

THE CABINET reports as follows:-

1. New Executive Arrangements

That they have given consideration to a joint report of the Chief Executive and the Chief Solicitor (copy attached) on the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) requires Authorities to make changes to executive arrangements. The report recommends the process for implementing the changes, and the necessary consultation, to enable the Council to determine future arrangements in accordance with the Act.

Accordingly the Cabinet recommends the Council to consider the basis upon which the consultation on new executive arrangements should be carried out and to authorise the Chief Executive to carry out such consultations and take all other necessary steps in relation thereto in accordance with the timetable proposed in the report.

[**N.B.** It is proposed that the consultation process would include providing relevant information to the public about the specified forms of executive arrangements, without expressing a preference by the Council at this stage].

2. Updating of the Constitution

That they have given consideration to a joint report of the Chief Executive and the Chief Solicitor (copy attached) to propose amendments to the Constitution to reflect the proposed new terms of reference for Area Committees, the transition to a new organisational structure and some minor amendments required to reflect legislative or other changes.

Accordingly, the Cabinet recommends the Council to approve the amendments to the Council’s Constitution detailed in the report, and the arrangements proposed in respect of the delegation of powers both generally and to deal with that transition to the new organisational structure.

3. Children and Young People’s Plan 2009-10 and 2010-25

That they have given consideration to a report of the Director of Children’s Services (copy attached) on the Children and Young People’s Plan (CYPP) 2009-10.

Partners and Members across the Children’s Trust and Council have been consulted on the CYPP 2009/10 and on proposals for the 15 year Commissioning Strategy. The report and Plan had also been forwarded to the former Children’s Services Review Committee for advice and consideration during the consultation process and the Committee had endorsed the Plan.

Accordingly the Cabinet recommends the Council to approve the CYPP 2009-10 and to approve the proposals for a 15 year Children and Young People's Plan Commissioning Strategy 2010-25.

N.B. Members are requested to bring their copy of the Children and Young People's Plan 2009-10 Document which was circulated in the Cabinet Agenda of 3 June, 2009 or alternatively the document can be viewed on-line at:-

<http://www.sunderland.gov.uk/committees/CmisWebPublic/Binary.ashx?Document=11965>

4. Food Law Plan 2009/2010

That they have given consideration to a report of the Director of Community and Cultural Services (copy attached) on the Services Food Law Service Plan for 2009/2010 and to seek approval of the Plan.

The Cabinet recommended the Council approve the Food Law Enforcement Service Plan.

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

N.B. Members are requested to bring their copy of the Food Law Service Plan 2009/2010 Document which was circulated in the Cabinet Agenda of 3 June, 2009 or alternatively the document can be viewed on-line at:-

<http://www.sunderland.gov.uk/committees/CmisWebPublic/Binary.ashx?Document=11957>

<p>CABINET MEETING – 3rd JUNE 2009</p> <p>EXECUTIVE SUMMARY SHEET – PART I</p>	
<p>Title of Report: NEW EXECUTIVE ARRANGEMENTS</p>	
<p>Author(s): Report by the Chief Executive and the City Solicitor</p>	
<p>Purpose of Report: The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) requires authorities to make changes to executive arrangements. This report recommends the process for implementing the changes, and the necessary consultation, to enable the Council to determine future arrangements in accordance with the Act.</p>	
<p>Description of Decision:</p> <ol style="list-style-type: none"> 1. That Cabinet considers and recommends to Council the basis upon which the consultation on new executive arrangements should be carried out. 2. That the Chief Executive be authorised to carry out such consultations and to take all other necessary steps in relation thereto in accordance with the timetable proposed in this report. 	
<p>Is the decision consistent with the Budget/Policy Framework? Yes</p>	
<p>If not, Council approval is required to change the Budget/Policy Framework</p>	
<p>Suggested reason(s) for Decision: It is necessary for the Council to comply with the statutory requirements in relation to making a change to its executive arrangements and to undertake appropriate consultations.</p>	
<p>Alternative options to be considered and recommended to be rejected: In the light of the foregoing no alternative options are submitted.</p>	
<p>Is this a “Key Decision” as defined in the Constitution? No</p>	<p>Relevant Scrutiny Committee: Management</p>
<p>Is it included in the Forward Plan? No</p>	

NEW EXECUTIVE ARRANGEMENTS

Report of the Chief Executive and the City Solicitor

1. Purpose of Report

1.1 The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) requires authorities to make changes to executive arrangements. This report recommends the process for implementing the changes, and the necessary consultation, to enable the Council to determine future arrangements in accordance with the Act.

2. Description of Decision

2.1 That Cabinet considers and recommends to Council the basis upon which the consultation on new executive arrangements should be carried out.

2.2 That the Chief Executive be authorised to carry out such consultations and to take all other necessary steps in relation thereto in accordance with the timetable proposed in this report.

3. Background

3.1 By virtue of the Local Government Act 2000 (‘the 2000 Act’), the Council was able to choose one of three specified forms of executive arrangements. These were:-

- (a) A Mayor and Cabinet Executive, or
- (b) a Leader and Cabinet Executive, or
- (c) a Mayor and Council Manager Executive

3.2 Following the result of the referendum for an elected Mayor In October 2001, the Council resolved to adopt the Leader and Cabinet Executive model. The Council’s Constitution currently provides for the Executive Members to be appointed by the Council at its annual meeting.

