

CIVIC CENTRE,
SUNDERLAND
10 September 2018

TO THE MEMBERS OF SUNDERLAND CITY COUNCIL

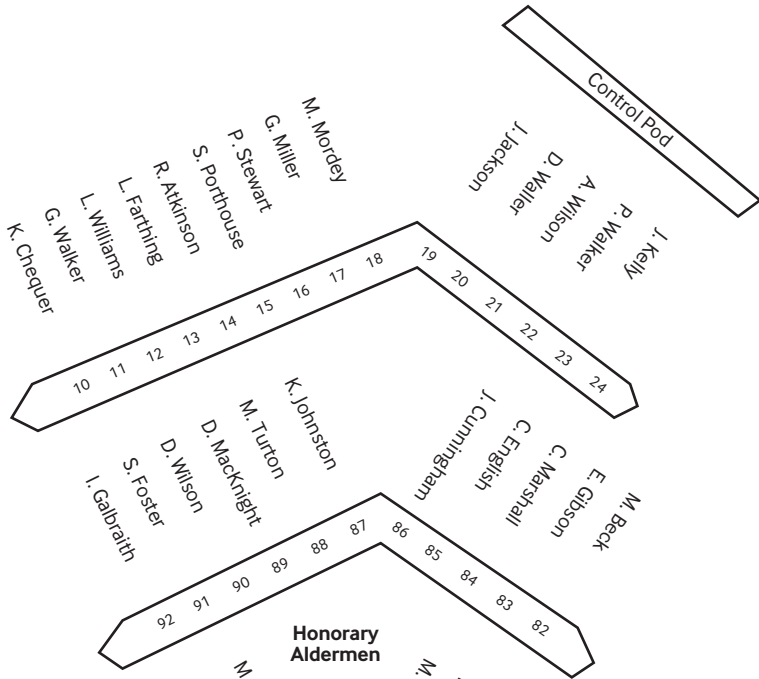
YOU ARE SUMMONED TO ATTEND A MEETING of Sunderland City Council to be held in the Council Chamber, Civic Centre, Sunderland, on **WEDNESDAY 19 SEPTEMBER 2018** at **6.00 p.m.** at which it is proposed to consider and transact the following business:-

Item	Page
1. To read the Notice convening the meeting.	-
2. To approve the minutes of the Meeting of the Council held on 20 June 2018 (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. Written Questions by Members of the Public (if any) under Rule 9.	-

8.	Report of the Cabinet (copy herewith).	15
9.	Report of the Audit and Governance Committee (copy herewith).	67
10.	Written Questions (if any) under Rule 10.2.	-
11.	To consider the attached Motions (copy herewith).	75
12.	To consider the following reports:-	
(i)	Report on Special Urgency Decisions – report of the Leader (copy herewith).	85
(ii)	Vacancy on Children, Education and Skills Scrutiny Committee - report of the Head of Law and Governance (copy herewith).	87
<p>Note: In accordance with section 17 of the Local Government and Housing Act 1989, the Council may wish to consider the approval of alternative arrangements to the political balance in respect of the Children, Education and Skills Scrutiny Committee.</p>		
(iii)	Appointments to Committees - report of the Head of Law and Governance (copy herewith).	89



PATRICK MELIA, CHIEF EXECUTIVE.



Head of Law
and Governance
E. Waugh

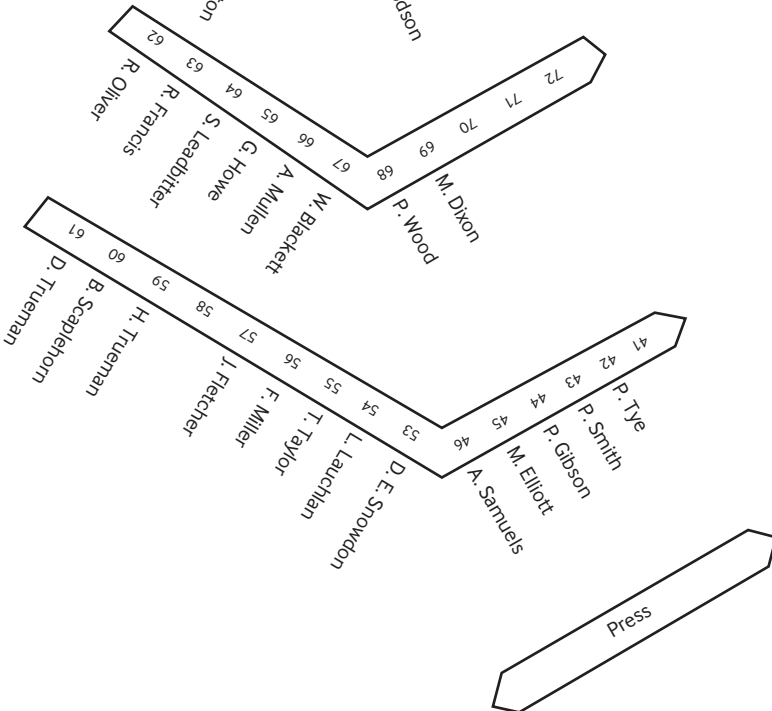
Mayor
L. Scanlan

Chief Executive
I. Lucas

Deputy Mayor
D. Snowdon

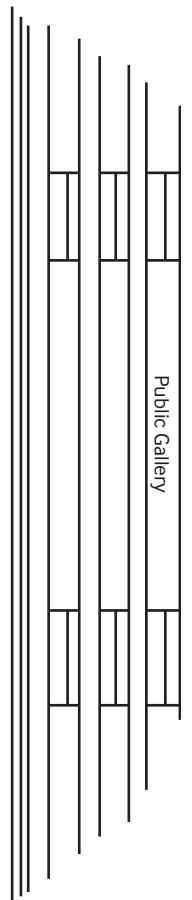
Governance
Services

Governance
Services



- 81 80 79 78 77 76 75 74 73
- V. O'Neil
B. McClennan
D. Turner
J. Blackburn
C. Rowntree
J. Heron
A. Scullion
N. MacKnight

- 29 30 31 32 33 34 35 36 37 38 39 40
- R. Bell
R. Davison
E. Ball
P. Hunt
M. Essl
K. Waters
S. Watson
K. Wood
D. Dixon
B. Curran
A. Lawson
M. Speding



Minutes

Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE on
WEDNESDAY, 20 JUNE, 2018 at 6.00 p.m.

Present: The Mayor (Councillor L. Scanlan) in the Chair
The Deputy Mayor (Councillor D. Snowdon)

Councillors	Appleby	Fletcher	MacKnight, N	Speding
	Atkinson	Foster	Marshall	Taylor
	Ball	Francis	McClennan	Trueman, D
	Beck	Galbraith	Miller, F	Trueman, H
	Bell	Gibson, E	Miller, G.	Turner
	Blackburn	Gibson, P.	Mordey	Tye
	Blackett	Haswell	O'Brien	Walker, G.
	Chequer	Heron	Oliver	Walker, P
	Cunningham	Hodson	O'Neil	Waller
	Curran	Hunt	Porthouse	Waters
	Davison	Jackson	Samuels	Watson
	Dixon, D.	Johnston	Scaplehorn	Williams
	Dixon, M	Kelly	Scullion	Wilson, A.
	English	Lauchlan	Smith, G	Wilson, D.
	Essl	Leadbitter	Smith, P	Wood, K.
	Farthing	MacKnight, D	Snowdon, D.E.	Wood, P.

Also Present:-

Honorary Aldermen: - M. Forbes and R.D. Tate.

The notice convening the meeting was read.

Minutes

Councillor Lauchlan advised that in respect of the election of the Leader of the Council, he had been recorded as having abstained from voting on the motion that Councillor Hodson be elected as Leader, whereas he had intended to vote against the motion.

7. RESOLVED that the minutes of the Meeting of the Council held on 16 May, 2018 (copy circulated), be confirmed and signed as a correct record.

Declarations of Interest

There were no declarations of interest.

Announcements

The Mayor made the following announcements:

(i) Northern Spire Bridge

At the invitation of the Mayor, Councillor A. Wilson informed Members that there had been six awards received in relation to the Northern Spire Bridge. These included the Institution of Civil Engineers (ICE) North East Robert Stephenson Award and the ICE 200 Special Project Award 2018 for the overall project; a special award given to reflect how impressed the ICE had been with the project, to celebrate the project and to mark the 200th anniversary of the ICE. The Chartered Institute of Public Relations (CIPR) Pride Award 2017 had seen the project given the silver award for regional campaign of the year for media, public relations, social media, engagement, video and photography. The Gold site award had been given at the Considerate Constructors 2018 Awards for efforts made by the team to go above and beyond in being considerate contractors to community, neighbours, employees and sub-contractors. At the Chartered Institution of Highways and Transport/Causeway Awards 2018 held in London the project had received the Commendation for Major Project Award. The National Association of Scaffolding Contractors had awarded Interlink Scaffolding Ltd the Project of the Year Award for their work on the bridge.

(ii) Trading Standards Award

At the invitation of the Mayor, Councillor A. Wilson informed Members that the Council's Trading Standards department had been rated third best in the country for food hygiene by Which Magazine. The food safety enforcement and the star ratings process had been reported and compared with the other authorities across the country. It was a great achievement for Sunderland to have been placed third, as the other authorities in the top 10 were mostly rural authorities. Environmental Health would continue to ensure the food sold in the city was safe for residents.

(iii) Chief Executive

The Mayor highlighted that this meeting would be the last meeting for the Council's Chief Executive Irene Lucas CBE, subject to the Council approving the report of the Human Resources Committee. The Mayor highlighted the key achievements in Ms Lucas' career and thanked her for her services. The Leader of the Council, Councillor G. Miller; Councillor Oliver and Councillor Hodson all then delivered speeches thanking Ms Lucas for her hard work and dedication to the Council over her distinguished career.

Reception of Petitions

8. RESOLVED that the petitions listed below submitted by the Councillors named, be received and referred for consideration in accordance with the Council's Petitions Scheme: -

Councillor Heron – Petition from residents of Fence Houses objecting to more houses being built on the old Dubmire School site. Residents were concerned that this was the only green space left in the area; it was used by residents and children during the summer months and by children as part of their safe journey to school.

Councillor Haswell – Petition from residents asking for funding to be made available for works to the back lane of St Luke's Road to prevent access in order to prevent crime and antisocial behaviour from occurring in the back lane and the adjacent field.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Elliott, Howe, Lawson, Mullen, Rowntree, Stewart, Turton and A. Wood and on behalf of Aldermen Arnott and Greenfield.

Written Questions under Rule 9

Pursuant to Rule 9 of the Council Rules of Procedure, the Leader and Members of the Executive were asked questions which had been submitted by members of the public.

Report of the Cabinet

The Cabinet reported and recommended as follows:-

1. Youth Justice Plan 2017/18

That they had given consideration to a report of the Executive Director of People Services (copy attached) on the Youth Justice Plan 2017/2018 which set out the principal aim of the Sunderland Youth offending Service to 'prevent offending and re-offending by children and young people'. It also set out the key related outcomes of reducing the numbers of first time entrants to the criminal justice system, reducing the proven rate of re-offending for children and young people and maintaining a low use of custody as well as service development priorities and achievements.

The Cabinet noted the contents of the report and the Youth Justice Plan 2017/18 and agreed that the plan be referred to the Children, Education and Skills Scrutiny Committee for further advice and consideration in accordance with Article 4 of the Council's Constitution. In addition the Cabinet gave delegated authority to the Executive Director of Peoples Services, in consultation with the Portfolio Holder for Children's Services, to accept any amendments to the plan prior to being referred to Council for final approval.

The Children, Education and Skills Scrutiny Committee welcomed the Youth Justice Plan 2017/2018 and supported the Cabinet's recommendation to submit the Plan to Council for final approval.

Accordingly the Cabinet recommended the Council to approve the Youth Justice Plan 2017/2018.

The Leader of the Council, Councillor G. Miller, duly seconded by the Deputy Leader, Councillor Mordey, moved the report of the Cabinet and it was:-

9. RESOLVED that the Youth Justice Plan 2017/18 be approved.

Report of the Human Resources Committee

The Human Resources Committee reported and recommended as follows:-

1. Appointment of Chief Executive

Council was recommended to appoint Patrick Melia to the post of Chief Executive, together with the positions of Council Returning Officer and Electoral Registration Officer, with effect from 1 August 2018 and to authorise the Head of Human Resources and Organisational Development, in consultation with the Leader, to conclude the arrangements.

The Leader of the Council, Councillor G. Miller, duly seconded by the Deputy Leader, Councillor Mordey, moved the report of the Human Resources Committee and confirmed that neither he nor any other Member of the Executive had any objections to the appointment of Patrick Melia as Chief Executive, together with the positions of Returning Officer and Electoral Registration Office. Accordingly, it was:-

10. RESOLVED that the appointment of Mr Patrick Melia to the post of Chief Executive, together with the positions of Council Returning Officer and Electoral Registration Officer, with effect from 1st August 2018, be approved.

Area Arrangements Annual Report 2017/18

The Director of Strategy, Partnerships and Transformation submitted the combined Area Committee Annual Report which summarised the work of the five Area Committees during 2017/2018.

Councillor Kelly, duly seconded by Councillor P. Walker, moved the combined Annual Report of the Area Committees and accordingly it was: -

11. RESOLVED that the achievements and impact of the work of the Area Committees and their supporting People and Place Boards during 2017/2018, as outlined in the Annual Report, be received and noted.

Scrutiny Annual Report 2017/2018

The Director of Strategy, Partnerships and Transformation submitted the Scrutiny Annual Report which summarised the work of the Scrutiny Committees during 2017/2018.

Councillor D.E. Snowden, duly seconded by Councillor Hunt, moved the Annual Report of the Scrutiny Committees and accordingly it was: -

12. RESOLVED that the operation, achievements and impact of the Scrutiny Committees during 2017/2018 as outlined in the report, be received and noted.

Written Questions under Rule 10.2

Pursuant to Rule 10.2 of the Council Rules of Procedure, Members of the Council asked questions of the Leader and Members of the Executive.

Councillor Oliver moved an extension to the time for responding to written questions which was duly seconded. Upon being put to the vote the motion was defeated with:- 10 Members voting in favour:-

Councillors	Blackett	Haswell	O'Brien	Smith, G.
	Dixon, M.	Hodson	Oliver	Wood, P.
	Francis	Leadbitter		

And 52 Members voting against:-

Councillors	Atkinson	Fletcher	McClennan	Taylor
	Ball	Foster	Miller, F	Trueman, D
	Beck	Galbraith	Miller, G.	Trueman, H
	Bell	Gibson, E	Mordey	Turner
	Blackburn	Gibson, P.	O'Neil	Tye
	Chequer	Heron	Porthouse	Walker, G.
	Cunningham	Jackson	Samuels	Walker, P
	Curran	Johnston	Scaplehorn	Waller
	Davison	Kelly	Scullion	Watson
	Dixon, D.	Lauchlan	Smith, P	Williams
	English	MacKnight, D	Snowdon, D.	Wilson, A.
	Essl	MacKnight, N	Snowdon, D.E.	Wilson, D.
	Farthing	Marshall	Speding	Wood, K.

Action on Petitions

The Council received and noted the report below which detailed the action taken in relation to the following petitions which had been presented to the Council at its meetings held on 24 January, 2018 and 21 June, 2017 respectively.

(i) Petition to Council with regard to an application for a licence to sell alcohol at the former Cauld Lad Public House – Presented to Council on 24 January 2018

In accordance with the Council's procedures, the petition was reported to the Licensing Sub-Committee on 22 February 2018.

The Sub-Committee considered the petition and other evidence and decided to grant the application for a licence. In doing so, the Sub-Committee stated that they took into account the Council's Statement of Licensing Policy and the fact that the police were content with the application. The Sub-Committee considered that there were sufficient conditions proposed as to the method of operation of the premises in order to prevent problems arising and that the evidence of anti-social behaviour put forward could not be directly attributed to the sale of alcohol.

In accordance with the law, a notice of this determination, which gave details of the reasoning for the decision of the Sub-Committee, had been given to the lead petitioner.

The Ward Councillors and lead petitioner had been advised of the outcome.

(ii) Petition to Provide a Bus Service to Gildacre Fields, Southwick - Presented to Council on 24 January 2018

In advance of the petition being received, this matter had also been raised by the former Southwick Ward Councillor, Norma Wright. As a consequence of this a meeting was held on site on 10 January 2018. This was attended by the Ward Councillors, Gildacre Fields residents, and officers from Stagecoach, Nexus and the City Council.

Residents were given the opportunity to outline the difficulties they encountered due to the lack of easy access to a bus service.

Stagecoach responded that they were prepared to divert service 16 along Faber Road and Emsworth Road instead of Shakespeare Street. This was, however conditional on changes that had recently occurred in Redhill Ward proving successful and not unduly inconveniencing residents there.

Discussions with Redhill Ward Councillors suggested that in general they would have no objection to a diversion to serve Gildacre Fields. However there were anecdotal reports of difficulties for residents in the Bunny Hill area and they requested that the position continue to be monitored in relation to any potential negative impact on residents there.

As a result of this, Stagecoach was proposing to divert service 16 to serve Gildacre Fields with effect from the June/July timetable change. This would be subject to bus stops being installed and that the change would be monitored both to ensure that there are no negative effects elsewhere on the route, particularly further out in Redhill and also to ensure that the new stops were well used. Nexus were currently making arrangements for new bus stops on Faber Road outside of Gildacre Fields.

The Ward Councillors and lead petitioner had been advised of the outcome.

(iii) Petition to install bollards or a traffic management scheme at Kingarth Avenue, Prince's Avenue, Queen's Avenue, King's Avenue and Prince's Avenue - Presented to Council on 21 June 2017

After consideration by Council Officers, the outcome of the petition was as follows:-

To decline the element of the petition requesting the installation of bollards but that this area be included within a new programme of Community Parking Management Schemes to be considered by Planning and Highways Committee in 2018- 2019.

In addition, options would be considered for further Traffic Management mitigation in parallel with proposals for the mixed use development to the west of Whitburn Road and north of Dykelands Road.

The Ward Councillors and lead petitioner had been advised of the outcome.

