

Minutes

Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE on WEDNESDAY, 25 NOVEMBER, 2015 at 6.00 p.m.

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

Councillors	Allen	Foster	Middleton	Trueman, H.
	Atkinson	Francis	Miller, F.	Turner
	Ball	Galbraith, G.	Miller, G.	Turton, M.
	Beck	Galbraith, I.	Mordey	Turton, W.
	Bell	Gibson, E.	O'Neil	Tye
	Blackburn	Gibson, P.	Porthouse	Walker, G.
	Cummings	Gofton	Price	Walker, P.
	Davison	Heron	Scanlan	Waters
	Dixon, D.	Jackson	Scaplehorn	Watson, P.
	Dixon, M.	Kay	Smith, P.	Watson, S.
	Elliott	Kelly	Snowdon, D.	Williams
	English	Lauchlan	Snowdon, D.E.	Wilson, A.
	Essl	Leadbitter	Speding	Wilson, D.
	Farthing	Marshall	Taylor	Wood
	Forbes	McClennan	Trueman, D.	Wright, T. H.

Also Present:-

Honorary Aldermen: - M. Arnold and M. Greenfield

The notice convening the meeting was read.

Minute's Silence

A minute's silence was observed by Members and Officers in remembrance of those who had lost their lives in the recent terrorist attacks in Paris.

Minutes

23. RESOLVED that the minutes of the Meeting of the Council held on 23 September, 2015 (copy circulated), be confirmed and signed as a correct record.

Declarations of Interest

The following Councillors declared an interest as follows: -

Item 11 – Notice of Motion (Redistribution of Public Funding)	Councillors E and P Gibson	Family Member works in Public Health.
---	----------------------------	---------------------------------------

Announcements

(i) Northern Design Awards 2015

At the invitation of the Deputy Mayor, the Cabinet Secretary, Councillor Speding informed Members of the receipt of the prestigious trophy for Keel Square which was a recent winner of the Northern Design Awards 2015 in the Public Square Category.

The success meant that the Council's in-house Landscape Architects Team in Design Services had now won at the Northern Design Awards on three occasions in a row.

The trophy was handed over by designer Wayne Hemingway at a ceremony in Liverpool and the TV presenter and native of Washington, Mr. George Clarke was one of the judges who joined the team on stage to celebrate the success.

Other short listed projects had included Stockton High Street, Little Haven Promenade and Seawall, South Tyneside and Drapers Courtyard, Manchester Metropolitan University.

(ii) National Recognition of Commitment to Work with the Armed Forces

At the invitation of the Deputy Mayor, the Deputy Leader, Councillor H. Trueman informed Members that at the SABRE event held on 18th November, 2015 he had been honoured to be presented with the National Recognition of Commitment to Work with the Armed Forces on behalf of the Council.

(iii) Britain in Bloom

At the invitation of the Deputy Mayor, Councillor Mordey informed Members that he had been presented with an award from the Royal Horticultural Society in recognition of the events and hospitality provided in relation to the Britain in Bloom awards ceremony.

(iv) Death of former Councillor Margaret Anne Brown

The Deputy Mayor paid tribute to former Councillor Margaret Anne Brown who had recently passed away.

Members and Officers stood for a minute's silence as a mark of respect.

Reception of Petitions

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

Councillor Francis – Petition from residents to request that Sunderland City Council make urgent repairs to the pavements and road surface at Melbury Court, Fulwell – Executive Director of Commercial Development.

Councillor Francis – Petition from residents to request that Sunderland City Council repair the pavements in Wingrove Avenue, Fulwell, without damage to the trees – Executive Director of Commercial Development.

Councillor Francis – Petition to request the provision of indoor recreational facilities at Seaburn Seafront – Executive Director of Commercial Development.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Allan, Copeland, Curran, Ellis, Farr, Gallagher, Howe and N. Wright and from Honorary Alderman M. Smith.

