

Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE on WEDNESDAY 30th SEPTEMBER 2009 at 6.00 p.m.

Present: The Mayor (Councillor D. Richardson) in the Chair
The Deputy Mayor (Councillor T. Martin)

Councillors	Allan	M. Forbes	Mordey	Timmins
	Anderson	Foster	Morrissey	Trueman
	Ball	Francis	O'Connor	Wakefield
	Bell	E. Gibson	Old	J. Walton
	Blackburn	P. Gibson	Rolph	L. Walton
	Copeland	Gofton	Scaplehorn	P. Watson
	A. Cuthbert	A. Hall	J. Scott	S. Watson
	I. Cuthbert	Heron	Shattock	Whalen
	M. Dixon	Howe	D. Smith	A. Wilson
	P. Dixon	Kelly	M. Smith	D. Wilson
	Ellis	Paul Maddison	Snowdon	Wood
	Errington	Peter Maddison	Speding	A. Wright
	Fairs	L. Martin	Stewart	N. Wright
	Fletcher	Miller	Tate	T.H. Wright
	D. Forbes			

The Notice convening the meeting was read.

Minutes

RESOLVED that the minutes of the Meetings of the Council held on 24th June and 8th July, 2009 (copy circulated) be confirmed as a correct record.

Declarations of Interest

The following Councillors declared personal interests in the following items on the agenda for the reasons indicated:-

Item 7 (3) – Report of the Cabinet – Revenue Budget and Trading Services Outturn for 2008/2009 and First Revenue Budget Review for 2009/2010	Councillor Blackburn	Member of G.M.B.
	Councillor Tate	Member of G.M.B. and spouse employed by local authority
Item 7 (5) – Report of the Cabinet – Council Mortgages	Councillor M Mordey	Tenant of Gentoo

The following Councillors declared personal and prejudicial interests in the following items in respect of the reason indicated and left the chamber during consideration thereof:-

Item 7 (2) – Report of the Cabinet – Capital Programme Outturn 2008/2009 and First Capital Programme Review 2009/2010	Councillor P. Gibson	Chairman of Governor’s at Farringdon School
	Councillor Gofton	Board Member at Pennywell Academy
Item 7 (5) – Report of the Cabinet – Council Mortgages	Councillor M. Dixon	Chartered Surveyor

Mayor's Announcements

(i) IDA Diversity Peer Challenge for Quality Standards

At the invitation of the Mayor, the Deputy Leader of the Council, Councillor Florence Anderson, informed the meeting that the Council had been successful in receiving an award in the IDA Diversity Peer Challenge Awards for Quality Standards.

She advised that Council that achieving level 3 standard was just a step on the way to the Council becoming excellent in this work to make a real difference to those people who need it most.

The Mayor then formally accepted the certificate on behalf of the Council.

(ii) BACS Direct Debit Awards

At the invitation of the Mayor, the Portfolio Holder for Resources, Councillor Allan, informed the meeting that the Sunderland Council Tax Service had been awarded two awards from BACS in respect of the Council Tax Direct Debit marketing campaign and in recognition of being top of the league for performance against 90 similar authorities.

He advised that as a result of the double success over 70% of Council Tax income was now collected by Direct Debit helping to keep the cost of Council Tax collection as low as possible. He reported that each award came with a £1,000 donation to each of the Mayor's charities, SCOPE and Diabetes UK.

The Mayor then formally accepted the awards on behalf of the Council.

(iii) Durham Biodiversity Partnership Awards

At the invitation of the Mayor, the Portfolio Holder for Attractive and Inclusive City, Councillor Blackburn, informed the meeting of the Council's success at an awards ceremony to mark the 10 year anniversary celebrations of the Durham Biodiversity Partnership.

He advised that the partnership had recognised achievement by its many partners in delivering the actions for biodiversity and achieving improvements for wildlife. Sunderland City Council had received an award for Bat Protection in Sunderland and those involved were to be congratulated for their commitment and enthusiasm.

The Mayor then formally accepted the awards on behalf of the Council.

Reception of Petitions

RESOLVED that the undermentioned petition submitted by the Councillor named be received and referred for consideration to the Officer indicated below:-

- (i) Councillor Allan – petition from residents of Hastings Hill objecting to the erection of a pigeon loft on a neighbouring property and to the keeping pigeons on the property – Executive Director of City Services.

Apologies for Absence

Apologies for Absence were submitted to the meeting on behalf of Councillors Arnott, Chamberlin, Charlton, G. Hall, Leadbitter, Oliver, I. Richardson, J.B. Scott, P. Smith, Stephenson, Symonds, Tye, Vardy, Wake, Walker and Wares.