Notices of Motion

(i) North of Tyne Devolution

Councillor Oliver, duly seconded by Councillor P. Wood, moved the following motion:-

“This Council regrets that Sunderland is not part of the North of Tyne devolution deal and urges Council leaders to make all necessary efforts to ensure that the city is not left behind in any future devolution deals”.

Upon being put to the vote the motion was defeated with 11 Members voting in favour:-

Councillors	Appleby Blackett Dixon, M.	Francis Haswell Hodson	Leadbitter O'Brien Oliver	Smith, G. Wood, P.
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And 52 Members voting against:-

Councillors	Atkinson Ball Beck Bell Blackburn Chequer Cunningham Curran Davison Dixon, D. English Essl Farthing	Fletcher Foster Galbraith Gibson, E Gibson, P. Heron Hunt Johnston Kelly Lauchlan MacKnight, D MacKnight, N Marshall	McClennan Miller, F Miller, G. Mordey O'Neil Porthouse Samuels Scaplehorn Scullion Smith, P Snowdon, D. Snowdon, D.E. Speding	Taylor Trueman, D Trueman, H Turner Tye Walker, G. Walker, P Waller Watson Williams Wilson, A. Wilson, D. Wood, K.
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(ii) Urgent Care Consultation

Councillor Chequer, duly seconded by Councillor G Walker, moved the following motion:-

“Access to healthcare is a right of all in a modern society and this must be guaranteed.

This Labour Council, therefore, opposes the intention of Sunderland CCG to downgrade the Urgent Care Services at Houghton-Le-Spring, Bunnyhill and Washington to extended hours GP provision only, and resolves immediately to inform the CCG of its intentions to:

Engage constructively with them in relation to their consultation with residents regarding local Urgent Care services.

- Mandate group leaders and officers to liaise and make every effort to establish a consensus to best represent residents affected by the consultation.
- Identify and give immediate and urgent consideration to any necessary actions, including consideration of judicial review, relating to the Urgent Care services review.
- Involve stakeholders, so as to secure the best possible overall Urgent Care outcomes for residents”.

Councillor Oliver, duly seconded by Councillor Francis, moved an amendment to the motion so that the word “Labour” would be deleted from the third line of the motion.

So that the amended Motion would read:-

“Access to healthcare is a right of all in a modern society and this must be guaranteed.

This Council, therefore, opposes the intention of Sunderland CCG to downgrade the Urgent Care Services at Houghton-Le-Spring, Bunnyhill and Washington to extended hours GP provision only, and resolves immediately to inform the CCG of its intentions to:

- Engage constructively with them in relation to their consultation with residents regarding local Urgent Care services.
- Mandate group leaders and officers to liaise and make every effort to establish a consensus to best represent residents affected by the consultation.
- Identify and give immediate and urgent consideration to any necessary actions, including consideration of judicial review, relating to the Urgent Care services review.
- Involve stakeholders, so as to secure the best possible overall Urgent Care outcomes for residents”.

Following the speeches from Members, the Mayor invited Councillor D. Dixon to address Members. Councillor D. Dixon advised that he was Chairman of the Health and Wellbeing Scrutiny Committee that would be considering this proposal. Members of the Health and Wellbeing Scrutiny Committee should be aware that they needed to have an open mind when considering the matter at the Scrutiny Committee and as such should give consideration to refraining from commenting on or voting on this Motion.

It having been indicated to the meeting that the proposed amendment was accepted, Councillor Mordey then asked for a named vote to be taken on the Motion, as altered.

Upon being put to the vote the motion was carried with 54 Members voting in favour:-

Councillors	Appleby	Foster	Miller, G.	Trueman, H
	Atkinson	Francis	Mordey	Turner
	Ball	Galbraith	O'Brien	Tye
	Bell	Gibson, E	Oliver	Walker, G.
	Blackburn	Gibson, P.	O'Neil	Walker, P
	Blackett	Haswell	Porthouse	Waller
	Chequer	Heron	Samuels	Watson
	Cunningham	Hodson	Scaplehorn	Williams
	Curran	Johnston	Scullion	Wilson, A.
	Dixon, M	Kelly	Smith, G	Wilson, D.
	English	Lauchlan	Smith, P	Wood, K.
	Essl	MacKnight, D	Speding	Wood, P.
	Farthing	Marshall	Taylor	
	Fletcher	Miller, F	Trueman, D	

And 9 Members abstaining:-

Councillors	Beck	Hunt	MacKnight, N.	Snowdon, D.
	Davison	Leadbitter	McClennan	Snowdon, D.E.
	Dixon, D.			

Accordingly it was:-

13. RESOLVED that access to healthcare is a right of all in a modern society and this must be guaranteed.

This Council, therefore, opposes the intention of Sunderland CCG to downgrade the Urgent Care Services at Houghton-Le-Spring, Bunnyhill and Washington to extended hours GP provision only, and resolves immediately to inform the CCG of its intentions to:

- Engage constructively with them in relation to their consultation with residents regarding local Urgent Care services.
- Mandate group leaders and officers to liaise and make every effort to establish a consensus to best represent residents affected by the consultation.
- Identify and give immediate and urgent consideration to any necessary actions, including consideration of judicial review, relating to the Urgent Care services review.
- Involve stakeholders, so as to secure the best possible overall Urgent Care outcomes for residents.

Update on Special Urgency Decisions

The Leader of the Council submitted a quarterly report on executive decisions which had been taken as a matter of special urgency which advised that there had been no such instances since the last report.

The Leader of the Council, Councillor G. Miller, duly seconded by the Deputy Leader, Councillor Mordey, moved the report.

14. RESOLVED that the report be received and noted.

Appointments to Committees and Outside Bodies

The Head of Law and Governance submitted a report which requested the Council to consider changes in appointments to a number of Committees, Sub-committees and Outside Bodies.

Councillor Hodson, duly seconded by Councillor O'Brien, moved an amendment to the supplementary report, namely that Councillor Haswell should be appointed to the Gentoo Operations Committee instead of Councillor Samuels. This amendment was put to the vote and with 5 Members voting in favour:-

Councillors	Appleby Haswell	Hodson	O'Brien	Smith, G.
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And 55 Members voting against:-

Councillors	Atkinson	Fletcher	Marshall	Taylor
	Ball	Foster	McClennan	Trueman, D
	Beck	Francis	Miller, F	Trueman, H
	Bell	Galbraith	Miller, G.	Turner
	Blackburn	Gibson, E	Mordey	Tye
	Blackett	Gibson, P.	Oliver	Walker, G.
	Chequer	Heron	O'Neil	Walker, P
	Cunningham	Hunt	Porthouse	Waller
	Curran	Johnston	Samuels	Williams
	Davison	Kelly	Scullion	Wilson, A.
	Dixon, D.	Lauchlan	Smith, P	Wilson, D.
	English	Leadbitter	Snowdon, D.	Wood, K.
	Essl	MacKnight, D	Snowdon, D.E.	Wood, P.
	Farthing	MacKnight, N.	Speding	

The amendment was defeated.

The Leader of the Council, Councillor G. Miller, duly seconded by the Deputy Leader, Councillor Mordey, moved that the recommendations contained in the report and supplementary report be approved and it was: -

15. RESOLVED that:-

- (i) Councillor H. Trueman be appointed in place of Councillor G. Walker on the Audit and Governance Committee;
- (ii) Councillors Rowntree and Williams be appointed in place of Councillors F. Miller and Turner on the Planning and Highways Committee and the Development Control (Hetton, Houghton and Washington) Sub-Committee;
- (iii) Councillor Essl be appointed in place of Councillor Foster on the Development Control (North Sunderland) Sub-Committee;
- (iv) Councillor O'Neil be appointed in place of Councillor McClennan on the Chance Project;
- (v) Councillor D. Dixon be appointed in place of Councillor Heron on the Northumberland, Tyne and Wear and North Durham STP Joint Health Scrutiny Committee;
- (vi) Councillor Scanlan be appointed in place of Councillor N. MacKnight on the Sunderland and North Durham Royal Society for the Blind Management Committee;
- (vii) The appointment by the Leader of Councillors Ball and D. MacKnight as substitute members in place of Councillors D. Snowden and Waters on the Tyne and Wear Trading Standards Joint Committee be noted;
- (viii) Councillor Fletcher be appointed in place of Councillor Middleton on the Health and Wellbeing Scrutiny Committee;
- (ix) Councillor Farthing be appointed in place of Councillor Middleton on the Planning and Highways Committee;
- (x) Councillor K. Wood be appointed in place of Councillor Middleton on the Education (Appointment of Governors) Panel;
- (xi) Councillor H. Trueman be appointed in place of Councillor Middleton as the representative of the Washington Area People Board on the Corporate Parenting Board;
- (xii) Councillor H. Trueman be appointed in place of Councillor Middleton as Alternate Vice Chairman (People) of the Washington Area Committee;
- (xiii) Councillor H. Trueman be appointed in place of Councillor Middleton as the as Alternate Vice Chairman (People) on the Children's Centres Local Advisory Partnership Board – Washington; and
- (xiv) Councillor Samuels be appointed in place of Councillor Middleton on the Gentoo Operations Committee.

(Signed) L. SCANLAN,
Mayor.

Report of the Cabinet

The CABINET reports and recommends as follows:-

1. Licensing Act 2003 – Publication of a Cumulative Impact Assessment

That they will be giving consideration to a report of the Executive Director of Economy and Place (copy attached) upon the proposed publication of a Cumulative Impact Assessment in accordance with Section 5A of the Licensing Act 2003 to enable the Council to fulfil its statutory duty of carrying out its functions under the Act with a view to promoting the licensing objectives.

The Act permits a licensing authority to publish a document known as a “cumulative impact assessment” which states that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty to promote the licensing objectives, namely:

- Prevention of crime and disorder,
- Public safety,
- Prevention of public nuisance, and
- Protection of children from harm,

to grant any further relevant authorisations in the area or areas identified.

The Cabinet is requested to:-

- (1) consider the outcome of the consultation exercise undertaken in relation to the proposed cumulative impact assessment to be published under the Licensing Act 2003 (“the Act”);
- (2) consider any amendment required as a result of the consultation responses received; and, subject thereto:
- (3) recommend to Council that the cumulative impact assessment be published in accordance with section 5A of the Act.

The report is also to be considered by the Economic Prosperity Scrutiny Committee and the comments of the Committee and the Cabinet's recommendations to Council will be set out in a supplementary report.

**LICENSING ACT 2003 – PROPOSED PUBLICATION OF A CUMULATIVE
IMPACT ASSESSMENT**

REPORT OF THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

1. Purpose of the Report

- 1.1 To brief the Cabinet upon the proposed publication of a Cumulative Impact Assessment in accordance with Section 5A of the Licensing Act 2003.

2. Description of Decision (Recommendations)

- 2.1 The Cabinet is asked:
- (1) to consider the outcome of the consultation exercise undertaken in relation to the proposed cumulative impact assessment to be published under the Licensing Act 2003 (“the Act”);
 - (2) to consider any amendment required as a result of the consultation responses received; and, subject thereto:
 - (3) to recommend to Council that the cumulative impact assessment be published in accordance with section 5A of the Act.

3. Introduction/Background

- 3.1 The Act permits a licensing authority to publish a document known as a “cumulative impact assessment” which states that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty to promote the licensing objectives, namely:

- Prevention of crime and disorder,
- Public safety,
- Prevention of public nuisance, and
- Protection of children from harm,

to grant any further relevant authorisations in the area or areas identified. The term “relevant authorisations” means premises licences and club premises certificates.

- 3.1 A cumulative impact assessment does not prevent the grant or variation of a licence and a responsible authority or other person would still need to make a representation to challenge an application. However, the existence of the assessment would give rise to a presumption that an application for a licence that would be likely to add to the existing cumulative impact will normally be refused, or subjected to limitations, unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives.
- 3.3 Before publishing such a document the Act requires the licensing authority to consult certain persons, namely:
- The chief officer of police for the licensing authority's area;
 - The fire and rescue authority for that area;
 - Each Local Health Board for an area, any part of which is in the licensing authority's area;
 - Each local authority exercising public health functions within the meaning of the National Health Service Act 2006 in the area;
 - Such persons as the licensing authority considers to be representative of holders of premises licences, club premises certificates and personal licences issued by the authority; and
 - Such other persons as the licensing authority considers to be representative of businesses and residents in the area.

In accordance with the above, the consultation exercise undertaken upon the proposed cumulative impact assessment (attached as Appendix A) included consultation with the parties identified in Appendix B.

- 3.4 The Act further requires that the licensing authority must review any cumulative impact assessment no later than three years after its publication.
- 3.5 On 5 February 2018 the Licensing Committee received a report with regard to a proposal that the Council should introduce a policy relating to the cumulative impact of licensed premises. The Licensing Committee agreed that the Council should commence the process necessary to introduce such a policy. Subsequently, on 2 July 2018, the Licensing Committee were invited to consider the outcome of a consultation exercise, consider any amendment of the cumulative impact assessment following the consultation and to consider recommending the assessment to Council. The Licensing Committee considered the report and recommended it proceed to Council with no amendments.

4. Current Position

- 4.1 Comments on the proposed cumulative impact assessment were received from the following person and organisations:
- The Council's Director of Public Health;
 - Northumbria Police;
 - Sunderland NHS Clinical Commissioning Group;

- The Council's Associate Lead for Community Safety; and
 - Balance, the North East Alcohol Office.
- 4.2 The consultation responses are attached as Appendix C.
- 4.3 The responses from the consultees were supportive of the proposed cumulative impact assessment.
- 4.4 The Cabinet is invited to consider the following detailed points in relation to the response received from Northumbria Police.
- 4.5 The Police wish Hylton Road near Millfield Metro Station, Sulgrave and Concord to be included within cumulative impact assessment areas and it can be confirmed that these areas are included within the proposal.
- 4.6 The Police suggest that other parts of City, not identified in the proposal, should be considered for inclusion in a cumulative impact assessment area. In response, the Cabinet may wish to note that, although the City-wide evidence-gathering exercise which supports the current proposal did not suggest a need for coverage of other areas, the licensing authority is, as mentioned above, required to periodically review the document and so other areas can be considered for designation at that time.
- 4.7 In respect of the proposed cumulative impact assessment for Southwick, the Police comment that there are a number of large off licensed premises near the area and so a new cumulative impact assessment area is unlikely to improve the levels of alcohol- related crime. The Cabinet may wish to accept this point but consider that, given that the evidence exists to support the introduction of a cumulative impact assessment area in Southwick, the licensing authority may legitimately act to prevent the situation deteriorating should new licences be granted.
- 4.8 In respect of the Millfield and Pallion area, the Police make a comment with regard to the numbers of public houses in that area. In response, the Cabinet may wish to note that the proposals relate to off licences also.
- 4.9 The Police comment that a cumulative impact assessment area may not be necessary in Shiney Row as the proposed area contains few licensed premises and they do not foresee expansion of this number other than regard to fast food outlets. In response, the Cabinet may wish to note that the evidence exists to support the introduction of a cumulative impact assessment area in that area and that the operators of fast food outlets are entitled to apply for licences to sell alcohol.
- 4.10 In light of the generally positive comments upon the proposals, it is not considered necessary, subject to the view of the Cabinet, to suggest any changes to the document proposed for consideration by full Council.

5. Reasons for the Decision

- 5.1 To enable the Council to fulfil its statutory duty of carrying out its functions under the Act with a view to promoting the licensing objectives

6. Alternative Options

- 6.1 No alternative options are suggested as, given the evidence available, it appears necessary, in order to fulfil a statutory duty, that the Council publishes a cumulative impact assessment.

7. Relevant Considerations/Consultation

7.1 Financial Implications

There are no financial implications associated with these proposals.

- 7.2 Consultation was conducted in accordance with statutory guidance.

8. Glossary

- 8.1 None.

9. List of Appendices

- 9.1 Appendix A – Proposed cumulative impact assessment
Appendix B – List of consultees
Appendix C – Consultation responses

Appendix A

Cumulative Impact Assessment

Cumulative Impact Assessment

1. The Council considers that, in specified parts of the City, the number of premises licences and/or club premises certificates (relevant authorisations) are such that it is likely that it would be inconsistent with our duty to promote the licensing objectives set out by the Licensing Act 2003 to grant any further relevant authorisations in respect of premises in those areas. The evidential basis for our opinion is set out in Appendices 1,2 and 3. Appendix 4 contains maps of the relevant parts of the City. This assessment relates to the grant of premises licences or club premises certificates in these areas, where the premises are proposed to be authorised to sell alcohol.
2. This assessment does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, before the Council may lawfully refuse an application.
3. The Council will consider properly the circumstances of all applications in respect of which relevant representations are received. Those applications which are considered to be unlikely to add to the existing cumulative impact upon the licensing objectives may be granted.
4. The Council intends that the City Centre should remain as an area where it would encourage business to set up. The Council recognises that a dynamic trading environment will feature applications for new licences. The Council considers that the operation of well-run, high quality licensed premises should not have an impact upon the licensing objectives. The Council, therefore, would welcome the submission of applications for new licences by businesses whose operations would significantly enhance the economic vitality of the City Centre.

