

CIVIC CENTRE,
SUNDERLAND
14 March 2016

TO THE MEMBERS OF SUNDERLAND CITY COUNCIL

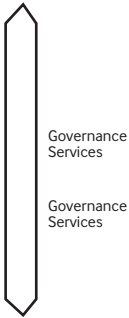
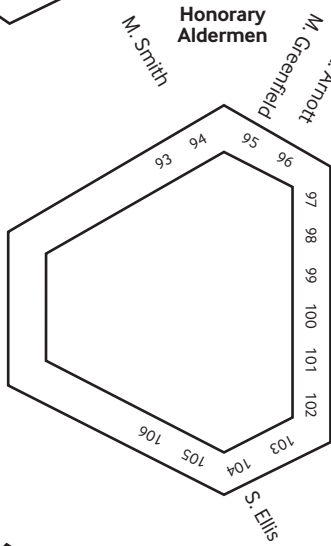
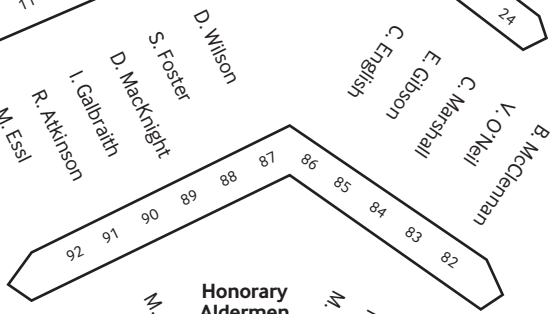
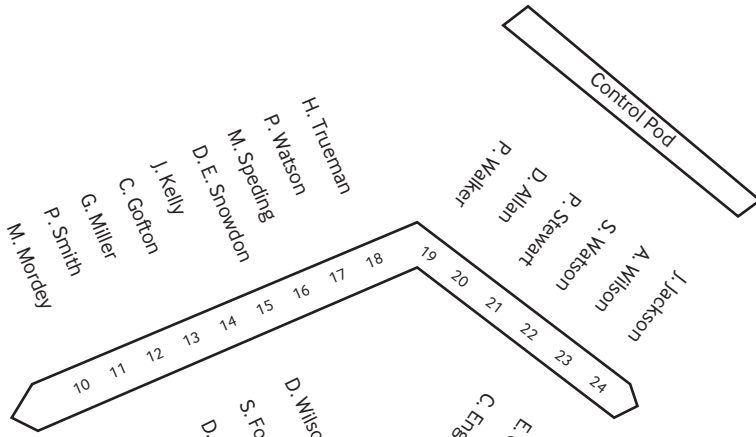
YOU ARE SUMMONED TO ATTEND A MEETING of Sunderland City Council to be held in the Council Chamber, Civic Centre, Sunderland, on **WEDNESDAY 23 MARCH 2016** at **6.00 p.m.**, at which it is proposed to consider and transact the following business:-

Item	Page
1. To read the Notice convening the meeting.	-
2. To approve the minutes of the Meeting of the Council held on 2 March 2016 (copy herewith).	1
3. Receipt of Declarations of Interest (if any).	-
4. Announcements (if any) under Rule 2(iv).	-
5. Reception of Petitions.	-
6. Apologies.	-

7.	Report of the Cabinet (copy herewith).	13
8.	Report of the Human Resources Committee (copy herewith).	37
9.	Report of the Scrutiny Committee (copy herewith).	45
10.	Written Questions (if any) under Rule 8.2.	-
11.	To receive a report on action on petitions (copy herewith).	63
12.	To consider the attached motions (copy herewith).	67
13.	To consider the following reports:-	
	(i) Report on Special Urgency Decisions – report of the Leader (copy herewith).	73
	(ii) Appointments to Committees and Outside Bodies – report of the Head of Law and Governance (copy herewith).	75

Sitona

INTERIM HEAD OF PAID SERVICE

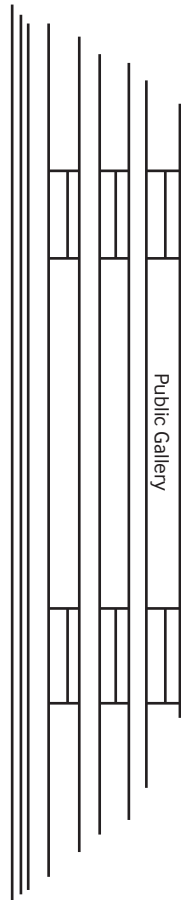
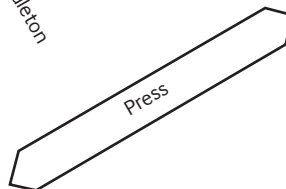
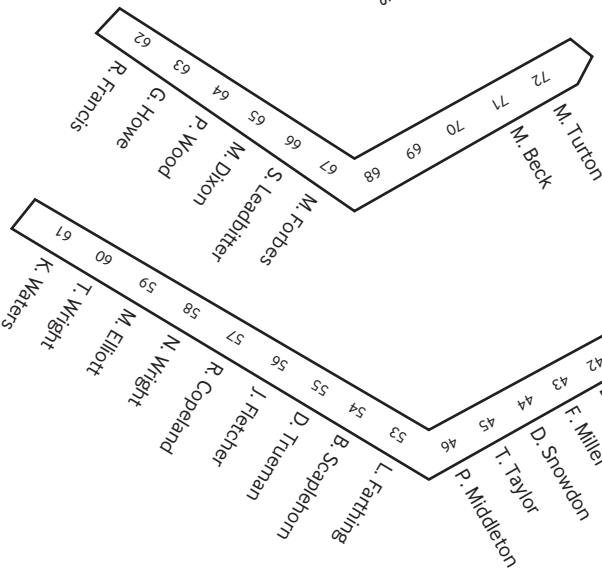
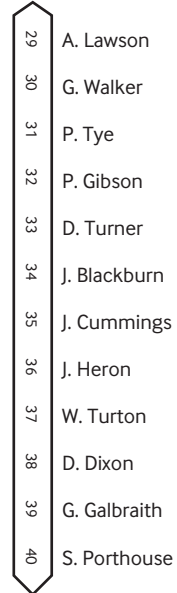
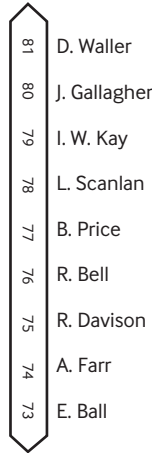


Head of Law and Governance
E. Waugh

Mayor
B. Curran

Head of Paid Service
S. Tognarelli

Deputy Mayor
A. Emerson



Minutes

Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE on WEDNESDAY 2 MARCH 2016 at 2.00pm

Present: The Mayor (Councillor Curran) in the Chair
The Deputy Mayor (Councillor Emerson)

Councillors	Allan	Francis	Marshall	Trueman, H
	Ball	Galbraith G	McClennan	Turner
	Beck	Galbraith I	Middleton	Turton, M
	Bell	Gibson, E	Miller, F	Turton, W
	Blackburn	Gibson, P	Miller, G	Walker, G
	Davison	Gofton	Mordey	Walker, P
	Dixon, D	Heron	O'Neil	Waters
	Dixon, M	Jackson	Porthouse	Watson, P
	Elliott	Kay	Price	Watson, S
	English	Kelly	Scanlan	Williams
	Farthing	Lauchlan	Scaplehorn	Wilson, A
	Fletcher	Lawson	Smith, P	Wilson, D
	Forbes	Leadbitter	Speding	Wood
	Foster	MackKnight	Trueman, D	Wright, N

Also Present:-

Honorary Alderman Mark Greenfield.

The notice convening the meeting was read.

Minutes

38. RESOLVED that the minutes of the Meeting of the Council held on 27 January 2016 be confirmed and signed as a correct record.

Declarations of Interest

The following Councillors declared interests as follows: -

Item 6 (i) – Report of the Cabinet – Capital Programme 2016/2017 and Treasury Management Policy and Strategy 2016/2017, including Prudential Indicators for 2016/2017	Councillor Farthing	Governor of Rickleton Primary School
	Councillors Fletcher, Lawson and A. Wilson	Board Member of Sunderland Care and Support (Holding Company) Limited and Sunderland Care and Support Limited

to 2018/2019

Item 6 (ii) – Revenue Budget and Proposed Council Tax for 2016/2017 and Medium Term Financial Strategy 2016/2017 to 2019/2020	Councillor Farthing Councillor Lawson	Director and Trustee of Sunderland City YMCA Governor of Our Lady Queen and Peace RC Primary School and Board member of Sunderland YMCA
Item 7 - Appointments	Councillors Fletcher, Lawson and A. Wilson	Board Member of Sunderland Care and Support (Holding Company) Limited and Sunderland Care and Support Limited

Announcements

Additional Council Meeting

The Mayor advised Members that it was intended that there would be an additional Council meeting to be held on 21st March at 6.30pm to consider devolution proposals and that further information would be provided in due course

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Allen, Atkinson, Cummings, Ellis, Essl, Farr, D Smith, David Snowdon, Dianne Snowdon, Stewart and Tye and also on behalf of Aldermen Arnott and Smith.

The Cabinet reported and recommended as follows:-

That they had referred the initial proposals on these matters to the Scrutiny Committee which supported the recommendations set out in the report to the Cabinet dated 13 January 2016.

That they have also, on 10 February 2016, submitted the attached report numbered 1 to the meeting of the Audit and Governance Committee and also the reports numbered 1, 2 and 3 to the Scrutiny Committee on 11 February 2016.

The Audit and Governance Committee was consulted specifically on the Treasury Management Policy and Strategy for 2016/2017 and was pleased to note that the careful and prudent approach adopted by the Council in previous years would continue.

The Committee also noted the Borrowing and Investment Strategies and that the Council continued to follow fundamental principles in relation to the prudent

investment of treasury balances which had resulted in the rate of return on investments being consistently higher than the benchmark rate.

The Committee were satisfied that the arrangements for Treasury Management were in an excellent position for the next and future years and resolved that the Council be advised accordingly.

The Scrutiny Committee commented that it was satisfied with the information provided and recognized the difficult financial situation that the Council continues to operate within. It placed on record its acknowledgement of all the hard work, commitment and support provided by the Council's Finance Team in preparing and delivering a balanced budget.

Subsequently

The precept figures had been confirmed as those set out in the report to Cabinet on 10th February 2016:

- For the Police and Crime Commissioner Northumbria (PCCN) this will mean an increase of 5.66% (flat rate Band D £5 increase) in the precept level for 2016/2017;
- the precept figures of the Tyne and Wear Fire and Rescue Authority (TWFA) have been confirmed as a 1.99% increase in the precept level for 2016/2017;
- the precept figures of the Parish of Hetton Town Council have been confirmed as an increase of 4% in the precept level for 2016/2017.

