

CITY HALL,
SUNDERLAND.
3 November 2023

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 15 NOVEMBER 2023** at **4.00pm** 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 on 13 September 2023 (copy attached). | 1 |
| 4. | Receipt of Declarations of Interest (if any). | - |
| 5. | Announcements (if any) under Rule 2(e). | - |
| 6. | To consider the Outstanding Motions from the last ordinary meeting of the Council held 13 September 2023 (copy attached). | 21 |
| 7. | Reception of Petitions. | - |
| 8. | Written Questions by Members of the Public (if any) under Rule 10. | - |

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| 9. Written Questions by Members of the Council (if any) under Rule 11. | - |
| 10. Report of the Cabinet (copy attached). | 25 |
| 11. Report of the Standards Committee (copy attached). | 91 |
| 12. To consider a report on action taken on petitions (copy attached). | 121 |
| 13. To consider the following reports: - | |
| (i) Report on Special Urgency Decisions – report of the Leader (copy attached). | 125 |
| (ii) Appointments to Committees and Outside Bodies – report of the Assistant Director of Law and Governance (copy attached). | 129 |
| 14. To consider the attached Motions (copy attached). | 133 |



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://youtube.com/live/ygsx0ij10uU?feature=share>

Minutes

Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the COUNCIL CHAMBER, CITY HALL, SUNDERLAND on WEDNESDAY 13 SEPTEMBER 2023 at 4.00pm

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

Councillors	Ali	Gibson	Miller, G	Snowdon, D E
	Ayre	Graham-King	Mordey	Speding
	Blackburn	Guy	Morrissey	Stewart
	Bond	Haque	Mullen	Thornton
	Burnicle	Hartnack	Nicholson	Trueman, H
	Burrell	Haswell	O'Brien	Tye
	Butler	Heron	Peacock	Usher
	Chapman	Herron	Price	Vera
	Chequer	Hodson	Reed	Walker, M
	Crosby	Hunter	Rowntree	Walker, P
	Curtis	Johnston, K	Samuels	Walton
	Dixon	Johnston, S	Scanlan	Warne
	Dodds	Jones	Scott	Williams
	Donaghy	Laverick	Smith, A	Wilson
	Dunn	Leonard	Smith, G	Wood
	Edgeworth	Mason-Gage	Smith, P	
	Foster	Miller, F	Snowdon, D	

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 Fagan, Fletcher, Laws, McKeith, Potts and Watson together with Honorary Alderman Tate

Variation of Order of Business

It was moved by Councillor Mullen and duly seconded by Councillor Reed, that the order of business of the meeting be varied pursuant to Council Procedure Rule 13 to allow the following items of business to be heard at this juncture: -

Item 17, Motions on Notice - (ii. Notice of Motion – Sunderland City Council's Summer of Failures), and Item 8, Reception of Petitions.

- 14. RESOLVED that** the order of business of the agenda be varied pursuant to Council Procedure Rule 13 to allow the items to be considered during the timeframe set for the meeting and to allow members of the public attending specifically for those items to leave thereafter.

At this juncture, Councillor Chequer declared an interest in the above items as a Trustee of Grace House. Councillor K Johnston also declared an interest in the items. Councillors Chequer and K Johnston left the meeting during consideration of the items taking no part in any debate or decision thereon.

Motions on Notice

(ii) Sunderland City Council's Summer of Failures

Councillor S Johnston, duly seconded by Councillor Reed, moved the following motion: -

"This Council recognises that it has a responsibility to provide high-quality services to residents of Sunderland, Washington and the Coalfields and, therefore:

- Its actions affect how residents feel about living in the city.
- It represents the city on the national and international stage and must ensure that its actions promote the city in a positive light.

Therefore, Council regrets the reputational damage done to the city by its actions over the summer as a consequence of:

- Its failure of vulnerable residents and their families by not ensuring that respite services continue to operate at Grace House. This problem is compounded by the Council's inability to secure suitable alternative provision.
- The total lack of commentary from the Council's leadership to reassure residents concerned about the loss of the city centre cinema and the Wilko store
- Its failure to provide adequate leadership at, or show due concern following, the World Triathlon Championship Series event, where at least 88 athletes fell ill after competing.

Council resolves:

- That the Leader of the Council should write letters to the families devastated by the Grace House closure, apologising for the authority's failures and detailing how he plans to resolve the situation.
- That the Leader will set up a cross-party city centre working group which will engage with businesses and leisure providers to address concerns relating to the loss of retail and leisure opportunities.
- That the Leader should write an open letter to competitors at the triathlon, apologising for the Council's failure to ensure that they had a positive experience while competing in the city and for his lack of compassion in his initial media remarks following their illness."

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

Councillors	Ayre	Dunn	Johnston, S	Vera
	Bond	Edgeworth	Morrissey	Walton
	Burnicle	Graham-King	Mullen	Wood
	Crosby	Hartnack	Peacock	
	Dixon	Haswell	Reed	
	Donaghy	Hodson	Trueman, D	

43 Members voting against: -

Councillors	Ali	Heron	Price	Stewart
	Blackburn	Herron	Rowntree	Thornton
	Burrell	Hunter	Samuels	Trueman, H
	Butler	Jones	Scanlan	Tye
	Chapman	Laverick	Scott	Usher
	Chisnall	Leonard	Smith, A	Walker, M
	Curtis	Mason-Gage	Smith, G	Walker, P
	Dodds	Miller, F	Smith, P	Warne
	Foster	Miller, G	Snowdon, D	Williams
	Guy	Mordey	Snowdon, D E	Wilson
	Haque	Nicholson	Speding	

And 1 Abstention: -

Councillor Gibson

Reception of Petitions

15. RESOLVED that the petitions listed below submitted by the Councillors named be received and referred to the appropriate Chief Officer for consideration in accordance with the Council's Petitions Scheme: -

Councillor Mullen – Petition asking the Council to urgently review the short break respite provision delivered at Grace House.

Councillor S Johnston – Petition requesting the Council to reduce or remove the charges for memorial benches in Sunderland.

Councillor Graham-King – Petition requesting the closure of West Lodge.

Councillor Walton – Petition requesting the installation of a pedestrian crossing at 3 Whitburn Bents Road.

Councillor M Walker – Petition requesting that action be taken to stop shoplifting in Concord, Washington.

Councillor Mordey – Petition requesting repairs and road safety measures at the junction of Givens Street and Harbour View.

Councillor Hartnack – Petition in opposition to the current planning application in respect of the Halfway House.

Update to Council from Northumbria Police and Crime Commissioner and Chief Constable on Policing in Sunderland

The Northumbria Police and Crime Commissioner, Kim McGuinness and the Chief Constable, Vanessa Jardine addressed the Council on policing matters in the Sunderland area and responded to questions submitted from each Group.

Nb The meeting adjourned for a period of 12 minutes during the above item to allow an attendee to receive medical attention.

Minutes

- 16. RESOLVED** that the minutes of the meeting of the Council held on 14 June 2023 be confirmed and signed as a correct record.

Declarations of Interest

The following Members declared interests as follows: -

Councillors Chequer and K Johnston	Item 17(ii) Notice of Motion – Sunderland City Council’s Summer of Failures, Item 8, Reception of Petitions, Item 9 Written Questions by Members of the Public, Item 10 Written Questions by Members of the Council	Councillor Chequer – Trustee of Grace House
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Announcements

(i) Councillor Ivan Richardson

The Mayor announced that the Council was saddened to learn of the death of former Councillor Ivan Richardson. Councillor Richardson had represented the Washington East Ward between 2008 and 2012 and served on a number of committees as well as being a Governor of John F Kennedy Primary School during his tenure as a councillor. Council Members and Officers stood to observe a minute’s silence as a mark of respect to their former colleague.

(ii) Notice to Speak

The Mayor thanked those Members who have given notice of their wish to speak. She advised that where notice had been given, the Member would be invited to speak at the appropriate time. If any Member who hadn’t given prior notice wished to speak at any point during the meeting, they should raise their hand to indicate, state their name and speak when invited to do so.

Outstanding Motions from the last ordinary meeting of the Council

(i) Notice of Motion - Nuisance motorbikes

Councillor Edgeworth, duly seconded by Councillor Morrissey moved the following motion: -

Sunderland Council notes that:

- It is increasingly common to see motorbikes and quadbikes which do not have a registration plate riding around our area;
- These motorbikes and quadbikes are often being ridden around our parks and open spaces, on pavements and on the public highway;
- Residents of Sunderland, Houghton, Hetton and Washington are experiencing regular disruption as a result of these motorbikes and quadbikes;
- Despite some police resources being committed to dealing with the problem, residents are losing faith in the ability of the police to address the problem;

Sunderland Council therefore resolves to:

- Invite the Cabinet to present an action plan to full council no later than 31st January 2024 detailing how it will restrict access for motorbikes and quadbikes to our parks and opens spaces in problem areas of the city;
- Ask the Chief Executive to write to the Police and Crime Commissioner to ask that more resources are devoted to addressing the issue of motorbike and quadbike antisocial behaviour in Sunderland, Houghton, Hetton and Washington;
- Invite the Police and Crime Commissioner to attend a meeting of Sunderland City Council to report back on the progress being made to address the issue of motorbike and quadbike antisocial behaviour. This invite will be for a meeting which will take place no later than 31st January 2024;
- Ask the Chief Executive to write to the Home Secretary and ask the Government to ensure that local Police are equipped with the powers and the funding necessary to enable them to tackle motorbike and quadbike anti-social behaviour.

The Deputy Leader, Councillor Rowntree, duly seconded by Councillor Stewart, moved the following amendment:-

Fifth bullet point, after “invite the Cabinet”: -

Delete “to present an action plan to full council no later than 31st January 2024” and add “within six months bring forward an action plan”

After “How it will” add “work with our partners to”

Replace “opens” with “open”

Seventh bullet point

Remove “invite” and add “thank”

Remove “to attend a” and replace with “for attending our”

Remove “to report back” and replace with “and reporting back”

Delete “This invite will be for a meeting which will take place no later than 31st January 2024”

So that the amended motion would read: -

“Sunderland Council notes that:

- It is increasingly common to see motorbikes and quadbikes which do not have a registration plate riding around our area;
- These motorbikes and quadbikes are often being ridden around our parks and open spaces, on pavements and on the public highway;
- Residents of Sunderland, Houghton, Hetton and Washington are experiencing regular disruption as a result of these motorbikes and quadbikes;
- Despite some police resources being committed to dealing with the problem, residents are losing faith in the ability of the police to address the problem;

Sunderland Council therefore resolves to:

- Invite the Cabinet within six months to bring forward an action plan detailing how it will work with our partners to restrict access for motorbikes and quadbikes to our parks and open spaces in problem areas of the city;
- Ask the Chief Executive to write to the Police and Crime Commissioner to ask that more resources are devoted to addressing the issue of motorbike and quadbike antisocial behaviour in Sunderland, Houghton, Hetton and Washington;
- Thank the Police and Crime Commissioner for attending our meeting of Sunderland City Council and reporting back on the progress being made to address the issue of motorbike and quadbike antisocial behaviour;
- Ask the Chief Executive to write to the Home Secretary and ask the Government to ensure that local Police are equipped with the powers and the funding necessary to enable them to tackle motorbike and quadbike anti-social behaviour.”

Upon being moved, the amendment was declared to be carried unanimously.

The Mayor read the new Substantive Motion.

The Mayor then put the new substantive motion to the meeting and accordingly it was: -

17. RESOLVED that:-

Sunderland Council notes that:

- It is increasingly common to see motorbikes and quadbikes which do not have a registration plate riding around our area;
- These motorbikes and quadbikes are often being ridden around our parks and open spaces, on pavements and on the public highway;
- Residents of Sunderland, Houghton, Hetton and Washington are experiencing regular disruption as a result of these motorbikes and quadbikes;
- Despite some police resources being committed to dealing with the problem, residents are losing faith in the ability of the police to address the problem;

Sunderland Council therefore resolves to:

- Invite the Cabinet within six months to bring forward an action plan detailing how it will work with our partners to restrict access for motorbikes and quadbikes to our parks and open spaces in problem areas of the city;
- Ask the Chief Executive to write to the Police and Crime Commissioner to ask that more resources are devoted to addressing the issue of motorbike and quadbike antisocial behaviour in Sunderland, Houghton, Hetton and Washington;
- Thank the Police and Crime Commissioner for attending our meeting of Sunderland City Council and reporting back on the progress being made to address the issue of motorbike and quadbike antisocial behaviour;
- Ask the Chief Executive to write to the Home Secretary and ask the Government to ensure that local Police are equipped with the powers and the funding necessary to enable them to tackle motorbike and quadbike anti-social behaviour.”

(ii) Notice of Motion – School Crossing Patrols

Councillor Peacock, duly seconded by Councillor Reed moved the following motion: -

Sunderland City Council has failed to recruit a sufficient number of school crossing patrol wardens to meet the needs of local children and parents.

Notwithstanding the length of time to acquire DBS checks at the enhanced level, Council notes that the role – pro rata, term time and limited hours – will only appeal to a small number of people and, coupled with this, the Council’s recruitment process has been overly complicated for the role, with application packs spanning tens of pages. Creative ways of addressing the problem are required.

The Council therefore resolves to address this by asking the Chief Executive to explore two options and report to HR Committee.

