

**At a meeting of the CABINET held in the CIVIC CENTRE (COMMITTEE ROOM NO. 1) on Wednesday 5 September 2012 at 2.00 p.m.**

**Present:-**

Councillor Trueman in the Chair

Councillors Blackburn, Gofton, Kelly, G. Miller, P. Smith, Speding

**Also in attendance:-**

Councillor Oliver

**Part I**

**Minutes**

The minutes of the meeting of the Cabinet held on 18 July 2012 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**

There were no declarations of interest received.

**Apologies for Absence**

An apology for absence was submitted to the meeting on behalf of Councillor P. Watson.

## **Items Arising from Scrutiny Committees:-**

### **Response from Scrutiny Committee – 25<sup>th</sup> July, 2012 - Food Law Enforcement Service Plan 2012/13**

The Head of Law and Governance submitted a report (copy circulated) to advise of the comments of the Scrutiny Committee on a report presenting the Food Law Enforcement Service Plan 2012/13 which had been formulated to comply with the current recommendations of the Food Standards Agency Framework Agreement and outlined the national priorities and standards for service delivery.

(For copy report – see original minutes).

Cabinet Members having been advised that the Scrutiny Committee had endorsed the Food Law Enforcement Service Plan 2012/13 and recommended that it be submitted to Council for approval, it was:-

2. RESOLVED that the comments of the Scrutiny Committee be noted and it be recommended to Council to approve the Food Law Enforcement Service Plan 2012/13.

### **Response from Planning and Highways Committee - 4<sup>th</sup> July, 2012 and Scrutiny Committee – 25<sup>th</sup> July, 2012 – Sunderland City Council Draft Greenspace Audit and Report 2012 & Draft Ecological Evidence Base for Sunderland's Local Development Framework 2012**

The Head of Law and Governance submitted a report (copy circulated) to advise of the comments of the Planning and Highways and Scrutiny Committees on a report of the Deputy Chief Executive seeking approval of the 2012 Draft Sunderland Greenspace Audit and Report and 2012 Draft Ecological Evidence Base for public consultation, and to seek its approval for its use in developing the Local Development Framework.

(For copy report – see original minutes).

Cabinet Members were advised that the Planning and Highways Committee had endorsed the report and the Scrutiny Committee commended the report for public consultation and welcomed the plans for its further consultation and development with the Council's Area Committees.

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

3. RESOLVED that the comments of the Planning and Highways and Scrutiny Committees be noted and it be recommended to Council to:-
  - (i) approve the 2012 Draft Greenspace Audit and Report and 2012 Draft Ecological Evidence Base for consultation purposes, and

- (ii) following the close of the consultation and in consultation with the appropriate Portfolio holder, authorise the Deputy Chief Executive to make any minor amendments to the report prior to its adoption. The final report will be used:
  - (a) As part of the evidence base to inform the emerging Local Development Framework, and
  - (b) As a material consideration in determining planning applications.

**Non-immediate Article 4 Direction to withdraw permitted development rights for the change of use of a dwellinghouse to a House in Multiple Occupation within the wards of Barnes, Hendon, Millfield, St Michael's and St Peter's**

The Deputy Chief Executive submitted a report (copy circulated) to seek approval to make a non-immediate Article 4 direction to withdraw permitted development rights to change the use of a Dwellinghouse (use class C3) to a House in Multiple Occupation (use Class C4) within the wards of Barnes, Hendon, Millfield, St. Michael's and St. Peter's with a prior notification period of a minimum of 12 months before the direction comes into force (if confirmed).

(For copy report – see original minutes).

Councillor Speding reported that in 2010 the government made changes to the planning system that meant that a change of use from a dwelling house to a house in multiple occupation and occupied by between three and six unrelated people no longer required planning permission and that it was permitted development. He highlighted that there was evidence to support a proliferation of houses in multiple occupation in the Barnes, Hendon, Millfield, St. Michael's and St. Peter's wards which could upset the social and environmental balance of these residential areas.