Appendix 1

Evidential Basis for the Cumulative Impact Assessment of numbers of Licensed Premises

- 1.1 Compared with other local authority areas in England, the available relevant data shows that Sunderland as a whole has particular problems associated with alcohol. For example, Sunderland is in the worst 10% of the 152 upper tier local authority populations for alcohol-specific hospital admissions of young people aged under 18 (second highest) and hospital admission episodes for alcohol-related conditions (all people) (12th highest).
- 1.2 Research into the views of residents and business people in the City upon the about certain parts of the City. Data held by the Council, NHS and the Police, either covering the calendar year 2016 or the financial year 2015-16 as indicated, show that, in the areas identified by the research, the rates of crime and disorder and public nuisance associated with alcohol, and the risk of harm to people (which includes children) due to alcohol, are greater than the average situation across the City. Given the City's issues with alcohol as a whole, these data constitute good evidence that the relevant problems in these areas are being caused, in some instances, by customers of the local licensed premises and that the operations of these premises are having, cumulatively, a negative impact upon the licensing objectives.
- 1.3 The data are set out in Appendices 2 and 3. All of the data is presented within datasets which refer to Lower Super Output Areas (LSOAs). These are areas which have approximately equal numbers of residents and are used for the purposes of making statistical comparisons. Some of the datasets exclude the LSOAs in the City Centre, which are significantly the most problematic areas of the City in relevant respects, in order that the differences between the situations in more residential areas may more readily be demonstrated. Appendix 2 shows some of the data in a pictorial format and is composed of the datasets identified below:
 - Alcohol-related hospital admissions;
 - Alcohol-related assaults resulting in hospital attendance (occurring between 6am and 9pm);
 - Alcohol-related assaults resulting in hospital attendance (occurring at any time);
 - Alcohol-related ambulance call outs;
 - Alcohol-related Anti-Social Behaviour (ASB) incidents (occurring between 6am and 9pm);
 - Alcohol-related Anti-Social Behaviour (ASB) incidents (excluding City Centre LSOAs) (occurring between 6am and 9pm);
 - Alcohol-related Anti-Social Behaviour (ASB) incidents (occurring at any time);
 - Alcohol-related Anti-Social Behaviour (ASB) incidents (excluding City Centre LSOAs) (occurring at any time);
 - Alcohol-related incidents (recorded by the Police) (occurring between 6am and 9pm);
 - Alcohol-related incidents (recorded by the Police) (excluding City Centre LSOAs) (occurring between 6am and 9pm);

- Alcohol-related incidents (recorded by the Police) (occurring at any time; and
- Alcohol-related incidents (recorded by the Police) (excluding City Centre LSOAs) (occurring at any time).

1.4 Appendix 3 contains a table which indicates:

- numerical values for some of the datasets listed at paragraph 1.3 above;
- other datasets as identified in the table;
- the numbers of licensed premises in the relevant LSOAs; and
- in respect of each criterion, the ranking of the relevant LSOAs relative to all 185 LSOAs in the City.

1.5 The Cumulative Impact Assessment areas are not coterminous with Council ward boundaries. Some of the areas are wholly located within single wards whereas others are composed of parts of more than one ward. The areas are identified in the list below:

- the City Centre and East End (parts of Hendon, Millfield and St Michael's wards);
- Millfield and Pallion (parts of each ward);
- Hendon (parts of Hendon and St Michael's wards);
- Southwick;
- Shiney Row;
- Washington North; and
- Hetton (parts of Copt Hill and Hetton wards).

1.6 The fact that these areas may be seen to experience more relevant problems than the average for the City during daytime specifically, as well as on a 24 hour basis, justifies the inclusion of off licences within the assessment regime as well as premises where alcohol may be sold for immediate consumption e.g. public houses.

1.7 The Cumulative Impact Assessment areas do not, in all cases, follow the LSOA boundaries precisely. Some of the boundaries proposed go beyond the relevant LSOA areas in order to include areas closely adjacent to the LSOA. These either contain licensed premises which serve the adjacent LSOA or are areas in which it is envisaged that additional licences serving the adjacent LSOA may be sought. Restricting some of the proposed Cumulative Impact Assessment areas specifically to LSOA boundaries runs the risk of failing to prevent the establishment of licensed premises immediately outside the problematic LSOA area; thus having, potentially, an adverse impact on the licensing objectives within the neighbouring LSOA.

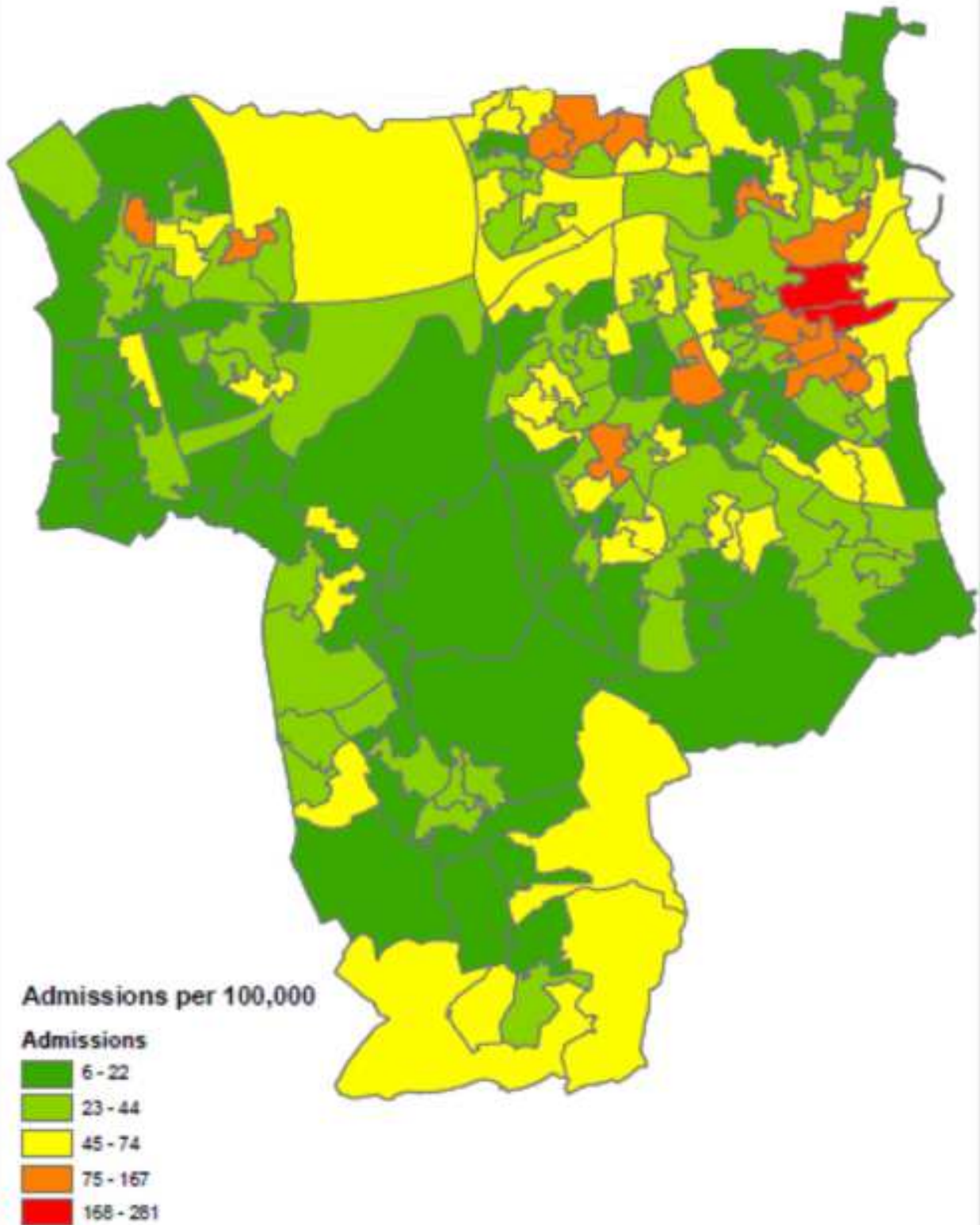
1.8 The boundaries of the Cumulative Impact Assessment areas are indicated in the maps contained in Appendix 4. Where a boundary is demarcated by a street, the special policy area includes only the inner side of the street i.e. that side which is continuous with the remainder of the area.

Appendix 2

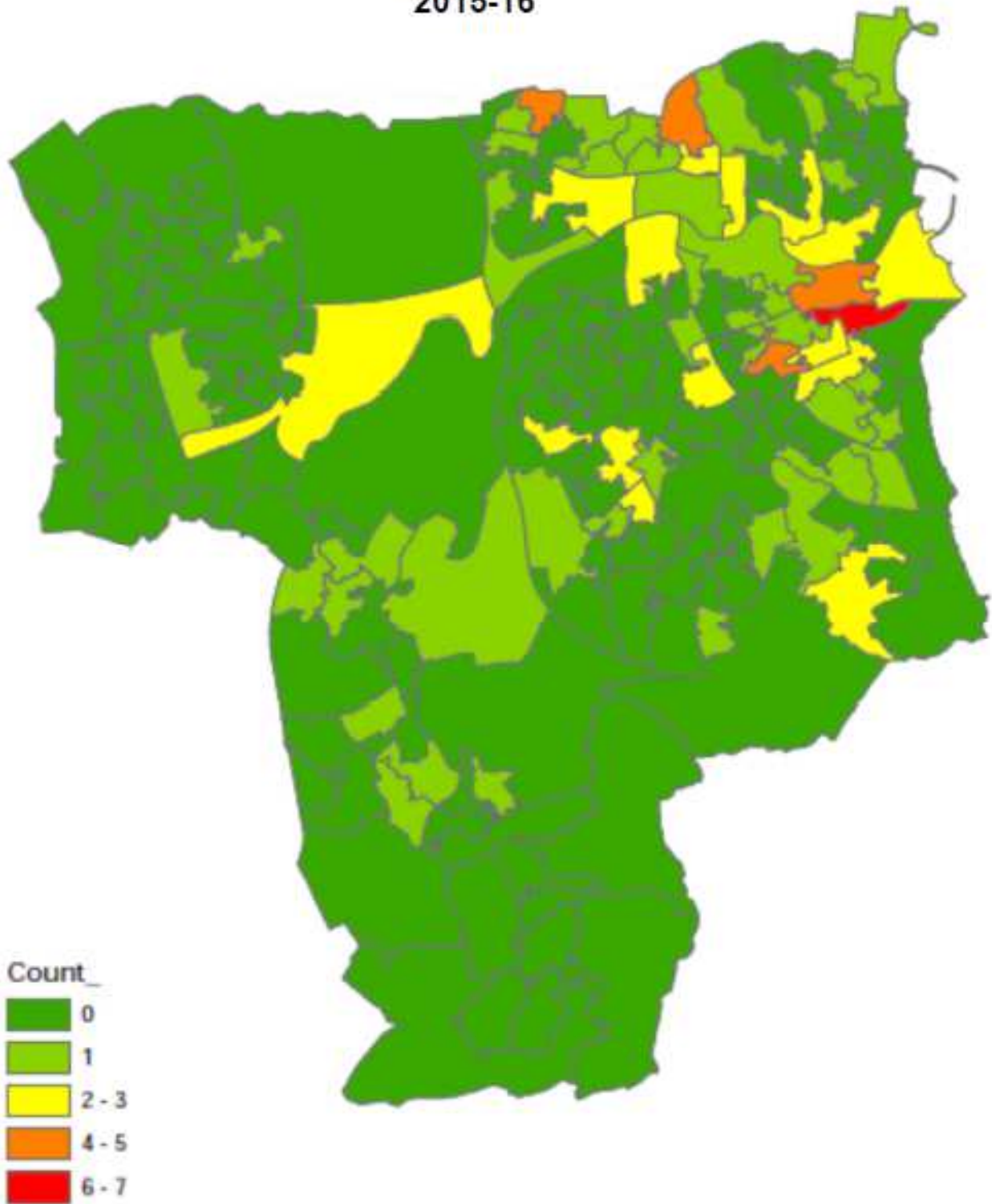
Evidential data in pictorial Format

Alcohol-related hospital admissions

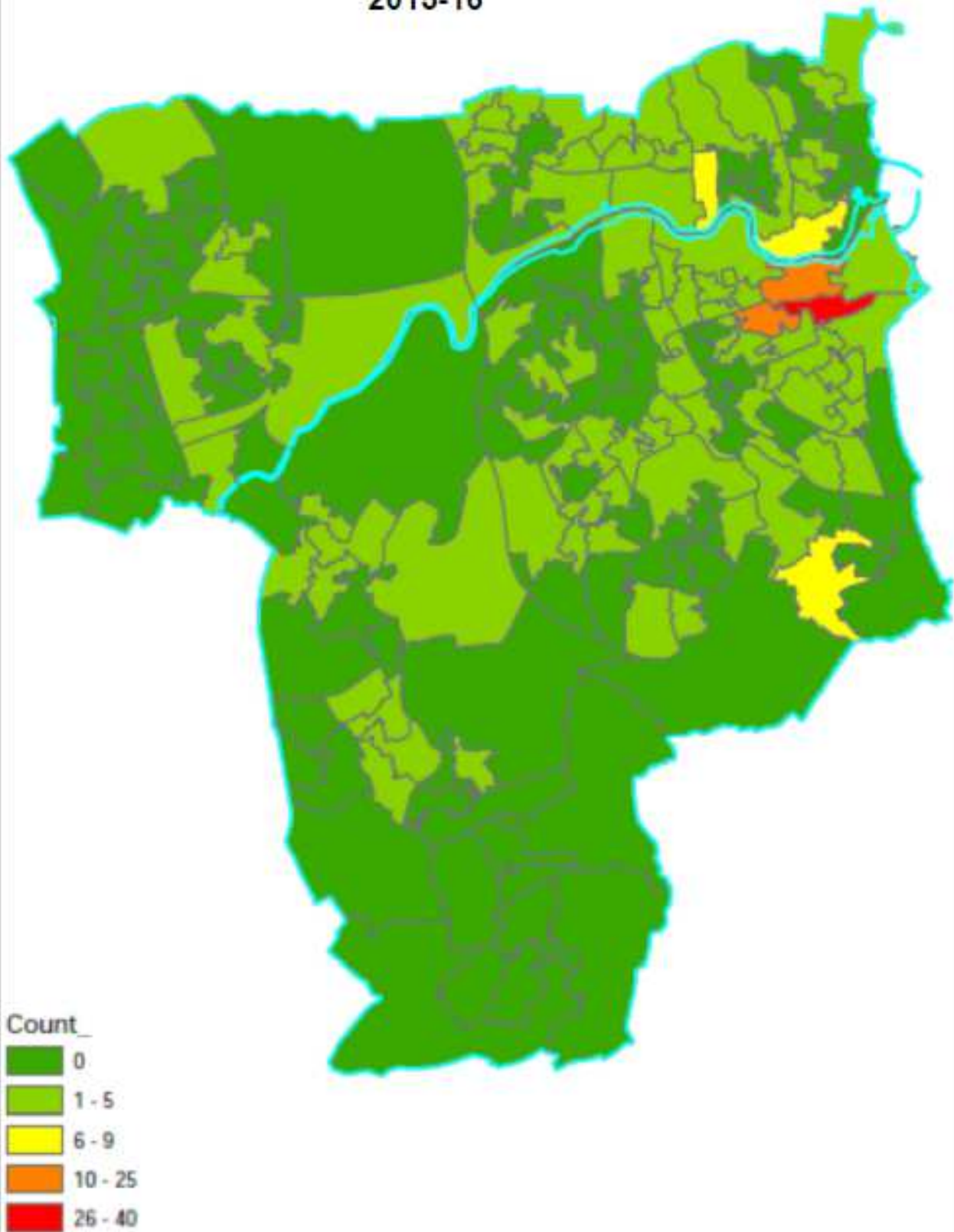
2015-16



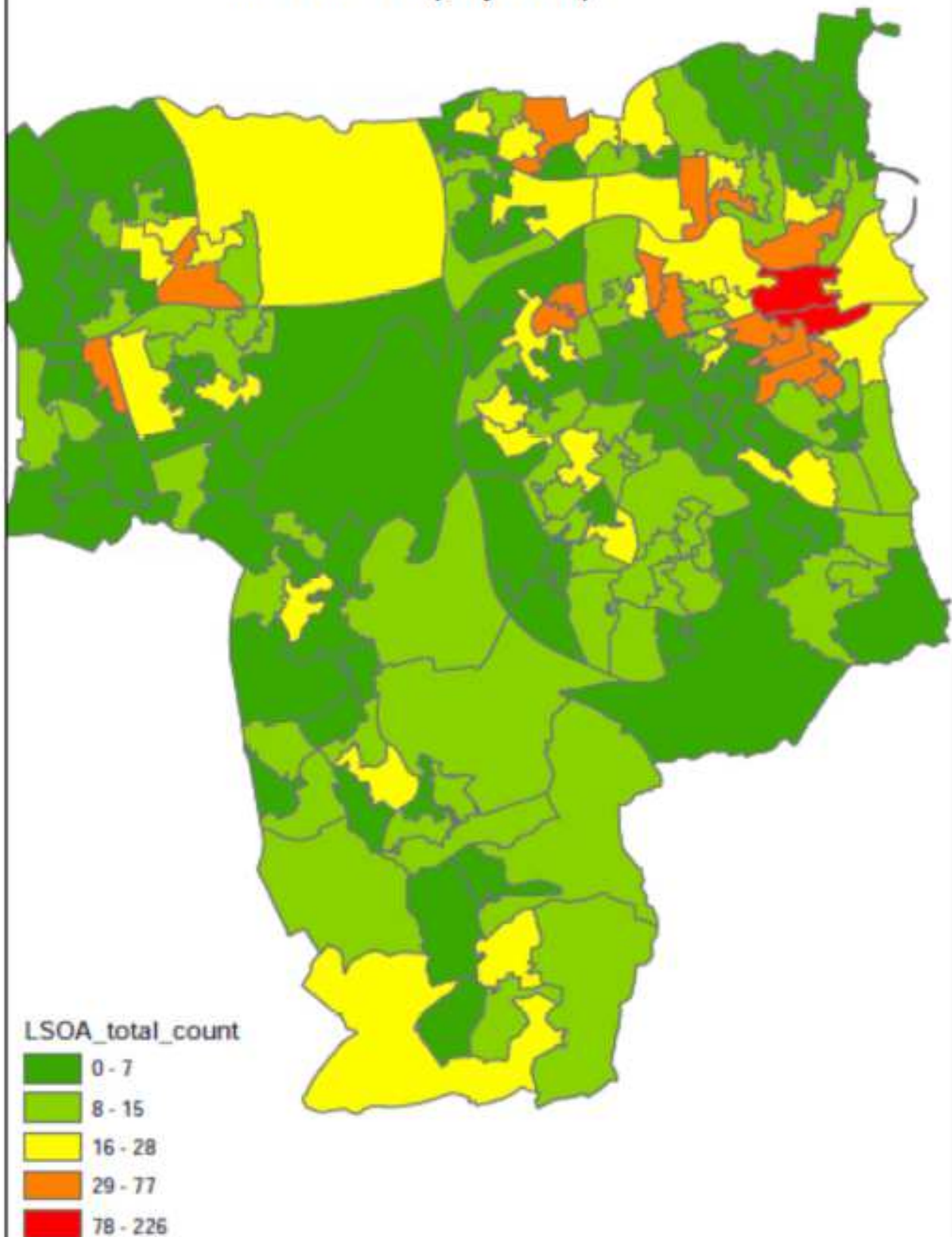
Alcohol-related assaults
resulting in hospital
attendance
(6am - 9pm)
2015-16



