

At a Meeting of the **CABINET** held in the **CITY HALL (COUNCIL CHAMBER)** on **TUESDAY 7 DECEMBER 2021** at **10.00 a.m.**

Present:-

Councillor G. Miller in the Chair

Councillors Chequer, Farthing, Rowntree and Williams

Also present:-

Councillor Edgeworth

Part I

Minutes

The minutes of the meeting of the Cabinet held on 16 November 2021, Part I (copy circulated) were submitted.

(For copy report – see original minutes).

1. RESOLVED that the minutes of the Cabinet meeting held on 16 November 2021, Part I, be confirmed and signed as a correct record.

Declarations of Interest

Agenda Item 4: Budget Planning Framework and Medium Term Financial Plan 2022/2023 – 2025/2026

Councillor G. Miller and Councillor Rowntree declared interests as members of the Siglion Board and as the anticipated savings proposal was dependent on the future approval of the Siglion Business Plan and proposed distribution, which would be coming to January Cabinet, they did not need to leave the room on this occasion.

Councillor Chequer declared an interest as a partner of an employee of Sports and Leisure Management Ltd (SLM). A dispensation had been granted to allow Councillor Chequer to speak and vote on agenda item 4.

Councillor Williams declared an interest as the Council appointed representative on the Sunderland Lifestyle Partnership Board in respect of the Leisure Joint Venture contract. She withdrew from the meeting during consideration of the report.

Agenda Item 10:
Procurement of Statutory
Advocacy and Independent
Complaints Advocacy
Services (ICAS)

Councillor Rowntree declared an interest as an employee of a statutory advocacy provider and withdrew from the meeting during consideration of the report.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors K. Johnson, P. Stewart, and P. Walker.

At this juncture, Councillors Williams withdrew from the meeting in view of her declaration of interest in the following report.

Budget Planning Framework and Medium Term Financial Strategy 2022/2023 – 2025/2026

The Executive Director of Corporate Services submitted a report (copy circulated) to:

- provide an update, since the Budget Planning Framework and Medium Term Financial Plan (MTFP) report to Cabinet in October 2021, on the key factors influencing the development of the Council's financial plans into the medium term;
- set out the updated headlines and context for the MTFP 2022/2023 to 2025/2026;
- set out provisional budget savings proposals for 2022/2023 to assist in meeting the current budget gap, as a basis for budget consultation, prior to the receipt of the Local Government Finance Settlement for 2022/2023; and
- set out the consultation/communication strategy for the budget 2022/2023.

(For copy report – see original minutes).

Councillor Farthing highlighted that the report provided an update on the Medium Term Financial Plan through to 2025/26 that had been submitted to Cabinet in October, and set out the key issues which would impact on the Council's financial position over the next four years. Also included within the report were the revenue budget savings proposals for the financial year 2022/2023.

Councillor Farthing drew Cabinet Members' attention to the MTFP updates which were outlined in section 3 of the report and incorporated announcements made in the October Spending Review and changes to the Council's spending pressures since the last update to Cabinet in October. Cabinet Members were asked to note the uncertainty that remained in funding allocations for next year, with more details to be confirmed in the Provisional Local Government Finance Settlement, and more significantly into the medium term, including the Government's proposals for the future of local government funding, which continued to be delayed.

Councillor Farthing reported that paragraph 3.6.1 of the report outlined the current budget planning assumptions and the estimated budget shortfall of circa £51 million over the medium term to 2025/2026. Saving proposals of £5.8 million to help address the £18.9 million gap for 2022/2023 were set out at section 3.8 of the report. Given the size of the gap and the uncertainty regarding Government funding generally including social care reforms, it was proposed, that the position be supported through the use of earmarked MTFP smoothing reserves. Current assumptions were that this could be up to £9 million in each of the next three years.

Councillor Farthing reported that proposals in relation to council tax and social care levy increases to support the budget position would be considered as part of the final budget setting proposals in February 2022. The budget planning at this stage assumed a council tax rise of 3%, comprising of a 2% increase in core council tax and 1% increase in the Adult Social Care Precept. As set out in the Government's October Spending review, 3% was the level by which they expected local authorities to raise local taxes to cover the increasing costs and demands on local services, in particular for social care.

Councillor Farthing thanked Cabinet Members for their ongoing work with senior officers in developing the MTFP and the 2022/2023 savings proposals. This work was very much ongoing and, in light of the medium term position, additional savings proposals to be implemented for 2023/2024 would start to be developed and considered as part of a future budget planning process.

Cabinet Members' attention was drawn to the proposed approach to consultation and communications as set out at section 5. Feedback arising through that process, together with the outcome of the Local Government Finance Settlement planned for late December 2021 would feed into the revenue budget decisions in the New Year.

