

## THE CABINET

### AGENDA

**Meeting to be held in the Civic Centre (Committee Room No. 1) on Thursday, 22 September, 2011 at 2.00 p.m.**


#### Part I

ITEM		PAGE
1.	<b>Minutes of the Meeting of the Cabinet held on 7 September 2011, Part I</b>  (Copy herewith).	1
2.	<b>Receipt of Declarations of Interest (if any)</b>	
3.	<b>Apologies for Absence</b>	

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

The reports contained in Part II of the Agenda are not for publication as the Cabinet is considered likely to exclude the public during consideration thereof as they contain information relating to any individual, which is likely to reveal the identity of an individual, the financial or business affairs of any particular person (including the Authority holding that information), to consultations or negotiations in connection with labour relations matters arising between the Authority and employees of the Authority and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1, 2, 3, 4 and 5).

## Part II

- |    |   |    |
|----|---|----|
| 4. | <b>Minutes of the Meeting of the Cabinet held on 25 August 2011 Part II</b>   | 13 |
|    | (Copy herewith)   |    |
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| 5. | <b>Reports of the Meetings of the Personnel Committee, Part II</b>  |    |
|    | (i) <b>held on 25 July 2011</b> (copy herewith)   | 17 |
|    | (ii) <b>held on 25 August 2011</b> (copy herewith)  | 21 |
|    | (For approval of the recommendations on executive functions and to note the remaining decisions).   |    |
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| 6. |  <b>Establishment of a Local Authority Owned Company: Assignment of contracts</b> | 29 |
|    | *   |    |
|    | Report of the Executive Director of Health, Housing and Adult Services and Executive Director of Commercial and Corporate Services (copy herewith).                 |    |

 **Denotes Key Decision.**

**\* Denotes Rule 15 Notice issues – item which is a key decision which is not included in the Forward Plan.**

ELAINE WAUGH  
Head of Law and Governance

Civic Centre  
SUNDERLAND

14 September 2011

**CABINET MEETING – 22 SEPTEMBER 2011**

**EXECUTIVE SUMMARY SHEET – PART I**

**Title of Report:**

MINUTES PART II

**Author(s):**

Head of Law and Governance

**Purpose of Report:**

Presents the minutes of the last meeting held on 7 September 2011 Part II.

**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 7 September 2011 at 2.00 p.m.**

**Present:-**

Councillor P. Watson in the Chair

Councillors Allan, Blackburn, Charlton, Gofton, Kelly, P. Smith, Speding, Trueman and T. Wright

**Part I**

**Minutes**

The minutes of the meeting of the Cabinet held on 25 August 2011, 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**

The following Councillors declared personal interests in the reports below as Members of the bodies indicated:-

Item 5 – Wearmouth Candidate World Heritage Site Masterplan and Design Code (formerly St. Peter's Riverside and Bonnersfield Planning Framework): Supplementary Planning Document	Councillor Gofton	University of Sunderland – Board of Governors
Item 7 – Youth Justice Plan 2011 - 2012	Councillors P. Watson and Kelly	Safer Sunderland Partnership

Item 8 – Children and  
Young People’s Plan  
Annual Report 2011

Councillors P. Watson,  
Trueman, P. Smith and  
Allan

Children’s Trust

Councillor P. Smith

Early Years and Childcare  
Strategic Partnership

### **Apologies for Absence**

There were no apologies for absence.

### **Variation of Order of Business**

The Chairman referred to Item 11 on the Agenda relating to “Disposal of St. Mark’s Garage, St. Mark’s Road, Millfield, Sunderland,” and reported that it was proposed to move the item into part one of the agenda and to be considered in public in view of the public interest in this matter. He explained that another version of the report excluding the exempt financial information had been prepared and circulated so that the matter could be considered in public.

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

2. RESOLVED that approval be given to vary the order of business on the agenda to consider the report entitled, “Disposal of St. Mark’s Garage, St. Mark’s Road, Millfield, Sunderland”, as the next item.

