

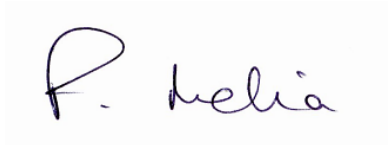
CITY HALL,  
SUNDERLAND.  
2 September 2022.

**TO THE MEMBERS OF SUNDERLAND CITY COUNCIL**

**YOU ARE SUMMONED TO ATTEND A MEETING** of Sunderland City Council to be held in the **Council Chamber, City Hall, Plater Way, Sunderland, SR1 3AA** on **WEDNESDAY 14 SEPTEMBER 2022** at **4.00 p.m.** at which it is proposed to consider and transact the following business:-

- |    |                                                                                           |   |
|----|-------------------------------------------------------------------------------------------|---|
| 1. | To read the Notice convening the meeting.                                                 | - |
| 2. | Apologies.                                                                                | - |
| 3. | To approve the minutes of the Meeting of the Council held 22 June 2022 (copy attached).   | 1 |
| 4. | Receipt of Declarations of Interest (if any).                                             | - |
| 5. | Announcements (if any) under Rule 2(e).                                                   | - |
| 6. | Citywide approach to carbon reduction – Verbal update by the Deputy Leader of the Council | - |
| 7. | Reception of Petitions.                                                                   | - |
| 8. | Written Questions by Members of the Public (if any) under Rule 10.                        | - |

- |     |                                                                                                                      |    |
|-----|----------------------------------------------------------------------------------------------------------------------|----|
| 9.  | <b>Written Questions by Members of the Council (if any) under Rule 11.</b>                                           | -  |
| 10. | <b>Report of the Audit and Governance Committee (copy attached).</b>                                                 | 21 |
| 11. | <b>Report of the Licensing and Regulatory Committee (copy attached).</b>                                             | 29 |
| 12. | <b>Report of the Hearing Sub Committee of the Standards Committee (copy attached).</b>                               | 39 |
| 13. | <b>To consider the following reports:-</b>                                                                           |    |
|     | (i) <b>Report on Special Urgency Decisions – report of the Leader (copy attached).</b>                               | 51 |
|     | (ii) <b>Appointments to Outside Bodies – report of the Assistant Director of Law and Governance (copy attached).</b> | 53 |
| 14. | <b>To consider the attached Motions (copy attached).</b>                                                             | 55 |



**PATRICK MELIA, CHIEF EXECUTIVE.**

**Note it is intended that the meeting will be livestreamed for the public to view on the Council's YouTube channel at [https://youtu.be/Em\\_YFobGaW4](https://youtu.be/Em_YFobGaW4)**

## Honorary Aldermen

[illegible]

E. Waugh	Asst Dir Law & Governance
A. Smith	Mayor
P. Melia	Chief Executive
D. Trueman	Deputy Mayor

## AV Access

## Governance Services

[illegible]



# ***Minutes***



## Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the COUNCIL CHAMBER, CITY HALL, SUNDERLAND on WEDNESDAY 22 JUNE 2022 at 4.00pm

**Present:** The Mayor (Councillor A Smith) in the Chair  
The Deputy Mayor (Councillor D Trueman)

Councillors	Ali	Farthing	McDonough	Snowdon, D
	Ayre	Fletcher	Miller, F	Snowdon, D.E.
	Bewick	Foster	Miller, G.	Speding
	Blackburn	Gibson, P.W.L	Mordey	Stewart
	Bond	Gibson, P.	Morrissey	Thornton
	Burnicle	Greener	Mullen	Trueman, H.
	Burrell	Guy	Nicholson	Tye
	Chequer	Hartnack	O'Brien	Usher
	Crosby	Haswell	Peacock	Vera
	Curtis	Heron	Potts	Walker, M.
	Dixon	Herron	Price	Walker, P.
	Dodds	Johnston, K.	Reed	Warne
	Donaghy	Johnston, S.	Rowntree	Williams
	Doyle	Lauchlan	Samuels	Wood, A.
	Dunn	Laws	Scott	Wood, P.
	Edgeworth	Mann	Smith, G.	
	Fagan	Mason-Gage	Smith, P	

### Also Present:-

Honorary Alderman Greenfield

The notice convening the meeting was read.

### Apologies

Apologies for absence were submitted to the meeting on behalf of Councillors Butler, Chisnall, Hodson, McKeith, Scanlan, S. Watson and Wilson together with Aldermen Forbes and Tate.

### Minutes

6. **RESOLVED** that the minutes of the Annual Meeting of the Council held on 18 May 2022 be confirmed and signed as a correct record subject to the following amendment:

Item 8 – Election of the Leader of the Council – Councillor Haswell advised that Councillor Nicholson's vote against had not been recorded and requested that this be noted.

## **Declaration of Interests**

There were no declarations of interest.

## **Announcements**

### **(i) Maintaining Excellence of the North East Better Health at Work Awards**

Councillor Chequer informed the meeting that Sunderland Council had received the top level of the Better Health at Work Award which was Maintaining Excellence.

The Award recognised the efforts and achievements of the Council in addressing health issues within the workplace including areas where structured development was required to enhance staff wellbeing.

This was a fantastic achievement and recognition for the Council and all the hard work the Wellness Service do to help the staff stay well.

### **(ii) Platinum Jubilee Queen's Birthday Honours List**

The Mayor informed the Council that Jill Colbert, Chief Executive of Together for Children and Director of Children's Services in Sunderland had been awarded the honour of Officer of the Order of the British Empire (OBE) after Children's Services was transformed from Inadequate to Outstanding in a national first and had helped to make a real difference to children's lives in the City.

The Council thanked all those who had worked so hard to achieve this transformation in Children's Services and congratulated Jill Colbert on this award.

## **Covid-19 – Verbal Update by the Leader of the Council**

The Mayor invited the Leader to provide a verbal update on the Covid-19 pandemic.

The Leader began by stating that although the virus was still very much present, the Council, city and country were largely back to normal now. He paid tribute to colleagues and also to the Council's partners, for all the hard work and dedication that had gone into not only supporting the city and its people through the response phase and the lockdowns of 2020 and 2021, but also the phenomenal effort and innovation that had gone into driving the beginnings of a strong recovery.

The Leader commented that it was simply a joy to see businesses open, children going to school and playing out, as well as those of GCSE and "A" level age actually sitting their exams. He was delighted that the Sunderland What's On Guide was brimming with events and activities, including some significant ones such as two international superstars, Ed Sheeran and Elton John, playing concerts in a packed-out Stadium of Light in the past couple of weeks.



The Leader added that Sunderland had led the way with the rollout of the vaccines and getting jabs into people's arms, and also the extraordinary acts of kindness and efforts of an army of volunteers helping with everything from food and essential items to dog walking, or simply making those all-important calls to check in with people living alone.

The Leader advised that the City now lives in the context of guidance nationally, rather than restrictions, so responsibility very much lay with all residents, individually and collectively, to keep doing the right thing when it came to living with Covid. The virus had not gone away and it could still cause harm. First of all, it could make particularly the more vulnerable people very poorly, and secondly, it was still causing all sorts of disruption as it spread, with people having to be away from work, school, caring responsibilities and other commitments.

The Leader informed Council that residents must continue to follow their consciences and keep themselves and those around them as safe as possible and that the guidance should continue to be followed including:-

- Getting all recommended doses of the Covid vaccine as soon as possible – it was never too late for people to start their vaccination course and when invited forward for further boosters, these were vitally important to keep protection levels up;
- Continuing to wear face coverings in enclosed and crowded public places would make a difference;
- Meeting up outside with others continued to be safest and if inside, good ventilation and opening a window would help blow Covid particles away;
- It was so important to stay at home when required – this really was a key step in reducing the spread of the virus;
- The advice remained that if anyone tested positive for Covid-19, they should remain at home and avoid contact with other people for five days after they had carried out a test. Those aged 18 and under were advised to stay home for three days;
- And finally, like face coverings and being in open spaces as much as possible, the hands part of 'hands, face, space' remained equally important with good hand hygiene and thorough washing recommended at all times, and following the advice of "Catch it, Bin it, Kill it"

The Leader informed Council that at the end of last week, ONS data showed that infections in the UK had risen from the week before, as they had done in the week or two before that, and 1 in 50 people in England had Covid-19. So whilst it was being described as post-pandemic, this was a warning that there was the potential for continued increases in infection rates, and therefore everyone should do all they could to keep themselves and those around them safe and well, and people's lives and livelihoods on track.

The Leader suggested that this be his final, regular Covid-19 update to Council for now and concluded that they would keep the situation under close scrutiny, and should things change, and a significant rise in infection rates be experienced with the associated impacts, he would update Council again at that time.