Cabinet Members were advised that the report recommended that an Article 4 Direction be progressed which withdrew permitted development rights to change of use without planning permission. Councillor Speding reported that it would not necessarily stop all such conversions but would enable the Council to consider each case on its planning merits. He added that on the basis of collected evidence it was considered expedient to use an Article 4 Direction in these wards to control the creation of additional houses in multiple occupation.

Councillor Speding went on to report that whilst the Council could make an Article 4 Direction with immediate effect this could leave the Council open to an unquantifiable number of compensation claims from property owners. It was therefore recommended that a non-immediate Article 4 Direction with a minimum 12 month notice period, including a period of public consultation would help inform any decision to confirm the Direction in due course. He added that during the notice period conversions could continue without planning control and the Direction would not affect those properties already converted.

Cabinet Members welcomed the proposals and observed that whilst the notice period would bring its own challenges it was prudent to progress the matter in this manner.

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

4. RESOLVED that:-

- (i) approval be given to the making of a non-immediate direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (“the 1995 Order”) to withdraw permitted development rights to change the use of a C3 Dwellinghouse to a C4 House in Multiple Occupation within the wards of Barnes, Hendon, Millfield, St. Michael’s and St. Peter’s with a prior notification period of a minimum of 12 months before the direction comes into force and subject to the consideration of any representations received during the public consultation process for the direction;
- (ii) a six week public consultation process on the direction be undertaken pursuant to Article 5 of the 1995 Order;
- (iii) a further report be received in due course in order to consider confirmation of the direction in the event that objections are received during the public consultation process; and
- (iv) the Deputy Chief Executive be authorised to confirm the direction in the event that no objections are received during the public consultation process.

### **Proposed Redevelopment, Sunderland Railway Station**

The Deputy Chief Executive submitted a report (copy circulated) to apprise of the progress which had been made to date with regard to a proposed project to redevelop the above ground element of Sunderland Railway Station, to seek approval to the Council’s participation in the project with Nexus and Network Rail and to enter into an agreement with Network Rail as the owners of the Station for the delivery of the project.

(For copy report – see original minutes).

Councillor Speding outlined the proposals for the redevelopment of the above ground concourse at Sunderland Railway Station with a contribution by the Council of £200,000 towards the cost of the next stage of the development of the project. He explained that Council officers working with Network Rail as station owners, and Nexus as the main service user, had formed a tripartite group with a view to bringing forward options for the redevelopment project and Network Rail were taking the lead project role.

Councillor Speding drew attention to the preferred option which comprised the demolition of the above ground structure and the construction of a new lightweight roof over a new public concourse which would also incorporate the existing, or new, retail businesses. He reported that the next stage of the project would involve detailed design prior to a commitment to proceed to the procurement and delivery of the project and Cabinet would receive a further report at this stage. He advised that the capital cost of approximately £10 million would be shared equally between the 3 partners.

Councillor Gofton observed that this would be a fantastic development and would further enhance the city with all the other developments in the pipeline.

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

5. RESOLVED that:-

- (i) approval be given in principle to the Council's participation in the re-development of the above ground element of Sunderland Railway Station on the basis that the Council is an equal funding partner with Nexus and Network Rail,
- (ii) the Council contribute a one third share, £200,000 towards the next stage of the project, the remaining cost of £400,000, to be shared equally by Nexus and Network Rail,
- (iii) the Executive Director of Commercial and Corporate Services be authorised to enter into a Development Services Agreement with Network Rail to enable the project to progress to the next stage on the terms detailed in the report and otherwise on terms to be agreed by the Executive Director of Commercial and Corporate Services, and
- (iv) the Deputy Chief Executive be authorised to be the lead officer for the project and to report back to Cabinet on future stages for the implementation of the project.

## **Annual Review of Corporate Governance Arrangements**

The Executive Director of Commercial and Corporate Services submitted a report (copy circulated) to provide details of the findings of the 2011/12 Annual Governance Review.

