

Minutes

Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE
on WEDNESDAY, 20th JUNE, 2012 at 6.00 p.m.

Present: The Mayor (Councillor I. Kay) in the Chair

Councillors	Allan	Forbes	Mordey	Trueman, D.
	Anderson	Foster	Oliver	Trueman, H.
	Atkinson	Francis	Padgett	Turton
	Ball	Gibson, E	Price	Tye
	Bell	Gibson, P	Richardson, D.	Wakefield
	Blackburn	Gofton	Scanlan	Walker
	Bonallie	Howe	Scaplehorn	Waller
	Copeland	Jackson	Scott	Watson, P.
	Curran	Kelly	Smiles	Watson, S.
	Davison	Lawson	Smith, D	Williams
	Dixon	McClennan	Smith, P.	Wilson, A.
	Ellis	MacKnight	Snowdon, D	Wilson, D.
	Emerson	Marshall	Snowdon, DE	Wiper
	Errington	Martin, L	Speding	Wood
	Essl	Martin, T	Stewart	Wright, N
	Farthing	Miller, F	Tate	Wright, T.H.
	Fletcher	Miller, G	Thompson	

The notice convening the meeting was read.

Minutes

RESOLVED that the minutes of the Annual Meeting of the Council held on 16th May, 2012 (copy circulated) be confirmed and signed as a correct record subject to the typographical error in the date being amended from June to May and to the reference to the Mayoress in the Mayor's Announcements being amended to read "the Mayoress, Councillor Barbara McClennan."

Declarations of Interest

There were no declarations of interest made.

Announcements

(i) Chartered Institute of Personnel Development Awards

At the invitation of the Mayor, the Deputy Leader of the Council, Councillor H. Trueman informed the meeting of the Council's success

at the prestigious Chartered Institute of Personnel and Development Awards ceremony held at the NewcastleGateshead Hilton on 3rd May, 2012, winning the award for Change Management Project of the Year.

(ii) Extraordinary Meeting of the Council

The Mayor advised Members that there was a likelihood that an extraordinary meeting of the Council would be called in July to deal with the appointment of the independent member to the new Standards Committee and to appoint representatives on the Northumbria Police and Crime Panel. The date of the meeting was likely to be Wednesday the 25th July at 6:00pm however this would be confirmed to Members nearer the time.

(iii) Olympic Torch Relay in Sunderland

The Mayor informed Members of the success of the weekend's events surrounding the Olympic Torch Relay in Sunderland. An estimated 17,000 people came out to watch the torch relay and over 4000 people attended the Blue Peter Big Olympic Tour at Herrington Country Park. Celebrities at Herrington Country Park on the day included Kris Akabuse, Joe McEldery, Helen Skelton, Barney Harwood from Blue Peter and Matt Baker. In all, there were 39 torch bearers on the Sunderland Route including Steve Cram. Members proceeded to enjoy a short video of the weekend's events.

Reception of Petitions

RESOLVED that the under mentioned petition, submitted by the Councillor named, be received and referred for consideration in accordance with the Council's Petitions Scheme: -

Cllr. D. Waller – Petition against the closure of Grindon Minor Injuries Unit

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Farr, Heron, Lauchlan, Porthouse, Rolph and Shattock.

The Cabinet reported and recommended as follows: -

1. City of Sunderland Local Development Framework : Core Strategy Revised Preferred Options and Supporting Evidence Papers

That they had given consideration to a report of the Deputy Chief Executive (copy circulated) on the Sunderland Core Strategy Revised Preferred Options for public consultation which also sought the endorsement of Cabinet to the three updated evidential papers regarding the Retail Needs, Employment Land and the Strategic Housing Land Availability Assessment.

The Cabinet endorsed the contents of the Sunderland Retail Needs Update, the Employment Land Update and the Strategic Housing Land Availability Assessment so that they could be used as:

- (a) Part of the evidence base to inform the emerging Local Development Framework, and
- (b) Material considerations in determining planning applications.

Accordingly the Cabinet recommended the Council to:

- (i) Approve the Sunderland Core Strategy Revised Preferred Options (including the Sustainability Appraisal and Appropriate Assessment reports) for the purposes of public consultation and as a material consideration in assessing planning applications, pending its finalisation following public consultation; and
- (ii) Authorise the Deputy Chief Executive to make any required amendments to the Sunderland Core Strategy Preferred Options (including the Sustainability Appraisal and Appropriate Assessment reports) as necessary prior to its publication for public consultation.