**7. RESOLVED** that the update from the Leader be noted.

## **Citywide approach to carbon reduction – Verbal update by the Deputy Leader of the Council**

The Deputy Leader provided an update regarding ongoing progress being made in relation to carbon neutral goals. Work had continued to progress in each of the strategic priority areas set out in the Low Carbon Framework in recent months which included:-

- The Council's Low Carbon Action Plan (which was first published in January 2021) was being updated currently. The updated Action Plan would take on board the learning since the original Action Plan was adopted and set out a series of over-arching objectives and individual actions within each strategic priority area. Delivery would be monitored against key milestones and targets, and reported on an annual basis, as work continued towards the ambitious targets in this important area.
- The Deputy Leader wished to recap on the first year of developing the North East Community Forest. The Council had secured £193,000 in external funding, which had been used to plant more than 17,000 trees across 5 schemes, and this had included 1.3km of new hedgerow, 2 new orchards and over 7 hectares of wildflower meadow;
- In addition, the £250,000 Green Recovery Challenge Fund project - 'Healing Nature' - was completed in March 2022. Public events were attended by more than 800 people, and over 500 children from 29 schools engaged with nature through the project. Ten wildlife sites were improved in Sunderland with works including scrub removal, pond and wet grassland restoration and access improvements;
- Furthermore, £149,462 funding had been awarded from the National Lottery Heritage Fund to support a Development Phase for a new project called 'Link Together'. The Coalfield Area Committee had also provided £20,000 match funding towards the project that ultimately aimed to restore nature in 13 green spaces across Sunderland's Coalfield area. The project would work closely with local residents, as well as the Sunderland GP Alliance and Wear Rivers Trust, and provide opportunities to deliver schemes through volunteering and social prescribing that would also support individual physical and mental well-being;
- In green economy terms, the regional BEST project - which provided grant funding for small and medium sized businesses (SMEs) - was now complete. Sunderland had outperformed all of the other regional Local Authorities with the highest number of SMEs assisted (44), and with a total value of £205,340 of energy efficiency works installed;
- Through the city-wide ERDF-funded BREEZ project, 124 SMEs had been engaged with to date with support including energy audits, advice and guidance and grants awarded for lighting, heating, insulation and solar PV improvements. There were currently 28 new applications being considered and grant funding was available until July 2023;
- As the end of the ECO3 and ECO FLEX delivery process was approaching in Sunderland, the Deputy Leader reported that the Council had assisted 357 properties with heating and insulation measures. ECO4 was expected to launch in July 2022 and would be available until March 2026;

- Following a competitive tender process, £78,000 had been awarded to the Council to carry out a heat network feasibility study adjacent to Northern Spire. This would explore options for the cost-effective delivery of low carbon heat in the local area and support the sustainable redevelopment;
- Regarding Riverside Sunderland, the Council had completed market engagement and was currently finalising the specification to procure a drilling contractor, with a view to being on site and creating pilot boreholes as part of the mine-water heating project this year;
- In terms of active and low carbon transport, the Council had successfully received funding for 2 schemes under the Active Travel Fund. These initiatives proposed to introduce fully segregated cycling facilities on Pallion New Road and European Way, and also on Dame Dorothy Street. Subject to public consultation, the schemes could progress in the summer of 2023;
- The Council had also submitted an Expression of Interest for the Local Electric Vehicle Infrastructure (LEVI) pilot scheme and had been in discussion with the Energy Savings Trust regarding potential support. The Sunderland residential project, if successful, included infrastructure to support EV Community Hubs located on-street (with over 100 charge-point sockets) and in Council-managed off-street car parks (with a further 115 sockets provided).
- In terms of reducing consumption and waste, the Council had signed a Memorandum of Understanding with 'City to Sea' which was announced on World Refill Day (16<sup>th</sup> June) to launch a 'Refill Sunderland' scheme to connect consumers via an app to places they can eat, drink and shop without single use packaging. City Hall's Brew & Bake had already signed up to this initiative and the Council would be looking to sign-up more businesses during Plastic Free July and into the future.

And finally, in terms of engagement:

- In May the Council hosted a Low Carbon event in partnership with the University of the Third Age (U3A). The session was designed to share information on Low Carbon work across Sunderland to help engage residents in contributing to the citywide 2040 carbon neutral target. Delegates gave feedback and discussed topics, including local growing and recycling with follow-up activity planned to continue to increase recycling across the city;
- For the first time, following earlier incoming visits, the Council had been able to support young people from Sunderland College to travel to the city's German twin town, Essen to work with counterparts from THG high school on the CLIMATE project. Joint work between Essen and Sunderland students had included meeting with the European Green Capital Agency, a reception at the Town Hall of Essen, joint student-led projects, visiting the THG school, and exploring local sites in Essen. The project was co-financed by the city of Essen and its region, North Rhine Westphalia;
- Following the third meeting of the young persons' EGS Group – the Environmental Green & Sustainable Group - in March, a number of EGS group members had taken part in a practical volunteering session at the University's Space 2 Grow Community Garden, as requested by the young people. This had led into the preparations for the June meeting with the young people continuing to explore and contribute to topics of interest and feed into the city-wide 2030 Shadow Board; and

- Council Low Carbon and Active & Sustainable Travel team representatives attended a staff travel event at City Hall to promote cycling and active travel. The team met with employees and residents to discuss Low Carbon plans and commitments with a particular focus on travel, including the mobility hub, e-scooters, e-bikes, cycling and walking.

The Deputy Leader stated that she hoped this provided a useful and positive update on work that was ongoing within the Council and with its partners and that she would continue to provide updates to Council as appropriate going forward.

**8. RESOLVED** that the information be noted.

## **Outstanding Motions from the last ordinary meeting of the Council**

### **(i) Armed Forces Act 2021**

Councillor Tye, duly seconded by the Leader of the Council, moved the following motion: -

This Council stands firmly behind our UK Armed Forces and fully supports the aims of the Armed Forces Covenant, welcomes the new Armed Forces Act, but sees the legislation as a missed opportunity to improve the lives of veterans here in Sunderland.

This council therefore notes with disappointment:

- that the Act which makes Sunderland Council and local public bodies legally bound to have “due regard” to the Covenant when providing support to Forces communities but exempts central government from any such duty, creating a two-tier Covenant for veterans.
- that Labour led proposals backed by the Royal British Legion and ex-Service chiefs to enshrine the Covenant fully into law but Conservative MPs voted down these plans to improve Armed Forces accommodation, employment support and pensions and to end the scandal of visa fees for Commonwealth and Gurkha personnel.

This Council therefore resolves to continue the campaign with Forces charities to see the Government strengthen the Covenant and improve vital services to veterans.

Councillor P.W.L. Gibson, duly seconded by Councillor Haswell, moved the following amendment: -

Bullet point 2 – delete “Labour led” and replace with “Labour-led”, after “into law” delete “but Conservative MPs” and replace with “were” and after “voted down” insert “by Conservative MPs.” Capitalise “These” and after plans insert “were”. After “Commonwealth” insert “citizen veterans”. After “Gurkha personnel.” insert “Council believes these should be extended to non-Commonwealth citizens who served with or materially assisted our armed forces in conflict zones such as Afghanistan

**So that the amended motion would read as follows:**

This Council stands firmly behind our UK Armed Forces and fully supports the aims of the Armed Forces Covenant, welcomes the new Armed Forces Act, but sees the legislation as a missed opportunity to improve the lives of veterans here in Sunderland.

This Council therefore notes with disappointment:

- that the Act which makes Sunderland Council and local public bodies legally bound to have “due regard” to the Covenant when providing support to Forces communities but exempts central government from any such duty, creating a two-tier Covenant for veterans.
- that Labour-led proposals backed by the Royal British Legion and ex-Service chiefs to enshrine the Covenant fully into law were voted down by Conservative MPs. These plans were to improve Armed Forces accommodation, employment support and pensions and to end the scandal of visa fees for Commonwealth citizen veterans and Gurkha personnel. Council believes these should be extended to non-Commonwealth citizens who served with or materially assisted our armed forces in conflict zones such as Afghanistan.

This Council therefore resolves to continue the campaign with Forces’ charities to see the Government strengthen the Covenant and improve vital services to veterans.

Upon being put to the vote the amendment was defeated with 30 Members voting in favour: -

Councillors	Ali	Doyle	Johnston, S	Potts
	Ayre	Dunn	Mann	Reed
	Bond	Edgeworth	McDonough	Smith, G
	Burnicle	Fagan	Morrissey	Vera
	Crosby	Gibson, P.W.L	Mullen	Wood, A.
	Curtis	Greener	Nicholson	Wood, P.
	Dixon, M.	Hartnack	O'Brien	
	Donaghy	Haswell	Peacock	

37 members voting against:-

The Mayor (Councillor A Smith)

The Deputy Mayor (Councillor D Trueman)

Councillors	Blackburn	Heron	Price	Thornton
	Burrell	Herron	Rowntree	Trueman, H.
	Chequer	Johnston, K.	Samuels	Tye
	Dodds	Lauchlan	Scott	Usher
	Farthing	Laws	Smith, P.	Walker, M.
	Fletcher	Mason-Gage	Snowdon, D.	Walker, P.
	Foster	Miller, F.	Snowdon, D.E.	Warne
	Gibson, P	Miller, G.	Speding	Williams
	Guy	Mordey	Stewart	

And 1 Abstention

Councillor Bewick

Councillor Donaghy, duly seconded by Councillor Peacock, moved the following amendment: -

To add to the end of the motion:

- 'This Council will therefore seek to join the award winning Armed Forces Outreach Scheme (AFOS), a partnership of the Local Government authorities dedicated to the pledge of the Armed Forces Covenant.'

