

CABINET MEETING – 2 JUNE 2023
EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

MINUTES, PART I

Author(s):

Assistant Director of Law and Governance

Purpose of Report:

Presents the minutes of the meeting held on 16 March 2023, Part I.

Action Required:

To confirm the minutes as a correct record.

At a Meeting of the **CABINET** held in **CITY HALL (COUNCIL CHAMBER)** on **THURSDAY 16 MARCH 2023** at **10.00a.m.**

Present:-

Councillor G. Miller in the Chair

Councillors Chequer, Farthing, K. Johnston, Rowntree and Stewart

Also present:-

Councillors Price, Scott and P. Walker – Deputy Cabinet Members
Councillor Edgeworth

Part I

Minutes

The minutes of the meeting of the Cabinet held on 23 February 2023, Part I (copy circulated) were submitted.

(For copy report – see original minutes).

1. RESOLVED that the minutes of the Cabinet meeting held on 23 February 2023, Part I, be confirmed and signed as a correct record.

Declarations of Interest

The following declarations of interest were made:-

Item 5 – Changing Places Fund	Councillor Johnston, and Councillor Chequer as his partner, made an open declaration as he was an employee of Everyone Active. They withdrew from the meeting during consideration of the report.
Item 19 – Siglion Business Plan 2023	Councillor G. Miller and Councillor Rowntree, together with Patrick Melia, Chief Executive made open declarations as members of the board of Siglion Developments LLP and advised that they would withdraw from the meeting during consideration of the report.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors F. Miller and Williams.

Proposed extension and variation of the service delivery contract with Together for Children Sunderland Limited

The Chief Executive submitted a report (copy circulated) to seek approval to the proposed extension and variation of the service delivery contract ("the Contract") with Together for Children Sunderland Limited ("TfC") and related matters.

(For copy report – see original minutes).

Councillor Farthing highlighted that in March 2017, Cabinet approved the detailed arrangements to set up Together for Children as a Council owned subsidiary company, to deliver children's social care and education services on behalf of the Council. She reminded Cabinet Members that Together for Children went live on 1 April 2017 and as part of the establishment of TfC, a services contract was awarded by the Council for the delivery of services for an initial period of seven years, with an option for the Council to extend the contract period for up to a further three years.

Cabinet Members were advised that the current arrangements with TfC had secured major continuous improvements and successes, most importantly with the delivery of high-quality children's services within Sunderland as demonstrated by the "Outstanding" rating by Ofsted in 2021. In light of the successful arrangements the Council proposed to extend the contract as permitted and vary the Contract to incorporate a very small number of statutory Additional Services to further extend and strengthen this high quality and integrated delivery model for children's services in the city.

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

2. RESOLVED that:-

- (i) the extension of the Contract with TfC for a further period of three years up to 31st March 2027 be approved;
- (ii) the variation of the Contract to include the additional services be approved as described in Section 5.1.2 of the report ("the Additional Services");
- (iii) a new service level agreement between the Council and TfC in connection with the management of those related services as described in Section 5.1.3 of the report ("the Related Services") be approved;
- (iv) the Chief Executive, in consultation with the Leader of the Council, the Portfolio Holder for Children, Learning and Skills and the Director of Finance, be authorised to take all necessary steps to implement (i) to (iii) above, including (without limitation) the finalisation, approval and execution of the relevant contract documents and the approval of any resulting changes as may be required to the Company's Articles of Association; and

- (v) the Chief Executive, in consultation with the Leader of the Council, the Portfolio Holder for Children, Learning and Skills, the Director of Finance and the Director of Smart Cities and Enabling Services, be authorised to determine, agree with TfC and implement a review of the corporate support services delivery arrangements for TfC.

At this juncture, Councillors Chequer and Johnston, withdrew from the meeting for the following report in view of their declarations of interest.

Changing Places Fund

The Director of Finance submitted a report (copy circulated) to seek approval to provide grant funding to Sports and Leisure Management Limited ("SLM") to support the installation of Changing Places Toilets (CPTs) in priority leisure venues.

(For copy report – see original minutes).