- To create – over time – new, full-time parking enforcement staff whose role will also include undertaking school crossing patrols during term time to work alongside (not to replace) existing crossing patrol staff. When not undertaking crossing patrols, these staff members will then undertake enforcement work relating to parking.
- To consider the possibility of seconding existing members of staff (especially those with enhanced DBS checks) to undertake one crossing patrol per week as part of their existing role as a short-term solution to fill gaps whilst full-time staff are recruited.

Council also notes that there is a greater necessity to pay a market supplement premium to existing crossing patrol staff to maintain their services, rather than to Chief Officers.

Councillor K Johnson, duly seconded by Councillor Williams, moved the following amendment:-

First paragraph

Delete “has failed to recruit” and add “struggles to recruit”

Second paragraph

After “people” delete remainder of the paragraph and add “and that creative ways of addressing the problem are required.”

Third paragraph

Delete “two options and report to HR Committee”

Delete both bullet points and after “explore” add “the possibility of seeking volunteers from existing members of staff (especially those with enhanced DBS checks) to undertake one crossing patrol per week as part of their existing role as a short-term solution to fill gaps whilst staff are recruited.”

Final Paragraph

Delete

So that the amended motion would read: -

Sunderland City Council continues to struggle to recruit a sufficient number of school crossing patrol wardens to meet the needs of local children and parents.

Notwithstanding the length of time to acquire DBS checks at the enhanced level, Council notes that the role – pro rata, term time and limited hours – will only appeal to a small number of people and that creative ways of addressing the problem are required.

The Council therefore resolves to address this by asking the Chief Executive to explore the possibility of seeking volunteers from existing members of staff (especially those with enhanced DBS checks) to undertake one crossing patrol a

week as part of their existing role as a short-term solution to fill gaps whilst staff are recruited.

Upon being put to the vote the Amended motion was carried with 44 Members voting in favour: -

Councillors	Ali	Haque	Nicholson	Speding
	Blackburn	Heron	Price	Stewart
	Burrell	Herron	Rowntree	Thornton
	Butler	Hunter	Samuels	Trueman, D
	Chapman	Johnston, K	Scanlan	Tye
	Chequer	Jones	Scott	Usher
	Chisnall	Laverick	Smith, A	Walker, M
	Curtis	Leonard	Smith, G	Walker, P
	Dodds	Miller, F	Smith, P	Warne
	Foster	Miller, G	Snowdon, D	Williams
	Guy	Mordey	Snowdon, D E	Wilson

And 20 Members voting against:-

Councillors	Ayre	Dunn	Hodson	Peacock
	Bond	Edgeworth	Johnston, S	Reed
	Burnicle	Graham-King	Morrissey	Vera
	Crosby	Hartnack	Mullen	Walton
	Dixon	Haswell	O'Brien	Wood

The Mayor read the new substantive motion.

The Mayor then put the new substantive motion to the meeting and it was: -

18. RESOLVED that:-

Sunderland City Council continues to struggle to recruit a sufficient number of school crossing patrol wardens to meet the needs of local children and parents.

Notwithstanding the length of time to acquire DBS checks at the enhanced level, Council notes that the role – pro rata, term time and limited hours – will only appeal to a small number of people and that creative ways of addressing the problem are required.

The Council therefore resolves to address this by asking the Chief Executive to explore the possibility of seeking volunteers from existing members of staff (especially those with enhanced DBS checks) to undertake one crossing patrol a week as part of their existing role as a short-term solution to fill gaps whilst staff are recruited.

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.

Variation of Order of Business

It was moved by Leader of Council, Councillor G Miller and duly seconded by the Deputy Leader, Councillor Rowntree, that the order of business of the meeting be varied pursuant to Council Procedure Rule 13 to allow agenda items 11 to 16 to be heard at this juncture: -

Upon being put to vote the Motion was carried with 44 members voting in favour: -

Councillors	Ali	Haque	Nicholson	Stewart
	Blackburn	Heron	Price	Thornton
	Burrell	Herron	Rowntree	Trueman, D
	Butler	Hunter	Samuels	Trueman, H
	Chapman	Johnston, K	Scanlan	Tye
	Chequer	Jones	Scott	Usher
	Chisnall	Laverick	Smith, A	Walker, M
	Curtis	Leonard	Smith, P	Walker, P
	Dodds	Miller, F	Snowdon, D	Warne
	Foster	Miller, G	Snowdon, D E	Williams
	Guy	Mordey	Speding	Wilson

And 21 Members voting against: -

Councillors	Ayre	Edgeworth	Johnston, S	Vera
	Bond	Gibson	Morrissey	Walton
	Burnicle	Graham-King	Mullen	Wood
	Crosby	Hartnack	O'Brien	
	Dixon	Haswell	Peacock	
	Dunn	Hodson	Reed	

Accordingly, it was: -

- 19. RESOLVED** that the order of business of the agenda be varied pursuant to Council Procedure Rule 13 to allow specific items to be considered during the timeframe set for the meeting.

Report of the Cabinet

The Cabinet reported and recommended as follows: -

1. Revisions to Constitution – Area Committees

That at its meeting held on 8 June 2023, Cabinet gave consideration to a report of the Executive Director of Health, Housing and Communities recommending that the

Council amend the terms of reference of the Council's Area Committees and make the associated changes to the Constitution.

Accordingly, the Cabinet recommended that Council: -

- (i) approve the changes to the terms of reference of the Council's Area Committees together with the other ancillary changes as set out in the report, with immediate effect; and
- (ii) authorise the Assistant Director of Law and Governance to make the associated amendments to the Constitution as set out in Annex 2 to the report, together with such amendments as may be required to ensure consistency between the updated provisions and the remainder of the Constitution.

The Leader of the Council, Councillor G Miller, duly seconded by the Deputy Leader, Councillor Rowntree, moved the report of the Cabinet.

Upon being put to vote the Motion was carried with 45 members voting in favour: -

Councillors	Ali	Heron	Rowntree	Trueman, D
	Blackburn	Herron	Samuels	Trueman, H
	Burrell	Hunter	Scanlan	Tye
	Butler	Johnston, K	Scott	Usher
	Chapman	Jones	Smith, A	Walker, M
	Chequer	Laverick	Smith, G	Walker, P
	Chisnall	Leonard	Smith, P	Warne
	Curtis	Miller, F	Snowdon, D	Williams
	Dodds	Miller, G	Snowdon, D E	Wilson
	Foster	Mordey	Speding	
	Guy	Nicholson	Stewart	
	Haque	Price	Thornton	

And 21 Members voting against: -

Councillors	Ayre	Edgeworth	Johnston, S	Vera
	Bond	Gibson	Morrissey	Walton
	Burnicle	Graham-King	Mullen	Wood
	Crosby	Hartnack	O'Brien	
	Dixon	Haswell	Peacock	
	Dunn	Hodson	Reed	

Accordingly, it was: -

20. RESOLVED that the report of the Cabinet be approved and adopted.

Report of the Human Resources Committee

The Human Resources Committee reported and recommended as follows: -

1. **Grievance Procedure: Chief Executive/Amendment to Employment Procedure Rules**

That at its meeting held on 14 July 2023, the Committee gave consideration to a report of the Director of Smart Cities and Enabling Services recommending that the Council amend the Employment Procedure Rules to provide for the suspension and disciplinary functions currently assigned to the Human Resources Committee as a whole, to be undertaken by an Investigatory and Disciplinary Panel of three members, convened from the membership of the Human Resources Committee, as set out in the Grievance Procedure: Chief Executive.

The Committee approved the Grievance Procedure subject to an amendment to paragraph 2.6 to provide for the Leader of the Council to be made aware when a grievance is received. In addition, further information on the process of convening the Grievance Panel has been incorporated in an updated version of the Grievance Procedure, which is attached to this report.

Accordingly, the Committee recommended that Council amend the Employment Procedure Rules to provide for the suspension and disciplinary functions currently assigned to the Human Resources Committee as a whole, to be undertaken by an Investigatory and Disciplinary Panel of three members, convened from the membership of the Human Resources Committee, as set out in the Grievance Procedure: Chief Executive.

The Leader of the Council, Councillor G Miller, duly seconded by Councillor Stewart, moved the report of the Human Resources Committee, and it was: -

21. **RESOLVED** that the report of the Human Resources Committee be approved and adopted.

Report of the Standards Committee

The Standards Committee reported and recommended as follows: -

1. **Appointment of Independent Person(s)**

That at its meeting on 12 September 2023, the Committee gave consideration to a report of the Assistant Director of Law and Governance setting out proposals for the recruitment process for the role of Independent Person(s).

Accordingly, the Standards Committee recommended Council to: -

- (i) approve the recruitment process for the role of Independent Person(s) as outlined in the report, (subject to an amendment to paragraph 2.1 to provide that the shortlisting / interviewing panel will include representation from the three Political Groups on the Council) including the proposed approach to the appointment of Mr Hall, should he formally confirm his wish to be considered for appointment for a further term of office;

(ii) following the conclusion of the recruitment process, appoint up to two Independent Persons for terms of two years' duration, which may be extended by the Council for two further two-year terms (i.e. six years in total) and to award an annual allowance of £1,000 and reasonable travel and subsistence expenses in respect of the role;

(iii) extend the current term of office of Mr Hall until the conclusion of the recruitment process and appointment of Independent Person(s) for the new term(s) of office

(iv) authorise the Monitoring Officer to make all associated arrangements.

Councillor Dodds, duly seconded by Councillor Stewart moved the report and supplementary report of the Standards Committee.

Upon being put to vote the Motion was carried with 52 members voting in favour: -

Councillors	Ali	Foster	Miller, F	Snowdon, D
	Ayre	Graham-King	Miller, G	Snowdon, D E
	Blackburn	Guy	Mordey	Stewart
	Burrell	Haque	Mullen	Thornton
	Burnicle	Hartnack	Peacock	Trueman, D
	Butler	Heron	Reed	Trueman, H
	Chapman	Herron	Rowntree	Tye
	Chequer	Hunter	Samuels	Usher
	Chisnall	Johnston, K	Scanlan	Vera
	Curtis	Johnston, S	Scott	Walker, P
	Dixon	Jones	Smith, A	Warne
	Dodds	Laverick	Smith, G	Williams
	Dunn	Leonard	Smith, P	Wilson

No Members voting against: -

And 11 Abstentions: -

Councillors	Bond	Gibson	Morrissey	Walton
	Crosby	Haswell	Nicholson	Wood
	Edgeworth	Hodson	O'Brien	

Accordingly, it was: -

22. RESOLVED that the report and supplementary report of the Standards Committee be approved and adopted.

Report of the Audit and Governance Committee

The Audit and Governance Committee reported and recommended as follows: -

1. **Annual Report on the Work of the Audit and Governance Committee 2022/2023**

That the Audit and Governance Committee had given consideration to a report by the Director of Finance on the work of the Audit and Governance Committee during 2022/2023, demonstrating how they have fulfilled their responsibilities.

Accordingly, the Committee recommended Council to note the Annual Report on the Work of the Audit and Governance Committee 2022/2023.

Councillor Foster, duly seconded by Councillor H Trueman, moved the report of the Audit and Governance Committee and it was: -

- 23. RESOLVED** that the report of the Audit and Governance Committee 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 petition which had been presented to the Council.

1. **Petition – To Include Alston Crescent on Priority Gritting Routes**

A petition signed by 29 residents, was presented to Council on 14 June 2023 by Councillor Peter Walton. The petition read as follows:

“I/we the undersigned call on Sunderland City Council to include Alston Crescent on its list of priority gritting routes.”

Council Officers have considered the petition.

Throughout the summer months preparations for the forthcoming winter season take place and as part of these preparations all the gritting routes are reviewed to establish that they are still fit for purpose and delivering the outcomes that meet our requirements. This includes reviewing any additions or removal of certain roads and streets. Our winter gritting route resources are finite and there are requirements to ensure any routes can be completed within a requisite time and additions to routes will inevitably increase response times. Alston Crescent will be considered alongside any other potential additions as part of this review. Councillor Walton has been advised of the response.

- 24. RESOLVED** that the report be received and noted.

Report on 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.

25. RESOLVED that the report be received and noted.

Appointments to Committees and Outside Bodies

The Assistant Director of Law and Governance submitted a report together with a supplementary report (copy tabled) which informed Council of changes required to the allocation of Committee seats between political groups as a result of the changes to the political balance of the Council together with additional requested changes as set out in the table below.

Committee	Member(s) to be Removed	Member(s) to be Appointed
Human Resources Committee	Cllr O'Brien	Labour Group Nomination to be notified.
Health and Wellbeing Scrutiny Committee	Cllr Potts	Labour Group Nomination to be notified.
Children, Education and Skills Scrutiny Committee	Cllr Curtis	Labour Group Nomination to be notified.
Economic Prosperity Scrutiny Committee	Cllr Mordey Cllr Edgeworth	Cllr Scanlan Independent Nomination to be notified
Joint Consultative Committee	Cllr Potts	Independent Nomination to be notified.
Supportive Parenting Partnership	Cllr Gibson Cllrs Bond and Fagan (Substitutes)	Independent Nomination to be notified. Cllr Gibson (Substitute)
Audit and Governance Committee	Cllr Nicholson	Cllr Crosby
Licensing and Regulatory Committee	Cllr S Johnston	Cllr Ayre
Planning and Highways Committee	Cllr Nicholson	Cllr Haswell
Education (Appointment of Governors) Panel	Cllr Nicholson	Cllr Bond
Outside Bodies		
St Luke's Neighbourhood Trust	Cllr Nicholson	Cllr Haswell
Sunderland and Durham Royal Society for the Blind	Cllr Butler	Cllr Scanlan

The Leader of the Council advised that Labour Group nominations in respect of the Human Resources Committee, the Health and Wellbeing Scrutiny Committee and

the Children, Education and Skills Scrutiny Committee would be considered at the November meeting of Council.