**So that the amended motion would read as follows:**

This Council stands firmly behind our UK Armed Forces and fully supports the aims of the Armed Forces Covenant, welcomes the new Armed Forces Act, but sees the legislation as a missed opportunity to improve the lives of veterans here in Sunderland.

This council therefore notes with disappointment:

- that the Act which makes Sunderland Council and local public bodies legally bound to have “due regard” to the Covenant when providing support to Forces communities but exempts central government from any such duty, creating a two-tier Covenant for veterans.
- that Labour led proposals backed by the Royal British Legion and ex-Service chiefs to enshrine the Covenant fully into law but Conservative MPs voted down these plans to improve Armed Forces accommodation, employment support and pensions and to end the scandal of visa fees for Commonwealth and Gurkha personnel.

This Council therefore resolves to continue the campaign with Forces charities to see the Government strengthen the Covenant and improve vital services to veterans.

- 'This Council will therefore seek to join the award winning Armed Forces Outreach Scheme (AFOS), a partnership of the Local Government authorities dedicated to the pledge of the Armed Forces Covenant.'

Upon being put to the vote the amendment was defeated with 31 Members voting in favour: -

Councillors	Ali	Donaghy	Haswell	Peacock
	Ayre	Doyle	Johnston, S	Potts
	Bewick	Dunn	Mann	Reed
	Bond	Edgeworth	McDonough	Smith, G
	Burnicle	Fagan	Morrissey	Vera
	Crosby	Gibson, P.W.L	Mullen	Wood, A.
	Curtis	Greener	Nicholson	Wood, P.
	Dixon, M.	Hartnack	O'Brien	

37 members voting against:-

The Mayor (Councillor A Smith)

The Deputy Mayor (Councillor D Trueman)

Councillors	Blackburn	Heron	Price	Thornton
	Burrell	Herron	Rowntree	Trueman, H.
	Chequer	Johnston, K.	Samuels	Tye
	Dodds	Lauchlan	Scott	Usher
	Farthing	Laws	Smith, P.	Walker, M.
	Fletcher	Mason-Gage	Snowdon, D.	Walker, P.
	Foster	Miller, F.	Snowdon, D.E.	Warne
	Gibson, P	Miller, G.	Speding	Williams
	Guy	Mordey	Stewart	

The Mayor then put the Original Motion to the meeting and it was declared to be carried unanimously :-

It was therefore:-

## 9. **RESOLVED** that:-

This Council stands firmly behind our UK Armed Forces and fully supports the aims of the Armed Forces Covenant, welcomes the new Armed Forces Act, but sees the legislation as a missed opportunity to improve the lives of veterans here in Sunderland.

This Council therefore notes with disappointment:

- that the Act which makes Sunderland Council and local public bodies legally bound to have “due regard” to the Covenant when providing support to Forces communities but exempts central government from any such duty, creating a two-tier Covenant for veterans.
- that Labour led proposals backed by the Royal British Legion and ex-Service chiefs to enshrine the Covenant fully into law but Conservative MPs voted down these plans to improve Armed Forces accommodation, employment support and pensions and to end the scandal of visa fees for Commonwealth and Gurkha personnel.

This Council therefore resolves to continue the campaign with Forces charities to see the Government strengthen the Covenant and improve vital services to veterans

### **Reception of Petitions**

There were no petitions to be received.

### **Written Questions by Members of the Public under Rule 10**

Pursuant to Rule 10 of the Council Rules of Procedure, the Leader and Members of the Cabinet were asked questions which had been submitted by members of the public.

### **Written Questions by Members of the Council under Rule 11**

Pursuant to Rule 11 of the Council Rules of Procedure, the Leader and Members of the Cabinet were asked questions which had been submitted by Members of the Council.

### **Area Arrangements Annual Report 2021/2022**

The Executive Director of Health, Housing and Communities submitted the Area Arrangements Annual Report which summarised the work of the five area committees during 2021/2022.

Councillor Williams, duly seconded by Councillor P Walker, moved the Area Arrangements Annual Report and accordingly it was: -

- 10. RESOLVED that** the achievements and impact of the work of the Area Committees and their supporting Neighbourhood and Community Boards during 2021/2022 as outlined in the Annual Report be received and noted.



## Scrutiny Annual Report 2021/2022

The Assistant Director of Law and Governance submitted the Scrutiny Annual Report which summarised the work of the scrutiny committees during 2021/2022.

Councillor D E Snowden, duly seconded by Councillor Foster, moved the Scrutiny Annual Report and accordingly it was: -

- 11. RESOLVED that** the report on the operation of the scrutiny function for 2021/2022 be received and noted.

### Action taken on petitions

The Council received and noted the report below which detailed the action taken in relation to the following petitions which had been presented to the Council.

#### (i) **Petition - Barnes Service Station, Durham Road**

At the meeting of the Council on 23rd March 2022, Councillor Antony Mullen presented a petition with 220 signatures. The petition set out an objection to planning application ref. 22/00399/FUL, which related to the demolition of the existing petrol station and the construction of a drive thru restaurant and associated works at Barnes Service Station, Durham Road.

The statement on the petition sheet reads as follows:

‘We the undersigned oppose the proposal to convert the service station at the Barnes into a drive through restaurant.

The site is completely unsuitable for the proposed development. The proposed site layout provided in relation to the application reveals that from the first service window of the drive through, the site could hold a queue of 12 cars at most before Durham Road would be clogged with queuing cars. It is unrealistic to assume that the site would not exceed this level of popularity especially as residents have witnessed the large queues at the Farringdon McDonalds site and the KFC Pennywell site that regularly see queues that bring the highway to a standstill. The proposed drive through would also see peak use at certain times of the day with lunchtime and early evening usage most likely. This could result in the blocking off of the main roads and bus routes in the area. In contrast the usage of the existing petrol filling station sees its demand spread out more evenly throughout the day.

The traffic is already dangerous in this area as highlighted most recently by the crash in late February at the junction of Silksworth Lane and the A690. Residents and road users already have to navigate a stretch of road where many routes converge as part of one of the major routes into the city. The proposed development would add to the chaos and present a substantially increased risk of accidents and serious injury in an area where children from St Marys Primary, Richard Avenue Primary and Bede College are regularly crossing and which regularly sees the elderly and families with young children attempting to get to Barnes Park. The lack of crossing points in this area could see a real risk that a child is run over when attempting to reach the proposed drive through due to the increased traffic.

The proximity of the development to local places of education: St Mary's RC Primary School, Richard Avenue Primary school and Bede College, with pupils from Thornhill and St Aidan's also using the area means that the development makes a mockery of the councils policies on takeaways and fast food as set out in the Sunderland Healthy City Plan 2020-2030 and the Core Strategy Development Plan. The area is already well served with a number of takeaways and any further food outlets in the area would adversely impact the health of residents and students.

Litter would adversely impact the area as can be seen from similar developments of this type (see Farringdon McDonalds, Pennywell KFC) where the impact of litter is felt a significant distance from the actual site. This and the loss of trees from the site will lead to a clear environmental and social loss from the proposed development. At a time when the Council has declared a climate emergency and Area Committees of the Council are endeavouring to improve the area for residents the loss of trees and adverse impacts of the development would set back these council priorities.

The supposed economic benefits claimed by the applicant are far outweighed by the economic losses that would be brought about by the development. The increased traffic problems in the area would adversely impact the existing businesses in the area such as the Toby Carvery as customers may be put off by the traffic issues. The traffic problems that would occur on one of the main routes into the city also has the potential to make Sunderland a worse place to do business if gridlock leads to difficulty for workers from outside the city getting to their place of work via one of the main routes into the city from the south.

Our signatures are to be found on the following pages. We live in a number of wards across the city but the traffic problems and dangers presented by the proposed development would impact upon us all'.

The petition is being treated as a formal representation in respect of planning application ref. 22/00399/FUL. The concerns raised within the petition that are 'material' planning considerations will be taken into account when assessing the acceptability, or otherwise, of the proposal ahead of its determination by the Planning and Highways Committee.

**(ii) Petition – Request to reimburse residents of Vicarage Close for costs associated with damage done to properties by Persimmon Homes development**

At the meeting of the Council on 23rd March 2022, Councillor Antony Mullen presented a petition with 47 signatures to members requesting that the Council reimburse residents of Vicarage Close for costs associated with alleged damage to their properties as a result of the adjacent Persimmon Homes housing development under construction.

The statement on the petition sheet reads as follows:

'Sunderland City Council should reimburse residents of Vicarage Close for costs associated with the damage done to their properties by the Persimmon development. We the undersigned support the above statement'.

After consideration by Council Officers, the outcome of the petition is as follows:-

To decline this petition as it is not considered appropriate for the Council, in this instance, to award individual resident's compensation for alleged damage caused as a direct result of the Persimmon Homes development. However, to ensure that any disruption caused, as a result of the development is kept to a minimum, the Council will continue to monitor the development to ensure all regulations/requirements/conditions imposed on the developers are being adhered to.

The Ward Councillors and Lead petitioner have been advised of the outcome.

### **Special Urgency Decisions**

The Leader of the Council submitted a quarterly report on executive decisions which had been taken as a matter of special urgency. There had been no such instances since the last report.