The position set out at Item 3 of the report as Determination of Council Tax 2016/2017 reflects the above notified 2016/2017 precept levels in respect of all of the Precepting Authorities and the figures as reported remain unchanged.

1. Capital Programme 2016/2017 and Treasury Management Policy and Strategy 2016/2017, including Prudential Indicators for 2016/2017 to 2018/2019

That they had given consideration to the attached joint report of the Interim Head of Paid Service and Director of Finance and recommend that approval be given to:

- the proposed Capital Programme for 2016/2017;
- the Treasury Management Policy and Strategy for 2016/2017 (including specifically the Annual Borrowing and Investment Strategies);
- the Prudential Indicators for 2016/2017 to 2018/2019;
- a revised Minimum Revenue Provision Statement for 2015/2016 and the Minimum Revenue Provision Statement for 2016/2017.

Accordingly the Cabinet recommended the Council to approve:-

- (i) the proposed Capital Programme for 2016/2017;

- (ii) the Treasury Management Policy and Strategy for 2016/2017 (including specifically the Annual Borrowing and Investment Strategies);
- (iii) the Prudential Indicators for 2016/2017 to 2018/2019;
- (iv) a revised Minimum Revenue Provision Statement for 2015/2016 and the Minimum Revenue Provision Statement for 2016/2017.

2. Revenue Budget and Proposed Council Tax for 2016/2017 and Medium Term Financial Strategy 2016/2017 to 2019/2020

That they had given consideration to the attached joint report of the Interim Head of Paid Service and Director of Finance on:

- (i) the overall revenue budget position for 2016/2017;
- (ii) the projected balances position as at 31st March 2016 and 31st March 2017 and advise on their level;
- (iii) a risk analysis of the Revenue Budget 2016/2017;
- (iv) a summary of the emerging medium term financial position facing the Council from 2017/2018 to 2019/2020, and associated Council Efficiency strategy;
- (v) views received from the North East Chamber of Commerce and Trade Unions.

Accordingly the Cabinet recommended the Council to approve:-

- the Revenue Budget for 2016/2017, as set out at Appendix K, and
- the Medium Term Financial Strategy 2016/2017 to 2019/2020 including Efficiency Strategy as set out in Appendix H and the proposed use of Capital Receipts Flexibility set out at section 9 of the report.

3. Determination of Council Tax 2016/2017

That they had given consideration to a report of the Director of Finance making, subject to the approval of the Revenue Budget 2016/2017 (as set out at item 2 above), recommendations with respect to Council Tax levels for 2016/2017, and advising that the Council Tax is calculated using the tax bases for the areas of the City Council and Hetton Town Council as approved by Council on 27 January 2016, and setting out a number of resolutions required to be made to determine the Council Tax, including the confirmed precepts from the Major Precepting Authorities and the Parish of Hetton Town Council.

They therefore recommended the report to Council

- having advised of the statutory requirements to recommend to Council a proposed Council Tax Requirement which for Sunderland will mean a 3.99% increase to the Council Tax for 2016/2017, noting that the government has amended the referendum principles relating to Council Tax increases to allow all social care authorities to raise an extra 2% in Council Tax which must be used specifically to meet the costs of adult social care. The total increase proposed for 2016/2017 of 3.99% therefore includes the additional 2% increase for social care.

and

- that Council confirm the Council Tax Requirement for its own purposes is £83,315,464 (excluding Parish precepts),

and

- i) it be noted that at its meeting on 27 January 2016 the Council approved the following amounts for the year 2016/2017 in accordance with the amended regulations made under Section 31B(3) of the Local Government Finance Act 1992 (the 'Act'):
 - a) 67,556 being the amount calculated by the Council, in accordance with the above regulation of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as amended by Local Authorities (Calculation of Tax Base) (Amendment) (England) Regulations 2012, as its Council Tax Base for the year (Item T).
 - b) 3,451 being the amount calculated by the Council, in accordance with the Regulations, as the amount of its Council Tax Base for the year for dwellings in the area of the Parish of Hetton Town Council.
- ii) That the Council Tax Leaflet be enclosed with Council Tax bills this year in order to explain in more detail the proposed increase in Council Tax for 2016/2017, in addition to the Leaflet being made available on the Council's website. In order to meet timescales for publication, it is proposed responsibility for finalising the document be delegated to the Director of Finance in consultation with the Leader of the Council and the Cabinet Secretary.
- iii) That the following amounts be now calculated by the Council for the year 2016/2017 in accordance with Sections 31 to 36 of the Local Government and Finance Act 1992 as amended:
 - (a) £655,373,875 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act taking into account all precepts issued to it by Parish Councils.
 - (b) £572,011,374 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.
 - (c) £83,362,501 being the amount by which the aggregate at iii (a) above exceeds the aggregate at iii (b) above, calculated by the Council, in accordance with Section 31A (4) of the Act,

as its Council Tax Requirement for the year including Parish Precepts (Item R in the formula in Section 31A(4) of the Act)

- (d) £1,233.9763 being the amount at iii (c) above (Item R) all divided by Item T (i (a) above), calculated by the Council, in accordance with Section 31B (1) of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- (e) £47,037 being the precept notified by Hetton Town Council as a special item under Section 34 (1) of the Act.
- (f) £1,233.2800 being the amount at iii (d) above less the result given by dividing the amount at iii (e) above by the Item T (i (a) above), calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- (g) £1,246.9100 being the amount given by adding to the amount at iii (f) above the amount iii (e) divided by the amount at i (b) above, calculated by the Council in accordance with Section 34 (3) of the Act as the basic amounts of its Council Tax for the year for dwellings in the area of the Parish of Hetton Town Council.

(h)

Valuation Band	Parts of the Council's Area	
	Hetton Town Council	All other parts of the Council's Area
A	£831.28	£822.19
B	£969.82	£959.22
C	£1,108.37	£1,096.25
D	£1,246.91	£1,233.28
E	£1,524.00	£1,507.34
F	£1,801.09	£1,781.40
G	£2,078.19	£2,055.47
H	£2,493.82	£2,466.56

being the amounts given by multiplying the amounts at iii (f) and iii (g) above by the number which, in the proportion set out in Section 5 (1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36 (1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- iv) it be noted that for the year 2016/2017, the Tyne and Wear Fire and Rescue Authority and the Police and Crime Commissioner for Northumbria have confirmed the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings as follows:

Valuation Bands	Precepting Authority	
	Police and Crime Commissioner for Northumbria	Tyne & Wear Fire and Rescue Authority
A	£ 62.22	£ 50.74
B	£ 72.59	£ 59.20
C	£ 82.96	£ 67.65
D	£ 93.33	£ 76.11
E	£114.07	£ 93.02
F	£134.81	£109.94
G	£155.55	£126.85
H	£186.66	£152.22

- v) having calculated the aggregate in each case of the amounts at (iii) h and (iv) above, and having received confirmation of the precept in paragraph (iv), the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2016/2017 for each of the categories of dwellings shown below:

Valuation Band	Parts of the Council's Area	
	Hetton Town Council	All other parts of the Council's Area
A	£944.24	£935.15
B	£1,101.61	£1,091.01
C	£1,258.98	£1,246.86
D	£1,416.35	£1,402.72
E	£1,731.09	£1,714.43
F	£2,045.84	£2,026.15
G	£2,360.59	£2,337.87
H	£2,832.70	£2,805.44

vi) to note that under Section 52ZB of the Local Government Finance Act 1992, the Authority's relevant basic amount of council tax for 2016/2017 is not excessive in accordance with the principles determined under Section 52ZC(1) of the Act.

(i.e. the proposed Council Tax increase for 2016/17 means that the Council does not need to hold a referendum on its proposed council tax. The provisions set out in Section 52ZC of the Local Government Finance Act 1992 require all billing authorities (councils and precept authorities (i.e. Fire and Police authorities)) to hold a referendum on their proposed level of basic Council Tax each year if they exceed government guidelines set out annually.)

vii) to note that as Council Tax bills must show year on year increases to one decimal place in accordance with government regulations, the proposed increase of 3.99% for 2016/17 will therefore appear as a 4.0% increase on the actual bills, despite being below the referendum limit.

viii) in order to meet timescales for publication of the Council Tax Leaflet, it is proposed responsibility for finalising the document be delegated to the Interim Head of Paid Service and Director of Finance in consultation with the Leader of the Council and the Cabinet Secretary.

It was then moved by the Councillor P Watson and seconded by Councillor H Trueman that the report of the Cabinet be approved and adopted.

In accordance with the requirement of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 for a named vote to be taken with regard to any budget decision made, the substantive motion was put to the vote with 53 Members voting in favour as follows: -

Councillors	Allan	Galbraith, G	Middleton	Turton, M
	Ball	Galbraith, I	Miller, F	Turton, W
	Beck	Gibson, E	Miller, G	Walker, G
	Bell	Gibson, P	Mordey	Walker, P

Blackburn	Gofton	O'Neil	Waters
Curran	Heron	Porthouse	Watson, P
Davison	Jackson	Price	Watson, S
Dixon, D	Kay	Scanlan	Williams
Elliott	Kelly	Scaplehorn	Wilson, A
Emerson	Lauchlan	Smith, P	Wilson, D
English	Lawson	Speding	Wright, N
Farthing	MackKnight	Trueman, D	
Fletcher	Marshall	Trueman, H	
Foster	McClennan	Turner	

and 5 Members voting against as follows:-

Councillors	Dixon, M Forbes	Francis	Leadbitter	Wood
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Accordingly it was: -

39. RESOLVED that the report of the Cabinet be approved and adopted.

Appointments – (i) New Local Authority Trading Company for Place Management Services (ii) Sunderland Care and Support (Holding Company) Limited and Sunderland Care and Support Limited

The Head of Law and Governance submitted a report which sought approval for appointments to the Board of the new Local Authority Trading Company (LATC) for Place Services and to clarify the position with regard to Sunderland Care and Support (Holding Company) Limited and Sunderland Care and Support Limited.

40. RESOLVED that:-

- (i) approval be given to the appointment of the Leader of the Council, the Portfolio Holder Cabinet Member for City Services, the Executive Director of Commercial Development and the Head of Place Management as directors of the new Local Authority Trading Company for Place Management Services; and
- (ii) the appointment of the Chief Operating Officer and the Chief Finance Officer of Sunderland Care and Support Limited to the Board of Directors of Sunderland Care and Support (Holding Company) Limited and Sunderland Care and Support Limited be noted.

(Signed) B. CURRAN
Mayor.

