

At a Meeting of the **CABINET** held in the **CIVIC CENTRE (COUNCIL CHAMBER)** on **TUESDAY 16 NOVEMBER 2021** at **10.00 a.m.**

Present:-

Councillor G. Miller in the Chair

Councillors Chequer, Farthing, K. Johnson, Rowntree, Stewart and Williams

Also present:-

Councillor Hodson

Part I

Minutes

The minutes of the meeting of the Cabinet held on 12 October 2021, Part I (copy circulated) were submitted.

(For copy report – see original minutes).

1. RESOLVED that the minutes of the Cabinet meeting held on 12 October 2021, Part I, be confirmed and signed as a correct record.

Declarations of Interest

There were no declarations of interest.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors F. Milller and P. Walker.

Response from Scrutiny Coordinating Committee – 14 October 2021 – Budget Planning Framework and Medium Term Financial Strategy 2022/2023 – 2025/2026

The Assistant Director of Law and Governance submitted a report (copy circulated) to advise of the comments of the Scrutiny Coordinating Committee on a report of the Executive Director of Corporate Services that sets out the Council's Budget Planning Framework and Medium Term Financial Strategy 2022/2023 – 2025/2026.

(For copy report – see original minutes).

Councillor Stewart highlighted that the Scrutiny Coordinating Committee received the report of the Executive Director of Corporate Services on the budget planning framework and medium-term financial strategy at its meeting held on 14 October 2021. He reported that the Scrutiny Coordinating Committee noted the budgetary information provided including the Medium-Term Financial Plan, Budget Planning Framework and Capital Strategy. He advised that the Committee also acknowledged the current financial situation of the Council, including the spending pressures on it.

Cabinet Members were advised that the Committee also stated the importance of robust budget consultation and engagement with all stakeholders to ensure a clear understanding, not only of the challenges and pressures that faced the local authority but also, of how resources were to be prioritised and assigned.

Councillor Stewart reported that the Committee also wished to put on record its appreciation to officers and members for their continued work.

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

2. RESOLVED that the comments of the Scrutiny Coordinating Committee be noted and it be recommended to Council to approve of the Council's Capital Strategy.

Update to Constitution – Article 2, Article 15 and Council Procedure Rules

The Assistant Director of Law and Governance submitted a report (copy circulated) to seek agreement to recommend to Council proposed changes to the Constitution with respect to:

- a) clarifying the position of Members appointed to Committees and Sub-Committees between re-election and the date of the Annual Council meeting;
- b) authorising certain additional Officers to attest to the application of the Authority's Seal on deeds, agreements and other documents;
- c) limiting the number of questions on notice at Council meetings to three from each political group per meeting (excluding urgent questions); and
- d) accepting the service of notices of motion electronically.

(For copy report – see original minutes).

The Chair highlighted that the report sought approval to recommend Council to agree a number of amendments and updates to the Constitution.

The Chair reminded Cabinet Members that with the agreement of the political groups, a procedure for the September Council meeting was trialled, under which each group could submit up to three Questions to Council on notice. He reported that it was recommended that those arrangements were now put on a formal footing, with appropriate amendments being made to the Council Procedure Rules.

Cabinet Members were advised that it was also proposed that provision was made to enable notices of motion to be submitted electronically as well as in hard copy form, to reflect the procedure that had been followed during the pandemic. Members were however asked to note a slight change in the procedure, namely that in future, the proposer of a motion should list all the signatories to the motion and copy them into the e-mail giving notice.

The Chair reported that in addition, two further updates were proposed. He advised that the first was a point of clarification. The amendment proposed to Article 2 would make it clear that when a Member was appointed to a committee or sub-committee and they were subsequently up for election, if they were re-elected, their appointment to that committee or sub-committee would remain unaffected by the ending of one term of office and commencement of another.

Finally, in view of the increase in remote working, the Chair advised that it was recommended that a further three senior officers were authorised to attest the Council's seal, namely the Assistant Director of Finance, Senior Manager - Law and Governance and the Specialist Lead - Commercial Law.

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

3. RESOLVED that it be recommended to Council to:-

- (i) approve the proposed amendments to the Constitution as set out in the report and at Appendix 1, 2 and 3; and
- (ii) authorise the Assistant Director of Law and Governance to amend the Constitution accordingly, including the making of any consequential amendments, stylistic or typographical changes, to ensure consistency throughout the Constitution.

Capital Programme Planning 2022/2023 to 2025/2026

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

- update Cabinet on the level of capital resources and commitments for the forthcoming financial year within the current approved capital programme; and
- set out additional capital new start project proposals for inclusion in the Capital Programme 2022/2023 to 2025/2026 to be reported to Cabinet in February 2022.