**12. RESOLVED that** the report be received and noted.

### **Appointments to Committees and Outside Bodies**

The Assistant Director of Law and Governance submitted a report and supplementary report seeking approval for a number of proposed changes to various committees and outside bodies which had arisen since the Annual Council meeting.

The Leader of the Council, duly seconded by the Deputy Leader, moved the report and accordingly it was: -

**13. RESOLVED that the Council: -**

- (i) appoint Councillors R. Elvin and D. Geddis to serve as the Hetton Town Council representatives on the Standards Committee;
- (ii) appoint Councillor K. Johnston, with Councillor Scott as the substitute member, on the Tyne and Wear Strategic Flood Group;
- (iii) appoint Councillor Usher in place of Councillor Price on the Tyne and Wear Fire and Rescue Authority;
- (iv) note the decision of the Leader of the Council to rename the Portfolio for the Deputy Leader as Deputy Leader Clean, Green City Portfolio Holder;
- (v) approve the nomination of the Leader as the main representative with the Deputy Leader and Clean, Green City Portfolio Holder as the substitute, on the NECA North East Joint Transport Committee and North East Joint Transport (Tyne and Wear) Sub-Committee
- (vi) note the following revisions to the nominations on the NECA North East Joint Transport Overview and Scrutiny Committee and the North East Joint Transport Audit Committee:-
  - Councillor D.E. Snowdon and Councillor P. Donaghy with Councillor S.Watson and Councillor J. Doyle as substitutes to the North East Joint Transport Overview and Scrutiny Committee, in place of the current 2 Labour representatives Councillors Price and D. Snowdon with Councillors D.E. Snowdon and Watson as Substitutes; and
  - Councillor S. O'Brien with Councillor P. Edgeworth as substitute to the North East Joint Transport Audit Committee, in place of the current Labour representative, the Cabinet Secretary – Councillor Stewart with Councillor Williams as Substitute
- (vii) approve the appointment of Councillor T. Dodds to the Coalfield Area Committee, the Standing Advisory Committee on Religious Education and its Agreed Syllabus Conference; and
- (viii) appoint Councillor J. Warne to the vacancy on the Tyne and Wear Anti-Fascist Association.

**Chief Finance Officer – Section 151 Local Government Act 1972**

The Chief Executive and the Assistant Director of Law and Governance submitted a joint report to propose interim arrangements for the allocation of Chief Finance Officer responsibilities.

The Leader of the Council, duly seconded by the Deputy Leader, moved the report and accordingly it was: -

**14. RESOLVED that** the Assistant Director of Finance be designated as the Chief Finance Officer in accordance with section 151 Local Government Act 1972, as set out in the report, on an interim basis, pending a permanent appointment being made.

## **Notices of Motion**

### **(i) City of Sanctuary**

The Deputy Leader of the Council, Councillor Rowntree, duly seconded by Councillor Laws moved the following motion:-

“This Council recognises:

- the need for our city to promote the welfare and inclusion of all people fleeing violence, persecution or who are isolated and seeking safety
- the positive contribution of refugees and those seeking asylum can make in our local communities across the whole city.

This Council therefore resolves to:

- Join the network of Cities and Towns which promote the inclusion and welfare of people fleeing violence, persecution and become a recognised “City of Sanctuary”
- Promote the inclusion and welfare of all who find themselves, homeless, destitute or isolated.
- Continue to be a welcoming place of safety for all by encouraging integration, community cohesion and challenging discrimination of all kinds.
- Continue to promote diversity through recognition and celebration of our different cultures across Sunderland.
- To encourage other Anchor institutions and Key Stakeholders to become part of the City of Sanctuary movement.”

Councillor Mullen, duly seconded by Councillor Doyle moved the following amendment:-

To insert after the final bullet point, an additional bullet point which states:

- “Acknowledge that the Leader of the Council has previously publicly objected to an initiative to house refugees in Sunderland, because of the inappropriateness of the location. To overcome this, the Leader of the Council will therefore present a report to the next meeting of Council which details examples of accommodation in each ward which he would consider suitable for housing refugees. In cases where he concludes there is no suitable accommodation in any given ward, his report will state this explicitly.”

**So that the amended motion would read:**

“This Council recognises:

- the need for our city to promote the welfare and inclusion of all people fleeing violence, persecution or who are isolated and seeking safety
- the positive contribution of refugees and those seeking asylum can make in our local communities across the whole city.

This Council therefore resolves to:

- Join the network of Cities and Towns which promote the inclusion and welfare of people fleeing violence, persecution and become a recognised “City of Sanctuary”
- Promote the inclusion and welfare of all who find themselves, homeless, destitute or isolated.
- Continue to be a welcoming place of safety for all by encouraging integration, community cohesion and challenging discrimination of all kinds.
- Continue to promote diversity through recognition and celebration of our different cultures across Sunderland.
- To encourage other Anchor institutions and Key Stakeholders to become part of the City of Sanctuary movement.”
- Acknowledge that the Leader of the Council has previously publicly objected to an initiative to house refugees in Sunderland, because of the inappropriateness of the location. To overcome this, the Leader of the Council will therefore present a report to the next meeting of Council which details examples of accommodation in each ward which he would consider suitable for housing refugees. In cases where he concludes there is no suitable accommodation in any given ward, his report will state this explicitly.”

Upon being put to the vote the amendment was defeated with 21 Members voting in favour: -

Councillors	Ali	Doyle	McDonough	Smith. G
	Ayre	Dunn	Morrissey	Vera
	Bewick	Greener	Mullen	Wood, P.
	Burnicle	Hartnack	Nicholson	
	Dixon, M.	Johnston, S	Peacock	
	Donaghy	Mann	Reed	

And 47 Members voting against:-

The Mayor (Councillor A Smith) in the Chair

The Deputy Mayor (Councillor D Trueman)

Councillors	Blackburn	Gibson, P.W.L	Mordey	Thornton
	Bond	Gibson, P.	O'Brien	Trueman, H.
	Burrell	Guy	Potts	Tye
	Chequer	Haswell	Price	Usher
	Crosby	Heron	Rowntree	Walker, M.
	Curtis	Herron	Samuels	Walker, P.
	Dodds	Johnston, K.	Scott	Warne
	Edgeworth	Lauchlan	Smith, P	Williams
	Fagan	Laws	Snowdon, D	Wood, A.
	Farthing	Mason-Gage	Snowdon, D.E.	
	Fletcher	Miller, F	Speding	
	Foster	Miller, G.	Stewart	

The Mayor then put the Original Motion to the meeting and there being no indication of dissent, unanimous agreement was signalled by acclamation. However, a request was made by a member that an electronic vote be taken, to which the Mayor agreed and accordingly, an electronic vote was also taken which recorded as follows:-

62 members voting for:-

The Mayor (Councillor A Smith) in the Chair

The Deputy Mayor (Councillor D Trueman)

Councillors	Ali	Farthing	Mann	Snowdon, D
	Bewick	Fletcher	Mason-Gage	Snowdon, D.E.
	Bond	Foster	McDonough	Speding
	Burnicle	Gibson, P.W.L	Mordey	Stewart
	Burrell	Gibson, P.	Morrissey	Thornton
	Chequer	Greener	Mullen	Trueman, H.
	Crosby	Guy	Nicholson	Tye
	Curtis	Hartnack	O'Brien	Usher
	Dixon	Haswell	Peacock	Vera
	Dodds	Heron	Potts	Walker, M.
	Donaghy	Herron	Reed	Walker, P.
	Doyle	Johnston, K.	Rowntree	Warne
	Dunn	Johnston, S.	Samuels	Williams
	Edgeworth	Lauchlan	Smith, G.	Wood, A.
	Fagan	Laws	Smith, P	Wood, P.

*Note: After conclusion of the meeting, a number of councillors advised that they believed their vote may not have registered on the electronic voting system (which was being used for the first time at this meeting). The following named councillors requested a note be made that they had sought to vote “For” in favour of the motion. The councillors concerned were:-*

Councillors	Ayre	F. Miller	Price
	Blackburn	G. Miller	Scott

It was therefore:-

**15. RESOLVED** that:-

This Council recognises:

- the need for our city to promote the welfare and inclusion of all people fleeing violence, persecution or who are isolated and seeking safety
- the positive contribution of refugees and those seeking asylum can make in our local communities across the whole city.

This Council therefore resolves to:

- Join the network of Cities and Towns which promote the inclusion and welfare of people fleeing violence, persecution and become a recognised “City of Sanctuary”
- Promote the inclusion and welfare of all who find themselves, homeless, destitute or isolated.
- Continue to be a welcoming place of safety for all by encouraging integration, community cohesion and challenging discrimination of all kinds.
- Continue to promote diversity through recognition and celebration of our different cultures across Sunderland.
- To encourage other Anchor institutions and Key Stakeholders to become part of the City of Sanctuary movement

The meeting adjourned at this point, having exceeded three hours’ duration.

**(Signed) A SMITH,**  
**Mayor.**



# ***Report of the Audit and Governance Committee***



**The AUDIT AND GOVERNANCE COMMITTEE reports and recommends as follows:-**

**1. Annual Report on the Work of the Audit and Governance Committee 2021/2022**

That the Audit and Governance Committee have given consideration to a report by the Executive Director of Corporate Services (copy attached) on the work of the Audit and Governance Committee during 2021/2022, demonstrating how they have fulfilled their responsibilities.