Councillor Nicholson nominated Councillor Donaghy to fill the vacancies allocated to the Independent members.

The report and supplementary report having been moved by the Leader of the Council, Councillor G. Miller and duly seconded by the Deputy Leader, Councillor Rowntree, it was: -

26. RESOLVED that approval be given to: -

- (i) the removal of Councillor O'Brien from the Human Resources Committee,
- (ii) removal of Councillor Potts from the Health and Wellbeing Scrutiny Committee,
- (iii) the removal of Councillor Curtis from the Children, Education and Skills Scrutiny Committee,
- (iv) the appointment of Councillor Scanlan in place of Councillor Mordey and the appointment of Councillor Donaghy in place of Councillor Edgeworth to the Economic Prosperity Scrutiny Committee,
- (v) the appointment of Councillor Donaghy to the Joint Consultative Committee in place of Councillor Potts,
- (vi) the appointment of Councillor Donaghy to the Supportive Parenting Partnership in place of Councillor Gibson and the appointment of Councillor Gibson as a substitute and the removal of Councillors Bond and Fagan as substitutes,
- (vii) the appointment of Councillor Crosby to the Audit and Governance Committee in place of Councillor Nicholson,
- (viii) the appointment of Councillor Ayre to the Licensing and Regulatory Committee in place of Councillor S Johnston,
- (ix) the appointment of Councillor Haswell to the Planning and Highways Committee in place of Councillor Nicholson,
- (x) the appointment of Councillor Bond to the Education (Appointment of Governors) Panel in place of Councillor Nicholson,
- (xi) the appointment of Councillor Haswell to the St Luke's Neighbourhood Project in place of Councillor Nicholson; and
- (xii) the appointment of Councillor Scanlan to the Sunderland and Durham Royal Society for the Blind in place of Councillor Butler.

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

(Signed) D. TRUEMAN
Mayor

***Motions on Notice
Outstanding from the Last
Ordinary Meeting of the
Council***

MOTIONS ON NOTICE OUTSTANDING FROM THE LAST ORDINARY MEETING OF THE COUNCIL

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

1. Notice of Motion – Starting to Solve the Sunderland Sewage Problem for Good

This Council remains concerned about the impact of dumping of raw sewage and other faecal matter into the River Wear and the North Sea off Roker, Seaburn and Hendon beaches can have on the health and wellbeing of bathers and on the reputation of Sunderland as a visitor destination.

Council therefore agrees to:

Ask the Cabinet to produce a report outlining what steps the Council could take to better protect the health and safety of anyone taking part in activities in the River Wear and/or the water off beaches in Sunderland; and report back to full Council.

Ask the Cabinet to consider commissioning a full independent investigation and survey of the sewage system and outflows into the North Sea and River Wear in Sunderland; and report back to full Council.

Proposer: Councillor Malcolm Bond
Secunder: Councillor Paul Gibson

2. Notice of Motion – In Recognition of Our Key Workers

This council notes that:

- On the 23rd March 2020 the then Prime Minister, Boris Johnson, announced the first national lockdown during a televised address to the nation. It was the day the seriousness of the Covid Pandemic finally registered with the nation.
- The Prime Minister's comments that "we will turn the tide of coronavirus in 12 weeks" proved wildly inaccurate with the number of deaths caused by the virus now approaching 200,000 people, more than 1270 sadly from Sunderland.
- The 3 lockdowns instigated by the Government in their attempts to limit the number of deaths during the pandemic were only possible through the courageous actions, and sadly in some cases sacrifice, of Key Workers in areas such as health and social care, education, food retail sector, key public services, local government and many more.

This council will take a proactive approach to ensure that these Key Workers within our communities are not forgotten, through:

- Promoting within Sunderland the notion of an annual “Key Worker Day” in recognition of the many residents of this City who risked themselves to ensure we could all remain safe during the pandemic.
- Discuss with our trade union colleagues on an appropriate date for the first annual Key Worker Day to be held no later than 31st March 2024 and actively promote this with our partners.
- Consulting via the Budget-setting process, on the introduction of an additional day of annual leave for Council staff from 2024/25 financial year in recognition of the service they have provided to our residents during the pandemic.

Proposer Councillor Sean Laws
 Secunder Councillor Beth Jones

Additional Signatories

Cllr Graeme Miller	Cllr Michael Mordey	Cllr Jimmy Warne
Cllr Claire Rowntree	Cllr Alex Samuels	Cllr Iain Scott
Cllr Kevin Johnston	Cllr Catherine Hunter	Cllr Joanne Chapman
Cllr John Price	Cllr Linda Williams	Cllr Dianne Snowdon
Cllr Alison Smith	Cllr Paul Stewart	Cllr Michael Butler
Cllr Usman Ali	Cllr Fiona Miller	Cllr Alison Chisnall
Cllr John Usher	Cllr Ehtesham Haque	
Cllr Phil Tye	Cllr Peter Walker	
Cllr Juliana Heron	Cllr Kelly Chequer	

Report of the Cabinet

The CABINET reports and recommends as follows:-

1. Feed and Food Law Service Plan 2023-2026

That at its meeting held on 7 September 2023, Cabinet gave consideration to a report of the Executive Director of City Development (copy attached) on the Feed and Food Law Service Plan 2023-2026 to be used by the Authority to undertake all relevant Food and Food Safety Enforcement across the city and has been formulated to comply with the current recommendations of the Food Standards Agency Framework Agreement.

They also referred the matter to the Economic Prosperity Scrutiny Committee for advice and consideration. The Committee commended the hard work of the staff during the year and supported the Cabinet's recommendation to submit the Feed and Food Law Service Plan for 2023/2026 to Council for final approval.

Cabinet also authorised the Executive Director of City Development, in consultation with the Clean, Green City Portfolio Holder, to make any amendments to the plan which were considered appropriate in the light of comments from the Economic Prosperity Scrutiny Committee, and prior to the plan being referred to the Council for approval.

Accordingly the Cabinet recommended that Council: -

- (i) approve the Feed and Food Law Service Plan 2023-2026; and
- (ii) delegate authority to the Executive Director of City Development, in consultation with the Clean, Green City Portfolio Holder, to update the Plan during its three year term, on the basis referred to in paragraph 4.6 of the Cabinet report.

2. Budget Planning Framework and Medium Term Financial Plan 2024/2025 – 2027/2028

That at its meeting held on 12 October 2023, Cabinet gave consideration to a report of the Director of Finance which:

- Identified the key factors influencing the development of the Council's financial plans into the medium term and set out the budget planning framework for the Council for 2024/2025;
- Set out the headlines and context for the Medium Term Financial Plan (MTFP) 2024/2025 to 2027/2028; and
- Set out the consultation / communication strategy for the budget 2024/2025.
- Sought a recommendation to Council for the approval of the updated Capital Strategy.

In accordance with the Council's Budget and Policy Framework Council,

approval is required for changes to the Council Capital Strategy and an extract from the report on the Capital Strategy Update – 2023/2024 is attached.

The report was also considered by the Scrutiny Coordinating Committee on 12 October 2023. The comments of the Committee will be considered by the Cabinet at its meeting on 9 November 2023.

The comments of the Scrutiny Coordinating Committee and the Cabinet's recommendations to Council will be set out in a supplementary report.

**CABINET MEETING – 7 September 2023
EXECUTIVE SUMMARY SHEET – PART I**

Title of Report:

Feed and Food Law Service Plan 2023-2026

Author(s):

Executive Director of City Development

Purpose of Report:

To inform Cabinet of the Feed and Food Law Service Plan for 2023-2026

Description of Decision:

Cabinet is recommended to:

- a. provide comment on the 2023-2026 Feed and Food Law Service Plan (Appendix 1), which will then be referred to Economic Prosperity Scrutiny Committee for their consideration;
- b. authorise the Executive Director of City Development, in consultation with the Clean, Green City Portfolio Holder, to make any amendments to the plan that are considered appropriate in the light of comments from the Economic Prosperity Scrutiny Committee, and prior to the plan being referred to Council for approval; and
- c. ask Council to delegate authority to the Executive Director of City Development, in consultation with the Clean, Green City Portfolio Holder, to update the Plan during its three year term, on the basis referred to at paragraph 4.6 of this report.

Is the decision consistent with the Budget/Policy Framework?

Yes

If not, Council approval is required to change the Budget/Policy Framework.

Suggested reason(s) for Decision:

To provide local transparency of regulation and accountability and hence facilitate compliance with the guidance of the Food Standards Agency.

The Council has a statutory duty to enforce legislation relating to food. The Food Standards Agency Food Law Code of Practice (England) June 2023 details the minimum training and qualification requirements for officers authorised by Food Authorities to undertake food enforcement work. Food Authorities that do not have regard to relevant provisions of this Code may find their decisions or actions successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by a court.

Alternative options to be considered and recommended to be rejected:

The option of not producing Feed and Food Law Service Plan would place the Council at risk of receiving criticism in the event of an audit by the Food Standards Agency. It would also weaken the reputation of the Council and our ability to enforce regulations with regard to matters of food safety. It has been discounted on these grounds.

Impacts analysed;

Equality Privacy Sustainability Crime and Disorder

Is the Decision consistent with the Council's co-operative values? Yes

Is this a "Key Decision" as defined in the Constitution? Yes

Is it included in the 28 day Notice of Decisions? Yes

FEED AND FOOD LAW SERVICE PLAN 2023-2026

REPORT OF THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

1. Purpose of the Report

1.1 To inform Cabinet of the Feed and Food Law Service Plan for 2023-2026.

2. Description of Decision

Cabinet is recommended to:

- a. provide comment on the 2023-2026 Feed and Food Law Service Plan (Appendix 1), which will then be referred to Economic Prosperity Scrutiny Committee for their consideration;
- b. authorise the Executive Director of City Development, in consultation with the Clean, Green City Portfolio Holder, to make any amendments to the draft plan that are considered appropriate in the light of comments from the Economic Prosperity Scrutiny Committee, and prior to the plan being referred to Council for approval; and
- c. ask Council to delegate authority to the Executive Director of City Development, in consultation with the Clean, Green City Portfolio Holder, to update the Plan during its three year term, on the basis referred to at paragraph 4.6 of this report.

3. Introduction/Background

- 3.1 The Food Standards Agency (FSA) is an independent government department responsible for food safety and hygiene across the United Kingdom. It works with businesses to help them produce safe food and with local authorities to enforce food safety regulations.
- 3.2 The FSA has produced a Framework Agreement on Official Feed and Food Law Controls by Local Authorities. The Agreement sets out what the FSA expects from local authorities in their delivery of feed and food law.
- 3.3 Part of the Agreement contains specific service planning guidance. It ensures that key areas of enforcement covered by the Feed and Food Law Enforcement Standard are included within local service plans, whilst allowing scope for flexibility and the inclusion of any locally defined objectives.
- 3.4 The FSA requires a Local Authority's proposed service plans to be submitted to the relevant Member forum to recommend approval to ensure local transparency and accountability.

4. Current Position

- 4.1 Acknowledging the challenges of the COVID pandemic on the delivery of our Food Services, the FSA accordingly developed a Recovery Plan, which deviated from the inspection programme detailed within the Food Law Code of Practice, allowing local authorities to concentrate on sector specific official controls, and controls to support trade and enable export. The Recovery Plan covered the period September 2021 to March 2023.
- 4.2 Now that the recovery plan has come to an end, the new Feed and Food Service Plan for 2023/2026 has been refreshed to reflect the new Council structure and to comply with the recommendations of the FSA's Framework Agreement, a document which sets out how local authorities are monitored by the FSA.
- 4.3 Service plans developed under the Framework Agreement provide the basis on which local authorities are monitored and audited by the Agency under The Food Standards Act 1999 and Official Feed and Food Controls Regulations.
- 4.4 The Feed and Food Law Service Plan in Sunderland is the primary document for Feed and Food Safety Enforcement across the city.
- 4.5 The plan indicates how the authority intends to undertake all relevant Feed and Food Safety Enforcement across the city to safeguard public health and protect the interests of consumers in relation to food.
- 4.6 Previously, and before the covid pandemic, the Feed and Food Law Service Plan has been submitted to Council for approval on an annual basis. There is however no legal or regulatory requirement for the Plan to be approved in this way, and the current approval process is such that by the time a plan is formally agreed by Council, there may only be 6 to 8 months remaining in the year before a new plan needs to be prepared and submitted for approval. As such, it is considered appropriate to adopt a new Plan with a 3-year term, and to seek delegated authority from Council to allow the Executive Director of City Development to update the annual statistical information that forms part of the Plan in each subsequent year, and to make any changes that may be required by law during the 3-year term of the Plan. The next substantively new Feed and Food Law Service Plan will then be submitted to Council for approval in 2026, in accordance with the Article 4 procedure detailed below.
- 4.7 The plan is an "Article 4" Plan, which forms part of the Council's Policy Framework and as such, has also been referred to Economic Prosperity Scrutiny Committee for comments. It is recommended that the Executive Director of City Development, in consultation with the Clean, Green City Portfolio Holder, be authorised to make any changes that are considered appropriate in the light of the Scrutiny Committee's comments, prior to referral of the Plan to Council.
- 4.8 The Plan will be benchmarked across the region to determine best practice for local accountability and future approval mechanisms.