The Cabinet reported as follows:-

1. Youth Justice Plan 2009-2010

That they had given consideration to a report of the Executive Director of Children's Services (copy circulated) seeking approval to the publication and distribution of the Youth Justice Plan 2009-2010. The report outlined the background, purpose and intentions of the Plan and provided the Plan intended for publication.

They had also referred the report to the Children, Young People and Learning Scrutiny Committee for further advice and consideration. The Review Committee had considered and endorsed the Youth Justice Plan prior to its submission to the Youth Justice Board.

Accordingly the Cabinet had recommended the Council to consider the contents of the report and approve the Youth Justice Plan 2009-2010 (attached at Appendix A) and agree to its publication and distribution.

2. Capital Programme Outturn 2008/2009 and First Capital Programme Review 2009/2010

That they had given consideration to a report of the Director of Financial Resources on the Capital Programme Outturn for 2008/2009 and the outcome of the First Capital Programme Review for 2009/2010, taking account of the Capital Programme Outturn 2008/2009 and changes made to the Capital Programme 2009/2010 since its approval.

The Cabinet recommended the Council to approve the inclusion of additional schemes and revised cost estimates for 2008/2009 and 2009/2010, as detailed in the extract appended to the report, which had arisen since the Capital Programme had been approved in March, 2009.

They had also referred the matter to the Management Scrutiny Committee for advice and consideration in the context of the inclusion of the additional schemes and revised cost estimates for 2008/2009 and 2009/2010. The Committee had recommended the Council to approve the inclusion of additional schemes and revised cost estimates for 2008/2009 and 2009/2010 as set out in the extract.

3. Revenue Budget and Trading Services Outturn for 2008/2009 and First Revenue Budget Review for 2009/2010

That they had given consideration to a report of the Director of Financial Resources on the Revenue Budget and Trading Services Outturn 2008/2009 and the First Review for 2009/2010 and specifically the approval of virements and budget transfers.

The Cabinet recommended the Council to approve the budget transfers and virements as detailed in the extract appended.

They had also referred the matter to the Management Scrutiny Committee for advice and consideration on the issues of virement detailed in the extract.

The Management Scrutiny Committee had recommended the Council to approve the issues of virement as set out in the extract to report.

4. Land Acquisition at Southwick Primary School

That they had given consideration to a joint report of the Executive Director of Children's Services and the Director of Development and Regeneration (copy circulated) on the position in respect of the acquisition of land for the new Southwick Primary School, and in particular a request that had been received from Gentoo regarding the provisional agreement between the Council and Gentoo for the exchange of land at Carley Hill School for the acquisition costs incurred by Gentoo in respect of the new Southwick Primary School.

As the proposal was outside the Budget Policy Framework, the Cabinet had recommended the Council to approve an additional commitment to be made against the Capital Programme for 2009/2010 and future years as appropriate to enable compensation to be paid in respect of the land included in the City of Sunderland (Southwick Primary School) Compulsory Purchase Order 2006 and the proposed City of Sunderland (Ridley Street, Southwick) Compulsory Purchase Order 2009.

5. Council Mortgages

That they had given consideration to a report of the Executive Director of Health, Housing and Adult Services (copy circulated) on proposals to re-introduce Council Mortgages together with an appropriate Eligibility Criteria, and to seek approval to amend the Private Sector Renewal Financial Assistance Policy (FAP) to include the provision for Council Mortgages.

As the proposal was outside the Budget Policy Framework, the Cabinet had recommended the Council to approve an initial allocation of £3 million to be made available to fund Council mortgages to be funded through prudential borrowing.

6. New Executive Arrangements

That they had given consideration to a joint report of the Chief Executive and the Chief Solicitor (copy circulated) on the outcome of the consultation undertaken and to make further recommendations on the process of making changes to executive arrangements as required by the Local Government and Public Involvement in Health Act 2007.

The Cabinet had recommended the Council to:-

- (a) agree the Proposals for new executive arrangements as set out in Appendix 2 of the report and to authorise statutory notice of those Proposals being published as required by the Act; and

- (b) convene a special meeting of Council immediately before its ordinary November 2009 meeting to adopt formally those proposals so that the new executive arrangements will come into effect immediately after the local elections in May 2010.

7. Future of the Central Area Multi-Storey Car Park

That they had given consideration to a report of the Director of Development and Regeneration (copy circulated) seeking approval to proposals for the future of the Central Area Multi-Storey Car Park.