They had also referred the matter to the Scrutiny Committee and the Planning and Highways Committee for advice and consideration. The Planning and Highways Committee had noted the report and supported the Cabinet's recommendations to Council

The Scrutiny Committee had welcomed the report and supported the preferred options for consultation. In particular Members welcomed policy CS4 (Connecting the City) and saw potential benefits of an enhanced road network and improved connectivity to the seafront and other areas of the City. Members also welcomed opportunities to provide further comment on local issues as part of and following the public consultation process.

2. Corporate Plan 2012/13 - 2014/15

That they had given consideration to a report of the Chief Executive (copy circulated) on the Corporate Plan 2012/13 - 2014/15. The Corporate Plan was a key element of the Council's Corporate Strategic Planning Framework and its purpose was to provide a clear articulation of the Council's strategic direction centred on the purpose, vision, priorities and outcomes described in the Corporate Outcomes Framework

Accordingly the Cabinet recommended the Council to:-

- (i) endorse the contents of and approve the Corporate Plan 2012/13 - 2014/15 and
- (ii) delegate the final approval to the Leader and Chief Executive and authorised the Chief Executive, in consultation with the Leader, to make any minor or final amendments to the Plan, and
- (ii) authorise the Chief Executive, in consultation with the Leader, to approve a summary version of the Corporate Plan and to make any minor or final amendments to the summary.

They had also referred the matter to the Scrutiny Committee for advice and consideration. The Scrutiny Committee had supported Cabinet's recommendations to Council.

3. Review of Committee Arrangements – Consequential Changes

That they had given consideration to a joint report of the Chief Executive and the Executive Director of Commercial and Corporate Services and an addendum thereto (copies circulated) to address consequential changes required to reflect requirements of the Localism Act 2011 regarding overview and scrutiny which had now been brought into force, and decisions made by the Leader and the Council to make changes to Executive and Committee arrangements, and to amend the constitution accordingly.

The Cabinet recommended Council:-

- (a) To amend the Constitution as set out in the report in order to
 - reflect changes to support arrangements for Cabinet, and the number of Scrutiny Committees and to take account of provisions relating to Overview and Scrutiny introduced by the Localism Act 2011.

- provide for a Human Resources Committee comprised of 12 members, to exercise functions in relation to appointments as provided for by the Employment Procedure Rules and non-executive functions relating to human resources and pensions that are not otherwise delegated.

(b) To appoint to following members to the Human Resources Committee:-

Councillor Errington
Councillor Gofton
Councillor Mordey
Councillor Speding
Councillor D Trueman
Councillor H Trueman
Councillor P Watson
Councillor S Watson
Councillor C Wakefield
Councillor A Wilson
Councillor P Wood

(1 Majority Group Vacancy) and,

(c) To authorise the Head of Law and Governance to make such other consequential changes that are required to the Constitution to ensure consistency with the approval of the matters set out in (a) and (b) above.

The Leader of the Council, duly seconded by the Deputy Leader of the Council, moved the report of the Cabinet.

Upon the Report of the Cabinet being put to the meeting, it was: -

RESOLVED that the comments of the planning and Highways Committee and the Scrutiny Committee be noted and that the report of Cabinet be approved and adopted.

The Standards Committee reported and recommended as follows: -

1. Localism Act 2011 – The Amended Standards Regime

That they had given consideration to a report by the Head of Law and Governance (copy circulated) outlining the changes to the Standards Regime made by the Localism Act 2011 which were expected to come into force with effect from 1st July 2012 and setting out a number of issues that must be determined by the Council regarding the new regime.

The Standards Committee accordingly made the following recommendations to Council to take effect from the implementation of the new Standards Regime:-

Terms of Reference of the New Standards Committee

- 1) to agree the proposed terms of reference for the new Standards Committee set out in Appendix 1 of the report;

The Code of Conduct

- 2)
 - (a) that the draft North East Region Code at Appendix 3 of the report be adopted as the basis of the new Code of Conduct, subject to the Monitoring Officer preparing a final draft to be put to Council after taking into account the Government regulations on Disclosable Pecuniary Interests (DPIs) and that if it was not possible to bring in the new Code by 1st July, 2012 that the Council considered extending the operation of the existing Code of Conduct until such time as the new Code was available; and
 - (b) that the Protocols listed in Annex 3 of the draft Code of Conduct (as amended from time to time) be incorporated in the Code.