The Chair referred to the ongoing financial pressures on the Council and highlighted the £51 million shortfall over the next four years. He was disappointed that the council tax increase to cover the increasing costs and demands on health and social care would impact directly on residents. The Chair thanked Cabinet Members and Officers who had developed the MTFP and associated savings hence avoiding a situation that could have been much worse.

Consideration having been given to the report, it was:-

2. RESOLVED that:-

- (i) Cabinet note the summary MTFP set out at section 3 of the report and that the full MTFP 2022/2023 to 2025/2026 would be presented to Cabinet in February 2022; and
- (ii) the provisional additional budget savings proposals, as a basis for budget consultation, prior to the receipt of the Local Government Finance Settlement for 2022/2023 be approved.

UK Community Renewal Fund – Sunderland Programme

The Executive Director of Corporate Services submitted a report (copy circulated) which sought approval to take forward the delivery, management and evaluation of Sunderland's successful bid submission ("the Programme") supported through the UK Community Renewal Fund ("UKCRF"). This followed the approval of the Programme from the Department for Levelling Up, Housing and Communities ("DLUHC").

(For copy report – see original minutes).

Councillor Rowntree highlighted that the report provided an update on Sunderland's bid to the UK Community Renewal Fund which was submitted to Government in June 2021 following its launch in March 2021.

Councillor Rowntree reminded Cabinet Members that successful bids were announced by Government on 3 November 2021, with five of Sunderland's nine bids being successful. Cabinet Members noted that Sunderland's allocation of £1,594,967 was the second highest in the North East region and that this was achieved despite Sunderland not being ranked as a 'priority 100 place' in the competition guidance.

Councillor Rowntree advised that the report sought Cabinet approval to take forward the delivery, management, and evaluation of Sunderland's Community Renewal Fund programme for the period November 2021 through to its closure in summer 2022.

Councillor Rowntree added that the report also sought approval for the Council to undertake the role of Lead Authority for the programme, to accept the terms of the Funding Agreement with Government, and to enter into Local Grant Funding Agreements with each of the five successful project applicants.

Cabinet Members noted that the five successful projects were listed in paragraph 4.4 of the report. The funding would enable the projects to work with a wide range of residents, businesses, and voluntary and community sector organisations across the city.

In addition, project activities would include capacity-building support for voluntary and community groups, new investment in the social enterprise sector, support for SMEs to explore new markets, and employability support for residents seeking work or training opportunities.

Councillor Rowntree concluded that Cabinet approval would enable the Council to establish robust programme management arrangements and to enter into the necessary Funding Agreements with Government and the project applicants.

Consideration having been given to the report, it was:-

3. RESOLVED that:-

- (i) the Council would act as the Accountable Body for the UKCRF programme in Sunderland and undertake the role of Lead authority during Programme implementation, delivery and monitoring from November 2021 until June 2022, and through to programme closure and final claims in mid-late 2022;
- (ii) the Executive Director of Corporate Services, in consultation with the Leader and Cabinet Secretary, be authorised to accept the terms of a Funding Agreement with associated conditions from the DLUHC and to enable delivery of the Programme;
- (iii) the Executive Director of Corporate Services, in consultation with the Leader and Cabinet Secretary, be authorised to agree the terms of Local Funding Agreements with the five projects approved by DLUHC within the Sunderland Programme as described in this report ("the Projects");
- (iv) the Executive Director of Corporate Services and/or the Assistant Director of Law and Governance be authorised to execute all necessary legal agreements in order to give effect to (ii) and (iii) above; and
- (v) the Executive Director of Corporate Services, in consultation with the Cabinet Secretary, be authorised to take all necessary action on behalf of the Council as the Accountable Body for the UKCRF based on the terms set out in this report (including entering into individual project funding agreements and the procurement and award of all necessary contracts).

Grant of a Rent Concession at the Former Millfield Community Nursery School, Bell Street, Sunderland.

The Executive Director of Corporate Services submitted a report (copy circulated) which requested that the Executive Director of Corporate Services be authorised to grant a rent concession at the former Millfield Community Nursery School, Bell Street, Sunderland.

(For copy report – see original minutes).

Councillor Rowntree highlighted that the Council owned the freehold of the former Millfield Community Nursery and that the report dealt with the grant of a rent concession as part of a new letting of the property.

Councillor Rowntree reported that the Nursery had remained vacant since its closure in late summer 2019 and was currently in a poor condition. She advised that the property had some significant items of outstanding repair, which needed to be addressed in order for it to be brought to a standard fit for occupation. The total cost of these works was estimated at £178,050.