3.3 The original moratorium period of five years following a referendum was increased to ten years and there is no need to advertise the 5% figure of the electorate until February 2012. However, the government is currently consulting on reducing this to a period of four years.

3.4 The 2007 Act amends the 2000 Act by narrowing the choices available to the Council for executive arrangements to:

- (a) A Mayor and cabinet executive
- (b) A Leader and cabinet executive (England)

and enables an Authority to move to those arrangements without holding a referendum.

It is also important to note that under the 2007 Act, the Executive Members may only be appointed by the Leader of the Council. The previous discretion is removed. The proposals in the Bill for a Directly Elected Executive (Cabinet) were dropped.

3.5 The Leader must be elected at the Annual meeting in 2010. In the case of authorities holding partial Council elections (like Sunderland) the Leader's term of office is until their term of office as Councillor expires. The Authority can remove the leader earlier by resolution.

These provisions are subject to Regulations which have not yet been issued.

4. **Current Position**

4.1 Government guidance states that these changes are aimed at securing strong, visible leadership for Local Authorities. In drawing up proposals, authorities must consider the extent to which the proposals assist in securing continuous improvement in the way in which the authority's functions are exercised, having regard to the combination of economy, efficiency and effectiveness. Even if the proposal is merely to move to the "new style" Leader and Cabinet Executive arrangements in accordance with the 2007 Act, the Council must draw up proposals for change, including a timetable, and take reasonable steps to consult local and other interested people. An Authority may provide for the change in governance arrangements to be subject to approval in a referendum, the result of which would be binding on the Authority.

4.2 After this process, a Council resolution is ultimately required to change the Executive arrangements. The 2007 Act requires Metropolitan Councils to pass the resolution before 31 December 2009.

4.3 The other executive model option is the Mayor and Cabinet Executive. The main features of this model are that a Mayor is directly elected and cannot be removed by the Council and a two thirds majority is required to overturn a Mayor's budget proposals.

4.4 Members may consider that the Leader and Cabinet Executive (England) model is better suited to the circumstances of Sunderland. It ensures the Leader has the clear support of the full Council, and the

opportunity to ensure Executive roles are undertaken by those who will be most effective. It places strong leadership in the hands of a Leader supported by an Executive he considers best able to fulfil their roles. It also has the merit of consistency since it is nearer to the existing Executive arrangements which have operated successfully since May 2002 as the Council's CPA record demonstrates.

4.5 Proposed Timetable

The following timetable is proposed:

- (a) Report to Cabinet – 3 June 2009.
- (b) Report to Council – 24 June 2009.
- (c) Advertisement and Consultation period July – August. Suggested consultation would include Sunrise and the Council's website.
- (d) Report to Cabinet on the outcome of the consultation – September/October 2009.
- (e) Report to Council seeking resolution to amend the Constitution to give effect to the proposed changes – November 2009.
- (f) The new form of governance arrangements shall operate on the third day after the local government elections in May 2010.

4.6 Proposed Consultation

The Act specifies a twelve week period for consultation if it is proposed to move away from an elected mayor and cabinet executive, resulting from a referendum but is silent on other situations. The period must be reasonable (4-6 weeks minimum).

Case law has established that to achieve procedural fairness consultation must:

- be undertaken when the proposals are still at a formative stage, ie no pre-determined decision has been made and the public body is not merely paying 'lip-service' to its obligation to undertake a consultation. Whilst the Council may not mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view in relation to petitions for elected Mayors, it is permissible to have a preferred option, provided the Council consults on all possible options and not merely its preferred option.
- include sufficient reasons for the proposals to allow any interested party the opportunity to consider the proposal to formulate a response
- include allowing adequate time for interested parties to consider the proposals and formulate their response; and
- include taking all the results from interested parties conscientiously into account when the ultimate decision is taken.

5. **Reasons for the Decision**

It is necessary for the Council to comply with the statutory requirements in relation to making a change to its executive arrangements and to undertake appropriate consultations.

6. **Alternative Options**

In the light of the foregoing no alternative options are submitted.

Background Papers

Local Government Public Involvement in Health Act 2007.
Strong and Prosperous Communities White Paper.

<p>CABINET MEETING – 3 JUNE 2009</p> <p>EXECUTIVE SUMMARY SHEET – PART I</p>	
<p>Title of Report: UPDATING OF THE CONSTITUTION</p>	
<p>Author(s): Chief Executive and City Solicitor</p>	
<p>Purpose of Report: To propose amendments to the Constitution.</p>	
<p>Description of Decision: That Council be recommended to approve the amendments to the Council's Constitution detailed in this report, and the arrangements proposed in respect of the delegation of powers both generally and to deal with that transition to the new organisational structures.</p>	
<p>Is the decision consistent with the Budget/Policy Framework? Yes</p>	
<p>If not, Council approval is required to change the Budget/Policy Framework</p>	
<p>Suggested reason(s) for Decision: It is necessary to revise the Constitution for the reasons set out in the report and to make arrangements to deal with the transition to the new organisational structure.</p>	
<p>Alternative options to be considered and recommended to be rejected: None are submitted for consideration.</p>	
<p>Is this a "Key Decision" as defined in the Constitution? No</p>	<p>Relevant Scrutiny Committee: Management</p>
<p>Is it included in the Forward Plan? No</p>	

UPDATING THE CONSTITUTION

Report of Chief Executive and City Solicitor

1. Purpose of Report

- 1.1 To propose further amendments to the Constitution.