Arrangements for Dealing with Complaints

- 3)
 - (a) That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
 - (b) That the Monitoring Officer be given delegated power, after consultation with the Independent Person(s), to determine whether a complaint merits formal investigation and to arrange such investigation. She be instructed to seek resolution of complaints without formal investigation wherever practicable, and that she be given discretion to refer decisions on investigation to the Standards Committee where she feels that it is inappropriate for her to take the decision, and to report regularly to Standards Committee on the discharge of this function;
 - (c) That in deciding whether a complaint should be investigated, the Monitoring Officer or Standards Committee as appropriate, take into account the criteria at Appendix 4 and that the Standards Committee be given delegated power to amend those criteria from time to time as it thinks appropriate.

- (d) Where an investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be authorised to close the matter (unless she considers it appropriate after consulting the Independent Person(s) to refer the findings to the Standards Committee to decide if a hearing is nevertheless called for), providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person(s), and reporting the findings to the Standards Committee for information;
- (e) Where an investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Standards Committee. Where such local resolution is not appropriate or not possible, she is to report the investigation findings to the Standards Committee for local hearing;
- (f) The Standards Committee be delegated such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include –
- Issuing a formal censure by the Committee;
 - Recommending to full Council, or to Hetton Town Council, the issue of a formal censure by the Council or by the Town Council;
 - Referral of its findings to full Council, or to Hetton Town Council, for information;
 - Publication of its findings by such means as the Committee thinks fit;
 - Recommending to the Council, or to Hetton Town Council, that the member be removed from any or all Committees or Sub-Committees (subject to the approval of the member's Group if applicable);
 - Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - Recommending to the Council, or to Hetton Town Council, that the member be removed from all outside appointments to which she/he has been appointed or nominated by the Council or by Hetton Town Council;
 - Instructing the Monitoring Officer to, or recommending that Hetton Town Council, offer training to the member; or

- Recommending to the Council, or to Hetton Town Council, that it exclude the member from the Council's offices or other premises or facilities, to the extent desirable and so as not to interfere with the democratic process, in particular the member's ability to carry out his or her role as an elected member;
 - Such other recommendations as the Committee may think appropriate.
- (g) That the arrangements for dealing with complaints include provision for a right of review in respect of any finding of a breach of the Code or of a decision to impose any of the sanctions referred to above for a member who is aggrieved by such a finding or decision of the Standards Committee by allowing the member to request a review by an Independent Person of another local authority whose views, if critical of the original finding or sanction imposed, will result in the Standards Committee being required to reconsider its original decision. The Monitoring Officer be authorised to arrange with one of the Council's neighbouring authorities that one of its Independent Persons be made available for this purpose.
- (h) That the Monitoring Officer in due course prepare a written version of the agreed Arrangements for publication, to include a template Form of Complaint and procedures to be followed for any investigation or local determination of a complaint and that the new Standards Committee be given delegated power to adopt and amend those procedures from time to time as it thinks appropriate.

Preparation of the Registers

- 4) (a) That the Monitoring Officer prepares and maintains a new register of members' interests to comply with the Act and the Council's Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act;
- (b) That the Monitoring Officer ensures that all members are informed of their duty to register interests;
- (c) That the Monitoring Officer prepares and maintains a new register of members' interests for Hetton Town Council to comply with the Act and any Code of Conduct adopted by Hetton Town Council and ensure that it is available for inspection as required by the Act.