5. Reason for Decision

- 5.1 The reason for the decision is to provide local transparency of regulation and accountability and hence facilitate compliance with the guidance of the Food Standards Agency.
- 5.2 The Council has a statutory duty to enforce legislation relating to food. The Food Standards Agency Food Law Code of Practice (England) June 2023 details the minimum training and qualification requirements for officers authorised by Food Authorities to undertake food enforcement work. Food Authorities that do not have regard to relevant provisions of this Code may find their decisions or actions successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by a court.

6. Alternative Options

- 6.1 The option of not producing Feed and Food Law Service Plan would place the Council at risk of receiving criticism in the event of an audit by the Food Standards Agency. It would also weaken the reputation of the Council and our ability to enforce regulations with regard to matters of food safety. It has been discounted on these grounds.

7. Impact analysis

- a. **Equalities** there are no equalities implications because of this decision. Equalities are embedded within the national framework with which the Feed and Food Law Service Plan complies.
- b. **Financial Implications** – Financial provision for the delivery of the Feed and Food Law Service Plan is included within the relevant service revenue budget for 2023/2024 and the Medium Term Financial Plan.
- c. **Legal Implications** - the Council has a statutory duty to conduct a range of food and feed enforcement functions in accordance with the provisions of the Food Safety Act 1990, and regulations made under the Act. The Council acts as the 'Competent Food/Feed Authority' as required by the FSA.

The proposed 2023-26 Feed and Food Law Service Plan is consistent with the expected standards and recommendations as detailed in the Food Standard Agency's current Code of Practice and Framework Agreement.

8. List of Appendices

Appendix 1 – Feed and Food Law Service Plan of Public Protection and Regulatory Services for 2023-2026.

9. Background Papers

[Framework Agreement on Official Feed and Food Controls by Local Authorities](#)

Appendix 1

Feed and Food Law Service Plan 2023/26

FOOD AND FEED LAW SERVICE PLAN 2023/2026

Document Reference:	FC04	Document Date:	01.06.2023		
Document Prepared by:	Colin Rudd Lead Food Officer	Document Approved By:	Marion Dixon Assistant Director Regulatory Services		
Review Date:	01.06.2026				
Reviewed by:					
Document Summary:	<p>Sunderland City Council fulfils its responsibilities as a designated Food Authority through the food hygiene and food standards work delivered by its Food and Food Safety Team. This food and feed law service plan demonstrates the Council's commitment to fulfil statutory obligations by providing an effective food service which safeguards public safety in respect of food, drink and feeding stuffs which is produced, prepared or sold within the City.</p>				

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Introduction

This plan sets out how Sunderland City Council, through its Environmental Health Food Safety Team, will deliver food hygiene and food standards work throughout the City to ensure that consumers can be confident that the food that they buy and consume is safe, detailing how the Council will meet its responsibilities as a designated Food Authority under the European Communities Act 1972, the Food Hygiene (England) Regulations 2013 and the Food Safety Act 1990.

Delivery of the plan also aims to ensure that there is a fair and level playing field for all food business operators, by supporting the principles of Better Regulation and ensuring that national priorities and standards are addressed and delivered locally.

The structure of the plan follows the requirements contained within the Framework Agreement on Local Authority Food Law Enforcement and the Code of Practice published by the Food Standards Agency (FSA). The Codes of Practice require that the Council has in place:

- a risk-based intervention programme for food hygiene, food standards and feed enforcement,
- adequate management systems and procedures for:
 - the investigation of food and feed safety incidents and complaints,
 - for inspecting and sampling of foods,
 - for investigation of cases of food-related infectious disease and control of outbreaks, and
 - for the provision of advice and guidance to food and feed businesses.

1. Service Aims and Objectives

1.1 Aims and objectives

The most significant aims of the Environmental Health Food Safety Team (“the Service”) - are to

- *protect, and where possible improve, the health and wellbeing of all residents, employees and visitors within the City in relation to food safety matters and,*
- *to protect the health and welfare of livestock and prevent the outbreak of animal disease in relation to animal feed.*

The Service objectives are to:

- secure compliance with food safety law having regard to official codes of practice; in particular by carrying out food safety interventions (activities that are designed to monitor, support and increase food law compliance within a food establishment) in accordance with minimum frequencies and to standards determined by the Food Standards Agency (“the FSA”);
- protect-consumers from the potential dangers of suspect or contaminated food; particularly those which may result in foodborne infections;
- assist in the control and prevention of the spread of foodborne diseases and illness by improving food safety standards throughout the food chain;
- ensure so far as is reasonably practicable that food is safe to eat and free from extraneous matter;
- improve levels of compliance with food safety law within the business community, by targeting advice and enforcement to non-compliant businesses, and through the effective use of intelligence;
- increase the knowledge of food handlers, food managers and the general public about the principles and practice of food hygiene and food safety management;
- support the raising of standards and enabling improved food hygiene rating scores under the National Food Hygiene Rating Scheme by improving the knowledge of food business operators;
- respond to and investigate Food Standards Agency ‘Food Alerts and Allergy Alerts for Action’ in accordance with published guidance where these impact upon food originating or traded within the City;

- proportionately enforce relevant legislation in accordance with the principles of 'Better Regulation' and having regard to the Public Protection and Regulatory Services Enforcement Policy;
- investigate all notified cases of foodborne disease, and outbreaks of food poisoning, taking effective action to control the spread of infection;
- maintain an accurate register of food businesses in Sunderland;
- inspect ships visiting the Port of Sunderland in accordance with current guidance;
- inspect premises which present the highest potential risk for contamination of the feed chain;
- conduct on farm visits in order to examine primary production and animal feeding;
- investigate complaints about feed and, where necessary, take samples;
- provide guidance to people supplying material into the feed chain and to new livestock keepers.

1.2 Links to corporate objectives and plans

The [City Plan](#) sets out the vision for the Council and outlines its strategic direction up to 2030. The City Plan provides the blueprint for all partners and communities to work together to achieve shared economic and social ambitions for Sunderland enabling the city (and its people) to achieve their full potential. In doing so it highlights three key priorities in its aspiration to be a **dynamic, healthy and vibrant** city.

The city's people and communities are at the heart of the Council's vision and delivery of this Feed and Food Law Service plan will contribute positively to achieving the aspirations set out in the City Plan by, among other means:

- ensuring the protection of public health through inspection and education activity;
- ensuring good levels of animal feed safety and protecting the livestock of local farms from contaminants in their feed that could harm the health and welfare of the animals and/or the public consuming the meat products; and
- proportionate enforcement which provides a fair and equitable trading environment in which businesses can develop and be protected from those who fail to comply with the law.

The Council's primary priorities underpin the work of the Environmental Health Food Safety Service and have, in conjunction with national, regional, statutory and non-statutory objectives informed this service plan and will continue to guide future workplans and proactive interventions with businesses.

1.3 Performance Management – Directorate Service Plans and Reporting –

The work of the Service is closely reviewed in accordance with the Council's and Directorate performance management systems. Activities reported quarterly include:

- Number of Food Safety Service Requests received in period
- Number of Food Safety Service Requests completed in period
- Number of Food Safety Service Requests responded to in five working days
- Percentage of Food Safety Requests responded to in five working days
- Number of cases of foodborne diseases investigated in period (based on incoming requests)
- Number of food outlets with a Food Hygiene Rating of 5* at the end of the period
- Percentage of food outlets with a Food Hygiene Rating of 5* at the end of the period
- Number of food outlets with a Food Hygiene Rating of 3* or 4 at the end of the period (compliant)
- Percentage of food outlets with a Food Hygiene Rating of 3* or 4 at the end of the period (compliant)
- Number of food outlets with a Food Hygiene Rating of 2* or less at the end of the period (non-compliant)
- Percentage of food outlets with a Food Hygiene Rating of 2* or less at the end of the period (non-compliant)
- Number of planned food premises inspections scheduled to be carried out in the period
- Number of planned food premises inspections actually carried out in period
- Number of new food registrations in period
- Number of new premises inspected

2. Background

2.1 Profile of the Local Authority

Sunderland is located within the North East of England and is bounded by: County Durham to the south and west; Gateshead to the north west; South Tyneside to the north; and the North Sea to the east.

Sunderland City Council is a Unitary Council serving an area of 137 square kilometres and has a population of around 283,500 people resident in some 121,000 households. The city also has a resident student population, due to the presence of the University of Sunderland, which is spread across two

campuses. The University of Sunderland has over 9,000 full-time students enrolled.

The City principally comprises 5 urban areas (and 25 wards);

- North Sunderland
- Urban Core (which include the city centre)
- South Sunderland
- Coalfield
- Washington

Each urban area comprises a mix of residential and economic sub areas of varying size and ratios. Whilst there are many types of food premises located throughout each urban area, the highest proportion of premises category is hot food takeaways, with 17 of the 25 wards within the city having a higher proportion of outlets per head of population than the national average (Core Strategy and Development Plan 2015-2033). Policy VC4 therefore commits to greater management of the development of premises to be used as a hot food takeaway. This corporate commitment will be supported by the Food and Food Safety Team in respect of driving up operational standards.

Additionally, the city has a number of ad hoc relevant and economic assets in the Port of Sunderland located in South Sunderland and a small number of farms surround the urban population centres.

2.2 Organisational Structure

The Council is composed of 75 councillors within 25 wards. Governance is through the Leader and Cabinet model.

This Feed and Food Controls Service Plan is delivered by staff from Public Protection and Regulatory Services within the City Development Directorate. The service operates within the remit of the Clean, Green City Portfolio and works closely with the Portfolio Holder and Deputy Cabinet Member.

Public Protection and Regulatory Services (PPRS) deliver the Environmental Health, Trading Standards and Licensing functions on behalf of the Council. The Regulatory Compliance Manager within PPRS reports directly to the Assistant Director of Regulatory Services within the City Development Directorate on matters including feed and food control.

The Principal Environmental Health Officer within the Commercial Team is the Lead Food Officer and has specialist responsibility for food hygiene and standards matters.

The Principal Trading Standards Officer has specialist responsibility for feed matters.

The day to day work of the team is delivered by a mix of Environmental Health, Trading Standards and Compliance Officers, with delegated authority to act, relative to their individual competency level and skill set.

The basic relevant organisational structure is illustrated in Figure 1 below

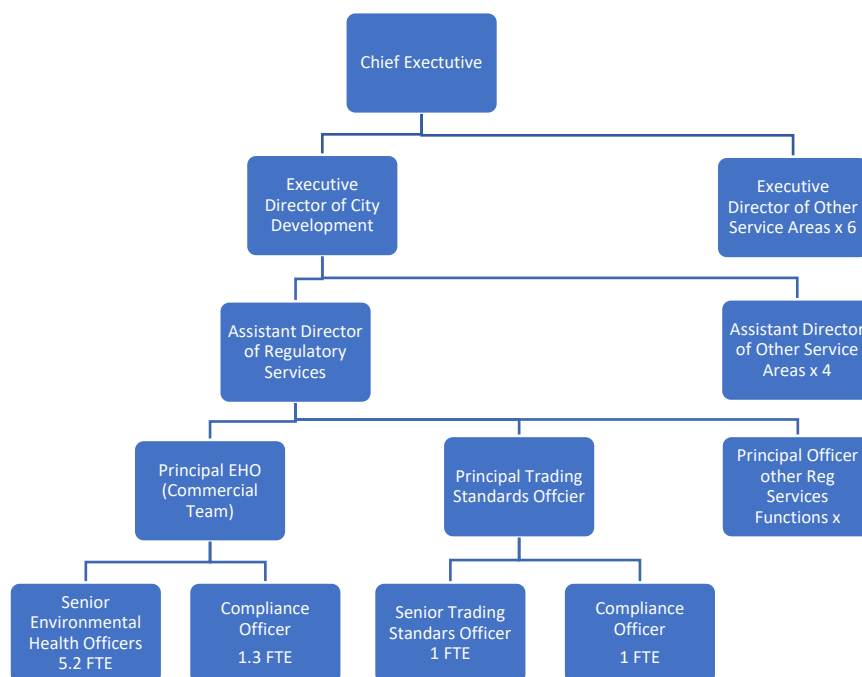


Figure 1 - Management Structure (July 2023)

2.3 Scope of the Food and Feed Service

As a Unitary Authority, Sunderland City Council is responsible for the full range of duties required by European and National food law that relate to food hygiene and food standards. Activities relating to food and feed in the City are undertaken by the Environmental Health and Trading Standards teams.

The Environmental Health Food Safety Team undertake a programme of food hygiene and standards interventions to check and monitor compliance with legal responsibilities, as well as responding to requests for service about food and hygiene at food premises

The service supports the operation of the National Food Hygiene Rating scheme and promotes 'Safer Food Better Business' in undertaking work to drive up standards and compliance in food premises

Sampling of foodstuffs, both microbiological and compositional, is also undertaken, in addition to the investigation and control of sporadic cases of food poisoning and food-borne disease and other relevant infections, including the investigation and control of food poisoning outbreaks

A register of food business establishments is also maintained by the service. Officers respond to Port Health requests for Ship Sanitation Certificates required under International Health Regulations 2005.