### **Disposal of St. Mark’s Garage, St. Mark’s Road, Millfield, Sunderland**

The Deputy Chief Executive submitted a report (copy circulated) to seek approval to the disposal of the Council’s freehold interest in St Marks Garage, St Marks Road, Millfield, Sunderland.

(For copy report – see original minutes).

Councillor Speding highlighted that he had received letters of representation from residents of Millfield requesting the Cabinet to postpone the decision on the proposed disposal of the premises for the purposes of redeveloping the site as a mosque and community centre, which they believed would have a significant impact on the community. He added that the residents requested that the decision be delayed until they had been consulted.

The Chairman reported that he had attended residents' meetings where this issue had been raised and he explained that they would have the opportunity to make representations when, or if, a planning application for a mosque was submitted. He advised that the Cabinet understood the strength of feeling of the residents and that they endeavoured to do what the public and community wanted, however, where a bona fide community group came forward and asked about the availability of premises and offered the market value, the Cabinet would not be doing its duty if it did not consider the proposal on business principles.. He reiterated that the planning process was a statutory process during which consideration would be given to representations regarding the proposed use of the premises.

Councillor Charlton agreed that there appeared to be some confusion between the business transaction element and the planning process. He emphasised that it was the Cabinet's duty to consider the proposal and that this would not pre-judge determination of any planning application for the site.

In considering the report, Councillor Speding highlighted that the Council was actively looking at options to re-locate existing uses from the property as part of the wider property rationalisation programme. He explained that the Pakistani Islamic and Community Centre has made an offer to purchase the property and that the proposed disposal would meet the needs of the local Islamic community and provide the Council with a capital receipt at best consideration and on terms to be agreed by the Deputy Chief Executive.

Councillor Speding reported that any sale would be subject to The Centre obtaining the prior grant of planning permission for its proposals and the Council being able to relocate its current operation.

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

3. RESOLVED that the sale of St Marks Garage, conditional on planning approval, be authorised to the Pakistani Islamic and Community Centre for best consideration and on the terms agreed by the Deputy Chief Executive.

### **Reports of the Meetings of the Personnel Committee, Part I**

The reports of the meetings of the Personnel Committee held on 25 July and 25 August 2011, Part I (copies circulated) were submitted and consideration was given thereto.

(For copy reports – see original minutes).

4. RESOLVED that the reports of the meetings held on 25 July and 25 August 2011, Part I be noted.

## **Wearmouth Candidate World Heritage Site Masterplan and Design Code (Formerly St Peter's Riverside and Bonnersfield Planning Framework): Supplementary Planning Document**

The Deputy Chief Executive submitted a report (copy circulated) to advise of the outcome of public consultation on the St Peter's Riverside and Bonnersfield Planning Framework and to seek approval of an amended draft retitled Wearmouth Candidate World Heritage Site Masterplan and Design Code Supplementary Planning Document (SPD) for the purposes of further public consultation.

(For copy report – see original minutes).

Councillor Charlton reported that St Peter's Riverside and Bonnersfield were strategic regeneration areas that would undergo major re-development in the future. He advised that the area also formed part of the 'buffer zone' of the Wearmouth-Jarrow candidate World Heritage Site at St Peter's and it was essential that the regeneration of the area protected and enhanced the Outstanding Universal Value of the site as it was central to the success of the World Heritage Site bid.

Councillor Charlton highlighted that the framework boundary had been drawn to match the buffer zone of the candidate World Heritage Site; including land on both sides of the river and a draft planning framework for the area was put out to public consultation. He drew attention to the responses to the consultation which had been generally supportive but the response from English Heritage expressed strong concerns that the framework was not robust enough to protect the Outstanding Universal Value of the candidate World Heritage Site. They were, accordingly, unable to support the document at that time.

Councillor Charlton reported that as a result further intensive discussions had taken place with English Heritage and the University of Sunderland and private landowners. He explained that the document had been substantially redrafted to address the fundamental concerns and that it now gave greater emphasis to the importance of the candidate World Heritage Site together with the protection and enhancement of its Outstanding Universal Value. However because of the significant changes to the document it was considered necessary to undertake a further round of consultation and the response of the key stakeholders to the redrafted document had been very positive.