Councillor Stewart reported that the Council was successful in securing £330,000 of external funding to support the installation of Changing Places Toilets in existing venues across the city by March 2024. He advised that installation in four of these venues was being led directly by the Council, namely:-

- Elmore Park Garden and Visitor Centre;
- Roker Park;
- Herrington Country Park – Park Lodge; and
- Washington Library and Customer Service Centre.

Cabinet Members were advised that other existing, publicly accessible venues had also been considered but had been discounted either because of the inability to meet programme timescales (installations must be completed by March 2024) or that they were unable to meet the minimum specifications required for Changing Places Toilets. New build properties were also ineligible.

Councillor Stewart explained that as part of assessing potential suitable venues, community leisure venues across the city had been identified for support, all of which required improvements to meet the Changing Places Toilets accreditation standards. He advised that the venues in scope for support were set out at section 4 of the report.

Councillor Stewart reported that SLM was in the process of surveying its existing facilities and seeking quotations from recommended Muscular Dystrophy UK Changing Places Toilets providers that would inform which of the identified community leisure facilities would have a Changing Places Toilets installed. He added that works at the leisure venues would be procured and delivered by SLM in accordance with the terms of the grant funding received with the cost, which was estimated at £140,000, being met from the grant funding secured. He assured that there would be no additional costs to the Council.

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

3. RESOLVED that the award of £140,000 grant funding from the Changing Places Fund to SLM for the installation of CPTs Toilets in priority leisure venues be approved on such terms as approved by the Director of Finance, in consultation with the Cabinet Secretary.

Councillors Chequer and Johnston were re-admitted to the meeting.

Private Sector Housing Enforcement Policy – update

The Executive Director of City Development submitted a report (copy circulated) to seek approval to update the Council's Private Sector Housing Enforcement Policy for the regulation of housing and management standards in the private rented sector to take account of changes in legislation and guidance since the Policy was first published in 2019.

(For copy report – see original minutes).

Councillor Rowntree highlighted that the report set out amendments and updates to the Council's Private Sector Housing Enforcement Policy used to regulate landlords and property agents. She reported that private sector housing played a significant role in the City's housing provision making up 14.9% of the stock (2021 Census). She added that therefore it was important to ensure that this housing was safe and free from hazards to residents.

Councillor Rowntree reminded Cabinet Members that the Policy, published originally in 2019, brought together legal powers to regulate landlords and managing agents in one document and had been used effectively as the Housing Authority reviewed private sector housing across the city. She also explained that since 2019, there had been a number of legislative changes to housing legislation. She added that there had also been a recent Direction from the Secretary of State for the Department of Levelling Up, Housing and Communities (DLUHC) requesting Housing Authorities to prioritise the improvement of housing conditions following the tragic death Awaab Ishak, the 2-year-old, who died as a result of mould in his family home.

Cabinet Members were advised that Housing Authorities had been instructed to have particular regard to high scoring damp and mould hazards in their review of housing conditions. This was an approach already adopted in practice but not expressly set out in the 2019 Policy. As a result, strengthened enforcement options, specifically in relation to high scoring bands D and E Category 2 hazards for damp and mould, had been set out clearly in the updated Policy to further protect tenants living in disrepair.

Councillor Rowntree reported that additional elements relating to the use of civil penalties in the enforcement of electrical safety, as well as enforcement provisions in respect of smoke and carbon monoxide alarms had also been added in the review following the introduction of new and updated regulations.

Cabinet Members were advised that it was essential that the Council reviewed private sector housing to ensure that good management and safe standards were met and that it acted effectively to regulate the sector. This enforcement policy would ensure that decisions made in the exercise of available powers were consistent and transparent.

Councillor Scott thanked the Portfolio Holder and officers for the report. He commented that the proposal was ground-breaking. He was pleased that this enforcement policy would hold private landlords to account, demonstrate the Council's commitment to clamping down on rogue landlords and further support residents.

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

4. RESOLVED that the update to the Private Sector Housing Enforcement Policy appended to the report be approved and the Executive Director of City Development, in consultation with the Deputy Leader of the Council, be authorised to make typographical and stylistic amendments to the Policy and such other amendments as may be required from time to time to reflect changes in legislation, case law or national guidance.