The City has a small agricultural sector, principally arable with a few livestock holdings. The Trading Standards team carries out the enforcement of primary production and feeding stuffs legislation and provides advice to farmers and

retailers. The Trading Standards team also have some responsibility for food standards.

In addition to the expertise provided by officers within the Commercial and Trading Standards Teams, the Council uses the specialist services of; the UKHSA Laboratories, a Public Analyst and an Agricultural Analyst as necessary. The Public Analyst and Agricultural Analyst appointed by the authority is Public Analyst Scientific Services Limited (PASS).

2.4 Demands on the Feed and Food Service

2.4.1 Food establishments profile

The work of the service is significantly influenced by the number and profile of food and feed business throughout the City, in addition to contributing factors such as specialist and complex processes.

At present, there are 2277 food businesses registered in Sunderland in accordance with Regulation (EC) 852/2004.

In the 6 year period prior to COVID 19, the number of food businesses registered within the City had been relatively stable, with the mean number of registered food businesses fluctuating marginally around 2120 premises. At its peak, during the Covid pandemic, 2425 food premises were registered as trading in the City. This represented a 14% increase in food businesses requiring an intervention, adding significantly to the workload of the Service. The increase in numbers is thought to be linked in part with home start-up businesses as people sought to secure alternative employment during the height of the COVID pandemic.

A recent data cleanse exercise was conducted by the Service in March 2023 which identified approximately 250 registered premises that were no longer operating in the city, and these premises have now been removed from the database. This means that the current number of registered food premises has levelled at approximately 2277 as people have re-entered the workforce, but this is still higher than pre-pandemic levels of trading businesses across the City.

Most of Sunderland's food premises are classified in the restaurant/catering outlet group (1707), whilst there are also 488 food retailers (see table 1 below for full breakdown of categories). The restaurant/caterer and food retailer sectors historically have a high turnover of food business operators. Each time a new food business operator takes over a business, this creates new database entries, premises inspections and general education of new operators in advising what is legally required of them.

Table 1 Classification of Sunderland's Food Premises.

Type of Premises	Number of Premises
Distributors/Transporters	26
Retailers	488
Manufacturers/packers	44
Primary producers	10
Importers/ exporters/ distributors	2
Restaurants/ other caterers	1707
Total food premises	2277

The 10 Approved Premises in the City consist of:

- 4 meat processing plants
- 2 kebab manufacturers
- 2 cold stores
- 1 cooked chicken processing plant
- 1 processor/distributor of natural sausage casings.

The number of outdoor events held each year has increased steadily since the lockdown restrictions imposed by the COVID pandemic were lifted. Events of significance include the holding of music concerts at the Stadium of Light and Herrington Country Park. Music events are more regularly occurring at the Stadium following a number of successful events, the venue is capable of hosting audiences in excess of 50,000 spectators to individual concerts. Various mobile caterers and food businesses from around the region and wider, visit the City to cater at these events.

Port health inspections which require inspections of food hygiene and standards on board vessels coming into the port are also undertaken by the Service. In 2022/2023 21 Ship Sanitation Certificates were requested from the Service in addition to fifteen ships water samples being undertaken.

2.4.2 Feed establishments profile

There are currently 61 premises registered as Feed Business Operators, detailed in Table 2.

Table 2 Categorisation of Feed Premises in Sunderland

Types of Feed Premises	Number of Premises
Arable farms	10
Livestock farms	8
Manufacturers and packers	11
Food businesses selling co-products/surplus food	22
Distributors / transporters	3
Stores	7
Total	61

Sunderland has a new pet food manufacturer and a new supplier of former food into feed since 31st March 2022.

The livestock farmers typically grow arable crops for feeding to their own livestock along with silage. The use of supplementary feed is normally restricted to sheep and pigs. Visits to these premises are generally scheduled when the animals are housed and are undertaken in conjunction with animal health and welfare visits.

The arable farms principally produce cereal for food production or for incorporation in animal feed. Inspections of these premises identified as low risk. Many of the farms in Sunderland are in farm assurance schemes, something which is recognised during risk assessments carried out in accordance with the Feed Law Code of Practice.

Farm assured figures:

Table 3 Categorisation of Farm Assured Premises

Farm Assured type	Number
Farm Assured (Arable Only)	7
Farm Assured (Livestock Only)	2
Farm Assured (Arable and Livestock)	3
Total	12

In addition, the City has 2 DEFRA Approved Premises. These approvals relate to the 2 tripe factories in Sunderland.

Sunderland has 8 pet treat manufacturers who operate from their residential properties. All have been assisted with advice on their legal obligations regarding both Feed and Animal By- Products. These premises may be visited for sampling purposes.

One registered transporter removes waste food from shops for use in the manufacture of feed. The others are haulage companies who transport feed material (that can generally be used for other applications) on an occasional basis.

Increased vigilance continues to be undertaken with regard to the inland enforcement of imported feed legislation to prevent the spread of disease in food animals.

2.4.3 Service delivery points

The Service operates in an agile manner. Officers are based at;

City Hall,
Plater Way,
Sunderland,
SR1 3AA

The Council's Customer Service Centre is also based here, and is available to the public from 08.30 - 17.00 Monday – Friday, although officers from the Environmental Health and Trading Standards teams may be contacted by businesses directly.

There is an emergency contact number for incidents which may occur on an evening or weekend, and service arrangements are in place for contacting managers as necessary.

Visits are conducted by officers both during and outside normal working hours, as necessary and determined by the needs of the service and the trading hours of the particular food business, as required under the Codes of Practice.

The Council website: www.sunderland.gov.uk provides accessible information, advice and guidance.

In addition the publication of the food safety rating awarded for registered food premises in the City is undertaken on a regular basis onto the Food Standards Agency national database (<https://ratings.food.gov.uk>) which holds the food hygiene ratings of all qualifying food businesses across the country.

It is worthy of note that the update process of food safety rating scores is not carried out in real time, all regular updates meet the recommendations of the FSA.

The food hygiene rating scheme is based on standards of structure, hygiene and confidence in management scores assessed during programmed inspections. Following inspections, business owners are advised in writing that the information may be available via the website in the future and in response to third party requests as required by Freedom of Information legislation. Where improvements have been made to a business, the food business operator has the right to request a re-visit for re-inspection. Should an operator of a food business wish to have a re-rating inspection before the three-month standstill, there is a charge for this service.

2.4.4 External factors impacting upon the Service

During the COVID pandemic, the Food Standards Agency adjusted its expectations of Local Authorities to reflect the challenges they were facing in delivering their statutory food functions whilst also conducting essential public health work. It also reflected the changing business landscape, with many businesses closing or changing operations and identified a national growing

backlog of overdue food business interventions as a direct consequence of COVID lockdown restrictions.

Some of these businesses had never been inspected or were overdue. The FSA Board set out in their Recovery Plan, how they would work with Local Authorities to reduce this backlog by using targeted intervention to tackle those businesses posing the highest risk, securing a deviation of prescribed interventions from the requirements set out within the Food Law Code of Practice.

The FSA Board agreed in December 2020 that its guidance to local authorities in prioritising high-risk establishments should be extended until the end of June 2021 with recovery of planned interventions from 1 July 2021-2023/24. This plan that has been implemented since its release (see expectations below in section 3.1).

It was acknowledged that where resources allow, the expectation from the FSA was to move at a faster pace to realign interventions with the Code of Practice as soon as possible.

The Food Standards Agency have since produced a revised Food Law Code of Practice (June 2023) which sets out how food controls should be delivered by local authorities. The main changes relate to:

- the way that food premises are risk rated, and how Food Hygiene Ratings should be awarded, to promote national consistency.
- changes in competency requirements for officers undertaking food enforcement work.
- the extent to which allergen controls in businesses should be taken into account when determining the effectiveness of any food safety management system.

The work of the Service is largely dictated by the expectations and will of the FSA. Notwithstanding this however, a number of external factors also impact delivery;

- National industry staff shortages which affect a businesses' ability to retain the right number of quality staff to maintain targets
- The continuing increasing cost of living, particularly in relation to energy and provisions has placed extra pressures on local businesses, causing some to reduce their opening hours and/or defer investments into the business including those that improve the health safety and hygiene of a premises. This is anticipated to present a continuing challenge for the Service as premises which are identified as being deficient in specific areas will require a revisit and any other necessary action.
- The Freedom of Information Act 2000 and the Data Protection Act 2018 requires the administration of requests for service and time spent

recovering the information. Press and other enquirers often request specific information with a view to making comparisons of businesses in various local authority areas

- The Service's responsibilities under the Licensing Act 2003 also impact on workload. Officers consider applications for new and varied licences for food premises in pursuance of duties as responsible authorities.
- There is a possibility that any large outbreak of food poisoning or illness, or a serious accident at food premises, would impact significantly on the routine activities of the Service.
- There are no other likely major impacts upon the Service expected, e.g. significant food imports, seasonal variations or an increase in the number of food manufacturing businesses. However, where food alerts necessitate a significant response, this will impact upon the Service. There were 61 such alerts issued in 2022/2023.
- The Food Standards Agency also notifies local authorities of allergy alerts, e.g. instances of food labelling errors or contamination of specific ingredients. There were 82 such alerts received in 2022/2023. Such incidents can have serious effects on persons who are allergic to specific ingredients, though the majority of these alerts were product recalls of for **information only**, where the response required from the Service was limited. The Food Standards Agency also send food alerts for action to local authorities - there was one such alert impacting Sunderland City premises during 2022/2023.

2.5 Regulation Policy

Public Protection and Regulatory Services has a documented Enforcement Policy covering the Environmental Health, Trading Standards and Licensing functions of the Council. The Service works within the principles of the Regulators' Code which came into effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006. The Local Authority Enforcement Policy can be accessed here:

<https://www.sunderland.gov.uk/media/20308/PPRS-Enforcement-Policy/pdf/pprs-enforcement-policy.pdf?m=636620724549700000>

3. Service Delivery

3.1 Interventions at Food and Feeding stuffs establishments

Sunderland City Council is required to carry out interventions/inspections at all food hygiene, food standards and feeding stuff establishments within the City, typically at a frequency which is not less than that determined under the national intervention rating scheme.

Between 1 July 2021 and March 2023, the Service adopted the provisions of Local Authority Recovery Roadmap issued by the FSA to ensure that resources were targeted where they added greatest value in providing safeguards for public health and consumer protection in relation to food.

The Recovery Plan provided a framework for re-starting the intervention inspection delivery system in line with the Food Law Code of Practice for new food establishments and for high-risk and/or non-compliant establishments while providing flexibility for lower risk establishments. This plan was implemented during this period alongside delivery of:

- official controls where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that support trade and enable export
- reactive work including enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints
- sampling, and
- ongoing proactive surveillance.

Sunderland City Council's Service Delivery/FSA Recovery Plan aligned as closely as possible at each milestone with the FSA Local Authority Recovery Plan. The milestones are outlined in Figure 2 below.



Figure 2 Recovery Plan Key Milestone Dates

The FSA's roadmap to recovery came to an end on 31st March 2023. The FSA recognise that local authorities have gone through a period of transition since the COVID pandemic and appreciate there will be another a period of change to introduce the new delivery models for food hygiene and food standards enforcement which will commence in England in during 2023. Local authorities have been asked to continue to apply a risk-based and intelligence led

approach to their prioritisation of interventions as they work towards re-aligning with the Code, and this is the approach Sunderland City Council will take. In practice, this means the Service will prioritise interventions according to the Food Law Code of Practice as well as prioritising other interventions based on local risk assessment and available intelligence

As such, and from 1 April 2023, Sunderland City Council has and will continue to:

- Carry out due interventions for establishments that are back in the routine programme of interventions in accordance with the frequencies set out in the Food Law Code of Practice (the Code). This is in line with the expectation in the Recovery Plan that establishments should revert to Code frequencies once subject to an intervention as part of the Plan.
- Work towards realigning with the provisions set out in the Code from 1 April 2023 using the full range of flexibilities already offered by the Code.
- Continue to exercise a risk-based approach to the requirements set out in the Code based on available resource. Please note, services should be resourced to ensure they can meet the requirements of the Code.

More specifically, the Service uses the Food Hygiene Intervention Rating Scheme as detailed in the Brand Standard for the National Food Hygiene Rating Scheme and the Food Law Code of Practice, in order to calculate risk and future inspection frequency. Food businesses are risk rated from A (High risk) through to E (Low risk) according to the type and scale of operation being carried out

This ensures that all premises are inspected at an appropriate minimum interval determined by their individual risk rating. This is based on the nature of food handling undertaken, the level of compliance with legal requirements and confidence in food safety management systems.

This inspection frequency varies from 6 monthly to 3 years depending on the assessed risk category:

Inspection Frequency by risk category	
A	6 months
B	12 months
C	18 months
D	2 years
E	Alternative inspection strategy every 3 years

Inspections are carried out according to the Food Standards Agency's Code of Practice and involve a range of interventions that are available to fulfil the Council's official obligations. The type of intervention depends on the risk category of the food business and is tailored to ensure an adequate assessment of risk to food safety.

