Decision:**

The Localism Act 2011 and The Assets of Community Value (England) Regulations 2012 Regulations introduced the Community Right to Bid (“the scheme”). The scheme gives communities the opportunity to nominate land and buildings for listing as ACV with the aim that if a listed asset is put up for sale, community groups are given time to mobilise themselves to bid for it.

The Council is required to administer the scheme. The procedure and timescales for dealing with nominations, compensation, reviews and subsequent disposals of ACV are defined within the legislation and in order to meet the various prescribed deadlines the responsibilities need to be delegated to relevant officers.

**Alternative options to be considered and recommended to be rejected:**

The Council has a statutory duty to comply with the Assets of Community Value provisions contained in the Act so the proposed steps outlined in this report must be undertaken to enable the Council to implement the provisions in practice.

**Impacts analysed;**

Equality  Privacy  N/A Sustainability  N/A Crime and Disorder  N/A

**Is this a “Key Decision” as defined in the Constitution?** Yes

**Is it included in the 28 day Notice of Decisions?** Yes

**Scrutiny Committee**



**LOCALISM ACT 2011- ASSETS OF COMMUNITY VALUE**

**REPORT OF DEPUTY CHIEF EXECUTIVE**

**1. Purpose of the Report**

To seek Cabinet's approval to the proposed arrangements to implement the Community Right to Bid provisions contained in the Localism Act 2011.

**2. Description of Decision (Recommendations)**

Cabinet is recommended to:-

(1) Note the Council's obligations under the Localism Act in relation to Assets of Community Value ("ACV") and the Community Right to Bid and approve the proposed arrangements set out in this report for administering these new duties.

(2) Authorise the Head of Planning and Property to maintain and publish the required lists of ACV and unsuccessful nominations for ACV and to take all necessary steps to promote and implement the proposed arrangements.

(3) Authorise the Head of Planning and Property in consultation with the Head of Scrutiny and Area Arrangements to receive and determine nominations to list any building and/or other land as ACV and to deal with compensation claims relating to listing of ACV

(4) Authorise the Deputy Chief Executive, in consultation with the Cabinet Secretary and the Portfolio Holder for Responsive Services and Customer Care, to determine any review of such decision of the Head of Planning and Property and Head of Scrutiny and Area Arrangements as mentioned in (3) above

(5) Recommend Council to authorise the Head of Law and Governance, in consultation with the Leader, to amend the Council's Constitution as necessary to reflect the above arrangements

**3. Background**

**3.1 Key Provisions of the Assets of Community Value**

In summary, the provisions give local groups a right to nominate land or property to be listed as ACV if the principal use of the asset furthers (or has recently furthered) their community's social well-being or social interests (which include cultural, sporting or recreational interests) and

is likely to do so in the future. If the asset is listed the provisions give community groups a fairer chance to mobilise themselves to bid for it.

The Council is required to administer the scheme. The procedures to be followed are detailed in the legislation and in order to meet the various prescribed deadlines responsibility needs to be delegated to the most relevant officers

The main provisions are detailed below with the precise requirements contained in Part 5 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.

### **3.2 Building or land within a Local Authorities area is classified as ACV if in the opinion of the authority:**

- an actual current use of the building or other land furthers the social wellbeing or social interests of the local community, and
- it is realistic to think that there can continue to be use of the building or other land which will further the social wellbeing or social interests of the local community.

If the above criteria are not met the building or land could still be considered as of ACV if:

- there is a time in the recent past when an actual use of the building or other land furthered the social wellbeing or interests of the local community, and
- it is realistic to think that there is a time in the next five years when there could be use of the building or other land that would further the social wellbeing or social interests of the local community.

The Council will need to determine if a nominated Asset meets the above definition and will set its criteria for a successful nomination wide enough to allow for reasonable discretion on the part of the decision makers.