Standing Orders

- 5) That a Standing Order be adopted which equates to the current Code of Conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he or she has a DPI, except where permitted to remain as a result of a dispensation as set out below;-
- (i) An additional Rule of Procedure be inserted after Council Rule of Procedure 20 as follows:

“21. A member must withdraw from the meeting room (including from the public gallery) during the whole of the consideration of any item of business in which he or she has a Disclosable Pecuniary Interest, except where permitted to remain as a result of a dispensation” and
 - (ii) Rule of Procedure 21 be renumbered to 22 and amended to reflect that the new Rule of Procedure 21 applies to meetings of the Council and committees.
 - (iii) Rule 1.5 of the Executive Procedure Rules be renamed *“Conflicts and Declarations of Interest and Withdrawal From Meetings”* and an additional paragraph (d) be added to 1.5 in the same terms as the Rule of Procedure referred to in paragraph (i) above.

Arrangements for Granting Dispensations

- 6) That the power to grant dispensations be delegated
- (a) on the Grounds set out in paragraphs 9.3.1 and 9.3.4 of the report to the Monitoring Officer with an appeal to Standards Committee, and
 - (b) on Grounds 9.3.2, 9.3.3 and 9.3.5 to the Standards Committee.

2. Addendum to Report of the Standards Committee – Localism Act 2011 – The Amended Standards Regime

The Executive Director of Commercial and Corporate Services and Head of Law and Governance submitted an addendum report (copy circulated) on the issue of the regulations on Disclosable Pecuniary Interests (DPIs) together with the issue of a commencement and transitional provisions order, which confirmed the implementation date of the new arrangements as 1 July 2012.

(For copy addendum – see original minutes).

The report recommended :-

1. That the Council approve and adopt a new Code of Conduct as set out in the annex to the addendum, to take effect from implementation of the new standards regime on 1 July.
2. That the Council confirms the decision made at Annual Council to continue to have a Standards Committee which, with effect from 1 July, will be comprised of 8 elected members and 2 non-voting co-opted members appointed by Hetton Town Council as follows:-

8 Members (7:1:0)

Councillor MacKnight
Councillor Marshall
Councillor Mordey
Councillor Price
Councillor Shattock
Councillor H. Trueman
Councillor Richardson

Councillor Forbes

Co-opted Members (non-voting)

2 Members of Hetton Town Council nominated by the Town Council

Councillor Hepple
Councillor Wilkinson

Chairman Councillor H. Trueman
Vice-Chairman Councillor Shattock

Councillor Tate, duly seconded by Councillor Forbes, moved the report of the Standards Committee.

Upon the Report of the Committee being put to the meeting, it was: -

RESOLVED that the report of the Standards Committee be approved and adopted.

Written Questions under Rule 8.2

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

Notices of Motion

(i) Notice of Motion – Supporting Sunnside Traders

Councillor Oliver, seconded by Councillor Wood, moved a motion in support of traders in Sunnside.

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

RESOLVED that this council acknowledges the challenges of the regeneration of Sunnside and pledges to do all it can to support traders there.

(ii) Notice of Motion – Child Poverty

Councillor P. Smith, seconded by the Deputy Leader, moved a motion in relation to Child Poverty:-

Upon being put to the vote the motion was carried with 61 Members voting in favour, viz:-

The Mayor (Councillor Kay) in the Chair

Councillors	Allan	Farthing	Mordey	Thompson
	Anderson	Fletcher	Padgett	Trueman, D.
	Atkinson	Foster	Price	Trueman, H.
	Ball	Gibson, E	Richardson, D.	Turton
	Bell	Gibson, P	Scanlan	Tye
	Blackburn	Gofton	Scaplehorn	Wakefield
	Bonallie	Jackson	Scott	Walker
	Copeland	Kelly	Smiles	Waller
	Curran	Lawson	Smith, D	Watson, P.
	Davison	McClennan	Smith, P.	Watson, S.

Dixon	MackKnight	Snowdon, D	Williams
Ellis	Marshall	Snowdon, DE	Wilson, A.
Emerson	Martin, T	Speding	Wilson, D.
Errington	Miller, F	Stewart	Wright, N
Essl	Miller, G	Tate	Wright, T.H.

5 members voting against, viz:-

Councillors	Francis L. Martin	Oliver	Wiper	Wood
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And no Members abstaining from the vote

Accordingly, it was:-

RESOLVED that this Council notes that, before 2009, the Labour government's wide-ranging approach to child poverty, encompassing measures like tax credits, cash transfers and accessible public services, was successful in reducing the risk of child poverty.