2. Description of Decision

- 2.1 That Council be recommended to approve the amendments to the Council's Constitution detailed in this report, and the arrangements proposed in respect of the delegation of powers both generally and to deal with that transition to the new organisational structures.

3. Introduction and background

- 3.1 At the annual meeting on 13 May 2009 Council approved amendments to the Constitution in respect of portfolio responsibilities and the establishment of seven scrutiny committees. It was indicated that further proposals would be forthcoming in respect of Area Committee arrangements, and this report describes these proposals. In addition, authorisation is sought in respect of arrangements for the exercise of delegated powers by officers in view of the transition to a new organisational structure.

Finally, some relatively minor "housekeeping" amendments have been prepared to reflect legislative or other changes.

4. Current Position

The propose amendments and rationale are set out below:-

4.1 Article 4 (a) (i)

Definition of policy framework. The Best Value performance plan will be deleted from the list of plans and strategies as it is no longer required to be prepared.

The word "sustainable" is to be inserted before "Community Strategy", to reflect legislation.

Article 4 (iii) replace "Comprehensive Performance Assessment Plan" with "Comprehensive Area Assessment plan".

Article 12.03

Monitoring Officer functions.

Amend paragraph 12.03 (e) by inserting the underlined words:

“The monitoring officer will conduct investigations into matters referred by ethical standards officers or the Standards Committee and make reports or recommendations in respect of them to the Standards Committee”.

This reflects the changed arrangements.

Article 14.02

Replace “contract procedure rules” with “procurement procedure rules”.

4.2 Area Committees, Part 1, Article 10

Members have been fully involved in the development of the Community Leadership programme.

In addition, to the new ways of working revised terms of reference have been prepared to reflect their new role. These are set out in Appendix 1.

Part 3 – Responsibility for Functions

Section 1 Responsibility for Local Choice Functions

Paragraph 2.1 – The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 align adult social care and health complaints processes into a single set of arrangements. They require the complainant to be involved in the way in which the complaint is handled, by requiring the body dealing with the complaint to offer to discuss this with the complainant. They also remove prescription around the timescale to be followed in terms of investigating a complaint.

The Director of Health, Housing and Adult Services has put in place the new arrangements.

In paragraph 2.1 complaints considered by the panel now relate to “adult social care” functions rather than “social services” functions

In paragraph 7 the reference to the function of conducting best value reviews can now be deleted.

Section 2

Planning and Highways Committee

Further functions have accrued to this Committee as set out below:

- 3) to comment upon relevant Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs);
- 4) to consider reports on proposed changes to national planning policy;
- 5) to consider reports on the proposed DPDs of neighbouring authorities where the Council is a consultee;
- 6) to receive monitoring reports on the performance of the development and building control sections.

Section 2 Paragraph H

The additional underlined word needs to be added.

“The Council shall exercise the power to promote, make or oppose local or personal Bills”.

M. Audit and Governance Committee

The Audit Commission have requested local authorities to ensure that treasury management policies are inter alia scrutinised in detail by a specialist committee, usually the audit committee.

Accordingly, it is proposed the terms of reference of the Audit and Governance Committee the following additional item be included amongst the matters upon which it makes recommendations or comments to Cabinet or Council as appropriate,

“11. to receive, consider, and monitor reports on treasury management policy, strategy and practices”.

N. Adult Social Care Partnership Board.

The Director of Health, Housing and Adult Services has conducted a review and proposes that its status be changed from an advisory committee of Council (under S101 of the Local Government Act 1972) to a partnership body, as part of the refreshed Local Strategic Partnership, where it would undertake a similar role.

However, it will still be comprised of the same number of elected members and political group representation.

Part 3 – Section 4 – Delegations to Chief Officers

1. Chief Executive

Paragraph 1.2(a) delete the words “Members of the Council”. These notices are recorded by the City Solicitor.

New paragraph 1.17

“To be the responsible person for ensuring compliance with the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009”.

Regulation 4 (4) (a) provides this function has to be undertaken by the Chief Executive.

Re-number existing paragraph 1.17 to 1.18.

2. Director of Health, Housing and Adult Services

6.2.1 To authorise the deprivation of liberty of persons pursuant to the Mental Capacity Act 2005.

2. Generally

The existing delegations need to be amended to reflect new job titles. Further, Council needs to agree that the delegated powers will be revised as set out in Appendix 2 and that these will take effect on the appointment of the Deputy Chief Executive and Director of City Services. Finally, where there is an interregnum between the departure of a current Chief Officer and a new Chief Officer that the Chief Executive be authorised to delegate the exercise of such powers to a relevant Head of Service.