### **3.3 A nomination to list ACV can only be received from a relevant body with a local connection.**

Local authorities cannot list land on their own initiative, it must be nominated. The voluntary or community bodies which may make community nominations are set out below:-

- A Parish Council or Neighbouring Parish Council if it borders an unparished area;
- An Unincorporated Body with at least 21 local individuals who appear on the electoral role within a local authority or neighbouring local

authority and which does not distribute any surplus it makes to its members;

- a Neighbourhood Forum;
- Community Interest Groups with a local connection which must have one of the following structures:-
  - a) A Charity
  - b) A Community Interest Company
  - c) A Company Limited by Guarantee that is non profit distributing
  - d) An Industrial and Provident Society that is non-profit distributing

A local group can only nominate if it can demonstrate that its activities are wholly or partly concerned with the local authority area where the asset sits or with a neighbouring authority.

### **3.4 A Nomination must include:**

- a description of the nominated land or buildings including its proposed boundaries,
- a statement detailing all information which the nominator has with regard to the freeholders, leaseholders and current occupants of the land including names and addresses,
- the nominator's reasons for thinking that the authority should conclude that the land or buildings are ACV.
- Evidence that the nominator is eligible to make a community nomination

### **3.5 On receipt of a valid nomination the Council must decide within eight weeks whether to include the land or buildings in the List of Assets of Community Value**

### **3.6 If an Asset is considered to be of Community Value then the Asset must be added to the list of ACV.**

The ACV list must be maintained and published by the Local Authority. The maintenance of the list will include the inclusion of new assets and the removal of existing assets following a successful review/appeal, a relevant disposal, where the Council form the view that the land or building is no longer of community value or the expiry of 5 years beginning with the date of the entry. An asset can be re-listed should it be nominated again.

### **3.7 Assets not considered to be of Community Value**

The Council must maintain and publish a list of unsuccessful nominations which must include reasons for the land not being listed and the nominator must be informed.

**3.8 The owner of ACV included in the Asset list can request a review within 8 weeks**

**3.9 The Council will appoint an officer of the appropriate seniority who did not take part in making the listing decision to carry out the review.**

As soon as practicable following the written request for review, the Council must notify the owner of the procedure to be followed in connection with the review. An oral hearing must be held at the owner's written request. The Council must complete the review within eight weeks of receipt of the written request to review or such longer period as agreed with the owner in writing.

**3.10 If the Owner remains dissatisfied following the review of the Council's decision they can appeal to the General Regulatory Chamber of the First-Tier Tribunal of HM Courts and Tribunals.**

**3.11 An owner of a listed Asset must notify the Council when they intend to make a relevant disposal of the asset.**

When notice is received the Council must:

- Update the ACV list to note that a notice has been received, the date that the notice was received together with the details of relevant timetables
- Notify the group who nominated the Asset with the updated details to the ACV list
- The disposal must be publicised

**3.12 A Parish Council or Community body as defined by the Act have six weeks from the date of notification of intention to dispose to advise whether they wish to be treated as a bidder.**

If such a notice is received then the group have a full moratorium period of six months from the date that the Council receives notification from the owner to submit a bid for the property.

At the end of the full six month moratorium period the owner can consider the bids for the property and is free to sell to whomever they choose at whatever price.

**3.13 An owner is entitled to compensation**

If an owner can prove that they have incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed they can make a claim for compensation to the Council with a prescribed timetable.

#### **4. Proposal**

It is proposed that the above legislation be implemented by Authorising the Head of Planning and Property to maintain and publish the required lists of ACV and unsuccessful nominations for ACV and to take all necessary steps to promote and implement the proposed arrangements and authorising the Head of Planning and Property, in consultation with the Head of Scrutiny and Area Arrangements to receive and determine nominations to list any building and/or other land as ACV and to deal with compensation claims relating to listing of ACV.