(For copy report – see original minutes).

Councillor Speding highlighted that once again the Annual Governance Review was very positive and confirmed that the Council continued to have robust and effective corporate governance arrangements in place. He reported that the views elicited during the review from Members, senior managers across the Council and all Chief Officers demonstrated that the principles of good corporate governance continued to be embedded Council-wide.

Attention was drawn to Appendix 2 of the report which presented the 2011/12 Draft Annual Governance statement which had previously been considered and accepted by the Audit and Governance Committee on 29 June 2012. Councillor Speding advised that this statement provided all of the underpinning detail in terms of the effective operation of Corporate Governance Arrangements across the Council for 2011/12 financial year.

Councillor Speding then referred to the short action plan included at Appendix 1 that included a number of improvement actions for 2012/13 in the context of the Council's approach to continuous improvement. Particular attention was paid to the actions relevant to the development of Alternative Service Delivery models as well as the new Integrated Assurance Framework.

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

6. RESOLVED that the draft Improvement Plan included at Appendix 1 and the draft Annual Governance Statement included at Appendix 2 be approved.

## **Youth Justice Plan 2012-2013**

The Executive Director of Children's Services submitted a report (copy circulated) to seek approval of the Youth Justice Plan and to provide the background, purpose and intentions of the plan and to seek approval to refer it to Scrutiny Committee for comment.

(For copy report – see original minutes).

Councillor Smith highlighted that the Youth Justice Plan was an Article 4 Plan which identified the strategic priorities of the Sunderland Youth offending Service as 'prevent offending and re-offending by children and young people', as well as 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.

Councillor Smith reported to Cabinet Members that in order to ensure that Sunderland Youth Offending Service was able to respond to national changes, there were a number of customer focused service priorities with associated actions and outcomes, namely:-

- Preventative approach to services,
- A whole family approach to services,
- Health improvement; and
- Quality improvement.

Cabinet Members were advised that the Sunderland Youth Offending Service continues to deliver outstanding performance and they commended its many notable achievements.

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

7. RESOLVED that following consultation with various partners, including the Youth Offending Service Board, the Children's Trust, the Safer Sunderland Partnership, managers and practitioners from the Youth Offending Service and officers from the Council's Strategy, Policy and Performance Management, the Youth Justice Plan 2012-13 be noted and it be referred to Scrutiny Committee for their consideration and comment prior to recommending it to Council for approval.

### **Children and Young People's Plan Annual Report 2011-2012**

The Executive Director of Children's Services submitted a report (copy circulated) on the Children and Young People's Plan and to provide information on the progress and performance in 2011-2012 against the outcomes set out in the Children and Young People's Delivery Plan 2010-2013.

(For copy report – see original minutes).

Councillor Smith reported that this report highlighted another of the Council's Article 4 Plans, the Children and Young People's Plan, which was the overarching plan for the Children's Trust that set out the its priorities to improve outcomes for children and young people across the city. She advised that this report brought forward the draft Annual Report for 2011-2012.

Cabinet Members were advised that a programme of Confirm and Challenge sessions had been undertaken by the Children's Trust which recognised the achievements made in delivering priorities and outcomes, and also identified some of challenges and risks to future delivery, particularly in light of the financial pressures that was now faced by local authorities.

Councillor Smith then drew attention to some of the key achievements that had been made in 2011/12, namely:-

- Safeguarding and looked after children services in Sunderland were rated 'Good' by Ofsted
- Young people achieving five good GCSEs including English and Maths rose again in the academic year 2010/11 continuing a strong upward trend. In the last two years, this figure had increased by 10 percentage points
- Young people entitled to free school meals continued to make good progress in their educational achievements, with a four percentage point increase each in the rate achieving Level 4 in English and Maths at Key Stage 2, and those achieving 5+ A\*-C GCSE including English and Maths.

Councillor Smith highlighted that these achievements would be challenged by the impending changes under the Welfare Reform Act, the bringing in of a universal credit would have a major effect on the eligibility for free school meals.