Part 7 – Management Structure

This section is being revised to reflect the changes recently approved by Cabinet .

5. **Reasons for Decision**

It is necessary to revise the Constitution for the reasons set out in the report and to make arrangements to deal with the transition to the new organisational structure.

6. **Alternative Options**

None are submitted for consideration.

Background Papers

Constitution

APPENDIX 1

10.02 Form, Composition and Function

(a) Table of area committees

The Council will appoint the area committees as set out in the first column of the table below, composed as set out in the second column of that table with the terms of reference set out in the third column.

Name of Committee	Composition	Terms of Reference
<p>Sunderland North (Castle, Fulwell, Redhill, St Peter's and Southwick wards).</p> <p>Sunderland East (Doxford, Hendon, Millfield, St. Michael's and Ryhope wards).</p> <p>Sunderland West (St. Anne's, Pallion, Sandhill and Barnes, St. Chads and Silksworth wards).</p> <p>Washington (Washington East, West, Central, North and South Wards).</p> <p>Coalfields (Copt Hill, Hetton, Houghton and Shiney Row wards).</p>	<p>All Members of the Council representing those wards included within each area committee boundary.</p>	<p>The purposes of the Area Committee are to:</p> <ul style="list-style-type: none"> • Lead development of a Local Area Plan, which includes all main priorities for improvement of the Area, for approval by Cabinet. • Lead and enable effective implementation of the Local Area Plan. • Monitor the quality and effectiveness of services delivered by the Council and other main providers in the Area. • Actively encourage local residents to become involved in decision-making on matters which affect them. <p>In pursuit of these objectives the Area Committee may:</p> <ul style="list-style-type: none"> • Consult, engage and involve local people and organisations in development and delivery of the Local Area Plan. • Consult, engage and involve partner agencies in development and delivery of the Local Area Plan. • Actively review the activities of other agencies within its area with a view to ensuring that services, initiatives and their manner of delivery meet local requirements as fully as possible.

		<ul style="list-style-type: none">• Constructively challenge service providers to improve the standards of service and the levels of public satisfaction and trust with them.• Identify priorities for allocation of budgets delegated to the Area Committee.• Commission activity to improve local quality of life and public satisfaction in its area.• Promote and publicise initiatives taken to improve local quality of life and public satisfaction and to increase participation in decision-making.• Request and consider reports in support of the Area Committee's work. <p>The Area Committee will also produce an Annual Report which will review and evaluate the degree to which it was successful in achieving its objectives and effective in promoting Community Leadership.</p>
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Delegations currently held by the Director of Community and Cultural Services to transfer to the Director of City Services

Delegations currently held by the Director of Development and Regeneration

Transfer to Deputy Chief Executive

9.55 To manage, operate and develop regeneration policies and activities.

Delegation currently held by Head of Environmental Services

Transfer to Head of Street Scene

8.1 The Head of Environmental Services [*Street Scene*] within the Community and Cultural [*City*] Services Directorate, shall be the person to whom oral representations may be made for the purposes of Section 5(6) of the Vehicles (Crime) Act, 2001 and is authorised to determine whether or not the registration of the operator concerned should be refused or cancelled in the light of such representations.

Delegation currently held by Head of Transport and Engineering

Transfer to Head of Street Scene

10.1 To authorise the creation of bus stop clearways provided that if any objections are received they shall be reported to the Director of Development and Regeneration [*Executive Director of City Services*] for consideration in consultation with the Chair of Planning and Highways Committee and relevant Portfolio Holder.

Delegations currently held by the Director of Development and Regeneration in relation to highways, road traffic etc. matters

Transfer to Executive Director of City Services

- 9.1 To permit or restrict the placing of apparatus over, in or under a highway and to authorise the granting of licences, to erect structure, scaffolding hoardings, the planting of trees and to license works and the like as provided under the Highways Act 1980, the New Roads and Street Works Act 1991, including the exercise of all those functions in relation to highways contained in paragraph B of Schedule 1 of the Local Authorities (Functions and Responsibilities) England Regulations 2000.
- 9.2 To adopt highways and arrange for alterations to the layout of highways.
- 9.3 To authorise the entering into of any agreements under the Highways Act 1980 and the subsequent adoption of highways constructed under such agreements and to require the making up of any private streets.
- 9.4 To approve plans and specifications in respect of retaining walls and other structures.
- 9.5 To provide additional street lighting points to accord with highway construction schemes.
- 9.6 To authorise the display of posters on lamp columns.
- 9.7 To approve the erection of promotional banners under Section 132 of the Highways Act 1980.
- 9.8 To authorise the stopping-up and diversion of highways under the Highways Act 1980 and the Town and Country Planning Act 1990, provided that if any statutory representations or objections are received to any Order which the Council is required to consider they shall be reported to the Planning and Highways Committee for determination.
- 9.9 To make Orders as provided under the Road Traffic Regulations Act 1984 and to serve notices under section 14(2) to make temporary restrictions and prohibitions provided that if any statutory representations or objections are received to any Order which the Council is required to consider they shall be reported to the Planning and Highways Committee for consideration.
- 9.10 To manage the Council's car parks generally, effecting any changes in operations, including changes in tariffs, which he may deem to be expedient, and to authorise the parking of vehicles on highways.