It is also proposed that the Deputy Chief Executive, in consultation with the Cabinet Secretary and the Portfolio Holder for Responsive Services and Customer care, be authorised to determine any review of such decision of the Head of Planning and Property and Head of Scrutiny and Area Arrangements as mentioned above it is also proposed that details of the Community Right to Bid are appropriately published and posted on the Council's website together with the required lists and a nomination form for local groups ease of use.

#### **6. Reasons for the Decision**

6.1 The Localism Act 2011 and The Assets of Community Value (England) Regulations 2012 Regulations introduced the Community Right to Bid ("the scheme"). The scheme gives communities the opportunity to nominate land and buildings for listing as ACV with the aim that if a listed asset is put up for sale, community groups are given time to mobilise themselves to bid for it.

6.2 The Council is required to administer the scheme. The procedure and timescales for dealing with nominations, compensation, reviews and subsequent disposals of ACV are defined within the legislation and in order to meet the various prescribed deadlines the responsibilities need to be delegated to relevant officers.

#### **7. Alternative Options**

- 7.1 The Council has a statutory duty to comply with the Assets of Community Value provisions so the proposed steps outlined in this report must be undertaken to enable the Council to implement the provisions in practice.
- 7.2 If the Council does not delegate the responsibility for meeting the provisions of the Act it would prove difficult to meet the timescales dictated by the Act which could lead to a breach of the legislation and additional compensation payments.

## **8. Financial Implications**

- 8.1 The Council must meet the cost of preparing, maintaining and publishing the appropriate property lists and dealing with the disposal opportunities in accordance with the Act. The council may also receive requests for compensation from private owners for loss and expense incurred through the asset being listed or previously listed.
- 8.2 The Council must meet the costs of advertising the Assets of Community Value process on the Council website.
- 8.3 The Council will receive New Burdens funding of £8,000 in both 2013/14 and 2014/15 to meet the costs referred to above, including the estimated costs of compensation (the government estimates only 40 successful claims each year for compensation nationally). The government will also meet the cost of compensation payments over £20,000 for any authority in a financial year.

## **9. Impact Analysis**

### **9(a) Equalities –N/A**

9(a)(i) The Government has published an Impact Assessment of Community Right to Bid. This includes assessment of the preferred option to provide a moratorium on the sale of an asset designated as an asset of community value, but with no right of first refusal, for community bodies. The equalities impact assessment of this option found that there were no foreseeable adverse impacts on any single equality group. The policy change was considered to provide greater opportunities for those affected by closure and disposal of private and public assets to obtain and run them. It is stated that mechanisms of support will be considered for those who require it, targeting those who lack the skills, expertise and knowledge to make a competitive bid for an asset.

9(a)(ii) There are not considered to be any particular equality or diversity implications for the proposals set out in this report as the assessment of community nominations will need to be carried out in a consistent manner in accordance with the requirements of the regulations. There will be a need to ensure documents relating to Assets of Community Value are available in accessible formats if required and that the lists are available to view at the Customer Service Centre as required by the legislation.

9(a)(iii) With regard to human rights implications the Government's Impact Assessment (DCLG, Community Right to Bid – Impact Assessment, 21 June 2012) recognises that imposing a moratorium on sale of a listed site will be an interference with the owner's property rights under Article 1 of Protocol 1 to the European Convention on Human Rights. It is stated that the interference is justified in the

general interests of the community. The provision for compensation is considered to contribute to making the temporary restriction on sale a proportionate way of achieving the benefit for the community. Attention is also drawn to the right for a landowner to request an internal review by the local authority of its decision to list their land. In response to the results of national public consultation and to ensure Article 6 compliance, the legislation also allows landowners to claim compensation for loss of value and expenses incurred as a consequence of adhering to provisions. They are also able to appeal against a decision on a compensation claim.