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

8. RESOLVED that the content of the Annual Report be noted and it be referred to the Scrutiny Committee for their consideration and comment prior to recommending it to Council for approval.

### **Sure Start Review and an Integrated Early Intervention Service – Implementation Update**

The Executive Director of Children's Services submitted a report (copy circulated) to provide an update on the current position in relation to the development of an early intervention service which included services delivered as part of the former Sure Start, Early Years and Childcare Grant (SSEYCG). The report summarised all of the changes which had been implemented which had been considered by Cabinet in previous reports or had been subject to consultation and delegated decisions.

(For copy report – see original minutes).



Councillor Smith reminded Cabinet Members of the work that began in September 2011 to review services previously delivered through the Sure Start, Early Years and Childcare Grant. This had included the Children's Centre provision, services commissioned through Children's Centres and Childcare places and training provided by the Council. She reported that it was the intention of the review to re-shape and improve services and provision in order to align these with the broader early intervention offer being developed in Children's Services. She added that this would lead to improved outcomes for children and their families and also achieve efficiencies of £1.77 million.

Cabinet Members were advised that one of the proposals was to increase community influence and leadership in Children's Centres, with a particular focus on the services that were delivered in localities, Councillor Smith explained that it was proposed to achieve this by seeking approval to invite the five chairs of the People Boards to sit on the Local Area Children's Centre Boards to be established from September 2012. She highlighted that representation on the Local Area Boards would also include parents, from the local area, health and social care representatives, local headteachers, childcare providers, community and voluntary sector groups and local members.

Cabinet Members having welcomed the proposals which would deliver the required financial savings and provide a service which would give children the best start in life that was better targeted to reach the most vulnerable families, it was:-

9. RESOLVED that:-

- (i) the contents of the report be noted;
- (ii) it be recommended to Council to approve the proposal at 6.1 and 6.2 of the report to invite the five members appointed to chair locality People Boards to join the membership of the Local Children's Area Board for their locality; and
- (iii) a further report be submitted to the November meeting of Cabinet in relation to the commissioning of Children's Centre services from April 2013.

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

The Executive Director of City Services submitted a report (copy circulated) to advise of the draft statement of principles under the Gambling Act 2005.

(For copy report – see original minutes).

Councillor Kelly reported that Sunderland City Council was designated as a Licensing Authority under the Gambling Act 2005 and as such it was required to publish a statement of principles to apply when exercising functions under the Act. He highlighted that the types of premises the Council was involved in Licensing included Betting shops, Bingo Premises and Family Entertainment Centres.

Councillor Kelly reported that it was time to refresh the current statement of principles as the Act required that the document was reviewed every 3 years. He explained that the review was subject to a consultation exercise which had been carried out between June and July 2012 with a number of consultees including the Northumbria Police, the Safer Sunderland Partnership and the North East Council on Addictions. He added that guidance to Licensing Authorities from the Gambling Commission had not changed since the current statement was published therefore the draft statement had not been changed in any material way and no amendments to the document were identified during the consultation exercise.

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

10. RESOLVED that the statement of principles under the Gambling Act 2005 be noted and it be referred to Scrutiny Committee for their consideration and comment prior to recommending it to Council for approval.

### **Sunderland Seasonal Lifeguard Service**

The Executive Director of City Services submitted a report (copy circulated) to seek approval to begin a process to procure the services of an external organisation to deliver the seasonal beach lifeguard service at Seaburn and Roker from the months of May to September for a five-year period from 2013.

(For copy report – see original minutes).

Councillor Kelly reported that it was proposed that the five year contract for seasonal beach lifeguard service at Seaburn and Roker would also include the provision of a Water Safety Education Programme to be delivered annually to Sunderland Schools as part of this service. He highlighted that the current contract with the Royal National Lifeboat Institute (RNLI) would end in September 2013 and this partnership with the Council had proved successful, in particular with regard to access to equipment and resources.