And that the recent UNICEF report of 29 May 2012 indicates that the Coalition Government will put that into reverse - with potentially devastating effects for children. Indeed, it seems children are falling off the agenda in the cause of deficit reduction.

We ask the government to stop implementing policies which adversely affect the well being of our Children.

Scrutiny Matters – Annual Report 2011/2012

The Chief Executive submitted the Annual Scrutiny Report (copy circulated) which summarised the work of the seven former Scrutiny Committees during the year 2011/2012:-

(For copy report – see original minutes).

Councillor Tate, duly seconded by Councillor A. Wilson, moved the combined Annual Report of the Scrutiny Committees and it was:-

RESOLVED that the Annual Report be received and noted.

Area Committees – Annual Report 2011/2012

The Chief Executive submitted the first combined Area Committees Annual Report (copy circulated) which summarised the work of five Area Committees during the year 2011/2012:-

(For copy report – see original minutes).

Councillor Gofton, duly seconded by Councillor S. Watson, moved the combined Annual Report of the Area Committees and it was:-

RESOLVED that the Annual Report be received and noted.

Quarterly Report on Special Urgency Decisions

The Leader of the Council submitted a quarterly report (copy circulated) on executive decisions which had been taken under Rule 16 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

(For copy report – see original minutes).

RESOLVED that the report be noted.

Appointments to Committees and Outside Bodies – Appointments to Outside Bodies – Limestone Landscapes Partnership, Standing Advisory Council on Religious Education Agreed Syllabus Conference, Tyne and Wear Integrated Transport Authority Bus Strategy Working Group / Scrutiny Committee, North Eastern Inshore Fisheries and Conservation Authority, Youth Almighty Project, Sandhill View Youth Project (A690) and Grindon Young People's Centre

The Executive Director of Commercial and Corporate Services submitted a report (copy circulated) requesting Council to consider appointments to the Limestone Landscapes Partnership, the Standing Advisory Council on Religious Education, Agreed Syllabus Conference, the Tyne and Wear Integrated Transport Authority (ITA) Bus Strategy Working Group, the North Eastern Inshore Fisheries and Conservation Authority, the Youth Almighty Project, Sandhill View Youth Project (A690) and the Grindon Young People's Centre. In addition, the Council was asked to note changes in relation to the ITA Scrutiny Committee.

(For copy report – see original minutes).

The Leader moved the recommendations contained within the report and was duly seconded by the Deputy Leader

RESOLVED that approval be give to the: -

- (i) the appointment of Councillor T Wright as the Council's representative on the Limestone Landscapes Partnership in place of the Cabinet Secretary,

- (ii) the establishment of an Agreed Syllabus Conference as outlined in paragraphs 3.1 and 3.2 of the report and the appointment of Councillors Francis, Marshall, P. Smith, Stewart and Williams as the Council's representatives on the Conference. In addition, that the Executive Director of Children's Services be granted delegated authority to approve the appointment of all external body representatives on both SACRE and the Agreed Syllabus Conference,
- (iii) the appointment of Councillor B. Curran as the Council's representative to serve on the ITA Bus Strategy Working Group in place of the Portfolio Holder for City Services and that the changes in relation to the ITA Scrutiny Committee as outlined in paragraph 4.3 of the report be noted,
- (iv) the appointment of Councillor R. Atkinson as the Council's representative on the North Eastern Inshore Fisheries and Conservation Authority,
- (v) the appointment of Councillor R. Atkinson as the Council's representative on the Youth Almighty Project,
- (vi) the appointment of Councillor D. Waller as the Council's representative on the Sandhill View Youth Project (A690), and
- (vii) the appointment of Councillor M. Turton as the Council's representative on the Grindon Young People's Centre.

Approval of Reason for Failure to Attend Meetings – Councillor K Rolph

The Executive Director of Commercial and Corporate Services submitted a report (copy circulated) which sought the approval of the Council, under Section 85 (1) of the Local Government Act 1972, to the reason for Councillor Rolph's current inability to attend meetings due to illness.

(For copy report – see original minutes).

The Leader moved the recommendation contained within the report and was duly seconded by the Deputy Leader

RESOLVED that approval be given to Councillor Rolph's reason for failure to attend meetings in accordance with Section 85(1) of the Local Government Act 1972

(Signed) I. KAY
Mayor.