As the proposal was outside the Budget Policy Framework, the Cabinet had recommended the Council to approve a commitment of up to £1.4 million against the 2010/2011 capital resources towards the estimated scheme costs of £2.9 million to demolish the car park to levels A and B whilst retaining Jacky White's Market Hall open both throughout and after the work having previously provided £1.5million as part of the 2009/2010 capital programme

8. Port of Sunderland: Proposed Governance Arrangements

That they had given consideration to a report of the Director of Development and Regeneration (copy circulated) on proposals for a new governance structure at the Port of Sunderland in accordance with the decision by Cabinet on 25th June, 2009 to progress with governance arrangements in accordance with the best practice recommendations as set out in the Municipal Ports Review.

The Cabinet had recommended the Council to approve that:-

- (i) the operational Port functions, outlined in the Annex to the report be redesignated as Council functions from 1st January, 2010;
- (ii) a Port Board is established and constituted as a Council Committee to be responsible for the discharge of the operational Port functions from 1st January, 2010; and
- (iii) the Director of Development and Regeneration, in consultation with the Leader, Portfolio Holder, Chief Solicitor and the Director of Financial Resources, shall produce detailed terms of reference for the Port Board and its composition for subsequent approval.

The Leader of the Council moved the report of the Cabinet, with the exceptions of items 2 and 5, and was duly seconded by Councillor Anderson who reserved the right to speak.

Councillor L. Martin, seconded by Councillor Morrissey, then moved that item 6 of the Cabinet report, "New Executive Arrangements", be referred back to the Cabinet for further consideration.

Upon being put to the vote, the referral back was defeated with 18 members voting in favour thereof, viz: -

Councillors	A. Cuthbert	Fairs	L. Martin	J. Walton
	I. Cuthbert	M. Forbes	Morrissey	L. Walton
	M. Dixon	Francis	D. Smith	Wood
	P. Dixon	Howe	Wakefield	A Wright
	Ellis	Peter Maddison		

And 40 Members voting against, viz: -

The Mayor (Councillor D Richardson)
The Deputy Mayor (Councillor T. Martin)

Councillors	Allan	E. Gibson	Rolph	Trueman
	Anderson	P. Gibson	Scaplehorn	P. Watson
	Ball	Gofton	J. Scott	S. Watson
	Bell	A. Hall	Shattock	Whalen
	Blackburn	Heron	M. Smith	A. Wilson
	Copeland	Kelly	Snowdon	D. Wilson
	Errington	Miller	Speding	N. Wright
	Fletcher	Mordey	Stewart	T.H. Wright
	D. Forbes	O'Connor	Tate	
	Foster	Old	Timmins	

Councillor L. Martin, seconded by Councillor Morrissey, then moved that item 8 of the report, "Port of Sunderland : Proposed Governance Arrangements" be referred back to the Cabinet for further consideration.

Upon being put to the vote, the referral back was defeated with 19 members voting in favour thereof, viz: -

Councillors	A. Cuthbert	Fairs	Peter Maddison	J. Walton
	I. Cuthbert	M. Forbes	L. Martin	L. Walton
	M. Dixon	Francis	Morrissey	Wood
	P. Dixon	Howe	D. Smith	A Wright
	Ellis	Paul Maddison	Wakefield	

And 40 Members voting against, viz: -

The Mayor (Councillor D Richardson)
The Deputy Mayor (Councillor T. Martin)

Councillors	Allan	E. Gibson	Rolph	Trueman
	Anderson	P. Gibson	Scaplehorn	P. Watson
	Ball	Gofton	J. Scott	S. Watson
	Bell	A. Hall	Shattock	Whalen
	Blackburn	Heron	M. Smith	A. Wilson
	Copeland	Kelly	Snowdon	D. Wilson
	Errington	Miller	Speding	N. Wright

Fletcher
D. Forbes
Foster

Mordey
O'Connor
Old

Stewart
Tate
Timmins

T.H. Wright

The Report of the Cabinet, with the exception of items 2 and 5, was then been put to the meeting and agreed.

The Leader of the Council then moved items 2 and 5 of the Report of the Cabinet and those Members who had declared personal and prejudicial interests in the items left the meeting and took no part in the consideration or voting thereon. Upon being put to the meeting the items were agreed and it was:-

RESOLVED that the Report of Cabinet, together with the views of the Review Committees, 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.

Action Taken On Petitions

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

- (i) Petition from the residents of Lakeside Towers requesting the manual gritting of footpaths during icy weather. Presented by Councillor M Dixon on 29th January, 2009**

The Director of Community and Cultural Services, following consultation with the appropriate Portfolio Holder, had agreed that consideration could only be given to the utilisation of available resources to undertake the treatment of other footpaths upon satisfactory completion of those identified as being priority and as resources allow. The petitioners were to be notified.