Report of the Cabinet

The CABINET reports and recommends as follows:-

1. Localism Act 2011 – Pay Policy Statement 2016-2017

That at its meeting on 23 March, Cabinet will consider the attached report of the Head of Law and Governance advising of recommendations from the Human Resources Committee in respect of the draft Pay Policy Statement for 2016-2017, together with a proposed amendment to paragraph 3.2 (v) of the draft Statement.

Cabinet's recommendation as to the Pay Policy Statement to be approved for 2016/2017 and published on the Council's website by 31 March 2016, will be reported to the Council meeting.

2. Members' Allowances Scheme 2016/2017

That they have given consideration to the joint report of the Interim Head of Paid Service and the Head of Law and Governance (copy attached) on the outcome of the Independent Remuneration Panel's Review of Members' Allowances.

The Independent Remuneration Panel has considered the number and level of allowances payable to Members and its report is attached as Appendix 1. The Panel recommended that should the Council's Committee structure remain as at present, there be no changes to the Scheme. It did however included recommendations in respect of the Council's Scrutiny arrangements, should the Council resolve to proceed with proposals to introduce one overarching Scrutiny Committee with three thematic Scrutiny Committees. These proposals were approved by Council at its meeting in January and therefore it is proposed that the Panel's recommendations in this regard be approved.

Accordingly the Cabinet recommends the Council to approve the recommendations of the Remuneration Panel that:-

- (i) the recommended allowances for 2016/2017 be approved as set out in the appendix attached to the report, and
- (ii) the Head of Law and Governance, in consultation with the Leader and Interim Head of Paid Service and Director of Finance, update the Guidance document as appropriate to reflect legislative and administrative changes.

3. The International Advanced Manufacturing Park (“IAMP”) - Partnering and Delivery Options – Report of the Executive Director of Commercial Development

That having given consideration to a report of the Executive Director of Commercial Development in respect of the development of the IAMP, and having been advised that there is currently no express power in the Council’s Delegation Scheme to deal with a Development Consent Order under the Planning Act 2008 (such an Order being proposed in relation to the IAMP site), the Cabinet recommends the Council to authorise the Head of Law and Governance, in consultation with the Leader, to amend the Delegation Scheme in the Constitution to reflect that the functions set out in paragraphs (a) to (g) below in respect of any Development Consent Order are delegated to the Head of Planning and Regeneration in consultation with the relevant portfolio holder:-

- a) Formally responding to the scheme promoter’s Statement of Community Consultation;
- b) All pre-application discussions and negotiations;
- c) Responding to the Development Consent Order planning application;
- d) Preparation and approval of the Local Impact Report;
- e) Representing the Council’s position at Examination by the Planning Inspector;
- f) All actions required to ensure the Council’s Duty to Cooperate is fulfilled at all stages of the Planning Process; and
- g) The taking of any other action on behalf of the Council associated with the regulatory town and country planning functions of the Development Consent Order process.

4. Honorary Freedom of the City

That at its meeting on 23 March, Cabinet will be giving consideration to a report of the Interim Head of Paid Service (copy to follow) recommending that the Council consider formally conferring the Honorary Freedom of the City, in recognition of outstanding contributions to the wellbeing and community spirit of the City.

The recommendations of the Cabinet will be set out in a supplementary report to the Council meeting.

CABINET

23 MARCH, 2016

**HUMAN RESOURCES COMMITTEE –
25 FEBRUARY 2016 – PAY POLICY STATEMENT 2016-2017**

Report of the Head of Law and Governance

1. Purpose

- 1.1 To recommend to Cabinet approval of the draft Pay Policy Statement 2016-2017, for subsequent adoption by Council and publication by 31 March 2016.

2. Description of Decision

- 2.1 That the Cabinet approve the draft Pay Policy Statement attached, including the addition to paragraph 3.2 (v) as referred to in the report, for recommending to Council for adoption and publication by 31 March 2016.

3. Background

- 3.1 In February 2012, Human Resources Committee considered the pay transparency implications of the Localism Act 2011, including the requirement to produce and publish an annual Pay Policy Statement. Human Resources Committee formally agreed this for recommendation to Cabinet. This was subsequently agreed by Cabinet and adopted by Council on 28th March 2012 and was published on the Council's website by 31st March 2012.
- 3.2 Updated policies for 2013-14, 2014-15 and 2015-16 were subsequently agreed by Cabinet and adopted by Council, and published on the Council's website. The policy needs to be updated and published for 2016-17.
- 3.3 The 2015/16 Pay Policy is currently published on the Council's website, alongside the Statement of Accounts. This can be accessed at: <http://www.sunderland.gov.uk> and search for Senior Pay, or Website URL: <http://www.sunderland.gov.uk/index.aspx?articleid=4994>

4. Comments of the Human Resources Committee

- 4.1 The Human Resources Committee considered the draft Pay Policy Statement and resolved that the Interim Head of Paid Service seek clarification in respect of the remuneration of the post of Director of Human Resources and Organisational Development and the treatment of payment for Returning Officer/Electoral Registration Officer duties and in consultation with the Leader of the Council, be authorised to amend the draft Pay Policy Statement 2016-2017 accordingly if appropriate, and subject to any amendments being made, the draft Pay Policy Statement 2016-2017 be approved for recommendation to the Cabinet and then adoption by the Council and subsequent publication by 31st March 2016.

5. Amendment of the Draft Pay Policy Statement

- 5.1 The job evaluation process, which applies to all posts within the Council, is not yet complete and therefore paragraph 3.2(v) of the draft pay policy statement considered by the Human Resources Committee has been amended to reflect this and the position referred to in the paragraph above, to read as follows:

“The job evaluation process is not yet concluded throughout the Council, including the Chief Officer posts. The remuneration shown in this Pay Policy Statement for Chief Officers is subject to the Acting Chief Executive/Head of Paid Service, in consultation with the Leader of the Council, receiving confirmation from an independent consultant that the level of remuneration accurately reflects the roles and responsibilities set out in the Job Profiles agreed by the Acting Chief Executive/Head of Paid Service.”

It is recommended that the attached draft Pay Policy Statement, as amended, be referred to Council for approval.

6. Reason for Decision

- 6.1 The provisions of the Localism Act 2011 came into force on 15th January 2012, bringing together the strands of increasing accountability, transparency and fairness in the setting of local pay. Section 38 of the Act requires English and Welsh local authorities to produce an annual pay policy statement, setting out councils' policies for the financial year in relation to the remuneration of their senior staff/chief officers, the remuneration of their lowest-paid employees, and the relationship between the pay of chief officers and that of other employees.
- 6.2 The provisions of the Local Government Transparency Code came into force on 31st October 2014 under section 2 of the Local Government, Planning and Land Act 1980. As part of the code, local authorities are now required to publish certain data sets, including information on senior salaries.

7. Alternative Options

- 7.1 There are no alternative options recommended as adoption and publication of a Pay Policy Statement is a legal requirement

8. Background Papers

Report to the Human Resources Committee on 25 February, 2016.

Draft Minutes of the Human Resources Committee held on 25 February 2016.

Human Resources Committee

25 February 2016

Pay Policy Statement 2016-2017

Report of the Director of Human Resources & Organisation Development

1.0 Purpose of Report

- 1.1 To recommend approval of the draft Pay Policy Statement 2016-2017, for subsequent adoption by Council and publication by 31st March 2016.

2.0 Background

- 2.1 In February 2012 Human Resources Committee considered the pay transparency implications of the Localism Act 2011, including the requirement to produce and publish an annual Pay Policy Statement. Human Resources Committee formally agreed this for recommendation to Cabinet. This was subsequently agreed by Cabinet and adopted by Council on 28th March 2012 and was published on the Council's website by 31st March 2012.

- 2.2 Updated policies for 2013-14 and 2014-15 and 2015-16 were subsequently agreed by Cabinet and adopted by Full Council, and published on the council's website.
The policy needs to be updated and published for 2016-17.

- 2.3 The 2015/16 Pay Policy is currently published on the Council's website, alongside the Statement of Accounts. This can be accessed at: <http://www.sunderland.gov.uk> and search for Senior Pay, or Website URL: <http://www.sunderland.gov.uk/index.aspx?articleid=4994>

- 2.4 There continue to be both required and discretionary elements to the statutory pay policy :

(i) Required elements:

- The level and elements of remuneration for each chief officer (including salary, bonuses and benefits in kind).
- The remuneration of its lowest-paid employees (together with its definition of "lowest paid employees" and its reasons for adopting that definition).
- The relationship between the remuneration of its chief officers and other officers.
- Other specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, the use of performance-related pay and bonuses, termination payments, and transparency (i.e. publication of and access to information relating to their remuneration).

(ii) Discretionary elements (recommended in JNC guidance):

- The authority's policies relating to other terms and conditions for chief officers; making explicit whether the JNC conditions of service for chief officers are incorporated in their employment contracts.

- Any additional arrangements which may not amount to formal terms and conditions but which relate to employment and are a charge on the public purse.
- Combining into one statement, other statements relating to remuneration which the Council is already required to publish, in relation to discretionary payments on early termination of employment; on increasing an employee's total pension scheme membership; and awarding additional pension.

The Council's current policy is a combined Statement of Policy on Discretions relating to The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, and The Local Government Pension Scheme Regulations 1997 (as amended).

2.5 On 3rd October 2014 the Government issued a revised Local Government Transparency Code. This came into force on 31st October 2014 under section 2 of the Local Government, Planning and Land Act 1980. As part of the code, local authorities are now required to publish certain data sets. The HR implications of the mandatory information are the annual publication of:

- An **Organisation chart** covering staff in the top three levels of the organisation (including grade, job title, local authority department and team, whether permanent or temporary staff, contact details, salary in £5,000 brackets, consistent with the details published for Senior Salaries, and the maximum salaries for the grade).
- Annual publication of **Trade union facility time** (including total number and full time equivalent of staff who are union representatives, and the total number and full time equivalent of union representatives who devote at least 50% of their time to union activity.)
- Senior salaries.
- Pay multiple – the ratio between the highest paid salary and the median salary of the whole of the authority's workforce. (Previously we published the ratio between the highest to lowest pay).

The information was published within the required deadlines, i.e.:

- On the first occasion, not later than 2nd February 2015, and
- Thereafter, not less than annually and not later than one month after the year to which the data and information is applicable.