- 9.11 To approve applications and to authorise the serving of Notices under the New Roads and Street Works Act 1991.
- 9.12 To serve Notices under the Highways Act 1980.
- 9.19 To authorise the issuing of instructions and variation orders as Engineer to a contract made under the Institution of Civil Engineers Conditions of Contract, in accordance with the Council's Rules of Procedure.
- 9.20 To consider applications for registration and re-registration of bus services and following submit observations or objections to the Traffic Commissioners as appropriate following consultation with the Chairman of the Planning and Highways Committee and appropriate Ward Councillors.
- 9.21 To deal with relevant applications in respect of planning and highways matters made by the licensee in relation to the operation of the cable franchise system.
- 9.22 To authorise the erection of bus stop signs and in consultation with Ward Councillors, the provision and removal of bus shelters.
- 9.38 To liaise generally with Northumbria Water Limited with regard to sewerage, sewage disposal and land drainage and in particular to seek adoption of sewers by Northumbria Water Limited under Section 104 of the Water Industry Act 1991.
- 9.40 To exercise the functions of the Council in respect of coastal defence.
- 9.42 To exercise the Council's functions in respect of road safety including education, training and school crossing patrols.
- 9.43 To arrange for the provision and maintenance of street lighting.
- 9.44 To exercise all those functions relating to public rights of way contained in Part I of Paragraph I of Schedule 1 of the Local Authorities (Functions and Responsibilities) England Regulations 2000 as amended, including the power to authorise, and where no objections or representations are received, to confirm the making of any Orders in respect of highways, footpaths, bridleways, and streets. Provided always that if any objections or representations are received to such Orders which the Council is required to consider they shall be reported to the Planning and Highways Committee for determination.
- 9.56 To issue fixed penalty notices in relation to graffiti and flyposting under the Anti-Social Behaviour Act 2003.
- 9.57 To issue graffiti removal notices under the Anti-Social Behaviour Act 2003.

- 9.59 To authorise the making of Gating Orders under the Highways Act 1980 provided that if any statutory representations or objections are received to any order which the Council is required to consider they shall be reported to the Planning and Highways Committee for consideration.
- 9.60 To enforce the provisions of Section 54 of the Clean Neighbourhoods and Environment Act 2005 and any regulations made thereunder, in relation to site waste management plans.
- 9.61 In consultation with the Chair of Planning and Highways Committee and relevant Portfolio Holder to consider and recommend the action to be taken where objections are received in respect of any bus stop clearway proposed by the Head of Transport and Engineering.

Delegations currently held by the Director of Development and Regeneration relating to Port of Sunderland matters

Transfer to Deputy Chief Executive

- 9.68 To issue and sign Notices to Mariners.
- 9.69 To issue and to sign licences, permits or certificates, to store petroleum, carbide of calcium and explosives within the boundaries of the Port.
- 9.70 To dispose of old or surplus equipment arising solely from the operation of the Port.
- 9.71 To act as Ship's Husband, with authority to make all declarations required by the Merchant Shipping Acts for the registration of all vessels owned by the Council.
- 9.72 To issue and to sign licences to foyboatmen under Section 57 of the Sunderland Corporation Act, 1972.
- 9.73 To issue and to sign Works and Dredging Licences under Section 23 and 24 of the Sunderland Corporation Act, 1972.
- 9.74 To exercise the powers of the Authority as set out in the Authority's Byelaws made under Section 63 and 65 of the Sunderland Corporation Act 1972.
- 9.75 To prepare and implement when necessary an Oil Pollution Plan.
- 9.76 To prepare and implement when necessary a Port Emergency Plan.
- 9.77 To appoint Pilots under the Pilotage Act 1987 pursuant to the Authority's responsibilities as a Competent Harbour Authority.
- 9.78 To delegate to the Harbour Master, such powers as may be necessary to enable discharge of the Port's statutory duties under appropriate Harbour Regulations.
- 9.79 To take such action as may be necessary to promote the commercial use of the Port.
- 9.80 To discharge the statutory obligations of the Council as Port Authority in compliance with such legislation or guidance as may, from time to time, be published by Government.
- 9.81 To prepare and submit for approval by the Cabinet a Marine Operations Code for the Port and to assume responsibility for its operation.