It is the Council's policy to ensure that food premises inspections are targeted towards high risk and poor performing premises, and that they are performed in accordance with the Food Law code of Practice. Low risk category E rated premises are subject to an alternative enforcement strategy which encourages self-assessment in addition to validation and verification inspections. This helps the City Council monitor and gauge food risk activity on these low risk-rated premises and determine whether the business needs to go back into the physical inspection programme. For low-risk premises not returning a completed questionnaire, or where changes or particular concerns are noted during the questionnaire verification process, or via complaints or other intelligence implying non-compliance, then a physical visit or inspection will be initiated.

At the end of the recovery plan period;

- All high-risk category A rated premises were inspected (12);
- All high-risk category B premises were inspected (92);
- There were 101 category C premises overdue an intervention in the year (211 Cat C premises inspected);
- There were no category D non-compliant premises overdue an intervention in the year (442 Cat D premises inspected).
- Low risk compliant category E premises were triaged based on risk but **did not** routinely receive an intervention based on the Recovery Plan;
- All newly registered businesses to be triaged and high-risk premises prioritised for an intervention and following a programmed visit will be risk rated accordingly (140 premises inspected)

The following number of interventions (by category) due in 2023/24 are as follows:

Category	Number of inspections due
A	4
B	74
C	216
D	390
E	480 Alternative enforcement strategy
Unrated	190
Total	1354

The total estimated number of physical interventions due in 2023 for premises in risk categories A-D and including unrated businesses is 874.

There will of course be additional demands from new business registrations throughout the year which will be triaged for an intervention accordingly. It is estimated that the above-mentioned could generate up to a further 200 new premises registrations.

Secondary inspections (including revisits and requests for revisits by operators of food businesses) will be undertaken as necessary on a risk assessed basis and in line with the Food Law code of Practice to ensure significant hygiene and standards concerns are rectified. Those premises which are not broadly compliant will be visited with a view to enforcing compliance standards.

Individual businesses may be visited more frequently or the planned date for intervention may be brought forward if a problem is identified such as:

- A complaint about the food premises or notification of an issue received from another authority which requires further investigation;
- An unsatisfactory sampling result is received;
- The business is implicated in a food poisoning outbreak;
- There is a change in business operations resulting in a higher risk;
- A request for a re-rating revisit under the FSA Food Hygiene Rating Scheme is received; or
- A notification is received from the FSA regarding a food safety incident or food alert.

All requests for revisits by businesses wishing to amend their risk ratings as part of the National Food Hygiene Rating Scheme will be considered in line with FSA procedures. Whilst the published rating of the business may improve as a result of this revisit, the Service will need to examine sufficient elements of the business and be satisfied of the improvements made. Businesses are reminded that if their standards fall, their rating can go down as well as up.

The City, being principally urban in nature, has only a small number of feeding stuffs premises registered. None of the premises registered are high risk. The premises will be visited on a risk assessed basis.

The Service has good working relations with neighbouring authorities and the Public Analyst should any specialised process be identified. Sunderland City Council Feed Officers respond to requests for assistance received from those colleagues in neighbouring authorities with regard to queries that they receive.

Sunderland Regulatory Services works with National Trading Standards, who administer the Feed Delivery Programme on behalf of the Food Standards Agency. The FSA Feed Delivery Programme aims to ensure local authorities deliver official controls for feed in an efficient, consistent and risk-based manner, securing continued improvement wherever possible. Given the limited number of feeding stuffs premises registered, only 15 visits per year are currently undertaken in accordance with the Sunderland Council's allocation under the feed delivery program. Extra work can be undertaken under the program on a risk assessed basis and/or as the need arises such as feed sampling and/or other feed related interventions.

3.2 Feed and Food Complaints

The Service is committed to responding to all complaints about feed or food. The Council operates an intelligence-led approach to enforcement and all complaints will be considered on a case-by-case basis. The extent of any subsequent investigation will depend on the merits of the complaint. This can range from re-assuring the complainant to a more formal process, including reference to home or originating authorities in accordance with guidance and the relevant Codes of Practice.

Localised food safety incidents that come to light that may have more far reaching consequences are reported to appropriate authorities.

Officers also liaise with any relevant primary authority in pursuance of the relevant scheme administered by the Regulatory Delivery directorate of the Department for Business, Energy and industrial strategy

In 2022/23, 845 requests for service requiring a response from officers were logged. These include enquiries relating to foodborne illnesses, general food complaints and miscellaneous requests for service in relation to food businesses, but do not include investigations into foodborne illness which required a further 446 responses from staff.

Due to the relatively few numbers of feeding stuffs establishments, it is not anticipated that there will a significant number of complaints received by the Service. Any complaints will be investigated in line with standard Service procedures.

3.3 Home Authority Principle and Primary Authority Scheme

Sunderland City Council is committed to developing excellent relationships with businesses, recognising the benefits to all parties in doing so. As such, and whilst there are currently no formal agreements in place in Sunderland, the Service undertakes to comply with all the relevant legal requirements of the Primary Authority Scheme and liaises with other relevant local authorities within the context of the Home Authority Principle.

3.4 Advice to Business

The Service seeks to assist local businesses in order to encourage the success of our local economy. Last year 249 general requests for advice were received by the Environmental Health and Trading Standards teams. Additionally, advice is given by officers informally at every visit to food premises, as appropriate.

The Service is committed to promoting the Food Standards Agency's project: "Safer Food, Better Business" which is intended to support food businesses in complying with the food safety management principles. There will continue to be great efforts to educate businesses in complying with their requirement to implement a suitable food safety management system, which some smaller food businesses seem to find difficult.

In correspondence to food businesses, a standard invitation is given to them to seek advice from the Service.

3.5 Feed and Food Sampling

The Service is committed to sampling foods in order to determine compliance with compositional and bacteriological standards. Sampling of imported and locally produced foods is undertaken pro-actively and the Service participates in national and regional surveys arranged by the regional food authorities' group and UK Health Security Agency (UKHSA) Laboratory Service.

The collection of 87 samples were taken for bacteriological examination in the year 2022/2023. This includes participation in the collection of samples for 2 cross-regional surveys decided upon locally with the support of UKHSA.

The UKHSA Laboratory transports samples from the region as necessary by courier to York. The Service liaises with the management of the laboratory and neighbouring authorities in order to facilitate an effective and co-ordinated sampling programme with flexibility for local needs.

Participation with neighbouring authorities in sampling and other food-related matters ensures that the Service works in a co-ordinated and compatible way.

Sampling of feed will take place as appropriate following the receipt of requests for service and will be carried out in accordance with the Feed Law Code and Practice Guidance and targeted in accordance with the National Feed Delivery Program Samples for projects instituted by the Food Standards Agency.

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

The Service has agreed with UKHSA, a policy for considering the investigation of confirmed cases of foodborne illness. Each confirmed case of foodborne illness is in most cases, other than in the case of suspected viral infections or Campylobacter, contacted by officers in order to trace the source of the infection and prevent further spread. People involved in Campylobacter cases are contacted by letter.

The local Consultant for Communicable Disease Control, employed by UKHSA, will provide the Service with advice regarding specific problems relating to infectious disease.

Medical practitioners, where suspected cases of food poisoning are confirmed following analysis of a sample, have a legal duty to inform the Council. The Service liaises closely with relevant laboratories and UKHSA in order to effectively investigate all such cases.

Regular meetings are arranged regionally with local representatives of UKHSA in order to discuss various matters relating to food poisoning cases and sampling programmes. The Public Analyst and UKHSA will be contacted in

order to assist with expertise where any additional problems arise. Similar networks exist within the region and nationally involving the Chartered Institute of Environmental Health.

Statistics of cases notified over recent years

Year	Notifications
2016 / 2017	311
2017 / 2018	357
2018 / 2019	408
2019 / 2020	391
2020 / 2021	274
2021 / 2022	355
2022 / 2023	446

3.7 Feed/Food Safety Incidents

The Service is committed to responding appropriately to all Feed and Food Alerts issued by the Food Standards Agency in accordance with the relevant code of practice. The level of response is determined by the category of response required and the individual circumstances of the incident.

3.8 Liaison with other organisations

The Service works collaboratively with other local authorities in the North East. In respect of food matters, Environmental Health Officers liaise with colleagues via the North East Food Liaison Group and the North East Sampling and Public Protection Groups.

In relation to animal feed, information sharing and joint working is coordinated by the North East Trading Standards Association (NETSA), via the Regional Lead Feed Co-ordinator on the National Agriculture Panel and through this National community on Knowledge Hub.

Officers of the Service meet with our six neighbouring authorities, i.e. those in Tyne and Wear, Durham and Northumberland, in the North East Food Liaison Group. This group facilitates close cooperation between the representatives. Officers are also involved with sampling sub-groups, the combined North and South of Tyne meetings involving UKHSA, Local Authorities and the Primary Care Trust. These meetings involve representatives from the relevant bacteriological laboratories and communicable disease specialist colleagues.

Officers liaise frequently with Council colleagues in connection with food matters, including catering of school meals, and with regard to building control and planning applications.

3.9 Feed and Food Safety and Standards promotional work

The very small number of feed establishments registered within the City does not make promotional work on any scale viable. Imparting information on the importance of feed control is restricted to business advice given on inspection.

The Service no longer delivers food hygiene training in house anymore due to external competition and low uptake in the Council provided courses. Basic food hygiene information for consumers is available on the Council's website.

4. Resources

4.1 Financial Allocation

Any costs for legal action will be supported from other Regulatory budgets as necessary with associated costs being recouped where possible

4.2 Staffing Allocation

Permanent Environmental Health personnel specialising in food hygiene comprise:

- 1 Principal Environmental Health Officer – 0.7 Full time equivalent (FTE) in food
- 4 Senior Environmental Health Officers – 2.3 FTE
- 2 Technical Officers – 1.0 FTE
- 2 Newly qualified EHO's - 1.6 FTE qualifying in Food hygiene controls.
- 1.0 FTE Trainee EHO undertaking Environmental Health Masters course
- 1 Senior Trading Standards Officer (part time on food standards) - (0.1 FTE)

All food-specialist Senior Environmental Health Officers have over two years' experience in food matters and are fully competent in accordance with the Food Law Code of Practice.

Of the team working on food there are 2 Senior Environmental Health Officers and 1 Principal EHO competent to deal with Approved Premises. Two further SEHO's will receive training in 2023 relating to Approved premises inspection, strengthening the resilience of the section.

In respect of feed:

- 1 Senior Trading Standards Officer - (lead feed officer) - (0.25 FTE)

Lead Feed Officer has over twenty years' experience in feed related matters and is competent in accordance with the Feed Law Code of Practice.

4.3 Staff Development Plan

Staff appraisals are undertaken annually. A competency matrix has been developed in line with the requirements of the Food Law Code of Practice and training needs have been assessed. Individuals will receive specific training where appropriate, and all food-specialist Environmental Health Officers are to complete a minimum 20 hour Continuing Professional Development (10 hours of food-specific).

New delivery models for food hygiene and food standards are planned within the new Food Law Code of Practice, which will mean new methods of calculating compliance with food hygiene and food standards controls. This in turn determines the frequency of inspection, and therefore all staff will be required to attend training suitable for their role to ensure a correct and consistent approach to the rating of businesses can be maintained across the team.

The Service cooperates regionally through the Food Liaison Group and with the Food Standards Agency in order to source low-cost training.

Training days and training sessions on subjects are programmed as necessary.

Newly qualified or inexperienced officers assigned food work are supervised and receive training commensurate with the Code of Practice.

Officers enforcing feed work undertake training provided by the FSA and will utilise online training provided by the Chartered Trading Standards Institute.

The Feed Law Code of Practice requires continual officer development and training (minimum 10 hours). Training requirements are assessed and training undertaken where necessary and available. Over recent times, there has been a shortage of training due to Covid and a shortage of Feed Trainers who have FSA accreditation.

5.0 Quality Assessment

A documented internal monitoring procedure in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Food Law Code of Practice and centrally issued guidance will be reviewed and updated annually.

Monitored inspections are recorded on the Service's management information system, in addition to random premises checks on IDOX for accuracy, case load meetings are held and specific premises interventions discussed to ensure consistency with LA policy and Government legislation and guidance.

Visits to feed establishments are recorded and feedback on the inspection provided to the business operator. Annual returns on activities are provided to the FSA.

6. Review

6.1 Review against Service Plan

Routine review of the plan is undertaken throughout the year with consideration of achievements against targets. The manager provides quarterly KPI's to senior management and monitors progress with casework reviews and regular team meetings.

This plan, its format and content will be reviewed periodically to include all requirements and recommendations within the new food hygiene delivery model and all relevant Codes of Practice.

6.2 Identification of any variance from the Service Plan

A further challenge to the workload has been an increase in the number of unrated businesses arising from new food business registrations with an additional 294 businesses spanning the whole of the 2022/2023 which were in addition to the planned programme.

In the first quarter of this year, there has already been an additional 45 new food business registrations requiring an inspection, adding to the workload of the team in addition to the programmed work. This is nearly half the number of new registrations received in the first quarter of the last two previous years following on from COVID restrictions, showing a slow down in the number of new premises registering within the authority.

7 Areas of Improvement

The service will continue to evolve to improve delivery in response to all changes brought about by the Food Standards Agency's 'Food Law Code of Practice 2023'.

To assist in long term with the resolution of current and future case management operating systems issues (IDOX), the Service is developing a range of online reporting forms that members that will become accessible to members of the public, with additional online information, advice and Guidance (IAG). These self-reporting online forms will, once completed electronically, import directly into the Service's management operating system IDOX without the need for frontline staff to log service requests directly, freeing up officer time and increasing productivity. The online forms are hoped to be functional by the third quarter of the year following testing of the system.