**9(b) Privacy Impact Assessment (PIA) – N/A**

**9(c) Sustainability**

**Sustainability Impact Appraisal**

Sunderland Strategy Objectives cross check with decisions outcomes:

**• Prosperous City**

No impact

**• Healthy City / Safe City**

No Impact

**• Learning City**

No impact

**• Attractive and Inclusive City**

No Impact

**9(d) Reduction of Crime and Disorder – Community Cohesion / Social Inclusion** – The Localism Act gives communities the right to identify a building or other land they believe to be important to the communities social well-being. The aim is that if the asset comes up for sale they will be given a fair chance to make a bid for the asset on the open market. This means groups will have more time to put together a credible bid and raise funds.

**10. Other Relevant Considerations / Consultations**

The Government has published additional guidance on this issue which provides further detail to the summary provided by this report. This can be found in the DCLG document, *Community Right to Bid: Non-statutory advice note for local authorities* October 2012.

**11. Background Papers**

Localism Act 2011

Assets of Community Value (England) Regulations 2012





**CABINET MEETING – 16 APRIL 2014**  
**EXECUTIVE SUMMARY SHEET – PART I**

**Title of Report:**

Interim Waste Management arrangements commencing 1 April 2014

**Author(s):**

Deputy Chief Executive

**Purpose of Report:**

To inform of the urgent decision taken to enter into interim waste management arrangements with the Council's new PFI contractor, SITA South Tyne and Wear when existing waste management arrangements expired on 31 March 2014.

**Description of Decision:**

To note and endorse the urgent decision of the Deputy Chief Executive taken in March 2014 to allow the Council to enter into interim waste management arrangements with SITA South Tyne and Wear ahead of formal commencement of the new PFI contract when its existing waste contract expired on 31 March 2014.

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

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

**Suggested reason(s) for Decision:**

- To facilitate the continued service provision when the existing waste management arrangements ended on 31 March 2014.
- To avoid the excessive additional costs that would have resulted if the Council procured alternative arrangements and to take advantage of the waste treatment rates offered by SITA South Tyne and Wear ('SITA') ahead of service commencement.
- To ensure disruption to the new waste collection service was minimised by allowing the use of the newly constructed waste transfer facilities.

**Alternative options to be considered and recommended to be rejected:**

The Council could have extended its current waste contract on increased rates or procured an interim arrangement for an uncertain period of time. However these options would have been more costly and difficult to procure due to uncertainties on timescales..

<b>Impacts analysed;</b>  Equality <input type="checkbox"/> Privacy <input type="checkbox"/> Sustainability <input type="checkbox"/> Crime and Disorder <input type="checkbox"/>	
<b>Is this a “Key Decision” as defined in the Constitution?</b> <b>Yes</b>  <b>Is it included in the 28 day Notice of Decisions?</b> <b>Yes</b>	<b>Scrutiny Committee</b>

**INTERIM WASTE MANAGEMENT ARRANGEMENTS COMMENCING 1  
APRIL 2014**

**REPORT OF THE DEPUTY CHIEF EXECUTIVE**

**1. Purpose of the Report**

To inform of the urgent decision taken to enter into interim waste management arrangements with the Council's new PFI contractor, SITA South Tyne and Wear when existing waste management arrangements expired on 31 March 2014.

**2. Description of the Decision.**

To note and endorse the urgent decision of the Deputy Chief Executive taken in March 2014 to allow the Council to enter into interim waste management arrangements with SITA South Tyne and Wear ahead of formal commencement of the new PFI contract when its existing waste contract expired on 31 March 2014.

**3. Background**

The Council's Waste Management Contract ended on 31<sup>st</sup> March 2014 and there was no practical or affordable contractual option available to extend the contract beyond its term.

Service commencement for the PFI Energy from Waste (EfW) Contract was scheduled to begin on 1<sup>st</sup> April 2014 allowing for a seamless transition between contracts however, due to issues experienced with the steam turbine, which generates electricity at this key facility, commissioning was delayed. It is essential contractually that this issue is resolved before the completion works can be signed off by the external certifier representing the Council. The extent of the delay is not known.

