

CABINET MEETING – 18 JUNE 2014
EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

MINUTES, PART I

Author(s):

Head of Law and Governance

Purpose of Report:

Presents the minutes of the last meeting held on 18 June 2014 Part I.

Action Required:

To confirm the minutes as a correct record.

At a meeting of the CABINET held in the CIVIC CENTRE (COMMITTEE ROOM NO. 1) on Wednesday 16 April 2014 at 2.00pm.

Present:-

Councillor P. Watson in the Chair

Councillors Blackburn, Gofton, Kelly, Miller, P. Smith, Speding and Trueman

Also present:-

Councillors Bonallie, Tate, Waller, N. Wright and Wood

Part I

Minutes

The minutes of the meeting of the Cabinet held on 12 March 2014 Part I (copy circulated) were submitted.

(For copy report - see original minutes).

1. RESOLVED that the minutes of the last meeting be confirmed and signed as a correct record.

Receipt of Declarations of Interest

Councillor Kelly declared an interest in Item 7, "Beamish Museum – Guarantee" as a Director of the company, Beamish Museum Limited and reported that he would withdraw from the meeting during consideration of the report.

Variation of Order of Business

The Chairman referred to Item 6 on the Agenda relating to Policy Review Final Reports from the Scrutiny Committee and reported that it was proposed to move the item to the beginning of the meeting as those Councillors and officers had another meeting to attend.

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

2. RESOLVED that approval be given to vary the order of business on the agenda.

Apologies for Absence

There were no apologies for absence.

Scrutiny Committee – Policy Review Final Reports 2013/14

The Scrutiny Committee, the Deputy Chief Executive and the Director of Public Health submitted a joint report (copy circulated) to set out the recommendations of the Scrutiny Committee following its scrutiny policy reviews into Alcohol and Licensing in Sunderland and into Child Obesity.

(For copy report – see original minutes).

The Chairman invited Councillor Tate, the Chairman of the Scrutiny Committee, to introduce the report.

Councillor Tate in introducing the report highlighted that this would be the last time he would be presenting reports to Cabinet as he would be retiring from office and not standing at the next Local Government Elections. He thanked the Chairman and the Portfolio Holders in relation to previous policy reviews accepted and endorsed by Cabinet. He drew attention to comments made in the report of the Corporate Peer Review and commended the Chairman and Cabinet for their accessibility and collaborative working.

Turning to the policy reviews for 2013/2014, Councillor Tate advised that the Scrutiny Committee had adopted six scrutiny panels to undertake seven policy reviews during the year; two of which were to be presented today and the remaining five would be submitted to Cabinet in June 2014. He advised that Councillor Bonallie would present the findings of the policy review into Alcohol and Licensing in Sunderland and Councillor Waller would present the policy review into Child Obesity. He thanked the Scrutiny Panels for their hard work and also paid tribute to his Vice Chairman Councillor N. Wright who had been an invaluable support to him.

Councillor Bonallie reported that at the start of the year, the Scrutiny Committee requested the City Services Scrutiny Panel to undertake a brief spotlight review into Alcohol and Licensing in Sunderland. He explained that the Panel's review had focused on operation of licensing policy in Sunderland and the new powers available to the Council under recent licensing legislation and the extent to which the Council might wish to exercise those powers.

Councillor Bonallie advised that it was important to bear in mind that the majority of drinkers consumed alcohol in a responsible manner and that it would be wrong and counter-productive for the Council to approach licensing policy in a high handed and draconian manner. He added that it was also vital to recognise the important role of well run pubs and clubs in the fabric of social life and as part of a vibrant city centre. The Council and its partners had an important role in promoting the livelihood of the licensed trade and the contribution it made to the city economy.

Cabinet Members were advised that the Panel did have a number of concerns relating to the low price of alcohol in many of the city's supermarkets and off licences, its increasingly widespread availability and the use of inappropriate marketing and promotions often aimed at the young. There was strong evidence to suggest that this could encourage severe alcohol misuse which in turn could lead to long term harm. There was also evidence to suggest cheap alcohol could encourage both pre-loading and binge drinking which were associated with increases in alcohol-related violence.

Councillor Bonallie reported that the Panel had found that the misuse of alcohol and its associated problems was a complex issue involving a wide range of social and cultural factors which were largely outside of local authority control. However, licensing policy was one of the tools that could have a direct impact and just as importantly send out a message to the public. In conclusion, he thanked his colleagues on the City Services Scrutiny Panel and all of the officers and staff involved for their hard work during the course of the review and thanked them for their valuable contribution.

In response to the presentation, Councillor Blackburn thanked the City Services Scrutiny Panel for their production of this extremely interesting and useful report. He highlighted that the report showed that the Council needs to find a balance where it could regulate alcohol sales by encouraging responsible businesses whilst at the same time protect the health and well-being of the residents of the City.