Accordingly, the Committee recommends Council to note the Annual Report on the Work of the Audit and Governance Committee 2021/2022.



**ANNUAL REPORT ON THE WORK OF THE COMMITTEE 2021/22**

**Report of the Executive Director of Corporate Services**

**1. Purpose of Report**

- 1.1 This report provides a summary of the work undertaken by the Audit and Governance Committee during 2021/22 and the outcome of this work. The purpose of this report is to demonstrate how the Committee has fulfilled its role and will be presented to Council once agreed by this committee.

**2. Role of the Committee**

- 2.1 The Audit and Governance Committee is a key component in the Council's Corporate Governance Arrangements. Its role is to:
- approve the Authority's Statement of Accounts, income and expenditure, and balance sheet or record of receipts and payments (as the case may be);
  - consider the effectiveness of the authority's corporate governance arrangements, risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements and seek assurance that action is being taken on risk-related issues identified by auditors and inspectors;
  - be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
  - receive, consider and monitor reports on treasury management policy, strategy and practices.

**3. Matters Considered**

- 3.1 The Committee met four times during the year to consider its business. All appropriate officers of the Council have been in attendance at the meetings to present reports and provide additional information in order to clarify issues and respond to questions from members of the Committee. Regular attendees at the meetings were the Executive Director of Corporate Services, Assistant Director of Assurance and Property Services, Chief Accountant, Senior Manager - Assurance and the Council's External Auditors.

3.2 To enable the Committee to fulfil its role as set out in paragraph 2.1, a range of reports were considered, as follows:

- a) Members were provided with an update on the City plan and the assurance and review arrangements in place. Members were pleased that key partners and stakeholders across the City were being involved in the review.
- b) The Committee endorsed the Risk and Assurance Map for 2021/22 which sets out the key risk areas for the Council, the assurance that would be gathered in relation to them and where the assurance would be sought from. The report included the plans of work for the year for the Internal Audit and Risk and Assurance teams, and the performance indicators for Internal Audit. The Committee was also given the opportunity to identify any areas of work to be considered for the year.
- c) Progress reports in relation to the Risk and Assurance Map were presented to the Committee. These provided details of the level of assurance for the strategic and corporate risk areas from management, specialist assurance functions, Internal Audit, Risk and Assurance, the external auditor and other external agencies.
- d) Specific key issues were highlighted within the Risk and Assurance Map update reports for members to consider further, members raised queries, including, work in relation to the strategic risk areas/City Plan, changes to risk scores and the actions being taken address them, how the risk scores are evaluated for new risks and arrangements for making the Covid 19 business grant payments.
- e) External Auditors provided progress reports to each meeting, the Annual Audit Letter, Audit Completion Report, and the Review of the Council's arrangements for securing value for money. The External Auditor also presented their Audit Strategy Memorandum setting out their work for the coming year.
- f) The results of the Annual Governance Review for 2020/21 were presented, which summarises the overall governance arrangements in place within the Council, and made recommendations for further improvement. The head of internal audit's opinion on the Council's internal control environment was positive. The resultant Annual Governance Statement highlighted the good corporate governance arrangements in place and was approved by the Committee and included within the Council's Statement of Accounts.
- g) The annual Statement of Accounts 2022/21 (subject to audit) was issued to the Committee members and published online on 12<sup>th</sup> July 2021 in line with the extended statutory deadline. The audited accounts were presented at the September 2021 Committee meeting. The External Auditor commented positively on the arrangements the Council has in place with regard to the

production of the accounts and the good relationship which allowed the audit to be completed within the timeframe.

- h) There is now a requirement to undertake an annual assessment of the Council's status as a going concern in line with the 2020/21 CIPFA/LASAAC Code of Practice. The Committee received the first report in relation to this which sets out the evidence relied upon to make the assessment.
- i) The Committee received reports in relation to the Council's Treasury Management arrangements to receive assurance that they are appropriate and approved the Treasury Management Policy and Strategy. The Committee asked questions in relation to various aspects of the reports, including the potential impact of the increase in inflation, interest rates and utility prices, and the addition of new institutions to the lending list.
- j) The Committee received the Data Protection Annual Report 2020/21 which is reported to the Committee on an annual basis.

3.3 From the reports presented the Committee has been proactively monitoring activity in a number of important areas, as follows:

- *Risk and Assurance Map* – The Committee closely monitored activity in relation to changes to the strategic risk scores, particularly regarding the priority to reduce carbon emissions.
- *Treasury Management* – The Committee has received regular updates regarding the Council's performance in relation to Treasury Management. Members questioned the potential impact of increases in inflation and interest rates.
- *Going Concern* - The Committee has received assurance that an assessment has confirmed the Council's status as a going concern.

3.4 It can be seen that the work of the committee is wide ranging with members monitoring performance more closely in those areas where it was deemed appropriate, including the impact of the Covid pandemic.

#### **4. Recommendation**

4.1 The Committee is asked to consider the report and provide any comments for inclusion prior to the report being presented to Council.





# ***Report of the Licensing and Regulatory Committee***



**The LICENSING AND REGULATORY COMMITTEE reports and recommends as follows:-**

**1. Proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy**

That they had given consideration to a report of the Executive Director of City Development (copy attached) dated 25<sup>th</sup> July, 2022 seeking approval to the proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy and arrangements for the formal consultation and subsequent approval of the final Draft Statement.

Whilst the arrangements for the formal consultation and subsequent approval of the final Draft Statement rests with the Committee, Council approval is sought in accordance with Paragraph 3.9 of the said report to amend the Terms of Reference of the Licensing and Regulatory Committee and the Scheme of Delegation and Appointment of Proper Officers insofar as it relates to the Executive Director for City Development in order for the same to be updated, including, amongst other things, express reference being made to the Committee having responsibility for the following matters:-

- (a) Determination of the licensing objectives that will form the basis of the Council's Statement of Private Hire and Hackney Carriage Licensing Policy, with the licensing objectives being subject to regular reviews by the Committee as appropriate; and
- (b) Approval, review and amendment of the Council's Statement of Private Hire and Hackney Carriage Licensing Policy.

Accordingly, the Committee recommends Council to approve the amendment of the Terms of Reference of the Licensing and Regulatory Committee and the Scheme of Delegation and Appointment of Proper Officers insofar as it relates to the Executive Director for City Development in order for the same to be updated as set out in Paragraph 3.9 of the report and to authorise the Assistant Director of Law and Governance to amend the Constitution accordingly, including the making of any consequential amendments.

**Note:** The Draft Statement of Private Hire and Hackney Carriage Licensing Policy referred to as appendix 1 of the report can be viewed online at:

<https://committees.sunderland.gov.uk/committees/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/10837/Committee/1966/Default.aspx>



## **REPORT OF THE EXECUTIVE DIRECTOR FOR CITY DEVELOPMENT**

### **LICENSING & REGULATORY COMMITTEE – 25 JULY 2022**

#### **PROPOSED DRAFT STATEMENT OF PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY**

##### **1.0 PURPOSE OF THE REPORT**

- 1.1** To seek Members' approval to the proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy and arrangements for the formal consultation and subsequent approval of the final Draft Statement.

##### **2.0 DESCRIPTION OF DECISION**

- 2.1** The Committee is recommended to approve the following matters, :-

- (a) Subject to any amendments that Members may wish to make, that the proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy, ("the Draft Policy"), be approved;
- (b) That a period of consultation be commenced regarding the Draft Policy, with all private hire and hackney carriage licence holders and all other relevant stakeholders and consultees on the proposed Draft Policy, with the period of consultation running as from and including 1st August, 2022 until 5.00pm on 26<sup>th</sup> September, 2022;
- (c) That the Economic Prosperity Scrutiny Committee be requested to provide its comments in response to the consultation, with the Draft Policy being formally considered at its Meeting scheduled for 13<sup>th</sup> September, 2022;
- (d) That following Officers' appraisal of all responses received to the consultation a proposed Final Draft Statement of Private Hire and Hackney Carriage Licensing Policy be presented to Committee for its approval at its Meeting scheduled for 31<sup>st</sup> October 2022, ("the Final Draft");
- (e) Subject to the Committee's consideration and approval of the Final Draft, the Statement of Private Hire and Hackney Carriage Licensing Policy be introduced as from 1<sup>st</sup> December, 2022; and
- (f) That Council be recommended to amend the Terms of Reference of the Licensing and Regulatory Committee and the Scheme of Delegation and Appointment of Proper Officers insofar as it relates to the Executive Director for City Development in order for the same to be updated as set out in Paragraph 3.9 below and to authorise the Assistant Director of Law and Governance to amend the Constitution accordingly, including the making of any consequential amendments.

##### **3.0 INTRODUCTION / BACKGROUND**

- 3.1** At its Meeting of 28<sup>th</sup> March, 2022 the Committee considered a Report providing an update on the then current position regarding the preparation of a Draft Statement of Private Hire and Hackney Carriage Licensing Policy. At the said Meeting Members were reminded of a previous Report considered on 28<sup>th</sup> September, 2020 entitled "Proposed Draft Statement of Private Hire and Hackney Carriage Licensing

Policy” which detailed the Council’s plan to introduce a consolidated private hire and hackney carriage licensing policy following statutory guidance produced by the Department for Transport, (“DfT”), in July, 2020. The DfT expected councils to undertake the required reviews before 31<sup>st</sup> December, 2021, with changes being introduced as soon as possible in 2022.