- (ii) Petition from residents of Houghton-le-Spring and district requesting Sunderland Council to provide essential amenities such as toilets in and around Newbottle Street shopping area. Presented by Councillor Richardson on 24th September, 2008**

The Director of Community and Cultural Services, following consultation with the appropriate Portfolio Holder, had agreed that proposals for facilities would need to be considered alongside other future expenditure priorities for the Council. Officers would meanwhile investigate alternative means of provision. The petitioners were to be notified.

- (iii) Petition from 525 residents of Rickleton requesting that Sunderland City Council provide recycling 'bring' facilities at a more convenient location than presently available. The residents also requested that facilities to accommodate recycling of glass, cans and aerosols, fabrics, shoes, plastics and books be provided; and for these to be positioned alongside the existing paper and carton receptacles sited in the car park adjacent to Rickleton Primary School. Presented by Councillor Wake on 19th November, 2008.**

The Director of Community and Cultural Services, following consultation with the appropriate Portfolio Holder, had reviewed the site and facilities for mixed plastic bottles, cans, cartons and books were added in liaison with the current contractor. Further facilities and improvements were still under consideration. The petitioners were to be notified.

- (iv) Petition requesting that the Council installs an island in the larger lake at the Silksworth Sports complex as a sanctuary for wildlife. Presented by Councillor Oliver on 24th June, 2009**

There had already been an SIB 'Expression of Interest' from the 'Sunderland Freshwater Angling Club for the installation of a floating island. Due to the new SIB arrangements a new 'Expression of Interest' had been submitted by the club. This would be the subject of a report to the West Area Committee in October 2009. Should the Area Committee agree, the Club would be invited to submit a full SIB bid to be considered at the January 2010 meeting.

The Director of Community and Cultural Services, following consultation with the appropriate Portfolio Holder, had agreed the following action:

Subject to an SIB application from the Sunderland Freshwater Angling Club being received, there would be the potential that this matter could be supported and resolved via SIB funding.

Correspondence had been forwarded to Councillor Oliver advising him of the awaited application and the subsequent process.

Notices of Motion

- (i) Notice of Motion – New Wear Bridge**

Councillor L. Martin, seconded by Councillor Morrissey moved the following motion:-

'This Council wants the people of Sunderland to choose the name of the new Wear Bridge and instructs the Chief Executive to bring forward proposals for all party consultation.'

Councillor P. Watson seconded by Councillor Anderson, moved an amendment to delete the wording "instructs the Chief Executive to bring

forward proposals for all party consultation” and to add “is already organising a wide consultation throughout the city to fulfil this commitment”.

Upon being put to the vote, the amendment was carried, with 52 Members voting in favour thereof, viz:-

The Mayor (Councillor D Richardson)

The Deputy Mayor (Councillor T. Martin)

Councillors	Allan	Francis	O'Connor	J. Walton
	Anderson	E. Gibson	Old	L. Walton
	Ball	P. Gibson	Rolph	P. Watson
	Blackburn	Gofton	Scaplehorn	S. Watson
	Copeland	A. Hall	J. Scott	Whalen
	A. Cuthbert	Heron	Shattock	A. Wilson
	I. Cuthbert	Howe	M. Smith	D. Wilson
	M. Dixon	Kelly	Snowdon	Wood
	P. Dixon	Peter Maddison	Speding	A. Wright
	Errington	L. Martin	Tate	N. Wright
	Fletcher	Miller	Timmins	T.H. Wright
	M. Forbes	Mordey	Trueman	
	Foster	Morrissey	Wakefield	

And 2 Members voting against, viz: -

Councillors Ellis D. Smith

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

RESOLVED that this Council wants the people of Sunderland to choose the name of the new Wear Bridge and is already organising a wide consultation throughout the City to fulfil this commitment.

(ii) Notice of Motion – Save General Election Night

Councillor L Martin, seconded by Councillor A. Wright, moved the following motion: -

“This Council wishes to see the votes cast in all three Sunderland parliamentary constituencies counted on the night of the General Election and Sunderland, once again, win the race to be the first to declare.”