Councillor Blackburn drew attention to the action plan attached to the report which sets out how the recommendations could be delivered. He added that if Cabinet Members endorsed those recommendations, the Council's Trading Standards Officers and Licensing Officers were ready to do the work which might be necessary to better protect the public and responsible licensees of the City.

Councillor Waller then presented the Children's Services Scrutiny Panel policy review into child obesity. She reported that obesity was reaching worldwide epidemic proportions and evidence showed that there were around 40 million children under the age of five who were overweight worldwide. She outlined that there were many factors which contributed to obesity levels including the consumption of unhealthy foods, a lack of exercise, a lack of sleep and the socio-economic situation to name a few. Children who were classed as obese are at far greater risk of developing serious medical conditions including Type II diabetes, asthma and musculoskeletal disorders.

Cabinet Members were advised that modern society looked to make things easier, quicker more convenient and in doing so often removed the physical aspects from life. People used cars more and more instead of walking or cycling, young people were obsessed with social media, computer games and the internet to the detriment of playing games or sport, and food was fast, on the go and calorie laden rather than a home cooked family shared experience. In gathering the evidence the Scrutiny Panel was pleased to see strong examples of projects and programmes that were looking to address these changes by offering cooking on a budget, taster sessions in sports and games and interventions that look to support families in improving their lifestyle choices.

Councillor Waller reported that a variety of social, cultural and environmental factors were contributing towards the obesity problems within communities and regions. She drew attention to the prevalence of fast food takeaways, the demise of the traditional high street and the ever increasing pace of life all contributed and influenced an individual's lifestyle choices. The battle against obesity was only just beginning and the importance of gathering extensive data and intelligence would be paramount to ensure that local authorities and their key partners remained proactive in providing targeted programmes and interventions for local communities.

Councillor Waller thanked the witnesses and council officers who gave their time to provide invaluable evidence to the panel. She also thanked her colleagues on the Children's Services Scrutiny Panel who all contributed their time, experience, knowledge and enthusiasm to this review.

Councillor Smith in responding to the presentation stated that the Scrutiny Committee were to be commended for the excellent policy review of child obesity, a matter which would have significant implications for young people's wellbeing and the city's vitality and prosperity. The report showed that real and positive contributions and outcomes could be achieved from a multi-agency approach in the action plan. By using the Children's Centres much influence and promotion of healthy food choices and intake together with participation in physical activity could be made.

Cabinet Members were advised that from September 2014, physical activity and cookery would be compulsory in the curriculum and unhealthy packed lunches would be banned. It was noted that Highfield Primary School had been involved in the evidence gathering and had achieved good results. Lockdowns at lunchtimes not only provided safety for the children but also prevented access to fast foods. A number of stay and bake sessions had been undertaken which promoted healthy eating on a budget for young mothers.

Councillor Smith advised that the recommendations contained in the report were sound and partner organisations would have to work more closely together in order to achieve the outcomes on a city-wide basis. Councillor Kelly agreed that there were more opportunities for public health partners to join the Council to help address the issues.

Cabinet Members thanked the Scrutiny Committee for there informative and detailed policy reviews.

Councillor Tate in concluding the presentations thanked the Cabinet for their consideration and as this was his last meeting, wished them well for the future. He accepted that the Council was faced with reducing budgets and hoped that further ways of delivering services would be found.

Councillor Wright complimented the work of the Members and officers of the Scrutiny Panels and in doing so she also paid tribute to Councillor Tate for his sterling work as Scrutiny Chairman.

The Chairman also took the opportunity on behalf of the Cabinet to thank Councillor Tate and the Scrutiny Committee for the excellent policy reviews and added that the scrutiny role provided an effective, vital and integral service to the Council. He added that the issues raised today highlighted that the Council needed to look more closely at its role as governors of the city.

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

4. RESOLVED that the recommendations of the Scrutiny Committee and the proposed Action Plans for their implementation be approved.

Corporate Peer Challenge – Final Report

The Chief Executive submitted a report (copy circulated) to present the findings of the Corporate Peer Review and to seek approval of the action plan which had been prepared to implement the recommendations.

(For copy report – see original minutes).

The Chairman highlighted that the report advises of the findings of the Corporate Peer Challenge, which took place in November 2013. He reported that the peer team provided us with support and challenge around our transformation priorities which were Community Leadership, Alternative Delivery Models, and Customer Relationship Management.

Cabinet Members were advised that it was agreed prior to the Peer Challenge taking place, that rather than reporting on the progress that the Council had made to date, that the challenge be more forward looking to provide advice and guidance on what the future challenges were likely to be. The Chairman drew attention to the full scope of the Peer Challenge detailed at paragraph 3.2 of the report which included:-

- the provision of external “critical friend” challenge
- help the Council understand how well embedded community leadership was
- give their views about the Council’s capacity and capability to further develop alternative service delivery models
- assist the Council to understand the challenges in gathering and using customer insight and customer relationship management.