These data sets are published on the council's website under Transparency, alongside the Senior Pay information and can be accessed at:

<http://www.sunderland.gov.uk>, or by clicking [Transparency](#)

See related downloads:

- Senior salaries – Senior Employees 2014-15 showing Remuneration & Responsibilities : - [Senior Salaries](#)
- Organisation Chart – 1 January 2015 – showing top 3 levels of the organisation ; - [Organisation Chart](#)
- Pay multiple – 1 January 2015 – showing the pay multiple for median remuneration (base pay) as a ratio ; – [Pay Multiple](#)

The content of the Pay Policy Statement 2015-16 has not been affected by the Transparency Code requirements apart from the Pay multiple method – we are required to publish the ratio between the highest paid salary and the median salary of the whole of the authority’s workforce. (We had previously published the ratio between the highest to lowest pay).

3.0 Proposal

The proposed draft Pay Policy Statement 2016-2017 is attached as an Appendix to this report. The amendments in comparison with the 2014-15 Pay Policy Statement are: the reference to related data sets published under the Transparency Code; changes to dates; an national increase in JNC pay grades; the updated grades as a result of the implementation of the workforce transformation project; a change in the pay multiple method; and updating references to new or deleted posts, etc.

4.0 Recommendations

- 4.1 It is recommended that Human Resources Committee formally agree the attached draft Pay Policy Statement 2016-17 for recommendation to Cabinet and adoption by Council and publication by 31st March 2016.

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1. Introduction and Purpose

1.1 Aims and Purpose

This document sets out the Council's pay policy for 2016-17 aimed at supporting the remuneration of the workforce in a fair and transparent way. This Pay Policy Statement has been produced having regard to Government Guidance issued under section 38 of the Localism Act 2011. The policy is subject to annual review and must be approved by full Council for each financial year from 2012-13 onwards. It will be published on the Council's website as soon as reasonably practicable after approval or amendment.

It sets out:

- The methods by which salaries of all employees are determined.
- The detail and level of remuneration of the Council's most senior staff, i.e. 'chief officers' as defined by the relevant legislation.
- The remuneration of the lowest paid employees.
- The relationship between the remuneration of its Chief Officers and the remuneration of employees who are not Chief Officers.

The Local Government Transparency Code 2014, published by the Government and which came into force on 31st October 2014 under section 2 of the Local Government, Planning and Land Act 1980, builds on the requirement for local authorities in creating greater transparency through the publication of public data. This includes publishing details of senior employee salaries, including a list of responsibilities, the inclusion of bonus details for all senior employees whose salary exceeds £50,000 and publication of the data on the authority's website. In line with this Code, the pay multiple in this Pay Policy now measures the ratio between the highest paid salary and the median salary of the whole of the authority's workforce.

These related data sets are published annually, including:

- An Organisation chart covering the top three levels of the organization (including grade, job title, local authority department and team, whether permanent or temporary staff, contact details, salary in £5,000 brackets, consistent with the details published for Senior Salaries, and the maximum salaries for the grade). Link to - [Organisation Chart](#)
- Senior Salaries – Senior employees (remuneration in the previous financial year, and Responsibilities). Link to - [Senior Salaries](#)
- Pay Multiple (the ratio between the highest paid taxable earnings for the given year and the median earnings figure of the whole of the council's workforce). Link to - [Pay Multiple](#)

Further information on senior pay is also published on the Council's website, alongside the Statement of Accounts. This can be accessed at:

<http://www.sunderland.gov.uk> and search for Senior Pay, or Website URL:
<http://www.sunderland.gov.uk/index.aspx?articleid=4773>

1.2 Not in Scope

The arrangements set out within this document do not extend to those employees who are employed within the control of school governing bodies.

1.3 Other legislation relevant to pay and remuneration

Under section 112 of the Local Government Act 1972, the Council has the power to appoint officers on such reasonable terms and conditions as the authority thinks fit, subject to Section 41 of the Localism Act 2011 (requirement for determinations relating to terms and conditions of chief officers to comply with the pay policy statement.)

In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. This includes legislation such as the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations. There is also significant legislation relating to pensions and payments upon termination of employment.

Sunderland City Council is an equal opportunity employer. The overall aim of our Single Equality Scheme is to ensure that people are treated fairly and with respect. The scheme also contains a specific objective to be a diverse organisation which includes recruiting and retaining a diverse workforce and promoting equality and diversity through working practices. This pay policy forms part of our policies to promote equality in pay practices. By ensuring transparency of senior pay and the relationship with pay of other employees, it will help ensure a fair approach which meets our equality objectives.

1.4 Context

In setting the pay policy arrangements for the workforce the Council seeks to pay appropriate salaries within the constraints of a public sector organisation. The pay policy is simply one aspect of the Council's whole approach to managing its human resources within the context of the Sunderland way of working, the Council's values and its organisational philosophy.

2. **Pay Structure and general principles regarding the remuneration of all staff**

2.1 Pay Structure

The Council operates a graded salary structure of incremental salary scales with a range of spinal column points (pay points), using the nationally negotiated pay spines as the basis for its local pay structures, together with some locally determined rates.

The large majority of the Council's (non teaching) workforce are covered by the National Joint Council for Local Government Services (NJC) pay spine (spinal column points 5-49), plus some additional local salary scales (spinal column points 50-58). Other appropriate nationally agreed spines apply to smaller defined groups of employees, such as Craft, JNC for Youth & Community Workers, Employees covered by the Soulbury Committee Agreement, and the Joint National Council for Chief Officers (JNC). During 2016 employees in these smaller groups will be transferred onto the same pay spine and grade structure as the others.

The salary figures in this report are gross salary figures before deductions, such as salary sacrifice, are made at the discretion of the employee.

2.2 Pay Awards

National and Provincial Agreements for the Council's workforce include the negotiation of collective agreements on pay and conditions, which are reviewed and negotiated annually, through agreements of the relevant national bodies such as the National Employers' Organisation for Local Government Services, on behalf of all local authorities in England and Wales, and the signatory Trade Unions. The annual pay awards, if any, take account of a number of issues, including central government guidance, what can be agreed with the relevant trade unions, the general economic situation, the results of consultation, the affordability position of local authorities, the average rate of pay settlements across the economy, the employee relations climate, etc. While the Council as an Employer is consulted as part of the negotiation process, it does not control the level of any national pay award.

2.3 Grading of posts

The grading of posts is determined by either the Council, following the consideration of recommendations from the Council's HR Committee or under delegated powers by the Director of HR & OD. During 2016 all posts in the council are being subject to a grading review following which the grades of all posts will be determined using a job evaluation approach called job family modelling.

2.4 Appointment to new and existing posts

Appointments are made in accordance with the Council's Code of Practice on Recruitment and Selection. For posts graded on incremental scales, appointments are normally made at the minimum of the salary grade, with employees progressing to the maximum point of the salary range via annual incremental progression where applicable, subject to relevant criteria being met. While provision exists to appoint above the minimum of the grade, this is applied in exceptional circumstances only. The equality impact of the decision is a key issue, and it is imperative that anomalies are not created as a result of such decisions. In cases where the criteria to appoint above the minimum of the grade is met, comprehensive records need to be maintained and monitored on an ongoing basis, for use in assessing recruitment and retention trends and for monitoring purposes.

2.5 Market Pay Supplements

From time to time it may be necessary to take account of the external pay levels in the labour market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using data sources available from within the local government sector and outside, as appropriate.

2.6 Temporary pay supplements

Where employees temporarily undertake either the full range of duties of a higher graded post or a proportion of the duties of that post, a commensurate salary may be paid.

3. Senior Management Information

3.1 Definition of Senior Management

For the purposes of this statement, senior management means ‘chief officers’ as defined within the Localism Act.

Specifically:

“2 (a) The head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989;
(b) its monitoring officer designated under section 5(1) of that Act;
(c) a statutory chief officer mentioned in section 2(6) of that Act;
(d) a non-statutory chief officer mentioned in section 2(7) of that Act;
a deputy chief officer mentioned in section 2(8) of that Act.”

3.2 Key Principles

- i) The Chief Officer pay policy is designed to be easily understood and be transparent to the post holders, key stakeholders and the public. The structure and level of the pay arrangements is designed to enable the Council to attract, motivate, and retain key senior talent for the authority.
- ii) The policy is based upon salaries with clear differentials between levels of work/job size, within a range that is affordable now, will remain so for the medium term, and will be subject to review to ensure it continues to remain fit for purpose. It is intended that the authority will market test the rates of pay when vacancies arise, as part of consideration on whether or not roles continue to be required within the context of the Council’s priorities and commitments at that time.
- iii) These posts do not attract performance related pay, bonuses or any other additions to basic salary. This approach enables the Council to assess and budget accurately in advance for the total senior pay bill over a number of years.
- iv) In setting the pay policy for senior staff, a market position has been established that aims to attract and retain the best talent available at a senior level within a national recruitment context, to lead and motivate the Council’s workforce that is rewarded under a nationally agreed negotiating framework.
- v) The job evaluation process is not yet concluded throughout the Council, including the Chief Officer posts. The remuneration shown in this Pay Policy Statement for Chief Officers is subject to the Acting Chief Executive/Head of Paid Service, in consultation with the Leader of the Council, receiving confirmation from an independent consultant that the level of remuneration accurately reflects the roles and responsibilities set out in the Job Profiles agreed by the Acting Chief Executive/Head of Paid Service.
- vi) Other terms and conditions of employment for this group are as defined within the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service handbook, with discretion to set actual pay levels at a local level, but within a national negotiating framework. These national provisions are supplemented by the Council’s local employment policies. Like all council employees, holders of these posts are eligible to join the nationally defined Local Government Pension Scheme.

3.3 Individual elements of the remuneration package:

a) Chief Executive

The current salary of the post is £175,699.

b) Executive Directors

The current salary of these posts fall within a range called Leadership 3 of £99,274, rising to a maximum of £117,818. The current posts are: Executive Director of Commercial Development; Executive Director of Enterprise Development, Interim Director of Corporate Services (section 151 Officer), Director of Children's Services and the Director of Human Resources and Organisational Development.

c) Deputy Executive Directors and Corporate Directors

The current salary of these posts fall within a range called Leadership 4 of £87,518 - £99,274. The current posts are Assistant Chief Executive; Director of People Services and Chief Operating Officer (PLACE).

d) The designated Monitoring Officer, which is the Head of Law and Governance, is paid within a range of £66,413 - £77,380.

e) Heads of Service and other officers reporting directly to one of the statutory or non-statutory chief officers listed in (b), (c) and (d) above. The current salaries of these posts fall within three different ranges: Leadership 5 (£77,380 - £87,518); Leadership 6 (£66,413 - £77,380); Leadership 7 (£55,789 - £66,413).