Sunderland Heat Network – Update and delivery strategy

The Executive Director of City Development submitted a report (copy circulated) to provide an update on progress to date and seek approval to procure and appoint a Heat Network Operator to jointly develop the project and continue towards delivery of a strategic heat network in Sunderland.

(For copy report – see original minutes).

Councillor Rowntree reminded Cabinet Members that the Council had been exploring the potential for a Heat Network as part of the City Plan and Low Carbon Action Plan objective to reduce the City's carbon footprint. She reported that in line with the January 2022 Cabinet decision, the Council had engaged with drilling contractors, and after a pause to allow for the steel market to stabilise, were actively procuring a drilling contractor to drill pilot boreholes. She explained that subject to tender prices and consents, drilling would take place at the former Fan Zone area at the Stadium of Light Car Park later this year.

Councillor Rowntree highlighted that technical and commercial work had continued, in parallel, with the UK heat network market and were continuing to evolve. She reported that Heat Network Zoning proposals, for which Sunderland was a pilot area in a Government desk study, and the energy crisis had all played a part in making city-scale projects much more attractive to Funder/Operators. She explained that this meant alternate delivery options which get to an operator more quickly at the development stage and accelerate delivery.

Cabinet Members were advised that the Council therefore proposed to formally engage with the market through a public procurement exercise to select a preferred Funder/Operator Developer with significant experience and track record, with a view to entering into a Joint Development Agreement. This approach would allow progress towards delivery of a City Centre Heat Network with better certainty and a faster delivery programme, minimising Council risk and meeting the targets in the City Plan and Low Carbon Action Plan.

Councillor Rowntree assured that the conclusions of the Joint Development Agreement and any subsequent Business Case would be brought back to Cabinet for decision on whether to proceed with delivery via a formal Joint Venture, or otherwise.

Councillor Farthing commended the exciting plans to utilise the waste heat from mines below the city and hoped that in the future this would be extended across the city to heat homes and buildings.

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

5. RESOLVED that:-

- (i) the progress with the project to date be noted; and
- (ii) the Executive Director of City Development, in consultation with the Deputy Leader of the Council, be authorised to:
 - (a) procure an experienced Heat Network Operator to progress development of the proposed heat network; and
 - (b) negotiate and agree the terms of a Joint Development Agreement that will govern the relationship between the Council and the appointed Heat Network Operator.

Highway Maintenance (Including Bridges) and Integrated Transport Capital Programme 2023-2024

The Executive Director of City Development submitted a report (copy circulated) to seek approval to the planned Highway Maintenance (including Bridges) and Integrated Transport Capital Programme for 2023-2024 and approve amendments (additions/deferrals) to the 2022-2023 Programme.

(For copy report – see original minutes).

Councillor Johnston highlighted that the City's highway network was the most valuable asset managed and maintained by the Council. He reported that its importance to economic development, growth and accrued social benefits could not be overstated. He advised that providing access to employment, and other key services made a well-maintained, safe and accessible highway network vital to a vibrant economy and gave its residents a sense of place. It was from within this context that the delivery programmes had been developed.

Councillor Johnston reminded Cabinet Members that at its February Cabinet meeting, the Council's 2023-2024 Capital Programme was approved and subsequently ratified at Council. He commented that the headline capital allocations for the Highway Maintenance, Bridge Maintenance and Integrated Transport programmes for 2023-2024 were contained within the February Cabinet report.

Cabinet Members were advised that a schedule of streets and bridges had been prepared which would form the basis of the forthcoming programme and these were set out in appendices 1 to 6 of the report. The attention of Cabinet colleagues was drawn to the increase in material prices, fuel prices, ongoing utility works and resource availability which would lead to some of the 2022-2023 schemes being carried over into the 2023-2024 Programme.

Councillor Johnston reported that it should be noted that Programme delivery was dependent upon:-

- statutory and public consultations particularly in relation to the Integrated Transport Programme;
- favourable weather conditions;
- Statutory Undertakers (SUs) and the level of planned activity they have scheduled in each of our programmed streets.
- Material costs and their availability.