Originally when the problems were first encountered with the EfW key facility in early 2014, and corrective actions were identified, delays were expected to be short term if at all and hence a delegated decision was taken on 17<sup>th</sup> February 2014 to cover interim arrangements for the service period between the 1<sup>st</sup> April and 7<sup>th</sup> April 2014, the latest expected service commencement date.

The known costs of the new PFI waste treatment service when compared to the known increase in landfill tax which comes into force on 1<sup>st</sup> April 2014, along with any additional charge that any new or existing service supplier would charge will result in major non budgeted expenditure if the Council continued to send its household waste to

landfill. This additional cost due to landfill tax increases and difference in gate prices would amount to at least £16,000 per week.

The Waste Transfer Stations ('WTS's') at Jack Crawford House and Campground have been developed in support of the EfW key facility as local delivery points for the Council's refuse collection vehicles and were expected to be signed off as complete by the external certifier before 1 April 2014.

Revised collection rounds were introduced to accommodate the new infrastructure and service efficiencies based around a four day week. The new collection service was timed for implementation to align with the start of the PFI contract. In order to ensure appropriate Waste Management arrangements were in place for 1<sup>st</sup> April 2014 until commissioning of the EfW key facility the following options were considered:-

- 1) Undertake a procurement process - this option was disregarded due to the unknown timescale caused by the delay, employee liabilities on transfer from the Council's existing service provider and the fact that EfW key facility may become operational prior to the procurement process being completed.
- 2) Extend the existing contractual arrangements with the current Contractor Alex Smiles - this option would incur additional escalated landfill tax charges (LFT) of £80 per tonne in addition to any negotiated gate fee charged for the entire tonnage managed during the interim period. An option disregarded due to increased costs.
- 3) Contract directly with SITA the new Contractor.

Option 3 was the preferred option as it provides a transition into the new arrangements with the commencement of usage of the newly developed WTS's and minimal impact and disruption on new revised collection rounds.

The following 3 waste management options for the residual waste delivered to the WTS's have been submitted by SITA:

- 1) Treatment by EfW at Teesside – Existing EfW lines 2&3 or commissioning to test the new EfW key facility which is fully operational.
- 2) Treatment at the Byker Mechanical Biological Treatment Facility to generate Refuse Derived Fuel (RDF)

- 3) Landfill via Path Head by way of contingency if none of the above treatment options were available for technical reasons.

The interim arrangement requires SITA to manage the Council's waste through the most sustainable and economically viable options which are illustrated above in order of priority.

The cost options submitted by SITA per tonne of waste material means that options 1 and 2 above are around £8 per tonne less expensive than the current contractors rate, that is before any inflationary and gate fee increases that may result from any attempt to negotiate a short term contract extension from 1 April 2014.

The period of the interim waste management arrangement is still expected to be short term, and may be concluded by 21 April 2014. In the unlikely event that the EfW key facility commissioning period is extended considerably, the Council has the option to procure alternative interim arrangements.

The Council's partners in the South of Tyne and Wear Waste Management Partnership, namely Gateshead and South Tyneside Councils, already deliver their waste to SITA UK and have been offered similar terms to those offered to the Council to use the new facilities pending the completion of commissioning works at the EfW key facility.

TUPE transfer arrangements would commence at the start of the interim arrangements making the transition from the temporary arrangements to the EfW Waste Management Contract as seamless as possible once the new facility is commissioned and operational.

### **3. Recommendation**

It is recommended that the decision to proceed with option 3, to enter into an interim arrangement with SITA pending formal service commencement of the Waste PFI contract is endorsed.

### **4. Reasons for the Decision**

#### **4.1 For the following reasons:**

- To facilitate the continued service provision when the existing waste management arrangements ended on 31 March 2014.
- To avoid the excessive additional costs that would have resulted if the Council procured alternative arrangements and to take advantage of the waste treatment rates offered by SITA South Tyne and Wear ('SITA') ahead of service commencement.

- To ensure disruption to the new waste collection service was minimised by allowing the use of the newly constructed waste transfer facilities.