- 3.2** In the Report considered on 28<sup>th</sup> March, 2022 Members were advised of the major impact that the Coronavirus Pandemic had had on the intended workstream for the preparation of the Draft Policy. The Committee approved a revised timetable to allow for the introduction of the intended Statement of Private Hire and Hackney Carriage Licensing Policy, :-
- (a) That the Draft Policy be considered by the Committee at a Meeting to be held on, or about 4<sup>th</sup> July, 2022, with the Committee putting forward comments and suggested amendment prior to the Draft Policy being subject to a period of consultation with the required consultees; and
  - (b) That the outcome of the consultation process be reported to the Committee at a Meeting to be held on, or about 3<sup>rd</sup> October, 2022. Responses and resultant changes in Draft Policy would be identified, with the Committee being asked to approve a final Draft Policy.
- 3.3** Unfortunately, due to the considerable amount of work involved in the preparation of the Draft Policy, there has been a further, small delay in the completion of this work. Officers were unable to finalise the policy document in time for the Committee’s Meeting scheduled for 4<sup>th</sup> July 2022. Consequently, it was necessary to delay presentation of the Draft Policy until 25<sup>th</sup> July, 2022. The proposed Draft Policy is attached at Appendix 1.
- 3.4** Due to the Coronavirus Pandemic, during the initial stages of Officers’ work to prepare the Draft Policy it was not possible to hold face-to-face Trade Liaison Group Meetings. These would have enabled initial, preliminary issues to be raised on an informal basis about the Draft Policy. In recent months some issues relating to the Draft Policy have been raised with the trade via the Council’s Taxi Newsletters. For example, the proposed changes to the driver medical standards and the introduction of tax conditionality.
- 3.5** Given that it is now possible to hold face-to-face meetings, on 28<sup>th</sup> June, 2022 the first in-person Trade Group Liaison Meeting took place at City Hall. Representatives of all private hire operators, hackney carriage owners’ associations and independent drivers’ groups were invited to attend. A total of 18 trade representatives attended the Meeting, together with Officers from the Council’s Licensing Section.
- 3.6** The main purpose of this Trade Group Liaison Meeting was to enable Officers to recap on information previously provided via Taxi Newsletters and to inform about key proposals that Members were to be asked to approve as part of the Policy Document. The trade representatives present were advised that the Meeting was intended as a pre-consultation exercise to enable informal discussions to be held on Officers’ proposals. The Principal Licensing Officer, (Steve Wearing), explained that the final matters to be consulted upon would be agreed by the Committee at its Meeting scheduled for 25<sup>th</sup> July, 2022.

**3.7** The following key proposals were raised at the Trade Group Liaison Meeting, with these matters forming part of attached Draft Policy, :-

- (a) The introduction of a new Code of Conduct for Licensed Drivers, which includes a Dress Code;
- (b) The proposed change in the medical requirements for drivers and the adoption of the DVLA Group 2 Medical Standard;
- (c) The introduction of a Driver Improvement Programme for existing licensed drivers;
- (d) A change in the requirements regarding the reporting of matters to the Council on the part of existing licensed drivers, ie. the tightening-up of self-reporting obligations, including a shorter time period and extending the scope of matters to be reported;
- (e) The introduction of a revised convictions policy via the Convictions Policy and Assessment of Previous Convictions document;
- (f) A proposal to change the current arrangements regarding vehicle age limits and emissions standards;
- (g) A proposed new requirement for private hire operators to maintain a register of booking and dispatch staff, including the need to have sight of Basic DBS Certificates for all individuals listed on the register; and
- (h) A proposal to change the existing policy on vehicle tints that would allow the licensing of vehicles fitted with glass of a light transmittance lower than the current standard, subject to a requirement that a suitable CCTV system be installed in the vehicle.

**3.8** Given the small delay in the submission of this Report to the Committee, adjustments have been made to the proposed timetable regarding the progression and approval of the Draft Policy.

**3.9** In addition, it is suggested that Council be recommended to amend the Terms of Reference of the Licensing and Regulatory Committee and the Scheme of Delegation and Appointment of Proper Officers insofar as it relates to the Executive Director for City Development in order for the same to be updated, including, amongst other things, express reference being made to the Committee having responsibility for the following matters, :-

- (a) Determination of the licensing objectives that will form the basis of the Council's Statement of Private Hire and Hackney Carriage Licensing Policy, with the licensing objectives being subject to regular reviews by the Committee as appropriate; and
- (b) Approval, review and amendment of the Council's Statement of Private Hire and Hackney Carriage Licensing Policy.

**3.10** Accordingly, the Committee is recommended to approve the following matters, :-

- (a) Subject to any amendments that Members may wish to make, that the proposed Draft Policy be approved;
- (b) That a period of consultation be commenced regarding the Draft Policy, with all private hire and hackney carriage licence holders and all other relevant stakeholders and consultees on the proposed Draft Policy, with the period of consultation running as from and including 1st August, 2022 until 5.00pm on 26<sup>th</sup> September, 2022;
- (c) That the Economic Prosperity Scrutiny Committee be requested to provide its comments in response to the consultation, with the Draft Policy being formally considered at its Meeting scheduled for 13<sup>th</sup> September, 2022;
- (d) That following Officers' appraisal of all responses received to the consultation a proposed Final Draft Statement of Private Hire and Hackney Carriage Licensing Policy be presented to Committee for its approval at its Meeting scheduled for 31<sup>st</sup> October 2022, ("the Final Draft");
- (e) Subject to the Committee's consideration and approval of the Final Draft, the Statement of Private Hire and Hackney Carriage Licensing Policy be introduced as from 1<sup>st</sup> December, 2022; and
- (f) That Council be recommended to amend the Terms of Reference of the Licensing and Regulatory Committee and the Scheme of Delegation and Appointment of Proper Officers insofar as it relates to the Executive Director for City Development in order for the same to be updated as set out in Paragraph 3.9 above and to authorise the Assistant Director of Law and Governance to amend the Constitution accordingly, including the making of any consequential amendments.

## **4.0 CURRENT POSITION**

- 4.1 The current position is set out in the Report.

## **5.0 REASONS FOR THE DECISION**

- 5.1 To seek Members' approval to the proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy and arrangements for the formal consultation and subsequent approval of the final Draft Statement.

## **6.0 ALTERNATIVE OPTIONS**

- 6.1 None submitted.

## **7.0 RELEVANT CONSIDERATIONS**

- 7.1 None submitted.

## **8.0 GLOSSARY**

- 8.1 No acronyms, or abbreviations have been used in this Report.

## **9.0 APPENDICIES**



**9.1** Appendix 1 –Draft Statement of Private Hire and Hackney Carriage Licensing Policy.

**10.0 BACKGROUND PAPERS**

**10.1** None.



***Report of the Hearing  
Sub-Committee of the  
Standards Committee***



**The HEARING SUB-COMMITTEE OF THE STANDARDS COMMITTEE reports as follows:-**

**1. Complaint regarding Councillor Stephen O'Brien (Ref:14/18)**

On 10 March 2022 the Hearing Sub-Committee of the Standards Committee held a hearing in respect of a complaint submitted to the Monitoring Officer in September 2018 by Councillor Antony Mullen, on behalf of the Sunderland Conservative Association Management Board. The complaint related to a series of remarks made by Councillor O'Brien on Twitter about the relationship between the Sunderland Council Conservative Group and the Labour Group, focussed on the interaction between the two groups' representatives on the Children, Education and Skills Overview and Scrutiny Committee.

An Assessment Sub-Committee referred this matter for investigation and the complaint was subsequently referred to Mr David Kitson of Bevan Brittan LLP, whose investigation focussed on whether there had been a potential breach of paragraphs 1 and 2 of the Code of Conduct for Members ('the Code'), which state:

- *You must treat others with respect, including Council officers and other elected Members.*
- *You must not bully any person (including specifically any Council employee) and you must not intimidate or improperly influence or attempt to intimidate or improperly influence any person who is involved in any complaint about any alleged breach of this Code of Conduct.*

Mr Kitson concluded that Councillor O'Brien had breached paragraph 1 of the Code of Conduct and had not breached paragraph 2 of the Code. The matter was then referred to a Hearing Sub-Committee of the Standards Committee on 10 March 2022.

The Hearing Sub-Committee considered the report of Mr David Kitson and the views of the Council's Independent Person and:

- (a) accepted the findings of the Investigating Officer and determined that on the balance of probability, Councillor O'Brien had breached paragraph 1 of the Code of Conduct for Members
- (b) found that there had been no breach of paragraph 2 of the Code.

In accordance with the Council's Arrangements for Dealing with Complaints, the Hearing Sub-Committee reviewed the potential sanctions available to it, and determined to impose the following sanctions:

- Councillor O'Brien to be issued with a formal censure by the Hearing Sub-Committee;

- A recommendation that Councillor O'Brien issue a written apology (in a form approved by the Monitoring Officer) to former Councillor Bob Francis;
- Councillor O'Brien is recommended to delete the tweets that led to this complaint from his Twitter account;
- The Monitoring Officer is recommended to offer training to Councillor O'Brien on the appropriate use of social media by Members of the Council; and
- The Hearing Sub-Committee to refer its findings to full Council for information, at the soonest available opportunity.