9.82 To license pleasure boats and pleasure vessels under Section 94 Public Health Acts, Amendment Act 1907.

Delegations currently held by the Director of Development and Regeneration

Transfer to Deputy Chief Executive

- 9.13 To receive, pass or reject all plans, certificates and notices pursuant to the Building Regulations 2000.
- 9.14 To accept or reject all notices pursuant to the Building (Approved Inspectors etc.) Regulations 2000 and to take any necessary action under Regulation 20 thereof in relation to partly completed work.
- 9.15 To administer and collect fees including Value Added Tax pursuant to The Building (Local Authority Charges) Regulations 1998.
- 9.16 To exercise the Council's functions in respect of dangerous and dilapidated buildings and other structures including authorising service of Notice under the Public Health Acts 1936 and 1961 and the Building Act 1984.
- 9.17 To grant exemptions under the Building Regulations 2000 for cavity wall insulation works.
- 9.18 To number and renumber houses.
- 9.23 To determine all forms of planning and other applications under Part III of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act, the Planning (Hazardous Substances) Act 1990 or under any related secondary legislation except those reserved to the Planning and Highways Committee and the Development Control Sub-Committee.
- 9.24 To declare highways and environmental schemes as Council approved for development control purposes.
- 9.25 To decide whether an application for planning permission is for a development which is likely to have significant effects on the environment, and if he so decides, to require the applicant to submit an environmental statement under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- 9.26 To determine applications for reserved matters and conditions following the granting of planning permission (except applications in respect of local authority developments) and for minor alterations to existing permissions (i.e. design and materials).
- 9.27 To determine applications for consent under Orders under Section 198 of the Town and Country Planning Act 1990 to the cutting down, topping, lopping or destruction of trees.

- 9.28 To determine applications for consent under Regulations made under Section 220 of the Town and Country Planning Act 1990 for the display of advertisements.
- 9.29 To determine applications for Certificates of lawfulness of existing use or development and of lawfulness of proposed use or development under Section 191 and 192 of the Town and Country Planning Act 1990.
- 9.30 To determine the validity of applications for deemed consent under the Planning (Hazardous Substances) Act 1990.
- 9.31 To determine whether or not prior approval should be sought for proposed works of demolition under Section 55 of the Town and Country Planning Act 1990.
- 9.32 To decline to determine applications for planning permissions pursuant to Section 70A of the Town and Country Planning Act 1990.
- 9.33 To secure the proper maintenance of land adversely affecting the amenity including the service of notices.
- 9.34 To exercise the Council's functions to control advertisements under the Town and Country Planning (Control of Advertisements) Regulations 1992 including the service of any notices.
- 9.35 To authorise the making of amendment of Tree Preservation Orders save that if objections or representations are received to such Orders they shall be reported to the Planning and Highways Committee for determination.
- 9.36 To exercise the Council's functions in relation to the approval or refusal, of applications in respect of the Building Regulations.
- 9.37 To exercise the Council's functions with regard to temporary markets under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.
- 9.39 To exercise the functions of the Council in respect of dangerous and dilapidated buildings and other structures, neglected sites, and the control of injurious weeds.
- 9.41 To exercise the functions of the Council in respect of oil pollution planning, storm tide warnings and civil contingencies.
- 9.45 To authorise the service of Building Preservation Notices and Repair Notices requiring the repair of Listed Buildings and the taking of action in default if necessary.

- 9.46 To make representations to the Department of Culture, Media and Sport concerning the listing of historic buildings.
- 9.47 To authorise the making of planning obligation agreements under Section 106 of the Town and Country Planning Act 1990.
- 9.48 To exercise the Council's powers in relation to breaches of development control, including authorising the service of enforcement notices, stop notices, breach of condition notices, and listed building enforcement notices.
- 9.49 To authorise the making of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, save that if any objections or representations are received to such Directions they shall be reported to the Cabinet for determination.
- 9.50 To approve or refuse Improvement Area Grant and Security Grant applications under the Inner Urban Areas Act 1978 or similar applications under the Local Government and Housing Act 1989.
- 9.51 To approve or refuse grants for works to ancient monuments under the Ancient Monuments and Archaeological Areas Act 1979.
- 9.52 To approve or refuse grants for works to listed buildings and other buildings of historical or architectural interest under the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.53 To make Orders and give notices under the Town Police Clauses Act 1847.
- 9.54 To make Orders under Part X of the Town and Country Planning Act 1990.
- 9.58 To undertake the Council's powers and duties in relation to high hedge complaints under the Anti-Social Behaviour Act 2003.

Delegations currently held by the Director of Development and Regeneration in relation to Property Matters

Transfer to Deputy Chief Executive

- 9.62 To authorise the acquisition and disposal of freehold and leasehold interests in land where the consideration is less than £100,000 in the case of freeholds and where the annual rental is less than £50,000 in the case of leaseholds.
- 9.63 In respect of leases, to carry out rent reviews and to grant renewals, variations, assignments, sub-lettings, surrenders and other landlords consents.
- 9.64 To grant or to agree to the granting by or to the Council, easements, wayleaves, covenant consents, licences and other similar rights over in or above or under land.
- 9.65 To grant leases to statutory undertakers for sub-stations, governor houses and the like.
- 9.66 To agree the appropriation of land from one use to another, including the assessment of the relevant valuation, where such appropriation is required in order to facilitate schemes to be carried out by or on behalf of the Council.
- 9.67 To authorise the making of Well-Maintained Payments, and the payment of other items of statutory compensation, removal expenses and trade disturbance allowances to displaced owners and occupiers.

Report of the Chief Executive and the City Solicitor

Following Council's approval of the new portfolios at its meeting on 13th May 2009 it is necessary to make the following consequential amendment to paragraph 7 (a) of the Budget and Policy and Framework procedure rules which will now provide as follows:-

7(a) The Council shall have the following budget heads:

Leader/Deputy Leader
Resources
Children and Learning City
Prosperous City
Healthy City
Safer City
Attractive and Inclusive City
Sustainable Communities
Responsive Services and Customer Care

It is also proposed to revise paragraph 7(b) to reflect the accepted practice. The changed wording is highlighted.