Cabinet Members were advised that subject to Cabinet approval, a further six week consultation would take place as soon as practicable and following this, the document would be amended further, if necessary and submitted to Cabinet in January or February of 2012 for adoption as a Supplementary Planning Document, forming part of the council's Local Development Framework.



Councillor Charlton reported that in the interim the document would be used as informal planning guidance and would be included in a package of documents presented to the assessor who would consider the Wearmouth-Jarrow World Heritage Site nomination on behalf of UNESCO.

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

5. RESOLVED that:-

- (i) the draft Wearmouth Candidate World Heritage Site Masterplan and Design Code SPD and associated documents be approved for the purposes of consultation, and
- (ii) the draft Wearmouth Candidate World Heritage Site Masterplan and Design Code SPD be approved as interim planning guidance, pending its finalisation and consideration for adoption following consultation.

**Disposal Procedure for Surplus Land and Property and Amendment of Delegation Scheme and Financial Procedure Rules for acquisition and disposal of assets**

The Deputy Chief Executive submitted a report (copy circulated) to recommend improvements to the Council's Disposal Procedure for Surplus Land and Property, and a revision to the Delegation Scheme and Financial Procedure Rules which would further improve the process for the acquisition and disposal of assets.

(For copy report – see original minutes).

Councillor Charlton reminded Cabinet Members that the current Disposal Procedure for Surplus Land and Property was adopted by Cabinet in 2009 and it was proposed to amend this procedure so as to improve its efficiency, without compromising its integrity. He explained that currently the Cabinet considers two offers for any land that was surplus to requirements; the first being the initial gross offer, and the second being the net offer following the prospective purchasers due diligence and site investigation surveys. He added that it was this requirement which delayed the process and could impact on the speed at which developers were able to act.

Councillor Charlton drew attention to the proposed amended procedure where the initial gross offer would be reported to Cabinet but that the decision to approve any revised net offer would be delegated to Deputy Chief Executive in consultation with Executive Director for Commercial and Corporate Services, Leader and Cabinet Secretary. It was also proposed that all disposals at less than Best Consideration would be reported to Cabinet for approval except for disposals to a Voluntary and Community Sector Group and the grant of leases for less than 7 years.

Cabinet Members were also advised that it was proposed to cease using external consultants for the verification of over and above site costs and to utilise the Council's own technical capability in this area.

Councillor Charlton having then drew attention to a number of proposed amendments to the Delegation Scheme and Financial Procedural Rules which would streamline and make the process more efficient, it was:-

6. RESOLVED that:-

- (i) the amendments to the Procedure for the Disposal of Surplus Land and Property be approved as set out in the report,
- (ii) it be recommended Council to:-
  - (a) amend paragraph 2.37 of the Delegation Scheme set out in Part 3 of the constitution in respect of the Deputy Chief Executive to provide as follows:-

“2.37 To authorise, in consultation with the Executive Director of Commercial and Corporate Services:-

- a) the acquisition and disposal of freehold and leasehold interests in land where the consideration is less than £250,000; and
- b) the acquisition and disposal of leasehold interests in land where the annual rental is less than £250,000.”

provided that in each case, save for:-

- (i) leases granted for a term of seven years or less; or
- (ii) where a disposal of a surplus property is proposed at less than best consideration to a Voluntary and Community Sector organisation in accordance with the Surplus Building Policy (Community Benefit) approved by Cabinet at its meeting on 6<sup>th</sup> April 2011 and the consideration or annual rental is less than £250,000.00 before any concession; or
- (iii) where the disposal is within the scope of the Deputy Chief Executive's delegated authority to agree rent concessions;

in the reasonable opinion of the Deputy Chief Executive, the transaction represents the best consideration reasonably obtainable.”