Report of the Cabinet

The Cabinet reported and recommended as follows: -

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

That the Cabinet have given consideration to a report of the Executive Director of Commercial Development (copy circulated) which:-

- (a) sought approval to amend the Council's Constitution to reflect the authorisation of the Executive Director of Commercial Development to exercise the Council's full enforcement powers under the Draft "Smoke and Carbon Monoxide Alarm (England) Regulations", made under section 150(1)-(6) and (10) of the Energy Act 2013 and paragraph 3(a) of Schedule 4 to the Housing Act 2004 once those Regulations have been brought into force;
- (b) would ensure that the Council, as Local Housing Authority, was able to undertake its statutory duties in relation to the said Regulations; and
- (c) sought approval for the statement of principles which the Council would follow in determining the amount of a penalty charge related to a breach of the Smoke and Carbon Monoxide Alarm (England) Regulations.

The Cabinet approved the statement of principles which the Council would follow in determining the amount of a penalty charge related to a breach of the Smoke and Carbon Monoxide Alarm (England) Regulations and accordingly it recommended the Council to amend the Council's Delegation to Chief Officers in Part 3 of the Constitution as follows as from the date upon which the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 come into force:-

Section 2 – Executive Director of Commercial Development - Paragraph 2.46 to be amended to read as follows:- "To exercise the functions of the Council under the Building Act 1984, the Public Health Acts 1936 and 1961, Caravan Sites and Control of Development Act 1960, Environmental Protection Act 1990, Health and Safety at Work etc Act 1974, Local Government (Miscellaneous Provisions) Acts 1976 and 1982, Prevention of

Damage by Pests Act 1949, and The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 in so far as they relate to housing conditions and to the management of housing.”

Capital Programme Second Capital Review 2015/2016 (including Treasury Management)

That they have given consideration to a report of the Director of Finance on the Capital Programme Second Review 2015/2016 including Treasury Management which set out:-

- reprofiling of projects since the First Capital Review for 2015/2016 was approved in June 2015;
- the inclusion of additional schemes and revisions to costs and resourcing for 2015/2016 since the First Capital Review was reported;
- the progress in implementing the Treasury Management Strategy for 2015/2016.

In accordance with the Council’s Financial Procedure Rules, Cabinet may authorise variations to the Capital Programme provided such variations are within available resources and consistent with Council policy.

The attached Appendix A set out the relevant extracts from the Cabinet Report which outlined the variation to schemes with an estimated cost in excess of £250,000 in 2015/2016 and future years.

They referred the relevant extracts to the Scrutiny Committee to note the proposed variation to the Capital Programme for 2015/2016 to include additional schemes with an estimated cost in excess of £250,000. The Scrutiny Committee noted the report, being satisfied with the proposed variation to the Capital Programme.

Accordingly, the Cabinet recommended the Council to note the proposed variation to the Capital Programme for 2015/2016 to include additional schemes and variations with an estimated cost in excess of £250,000. In relation to the Treasury Management Strategy and Prudential Indicators, the Cabinet recommended to Council to approve the revised 2015/2016 Prudential Indicators for both the Authorised Borrowing Limit for External Debt of £516.048m and the Operational Boundary for External Debt Limit of £442.196m to reflect changes arising from the Joint Waste Disposal (PFI) arrangement with Gateshead and South Tyneside Councils.

Revenue Budget Second Review 2015/2016

That they have given consideration to a report of the Director of Finance on the overall Revenue position following the second review for 2015/2016 including proposed contingency transfers for the second quarter of 2015/2016.

In accordance with the Council’s Budget and Policy Framework certain transfers require Council approval. The following extract refers to those transfers of funds;

‘At this stage savings are anticipated in respect of capital financing charges as a result of slippage on the capital programme, and additional income from interest on investments of approximately £6m at year end. It is proposed that these amounts and any further underspendings arising from unspent contingencies at the end of 2015/2016 are earmarked to support the overall 2015/2016 position and to meet transitional costs arising in 2015/2016 and future years.’