The designated Returning Officer for the Council, who is currently the Director of Human Resources and Organisational Development, also carries out the role of Acting Returning Officer at UK parliamentary elections and local returning/counting officer at European elections and at other referenda or electoral processes that occur from time to time. These additional roles usually carry an entitlement to payment from central government budgets at levels set by order in relation to each poll. The payment scales for national elections are set out in a Statutory Instrument laid before Parliament in respect of each individual election and are applied to both national and local elections. The Statutory Instruments are published on www.legislation.gov.uk

4. Lowest Paid Employee Information

4.1 Definition of Lowest paid employees

Those staff who are employed in jobs which are paid at Band A level (spinal column point 6) (£13,614 per annum for a full time 37 hour week), this being the lowest salary paid to employees other than apprentices. During 2016 the implementation of the council's new pay and grading model will mean that lowest paid employees will be those on Grade 1 spinal column point 13 (£15,901 per annum for a full time 37 hour week). The salaries attributable to apprentices depend on age and are those set out within the National Minimum Wage legislation. Given the specific nature of these appointments, the Council does not include apprentices within the definition of lowest paid employees for the purposes of this policy statement.

5. The relationship between the highest and lowest paid employees

5.1 Pay Multiples

In setting the relevant pay levels a range of background factors were taken into consideration for senior pay alongside the significant scope and scale of the authority in the national context.

For example, the scope and scale of the Chief Executive's post encompasses responsibilities commensurate with a large city authority, including responsibility for:

- The provision of wide ranging services to 277,000 residents of Sunderland.
- An overall budget of £665.4 million for service delivery.
- Undertaking the role of the Head of Paid Service to 6,582* employees. (* Figures include maintained schools. This data is accurate at 1st February 2016 but changes on a week by week basis).
- Lead Policy Advisor to the Council's 75 Elected Members.

One way of measuring pay relationships is to use a pay multiple.

The ratio between the pay of the Chief Executive in Sunderland City Council and the lowest paid workers is 12.91:1. This meets the Government expectation that the pay multiple relationship should be below 20:1 in local government.

5.2 Pension Contributions

During 2016-17 the employer will contribute 15.9% of pensionable pay to the pension fund for all employees in the Local Government Pension Scheme. Employees also pay a contribution of between 5.5% and 12.5%. These figures are all determined by the Scheme, not the council.

5.3 Pay Policy Decisions for the Wider Workforce

These are determined by the Council, following consideration of recommendations of the Council's HR Committee which is composed of elected members. This ensures that decisions in relation to workforce pay are taken by those who are directly accountable to local people.

6. The approach towards payment of those officers ceasing to hold office under or be employed by the Authority

Policies regarding payments to Chief Officers upon termination of their employment are determined by the Council's HR Committee. Decisions are made in line with the Council's policies which apply to all employees.

CABINET

10 FEBRUARY 2016

MEMBERS' ALLOWANCES SCHEME - 2016/2017

Report of the Interim Head of Paid Service and Head of Law and Governance

1. Purpose of report

To present the report of the Independent Remuneration Panel on the level of members' allowances for the next financial year, in order for Cabinet to make appropriate recommendations to Council.

2. Description of decision

To consider the report and recommendations of the Independent Remuneration Panel and make appropriate recommendations to Council.

3. Independent Remuneration Panel

Each Local Authority is required to establish and maintain an Independent Remuneration Panel to make recommendations to the Council about the allowances to be paid to elected members. The members of the Panel are John Anderson CBE, John Cuthbert and Karen Straughair.

The Council is required to renew the Members' Allowances Scheme for each financial year and to do so before the beginning of each new year. When making or amending a Scheme, the Council is required to have regard to the Panel's recommendations.

The Panel has considered the number and level of allowances payable to Members and its report is attached as Appendix 1. Should the Council's Committee structure remain as at present, the Panel has not recommended any changes to the Scheme. It has however included recommendations in respect of the Council's Scrutiny arrangements, should the Council resolve to proceed with proposals to introduce one overarching Scrutiny Committee with 3 thematic Scrutiny Committees.

4. Reasons for decision

The Council must make a new Scheme before the beginning of each financial year.

5. Alternative Options

The recommendations have been arrived at following careful consideration by the Panel. It is not therefore recommended that the Council adopt any alternative arrangements.

6. Financial Implications

The proposal to introduce one overarching Scrutiny Committee with 3 thematic Scrutiny Committees will result in a saving of £7,767 on existing budget provision upon implementation.

Background papers

Report of the Independent Remuneration Panel

MEMBERS' ALLOWANCES SCHEME

Independent Remuneration Panel

Review of Members' Allowances for Financial Year 2016/2017

Introduction

1. Each local authority is required to establish and maintain an Independent Remuneration Panel to make recommendations to full Council about the allowances to be paid to elected members in the following financial year.

Review of Allowances

2. In undertaking this review, the Panel has had regard to guidance issued by the former Office of the Deputy Prime Minister and also considered the allowances paid by other authorities in the region. During the course of the review, the Panel considered a number of written representations received from elected members and interviewed the Deputy Leader of the Council, Deputy Leader of the Majority Opposition Group and a Project Lead member. The Panel also received officer briefings on the role of Project Leads and on proposals in respect of the Council's Scrutiny arrangements.
3. Written representation was received regarding the demands on the time of Councillors, with a request that the level of basic allowance be reviewed. The Panel was mindful that the allowance should be at a level that recognised the time and costs expended by members and did not discourage individuals from a wide range of backgrounds from applying to be Councillors, however, it considered that the current level was appropriate and therefore did not propose to recommend any change. Written representation was also received in respect of the Fostering Panel, regarding which it was suggested that there should be scope for appointment of an additional member in view of the significant workload and importance of this area. Whilst the Remuneration Panel did not consider it appropriate to recommend that this be reflected in the scheme at this stage, it recognised the importance of this area of work and recommended that further information be compiled for future review regarding the level of demand and responsibility associated with this role.
4. A written representation was also received in respect of travel expenses which pointed out that in some cases it could be cheaper to reimburse private mileage both ways when a friend or family member drove a member to their destination, rather than reimburse the cost of a taxi. However the Panel considered that this was an area where the cost and administrative expense of checking whether the cheapest option was being used in each case would outweigh any flexibility built into the scheme and therefore it was not recommended that any change be made to the provisions for recovery of expenses.
5. Reference was also made to the number of Special Responsibility Allowances under the Scheme, with some suggestions of areas where this could be reviewed, however, the Panel considered that the allowances appropriately reflected the relevant responsibilities. Whilst the overall cost of the Members' Allowances Scheme was not something for the Panel's consideration, it also

noted the consistent message received from Members that the cost of the Scheme should not increase.

6. Reference was also made to the role of Project Leads and the Panel found it very helpful to interview one of the Members who held this position and who provided information regarding the areas of work with which they were engaged and the demands upon their time. Whilst the Panel considered that the level of allowance remained appropriate, it noted that representations had been received in previous reviews regarding these roles and the Panel reiterated their previous recommendation that greater efforts be made to raise awareness within the Council of the value added by these positions. The Panel noted that annual reports were prepared regarding Area Committees and Scrutiny work and suggested that the Council may wish to consider putting in place arrangements to inform the wider membership of the work undertaken by Project Leads.
7. Whilst the Panel did not consider that any changes were required to the current Scheme if the Council's executive and committee structure remained as at present, the Panel was advised that there was a proposal to be taken to Scrutiny Committee and full Council regarding changes to Scrutiny arrangements. The Panel was briefed on the outcome of a recent Scrutiny Review undertaken by The Centre for Public Scrutiny and was advised that a proposal was to be put forward for there to be one overarching Scrutiny Committee, supported by three thematic Scrutiny Committees which would deal with areas relating to Health and Wellbeing, Children and Education and Economic Prosperity and Skills. The formal overarching Scrutiny Committee would have a co-ordinating function in relation to the broad strategic issues which may fall within the remit of more than one service based Scrutiny Committee. In addition, the three thematic committees would have the role of scrutiny of services within the broad Sunderland Partnership Strategic Priorities. The Panel was advised that the proposed structure would strengthen capacity, particularly through the establishment of three Vice-Chair roles for the thematic Committees. It was envisaged that there would be increased emphasis on critical analysis of service delivery and assessment of performance with a closer, earlier and more ongoing engagement of Scrutiny in mandating, shaping and overseeing delivery of improvement activity.
8. The Panel was advised that it was proposed that the recommendations would be implemented in shadow format as soon as possible and that, subject to Council approval, the formal Committee structure would be put in place with effect from the Annual Council meeting in May 2016. No change was proposed by the Panel to the SRA applicable to the Coordinating Committee Chair and Vice chair. However, in light of the proposed creation of additional formal Scrutiny Committees and the changed emphasis in the Scrutiny role, the Panel believed that a small increase may be appropriate in the SRA applicable to the Chairs of the new thematic Committees as compared to the role of Scrutiny Lead under the current arrangements.

However, the Panel recognised that the new arrangements were still emerging and in the circumstances, recommended that no increase be made at this time, but confirmed that the Panel would be happy to reconsider the level of allowance once the new arrangements were in place and embedded. The

Panel therefore recommended that should the proposals be approved by the Council, the allowance paid to the Chair and Vice Chair of the overarching Scrutiny Committee remain as at present and the allowance paid to the Chair and Vice Chair of each of the thematic committees be set at £5179 and £2590 respectively, to take effect from implementation of the proposals. In the meantime, the current level of allowances in respect of the Scrutiny Lead roles should continue. The Panel requested that if the proposals were implemented, further information be provided at the next review regarding the operation of the new committees.

9. In addition, the Panel noted that there were a number of areas of the detailed Guidance document that applied to the Allowances Scheme which required updating to reflect legislative and administrative changes, including:
 - a) Changes to Pension entitlement, which now provide that Councillors who were members of the Local Government Pension Scheme on 31st March 2014, will retain access to the Scheme up to the end of their then current term of office (or to age 75 if earlier).
 - b) That elements of the mileage allowance are currently taxable, although HMRC have indicated that this may change in future years.
 - c) Relevant timescales for submission of claim forms (to be completed and claimed in retrospect one month in arrears) and the relevant Departments/ Service areas to which claim forms should be sent.
 - d) Removal of the reference to suspension of payment of allowances whilst members are suspended from office, as the legislation giving the Council the power to suspend members has been repealed.

Recommendations

10. The recommended allowances for 2016/2017 are set out in the attached appendix.
11. The Panel also recommend that the Head of Law and Governance, in consultation with the Leader and Interim Head of Paid Service and Director of Finance, update the Guidance document as appropriate to reflect legislative and administrative changes.