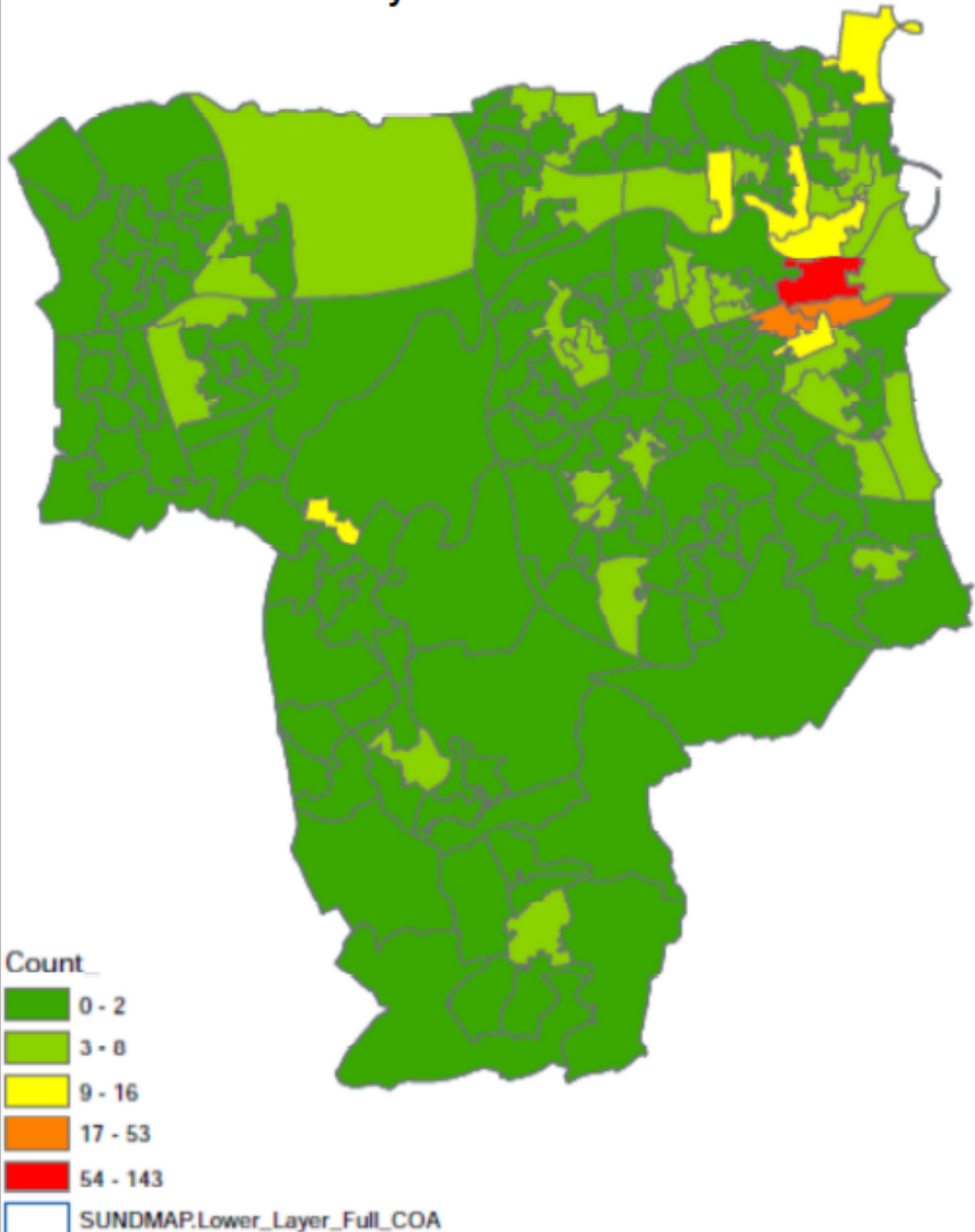
Alcohol-related assaults resulting in
hospital attendance
(any time)
2015-16



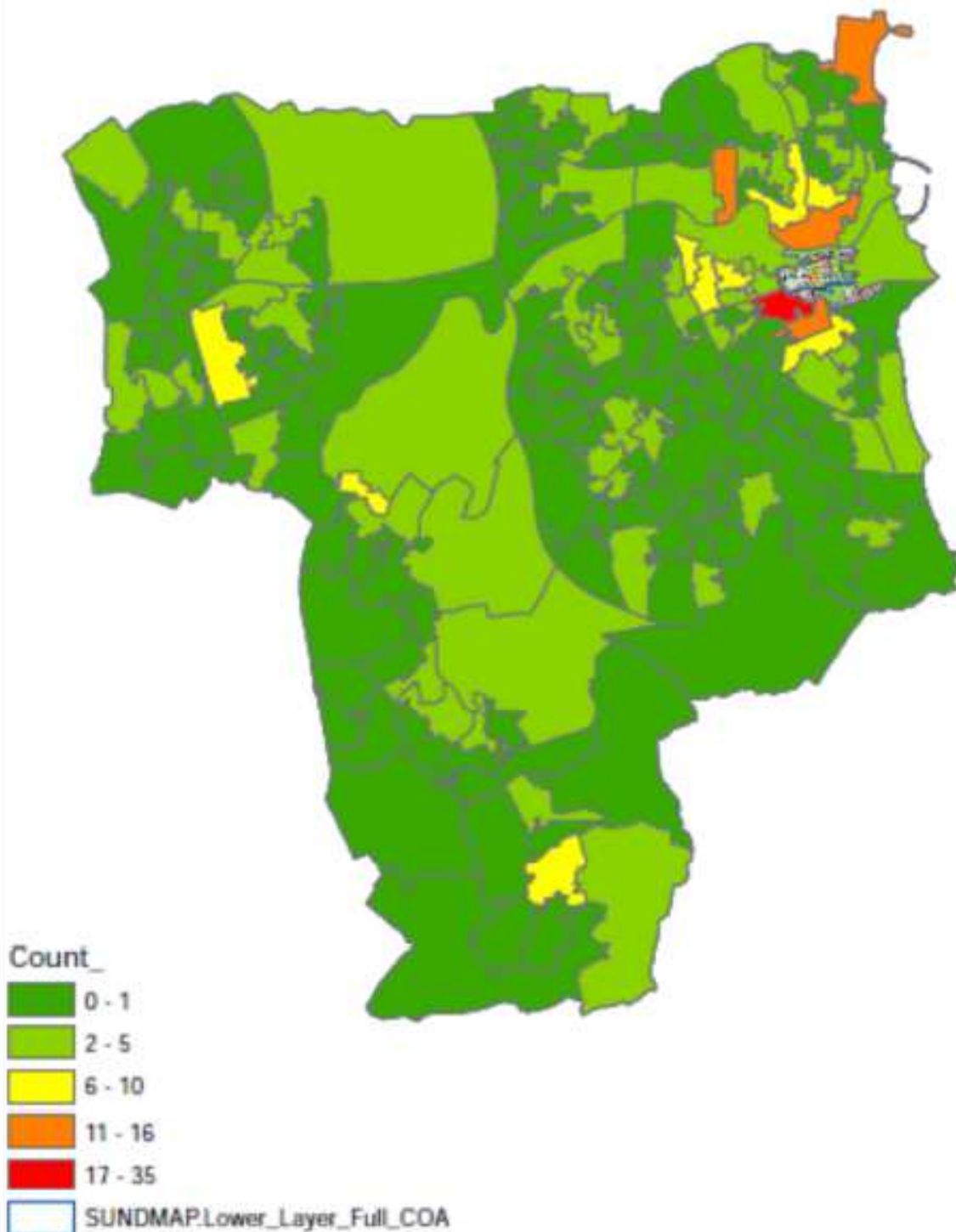
**Alcohol-related ambulance call
outs 2015-16 (any time)**



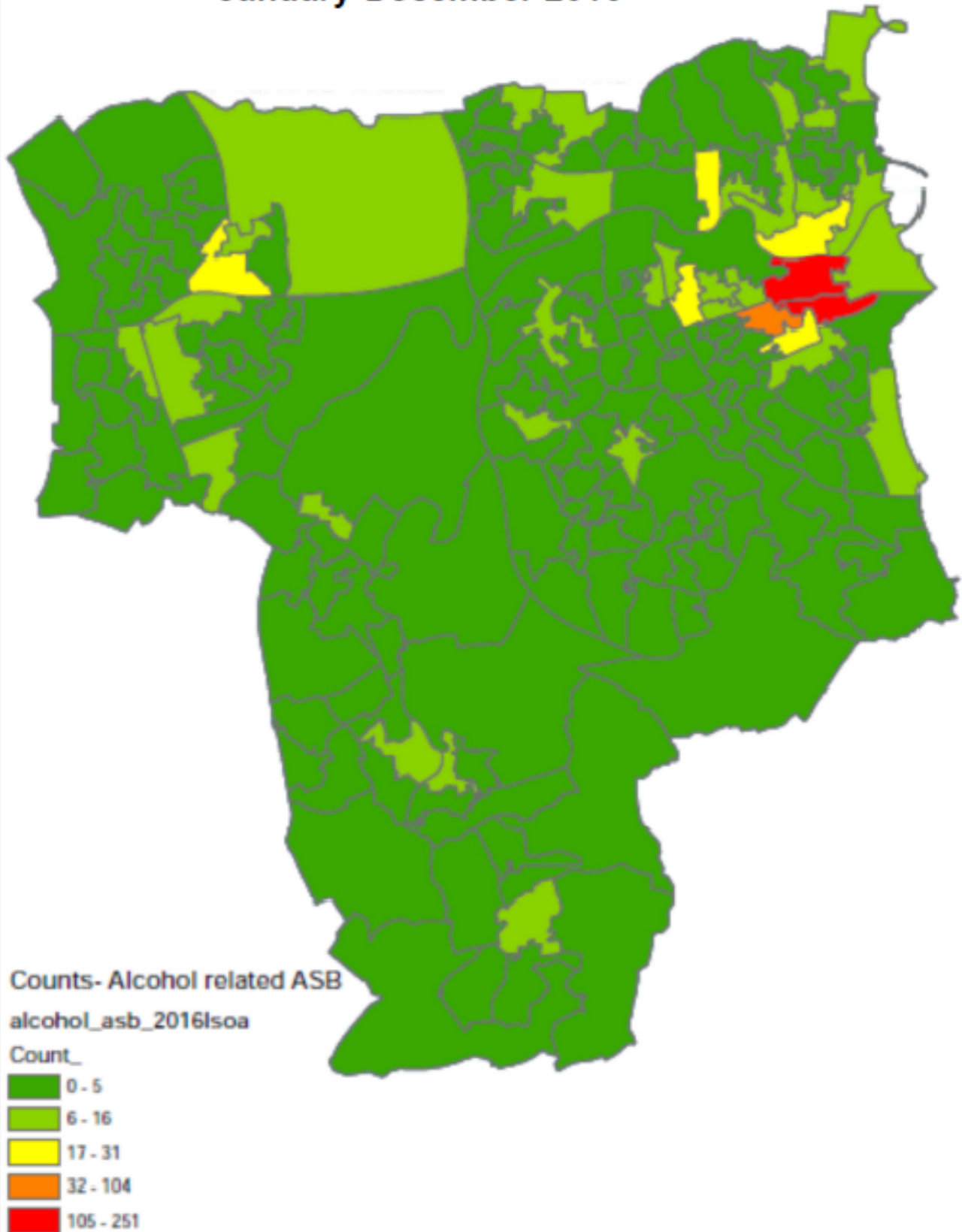
**Alcohol-related ASB incidents
(6am – 9pm)
January-December 2016**



Alcohol-related ASB incidents
(6am – 9pm)
(excluding City Centre LSOAs)

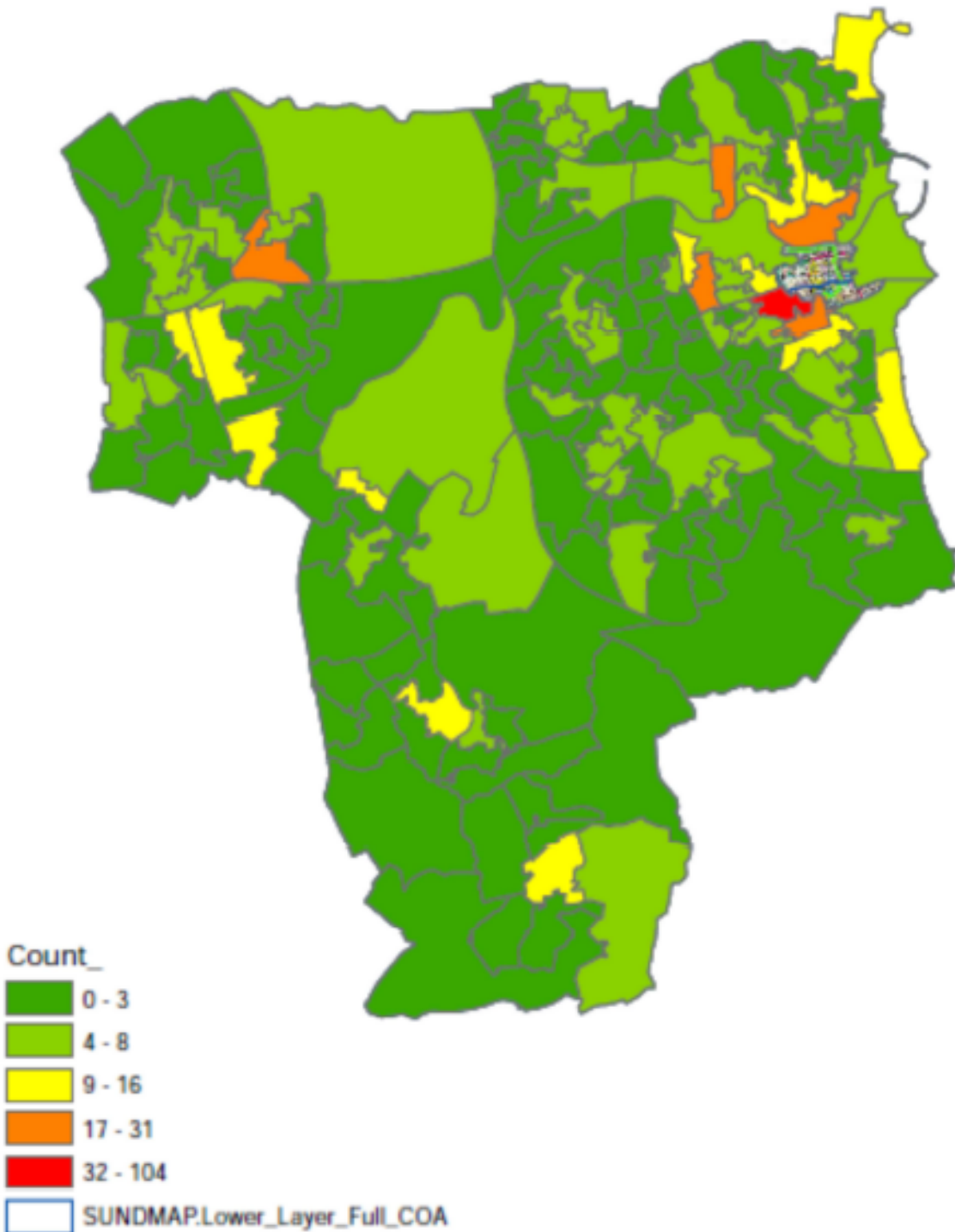


**Alcohol-related ASB incidents
(any time)
January-December 2016**

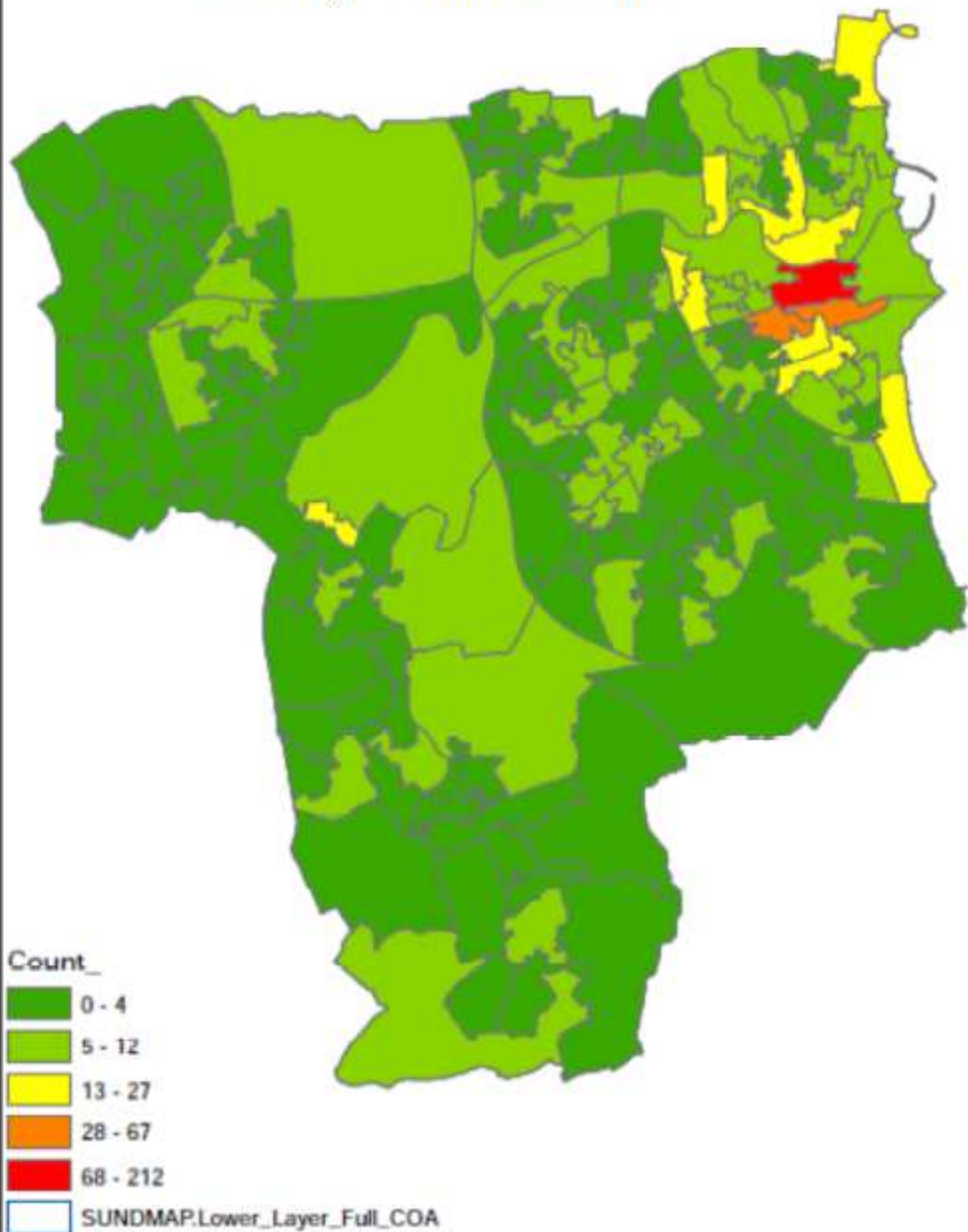


Alcohol-related ASB incidents (any time)(excluding City Centre LSOAs)