The Chairman advised that the peer team came in November and spent the week interviewing elected members, staff and partners. They recognised the pride within the city and the work that the Council did to improve people's lives. They also acknowledged that with the further efficiencies to be delivered and more pressure on resources, there were certainly challenges ahead.

The attention of Cabinet Members was then drawn to Appendix A of the report which set out the findings of the peer review and in order to implement their recommendations an action plan had been produced, which is attached at Appendix C of the report.

Councillor Miller acknowledged that the Council had been described as highly efficient and he wished to highlight that the Council had always been efficient and the further efficiencies had been driven by funding cuts. Under extreme circumstances and challenges the Council had continued to deliver services. The Chairman concurred, adding that the Council had been rated under the former Comprehensive Performance Assessment process as a four star Council and had continued to manage to deliver better and efficient services but there had been some major effects along the way.

The Chairman was pleased to report that the peer team had felt that they had also learned much from the Council's operations going forward to take back to their authorities.

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

5. RESOLVED that the:-

- (i) findings of the Corporate Peer Challenge be noted, and
- (ii) action plan to implement the recommendations from the report be approved, in principle, so that the Council can meet the challenges it is likely to face in implementing the transformation programme and to help continue with the commitment to improve public services and ensure that those who most need help and support do receive it.

Nominations to the Committees to be established by the Combined Authority

The Chief Executive and the Head of Law and Governance submitted a joint report (copy circulated) to seek nominations for the Committees of the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority (the Combined Authority).

(For copy report – see original minutes).

The Chairman highlighted that the Order to create the Combined Authority for the Durham, Northumberland and Tyne and Wear area was signed by Ministers on Monday and it was formally established at the inaugural meeting of its Board on 15 April 2014. He reported that beneath the Board, would be a number of committees to which each of the seven local authorities were required to appoint elected member representatives.

Cabinet Members were reminded that at its meeting on 26th March, Council appointed the Leader of the Council as the Authority's Member of the Combined Authority, and the Deputy Leader as the Substitute Member. The Council also delegated authority to the Cabinet to make nominations to the committees of the Combined Authority. The Chairman therefore requested the endorsement of the following nominations:-

Overview and Scrutiny Committee – Councillors David Tate and Norma Wright as Chair and Vice Chair of Sunderland Council's Scrutiny Committee

Governance Committee – Councillor Henry Trueman as Chair of the Council's Standards Committee

Under the authority delegated to the Leader of the Council to note the following appointments:-

Transport North East Committee (TNEC) - Councillors Blackburn and Speding

TNEC Tyne and Wear Sub Committee – Councillor Blackburn

The Chairman having highlighted that these nominations would be effective until Annual Council on 10th June 2014, it was:-

6. RESOLVED that:-

- (i) approval be given to the nomination of Councillor Henry Trueman, by virtue of his position as Chair of the Council's Standards Committee, for the Governance Committee of the Combined Authority and the nominations of Councillors David Tate and Norma Wright, by virtue of their positions as Chair and Vice Chair of Sunderland Council's Scrutiny Committee, for the Overview and Scrutiny Committee of the Combined Authority,
- (ii) the appointments made under the authority delegated to the Leader of the Council, of Councillors Blackburn and Speding to the Transport North East Committee (TNEC) and Councillor Blackburn to the TNEC Tyne and Wear Sub Committee, be noted, and
- (iii) the nominations be effective until Annual Council on 10th June 2014.

The Localism Act 2011- Assets of Community Value

The Deputy Chief Executive submitted a report (copy circulated) to seek approval to the proposed arrangements to implement the Community Right to Bid provisions contained in the Localism Act 2011.

(For copy report – see original minutes).

Councillor Speding reported that the Community Right to Bid provisions gave local groups a right to nominate land or property within the City to be listed as Assets of Community Value if the principal use of the asset furthered their community's social well-being or social interests. He explained that if an asset was listed the provisions gave community groups a fairer chance to mobilise themselves to bid for it within the guidelines set out in the Act.