- (b) amend paragraph 2.58 of the Delegation Scheme set out in Part 3 of the constitution in respect of the Deputy Chief Executive to provide as follows:-

“2.58 To agree abnormal development costs for all sites”

- (c) amend paragraph 20.4 of the Financial Procedure Rules to provide as follows

“Cabinet approval is required for the purchase and disposal of freehold and leasehold interests in land where the consideration is £250,000 or more or, in any case, save for:-

- (i) leases granted for a term of seven years or less; or
- (ii) where a disposal of a surplus property is proposed at less than best consideration to a Voluntary and Community Sector organisation in accordance with the Surplus Building Policy (Community Benefit) approved by Cabinet at its meeting on 6<sup>th</sup> April 2011 and the consideration or annual rental is less than £250,000.00 before any concession; or
- (iii) where the disposal is within the scope of the Deputy Chief Executive’s delegated authority to agree rent concessions;

where the disposal of a freehold or leasehold interest is at less than best consideration.”

- (d) amend paragraph 20.5 of the Financial Procedure Rules to provide as follows

“Cabinet approval is required for the purchase and disposal of leasehold interests in land where the annual rental is £250,000 or more or, in any case, save for:-

- (i) leases granted for a term of seven years or less; or
- (ii) where a disposal of a surplus property is proposed at less than best consideration to a Voluntary and Community Sector organisation in accordance with the Surplus Building Policy (Community Benefit) approved by Cabinet at its meeting on 6<sup>th</sup> April 2011 and the consideration or annual rental is less than £250,000.00 before any concession; or

- (iii) where the disposal is within the scope of the Deputy Chief Executive's delegated authority to agree rent concessions;

where the disposal of a leasehold interest is at less than best consideration"

- (e) authorise the Head of Law and Governance to make such other amendments to the constitution as are required to give effect to and ensure consistency with the decisions of Council as set out in paragraphs (2) (a) to (d) above.

### **Youth Justice Plan 2011-2012**

The Executive Director of Children's Services submitted a report (copy circulated) on the background, purpose and intentions of the Youth Justice Plan for 2011 – 2012 and to seek approval to forward the plan for full Council approval.

(For copy report – see original minutes).

Councillor Smith highlighted that the report requested Cabinet Members to consider and comment on the Sunderland Youth Justice Plan 2011-2012 as part of the Article 4 process under the Council's Constitution. She explained that the report and plan had been previously presented to Cabinet as part of the consultation process, and had also been considered by the Children, Young People and Learning Scrutiny Committee and the Children's Trust.

Cabinet Members were advised that the Youth Justice Plan 2011 – 2012 was a key document for local planning, particularly in relation to reducing youth re-offending which remained a key National Indicator and preventing children and young people from entering the criminal justice system.

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

7. RESOLVED that it be recommended to Council that the report and the Youth Justice Plan 2010 – 2011 be approved.

### **Children and Young People's Plan Annual Report 2010-2011**

The Executive Director of Children's Services submitted a report (copy circulated) on the Children and Young People's Plan Annual Report 2010-2011, an Article 4 plan requiring Council approval, to inform of the progress and performance against the outcomes set out in the Children and Young People's Delivery Plan 2010-2013.

(For copy report – see original minutes).

Councillor Smith highlighted that the Children and Young People's Plan sets out the Children's Trust priorities to improve outcomes for children and young people across the city and in particular drew attention to:-

- the planned actions to be achieved in 2010-2011;
- the progress and performance against the actions and targets in each of the outcome areas identified; and
- identified those outcomes which would be taken forward in 2011-2012.

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

8. RESOLVED that the report be noted and referred to the Children, Young People and Learning Scrutiny Committee for comment, as per the timeline detailed in the report.

At this juncture the meeting was closed and the remaining items of business on Part II of the agenda namely,

Item 9 - Minutes of the meeting of the Cabinet held on 25 August 2011, Part II, and

Item 10 - Reports of the Meetings of the Personnel Committee held on 25 July and 25 August 2011, Part II,

were deferred to the next meeting.

(Signed) P. WATSON,  
Chairman.