Cabinet Members were advised that it was proposed to grant a 15 year lease at an annual rent of £28,000. As part of the negotiations to let the property, and in lieu of the tenant undertaking a number of essential works, a rent concession in the sum of £111,000 was proposed and a further £14,000 (6 month) rent concession was also proposed as a market incentive. Any outstanding works not funded by the rent concession would be undertaken by the tenant at their own expense.

Councillor Rowntree concluded that this would enable the repair and letting of the property.

Consideration having been given to the report it was: _

4. RESOLVED that the Executive Director of Corporate Services be authorised to grant a rent concession at the former Millfield Community Nursery School in accordance with the Council's rent concession policy and in consultation with the Leader and Cabinet Secretary.

Bus Lane Enforcement

The Executive Director of City Development submitted a report (copy circulated) which sought approval for the Council to undertake responsibility for enforcement of bus lane contraventions, including setting the level of penalty charge.

(For copy report – see original minutes).

Councillor Rowntree highlighted that the Council, in its role as Traffic Authority, had a duty under the Traffic Management Act 2004 to manage traffic on its highway network. She reminded Members that to enable the delivery of this duty, the Council had already been granted civil enforcement powers for parking contraventions.

Cabinet Members were advised that undertaking the responsibility for bus lane contraventions would greatly assist with managing the highway network and ensuring the safe and expeditious movement of traffic along it.

Councillor Rowntree reported that enforcement of bus lane restrictions was currently carried out by Northumbria Police, however other priorities meant that providing a regular presence to enforce consistently was not always possible, which could have a negative impact on the highway network.

Councillor Rowntree advised that despite the Council being an approved authority for bus lane enforcement, before it could issue a penalty charge notice for a bus lane contravention it would need to consult with Northumbria Police regarding its intention to commence enforcement of bus lane contraventions and have the level of penalty charge notice approved by the Secretary of State

Cabinet Members' attention was drawn to the benefit of taking over responsibility for bus lane enforcement which would mean that the Council could improve the punctuality of bus services, reduce congestion, improve air quality and promote active travel. In taking on these powers the Council would be able to influence driver behaviour and improve the operational performance of the highway network.

Cabinet Members noted that enforcement would be through either fixed or mobile CCTV camera deployment.

Councillor Rowntree reported that a detailed review of the financial implications would be completed in advance of the commencement of Civil Bus Lane Enforcement on a scheme-by-scheme basis as part of a wider Network Management Programme. The costs associated with completing the required actions and engagement necessary to develop and finalise the Council's application would be met from the existing service budget.

Having considered the report, it was:-

5. RESOLVED that:-

- (i) the Council be authorised to consult with and take over responsibility from Northumbria Police for CCTV camera enforcement of bus lane contraventions in Sunderland, and to set the required level of penalty charge for a bus lane contravention at £60.00; and
- (ii) the Executive Director of City Development, in consultation with the Leader and the Deputy Leader as Portfolio Holder, be authorised to take all necessary steps to enable the Council to commence and undertake civil bus lane enforcement in Sunderland.

DOMESTIC ABUSE SAFE ACCOMMODATION STRATEGY

The Executive Director of Public Health and Integrated Commissioning submitted a report, which sought Cabinet approval of the Sunderland Domestic Abuse Safe Accommodation Strategy 2021-2024.

(For copy report – see original minutes).

Councillor Chequer highlighted that the Domestic Abuse Act 2021 provided improved protection for the victims-survivors of domestic abuse as well as strengthened measures to tackle perpetrators. Part 4 of the 2021 Act aimed to ensure all survivors of domestic abuse had access to the right support within safe accommodation. The 2021 Act placed a statutory duty on Sunderland Council to develop and publish a Safe Accommodation Strategy. To comply with the Regulations a draft of the Strategy must be published before 5 January 2022 with a draft of the Strategy at least 10 weeks prior (by 26 October). The appended three-year Sunderland Domestic Abuse Safe Accommodation Strategy (2021 – 2024) had been developed in response to the Domestic Abuse Act 2021.

Councillor Chequer reminded Cabinet Members that following endorsement of a draft of the Strategy by Cabinet in October, the Council had consulted on the four priorities of the draft Strategy with:

- Sunderland's Safeguarding Children's Partnership.
- Sunderland's Safeguarding Adult's Board.
- Safer Sunderland Partnership Board.
- Stakeholders and staff who participated in the engagement exercise during July and August 2021 to inform the Strategy.

The Council had also consulted on the draft Strategy during November with:

- The Health and Wellbeing Scrutiny Committee.
- The Children's Education and Skills Committee.