January-December 2016

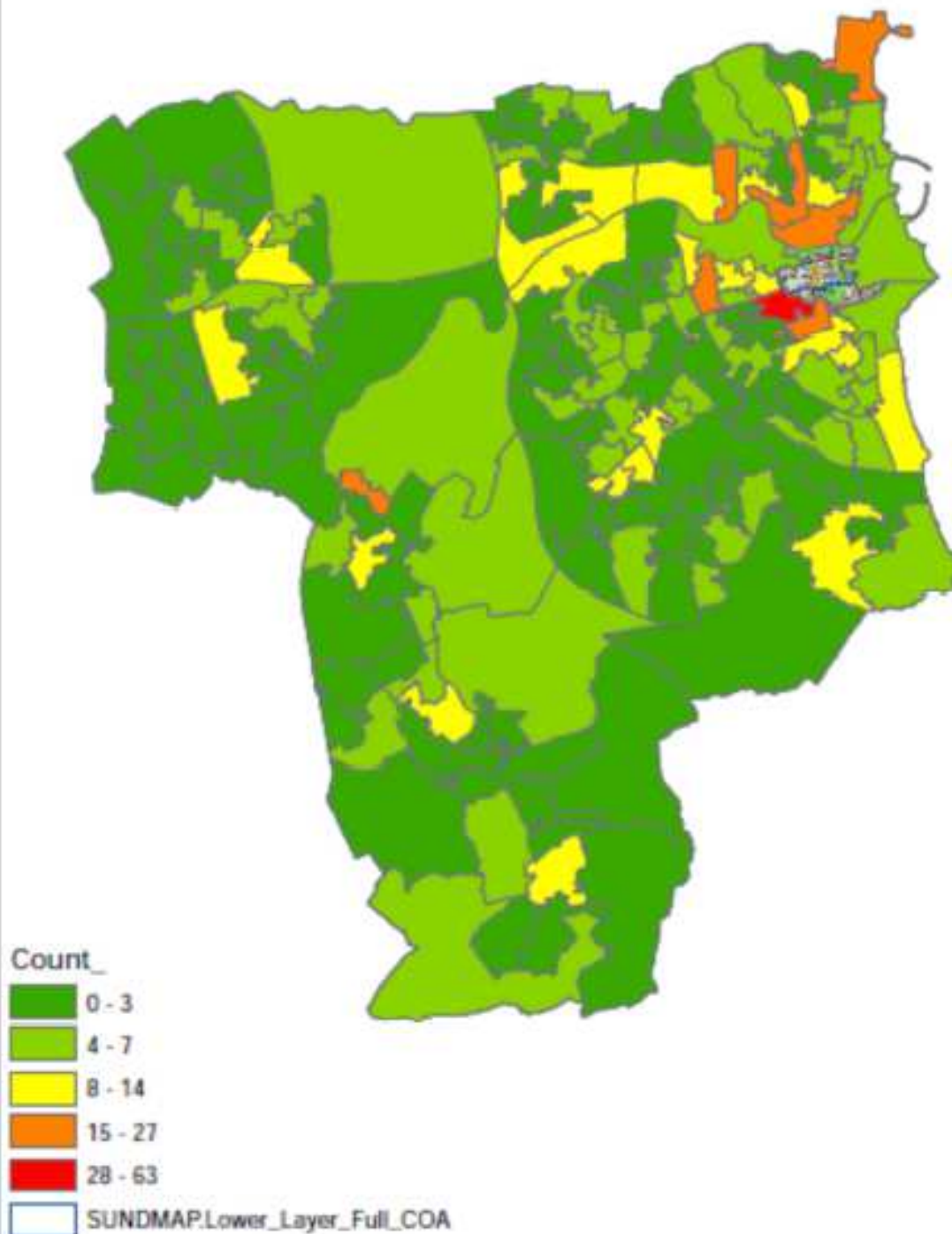


**Alcohol-related incidents (recorded by the
Police) (6am – 9pm)
January – December 2016**



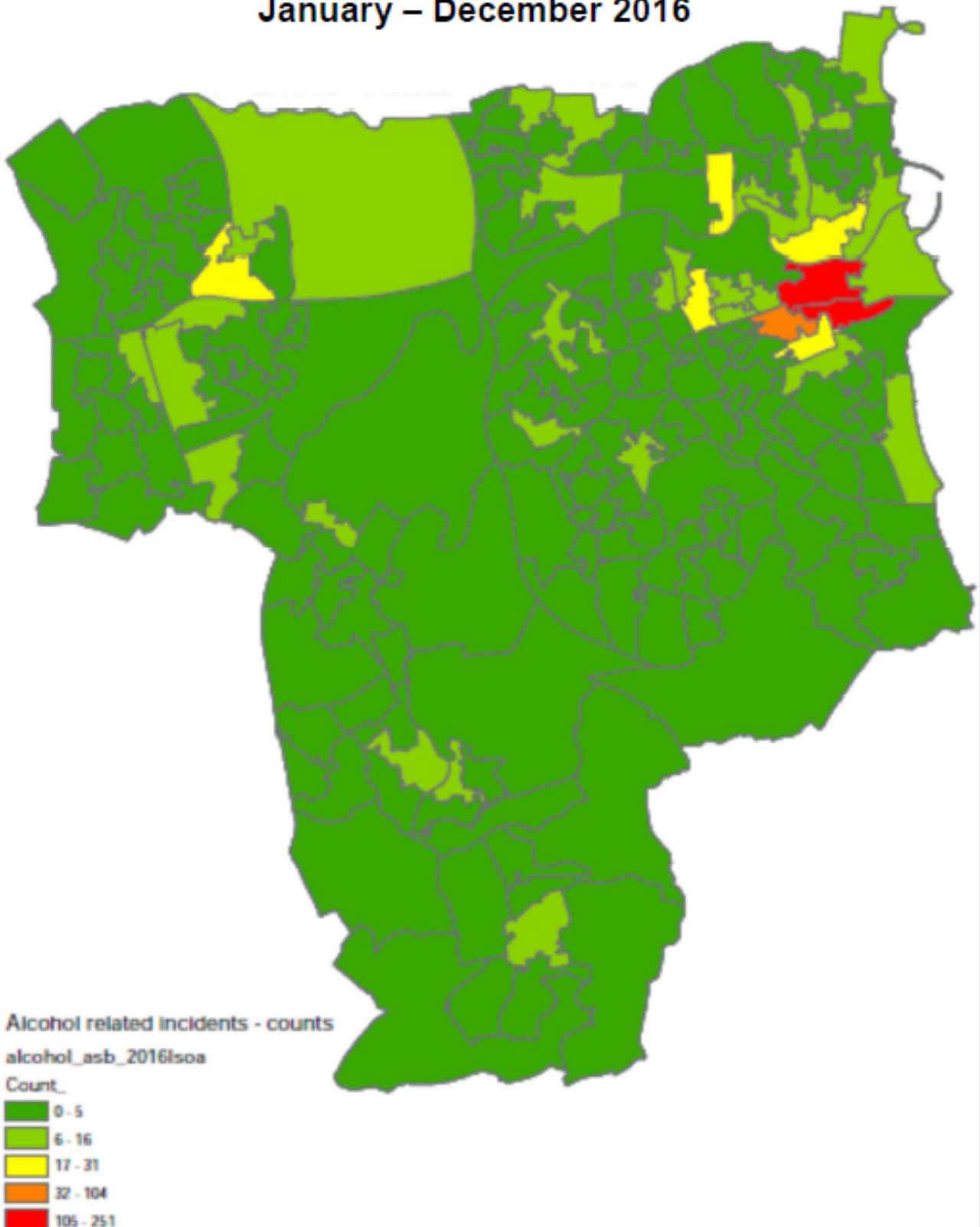
**Alcohol-related incidents (recorded by the Police)
(6am – 9pm) (excluding City Centre LSOAs)**

January – December 2016



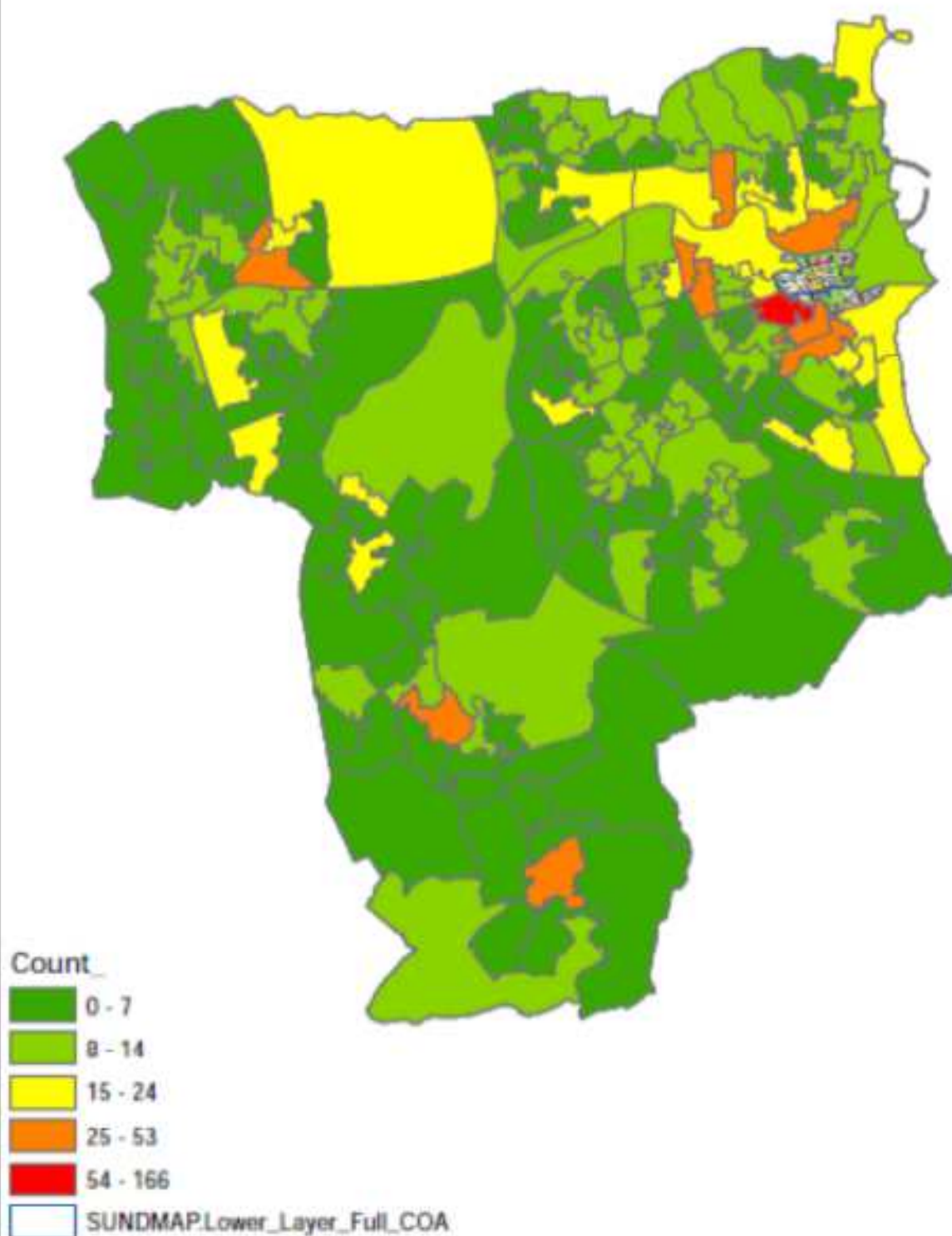
**Alcohol-related incidents (recorded by
the Police) (any time)**

January – December 2016



**Alcohol-related incidents (recorded by the Police)
(any time) (excluding City Centre LSOAs)**

January – December 2016



Appendix 3

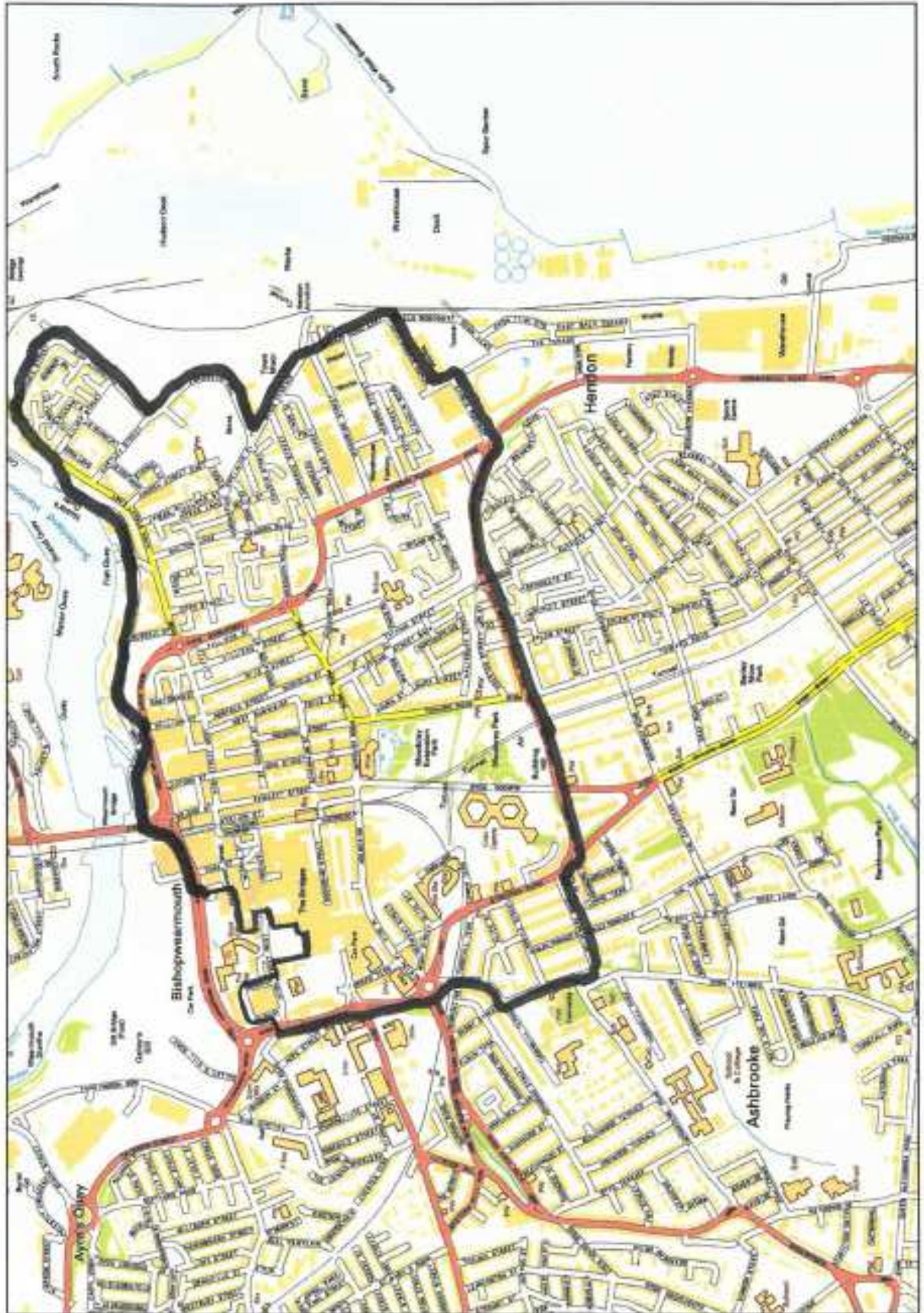
Evidential data in tabular format

		Alcohol-related ambulance callouts		Alcohol-related assaults (recorded by Police) (6:00-21:00)		Alcohol-related assaults (recorded by Police) (any time)		Alcohol-related ASB (6:00-21:00)		Alcohol-related ASB (any time)	
LSOA(s)	Area	Ranking within City	Number	Ranking within City	Number	Ranking within City	Number	Ranking within City	Number	Ranking within City	Number
E01008703 E01008836	City Centre and East End	1	178	2	186	2	233	1	240	1	463
		2	113	1	224	1	266	2	128	2	448
E01008705 E01008700 E01008707	Millfield and Pallion	32	12	29	16	30	23	30	8	18	25
		18	18	24	17	22	27	14	13	23	21
		56	9	19	15	44	18	65	4	72	8
E01008534 E01008735	Hendon	6	31	14	25	15	64	4	37	4	71
		11	25	12	26	73	24	9	21	11	37
E01008818	Southwick	4	37	5	37	5	55	7	25	9	45
E01008800	Shiney Row	68	8	17	21	17	30	15	12	17	19
E01008858 E01008853 E01008854	Washington North	145	2	39	14	50	16	40	6	32	15
		56	9	4	38	4	72	23	10	7	56
		68	8	12	28	10	43	185	0	80	7
E01008742	Hetton	33	11	17	21	13	34	65	4	12	32