Councillor Kelly drew attention to the cost of the current service with the RNLI being in the region of £70k per year and he envisaged that a five year contract for delivery of this service would be in the region of £350k. He explained the only other alternatives to this proposal would be to:-

- return the Beach Lifeguarding Service in-house and continue to deliver in-house the Water Safety Education Programme however the Council would need to secure additional resource to the value of approximately £25,000 per year in order to provide the required staffing, resources and equipment needed to deliver this service and no budget currently exists to support this, or
- to cease the delivery of a Beach Lifeguarding Service and Water Safety Education Programme from 2013 onwards however this would impact significantly on the safety and wellbeing of young people, residents and visitors to the Seafront and in addition impact negatively to the image and reputation of the City Council.

Cabinet Members having been mindful of the tragic incidents which had happened across the country and abroad and in view of Sunderland being a coastal city with a river, considered continued delivery of such a service was imperative.

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

11. RESOLVED that:-

- (i) approval be given to begin a process to procure a Seasonal beach Lifeguard Service to be delivered at Roker and Seaburn Beaches to commence May 2013 for a five year period, and
- (ii) approval be given to incorporate the provision of a Water Safety Education Programme to be delivered annually to Sunderland Schools as part of this service.

### **Review of Housing Related Support Services**

The Executive Director of Health, Housing and Adult Services submitted a report (copy circulated) to seek retrospective approval in relation to the funding arrangements for housing related support providers for 2012 – 2014 and to approve the award of a grant to Gentoo for the delivery of a Coomunity in Reach Service for Older People.

(For copy report – see original minutes).

In highlighting the report, Councillor Miller advised that this report presented the new arrangements for providing housing related support services in the City. He explained that a review of housing related support services across all tenures had been undertaken and it concluded that services and outcomes for customers could be improved if bureaucracy was reduced, providers worked together more, services focused more on prevention and that the number of contractual arrangements could be reduced.

Cabinet Members were advised that throughout the review there had been regular communication and cooperation from providers collectively and individually to introduce the new ways of working and for them to embrace a collaborative approach to service provision. Councillor Miller reported that it was proposed to approve new grant funding arrangements for twelve housing related support service providers and also to enter into a joint funding arrangement with Gentoo to provide a community in-reach service.

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

12. RESOLVED that:-

- (i) retrospective approval be given to the funding arrangements for housing related support providers for a period of 24 months (1<sup>st</sup> April 2012 – 31<sup>st</sup> March 2014), and
- (ii) approval be given to the award of a grant to Gentoo for the delivery of a Community In reach Service for Older People.

### **Regional Procurement of NHS Complaints Advocacy Service**

The Executive Director of Health, Housing and Adult Services submitted a report (copy circulated) to seek approval to participate in the regional procurement of the NHS Complaints Advocacy service in collaboration with ten North East local authorities.

(For copy report – see original minutes).

Councillor Miller reported that the current service, the Independent Complaints Advocacy Service (ICAS) was commissioned by the Department of Health and the Health and Social Care Act 2012 would transfer the responsibility for commissioning this service to the Local Authority from 1 April 2013. He explained that local authorities from across the region, including Sunderland had discussed taking a collaborative approach to the procurement of this service, and Gateshead had offered to be lead commissioner. He added that a collaborative approach would be more efficient than if each LA were to commission on an individual basis, as the procurement exercise would only need to be carried out once and it would also provide the opportunity for joined up working, information sharing and analysis of data and trends across local authorities.

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

13. RESOLVED that:-

- (i) the Council's participation in the regional procurement by Gateshead Council (as lead authority on behalf of NEPO) of the NHS Complaints Advocacy service with ten local authorities from across the region be approved, and
- (ii) approval be given to the financial contribution to the regional procurement, which will not exceed the Department of Health allocation for Sunderland.

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

At the instance of the Chairman, it was:-

14. 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 holding that information) (Local Government Act 1972, Schedule 12A, Part 1, Paragraph 3).

(Signed) H. TRUEMAN,  
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.