Cabinet Members were advised that the programmes of work would be funded from government grants and prudential borrowing as detailed in Appendix 7 of the report. Attention was also drawn to the reduction of prudential borrowing support over the next 2 years but this would then increase for the subsequent 2 years. This would result in less schemes being included in this programme and the 2024 -2025 programme.

Councillor Johnston reported that those locations identified in appendices 1 to 6 were considered to be optimal for the Council.

Councillor Farthing was aware that the Council was not in a position to fund all road improvements required for the roads within the city. She commented that from reporting a road in her Ward, it had taken several years for it to be included as part of the delivery programme. She drew attention to problems with highways due to flooding and difficult access for wheelchairs and prams. She was aware of the treasury concerns when planning what would be included in the programme and the increasing costs of materials, but it was important also to take into account concerns of both motorists and pedestrians.

The Chair invited Councillor Edgeworth, who was observing the meeting, to comment. Councillor Edgeworth reported that he had understood the reasons why some schemes from 2022-23 had had to be deferred to the following year and enquired how realistic this year's programme was in capacity terms to be able to be delivered this year. He also requested transparency on what schemes had been influenced by Members and if there was a more equitable way of sharing the funding between the Area Committees.

In response to Councillor Edgeworth, Councillor Johnston highlighted that he had had those conversations already. He had been reviewing input from Councillors and the public and hoped that the £7 million programme for 2023-2024 would be delivered as quickly as possible. The Chair added that the position in relation to the share of funding between Area Committee schemes had been examined by the previous Leader of the Council and it was determined at the time that the Coalfield Area would receive equal funding as it was spread over a larger geographical area compared to the West Area. He was happy to review the position again.

Councillor Farthing sympathised with Councillor Edgeworth and suggested that he encourages Ward Members and members of the public to use the Council's Report-It system to highlight where roadworks were required. She explained that issues reported through this system were then reviewed by the Highways Inspectors and prioritised accordingly on a database in order to inform future highways maintenance programmes.

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

6. RESOLVED that approval be given to the:-

- (i) schemes to be delivered that are funded from the 2023-2024 Highway Maintenance Capital Programme allocation as set out in Appendix 1;
- (ii) schemes to be delivered that are funded from the 2023-2024 Bridge Maintenance Capital Programme allocation as set out in Appendix 3;
- (iii) schemes to be delivered that are funded from the 2023-2024 Integrated Transport Capital Programme allocation as set out in Appendix 5;
- (iv) amendments to the schemes to be delivered that are funded from 2022-2023 Highway Maintenance Capital Programme allocation as set out in Appendix 2;
- (v) amendments to the schemes to be delivered that are funded from 2022-2023 Bridge Maintenance Capital Programme allocation as set out in Appendix 4; and
- (vi) amendments to the schemes to be delivered that are funded from 2022-2023 Integrated Transport Capital Programme allocation as set out in Appendix 6

Homelessness Reduction and Sleeping Rough Strategy 2023 – 2028

The Executive Director of Health, Housing and Communities submitted a report (copy circulated) seeking approval of the adoption of the Homelessness Reduction and Sleeping Rough Strategy 2023 – 2028.

(For copy report – see original minutes).

Councillor Johnston highlighted that this new Strategy set out the Council's strategic direction to prevent homelessness, provide assistance and advice to those threatened with homelessness and enable a move onto independent living to reduce instances of repeat homelessness. He reported that the Council worked in partnership across the city to achieve these aims. He advised that the proposed Strategy would provide a whole City approach to achieving the four key priorities of Prevention, Intervention, Recovery and Partnership.

Cabinet Members were advised that it was vital that the Homelessness Reduction and Sleeping Rough Strategy remained current, relevant, and able to adapt to changes in the housing environment. To enable this, strong governance arrangements would be put in place and this structure was outlined within the report.

Councillor Farthing reported that whilst she supported the Strategy, it would be even better if all neighbouring authorities across the region adopted a regional protocol which had been risk managed to prevent crime, particularly when housing homeless residents across authority boundaries. She gave an example of burglaries being committed by a homeless person from another authority area who had been placed in accommodation in Washington and the impact this had had on a Washington resident. She advised that the protocol should be risk assessed on RAG ratings and homeless people should not be placed into areas where they would be tempted to offend.