		Alcohol-related incidents (recorded by Police)		Alcohol-related incidents (recorded by Police) (any time)		Number of alcohol outlets	
LSOA(s) (185 City wide)	Area	Ranking within City	Number	Ranking within City	Number	Ranking within City	Number
E01008703	City Centre and East End	1	336	1	759	1	93
E01008836		2	163	2	493	3	25
E01008705	Millfield and Pallion	19	22	19	43	25	7
E01008700		13	28	16	52	6	19
E01008707		34	16	43	31	69	3
E01008834	Hendon	5	64	5	116	28	6
E01008735		18	23	22	40	69	3
E01008818	Southwick	11	31	15	54	9	13
E01008800	Shiney Row	8	37	13	57	10	12
E01008858	Washington North	74	9	38	32	90	2
E01008853		10	32	6	110	8	14
E01008854		58	11	50	28	124	1
E01008742	Hetton	19	22	14	56	13	10

Appendix 4

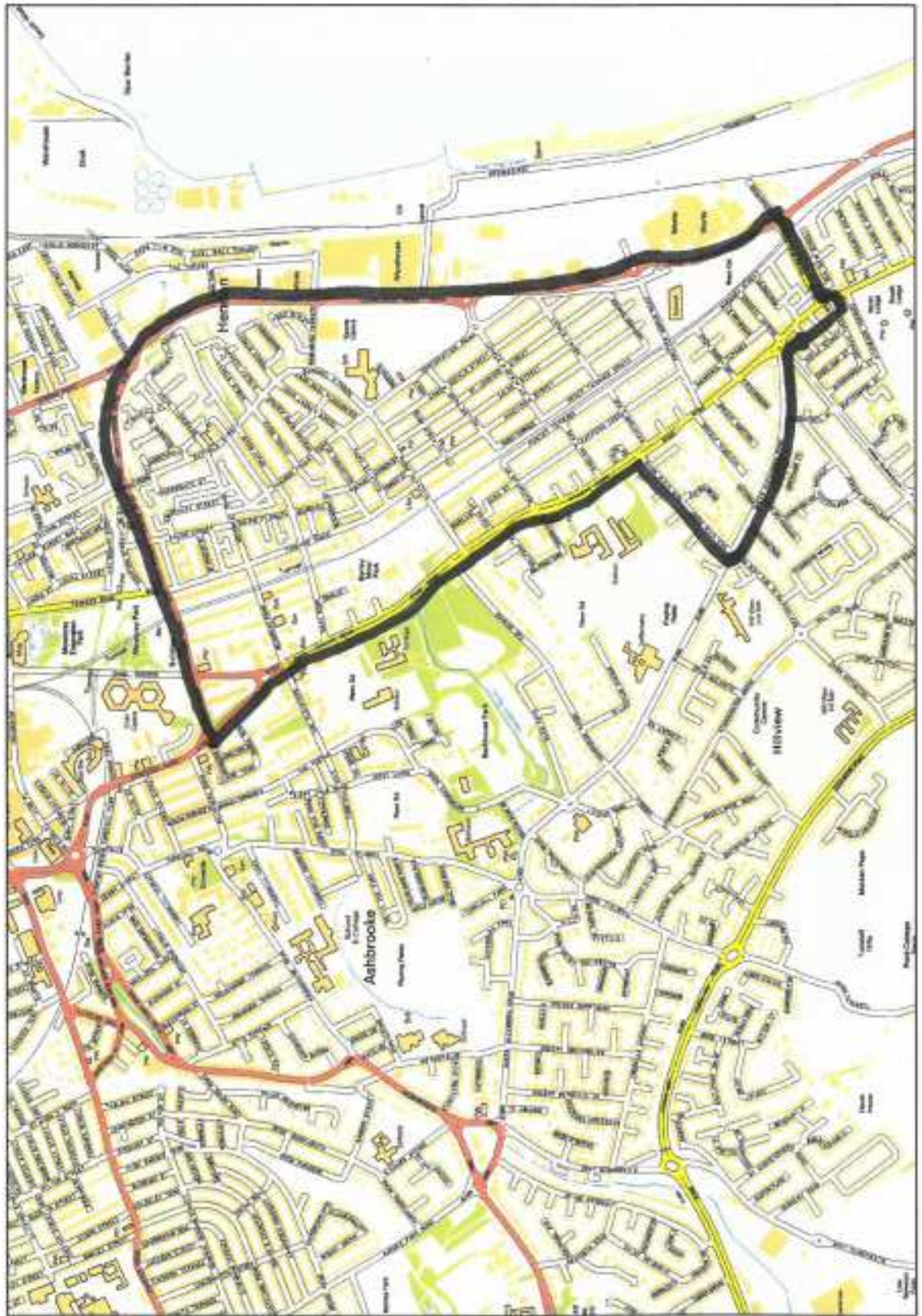
Maps of Cumulative Impact Assessment Areas



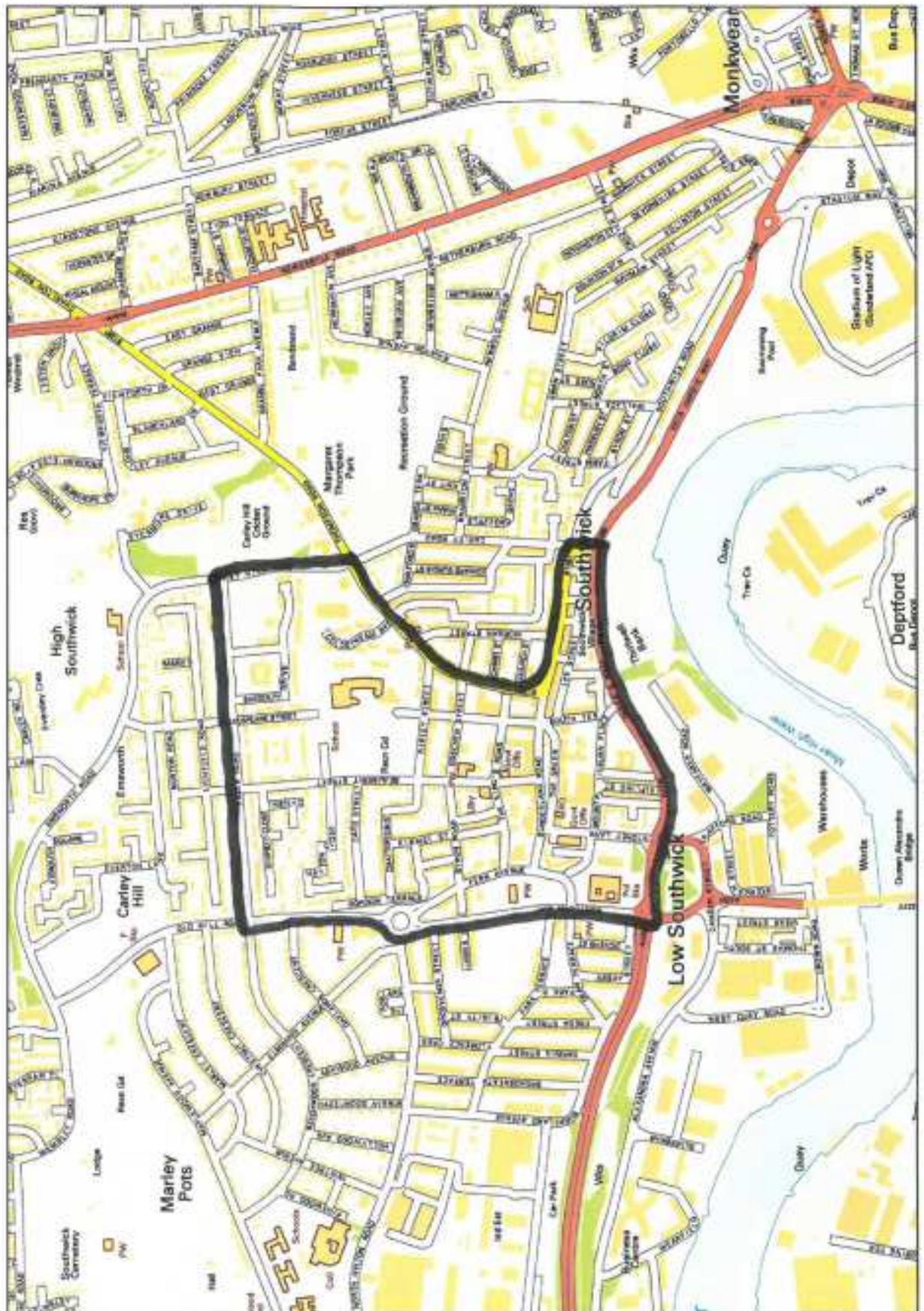
City Centre and East Cumulative Impact Assessment Area



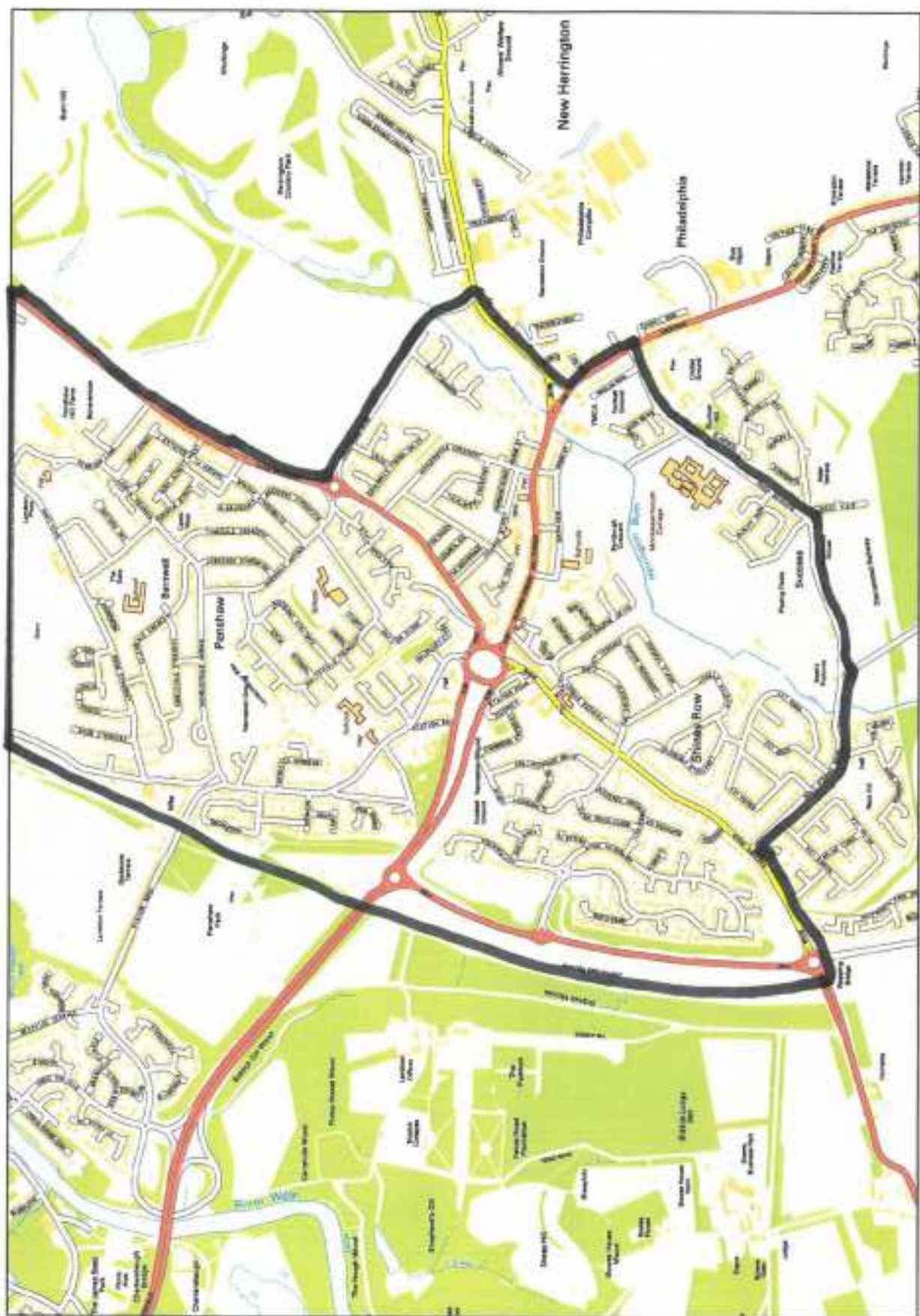
Millfield and Pallion Cumulative Impact Assessment Area

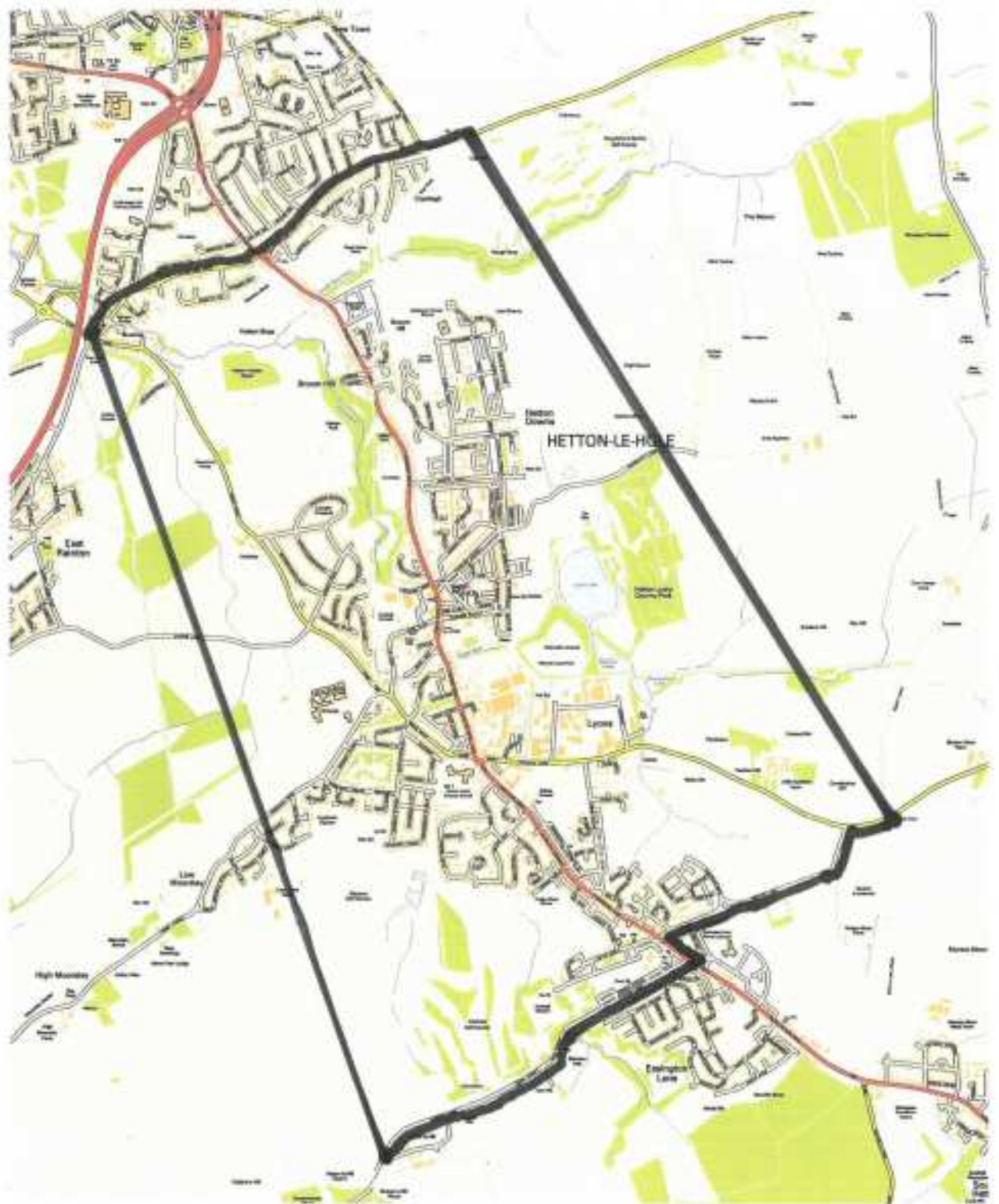


Hendon Cumulative Impact Assessment Area



Southwick Cumulative Impact Assessment Area





Hetton Cumulative Impact Assessment Area

Appendix B

List of Consultees

Admiral Taverns Limited
Association of Convenience Stores
Association of Licensed Multiple Retailers
B And M Retail Limited
Bonded Warehouse Ltd
British Beer and Pub Association
British Institute of Inn Keeping
British Retail Consortium
British Transport Police
Camerons Brewery Limited
David Lloyds Clubs Limited
Dorbiere Limited
Durham CIU
Ei Group Plc
Federation of Licensed Victuallers Association
Gala Leisure Limited
Greene King Brewing And Retailing Limited
Health and Safety Executive
JD Wetherspoon PLC
Licensing Committee
Local Health Board
Marriott Hotels Limited
Mitchells And Butlers Leisure Ltd
North East Chamber of Commerce
Punch Taverns Limited
Rontec Watford Limited
Sir John Fitzgerald Limited
Star Pubs And Bars Limited
Stonegate Pub Company Limited
Sunderland Business Improvement District Ltd
Sunderland City Council Director of Public Health
Sunderland Clinical Commissioning Group
Sunderland Royal Hospital
The Chief Constable
The Chief Fire Officer
Together for Children
Trust Inns Limited
UK Cinema Association
Wear Inns Limited
Whitbread Group Plc

Appendix C

Acting Director of Public Health
Sunderland City Council
Sunderland Civic Centre
Sunderland
SR2 7DN

Head of Public Protection and Regulatory Services
Commercial Development Directorate
Sunderland City Council
Jack Crawford House
Commercial Road
Sunderland
SR2 8QR

Submitted via email to licensing@sunderland.gov.uk

13th June 2018

Director of Public Health - Response to Cumulative Impact Policy (CIP) Consultation

I am writing in response to the ongoing Cumulative Impact Policy (CIP) consultation. Public Health fully supports the proposal to introduce Cumulative Impact Zones in Sunderland.