(For copy report – see original minutes).

Councillor Stewart highlighted that the report set out the proposed additional capital project proposals for inclusion in the Capital Programme 2022/2023 to 2025/2026 which would be reported to Cabinet in February 2022.

Councillor Stewart drew attention to Cabinet Members that within the report there were additional capital proposals for 2022/2023 to 2025/2026 worth £47 million. He explained that this included additional Council investment of over £21 million, with nearly £26 million expected to be provided from external funding sources.

Cabinet Members were advised that in identifying projects for investment, the capital priorities were aligned to the City Plan providing for a dynamic smart city with investment in the City's infrastructure continuing to drive economic regeneration and growth through the development of strategic assets; providing for a healthy smart city with investment in social care and open spaces; and providing for a vibrant smart city with investment in neighbourhoods and cultural assets.

Councillor Stewart reported that a number of schemes were included with emphasis on supporting the delivery of front-line services to residents across the city including improvements to parks and open spaces, enhancement of social care provision, improved environmental services via a new depot and replacement of refuse collection vehicles as well as investment into other operational assets including ICT. In addition, the proposals included further planned regeneration in the Sunnyside area.

Cabinet Members were advised that the Council anticipated that Government resources, specifically allocated in respect of Transport, Better Care Fund and Education, would be allocated to those service areas.

Councillor Williams highlighted that frequently, in meetings with Area Committee Chairs, the issue of lack of consultation with Ward Councillors was raised over the expenditure of Section 106 monies in their areas. Councillor Stewart reported that he would ensure that appropriate consultation would take place.

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

4. RESOLVED that the additional new start capital project proposals, set out in the report for inclusion in the full capital programme 2022/2023 to 2025/2026 to be reported to Cabinet in February 2022, be approved.

Developing an Enhanced Bus Partnership

The Executive Director of City Development submitted a report (copy circulated) which outlined the requirement from Government for the Local Transport Authority to put in place a Bus Service Improvement Plan by October 2021 to inform either an Enhanced Bus Partnership by April 2022 or progressing a Bus Franchising scheme and the proposed next steps.

(For copy report – see original minutes).

Councillor Rowntree highlighted that public transport was an integral part of how people got around in Sunderland and was key to achieving the Council's goals relating to air pollution, climate change and an inclusive economy. She reported that the Government published its Bus Back Better, National Bus Strategy for England in March 2021. She advised that within this document there was a requirement for local authorities within England to prepare and publish Bus Service Improvement Plans (BSIPs) by the 31 October 2021 in order to access a share of a national funding package for bus recovery of £3 billion.

Cabinet Members were advised that the Council, in its role as Highway Authority, had worked with Transport North East, local authority partners and bus operators to develop a Bus Service Improvement Plan for the North East area. This Bus Service Improvement Plan (BSIP) had now been submitted following approval at last month's Joint Transport Committee meeting. The plan set out the vision for the North East in areas such as bus priority infrastructure and other infrastructure, bus fares, bus service support, marketing and zero emission buses.

Councillor Rowntree reported that following the recent publication of the BSIP, work was now underway with bus operators to develop an Enhanced Partnership Scheme, which must be in place by the 1 April 2022.

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

5. RESOLVED that:-

- (i) the contents of the report be noted and endorsed;
- (ii) the submission of a Bus Service Improvement Plan by the North East Joint Transport Committee and the planned development of an Enhanced Partnership proposal be noted; and
- (iii) an update on the details of the Enhanced Partnership be considered at a future Cabinet meeting.

Moving Traffic Contraventions Enforcement

The Executive Director City Development submitted a report (copy circulated) to seek approval for the Council to undertake the required actions to enable it to apply for the powers with a view to enforce moving traffic contraventions when those powers for councils outside of London come into force subject to any further requirements set out in the legislation.

(For copy report – see original minutes).

Councillor Rowntree highlighted that the Council in its role as Traffic Authority, had a duty under the Traffic Management Act 2004 to manage traffic on its highway network. She reported that to enable the delivery of this duty, the Council had already been granted civil enforcement powers for parking contraventions. She advised that currently only London local authorities had powers to enforce the full range of moving traffic offences detailed within the report; elsewhere the responsibility rested with the Police.

Cabinet Members were advised that the Department for Transport had recently issued an advice note to local authorities outside of London on applying for a Designation Order for Civil Enforcement of Moving Traffic Contraventions. It advised that once the required statutory instruments come into force, councils outside of London could apply for additional civil enforcement powers. In taking on these new powers the Council would be able to influence driver behaviour and improve the operational performance of the highway network.