John Anderson CBE (Chair)
John Cuthbert
Karen Straughair

December 2015

Appendix

Type of Allowance	Amount per annum £
Basic Allowance	8,369
Special Responsibility Allowances	
Leader of the Council	37,667
Deputy Leader of the Council	25,111
Cabinet Secretary	25,111
Leader of Majority Party in Opposition	12,566
Leader of the Minority Party in Opposition	6,277
Deputy Leader of Majority Party in Opposition	8,369
Deputy Leader of the Minority Party in Opposition	4,184
Cabinet Member with Service Portfolio	20,716
Project Lead	12,556
Chairman of the following:	
Scrutiny Committee	12,556
Area Committee	10,350
Regulatory Committee	8,369
Licensing Committee	8,369
Planning and Highways Committee	6,277
Development Control Sub-Committees	6,277
Where the same person chairs the Licensing and Regulatory Committees, only one allowance will be payable but increased by a factor of 50%	
Vice Chairman of the following:	
Scrutiny Committee	6,277
Area Committee	6,277
Other Special Responsibility Allowances -	
Scrutiny Lead Member	5,179
Membership of Adoption and Permanency Placement Panel (to be paid to up to 2 Members)	4,184
Fostering Panel	4,184
Revised Scrutiny Arrangements	
Subject to full Council approving the establishment of an Overarching Scrutiny Committee, with three Thematic Scrutiny Committees, the following is recommended:	
Chair of Overarching Scrutiny Committee	12,556
Vice Chair of Overarching Scrutiny Committee	6,277
Chair of a Thematic Scrutiny Committee	5,179
Vice Chair of a Thematic Scrutiny Committee	2,590
(to take effect from appointment to formal Thematic Committee under proposed new arrangements)	

Co-optees' Allowances

Port Board	15,000
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Audit and Governance Committee

Chairman	6,277
Independent member	3,139

Mayoral

Mayoral Allowance	17,205
Deputy Mayoral Allowance	5,735

Carer's allowance to remain at up to £7.22 per hour

Travel Allowances (for elected members and co-optees)

Motor Cycle allowance	24p per mile
Bicycle Allowance	20p per mile
Car Allowance	45p per mile for first 10,000 mile and 25p thereafter

Passenger Supplement 5p per mile for the passenger (not exceeding 4)

The above rates match Her Majesty's Revenues and Customs authorised mileage rates and will be updated when HMRC publishes revised allowances

Subsistence Allowances (for elected members and co-optees)

In the case of absence from the usual place of residence for a continuous period which exceeds 4 hours but does not involve an overnight absence, subsistence is payable as per the table set out below:

Breakfast Allowance	£6.22
Lunch Allowance	£8.55
Tea Allowance	£3.37
Evening Meal Allowance	£10.59

The subsistence rates shall be reduced as shown below in respect of meals provided free of charge by any authority or body during the period to which the allowance relates.

Reduction of Subsistence Allowance for Meals Provided Free of charge:

Reduction for Breakfast provided	£6.22
Lunch provided	£8.55
Tea provided	£3.37
Dinner provided	£10.59

Overnight Accommodation

The allowance will not be claimable as an allowance as such, rather reasonable costs of an overnight stay (including breakfast) will be met for business class accommodation (3 star or 4 star) within and outside of London. Unless there are exceptional circumstances the Council will book the accommodation direct selecting the most economic option available and utilising the established procurement arrangements in

place. Where exceptional circumstances exist, these will be approved in advance by the Director of Finance and reasonable costs will be reimbursed subject to submission of receipts.

Grant payable for Use of Rooms or Halls for Ward Surgeries £15 maximum per occasion

Telephone Calls Allowance £15 per quarter

Broadband – actual costs to be reimbursed up to a maximum of £15 per month with a contribution from each Member of £3 per month where private use is made for the facility.

Report of the Human Resources Committee

The HUMAN RESOURCES COMMITTEE reports and recommends as follows:-

1. Senior Organisational Structure

That they had given consideration to a report of the Director of Human Resources and Organisational Development on the appointment of an Interim Chief Executive following the retirement of Sonia Tognarelli, Interim Head of Paid Service and Director of Finance and on changes to the senior management structure of the Council.

In considering the report, the Human Resources Committee gave approval to appoint Ann Goldsmith as the Interim Director of Children's Services and also recommended Council to:-

- (a) approve the following with effect from 1 April 2016:-
 - (i) the appointment of Irene Lucas CBE, as Interim Chief Executive and that she be authorised to undertake the functions delegated to the Chief Executive/Interim Head of Paid Service under the Council's Delegation Scheme as set out in the Appendix to the report, together with such other functions as have been delegated to the Chief Executive or Interim Head of Paid Service by the Council or any of its committees or sub-committees.
 - (ii) the establishment of the post of Director of Corporate Services (with section 151 responsibility) and deletion of the post of Director of Finance.
 - (iii) the deletion of the post of Executive Director of People Services and re-designation of the post of Chief Operating Officer (People Services) to Director of People Services and statutory Director of Adult Social Services.
- (b) authorise the Head of Law and Governance, in consultation with the Leader, to amend the constitution to reflect the new management structure and reallocation of delegated functions (other than those functions which have previously been reallocated to the Interim Director of Children's Services) from the Executive Director of People Services to the Director of People Services and also from the post of Director of Finance to the Director of Corporate Services

Note : Council is advised that it is anticipated that a recommendation for appointment of the Interim Director of Corporate Services will be made to the Council meeting.

Extract of report to Human Resources Committee 10 February 2016

Senior Organisational Structure – Functions Delegated to Chief Executive

Chief Executive

- To be the Council's principal adviser on general policy, and to ensure that proposals are consistent with policy.
- To make long term assessments of resources, needs and commitments, and to co-ordinate advice on forward planning.
- To ensure that the Council's policies and programmes are implemented and that the Council's staff are managed effectively having regard to statutory responsibilities.
- To grant exemptions from politically restricted posts and generally to deal with such posts.
- To keep a record of particulars of any notice given under Section 117 of the Local Government Act 1972 by an Officer of the Council as to a pecuniary interest in any contract or proposed contract.
- To receive and record declarations of hospitality received from officers.
- To witness and receive declarations as to the acceptance of office by a Councillor under Section 83 of the Local Government Act 1972.
- To receive notices of resignation as councillors under Section 84 of the Local Government Act 1972.
- To convene meetings of the Council for the election of a casual vacancy in the office of Mayor under Section 88 of the Local Government Act 1972.

- To receive notices of a casual vacancy of the office of councillor under Section 89(1) (b) of the Local Government Act 1972 and of a Parish Councillor under Rule 8 of the Local Elections (Parishes and Communities) Rules 1986.
- To sign photographic copies of documents under Section 22 of the Local Government Act 1972.
- To authenticate notices orders and other documents under Section 234 of the Local Government Act 1972.
- To send copies of byelaws to every parish to which they apply, under Section 236 of the Local Government Act 1972.
- To certify copies of byelaws under Section 238 of the Local Government Act 1972.
- To keep the roll of Freemen of the City under Section 248(2) of the Local Government Act 1972.
- Under Paragraph 4 of Schedule 12 of the Local Government Act 1972, to sign and serve Summonses of council meetings to every Member of the Council and to receive notices from Members as to the address to which their Summonses should be sent.
- To certify resolutions of the Council in respect of proceedings under the Public Health Acts 1875 to 1925 under paragraph 25(7) of Schedule 14 of the Local Government Act 1972.
- To exercise functions under the Registration Services Act 1953.
- To receive notices under the Local Government (Committees and Political Groups) Regulations 1990.
- To exercise powers under Section 1 of the Localism Act 2011 to provide financial and other assistance for economic development purposes provided that where the amount to be given to any one body in any one financial year is over £50,000, the matter shall be referred to the Cabinet for consideration.
- To approve the use by Chief Officers of external consultants where the cost is estimated to exceed £10,000 but not to exceed £100,000.

- To issue closure orders under the Anti-Social Behaviour, Crime and Policing Act 2014.
- To be the responsible person for ensuring compliance with the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009.
- To approve, in consultation with the Head of Law and Governance, the payment of an indemnity to any Member or Officer up to a maximum of £50,000 in accordance with the approved policy, with requests above this sum being referred to Cabinet for consideration.
- To manage, operate and develop policies associated with Community Development and working with the voluntary and community sector, including Community Associations.
- To authorise officers to sign contracts with a value exceeding £50,000.
- To exercise the Council's rights in any company or other form of corporate body of which the Council is a shareholder or member, unless alternative arrangements are specified in the relevant body's articles of association, other governing instrument, any shareholders' agreement or any specific delegations in relation to particular bodies.
- To undertake the role of company secretary in any company for which the Council provides company secretarial or administrative services.
- To carry out any function which is delegated to a particular officer.
- To exercise all other functions which the Chief Executive is authorised to undertake or for which the Chief Executive is the nominated officer or "proper officer" under the constitution.

Report of the Scrutiny Committee

The SCRUTINY COMMITTEE reports and recommends as follows:-

1. Review of Scrutiny Arrangements – Scrutiny Procedure Rules

That they submit for consideration by Council a joint report of the Head of Law and Governance and the Head of Scrutiny and Area Arrangements (copy attached) on proposals to change the Scrutiny Procedure Rules with effect from the new municipal year, to maintain their alignment to the revised Scrutiny arrangements approved by Council on 27 January 2016 and to make related changes to the Constitution.

The Scrutiny Committee gave consideration to the report at its meeting held on 10 March 2016 and the following points were highlighted:-

- (i) Consideration be given to paragraph 17c of the procedure rules so that all references to 'the Committee' would be amended to read 'the Scrutiny Coordinating Committee'
- (ii) Consideration be given to amendments to paragraph 17 (j) of the procedure rules to ensure that decisions on issues of urgency must be made in agreement with the Chairman of the Scrutiny Coordinating Committee. The paragraph would therefore be amended to read:-

'The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the relevant Scrutiny Committee, in agreement with the Chairman of the Scrutiny Coordinating Committee, must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the relevant chair (or Scrutiny Coordinating Committee chair), the vice-chair's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required.'

Accordingly the Scrutiny Committee recommends to Council that subject to i) and ii) above, the Head of Law and Governance, in consultation with the Leader, be authorised to amend the Constitution to reflect the amended Rules, the consequential amendments to the Articles and to make such other minor or consequential amendments as are appropriate to the Constitution to ensure consistency with the revised Rules and the revised Scrutiny arrangements.

REVIEW OF SCRUTINY ARRANGEMENTS - SCRUTINY PROCEDURE RULES

JOINT REPORT OF THE HEAD OF LAW AND GOVERNANCE AND HEAD OF SCRUTINY AND AREA ARRANGEMENTS

1. Purpose of the Report

- 1.1 To provide Committee members with an opportunity to consider proposals for changes to the Scrutiny Procedure Rules to maintain their alignment to the revised Scrutiny arrangements approved by Council on 27 January 2016 and to make related changes to the Constitution.