Steps taken by the executive, a committee of the executive, an individual member of the executive or officers, area committees or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire within budget heads up to a maximum excluding the use of delegated budget surpluses of 1% of the total budget requirement for the year in aggregate, with a limit per individual virement of £250,000. Beyond that limit, approval to any virement shall require the approval of the full Council.

'Allocations from the provision for contingencies and specific provisions made for strategic priorities will be approved by Cabinet during the year as necessary'.

<p>CABINET MEETING – 3 JUNE 2008</p> <p>EXECUTIVE SUMMARY SHEET – PART I</p>	
<p>Title of Report:</p> <p>Children and Young People’s Plan 2009-10 and 2010-25</p>	
<p>Author(s):</p> <p>Director of Children’s Services</p>	
<p>Purpose of Report:</p> <p>To present Cabinet Members with the Children and Young people’s Plan (CYPP) 2009-10.</p>	
<p>Description of Decision:</p> <p>To seek approval for the CYPP 2009-10 (Article 4) and to approve the proposals for a 15 year Children and Young People’s Plan commissioning strategy 2010-25.</p>	
<p>Is the decision consistent with the Budget/Policy Framework? Yes</p>	
<p>If not, Council approval is required to change the Budget/Policy Framework</p>	
<p>Suggested reason(s) for Decision:</p> <p>The Children and Young Person’s Plan is an Article 4 Plan that requires ratification from Council.</p>	
<p>Alternative options to be considered and recommended to be rejected:</p> <p>The alternative option is to produce a further three year plan.</p> <p>However, it is the view of the Children’s Trust partners that this would firstly, miss an opportunity to develop a more ‘joined up’ approach to local strategic planning, and, secondly, not fully capture the key requirements from statutory guidance that are likely to become embedded in legislation.</p>	
<p>Is this a “Key Decision” as defined in the Constitution? Yes</p> <p>Is it included in the Forward Plan? Yes</p>	<p>Relevant Scrutiny Committee:</p> <p>Children, Young People and Learning</p>

CHILDREN AND YOUNG PEOPLE'S PLAN 2009/10

REPORT OF DIRECTOR OF CHILDREN'S SERVICES

1. Purpose of the Report

To present Cabinet Members with the Children and Young people's Plan (CYPP) 2009-10

2. Description of Decision (Recommendations)

To seek approval for the CYPP 2009-10 and to approve the proposals for a 15 year Children and Young People's Plan commissioning strategy 2010-25.

3. Introduction/Background

- 3.1 The Children and Young People's Plan continues to be the key document that covers, in one place, all services for, young people and families within a single strategic and overarching vision for the local area.
- 3.2 Children's Trust partners are closely involved in its development and should ensure their own plans are fully aligned with it. The Children's Trust signs off the CYPP, ensures that it is published, refreshed, evaluated and reviewed and both drives the operating plans which underpin it and reflects and informs the overarching plan – the Sunderland Strategy - of which it should be a part.
- 3.3 Statutory Guidance issued in November 2008 and January 2009 sets out the Government's direction for strengthening Children's Trust governance and CYPP arrangements.

The Government is proposing to facilitate greater partnership ownership of the CYPP by legislating to place the duty to produce, publish and monitor the CYPP on the Children's Trust Board (currently this rests with the Local Authority). The jointly-owned CYPP would reflect shared priorities in, for example, PCT commissioning plans and Local Area Agreements to address the needs of children and young people, including the most vulnerable and those with additional needs, and would design services around those needs.

It is important that the Children's Trust is accountable for its actions to the local community, including children and families and front line providers.

Currently, the local authority must set out in the CYPP what the Children's Trust intends to do to improve outcomes for local children and families.

- 3.4 The Government response to Lord Laming's report into the death of 'Baby Peter' contains references to future CYPPs and these will be addressed in the development of the CYPP 2010-25.

4. **Current Position**

- 4.1 The current 3 year Children and Young People's Plan ended in March 2009.
- 4.2 The Children's Trust has undertaken a scoping exercise to consider the best way forward for future CYPPs. The key considerations are to align the CYPP with the 2025 Sunderland Strategy, adhere to statutory guidance, anticipate legislative changes most likely to come into effect from April 2010.
- 4.3 The Children and Young People's Plan, as per DCSF guidance, will be reviewed on an annual basis. Every three years a comprehensive review of the needs assessment will be completed and will consider what progress has been made towards improving outcomes for children and young people. As part of the review the Children's Trust may find existing priorities no longer need to be priorities. Similarly, new priorities may be identified.
- 4.4 Each year a schedule will be prepared to ensure the Children's Trust receives timely updates on what progress is being made toward the priorities in the CYPP.
- 4.5 The following Children's Trust proposals were ratified by Cabinet in April 2009:
- a. To align the CYPP and Children's Trust planning arrangements with the LSP and to formulate a new style 15 year strategy from April 2010 to March 2025
 - b. To produce a 1 year 'transitional' CYPP 2009/10 to include:
 - Section 1
 - outstanding actions from the current plan,
 - a review of measurable outcomes from 2008/9
 - priorities and recommendations from partnerships aligned to the Children's Trust
 - priority actions for 2009/10 for locality based working, children and young people's engagement, prevention, and workforce development .
 - Section 2
 - what we need to do to move to a new style, longer term strategic plan for 2010/25

- 4.6 The CYPP 2009/10 has been presented to Cabinet in April 2009 and to the Children's Services Review Committee in March and April 2009. It is to be presented to Council on 26 June 2009.