## **6. Alternative Options**

- 6.1 The Council could have extended its current waste contract on increased rates or procured an interim arrangement for an uncertain period of time. However these options would have been more costly and difficult to procure due to the uncertainties on timescales.

## **7. Relevant Considerations**

Financial Implications – The decision has ensured the Council avoids additional costs of at least £16,000 per week.

Risk Analysis – The Council needs to ensure continued reliable and affordable supply of a waste management service.

Employee Implications – None.

Legal Implications –Legal advice is to enact the most efficient and cost effective measures on the grounds of urgency. Option 3 is supported.

Implications for other services – None.

Procurement – Corporate Procurement have been consulted on the course of action and support the proposals.

Sustainability Implications- The arrangements will offer the continued opportunity for sustainable waste treatment with reduction in the reliance on landfill.

## **8. Background Information**

- 8.1 None

# EQUALITY ANALYSIS

Equality Analysis completed by:

Responsible Officer: Colin Curtis

## Name(s)/Job Title

Name	Job Title	Date
Colin Curtis	Assistant Head of Street Scene	3.3.14

## Purpose and Scope

### Purpose

The purpose of the decision is to ensure that the Councils new PFI waste management arrangements can commence on 1/4/14 which is ahead of the formal start date which has been delayed due to final commissioning technicalities. The Councils existing waste contract will expire on 31/3/14 so the Council has had to decide whether to go out procurement for a short period to fill the gap between the end of the existing and formal start date (as yet not confirmed) of the new PFI waste contract, negotiate an extension with the existing contractor until the new PFI contract starts (with unknown costs), or agree an interim short term waste management arrangement with SITA, the new FPI service provider with known costs.

This covers:

- The management and treatment of the Councils household waste. day to day operation of the MRF currently provided by a specialist external service provider.

### Scope<sup>1</sup>

- All household waste collected by the Councils refuse collection service

### Intelligence and Information

---

<sup>1</sup> Extracted from signed off Transport & Fleet Scoping Document

The sources of information used include the following;

- Discussions with OCE Senior Management Team including Deputy Chief Executive, Corporate Procurement and Human Resources;
- Communication and consultation with South of Tyne Waste Management Partnership Procurement Team.
- Professional experience and knowledge from in house and neighbouring council officers who have extensive experience.
- Data relating to costs of providing the service analyses by OCE Financial Management Team.

### Analysis of Impact on People

Characteristic	List of Impacts		
	Positive	Neutral	Negative
Age		No Impacts are anticipated	
Disability		No Impacts are anticipated- The physical characteristics of the blue bin recycling service will not change	
Gender/Sex		No Impacts are anticipated- contractors will have to submit their own policies and procedures as part of the procurement process.	
Marriage and Civil Partnership		No Impacts are anticipated	
Pregnancy and maternity		No Impacts are anticipated- contractors will have to submit their own policies and procedures as part of the procurement process.	
Race/Ethnicity		No Impacts are anticipated contractors will have to submit their own policies and procedures as part of the procurement process.	
Religion/belief		No Impacts are anticipated	
Sexual Orientation		No Impacts are anticipated- contractors will have to submit their own policies and procedures as part of the procurement process.	
Trans-gender/ gender identity		No Impacts are anticipated	



**Other individuals or groups impacted on**

Characteristic	List of Impacts		
	Positive	Neutral	Negative
Council Employees	By reducing the MRF disposal costs resources employed in the service	N/A	N/A
Contractors employees and TUPE Regulations	Positive	The New service provider SITA is undergoing TUPE transfer of identified employee from the existing service provider, and consulting with those employees on vacancies available with in SITA. If the option was taken to re procure the waste management arrangements for a short period, those TUPE arrangements would be disrupted and complicated, with negative impacts on the identified employees.	N/A

**Gaps in intelligence and information:**

N/A

**Summary of Impacts and Response to Analysis**

**Who will the policy/activity impact on and who will benefit?**

- The main beneficiary is the Council in respect of reduce spend.