Councillor O'Brien subsequently requested a review of the Hearing Sub-Committee's decision, and the matter was referred to the Independent Person for South Tyneside Council to undertake this review.

The Hearing Sub-Committee met again on 12 August 2022 to consider Councillor O'Brien's review request, with the benefit of the submissions received from South Tyneside Council's Independent Person. The Hearing Sub-Committee resolved to confirm its original decision, and the sanctions as set out above.

Accordingly, the Committee refers its findings in this matter to Council. A copy of the full Decision Notice relating to this complaint is attached at Appendix 1 to this report for information.

## APPENDIX 1 – DECISION NOTICE

### HEARING SUB-COMMITTEE OF THE STANDARDS COMMITTEE COMPLAINT REGARDING COUNCILLOR STEPHEN O'BRIEN (REF:14/18)

#### DECISION NOTICE

##### Background

1. A complaint was submitted to the Council's Monitoring Officer on 28 September 2018 by Cllr Antony Mullen ('the Complainant'), on behalf of the Sunderland Conservative Association Management Board.
2. The Complainant alleged that Cllr O'Brien had made a series of remarks on Twitter about the relationship between the Sunderland Council Conservative Group and the Labour Group, focussed on the interaction between the two groups' representatives on the Children, Education and Skills Overview and Scrutiny Committee. The Complainant stated that Cllr O'Brien had alleged on Twitter that former Cllr Bob Francis liked to "cosy up" with Cllr Patricia Smith, the chair of the Children, Education and Skills Overview and Scrutiny Committee and a member of the Labour Group, because Cllr Francis received a special responsibility allowance as Vice-Chair of the same Committee.
3. The Complainant has advised that Cllr Francis did not receive an additional special responsibility allowance for serving as Vice Chair on this Committee. This was also pointed out to Cllr O'Brien by Cllr Robert Oliver as part of the same exchange on Twitter. Later that day, Cllr O'Brien was alleged to have responded to a separate Tweet from the '@SlandTories' Twitter account with a comment of a similar nature about Cllr Francis' motivation for maintaining his role as Vice Chair of the Children, Education and Skills Overview and Scrutiny Committee. The Complainant has alleged that Cllr O'Brien was twice asked by Graham Hall, Chair of the Sunderland Conservative Association Management Board to retract his statements, but did not do so.
4. An Assessment Sub-Committee referred this matter for investigation in February 2019. The complaint was subsequently referred to Mr David Kitson of Bevan Brittan LLP, whose investigation focussed on whether there had been a potential breach of paragraphs 1 and 2 of the Code of Conduct for Members ('the Code'), which state:
  - *You must treat others with respect, including Council officers and other elected Members.*
  - *You must not bully any person (including specifically any Council employee) and you must not intimidate or improperly influence or attempt to intimidate or improperly influence any person who is involved in any complaint about any alleged breach of this Code of Conduct.*

5. The Investigating Officer's final investigation report was concluded on 3 August 2021. He found that Cllr O'Brien did breach paragraph 1 of the Code, and that there had been no breach of paragraph 2 of the Code. Cllr O'Brien was invited to respond and provide his own comments in relation to the findings in the Investigating Officer's report, but did not do so.
6. In accordance with the Council's arrangements for dealing with complaints, this matter was then referred to a Hearing Sub-Committee of the Standards Committee.

## Hearing

7. A Hearing Sub-Committee met on 10 March 2022 to consider the complaint. Cllr O'Brien did not attend the hearing, and did not respond to any correspondence issued to him which related to the hearing.
8. The Sub-Committee resolved that the hearing be held in private, and relied on paragraphs 1 and 2 of Schedule 12A, Part 1 of the Local Government Act 1972, as the complaint contained information relating to individuals and information which is likely to reveal the identity of individuals. The Sub-Committee also confirmed that any findings of a breach of the Code would subsequently be published.
9. As Cllr O'Brien had not responded to the findings in the Investigation Report, the hearing proceeded on the basis that all of the report was in dispute. In recognition of this, the Investigating Officer presented his case to the Sub-Committee and provided a detailed explanation of how he reached his findings following the investigation process.
10. In presenting his case, the Investigating Officer expressly considered whether the Code did apply to the specific circumstances leading to this complaint. It was noted by the Investigating Officer that although Cllr O'Brien did not refer to his status as a Councillor in his Twitter username, at the time of the tweets his Twitter biography stated that he was a Liberal Democrat Councillor at the Council (referencing the wards for which he was responsible), and that he was the deputy leader of the Liberal Democrat group. Cllr O'Brien had also regularly used the Twitter account to post about Council issues. The Investigating Officer concluded that Cllr O'Brien was giving the impression that he was acting in his capacity as a representative of the Council when he posted the relevant tweets on Twitter, and that any third parties viewing his tweets would reasonably form the same opinion.
11. The Investigating Officer also considered the extent to which Cllr O'Brien's tweets could be said to amount to political comment or a challenge against performance. The Investigating Officer recognised that Cllr O'Brien and former Cllr Francis had chosen to operate in the public political arena, and were therefore expected to have a higher degree of tolerance towards comments and criticism that could be considered offensive or unsavoury.



12. The Investigating Officer acknowledged that while the underlying matter about which the Councillor was tweeting was a political issue, the tweets were primarily intended to undermine both Cllr Francis personally, and the Conservative group in general. The Investigating Officer also recognised that the tweets in question were based on incorrect information, and that (in accordance with the Council's Constitution) Cllr Francis did not and could not receive an additional special responsibility allowance in respect of his role as Vice-Chair of the Children, Education and Skills Overview and Scrutiny Committee. It was noted that despite Cllr O'Brien having been informed that his allegation could not be correct because of the restriction on receiving more than one special responsibility allowance, he refused to correct the error or remove the tweets. The Investigating Officer considered that this failure to take any corrective action was (in his view) disrespectful and that Cllr O'Brien's comments did not amount to 'fair comment' or a difference of political opinion, and the allegations he made were objectively incorrect.

### **Sub-Committee Findings**

13. The Sub-Committee retired to consider its findings, and to hear the views of the Independent Person, Mr Dennis Hall. Mr Hall commented that he was satisfied with the Investigating Officer's report and the findings within. Mr Hall considered that Cllr O'Brien had been given ample opportunity to respond or rebut the findings, and that due process had been followed. Mr Hall also noted that Cllr O'Brien had been offered support from Council officers to assist him in preparing his response to the Investigating Officer's report, but did not respond to this offer.
14. Mr Hall raised concern about the length of time this case had taken to be determined, but acknowledged that this had been due to exceptional circumstances, and the Covid-19 pandemic meant Cllr O'Brien was given extended time in which to respond to the Investigating Officer's report.
15. Having considered the report of the Investigating Officer, the representations made during the hearing, and the views of the Independent Person, the Sub-Committee made the following findings:
- (a) The Sub-Committee accepted the findings of the Investigating Officer and determined that on the balance of probability, Cllr O'Brien had breached paragraph 1 of the Code of Conduct for Members.**
- (b) The Sub-Committee found that there had been no breach of paragraph 2 of the Code.**
16. In reaching their decision, the Sub-Committee acknowledged and agreed with the findings of the Investigating Officer as set out at paragraphs 10-12 above, and found that Cllr O'Brien was giving the impression of acting as a official capacity as a Member of the Council when he posted his tweets, and that the Code therefore did apply.

17. The Sub-Committee commented that this complaint was about upholding the standards expected of an elected Member, and that Cllr O'Brien's comments could have simply been withdrawn or clarified, but he chose not to do so even after his error had been brought to his attention. The Sub-Committee observed that a simple apology from Cllr O'Brien could have most likely settled this matter at an early stage.

## **Sanctions**

18. The Sub-Committee invited representations from the Investigating Officer on whether a sanction should apply, and if so, what form it should take. The Investigating Officer considered that a fair outcome in these circumstances would be for Cllr O'Brien to delete the tweets in question, to apologise to Cllr Francis, and to undertake training about the appropriate use of social media by Members of the Council, which could potentially be tailored to provide support and assistance specific to Cllr O'Brien.
19. The Sub-Committee again retired to consider sanctions, and to take into account the views of the Independent Person on this matter. Mr Hall commented that Cllr O'Brien did not seem to take this matter seriously, having not actively engaged in the investigation or attended the hearing. Mr Hall's opinion was that Cllr O'Brien's behaviour merited censure by the Sub-Committee, as he had behaved badly towards former Cllr Francis, and that the incorrect allegations which were made public as part of his tweets impacted negatively on the Council as a whole.
20. Mr Hall agreed with the proposals put forward by the Investigating officer relating to sanctions, and added that when the Sub-Committee publish a summary of its findings, as part of this they may wish to confirm whether or not Cllr O'Brien has complied with any recommended sanctions.
21. Having considered the representations from the Investigating Officer and the views of the Independent Person, the Sub-Committee reviewed the potential sanctions available to it, and determined to impose the following sanctions:
- Cllr O'Brien to be issued with a formal censure by the Hearing Sub-Committee;
  - A recommendation that Cllr O'Brien issue a written apology (in a form approved by the Monitoring Officer) to former Cllr Bob Francis;
  - Cllr O'Brien is recommended to delete the tweets that led to this complaint from his Twitter account;
  - The Monitoring Officer is recommended to offer training to Cllr O'Brien on the appropriate use of social media by Members of the Council; and
  - The Hearing Sub-Committee to refer its findings to full Council for information, at the soonest available opportunity.