We feel through the engagement and research which has been carried out that there is a wealth of evidence to support the introduction of CIPs in the designated areas.

Our ambition is for Sunderland to be a vibrant city with a wide range of experiences on offer for everyone. The City should be a good place to do business where businesses operate responsibly; so they don't impact negatively on each other, or on residents and visitors. Creating the conditions for economic growth should not impact negatively on achieving the best possible health and wellbeing for Sunderland.

Addressing alcohol harms is a complex issue and no single approach will be successful in isolation. The burdens of alcohol related harm on public health, society and the economy within Sunderland are amongst the highest in the UK, and fall disproportionately on the most disadvantaged members of our community. It would therefore be remiss of any responsible authority not to try to intervene and make meaningful reductions to the unacceptable and unfair toll of ill health and premature mortality related to the inappropriate use of alcohol.

As acknowledged in the consultation documents, alcohol remains one of the key drivers of health inequalities and is a key cause of premature death, placing a significant burden on individuals as well as across the NHS, adult social care, and the wider economy, including local businesses. Sunderland suffers disproportionately from a variety of alcohol-related harms for example:

- **Older people:** Alcohol related hospital episodes are continuing to rise in the overs 65s group with Sunderland being the highest in England.
- **Younger people:** In Sunderland Alcohol episodes for alcohol-specific hospital admissions for those aged under 18 years are the third highest in England.
- **Inequalities of alcohol admissions at ward level:** The wards identified as having the highest hospital admissions for alcohol attributable conditions, standardised admission ratio, 2010/11-2014/15 in rank order (highest first) are Hendon, Southwick, Redhill, St Peters, Pallion, Millfield, Washington North, Castle, St Michaels and Sandhill.
- **Impact on society:** Each year in Sunderland It is estimated that the irresponsible use of alcohol costs the city in 2015/ 16 around £112 million per year (see appendix a below). The greatest costs are borne by the wider economy (£39m), crime and disorder (£34m), local NHS services (£24m) and public health/social services (£15m). It should be noted that this does not take account of the health and social consequences suffered by individuals, their families, and the wider community.(appendix one)

As acknowledged in the consultation documents, as it stands, it can be challenging to refuse license applications under the existing licensing regime. At the heart of the current licensing system is the 'presumption to approve' and local authorities can only challenge licensing applications when there is clear evidence that links a specific locality, or licensed premises to one of the four licensing objectives. However, many Local Authorities use these objectives to curtail the irresponsible supply of alcohol, thus reducing alcohol harm. This link can be extremely difficult to prove, given that evidence of alcohol misuse cannot always be tied to a specific location. Moreover, the 'presumption to approve' ignores the fact that it is rarely a single licensed premises that causes problems – on the contrary, evidence suggests that it is the widespread availability of alcohol, along with its increasing affordability, that is linked to hazardous patterns of consumption and the wide range of alcohol-related harms suffered by families and communities across Sunderland.

There is clear international evidence from a number of countries, including France, the USA and Canada that decreased availability of alcohol results in decreased alcohol consumption in the population; this is true when availability is restricted either by physical means or by price. Where changes have been robustly measured and assessed, it can be seen that the effects happen at local, regional and national levels and lead to substantive reductions in alcohol related morbidity and mortality.

As it stands under the current legislative system, the introduction of Cumulative Impact Zones in Sunderland would help to overcome this issue within the designated geographies and give the local authority more powers to control availability within priority areas. The successful introduction and operation of a CIP still requires the pro-active scrutiny of licence applications and the rationale for its introduction needs to be based on the risks of licensing objectives being compromised.

Conclusion

I welcome the inclusion of a Cumulative Impact Zones that will be introduced in to Sunderland, that support our vision for the City and ensures new developments seek to minimise the adverse impact of alcohol on the health of local people and the resulting demand for health services.

Director of Public Health

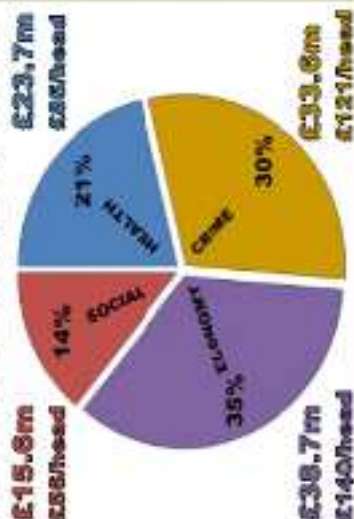
Public Health Specialist

Cost of alcohol harm in SUNDERLAND

In 2015/16 the
overall cost was
£111.6m
estimated to be: = £403 per head
of population

BALANCE
Cutting the
measure of alcohol

OVERALL COST BREAKDOWN:



NHS & HEALTHCARE: £23.7m

Hospital admissions:

- wholly attributable to alcohol
1,835 admissions cost **£3.7m**
- partially attributable to alcohol
4,970 admissions cost **£8.5m**
- all alcohol related admissions
6,805 admissions cost **£12.2m**

CRIME & DISORDER: £33.6m

- Anticipation of crime: **£1.5m**
- Consequence of crime: **£30.8m**
- Response to crime: **£1.2m**
- Estimated number of alcohol related crimes in 2015/16: **24,400**
- Including reported and unreported crimes:
6,200 for criminal damage
1,900 for violence against the person
16,400 for theft

WIDER ECONOMY: £38.7m

Presenteeism:

(at work but reduced productivity)

68,000 days at a cost of **£7.2m**

Absenteeism:

(not at work due to illness)

55,700 days at a cost of **£5.9m**

101 alcohol related deaths resulted in
1,026 potential years of working life lost
with associated costs of **£18.4m**

SOCIAL SERVICES: £15.6m

Local authority budget estimated to be
attributable to alcohol:

Children:

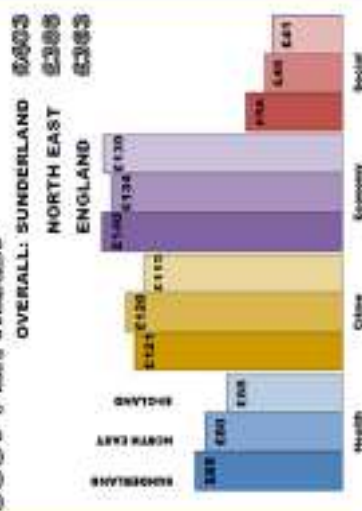
- social services **£12.4m**
- substance misuse services **£123,200**

Adults:

- substance misuse support and alcohol
misuse services **£3.1m**

(Based on Local Authority returns published by DCLG)

COST PER HEAD:





**Cumulative Impact Assessment
Sunderland**

**Northumbria Police submission to the Cumulative Impact Assessment
Consultation by Sunderland City Council**

13th June 2018

The Cumulative Impact Assessment clearly demonstrates Sunderland City Council's commitment to recognising the needs of the residential community of Sunderland, whilst recognising the commercial and financial needs of the licensed trade within the City.

The intended assessment will clearly not prevent the granting of a licence to applicants as long as they can demonstrate that their intended business will not adversely impact upon the local community. As such the policy should assist in providing protection from the residential and business community from alcohol related crime and disorder.

The assessment will assist with the established partnership work within the City centre involving Northumbria Police, Sunderland City Council and other partners such as the street pastors to address the challenges presented by the night time economy. As a result it will play a role in protecting those made vulnerable by that environment.

Response from **– City Centre and Hendon**

There is an obvious argument for the Cumulative Impact Assessment within Sunderland City Centre due to the already large concentration of licensed premises operating under various conditions. However it would be suggested that consideration be given to include Hylton Road. This area already has a number of licensed premises on the street which are located close to Millfield Metro station, this area has seen alcohol related disorder and the street itself is surrounded on all sides by residential dwellings. For this reason it is felt that greater protection is required for this community also.

As the acting neighbourhood Inspector for Sunderland City centre, Millfield and Ashbrooke I would support the implementation of this policy.

Response from **– Southwick**

I believe that given the number of retail outlets selling alcohol both within Southwick and in adjoining areas, the placing of a Cumulative Impact Assessment in Southwick would have little or no impact on alcohol related crime in the area. A number of large retailers – Sainsbury's, Tescos, Morrisons, Lidl, Aldi – have large shops bordering Southwick and all sell alcohol. There is also an Aldi in Southwick as well as small retail outlets selling alcohol

It would be suggested that given the proposed redevelopment of Seaburn that consideration would be given to include this area. There are concerns amongst local residents as to this development and a Cumulative Impact Assessment could be used to ensure that any restaurants or public houses that are built as part of this development are family themed ventures and not linked to creating another night time economy location. Night time economy venues would have an adverse impact on the quality of life of local residents.

Response from **– Millfied and Pallion**

I have viewed the Cumulative maps that have been created by Sunderland City Council. The map covering Millfield and Pallion covers a very small area that has no Public houses within. Therefore, due to this I would not support the implementation of this policy for the Millfield and Pallion area.

Response from**– Licensing Co-ordinator**

The introduction of the Cumulative Impact Assessment will ensure applicants will need to demonstrate through the application process that the addition of the premises will not have a negative impact on the area and the licensing objectives. The introduction of the policy, will in effect turn the table on the applicant, at present there is an assumption to grant applications unless we, the Police object, the introduction of the Cumulative Impact Assessment will reverse this. Applicants submitted at present sometimes barely show any detail on how the applicant intends to meet the objectives and with the introduction of this policy this will no longer happen. It will also assist the requirement not to keep raising objections around conditions as applicants should already include such conditions as CCTV, Challenge 25, Staff Training, Search & Safeguarding Policies etc as part of their application. I would therefore support the introduction of the Cumulative Impact Assessment.

Response from**– Houghton, Hetton and Easington Lane**

Having looked at the maps provided in the prospecting Cumulative Impact plan I concur that Hetton should be included in the assessment. Although a small area there is a concentration of public houses and late night food outlets that would benefit.

I do not see that this would be required in Shiney Row as there are very few premises with an alcohol licence and not really an area that would lend itself to expansion other than of fast food outlets.

Would consideration be given to including Sulgrave and Concord which has a high number of licenced premises and late night food outlets that are already problematic to public services? Any additions to this area without the required controls would be detrimental to the area.

Lastly I do believe that Houghton le Spring Town Centre would also benefit by its inclusion in the scheme. Again it has several licenced premises concentrated around its High Street that should be protected by this policy.

The Safeguarding team at Sunderland CCG have reviewed the proposals set out in the CIA and fully support the proposed approach in relation to the areas set out in Appendix 4.

Regards

Designated Nurse Safeguarding Adults
Sunderland Clinical Commissioning Group
Pemberton House
Colima Avenue
Sunderland Enterprise Park
Sunderland
SR5 3XB

13th June 2018

Dear Sir/madam

In response to the Council's consultation on the proposed Cumulative Impact Policy (CIP), I fully support the proposal to introduce Cumulative Impact Zones in Sunderland.

I am aware that there has been significant research carried out using a wide range of data from partner agencies together with significant consultation and engagement work. The findings have identified evidence that would support the introduction of CIPs in the designated areas proposed in Sunderland.

In order for Sunderland to be a safe and vibrant city, it needs to offer a wide range of experiences for everyone, and not be dominated by on and off-licensed premises. Any tools or powers that can promote licensed premises to operate responsibly so that they do not cause community safety concerns for residents and visitors.

I would support measures that help to create conditions for economic growth as long as they do not have a negative impact on the safety and the health and wellbeing of those living in and visiting Sunderland. This includes measures that help to safeguard vulnerable people, who can often become vulnerable as a result of the increased availability, accessibility and affordability of alcohol.

I support public health colleagues in the need to address the complex issue of the harm caused by alcohol and that a partnership approach is needed to address this. The impact of alcohol-related harm is visible in the city's public health data, domestic abuse data, anti-social behaviour data and recorded alcohol-related crime data. In 2015/16 alcohol was estimated to have cost Sunderland:

- £23.7 million in NHS and healthcare for services such as hospital admissions, A&E attendances, ambulance callouts and also treatment for alcohol dependency
- £33.6 million in crime and disorder, including 6,200 cases of criminal damage, 15,400 cases of theft and 1,900 cases of violence against the person.
- £38.7 million lost to local businesses and employers through absenteeism, lost productivity and alcohol related deaths, including 55,700 days off due to alcohol
- £15.6 million in costs to children and adults' social services and substance misuse services.

It impacts on some of our most vulnerable communities and alcohol harms data for Sunderland are amongst some of the highest in the country, and fall disproportionately on the most disadvantaged members of our community. I would therefore support the introduction of the proposed CIP zones as a measure to try and intervene and make meaningful reductions in the impact of alcohol harms in Sunderland

The consultation documents refer to alcohol as being one of the key drivers of health inequalities. It is a key cause of premature death, placing a significant burden on individuals as well as across the NHS, adult social care, community safety, safeguarding, and the wider economy, including local businesses. As well as the impact on society and the costs of alcohol harms in Sunderland stated above, Sunderland suffers disproportionately from a variety of alcohol-related harms for example:

- Impact on domestic abuse. In 2017-18 there were 1459 domestic abuse crimes that were alcohol related in Sunderland which is an increase of 15% since 2016-17

- Inequalities of alcohol admissions at ward level: The wards identified as having the highest hospital admissions for alcohol attributable conditions, standardised admission ratio, 2010/11-2014/15 in rank order (highest first) are Hendon, Southwick, Redhill, St Peters, Pallion, Millfield, Washington North, Castle, St Michaels and Sandhill.
- Older people: Alcohol related hospital episodes are continuing to rise in the overs 65s group with Sunderland being the highest in England.
- Younger people: In Sunderland Alcohol episodes for alcohol-specific hospital admissions for those aged under 18 years are the third highest in England.

As acknowledged in the consultation documents, as it stands, it can be challenging to refuse license applications under the existing licensing regime. At the heart of the current licensing system is the 'presumption to approve' and local authorities can only challenge licensing applications when there is clear evidence that links a specific locality, or licensed premises to one of the four licensing objectives. However, many Local Authorities use these objectives to curtail the irresponsible supply of alcohol, thus reducing alcohol harm. This link can be extremely difficult to prove, given that evidence of alcohol misuse cannot always be tied to a specific location. Moreover, the 'presumption to approve' ignores the fact that it is rarely a single licensed premises that causes problems – on the contrary, evidence suggests that it is the widespread availability of alcohol, along with its increasing affordability, that is linked to hazardous patterns of consumption and the wide range of alcohol-related harms suffered by families and communities across Sunderland.

Through the independent research work undertaken by Sheffield University, and the international evidence from a number of countries, including Canada and France that decreased availability of alcohol results in decreased alcohol consumption in the population; this is true when availability is restricted either by physical means or by price. Where changes have been robustly measured and assessed, it can be seen that the effects happen at local, regional and national levels and lead to substantive reductions in alcohol related morbidity and mortality.

As it stands under the current legislative system, the introduction of Cumulative Impact Zones in Sunderland would help as another tool that could assist in overcoming this issue within the designated geographies and give the local authority and its partners more powers to control availability within priority areas. The successful introduction and operation of a CIP still requires the pro-active scrutiny of licence applications and the rationale for its introduction needs to be based on the risks of licensing objectives being compromised.

In summary, I welcome the inclusion of the proposed Cumulative Impact Zones that will be introduced in to Sunderland. The proposals under consultation support one of the priority work areas of the safer Sunderland Partnership (of which the Council is a responsible authority), around addressing alcohol-related crime and disorder. The proposals also support the partnership's two strategic priorities to (i): Prevent crime and disorder, re-offending and maintain high levels of feelings of safety; and (ii) Protect and support our most vulnerable people and places from harm.

Yours faithfully

Associate Policy Lead for Community Safety

Dear Sir / Madam,

I am writing in response to the ongoing Cumulative Impact Policy consultation. Balance fully supports the proposal to introduce Cumulative Impact Zones in Sunderland. We welcome the thorough research which has been carried out to inform the proposals and agree that there is a wealth of evidence to support the introduction of CIPs in the designated areas. Similar to many local authorities across the North East, Sunderland suffers disproportionately from a variety of alcohol-related harms. Whilst we appreciate that a vibrant night time economy can bring certain benefits to a locality, it is also worth highlighting that the harm caused by alcohol is immense and, when it comes to health harms, growing. Every year in the UK, there are over 20,000 deaths, over a million hospital admissions and 700,000 violent crimes linked to alcohol. According to Balance research, alcohol harm costs the region almost £1bn in NHS, crime, licensing, social services and workplace costs every year, with costs of almost £112 million to Sunderland alone.

- Among those aged 15 to 49 in England, alcohol is now the leading risk factor for ill-health, early mortality and disability and the fifth leading risk factor for ill-health across all age groups.
- More working years of life are lost in England as a result of alcohol-related deaths than from cancer of the lung, bronchus, trachea, colon, rectum, brain, pancreas, skin, ovary, kidney, stomach, bladder and prostate, combined, representing a real challenge to economic regeneration.
- There were 3,680 alcohol related deaths (ARD) across the North East in 2010-12, with the overall ARD rate standing at 33% higher than the national average.
- It is a risk factor in over 60 medical conditions, including liver disease, cardiovascular disease and at least seven types of cancer. It is linked to poor mental health, depression and dependence. It increases the risk of accidents, violence and injuries. It can harm the unborn child and reduce birth weight.
- These risks affect a substantial proportion of the population: a recent Balance survey estimated that almost 45% of North Easterners drink enough to increase the risk of physical or psychological harm.
- Alcohol also drives inequalities: In the most deprived areas men are five times and women three times, more likely to die an alcohol-related death than those in the least deprived areas.

As acknowledged in the consultation documents, as it stands, it can be challenging to refuse license applications under the existing licensing regime. At the heart of the current licensing system is the 'presumption to approve' and local authorities can only challenge licensing applications when there is clear evidence that links a specific locality, or licensed premises to one of the four licensing objectives:

1. the prevention of crime and disorder,
2. public safety,
3. prevention of public nuisance, and
4. the protection of children from harm

This link can be extremely difficult to prove, given that evidence of alcohol misuse cannot always be tied to a specific location. Moreover, the 'presumption to approve' ignores the fact that it is rarely a single licensed premises that causes problems – on the contrary, evidence suggests that it is the widespread availability of alcohol, along with its increasing affordability, that is linked to hazardous patterns of consumption and the wide range of alcohol-related harms

suffered by families and communities across the North East. As it stands under the current legislative system, the introduction of Cumulative Impact Zones in Sunderland would help to overcome this issue within the designated geographies and give the local authority more powers to control availability within priority areas.