**Who doesn't benefit and why not?**

- The impact of the review is intentionally designed to be "invisible" to the public/customers.

**Who should be expected to benefit and why don't they?**

- No groups are expected to benefit.

**Response to Analysis, Action Plan and Monitoring Arrangements**

- No major changes are considered to be required at this time, specific service changes will be evaluated by the working groups.

**Action Plan and Monitoring**

ACTION	WHO	WHEN	MONITORING ARRANGEMENTS
Assistant Head of Streetscene will lead on monitoring the performance of the contractor closely to ensure there are no un intended negative impacts.	Assistant Head of Streetscene	Standing agenda item	Quarterly at Contract Review meetings
The Waste Manager will monitor contract performance to ensure there are no negative impacts on site users in terms of reduction in the quality of service provided over what is currently in place, and, including health and safety risks or environmental harm caused by the process..	Waste Manager	Standing agenda item	Quarterly at Contract Review meetings, and review of complaints and feedback received on the service.

**CABINET MEETING – 16 APRIL 2014**

**EXECUTIVE SUMMARY SHEET- PART I**

**Title of Report:**

Beamish Museum – Guarantee

**Author(s):**

Head of Financial Resources

**Purpose of Report:**

This report outlines proposals to provide Beamish Museum with a proportionate guarantee which will assist the Museum in their initial Stage 1 bid for £10.75m Heritage Lottery Funding.

**Description of Decision:**

Cabinet is recommended to

a) provide a Guarantee for a proportionate share of the still to be raised match funding of up to £4.5m on condition that the Museum will first seek as much external grant funding as possible over the duration of the project design/ development phase from May 2014 to December 2015, and then utilise all of its projected operating surpluses and reserves before any call, will be made to its guarantor constituent authorities. In the event that a call is made on the guarantee, the Museum will enter into arrangements with the Council and other relevant constituent authorities to repay the same.

b) note that any funding arrangement that may be required by constituent authorities would be subject to a separate report to Cabinet.

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

Yes

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

**Suggested reason(s) for Decision:**

The provision of a Guarantee will significantly increase the chances of success of the Museum's HLF stage 1 bid for £10.75m of grant funding to develop the Museum's attractions and in the unlikely event the guarantee is ever called then it would be recovered by the guarantor constituent authorities on a commercial loan basis to be agreed. In this event a further report to Cabinet would be necessary to review the proposed arrangements in conjunction with the other constituent authorities involved.

**Alternative options to be considered and recommended to be rejected:**

There are no alternative options recommended.

**Impacts analysed:**

Equality

Privacy

Sustainability

Crime and Disorder

<b>Is this a “Key Decision” as defined in the Constitution?</b> Yes	<b>Scrutiny Committee</b>
<b>Is it included in the 28 day Notice of Decisions?</b> No	

## Cabinet 16<sup>th</sup> April 2014

### Beamish Museum - Guarantee

#### Report of the Head of Financial Resources

#### 1 Purpose of Report

- 1.1 This report outlines proposals to provide Beamish Museum with a proportionate guarantee which will assist the Museum in their initial bid for £10.75m Heritage Lottery Funding.

#### 2 Description of Decision

- 2.1 Cabinet is recommended to
- a) provide a Guarantee for a proportionate share of the still to be raised match funding of up to £4.5m on condition that the Museum will first seek as much external grant funding as possible over the duration of the project design/development phase from May 2014 to December 2015, and then utilise all of its projected operating surpluses and reserves before any call, will be made to its guarantor constituent authorities. In the event that a call is made on the guarantee, the Museum will enter into arrangements with the Council and other relevant constituent authorities to repay the same.
  - b) note that any funding arrangement that may be required by constituent authorities would be subject to a separate report to Cabinet.