2. Background

- 2.1 As Members are aware, changes to the Council's Executive and Committee arrangements were considered by Scrutiny Committee on 3 December 2015 and subsequently agreed at Council on 27 January 2016. The new arrangements provide for a Scrutiny Coordinating Committee, (14 Members in total, including the Chairs and Vice Chairs of the Thematic Scrutiny Committees), and three Thematic Scrutiny Committees. These are the Health and Wellbeing Scrutiny Committee, (12 Members), the Children Education and Skills Scrutiny Committee, (16 Members including 4 Education Co-opted Members), and the Economic Prosperity Scrutiny Committee (12 Members).
- 2.2 This model reflects the recommendations that emerged from the review of Scrutiny commissioned on behalf of the Scrutiny Committee chair, and replaces the Scrutiny Commissioning Model to deliver a focused responsive scrutiny function to support the Council's delivery of services against a background of financial constraint and much reduced resources.
- 2.3 The work of the Scrutiny Committees is supported through the operation of the Scrutiny Procedure Rules which must now be updated in order to ensure they are aligned to the new operating arrangements for Overview and Scrutiny in Sunderland. Consequential changes are also required to the Council's Articles of the Constitution.

3. The Scrutiny Procedure Rules

- 3.1 The operation of the Scrutiny Committees is governed by the Scrutiny Procedure Rules incorporated in the Council's Constitution.
- 3.2 Members are referred to the draft Rules at Appendix 1 which take in necessary amendments consequential on the changes to Scrutiny arrangements approved by Council.

- 3.3 A further change to the Rules makes provision for a decision of the Executive to be called in by 7 Members of Council. Formerly this provided for call in by 3 Members of the Scrutiny Committee. This amendment is proposed to allow for call in by a proportionate number of non-executive Members, recognising that some may be excluded from membership of a Scrutiny Committee.

4. Article 6 – Overview and Scrutiny Committees

- 4.1 Article 6 sets out Terms of Reference for the Overview and Scrutiny Committees.
- 4.2 A full breakdown of the new Scrutiny Committee remits is attached for information as **Appendix 2** of this report and it is proposed that Article 6 is amended to reflect these new remits.
- 4.3 Article 6 provides that the Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules, the revisions to which have been outlined above.

5. Dedicated Scrutiny Budget

- 5.1 A small budgetary provision of £15,000 per annum is available to the Scrutiny Coordinating Committee to deliver the agreed Annual Scrutiny Committee Work Programme.

6. Recommendations

- 6.1 It is recommended that the Scrutiny Committee:-
- (a) considers the proposed revisions to the Scrutiny Procedure Rules and recommends the Rules to Council for approval;
 - (b) recommends Council to authorise the Head of Law and Governance, in consultation with the Leader, to amend the Constitution to reflect the amended Rules, the consequential amendments to the Articles and to make such other minor or consequential amendments as are appropriate to the Constitution to ensure consistency with the revised Rules and the revised Scrutiny arrangements.

7. Background Papers

- 7.1 Cabinet Report and minute of meeting held 3 December 2015
Council Report and minute of meeting held 27 January 2016

Contact Officer: Karen Brown Scrutiny Officer
0191 561 1004

Section 5 - Overview and Scrutiny Procedure Rules

1. How will the Overview and Scrutiny Function be organised?

The Council will appoint a lead Overview and Scrutiny Committee, named the Scrutiny Coordinating Committee, and three themed Overview and Scrutiny Committees, to be known as Scrutiny Committees, as set out in Article 6 and will appoint to them as it considers appropriate from time to time. The Committees will then be responsible for overseeing, reviewing and scrutinising the Council's functions and responsibilities, including those delivered in partnership with other agencies and organisations, as set out in Article 6.

The Scrutiny Committees may appoint sub-committees. Overview and Scrutiny Sub-Committees may be appointed for a fixed period, on the expiry of which they shall cease to exist.

2. Who may sit on overview and scrutiny?

All councillors except members of the executive and cabinet policy members and Area Committee chairs and vice chairs are eligible to be members of an overview and scrutiny committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

The Council, at its Annual Meeting, will appoint the Chair and Vice Chair of the Overview and Scrutiny Committees.

3. Co-optees

The Overview and Scrutiny Committees shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

4. Education representatives

The Children, Education and Skills Scrutiny Committee shall include in its membership the following voting representatives who shall be entitled to vote only on matters relating wholly or partly to any education functions which are the responsibility of the Executive:

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) 2 parent governor representatives.

In addition to the above voting representatives the Committee may include in its membership such other non-voting representatives of those with interests in education as it shall from time to time recommend under paragraph 3 above, and/or invite such representatives to assist the work of the committee.

5. Meetings of the overview and scrutiny committees

There shall be at least 10 ordinary meetings of each of the Scrutiny Committees in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the chair of the committee, by 1/3 of the members of the committee or by the Head of Paid Service if he/she considers it necessary or appropriate.

6. Quorum

The quorum for a meeting of a Scrutiny Committee shall be one quarter of the whole number of members.

7. Work programme

The Scrutiny Committees will be responsible for setting their own work programme and in doing so they shall take into account the wishes of members on that committee who are not members of the largest political group on the Council.

8. Agenda items

- (a) Any member of a Scrutiny Committee or sub-committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for discussion at the next available meeting. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.
- (b) In addition, any member of the Council shall be entitled to give written notice to the proper officer that they wish an item relevant to the functions of the committee, that is not an excluded matter, to be included on the agenda of a relevant overview and scrutiny committee. Excluded matters include a local crime and disorder matter, and any other matter specified by the Secretary of State. On receipt of such a request, the proper officer will ensure that it is included on the next available agenda. The Committee will provide the member with a copy of the report or recommendations which it makes to the Council or to the Executive. If the Committee decides not to exercise its powers, it will notify the member of its decision and the reasons for it.

- (c) The Scrutiny Committees shall respond, as soon as their work programme permits, to requests from the Council and, if it considers it appropriate, the executive, to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the executive and/or Council. The Council and/or the executive shall consider the report of the Scrutiny Committee within two months of receiving it.
- (d) Any member of the Council shall be entitled to give notice to the proper officer that he/she wishes an item relating to a Councillor Call for Action to be included on the agenda for discussion at the next available meeting of the Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda of the Scrutiny Committee.

9. Policy review and development

- (a) The role of the Scrutiny Coordinating Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, a Scrutiny Committee may make proposals to the executive for developments.
- (c) A Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint panels, advisers and assessors to assist it in this process. A Committee, and those assisting it, may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so. Provided that all of the foregoing shall be contained within the budget made available to the Scrutiny Coordinating Committee.

10. Co-ordination

The Scrutiny Coordinating Committee will lead and co-ordinate the work of the Scrutiny Committees and will have the following additional terms of reference:

- (a) To approve an annual overview and scrutiny work programme to ensure that there is efficient use of the Committees' time and

resources, and that the potential for duplication of effort is minimised.

- (b) Where matters fall within the remit of more than one Overview and Scrutiny Committee, or where the issue to be scrutinised does not fall plainly within the terms of reference of one of those committees to determine which of them will assume responsibility for any particular issue.
- (c) To report to the executive and/or the full Council on matters considered by the Scrutiny Committees.
- (d) To put in place and maintain a system to ensure that referrals from a Scrutiny Committee to the Executive, either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution.
- (e) At the request of the Executive, to make decisions about the priority of referrals made in the event of reports to the executive exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of executive business or jeopardises the efficient running of Council business.

11. Reports from the Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, a Scrutiny Committee will prepare a formal report to the Scrutiny Coordinating Committee. The Scrutiny Coordinating Committee will consider the proposals and submit its recommendations to the proper officer for consideration by the executive (if the proposals are consistent with the existing budgetary and policy framework), or to the council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If the Scrutiny Coordinating Committee cannot agree on one single final report to the Council or executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or executive with the majority report.
- (c) The Council or executive shall consider the report of the Scrutiny Coordinating Committee within three months of it being submitted to the proper officer.

12. Making sure that overview and scrutiny reports are considered by the executive

- (a) The agenda for executive meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. The reports of the Scrutiny Coordinating Committee referred to the executive shall be included at this point in the agenda (unless they have been considered in the context of the executive's deliberations on a substantive item on the agenda) within three months of the Scrutiny Coordinating Committee completing its report/recommendations.
- (b) The Scrutiny Coordinating Committee will give notice to the Council or the Executive requiring them, within two months of the date of receipt of the notice, to
 - Consider the report or recommendations
 - Respond to the Scrutiny Coordinating Committee indicating what (if any) action they propose to take
 - If the Scrutiny Coordinating Committee has published the report or recommendation, to publish the response
 - Provide a copy of the response to a member who is not a member of the Scrutiny Coordinating Committee, and at whose request the matter was placed on the Scrutiny Coordinating Committee agenda.
- (c) Where the Scrutiny Coordinating Committee makes a report or recommendations to the Council or to the Executive, other than in respect of those crime and disorder matters that are excluded, it may, subject to excluding exempt and confidential information, publish the report or recommendations.
- (d) Overview and scrutiny committees will in any event have access to the executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a Scrutiny Committee following a consideration of possible policy/service developments, the committee will be able to respond in the course of the executive's consultation process in relation to any key decision.

13. Making sure that overview and scrutiny reports are considered by partner organisations

- (a) Where the Scrutiny Coordinating Committee makes a report of recommendations to the Council or to the Executive, other than in respect of those crime and disorder matters that are excluded, and the report or any recommendations relates to functions of a relevant partner authority so far as exercisable in relation to the Council's area, or inhabitants of the area, the Committee may give written notice to the relevant partner authority requiring that authority to have regard to the report or recommendations in exercising its functions.

- (b) The notice must be accompanied by a copy of the report or recommendations.
- (c) It is the duty of the relevant partner authority to comply with the requirement specified in the notice.
- (d) Relevant partner authorities are those (other than the chief officer of police) that are listed at section 104 of the Local Government and Public Involvement in Health Act 2007.

14. Rights of Scrutiny Committee members to documents

- (a) In addition to their rights as councillors, members of a Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and the Committee as appropriate depending on the particular matter under consideration.

15. Members and officers giving account

- (a) A Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require the Leader, any other member of the executive, the head of paid service and/or any senior officer to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance,and it is the duty of those persons to attend if so required.
- (b) For this purpose, senior officer includes any chief officer, head of service, third tier officer and other appropriate senior officer. Where there are concerns about the appropriateness of the officer who should attend, the relevant chief officer shall consult with the Chairman or Vice Chairman of the Scrutiny Committee with a view to agreeing which officer should attend.
- (c) Where any member or officer is required to attend a Scrutiny Committee under this provision, the Chairman will inform the

proper officer. The proper officer shall inform the member or officer in writing giving at least 10 working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (d) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.