Furthermore, Balance research suggests that the majority of people in Sunderland support greater regulation of the trade and are overwhelmingly opposed to recent shifts in availability. Carried out in 2015-16, with several thousand responses from Sunderland residents, Balance's latest 'Public Opinion Survey' showed that:

- 58% of Sunderland residents supported restricting alcohol sales in off-licenses and supermarkets to between 10am-10pm, compared to only 14% who backed a more flexible approach;
- Two thirds of Sunderland residents felt that "the drunken behaviour of others" put them off a night out in our town and city centres;
- Almost 3/4s of Sunderland residents stated that pub and club closing times should be between 11pm and midnight;
- 95% of Sunderland residents felt that it was unacceptable to sell alcohol in a soft play area; 84% opposed sales in a hair salon; and 77% in a garage forecourt – all locations in which alcohol is currently available in the North East.

Taking all of these factors into account, we believe that there are very sound reasons for introducing Cumulative Impact Zones in Sunderland. The local data suggests that the designated geographies are also appropriate and the introduction of CIPs has had an extremely positive impact in other areas of the North East, both by helping local authorities to reject inappropriate license applications and in diversifying and shaping the night time economy in line with local preferences.

Thanks very much for giving us the opportunity to comment on the CIP consultation and we hope that these observations are of use. Please do not hesitate to contact me if you would like to discuss further.

Best wishes,

Strategic Partnerships Manager, Balance

Report of the Audit and Governance Committee

THE AUDIT AND GOVERNANCE COMMITTEE reports and recommends as follows.

1. Annual Report on the work of the Audit and Governance Committee 2017/18

That the Audit and Governance Committee have given consideration to a report by the Head of Assurance, Procurement and Performance Management (copy attached) on the work of the Audit and Governance Committee during 2017/18, demonstrating how they have fulfilled their delegated responsibilities.

Accordingly, the Committee recommends Council to note the Annual Report on the Work of the Audit and Governance Committee 2017/18.

ANNUAL REPORT ON THE WORK OF THE COMMITTEE 2017/18

Report of the Head of Assurance, Procurement and Performance Management

1. Purpose of Report

- 1.1 This report provides a summary of the work undertaken by the Audit and Governance Committee during 2017/18 and the outcome of this work. The purpose of this report is to demonstrate how the Committee has fulfilled its role and will be presented to Council once agreed by this committee.

2. Role of the Committee

- 2.1 The Audit and Governance Committee is a key component in the Council's Corporate Governance Arrangements. Its role is to:
- approve the Authority's Statement of Accounts, income and expenditure, and balance sheet or record of receipts and payments (as the case may be);
 - consider the effectiveness of the authority's corporate governance arrangements, risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements and seek assurance that action is being taken on risk-related issues identified by auditors and inspectors;
 - be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
 - receive, consider and monitor reports on treasury management policy, strategy and practices.

3. Matters Considered

- 3.1 The Committee has met six times in the year. The meeting held in May 2017 was to complete the business of 2016/17 as the scheduled meeting in March 2017 had to be cancelled due to the closure of the Civic Centre. Appropriate officers of the Council have been in attendance at the meetings to present reports and provide additional information in order to clarify issues and respond to questions from members of the Committee. Regular attendees at the meetings were the Executive Director of Corporate Services, Head of Assurance, Procurement and Performance Management, Chief Accountant, Assistant Head of Assurance and the Council's External Auditors.

3.2 To enable the Committee to fulfil its role as set out in paragraph 2.1, a range of reports were considered, as follows:

- a) The Committee endorsed the Risk and Assurance Map for 2017/18 which sets out the key risk areas for the Council, the assurance that would be gathered in relation to them and where the assurance would be sought from. The report included the plans of work for the year for the Internal Audit and Risk and Assurance teams, and the performance indicators for Internal Audit. The Committee was also given the opportunity to identify any areas of work to be considered for the year.
- b) Progress reports in relation to the Risk and Assurance Map were presented on a quarterly basis. These provided details of the level of assurance for the strategic and corporate risk areas from management, specialist assurance functions, Internal Audit, Risk and Assurance, the external auditor and other external agencies.
- c) Specific key issues were highlighted within the Risk and Assurance Map update reports for members to consider further, specifically in relation to the improvement of the Council's Children's Safeguarding service. This had been raised as a concern by OFSTED and the Director of Children's Services attended the Committee meeting in May 2017 to provide an update on progress with members of the Committee enquiring as to further developments needed. The Head of Customer Service, Intelligence and ICT provided updates on the Council's ICT disaster recovery arrangements and assurance as to the improvements put in place, members of the Committee queried the working arrangements with services across the Council. In March 2018, the Head of Customer Service, Intelligence and ICT provided details of the full disaster recovery test that had been conducted the previous month where the Council's ICT provision had been transferred to its back up site. A number of valuable lessons had been learnt that would enable to arrangements to be strengthened further for the future.
- d) Internal Audit continued to provide updates in relation to the ICT disaster recovery arrangements and an updated opinion of the Council's arrangements to protect itself from cyber-attacks, assurance was provided that significant improvements had been made in this area.
- e) The Risk and Assurance Map update report in December 2017 identified issues regarding the systems for Adult Social Care Personal Budgets. The Head of Adult Social Care provided a comprehensive update on the improvements that were planned to address the issues highlighted. Various questions were asked by the members of the Committee and assurance was given that Internal audit were to continue to support officers to implement the recommendations.

- f) The Committee received an updated Strategic Risk Profile following a refresh of the Corporate Plan Delivery Plan.
- g) External Auditors provided progress reports to each meeting, the Annual Audit Letter, Audit Completion report, and the Review of the Council's arrangements for securing value for money. These reports provided a very positive opinion and members of the committee commented that they found the reports to be re-assuring. The External Auditor also presented their Audit Strategy Memorandum setting out their work for the coming year.
- h) The results of the Annual Governance Review for 2016/17 were presented, which summarises the overall governance arrangements in place within the Council, and made recommendations for further improvement. The head of internal audit's opinion on the Council's internal control environment was positive. The resultant Annual Governance Statement highlighted the good corporate governance arrangements in place, apart from those in relation to Children's Safeguarding and was approved by the Committee and included within the Council's Statement of Accounts.
- i) The annual Statement of Accounts 2016/17 (subject to audit) were issued to the Committee members by the end of May 2017 as a trial run for the early deadline for the completion and audit of the Statement of Accounts which was to come into force for the 2017/18 financial year. The audited accounts were presented at the July 2017 meeting. The External Auditor commented positively on the arrangements the Council has in place with regard to the production of the accounts and the good relationship which allowed the audit to be completed within the restricted timeframe.
- j) The Committee received reports in relation to the Council's Treasury Management arrangements to receive assurance that they are appropriate and approved the Treasury Management Policy and Strategy. The Committee noted the good performance in this area, and asked questions in relation to the Council's approach.
- k) During the year the Risk and Assurance Map included an assurance position in relation to the Council's local authority controlled companies, Sunderland Care and Support Ltd and Together for Children Sunderland Ltd. Sunderland Homes Ltd was a new company established, this was added to the Risk and Assurance Map with assurance starting to be gathered in 2018/19. In March 2018, the assurance provided from Financial Resources in relation to the financial position of Together for Children Ltd was "limited". The Acting Director of Finance for the Company attended the Committee to provide details on the steps being taken to address the Company's deficit budget position. Members of the Committee asked various questions in order to gain assurance regarding the measures being taken.

- l) The Committee also considered the revised Housing Benefit and Local Council Tax Support Risk Based Verification Policy which sets out the approach taken to the level of verification applied to various types of housing benefit and council tax support claims.
- m) Included within the Risk and Assurance Map update reports the Committee was provided with information regarding the areas of counter fraud work undertaken and the results of this work. No particular concerns were highlighted.

3.3 From the reports presented the Committee has been proactively monitoring activity in a number of important areas, as follows:

- *Risk and Assurance Map* – The Committee closely monitored activity in relation to the implementation of improvements in the Children’s Safeguarding service, ICT disaster recovery and business continuity, cyber security arrangements and the systems in place for administering Adult Social Care Personal Budgets. Senior officers were questioned in relation to these areas.
- *Strategic and Corporate Risk Profiles* – The Committee considered in detail the content of the new profiles and the revised assurance arrangements that were presented to ensure that it supported them in fulfilling their role.
- *Treasury Management* – The Committee have received regular updates regarding the Council’s performance in relation to Treasury Management and continue to assure themselves about the arrangements.

3.4 It can be seen that the work of the committee is wide ranging with members monitoring performance more closely in those areas where it was deemed appropriate.

4. Recommendation

4.1 The Committee is asked to consider the report and provide any comments for inclusion prior to the report being presented to Council.

Motions on Notice

MOTIONS ON NOTICE

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

(i) Action Against Modern Day Slavery

This council notes that though slavery was abolished in the UK in 1833, there are more slaves today than ever before in human history. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. This can include sexual and criminal exploitation.

This council believes it should take all necessary steps locally to root out and eradicate this scourge on society through raising general awareness of the abhorrent nature of modern slavery with local communities, employers and other stakeholders in Sunderland. In addition to take active steps to ensure any contracts and suppliers don't contribute to modern day slavery and exploitation.

This council therefore resolves

- To instruct the Chief Executive to bring forward as a matter of urgency a whole council policy covering both strategic and operational actions we can take to ensure traffickers and slave masters have no easy place to hide in Sunderland.
- In addition, as a founding member of the Co-operative Council Network to formally adopt the Co-operative Party's Charter against Modern Slavery attached, as part any whole council policy, to ensure our procurement practices don't directly or indirectly support slavery.
- As a council to report publically on the implementation of this policy and accompanying charter on an annual basis.

- Councillor Paul Stewart
- Councillor Geoffrey Walker
- Councillor Margaret Beck
- Councillor Michael Essl
- Councillor Michael Mordey
- Councillor Julia Jackson
- Councillor Alex Samuels
- Councillor Louise Farthing
- Councillor Neil MacKnight
- Councillor Elizabeth Gibson
- Councillor Christine Marshall
- Councillor Graeme Miller

- Councillor Juliana Heron
- Councillor Barry Curran
- Councillor Doris MacKnight
- Councillor Ronny Davison
- Councillor Bernie Scaplehorn
- Councillor Linda Williams
- Councillor Rebecca Atkinson
- Councillor Peter Walker
- Councillor Stuart Porthouse
- Councillor John Kelly
- Councillor Amy Wilson
- Councillor Debra Waller

Annex 1: Charter against modern slavery

Sunderland City Council will:

1. Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
4. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
6. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
7. Review its contractual spending regularly to identify any potential issues with modern slavery.
8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed
9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
10. Report publicly on the implementation of this charter annually.

(ii) Great Jobs Agenda

This Council believes that:

Every job should be a great job. For us that means workers in Sunderland should be paid fairly; work in a safe and healthy workplace; be treated decently and with respect; have regular hours; have the chance to be represented by unions and be consulted on what matters at work; and get the chance to learn and progress at work and get on in life.

This Council resolves to:

1. Support the TUC's Great Jobs Agenda, which sets out the actions employers and the government must take for every job to be a great job.
2. Ensure as an employer we continue providing great jobs for our own employees.
3. Continue to value meaningful workforce engagement and representation through our recognised trade unions.
4. Continue our work with employers to influence their employment practices, and to ensure that business growth is sustainable and ethical.
5. Make increasing job quality a key part of the conversation when pursuing local economic development opportunities.
6. Use our commissioning and procurement processes where possible to raise employment standards amongst those suppliers and providers we work with.
7. Where appropriate, engage with government and other bodies who hold regulatory powers, to tackle issues which local authorities do not have statutory powers to address directly.
8. Write to our MPs informing them of our position and encouraging them to support the Great Jobs Agenda too.

Councillor Graeme Miller
Councillor Paul Stewart
Councillor Juliana Heron
Councillor Linda Williams
Councillor Rebecca Atkinson
Councillor Peter Walker
Councillor Bernard Scaplehorn
Councillor Stuart Porthouse
Councillor John Kelly
Councillor Geoffrey Walker
Councillor Amy Wilson
Councillor Michael Mordey
Councillor Louise Farthing
Councillor Debra Waller

(iii) Development of the Seafront

This Council notes the views of local residents on the development of the seafront in the city and agrees with concerns expressed about the provision of housing and leisure facilities.

Councillor George Howe
Councillor Robert Oliver

(iv) Commemorating 100 years of women's suffrage and Sunderland's first female councillor

This Council recognizes that 2018 represents a historic milestone, as it is the 100th anniversary of votes for women in the UK. The Representation of the People Act, passed on 6 February 1918, was a major step towards universal suffrage, giving women over the age of 30 who owned property, and all men over the age of 21, the right to vote.

This Council recognizes the achievements of the trail-blazing women campaigners and politicians in this city, including Sunderland's first female MP, Marion Phillips, and Ellen Elizabeth Bell, the city's first female councillor and first female alderman. Ellen Bell was elected to the then Town Council for the Hendon Ward at a by-election in October 1919, just over a year after women gained the right to vote.

Accordingly, the Council resolves to:

- Commend the role played by people in Sunderland and the North East in the long campaign that culminated in the Representation of the People Act becoming law
- Request the Chief Executive look into the feasibility of erecting a plaque or lasting memorial to Ellen Bell, on the centenary of her election to the Council in 2019
- Look into the feasibility of an event to commemorate the role played by local women in the campaign for equal votes, and in the public life of our city
- Encourage more people to register to vote to mark the centenary, and in particular to increase the number of young registered to vote

Councillor Niall Hodson
Councillor Martin Haswell
Councillor George Smith
Councillor Stephen O'Brien

Reports

Update 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.

VACANCY ON CHILDREN, EDUCATION AND SKILLS SCRUTINY COMMITTEE

REPORT OF THE HEAD OF LAW AND GOVERNANCE

1. The Children, Education and Skills Scrutiny Committee comprises 12 elected members. In addition, there are currently two serving co-opted members and two vacant positions for co-optees.

The Committee is subject to the “political balance” rules, which are designed to ensure that the political composition of the Council's decision making and deliberative committees, so far as possible, reflects the political composition of the full Council.

At Annual Council in May 2018, the seats on the Committee were allocated to the political groups as follows:

Labour 10
Conservative 1
Liberal Democrat and Others 1

2. Cllr Stephen O'Brien was nominated by the Liberal Democrat and Others Group and duly appointed by Council. By e-mail dated 2 August 2018, Cllr O'Brien gave notice of his resignation from the Committee and advised that he would not be replaced by a Liberal Democrat.
3. Following Cllr O'Brien's resignation, written notification dated 10 August was sent to the Leader of the Liberal Democrats and Others Group, Cllr Niall Hodson, to advise of the vacancy and the opportunity to nominate a member of the Group to the seat. Cllr Hodson replied to confirm that the Group would decline to nominate for the vacancy at this time and would keep this decision under review.
4. Under the Local Government (Committees and Political Groups) Regulations 1990 (the 1990 Regulations) if a political group has failed to express its wishes in relation to the appointment to a Committee seat within a period of three weeks of receiving notification of the vacancy, “the authority may make such appointment to that seat as they think fit.”
5. Council's default power in respect of appointment is discretionary. An appointment “may” be made but there is no requirement to do so. In addition, the power to appoint has to be interpreted in its statutory context and the requirement for political balance. Where a political group has been allocated a seat on a committee, Council can exercise its power of appointment only by appointing a member of the political group to which the seat was allocated, unless the Council agrees “alternative arrangements” to the political balance allocations. Alternative arrangements for the allocation of seats other than on

the basis of strict political balance may be approved by the Council under section 17 of the Local Government and Housing Act 1989, provided no member votes against the proposal. Abstentions would not defeat a vote on such a proposal.

6. As the Children, Education and Skills Scrutiny Committee now has only one serving Opposition Member and the Liberal Democrat Group is currently declining to nominate a replacement, Council may wish to consider approving alternative arrangements, to allow a Majority Opposition group member to take up the vacant seat. The appointment of an additional Conservative member to the Committee would provide an opportunity for wider engagement and participation by Opposition members in the Scrutiny function, than would be achieved by leaving the seat vacant.
7. Whilst the Council could also agree alternative arrangements providing for the appointment of an additional Majority Group member to the Committee, in view of the number of seats already allocated to the Majority Group, it is suggested that appointment of an Opposition member would be a more appropriate option, for the reasons referred to above. The Leader of the Conservative Group, Cllr Robert Oliver, has advised that the Conservative Group would wish to nominate a member for appointment to the vacant seat and this is supported by the Leader of the Council.
8. The options which Council may wish to consider are therefore as follows:
 - (1) (i) to approve alternative arrangements to political balance;
 - (ii) allocate the vacant seat previously allocated to the Liberal Democrat and Others Group on the Children, Education and Skills Scrutiny Committee to the Conservative Group, so that the elected member representation on the Committee will be

Labour 10: Conservative 2; and
 - (iii) appoint a member nominated by the Conservative Group to the vacancy on the Committee; or
 - (2) appoint a Liberal Democrat and Others Group member to the vacant seat; or
 - (3) leave the seat vacant at this time.

9. Recommendation

Council is asked to consider how to deal with the vacant seat on the Children, Education and Skills Scrutiny Committee.

Background papers

None

COUNCIL

19 September 2018

APPOINTMENTS TO COMMITTEES

Report of the Head of Law and Governance

1.0 Introduction

- 1.1 The purpose of this report is to confirm the nominations of Hetton Town Council on the Standards Committee.

2.0 Standards Committee

- 2.1 The Council has been notified that Hetton Town Council has nominated Councillors Richard Elvin and Paul Holt to sit as the Town Council's representatives on the Standards Committee for the Municipal Year 2018/2019.

3.0 Recommendation

- 3.1 The Council is accordingly recommended to:-
- (i) confirm the nominations of Councillors Richard Elvin and Paul Holt as the representatives of Hetton Town Council on the Standards Committee.