A strategy continues to make every effort to recover the position through 2023/2024 using a combination of the full range of flexibilities afforded by the Food Law Code of Practice and associated Practice Guidance documents. The Service has once again secured the assistance of an experienced permanent variable hours officer part-time to compliment the work of current staff in completing the planned programme of interventions during 2023/2024.

Recent investment however in new mobile tablets for the Commercial Team supports agile working. Further investment is being considered to extend the functionality of the tablets by various apps to enable access to the existing back-office system to facilitate mobile access to databases and digital files.

On-going review and development of operating procedures continues with the development of Microsoft forms, premises inspection proformas for staff to utilise on a new suite of android tablets. This should minimise the need to use paper systems and shorten the time taken on data entry for each inspection.

Traditionally, all new food registrations were completed on paper and submitted manually to the local authorities for processing. The FSA's Register a Food Business (RAFB) digital service has been running since September 2018. The Service introduced the RAFB service via the FSA .gov website to businesses located in Sunderland in June 2023 to digitise the service to the benefit of businesses located within Sunderland making it easier for food business operators to register and receive useful guidance at the point of registration. The switchover in June this year has been running without issue. The Service is currently looking to upgrade the service to Option 1 in due course, enabling the process to fully integrate with the Service's management information system, so that all new registrations are uploaded via connectors from the RAFB system directly into the back-office system, saving officer time when allocating new businesses.

The increased use of business email addresses and mobile numbers collected since the beginning of the COVID pandemic to register and communicate with the department has assisted the service throughout the pandemic. This enabled the Service to send to a significant number of businesses updated food hygiene, standards, and COVID guidance and information in a timely manner to aid their ability to continue to operate safely. The technology continues to be used to send out mass communications as necessary.

Additionally, the Service will further consider innovative methods of service delivery, agile working, service redesign and an appropriate business operating model to ensure the most appropriate officers are tasked with the right work.

Staff development remains hugely important. The Service continues to invest heavily in staff development including supporting the Council's Graduate EHO programme to achieve full accreditation to enable these staff to undertake the full range of food work. Two officers have recently completed the Graduate Programme and from April 2023 have their own workload of food hygiene inspections, increasing resilience in food matters across the team. The Service also has another trainee EHO undertaking the Masters in Environmental Health, which is a distance learning format from Derby university and will take 3 years to complete.

In line with previous years, the Service continues to establish and target workload priorities with available resources to deliver and maintain the best achievable levels of public health protection, through the development of alternative approaches to business engagement.

Associated guidance for this document can be found [here](#). Each section has a link to the relevant section within the guidance document.

Details of the activity (i.e. the policy, strategy, service, project or function)

Directorate	City Development
Service	Public Protection and Regulatory Services

Title of the activity (i.e. the policy, strategy, service, project or function):
The Feed and Food Law Service Plan 2023/2024

Brief description of the activity:
The Council's food service is delivered by the Public Protection and Regulatory Services within the City Development Directorate. This Service Plan sets out how Sunderland City Council intends to provide an effective food law enforcement service to safeguard public safety in terms of food, drink and feeding stuffs produced, prepared or sold within the City.

If the activity involves working with other directorates, partners or joint commissioning please state who is involved:
N/A

Will all or part of the activity be delivered through a provider external to the Council? If Yes, please refer to the Corporate Procurement Processes
No

If Yes, please explain what element(s) of the activity will be delivered through an external provider:

Which areas of the city will be impacted?	
Whole City	<input checked="" type="checkbox"/>
Coalfield	<input type="checkbox"/>
East	<input type="checkbox"/>
North	<input type="checkbox"/>
Washington	<input type="checkbox"/>
West	<input type="checkbox"/>
Internal Council Activity – Impact on employees	<input checked="" type="checkbox"/>

Is the activity targeted at protected characteristics or any other key groups?	
All of the below	<input type="checkbox"/>
Age (e.g. older people, younger people/children, a specific age group)	<input type="checkbox"/>
Disability (e.g. mobility, long term health conditions, sensory impairment or loss, learning disability, neurological diversity or mental health)	<input type="checkbox"/>
Marriage and civil partnership	<input type="checkbox"/>
Pregnancy and maternity (including breastfeeding)	<input type="checkbox"/>
Race	<input type="checkbox"/>
Religion or belief (including no belief)	<input type="checkbox"/>
Sex	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>
Human Rights	<input type="checkbox"/>
Care Experienced People	<input type="checkbox"/>
Other vulnerable groups and people with complex needs (e.g. veterans, children and young people who are cared for or care experienced, carers, domestic abuse victims and survivors, ex-offenders etc.)	<input type="checkbox"/>
People vulnerable to socio-economic deprivation (e.g. unemployed, low income, living in deprived areas, poor/no accommodation, low skills, low literacy etc.)	<input type="checkbox"/>

Completed by: Colin Rudd

Version	Status	Author	Comments	Date Issued
1		Colin Rudd		

Data and Intelligence

[Guidance for this section](#)

What data and intelligence has informed the activity?

Local Authorities responsible for enforcing feed and food law in premises where feed or food is produced, manufactured, prepared or sold, must ensure that they determine the type of official control (inspection, partial inspection, audit, sampling..) and frequency of inspection of those premises using the intervention frequency prescribed in the Food Law Code of Practice. For every intervention, the intervention frequency is recorded on the Council database which generates the next due intervention. These figures are used to populate the Feed and Food Law Service Plan to indicate due interventions in the current financial year.

The Feed and Food Law Service Plan demonstrates Sunderland Council's commitment to fulfil these statutory obligations to regulate feed and food businesses across the City in an effective and proportionate manner, having regard to the resources available. Work is prioritised on a risk basis and in accordance with the Food Standards Agency guidance on risk rating food premises, with inspections targeted at high risk and poor performing businesses and alternative interventions used for low-risk businesses where possible. Additional interventions are also prioritised based on intelligence from service requests, local knowledge, new business registrations received from our online registration process, and as a consequence of questionnaire investigations from confirmed cases of foodborne illness notifications from UKHSA.

The plan also aligns with many of the current priorities defined in the FSA's strategic plan, 'Food you can Trust.' The aim is to put the interests of consumers first, having regard to the principles of the Government's 'Better Regulation' Agenda and the Regulators' Code to guide proportional regulatory activity.

Summary of data / intelligence / consultation outcomes to inform understanding of differences in:
<ul style="list-style-type: none"> • the way people use, access or experience your activity; • how the activity may impact; and/or • outcomes for different groups?
Data is produced from our premises management information system to inform the quarterly performance indicators which feed into senior management.
We also provide performance related data to the Food Standards Agency on an annual basis broadly in line with the targets set in the Feed and Food Law Service Plan.
Our database is refreshed regularly, and that data is uploaded onto the FSA ratings portal to reflect the inspections undertaken. This ensures the food hygiene ratings of premises displayed on the FSA website is accurate and up to date, allowing consumers to make accurate choices when choosing premises to order food from.

Equality and Human Rights

[Guidance for this section](#)

Eliminate discrimination, harassment and victimisation
What impact will the activity have?
Positive
Explain how/why:
The Feed and Food Law Service Plan is about securing legislative compliance of hygiene standards in all feed and food businesses registered within the City, and so is not in itself designed to meet the aims of this duty. Maintaining a database of all food premises does however allow us to target resources efficiently to focus on the highest risk and poorest performing businesses. Each registered food business is inspected using the same shared regulated framework, allowing officers to enforce against the same expected minimum standards across every business. Inspections of all large food chains, mobile vehicles and small food premises etc., allow us to ensure the whole food economy operating within the City is regulated equally to minimise the risk to consumers using their services by checking standards.

Advance equality of opportunity between people who share a protected characteristic and those who do not
What impact will the activity have?
Not Applicable
Explain how/why:

Foster good relations between people who share a protected characteristic and those who do not
What impact will the activity have?
Not Applicable
Explain how/why:

Age (older ages, children and young people, middle ages, an age range or a specific age)
What impact will the activity have?
Not Applicable
Explain how/why:

Disability (mobility, long-term health conditions, sensory, learning disability, neurological diversity or mental health)
What impact will the activity have?
Not Applicable
Explain how/why:

Gender reassignment (the process of transitioning from one sex to another)
What impact will the activity have?
Not Applicable
Explain how/why:

Marriage and Civil Partnership
What impact will the activity have?
Not Applicable
Explain how/why:

Pregnancy and maternity (including breastfeeding)
What impact will the activity have?
Not Applicable
Explain how/why:

Race (colour, ethnicity, country of origin, culture, etc.)
What impact will the activity have?
Not Applicable
Explain how/why:

Religion / Belief (including no belief)
What impact will the activity have?
Not Applicable
Explain how/why:

Sex (male or female)
What impact will the activity have?
Not Applicable
Explain how/why:

Sexual orientation
What impact will the activity have?
Not Applicable
Explain how/why:

Will the activity impact on an individual's Human Rights as enshrined in UK law?
What impact will the activity have?
Not Applicable
Explain how/why:

Other vulnerable groups and people with complex needs (e.g. veterans, children and young people cared for and care experienced, carers, domestic abuse victims and survivors, ex-offenders, homeless or multiple complexities/characteristics)
What impact will the activity have?
Not Applicable
Explain how/why:

Reducing socio-economic and digital inequalities

[Guidance for this section](#)

Will the activity:

Impact on residents' financial circumstances	Not Applicable
Impact on housing, including type, range, affordability, quality and/or condition	Not Applicable
Impact on digital inclusion or access	Not Applicable
Impact on education, skills and lifelong learning	Not Applicable
Impact on employment, including quality and access	Positive

Outline the impact your activity will have, including how you propose to mitigate any negative impacts and maximise positive outcomes
4.4 The purpose of the Service Plan is to ensure feed and food businesses are complying with at least minimum legal standards. Businesses that fall below the minimum standards will be given advice and guidance. Many of the small businesses in our area employ local residents therefore supporting the local economy.
Outline how you will measure the anticipated impact(s)

Improving population health and reducing health inequalities

[Guidance for this section](#)

Will the activity:

Help promote healthy living	Positive
Help promote safe and inclusive environments	Not Applicable
Impact on children, young people and families	Not Applicable
Impact on natural and built surroundings	Not Applicable
Impact on accessibility and active travel encouraging active behaviours	Not Applicable
Impact on living independently	Not Applicable

Outline the impact your activity will have, including how you propose to mitigate any negative impacts and maximise positive outcomes
5.1 – The Feed and Food Law Service Plan has been developed to ensure every premises registered with the Authority is triaged for inspection based on risk, so the Plan itself is not specifically designed to meet the aims of this duty. However, every new premises must register as a food business with the Authority. Most new food businesses open in fixed premises that were

previously a food business with a different occupier. Where new businesses trades in premises not previously registered as a food business, we are able to liaise with our planning department to ensure they have the correct permissions to trade. Planners check the use class of a particular premises and are then able to enforce planning restrictions if appropriate to do so in line with their planning policy.

Outline how you will measure the anticipated impact(s)

The permitted use of a premises is enforced by Planners. Applications to change the premises use of a property to permit a food business to trade fall to the Planning Department and are not enforced by Environmental Health, but we continue to engage with our colleagues in Planning to raise awareness of premises that may not have the correct permissions in place.

Carbon reduction and sustainability

[Guidance for this section](#)

Will the activity:

Adapting our behaviour (environmentally significant)	Not Applicable
Impact on biodiversity and natural environment	Not Applicable
Impact on energy efficient built environment	Not Applicable
Impact on renewable energy generation and storage	Not Applicable
Impact on travel and active transport	Not Applicable
Impact on the green economy	Not Applicable
Impact on waste, recycling and consumption	Not Applicable

Outline the impact your activity will have, including how you propose to mitigate any negative impacts and maximise positive outcomes

Outline how you will measure the anticipated impact(s)

Community wealth building

[Guidance for this section](#)

Will the activity:

Impact on community wealth and social value	Positive
Impact on social inclusion, integration, and fostering good relations	Positive
Impact on crime reduction, anti-social behaviour and community safety	Not Applicable
Impact on access to services	Positive

Outline the impact your activity will have, including how you propose to mitigate any negative impacts and maximise positive outcomes

7.1 – The majority of small local businesses employ staff from the immediate area. Support given by inspecting officers to local businesses helps drive growth by providing the tools and knowledge to grow their business which in turn sustains local employment. For every inspection, a food hygiene rating is provided to the business. The rating is available to the public, and officers provide each premises with a food hygiene rating sticker to show in the window if they choose to do so. The higher the rating the more likely customers will choose to shop there and in turn the business would benefit from increased trade.

7.2 – see 7.1

7.4 – The rating of a premises looks at the confidence in management, hygiene of a premises and structural compliance, with scores ranging from 0-5 - zero requiring urgent improvement and a five

being excellent. In order to score the highest rating would require a business to achieve a high compliance in multiple areas. So, although not a direct indicator of the quality of food produced, higher food hygiene ratings are a general indicator that a premises is operating to a higher standard, and more likely to offer a better service.

Outline how you will measure the anticipated impact(s)

Quarterly reporting of KPI's identify progress towards targets throughout the year to allow adjustments to be made. This ensures high risk premises are targeted appropriately and in line with the priorities identified within Feed and Food Law Service Plan.