They also referred the above extract of the budgetary transfers to the Scrutiny Committee, for advice and consideration. The Scrutiny Committee supported the transfer of funds and any further underspendings arising from unspent contingencies at the end of 2015/2016 to support the overall position and transitional costs arising in 2015/2016 and future years and supported the Cabinet recommendation that the transfer be submitted to Council for approval.

Accordingly the Cabinet recommended the Council to approve the transfers as set out in the above extract.

Budget Planning Framework 2016/2017 and Medium Term Financial Strategy 2016/2017-2019/2020

That they have given consideration to a report of the Interim Head of Paid Service and Director of Finance (copy circulated) outlining the key factors influencing the development of the Council's financial plans into the medium term and setting out the budget planning framework for the Council for 2016/2017 and the headlines and context for the Medium Term Financial Strategy 2016/2017 to 2019/2020.

They also referred the report to the Scrutiny Committee for its comments in the context of the approved consultation arrangements for the Council's budget. The Scrutiny Committee was satisfied with the information provided and supported the Cabinet recommendation that the proposed Budget Planning Framework and Medium Term Financial Strategy were submitted to Council for approval.

Accordingly, the Cabinet recommended the Council to:-

- (i) approve the proposed Budget Planning Framework summarised at Section 11 of the report which would guide the preparation of the Revenue Budget for 2016/2017, and
- (ii) note that the full Medium Term Financial Strategy 2016/2017 to 2019/2020 would be presented to Cabinet in February.

Gambling Act 2005 – Approval of the Council's Statement of Principles

That they have given consideration to a report of the Executive Director of Commercial Development (copy circulated) to be considered by the Cabinet at its meeting on 25 November 2015. The report sought approval to the statement of principles to be published under the Gambling Act 2005.

They also referred the report to the Scrutiny Committee for advice and consideration. The Scrutiny Committee supported the proposal that Council be recommended to approve the statement of principles for publication under the Gambling Act 2005.

Accordingly, the Cabinet recommended the Council to approve the statement of principles attached as Appendix 1 to the report.

Licensing Act 2003 – Approval of the Council’s Statement of Licensing Policy

That they have given consideration to a report of the Executive Director of Commercial Development (copy circulated) to be considered by the Cabinet at its meeting on 25 November 2015. The report sought approval to the statement of licensing policy to be published under the Licensing Act 2003.

They also referred the report to the Scrutiny Committee for advice and consideration. The Scrutiny Committee supported the proposal that Council be recommended to approve the statement of licensing policy for publication under the Licensing Act 2003.

Accordingly, the Cabinet recommended the Council to approve the statement of licensing policy attached as Appendix 1 to the report.

The Leader of the Council, Councillor P. Watson, duly seconded by the Deputy Leader, Councillor H. Trueman, moved the report of the Cabinet.

Upon the report of the Cabinet being put to the Council it was:-

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

Report of the Audit and Governance Committee

The Audit and Governance Committee reported and recommended as follows:-

Review of the Remit and Effectiveness of the Audit and Governance Committee 2015/16

The Audit and Governance Committee have reviewed their remit and the effectiveness of their work. As a result, it is considered that the Terms of Reference of the Committee be updated in relation to the arrangements for the Chairing of Committee meetings when both Co-opted members are not available.

Accordingly, the Committee recommended Council to approve the updated Terms of Reference for the Audit and Governance Committee.

Councillor Farthing, duly seconded by the Councillor O’Neil, moved the report.

Upon the report of the Audit and Governance Committee being put to the Council it was:-

26. RESOLVED that the report of the Audit and Governance Committee be approved and adopted.

Written Questions under Rule 8.2

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

Action Taken on Petitions

The Council received and noted the report below which detailed the action taken in relation to the following petition which had been presented to Council at its meeting held on 26th November, 2014.

(i) **Petition requesting the resolution of the issue of organic matter falling from trees into properties of Blencathra, Albany**

The above petition was forwarded to the Executive Director of Commercial Development and a range of options to address the issue were considered including; removing all trees; removing additional trees beyond those removed previously; and reducing the height of the trees by a third.