Cabinet Members noted Cabinet approval was required to meet the publication deadline of 5 January 2022.

Councillor Chequer confirmed there had been no changes to the Strategy following consultation.

Cabinet Members were advised that the implementation of the Sunderland Domestic Abuse Safe Accommodation Strategy would be overseen by the Executive Board, supported by an Operational Partnership, a multi-agency group, which reported to the Board. It was intended to continue to engage with survivors and communities to ensure that local needs were met and inequalities were tackled. A delivery plan would be developed for the Strategy and monitored quarterly supported by a financial plan.

It was noted that, if approved by Cabinet, the Strategy would be submitted to the Department of Levelling Up, Housing and Communities and be published by 5 January 2022 to meet the legal duty.

Having considered the report, it was:-

6. **RESOLVED** that the Sunderland Domestic Abuse Safe Accommodation Strategy appended to the report be approved.

Award of grant funding to Washington Amateur Football Club

The Executive Director of Neighbourhoods submitted a report (copy circulated) which sought Cabinet approval for the award of £90,000 in grant funding to Washington Amateur Football Club (AFC) for the upgrade of local sports facilities.

(For copy report – see original minutes).

Councillor Williams highlighted that the award of £90,000 in grant funding to Washington Amateur Football Club would facilitate the significant and timely improvement of the sport facilities within the Washington area.

Councillor Williams reported that the proposal to award £90,000 from the Sports Pitch Contribution to the Club had been reached on the basis the Club had a major improvement scheme which had the benefit of committed match funding from the Football Foundation.

Cabinet Members noted that the scheme had planning permission and was immediately deliverable in accordance with the requirements of the Section 106 Agreement.

Councillor Williams advised that there were no other suitable alternative schemes in the local area which were of a comparable scale and immediately deliverable.

Consideration having been given to the report, it was:-

7. RESOLVED that the Executive Director of Neighbourhoods be authorised to award £90,000 in grant funding to Washington Amateur Football Club on terms to be agreed by the Executive Director of Neighbourhoods in consultation with the Leader and Cabinet Secretary.

At this juncture, Councillors Rowntree withdrew from the meeting in view of her declarations of interest in the following report.

Procurement of Statutory Advocacy and Independent Complaints Advocacy Services (ICAS)

The Executive Director of Neighbourhoods submitted a report (copy circulated) which sought approval to procure an integrated Statutory Advocacy Service and to continue with the current arrangements for the Independent Advocacy for Vulnerable Adults Service.

(For copy report – see original minutes).

Councillor Chequer highlighted that the report set out the procurement of an integrated Statutory Advocacy Service which included Independent Mental Capacity Advocacy (IMCA), Independent Mental Health Advocacy (IMHA), Litigation Friend, Care Act Advocacy, Independent NHS Complaints Advocacy (ICAS) and included the new Liberty Protection Safeguard requirements (LPS).

Councillor Chequer reported that the commissioning of Statutory Advocacy Services would provide an advocacy service for people who were legally entitled to an advocate because of their circumstances. This could be because they were being treated under the Mental Health Act or because they lacked the mental capacity to make their own decisions.

Councillor Chequer reminded Cabinet Members that the Council had a statutory duty to secure the provision of independent advocacy to specified groups of people as set out in relevant legislation. The proposed commissioning intentions should enable the Council to fulfil its statutory duty.

Having considered the report, it was:-

8. RESOLVED that:-

- (i) the procurement of an integrated Statutory Advocacy Service to include Independent Mental Capacity Advocacy (IMCA), Independent Mental Health Advocacy (IMHA), Litigation Friend, Care Act Advocacy, Independent NHS Complaints Advocacy (ICAS) and including the new Liberty Protection Safeguard requirements (LPS) be approved;
- (ii) the Executive Director of Neighbourhoods, in consultation with the Healthy City Portfolio Holder, be authorised to procure and subsequently award a contract for the integrated Statutory Advocacy Service; and
- (iii) the continuation of the current Independent Advocacy for Vulnerable Adults Service with the incumbent provider until such time as the integrated Statutory Advocacy Service is procured and the contract is awarded be endorsed and approved.

Local Government (Access to Information) (Variation) Order 2006

At the instance of the Chairman, it was: -

9. RESOLVED that in accordance with the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during consideration of the remaining business as it was considered to involve a likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) (Local Government Act 1972, Schedule 12A, Part 1, Paragraph 3). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.

(Signed) G. MILLER,
Chair.

Note:-

The above minutes comprise only those relating to items during which the meeting was open to the public.

Additional minutes in respect of other items are included in Part II.