## **Request for Review**

22. On 24th March 2022 Cllr O'Brien e-mailed the Governance Law Specialist requesting a review of the Hearing Sub-Committee's decision. Cllr O'Brien was asked by e-mail to provide his detailed reasons for seeking a review, and was also offered support from officers within the Member Support Team to assist him with setting out his own reasons for seeking a review. Cllr O'Brien did not provide any response, and so the review process proceeded without any additional submissions from Cllr O'Brien.
23. Corraib Maccaba, the Independent Person for South Tyneside Council, agreed to undertake the review. The papers originally submitted to the Hearing Sub-Committee, together with the decision notice and the Council's Arrangements for Dealing with Complaints, were all forwarded to Mr Maccaba for consideration.
24. Mr Maccaba's findings were received by e-mail on 10 June 2022. Mr Maccaba noted that as Cllr O'Brien did not give direction on his reasons for seeking a review or on what aspects of the decision notice he disagreed with, the review proceeded on the basis that Cllr O'Brien disputed the whole of the Investigating Officer's report document, the hearing outcome, and the proposed sanctions. Accordingly, the review process took longer than usual to conclude, as Mr Maccaba had to carefully scrutinise all documentation in its entirety.
25. In summary, Mr Maccaba agreed with the Sub-Committee's conclusion that Cllr O'Brien had breached paragraph 1 of the Code. He also agreed with the decision of the Hearing Sub-Committee that paragraph 2 of the Code had not been breached.
26. In Mr Maccaba's opinion, the sanctions originally proposed by the Hearing Sub-Committee were commensurate with the findings of the report.
27. The Hearing Sub-Committee met on 12 August 2022 and considered Cllr O'Brien's review request with the benefit of the submissions received from South Tyneside Council's Independent Person. In addition, Sunderland City Council's Independent Person, Mr Dennis Hall, reiterated his agreement with the original decision and sanctions.
28. The Hearing Sub-Committee resolved to confirm its original decision as set out in paragraph 15 above, and the sanctions set out in paragraph 21.

Signed: Councillor Peter Gibson – Chair of the Hearing Sub-Committee



# ***Reports***



**COUNCIL**

**14 SEPTEMBER 2022**

**Update on Special Urgency Decisions**

**Report of the Leader**

The Council's Constitution requires that a quarterly report be submitted to Council on executive decisions which have been taken as a matter of special urgency. The relevant provisions are now contained in Regulations 11 and 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

These are the special urgency provisions under which key decisions may be taken by the executive, although not contained in the 28 day Notice of Key decisions (whether proposed to be taken in public or private), where compliance with Regulation 10 (the general exception) was also impracticable.

There have been no such instances since the last report.

**Recommendation**

That the Council notes the content of this report.





COUNCIL

14 SEPTEMBER 2022

## APPOINTMENTS TO OUTSIDE BODIES

### REPORT OF THE ASSISTANT DIRECTOR OF LAW AND GOVERNANCE

#### 1.0 Introduction and Background

- 1.1 The purpose of this report is to seek approval from Council to appoint a named alternative member to ANEC Ltd and to make changes to the substitute members on a number of North East Combined Authority (NECA) Committees.
- 1.2 The full list of appointments to committees and outside bodies will be published on the Council's website in the Yearbook at <https://committees.sunderland.gov.uk/committees/cm15/PublicDocuments.aspx> following the meeting.

#### 2.0 ANEC Ltd. Representation

- 2.1 At the Annual Council meeting, the Leader of the Council's appointment to ANEC Ltd. was reaffirmed. This involves attending meetings of the Leaders' and Elected Mayors' Group and also the Resources Task and Finish Group.
- 2.2 Each member on ANEC Ltd. has a named alternative member to act as a substitute at meetings.
- 2.3 The Leader of the Council has requested that the Deputy Leader and Clean, Green City Portfolio Holder, Councillor Rowntree, be nominated as his named alternative on ANEC Ltd.

#### 3.0 North East Combined Authority (NECA) Committees.

- 3.1 A request has been received from the Conservative Group to make a number of changes to their substitute members on the following NECA Committees:-

##### **Audit and Standards Committee**

Substitute – to replace Councillor Doyle with Councillor Mann

##### **Overview and Scrutiny Committee**

Substitute – to replace Councillor Doyle with Councillor S. Johnston

##### **North East Joint Transport Overview and Scrutiny Committee**

Substitute – to replace Councillor Doyle with Councillor Mann

## **4.0 Recommendations**

### **4.1 The Council is accordingly invited to:-**

- (i) approve the nomination of the Deputy Leader and Clean, Green City Portfolio Holder, Councillor Rowntree, as the Leader of the Council's named alternative on ANEC Ltd;
- (ii) approve the nomination of Councillor Mann to replace Councillor Doyle on the NECA Audit and Standards Committee;
- (iii) approve the nomination of Councillor S. Johnston to replace Councillor Doyle on the NECA Overview and Scrutiny Committee;  
and
- (iv) approve the nomination of Councillor Mann to replace Councillor Doyle on the North East Joint Transport Overview and Scrutiny Committee.

# ***Motions on Notice***



**MOTIONS ON NOTICE**

Council Members are asked to consider the under-mentioned Motions:-

**1. Notice of Motion – Cost of Living Crisis**

This council notes the increased desperation of many residents who are currently facing an unprecedented series of major financial shocks, that include:

- Huge increases in the price of essential goods such as food and clothing following the failure of the current government to control inflation, with hyperinflation now at levels not seen since the dark days under Mrs. Thatcher during the 1980's.
- After what has been in effect the longest and harshest pay squeeze in modern history since 2010, caused by the deliberate actions of this government in the name of austerity, workers are now facing a further fall in their real wages of 6.2% (-£1750) as wages fail to keep pace with prices.
- The energy cap set by Ofgem increasing from £1277 in October 2021 and is currently predicted to rise to £4266.48 by January 2023, resulting in a staggering increase on household bills of 234% in such a brief period of time.

This council therefore declares that our residents are in a cost-of-living emergency and asks the new prime minister to be radical in their solutions to this crisis and implement as a matter of urgency:

- In the short term
  - Freeze the energy cap at its present level and reimburse residents for increases while the cap is set above the October 2021 rate.
  - Set an example by providing the public sector with the funds for pay awards that match prices increases so that the decline in real wages is stopped in its tracks.
- In the longer term prioritise our national interest and security by removing foreign ownership from our utilities such as energy and water and consider bringing them under public ownership and control.

Councillor I. Scott      (Proposer)  
Councillor J. Price      (Secunder)

**Signed by:-**

Councillor I. Scott  
Councillor J. Price  
Councillor T. Dodds  
Councillor A. Samuels  
Councillor K. Johnson  
Councillor J. Heron  
Councillor G. Miller  
Councillor F. Miller

Councillor L. Farthing  
Councillor H. Trueman  
Councillor D.E. Snowdon  
Councillor C. Rowntree  
Councillor J. Usher  
Councillor M. Butler  
Councillor K. Chequer  
Councillor P. Walker

Councillor J. Warne  
Councillor L. Lauchlan  
Councillor L. Williams  
Councillor P. Tye  
Councillor P. Smith  
Councillor P. Stewart  
Councillor S. Laws

## 2. Notice of Motion – The Right to Play

This Council recognises the need to improve play facilities for those children with disabilities across the City of Sunderland. Appropriate play is vital for the development, health, wellbeing and happiness of our children, particularly for young people facing barriers like discrimination and exclusion.

Every child should have equal right to play and enjoy childhood experiences through a range of challenging, formal and informal play opportunities in a safe and inclusive environment wherever they are in Sunderland which adheres to Article 31 of the UNCRC.

Therefore, Council resolves to ensure that:

- All Council play parks are risk assessed for accessibility and inclusiveness for those with disabilities with the City Council to produce short-, medium- and long-term action plans which should be reported back to Council within six months.
- All future play spaces are developed with community participation, co-design and co-production - and, when equipment is damaged or vandalised, consideration is given to replacing it with accessible alternatives.
- All disabled children can enjoy inclusive and appropriate play parks that are accessible within a reasonable distance of their home.
- To install a minimum of one wheelchair swing in each of the five committee areas.
- To enhance sensory involvement by procuring equipment which is aimed at touch and sound senses for those with audio or visual impairments.

Councillor R. Dunn                      (Proposer)  
Councillor P. Mann                    (Seconder)

### **Signed by:-**

Councillor R. Dunn	Councillor H. Greener	Councillor U. Ali
Councillor P. Mann	Councillor S. Ayre	Councillor P. Donaghy
Councillor J. McKeith	Councillor P. Wood	Councillor L. Reed
Councillor A. Mullen	Councillor M. Dixon	Councillor C. Burnicle
Councillor S. Johnston		