16. Attendance by others

A Scrutiny Committee may invite people other than those people referred to in paragraph 15 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

17. Call-in

The Scrutiny Coordinating Committee has the power to call-in executive decisions made but not yet implemented. The purpose is to consider whether to recommend that a decision be reviewed by the Executive. Call-in should only be used in exceptional circumstances. These are where members of the Committee have evidence which suggests that the decision was not taken in accordance with the principles set out in Article 13 (Decision Making). It cannot be used in respect of day-to-day management and operational decisions.

- (a) When a decision is made by the executive, an individual member of the executive or a committee of the executive, or a key decision is made by an officer with delegated authority from the executive, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two working days of being made. Chairs and members of the Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the Committee objects to it and calls it in.

- (c) During that period, the proper officer shall call-in a decision for scrutiny by the Committee if so requested by the chairman or any seven members of Council, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the Chair of the Committee, and in any case within five working days of the decision to call-in.
- (d) If, having considered the decision, the Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 20 working days, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the meeting of the Committee, or the expiry of that further five working day period, whichever is the earlier.
- (f) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a Committee of it, a meeting will be convened to reconsider within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within five working days of the Council request.
- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- (h) Where an Executive decision has been taken by an Area Committee then the right of call-in shall extend to any other

Area Committee which resolves to refer a decision which has been made but not implemented to the appropriate Scrutiny Committee for consideration in accordance with these provisions. An Area Committee may only request the proper officer to call in the decision if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call in shall apply as if the call in had been exercised by members of a Scrutiny Committee.

Exceptions

- (i) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
 - (i) that a Scrutiny Committee may only call-in four decisions per year;
 - (ii) only key decisions may be called in other than those policy and budget proposals being referred to Council for decision;
 - (iii) once a member has signed a request for call-in under paragraph 18 (call-in) above, he/she may not do so again until a period of three months has expired.

Call-in and Urgency

- (j) The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The chairman of the relevant Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the chair, the vice-chair's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required.
- (k) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

18. The party whip

- (a) When considering any matter in respect of which a member of a Scrutiny Committee is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.
- (b) For the purposes of this rule the phrase party whip shall be taken to mean:
"Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner".

19. Procedure at Scrutiny Committee meetings

- (a) The Scrutiny Committees shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
 - (iv) responses of the executive to reports of the Committee; and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Scrutiny Committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at meetings of the committee or its panels which are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis;

- (c) Following any investigation or review, the Committee shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.

20. Proper Officer

Unless otherwise specified the “proper officer” for the purposes of the rules shall be the Head of Law and Governance.

Scrutiny Coordinating Committee		
<p>To review and scrutinise the functions of the Council relating in particular to:</p> <ul style="list-style-type: none"> • The Budget • Corporate Plan • External assessments • Performance monitoring, quality standards and value for money • Property and facilities management • Information Technology • Organisational development • Workforce strategy • Governance • Customer service and communications. <p>To act as the designated scrutiny committee for statutory purposes for crime and disorder and flood risk.</p> <p>Where matters fall within the remit of more than one thematic scrutiny committee, to determine where the issue should be allocated.</p>		
Health & Wellbeing	Children, Education & Skills	Economic Prosperity
<p>To review and scrutinise:</p> <p>Any matter relating to the service performance, service provision and the commissioning of health services for adults and children including</p> <ul style="list-style-type: none"> • Adult social care • Mental health services • Public Health • Wellness • Decent Homes <p>To act as the designated scrutiny committee for statutory purposes for health</p>	<p>To review and scrutinise:</p> <p>Any matter relating to the service performance and commissioning for children, young people and their families including</p> <ul style="list-style-type: none"> • Safeguarding and child protection • Family support and children's social care • Corporate parenting • Educational attainment and skills • Relationship with schools • Youth Services 	<p>To review and scrutinise:</p> <p>Any matter relating to the economic prosperity of the city and the performance of services to support that including</p> <ul style="list-style-type: none"> • Physical Infrastructure • Sector Growth & Skills • Economic Vibrancy • Safer Sunderland • Licensing & Trading Standards • Strategic Transport • Environmental services • Libraries, heritage and tourism

Action on Petitions

ACTION TAKEN ON PETITIONS

Council Members are asked to note the actions taken in relation to the under mentioned petitions which were presented to Council:-

(i) Petition requesting the installation of street lighting to the footpaths which cross Store Field, Ryhope and to carry out repairs to the footpaths - Presented to Council by Councillor E. Ball on 24 June 2015

The petitioners reported that these paths are used daily by elderly, parents with pushchairs and school children to access the Local Health Centre, shops and schools. During wet and winter weather these paths are dark, dangerous and create a major safety hazard to pedestrians.

The petition was forwarded to the Executive Director of Commercial Development.

With respect to the footpath condition, the majority of the defects were minor in nature and did not meet intervention levels, however there were some areas of localised failure where attention was required on the grounds of safety. The necessary work has been carried out. In this regard the petitioners' request was accepted.

There is no statutory requirement to provide street lighting on any path and whilst it was accepted that the footpaths provide a shortcut to local amenities, are used regularly by the local residents and there is a desire for them to be used during the hours of darkness, there is an alternative lit route, albeit longer, which can be utilised by the petitioners. In addition there is no mainstream budget identified for new lighting installations or for the associated revenue maintenance and energy costs. In this regard the petition was declined.

Councillor Ball and the Lead Petitioners have been advised of the decision.

- (ii) **Petition to ask that the Council realise that an all year round attraction at the Seaburn Seafront is needed to bring visitors to what is often described as a jewel in Sunderland's crown. Such Attractions should include a family swimming pool, an ice rink and a bowling venue - Presented to Council by Councillor B. Francis on 25 November 2015**

The above petition was forwarded to the Executive Director of Commercial Development.

The Seaburn Masterplan sets out the following vision for Seaburn: "Building on its unique natural environment and rich heritage, the seafront at Seaburn will be an attractive, safe, clean and accessible destination for all residents and visitors, of which the people of Sunderland can be proud. Seaburn will be a family focused resort offering high quality indoor and outdoor facilities. It will be a welcoming place to enjoy all year round, providing activities and events for everyone, supporting Sunderland's aspiration to be the UK's most liveable city."

The Seaburn masterplan specifically highlights that leisure uses at Seaburn would be appropriate as part of a mixed-use development, and as such a swimming pool, ice rink and bowling alley would all be an appropriate use for this site as part of a wider development.

The emerging Siglion vision for Seaburn recognises the opportunity for the area to become a strong leisure destination. At this stage there are no detailed proposals for specific end uses, however, if there is a market demand for the uses set out in the petition (as the Council will not be developing and providing such uses directly) it is possible that these could be brought forward. Whilst the land is available for leisure development, it will not be clear whether demand exists from private investors to develop the specific uses identified until the site is formally marketed by Siglion.

The contents of this petition have been forwarded to Siglion and the Council will continue to work with Siglion to ensure that proposals for Seaburn meet the vision set out in the Seaburn Masterplan.

Councillor Francis and the Lead Petitioner have been advised of the decision.

Notice of Motion

NOTICE OF MOTION

Council Members are asked to consider the under mentioned Motion:-

(i) Government Record

This Council condemns the atrocious record of broken promises of the Conservative Government since the General Election in 2015 and calls on it to apologise to all those voters it misled.

Councillor P. Watson
Councillor H. Trueman
Councillor M. Speding

Reports

Report on Special Urgency Decisions

Report of the Leader

The Council's Constitution requires that a quarterly report be submitted to Council on executive decisions which have been taken as a matter of special urgency. The relevant provisions are now contained in Regulations 11 and 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

These are the special urgency provisions under which key decisions may be taken by the executive, although not contained in the 28 day Notice of Key decisions (whether proposed to be taken in public or private), where compliance with Regulation 10 (the general exception) was also impracticable.

There have been no such instances since the last report.

Recommendation

That the Council notes the content of this report.

APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES

REPORT OF THE HEAD OF LAW AND GOVERNANCE

1.0 Introduction

- 1.1 The purpose of this report is to recommend Council to approve the appointments set out below, as a consequence of changes to the Senior Management structure referred to earlier in the Council Agenda. Appointments of the Interim Chief Executive, Interim Director of Corporate Services and Director of People Services will take effect from 1st April 2016. Appointments relating to the Interim Director of Children's Services will be with immediate effect. In respect of a number of organisations, the Council has appointed the holder of the post of Chief Executive and in such cases, which are included in the list below, Council is requested to confirm the appointment of the Interim Chief Executive.

2.0 Proposed Appointments

- 2.1 Siglion LLP: Replace Director of Finance with Interim Chief Executive

- 2.2 Confirm appointment of Interim Chief Executive to the following:

Economic Leadership Board
Sunderland Partnership Executive Board
Safer Sunderland Partnership Board
North East Automotive Alliance
Key Cities Board
Sunderland AFC Foundation Partnership Board

and appoint the Director of People Services to the Sunderland AFC Foundation Partnership Board in place of the Executive Director of People Services.

- 2.3 Sunderland Lifestyle Partnership Board: Replace Executive Director of People Services with the Director of People Services.
- 2.4 Marine Activity Centre Board: Replace Executive Director of People Services with the Director of People Services.
- 2.5 Tyne and Wear Autistic Society: Replace Executive Director of People Services with the Director of People Services.
- 2.6 Sunderland Health & Wellbeing Board: confirm appoint of Interim Director of Children's Services and Director of People Services, in place of Executive

Director of People Services. (The appointment of the statutory officers of Director of Children's Services and Director of Adult Social Services to the Health and Wellbeing Board is a legal requirement.)

- 2.7 Education Leadership Board: appoint Interim Director of Children's Services in place of Executive Director of People Services
- 2.8 Health and Social Care Integration Board: replace reference to Chief Operating Officer of People Services with Director of People Services and appoint Interim Director of Corporate Services in place of Director of Finance.
- 2.9 CCG Governing Body and the CCG Primary Care Commissioning Committee: on both bodies, appoint the Director of People Services in place of the Executive Director of People Services.
- 3.0 In accordance with the Council's delegation scheme and established practice, the Chief Executive also undertakes the company secretarial role in a number of Council controlled or influenced companies and the Section 151 officer acts as Treasurer to Sunderland Empire Theatre Trust Ltd. It is proposed that these arrangements continue, with the Interim Chief Executive and Interim Director of Corporate Services undertaking the respective roles.

3.0 Recommendations

- 3.1 The Council is accordingly recommended to approve the appointments referred to in this report.