Councillor Chequer welcomed that the Strategy supported the Housing Strategy and also took into consideration the potential complex needs of individuals including domestic violence situations and health. She advised that assessing these needs would lead to improved access to health and mental health services. She commended the consultations with individuals, with lived experiences particularly during the cost of living crisis, to inform the Strategy.

Councillor Scott also commented that it was an excellent report and Strategy with homelessness prevention being at the heart of the Strategy.

Councillor Johnston assured Cabinet Members that the issue of making placements out of areas was discussed regionally. He advised that Section 208 notices were required to be as detailed as possible to allow neighbouring authorities to fully risk assess matters and ensure vulnerable residents were assisted in their time of greatest need. He thanked the officers and partner organisations who had been involved in the development of the Strategy.

The Chair having thanked the Portfolio Holder and officers for the work already being undertaken which would address some of the comments raised by Councillor Farthing, it was:-

7. RESOLVED that:-

- (i) the Homelessness Reduction and Sleeping Rough Strategy 2023 – 2028 be approved and adopted; and

- (ii) the Executive Director of Health, Housing and Communities, in consultation with the Portfolio Holder of Dynamic City, be authorised to review this Strategy annually and make any minor amendments as deemed required.

Variations to Public Health contract prices arising from the Agenda for Change pay deal

The Executive Director of Health, Housing and Communities submitted a report (copy circulated) to seek approval to vary Public Health contracts held by NHS Providers by uplifting prices to cover increased staffing costs arising from the national pay settlement for staff who were subject to NHS Agenda for Change Terms and Conditions.

(For copy report – see original minutes).

Councillor Chequer highlighted that in order to meet its responsibility for improving the health of the population in Sunderland, the Council commissioned a range of Public Health functions from NHS providers that operated in the city. She reported that these providers were funded via the Public Health Grant, which was allocated to the Council annually by the Department of Health and Social Care.

Cabinet Members were advised that NHS staff were predominantly subject to Terms and Conditions of employment that were known as “Agenda for Change.” Whilst the proportion of staff employed under these terms and conditions varied between contracts, each contract had incurred some level of costs associated with the salary increases arising from Agenda for Change pay deals agreed in 2021/2022 and 2022/2023.

Councillor Chequer reported that the costs of the 2021/2022 NHS Agenda for Change pay award were met via central NHS funding in-year and again in 2022/2023, with the expectation that local authorities were required to plan for funding these costs on a recurrent basis from 1st April 2023. She advised that in 2022/2023 the Public Health Grant for Sunderland was increased by 2.81%, which equated to a cash term increase of £687,407. She explained that the grant determination letter set out that the additional costs associated with increased salaries arising from the Agenda for Change pay deal should be funded by the increase to the Public Health Grant.

The attention of Cabinet Members was drawn to the final recommendation of the NHS Pay Review Body announced after the publication of the details of the Public Health Grant, which was above the 2.81% uplift applied to the 2022/2023 Public Health Grant. In response, NHS Trusts had received an additional funding allocation on a non-recurrent basis via Integrated Care Boards, equating to 1.66% i.e. the balance of funding for the pay award in 2022/2023. Local authorities which commissioned NHS services needed to plan for funding the full costs of the 2022/2023 pay award locally on a recurrent basis from 1st April 2023.

Councillor Chequer reported that increasing Public Health contract prices for those contracts which included staff who were subject to NHS Agenda for Change Terms and Conditions was consistent with the conditions of the Public Health Grant. She added that it would also help ensure the stability and sustainability of those Public Health contracts in Sunderland.

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

8. RESOLVED that the Executive Director of Health, Housing and Communities, in consultation with the Director of Finance and the Portfolio Holder for Healthy City, be authorised to undertake the necessary steps to vary the relevant Public Health contracts with effect from 1 April 2022 to cover increased staffing costs arising from the national pay settlement for staff who are subject to NHS Agenda for Change Terms and Conditions.

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

At the instance of the Chairman, it was: -

9. 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.