Upon being put to the vote, the motion was defeated, with 17 Members voting in favour thereof, viz:-

Councillors	A. Cuthbert	M. Forbes	L. Martin	J. Walton
	I. Cuthbert	Francis	Morrissey	L. Walton
	M. Dixon	Howe	D. Smith	Wood
	P. Dixon	Peter Maddison	Wakefield	A Wright
	Ellis			

And 39 Members voting against, viz: -

The Mayor (Councillor D Richardson)
The Deputy Mayor (Councillor T. Martin)

Councillors	Allan	P. Gibson	Scaplehorn	P. Watson
	Anderson	Gofton	J. Scott	S. Watson
	Ball	A. Hall	Shattock	Whalen
	Bell	Heron	M. Smith	A. Wilson
	Blackburn	Kelly	Snowdon	D. Wilson
	Copeland	Miller	Speding	N. Wright
	Errington	Mordey	Stewart	T.H. Wright
	Fletcher	O'Connor	Tate	
	Foster	Old	Timmins	
	E. Gibson	Rolph	Trueman	

(iii) Notice of Motion –Durham County Cricket Club

Councillor Foster, seconded by Councillor Anderson moved a motion in recognition of Durham County Cricket Club upon winning the back to back county championships.

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

RESOLVED that this Council congratulates Durham County Cricket Club upon the winning of back to back county championships in 2008 and 2009. The club has come a long way since becoming a first class county in 1992. These achievements also underline the excellent work that the players and staff have contributed in this period, by bringing test match cricket to the north east and winning other silverware in limited overs competitions in the last two seasons.

(iv) Notice of Motion – Grand Central

Councillor N. Wright, seconded by Councillor Gofton moved a motion in recognition of the rail service operated by Grand Central from the City of Sunderland direct to the capital.

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

RESOLVED that after a long legal battle and much opposition the Council congratulate and are delighted that Grand Central is now operating four services a day ensuring the City of Sunderland has its own direct line to the Capital. As it is vital that this service continues and thrives, we agree that this Council, where practicable, ensures that all Councillors and Officers support this service, this will of course save the taxpayers of the City of Sunderland money because of its very competitive pricing.

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 – Marine Activity Centre Board, City Hospitals Sunderland Foundation Trust Board of Governors, Newcastle International Airport Consultative Committee, Sunderland ARC, Admissions Forum, Pupil Referral Unit (PRU) Management Committee and the Tyne and Wear Integrated Transport Authority Working Groups

The Chief Solicitor submitted a report (copy circulated) requesting Council to consider the Council's representation on the Marine Activity Centre Board, City Hospitals Sunderland Foundation Trust Board of Governors, the Newcastle International Airport Consultative Committee, Sunderland arc, the Admissions Forum, Pupil Referral Unit (Pru) Management Committee and the Tyne and Wear Integrated Transport Authority Working Groups.

(For copy report – see original minutes).

The Leader of the Council, seconded by Councillor Anderson, moved that the recommendations contained in the report be approved and it was:-

RESOLVED that:-

- (i) the request of the Leader of the Majority Group in relation to confirming the nominations of the Portfolio Holder for Safer City, Councillor D. Wilson and the Executive Director of City Services, Mr R. Odunaiya, to sit on the Management Committee of the Marine Activity Centre Board be approved;
- (ii) the appointment of the Healthy City Portfolio Holder to the Board of Governors of the City Hospitals Sunderland NHS Foundation Trust be approved;
- (iii) the invitation to become a member of the Newcastle International Airport Consultative Committee and to nominate a Member to sit on the Committee be accepted with an appropriate nomination to be considered at the next Annual Meeting of the Council;
- (iv) the Deputy Leader of the Council, Councillor F. Anderson, and the Deputy Chief Executive, Janet Johnson, be nominated as Alternate Founder Member Directors of Sunderland arc;

- (v) the Portfolio Holder for Children and Learning City, Councillor P Smith, be nominated to the Admissions Forum and delegating authority to the Executive Director of Children's Services to appoint all other Members of the Forum;
- (vi) the appointment of five Members to serve on the three PRU Management Committees be delegated to the Education (Appointment of Governors) Panel and the undermentioned recommendations of the Cabinet in respect of the appointment of community members to the three PRU Management Committees be approved with future appointments on behalf of the Council to be delegated to the Education (Appointment of Governors) Panel: -
 - (a) Key Stage 1 – Mrs C. Young, Mrs S Toole, Mrs A Henderson, Mrs S Bell
 - (b) Key Stage 2/3 and Cheadle Centre KS4 – Mrs P Garrigan, Mr J Austin, Mr R Wilkinson, Mr G Shillinglaw, Ms M Thirlwall and Mr G Mellafont
 - (c) School Returners/Young Mum's Provision – Mrs L Fletcher, Mr C Sketchley, Mrs C Barker and Mr R Bain, and
- (vii) the Portfolio Holder for Attractive and Inclusive City, Councillor Blackburn, be nominated to the Local Transport Plan Working Group and the Bus Strategy Working Group and the Deputy Leader of the Council, Councillor F Anderson, to the Equality and Diversity Working Group, as outlined in paragraph 8.2 of the report.

(Signed) D RICHARDSON
Mayor