5. Reasons for the Decision

The Children and Young Person's Plan is an Article 4 Plan that requires ratification from Council.

6. Alternative Options

The alternative option is to produce a further three year plan.

However, it is the view of the Children's Trust partners that this would firstly, miss an opportunity to develop a more 'joined up' approach to local strategic planning, and, secondly, not fully capture the key requirements from statutory guidance that are likely to become embedded in legislation.

The conclusion is that there is no realistic alternative for members to consider.

7. Relevant Considerations/Consultations

Partners and Members across the Children's Trust and Council have been consulted on the CYPP 2009/10 and on proposals for the 15 year Commissioning Strategy. The plan draws on the extensive consultations with children and young people that take place throughout the year. Specifically, consultation on the CYPP 2010/25 began in October 2008 with 'Citizenship Week', involving consultation with children in schools and nurseries on what makes a 'child and young person friendly City'. A similar consultation will take place this year.

8. List of Appendices

Children and Young People's Plan 2009/10

9. Background Papers

Sunderland Children and Young People's Plan 2007/9
Statutory Guidance on Inter Agency Cooperation November 2008
Children and Young People's Plan Guidance 2009
Report to Cabinet April 2009

CABINET MEETING – 3 June 2009

EXECUTIVE SUMMARY SHEET - PART 1

Title of Report:

FOOD LAW ENFORCEMENT SERVICE PLAN 2009/10

Author(s):

Director of Community and Cultural Services

Purpose of Report:

To advise Cabinet of the Service's Food Law Enforcement Service Plan for 2009/10 and seek approval of the plan.

Description of Decision:

Cabinet is recommended to refer the matter to Council with the recommendation that the Food Law Enforcement Service Plan for 2009/10 be approved; and to refer it to the Health and Wellbeing Review Committee for further advice and consideration.

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 Foods Standards Agency which monitors and audits Local Authority activities requires Food Law Service Plans to be approved by Members to ensure local transparency and accountability. The plan forms part of the Council's policy and budgetary framework as defined in the Constitution.

Alternative options to be considered and recommended to be rejected:

There are no practical alternative options.

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

Yes

Relevant Scrutiny Committee

Health and Well-being

Is it included in the Forward Plan?

Yes

REPORT OF DIRECTOR OF COMMUNITY & CULTURAL SERVICES

FOOD LAW ENFORCEMENT SERVICE PLAN 2009/10

1. PURPOSE OF THE REPORT

- 1.1 To advise Cabinet of the Service's Food Law Enforcement Service Plan for 2009/10 and seek approval of the plan.

2.0 RECOMMENDATION

- 2.1 Cabinet is recommended to refer the matter to Council with the recommendation that the Food Law Enforcement Service Plan for 2009/10 be approved, and to refer it to the Health and Wellbeing Review Committee for further advice and consideration.

3.0 INTRODUCTION/BACKGROUND

- 3.1 The Food Standards Agency is an independent food safety watchdog set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.
- 3.2 The White Paper "The Food Standards Agency – A Force for Change" identified the Food Standards Agency as having a key role overseeing local authority enforcement activities. The Agency therefore is proactive in setting and monitoring standards and auditing local authorities' enforcement activities to ensure that they are effective and undertaken on a more consistent basis.
- 3.3 Food Service Plans are seen to be an important part of the process to ensure national priorities and standards are addressed and delivered locally. It was recognised by both central and local government that central guidance on the contents of local service plans for food enforcement work would be helpful to local authorities.
- 3.4 The Food Standards Agency Framework Agreement (under review) has been developed in close partnership with the Local Authorities Co-ordinators of Regulatory Services (LACORS) and the Local Government Association. They have recommended a format for food enforcement service plans and given detailed guidance on the content of the plan. They have also requested that the plan produced should be submitted to the relevant member forum for approval to ensure local transparency and accountability.

4.0 CURRENT POSITION

- 4.1 The Food Standards Agency requires that the Food Law Enforcement Service Plan 2009/10 (attached) is formulated on an annual basis to comply with the current recommendations of the Food Standards Agency Framework Agreement.

5.0 REASONS FOR THE DECISION

- 5.1 The Foods Standards Agency which monitors and audits Local Authority activities requires Food Law Service Plans to be approved by Members to ensure local transparency and accountability. The plan forms part of the Council's policy and budgetary framework as defined in the Constitution.

6.0 ALTERNATIVE OPTIONS

- 6.1 There are no alternative options available.

7.0 BACKGROUND PAPERS

Framework Agreement on Local Authority Food Law Enforcement