Councillor Rowntree reported that having the ability to identify problem locations, implement and monitor appropriate restrictions and enforce those restrictions where necessary would be extremely beneficial in keeping the city's traffic moving and encourage behavioural change. She added that the acquisition of these powers would have a positive impact on reducing congestion, improving air quality and road safety as well as encouraging active travel.

Cabinet Members were advised that by keeping junctions clear through targeted enforcement, bus punctuality would improve and also bring benefits to lives of pedestrians, including people with sensory impairments, older people, children, those looking after children, as well as carers.

Councillor Rowntree highlighted that it should be noted that enforcement would be through either fixed or mobile CCTV camera deployment.

Turning to the timescales, Councillor Rowntree reported that the Government planned to lay the required statutory instruments before the end of this calendar year, which were currently intended to come into force in February 2022. They would aim to lay the first Designation Order in Parliament three months after the statutory instruments come into force although this would be subject to the Parliamentary timetable and level of uptake.

Cabinet Members were advised that in order to progress with the application, the Council would need to confirm by way of a signed letter from the Chief Executive that certain required actions had been undertaken. These were detailed in Appendix 2 of the report.

Councillor Rowntree then reported that a detailed review of the financial implications would be completed in advance of the additional powers being enacted in line with any associated statutory guidance and would be undertaken on a scheme by scheme basis as part of a wider Network Management Programme. She explained that the costs associated with completing the required actions and engagement necessary to develop and finalise the Council's application would be met from the existing service budget.

Cabinet Members were advised that it was envisaged that the operational costs incurred as a result of undertaking the new powers would be covered by additional income raised through penalty charges and that additional back-office staff would be required.

Councillor Williams welcomed the report and the use of the CCTV cameras to undertake the enforcement actions. She commented that it would be interesting to see if funding for these extra Council duties would cover costs of any required additional camera technology. She enquired if the Designation Order would be city-wide and presumed it would not be in place until summer 2022 to ensure widespread communications to residents.

It having been confirmed that it was anticipated the Designation Order would be citywide and consideration having been given to the report, it was:-

6. RESOLVED that:-

- (i) the principle of civil enforcement by the Council of moving traffic contraventions, which are listed under Schedule 7 of the Traffic Management Act 2004 (and set out in Appendix 1) by using CCTV cameras which will capture the footage of the contravention occurring and then be processed in accordance with the Traffic Management Act 2004, be supported: and
- (ii) the Chief Executive, in consultation with the Deputy Leader of the Council as the Portfolio Holder, be authorised to agree the application on behalf of the Council and confirm the required actions have been satisfied by way of a signed letter, to enable the Council to apply for the civil enforcement powers for moving traffic contraventions under Part 6 of the Traffic Management Act 2004 once the secondary legislation is in force.

Gambling Act 2005 – Statement of Principles

The Executive Director of Neighbourhoods submitted a report (copy circulated) to agree revisions to Appendix 3 under the Statement of Principles under the Gambling Act 2005.

(For copy report – see original minutes).

The Chair highlighted that the report set out a legal requirement of the Council, in its capacity as a Gambling Act Licensing Authority, to prepare and publish a Statement of Principles that it proposed to apply in exercising its functions with regard to gambling. He reported that the Council's current Statement of Principles was agreed by Council on 21 November 2018 and came into force on the 31 January 2019. He advised that the Act required this Statement was reviewed by the Council every three years and any proposed revision of the Statement was subject to a statutory consultation exercise.

Cabinet Members were advised that the report offered detail on the single response received on behalf of the Betting and Gaming Council ("the BGC") along with officers' response to the comments. The report included the revised draft Statement which took account of the consultation as appropriate.

The Chair reported that the outcome on the consultation on the revised draft Statement of Principles was considered by the Licensing and Regulatory Committee on 6 September 2021 and by the Economic Scrutiny Committee on 12 October 2021. He advised that both Committees had approved the revised draft Statement of Principles.

The Chair requested that the Cabinet recommend to Council to approve the Statement of Principles set out at Appendix 3 of the report to enable the Council to comply with its statutory obligations to publish a revised Gambling Statement of Principles by 31 December 2021 and for it to be in force by 31 January 2022.

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

7. RESOLVED that it be recommended to Council to approve the Statement of Principles in accordance with the Gambling Act 2005 which is set out at Appendix 3 of the report.

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

At the instance of the Chairman, it was: -

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

(Signed) G. MILLER,
Chair.

Note:-

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

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