Analysis of the options revealed that these options were either too cost prohibitive to introduce and/or would contribute to an increase in noise pollution for the residents. It was also determined that the options outlined above would not fully eradicate the issue. It was therefore decided that no action would be taken.

Councillor Dorothy Trueman and the Lead Petitioner had been advised of the decision taken in relation to the petition.

Notice of Motion

Councillor Kelly, seconded by Councillor G. Miller, moved the following motion:-

(i) **Redistribution of Public Health Funding**

This Council calls upon the Government to stop the redistribution of public health funding from the North of England to the South of England, and to cancel their plans to slash Public Health budgets.

Councillor Wood, seconded by Councillor M. Dixon, proposed the following amendment:-

After “the Government to” remove “stop the redistribution of public health funding from the North of England to the South of England, and to cancel their plans to slash Public Health budgets.” and replace with “give further consideration to the distribution of Public Health funding within England to

ensure that the particular needs of the north-east are fully taken into account in any new funding formula.”

So that the amended motion would read:-

“This Council calls upon the Government to give further consideration to the distribution of Public Health funding within England to ensure that the particular needs of the north-east are fully taken into account in any new funding formula.”

Upon being put to a vote by a show of hands the amendment was defeated with 5 Members voting in favour, viz:-

M. Dixon Forbes	Francis	Leadbitter	Wood
--------------------	---------	------------	------

52 Members voting against, viz:

Councillors	Allen	Foster	Miller, G,	Turner
	Atkinson	Galbraith, G.	Mordey	Turton, M.
	Ball	Galbraith, I.	O’Neil	Turton, W.
	Beck	Gofton	Porthouse	Tye
	Bell	Heron	Price	Walker, G.
	Blackburn	Jackson	Scanlan	Walker, P.
	Cummings	Kay	Scaplehorn	Waters
	Davison	Kelly	Smith, P.	Watson, P.
	Dixon, D.	Lauchlan	Snowdon, D.	Watson, S.
	Elliott	Marshall	Snowdon, D.E.	Williams
	English	McClennan	Taylor	Wilson, A.
	Essl	Middleton	Trueman, D.	Wilson, D.
	Farthing	Miller, F.	Trueman, H.	Wright, T. H.

And no Members abstaining.

Therefore the original motion was put to the vote and was carried with 52 Members voting in favour, viz:

Councillors	Allen	Foster	Miller, G,	Turner
	Atkinson	Galbraith, G.	Mordey	Turton, M.
	Ball	Galbraith, I.	O’Neil	Turton, W.
	Beck	Gofton	Porthouse	Tye
	Bell	Heron	Price	Walker, G.
	Blackburn	Jackson	Scanlan	Walker, P.
	Cummings	Kay	Scaplehorn	Waters
	Davison	Kelly	Smith, P.	Watson, P.
	Dixon, D.	Lauchlan	Snowdon, D.	Watson, S.
	Elliott	Marshall	Snowdon, D.E.	Williams
	English	McClennan	Taylor	Wilson, A.
	Essl	Middleton	Trueman, D.	Wilson, D.
	Farthing	Miller, F.	Trueman, H.	Wright, T. H.

No Members voting against, and 5 Members abstaining, viz:-

Dixon, M. Forbes	Francis	Leadbitter	Wood
---------------------	---------	------------	------

Accordingly, it was:-

27. RESOLVED that:-

“This Council calls upon the Government to stop the redistribution of public health funding from the North of England to the South of England, and to cancel their plans to slash Public Health budgets.”

Report on Special Urgency Decisions

The Leader of the Council submitted a quarterly report (copy circulated) on executive decisions which had been taken as a matter of special urgency.

(For copy report – see original minutes).

There were no such instances to report.

The Leader of the Council, Councillor P. Watson, duly seconded by the Deputy Leader, Councillor H. Trueman, moved the report.

28. RESOLVED that the report be received and noted.

(Signed) A. EMERSON,
Deputy Mayor.