#### 3 Background Proposed Beamish HLF Bid / Development Plan

- 3.1 The Museum is proposing a major development project "Remaking Beamish project" which involves a £15.25m capital investment programme from April 2016 to December 2020 which is expected to create 95 new full time jobs and 50 apprenticeships, increasing visitor numbers in excess of 500,000 per annum and growing turnover up to £11m by 2024/2025.

- 3.2 The £15.25m development will involve extending the period Beamish illustrates every day life in the North East from the 1820's through to the 1950's. There are three main strands:

1820's (£4.5m): Coaching Inn offering overnight stays  
Blyth windmill reconstruction  
Quilter's cottage

1950's (£9.5m) Housing area including overnight stays  
Homes for memory centre for people living with dementia  
Shopping & recreation centre  
Cinema & period cafe  
40 acre farm

Infrastructure project (£1.25m) inc. trolleybus, roads/paths and biomass heating

- 3.3 Match funding of £4.5m is required and the Museum is seeking a guarantee to help strengthen the HLF bid at this initial stage since competition for national funding of this scale is expected to be extremely high.

3.4 Currently the still to be raised matched funding is anticipated to be sourced from:

External Grant Funding	£2.9m
Contributions / Donations	£0.3m
Use of Beamish Surpluses (In year and reserves)	£1.3m (or £4.2m if grant funding is not secured)
<b>Total</b>	<b>£4.5m</b>

#### **4. Due diligence and proposed Guarantee**

4.1 The Museum has provided comprehensive financial projections for the period 2013/14 to 2019/2020 which have been fully reviewed and are considered prudent.

4.2 In summary, the projections show that in total the Museum expects to be able to cover almost the entire match funding required through receipts even before external funding is taken into account. The surpluses projected for each year include developments prudently coming on stream over the 5 year period of the project which is considered reasonable. This view is based on an analysis of the projections and also the Museum's recent track record, which has seen it generate significant operating surpluses in the last 5 years.

4.3 The Museum Director has also indicated that the programme will be reviewed in the light of available resources over the next eighteen months. If in the unlikely event funding was required then the Museum would then consider the level of the remaining programme and take actions to reduce costs further / scale back the project where possible to minimise any call on its guarantor constituent authorities. As the bid is also at a very early stage it is important that the bid is first successful and if necessary a further review of funding the project could be requested.

#### **5. Proposed Guarantee**

5.1 Durham and Sunderland as main constituent authorities have discussed the position and have concluded that based on all of the detail provided and set out above that a proportionate Guarantee of up to £4.5m can be supported on the condition that the Museum will first seek as much external grant funding as possible, then utilise all of its internal operating surpluses / reserves before any call, as a last resort, would be made to its two guarantor constituent authorities.

5.2 In the unlikely event funding was required by the Museum under this guarantee arrangement then Cabinet would receive a further report to review the position in conjunction with its other constituent authorities and to agree the basis on which the guarantee provided would be recovered.

5.3 In this respect it is proposed that recovery of any guarantee called would be provided on a commercial loan basis which would be based upon a preferential loan note agreement over a short term period of up to 5 years, the details of which would need to be agreed and approved by Cabinet.

#### **6. Financial Implications**

6.1 The financial implications are set out within the body of the report.

## **7.0 Legal Implications**

The Head of Law and Governance has been consulted and her comments are included within the body of the report.

## **8. Reasons for Decision**

8.1 The provision of a Guarantee will significantly increase the chances of success of the Museum's HLF stage 1 bid for £10.75m of grant funding to develop the Museum's attractions and in the unlikely event the guarantee is ever called then it would be recovered by the guarantor constituent authorities on a commercial loan basis to be agreed. In this event a further report to Cabinet would be necessary to review the proposed arrangements in conjunction with the other constituent authorities involved.

## **9. Alternative Options**

9.1 The alternative option would be for the Council not to provide a guarantee. However, this option is not recommended as this may lessen the chance of the bid to HLF being successful

## **10. Impact Analysis**

10.1 There are no impact assessment implications.