Cabinet Members having been advised that the proposed policy provided a plan for implementing the requirements of the Act including advertising the procedure, receiving and responding to applications to list Assets and for maintaining the list of nominated and rejected assets, it was:-

7. RESOLVED that the:

- (i) Council's obligations under the Localism Act in relation to Assets of Community Value ("ACV") and the Community Right to Bid be noted and the proposed arrangements set out in the report for administering these new duties be approved,
- (ii) Head of Planning and Property be authorised to maintain and publish the required lists of ACV and unsuccessful nominations for ACV and to take all necessary steps to promote and implement the proposed arrangements,
- (iii) Head of Planning and Property, in consultation with the Head of Scrutiny and Area Arrangements, be authorised to receive and determine nominations to list any building and/or other land as ACV and to deal with compensation claims relating to listing of ACV,
- (iv) Deputy Chief Executive, in consultation with the Cabinet Secretary and the Portfolio Holder for Responsive Services and Customer Care, be authorised to determine any review of such decision of the Head of Planning and Property and Head of Scrutiny and Area Arrangements as mentioned in (iii) above, and
- (v) it be recommended to Council to authorise the Head of Law and Governance, in consultation with the Leader, to amend the Council's Constitution as necessary to reflect the above arrangements.

Interim Waste Management arrangements commencing 1 April 2014

The Deputy Chief Executive submitted a report (copy circulated) to inform of the urgent decision taken to enter into interim waste management arrangements with the Council's new PFI contractor, SITA South Tyne and Wear when existing waste management arrangements expired on 31 March 2014.

(For copy report – see original minutes).

Councillor Blackburn highlighted that the urgent decision taken by the Deputy Chief Executive in consultation with himself to enter into a short term interim waste management contract with SITA UK had been required to cover a delay in the commencement of the new PFI waste management contract which had been planned to start on 1 April 2014. He drew attention to the centrepiece of the PFI contract was an energy from waste plant on Teesside and reported that the delay had been caused due to some technical issues with the turbine in the plant that generated electricity. He explained that all other aspects of the plant were sound and it was fully permitted to operate, as were the waste transfer stations which the Councils delivered waste to. He advised that the technical issues appeared to have been rectified now and it was expected that the contract would begin on or around 22 April 2014.

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

8. RESOLVED that the urgent decision of the Deputy Chief Executive taken in March 2014 to allow the Council to enter into interim waste management arrangements with SITA South Tyne and Wear ahead of formal commencement of the new PFI contract when its existing waste contract expired on 31 March 2014 be noted and endorsed.

At this juncture Councillor Kelly withdrew from the meeting in view of his interest in the following item as a Director of the company, Beamish Museum Limited.

Beamish Museum – Guarantee

The Head of Financial Resources submitted a report (copy circulated) to outline proposals to provide Beamish Museum with a proportionate guarantee which would assist the Museum in their initial Stage 1 bid for £10.75m Heritage Lottery Funding.

(For copy report – see original minutes).

Councillor Speding highlighted the proposals set out in the report to provide Beamish Museum with a proportionate guarantee of up to £4.5 million for the yet to be raised match funding which would assist the Museum in their initial Stage One bid for £10.75 million, of Heritage Lottery Funding for its 'Re-making of Beamish Museum Project'. He explained that the project, if successful, would see £15.25m of capital investment in Beamish over a 5 year period which would significantly develop more facilities and extend the period the Museum covers from the 1820's right through to 1950's.

Cabinet Members were advised that the guarantee to be provided was on condition that the Museum would first seek as much external grant funding as possible over the duration of the project design/development phase from May 2014 to December 2015, and then utilise all of its projected operating surpluses and reserves before any call, as a last resort, would be made to its guarantor constituent authorities.

Councillor Speding drew attention to the detail in the report which demonstrated that there was a very low risk of the Museum needing to actually call upon the guarantee provided because of its ability to generate annual profits which were also projected to grow as the proposed developments come on stream. He advised that the Museum also had a successful track record in securing external grant funding and in the unlikely event the guarantee was ever called then the guarantee monies provided would be recovered by the constituent authorities on a commercial loan basis, the details of which would need to be agreed. He assured Cabinet Members that in this event a further report to Cabinet would be necessary to review the proposed arrangements in conjunction with the other constituent authorities involved.

Councillor Speding reported that it was important to note that the development project would create 95 full time jobs and 50 apprentices. He reported that the museum had been very successful and was important to the region as a whole, attracting some 500,000 visitors on an annual basis.

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

9. RESOLVED that:-

- (i) approval be given to provide a Guarantee for a proportionate share of the still to be raised match funding of up to £4.5m on condition that the Museum will first seek as much external grant funding as possible over the duration of the project design/ development phase from May 2014 to December 2015, and then utilise all of its projected operating surpluses and reserves before any call, will be made to its guarantor constituent authorities. In the event that a call is made on the guarantee, the Museum will enter into arrangements with the Council and other relevant constituent authorities to repay the same, and
- (ii) it be noted that any funding arrangement that may be required by constituent authorities would be subject to a separate report to Cabinet.

Councillor Kelly was then re-admitted to the meeting.

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

At the instance of the Chairman it was: -

10. 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 information relating to the financial or business affairs of any particular person (including the authority) (Paragraph 3 of Part 1, Schedule 12A of the Local Government Act 1972). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.

(Signed) P. WATSON,
Chairman

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.