Key Actions

Any key actions identified throughout the IIA should be recorded here. This will be the action plan linked to your activity and should be implemented to ensure all inequalities or negative impacts are mitigated.

Key Actions	Timescale	Responsible Officer	Review Date
Provision of a Feed and Food Law Service Plan with quarterly updates on targets set.	September 2023	Colin Rudd	
Quarterly performance is measured against targets.	Every Quarter	Colin Rudd	

Responsible officer sign off:

Name Marion Dixon

Job Title Assistant Director Regulatory Services

Responsible officer for reviewing actions:

Name Colin Rudd

Job Title Principal EHO

Once the Integrated Impact Assessment is complete, please send to IIA@sunderland.gov.uk.

CAPITAL STRATEGY UPDATE - 2023/2024

1. INTRODUCTION

1.1 Background

- 1.1.1 The overarching aim of the Council’s Capital Strategy (“the Strategy”) is to provide a framework within which the Council’s capital investment plans will be prioritised and delivered in line with the City Plan (2019 – 2035) with an overall ambition that by 2035 Sunderland will be a connected, international city with opportunities for all. This reflects the ongoing commitment to ensure the Council puts residents and customers at the heart of everything we do, reflecting the diversity of the city.

The Capital Strategy is intended to give a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services along with an overview of how associated risk is managed and the implications for future financial sustainability.

- 1.1.2 The Prudential Code for Capital Finance in Local Authorities (Prudential Code) and the Treasury Management in the Public Service Code of Practice were updated by the Chartered Institute of Public Finance and Accountancy in December 2021.
- 1.1.3 The Prudential Code refers to the need for a clear and integrated treasury strategy which, by the application of set prudential and treasury management financial indicators enables the Council to assess and monitor the prudence, affordability, and sustainability of the capital programme.
- 1.1.4 The updated Prudential Code includes the following as the focus of the substantive changes:
- The provisions in the code, which prevent the approach to borrowing in advance of need in order to profit from additional sums borrowed, have been strengthened. The relevant parts of the code have augmented to be clear that borrowing for-yield investment is not permissible under the Prudential Code. This recognises that commercial activity is part of regeneration but underlines that such transactions do not include debt-for-yield as the primary purpose of the investment or represent an unnecessary risk to public funds.
 - Proportionality has been included as an objective in the Prudential Code. New provisions have been added so that an authority incorporates an assessment of risk to levels of resources used for capital purposes.
 - A new requirement has been added so that capital strategies are required to report investments under the following headings: service, treasury management and commercial investments.

1.1.5 The Council's Capital Strategy has been prepared to provide a framework within which the Council's capital investment plans will be prioritised and delivered, ensuring it adheres to the requirements of the Prudential Code. This is covered over the following key areas:

- Capital expenditure including governance, monitoring, priorities, pipeline, and longer-term planning;
- Funding approach;
- Debt, borrowing and treasury management;
- Commercial activity;
- Other long-term liabilities; and
- Knowledge and skills.

1.1.6 The Strategy covers the Council as well as Together for Children Limited and Sunderland Care and Support Limited. Given the different relationship with Siglion and its development portfolio, not all of its activity is covered by this Strategy.

2.0 OBJECTIVES OF THE CAPITAL STRATEGY

2.1 The key objectives of the Capital Strategy are to:

- provide a clear set of objectives and a framework within statutory legislation that enables proposed new capital expenditure to be evaluated to ensure that all new capital investment is targeted at addressing the economic and social challenges that Sunderland faces as set out in the City Plan, so that the city and its people can achieve their full potential;
- ensure prioritisation of projects that focus on delivering a number of the commitments contained in the City Plan;
- set out how the Council identifies, programmes, and prioritises capital requirements and proposals arising from business plans submitted through an appraisal mechanism;
- provide a long-term view of capital expenditure plans and risks faced by the Council over the life of assets;
- consider options available for funding capital expenditure and how resources may be maximised to generate investment in the area, whilst minimising the ongoing revenue implications of any such investment;
- provide a basis for the projection of external debt and provision for repayment of that debt over the life of the underlying debt based on the approved capital programme and capital resources available;
- consider the resources available for capital expenditure over the longer term;
- ensure the strategy has an overall balance of risk on a range of investments over timespan, type of investment and rate of return, confirming that knowledge and skills available to the Council are commensurate with the Council's investment risk appetite; and
- establish effective arrangements for the management and monitoring of capital expenditure including the assessment of project outcomes, budget profiling, deliverability, value for money and security of investment.

2.2 Capital Priorities

The Council's Capital Priorities are aligned to the City Plan "Sunderland 2019-2035" Themes:

- Sunderland will be a **dynamic smart city** with more and better jobs, a low carbon economy and a great choice of housing. It will be a leading digital city, deploying smart and sustainable technologies for the benefit of residents, business, and visitors;
- Sunderland will be a **healthy smart city** where people will live healthier, independent lives for longer. It will be a clean and attractive city with great transport and travel links; and
- Sunderland will be a **vibrant smart city** with more resilient people feeling safe in their homes and neighbourhoods. There will be a range of opportunities for people to participate in their communities and in cultural events and activities.

In addition, the continuing priority for the Council is on serving all of our residents in Sunderland with the best possible services and support, with a focus on long term benefits for our children and young people beyond 2035.

(a) Dynamic Smart City

The Council is focused on securing Sunderland's long-term future. This will involve a lower carbon city with greater digital connectivity for all, more and better jobs, more local people with better qualifications and skills, a stronger city centre with more businesses, housing, and cultural opportunities and more and better housing.

A range of actions, that reflect the area within which the Council can most positively deploy its capital resources, form the core focus of this aim. In doing so, these contribute towards Council funding in the longer term through additional council tax, business rates or land sale receipts, so contributing to the future sustainability of Council services.

A lower carbon city with greater digital connectivity for all - The focus within this commitment is on providing world-class digital infrastructure that creates benefits for individuals, communities and businesses, including employment growth through the digital sector, and smart living through smart homes. There is also the opportunity to transform our travel patterns, thereby reducing overall CO2 emissions. The Council has set a target of becoming 'Carbon Neutral' by 2030.

More and better jobs – Overall employment for Sunderland was 72.3% April 2022 to March 2023, which is 1.5 percentage points above the North East position at 70.8%. Our focus remains on increasing the number of well-paid jobs in our city by promoting growth in key employment sectors including automotive and advanced manufacturing, financial and customer services, digital and software, professional services in the city centre, and port related activity.

More local people with better qualifications and skills – The City Plan sets out the intention to ensure that residents have the qualifications and skills to enable them to secure good jobs that match the needs of employers in key sectors in the city. Plans focus on tackling barriers for those least able to access employment and ensuring that more local people are able to benefit from a stronger economy and supporting and enabling apprenticeship and work experience opportunities focused on skills and experience for the local economy.

A stronger city centre with more business, housing, and cultural opportunities – The City Plan sets out the intention that Sunderland city centre will drive transformational economic growth with Riverside Sunderland demonstrating the investment ambition and commitment to being a smart city. There is a need to attract new jobs to the city to increase the number of people employed in the city centre and encourage more homes to be built in the city centre. Plans, therefore, focus on a range of projects to promote wider city centre regeneration. Through planning responsibilities, and the development of the cultural offer, work will continue to promote a desirable and vibrant retail and leisure offer.

More and better housing – The focus under this City Plan commitment is to ensure that Sunderland offers the opportunities that families and individuals need to achieve their ambitions – with a housing offer that reflects the homes that people aspire to live in and positively impacts on the city’s population, demographics and migration. This includes large family, and high-status homes through the delivery of key housing sites. Alongside this are commitments ensuring sufficient affordable housing whilst also bringing empty homes back into use, ensuring that properties are safe and free from serious hazards and that there is reduced risk of homes flooding.

(b) Healthy Smart City

Reduced health inequalities enabling more people to live healthier longer lives – One of the key intentions of the City Plan is the need to ensure that health and wellbeing outcomes in Sunderland are significantly improved, particularly in relation to overall healthy life expectancy. Plans focus on having a positive impact on health outcomes through all key life stages, particularly for our most disadvantaged residents, including those living in deprived areas, systematically addressing health inequalities, and mitigating the impact of COVID-19, with the aim of enabling healthier longer lives. Schools and businesses will be supported, where possible, to be enablers in improving the health of the working population and children and young people through initiatives such as Better Health at Work Awards and the Active Sunderland Schools Charter.

Access to equitable opportunities and life chances – This commitment is about taking a life course approach starting with the early stages of preconception to early years and adolescence to identifying key opportunities for minimising risk factors and enhancing protective factors through evidence-based interventions including support to reduce smoking and harmful alcohol consumption in pregnancy, new birth and early years services to ensure children have a good level of development and support to children and young people (including cared for children and care leavers) to enable equal chances of success at key educational stages (including reducing teenage pregnancy). Thereby tackling inequalities that have been widened by the COVID-19 pandemic. In the working age population

and elderly, inequalities that exist across the city will be sought to be addressed through a community asset-based approach.

People enjoying independent lives – Although 98% of people aged 18+ in the city live independently (without social care services) based on mid-year estimates, we remain committed to ensuring people in the city can enjoy independent lives. Through our Smart City approach, we are using technology to create a Smart Health City, with digital solutions to everyday problems for assisted living that gives people more control over their care arrangements with the freedom to live at home and retain their independence for longer. Working with our partners, we aspire to reducing the number of emergency admissions to hospital due to falls for those aged 65+, and promote Ageing Well for our older residents in the city.

Great transport and links with low carbon and active travel opportunities for all – The emphasis within the City Plan is about ensuring that people can move around the city with ease through improved transport routes, well maintained highways and reduced journey times. Transport connectivity (including bus, rail and other modes of transport) with key employment sites is important for both employment and for the transport of goods and products. Good transport links to the city centre and the sub-centres of Washington and Houghton, and for connectivity to all communities are also important. Active travel will also be promoted by developing safe and user-friendly cycle routes, footpaths and pedestrian routes as well as support to maximise their use.

A cleaner and more attractive city and neighbourhoods – The focus under this City Plan Commitment is on promoting environmental responsibility to achieve a cleaner and more attractive city through a community responsibility plan supporting and enabling community clean-ups and place based volunteering, issuing sanctions where appropriate; and improving the amount of household waste sent for reuse, recycling or composting. Low levels of litter, dog fouling, graffiti and fly tipping are also important to residents. Residents will continue to be enabled to enjoy the city's open spaces by the maintenance of Green Flag Award parks and Blue Flag beaches.

(c) Vibrant Smart City

More resilient people - We will seek to enable families to be resilient and resourceful to respond to challenges and achieve the best possible outcomes for their children with a focus on families requiring early help with children in need, with children subject to a child protection plan; and with children who are looked after and care leavers. We will seek to build resilient communities by mitigating the wider impacts of COVID-19 and helping residents who experience hardship to access support.

More people feeling safe in their homes and neighbourhoods– This commitment relates both to people feeling safe from crime and supporting vulnerable adults who use our services to feel safe. We will work in partnership with other key agencies across the city to reduce the incidence of recorded crime, first-time offending, and young people re-offending. We are also committed to disrupting criminal and anti-social behaviour through intervention and enforcement activity whilst promoting prevention.

More residents participating in their communities – This commitment is about providing residents, including children and young people, with opportunities to engage with and participate in their communities –including supporting people to participate in an expanded and diversified range of volunteering platform, events and cultural programme, and other activities. We engage residents in conversations about local areas through the ‘Let’s Talk’ programme and annual Residents Survey, and children and young people specifically through participation activity. We are working in partnership with the Voluntary and Community Sector to increase their capacity to support communities.

More people visiting Sunderland and more residents informing and participating in cultural events, programmes, and activities –Post the restrictions due to the COVID pandemic, with partners we are re-building the city’s cultural offer for visitors and residents through investment in our facilitated events programme and re-opened cultural venues. As well as recognising the value of our coast and beaches as visitor attractions, we are providing a balanced portfolio of core events delivered by the Council along with partners, complimented by events led by others. We will also maximise the opportunities for health benefits from our events programme.

(d) Organisational Health

As an organisation we are continuing a challenging but exciting cultural change journey. The Council needs to continually improve and be innovative in our approach to counteract reducing budgets and financial uncertainty. We are committed to ensuring we have a productive healthy workforce, maintaining a lower level of sickness absence. We continue to enable greater agile and paperless working through the adoption of digital technologies and will continue to enable more digital interaction with our customers thereby promoting self-serve. The Council must focus on intelligence-based decision making to ensure that services are provided that represent value for money and ‘invest to save’ projects will be utilised where necessary to achieve this. We need to support innovation and collaborative ways of working to make sure the people in greatest need are supported. More must be done to address demand pressures and build individual and community resilience.

The Council will seek to maximise the return on investment through:

- Generating savings or supporting avoidance of additional revenue costs;
- Growing the Council’s income base i.e., fees and charges, business rates and council tax;
- Seeking a commercial return where appropriate; and
- Generating and supporting funding opportunities which encourages and levers in private sector and other investment to the city.

The global pandemic and now the economic impact of geo-political factors has clearly impacted upon the City’s residents, businesses, and visitors. Work to deliver the ambitions set out in the City Plan will be continually monitored and is critical to the City’s recovery.

2.3 Partnership working and investment opportunities

- 2.3.1 The Council will work with key partners to review physical and technological assets on a city-wide basis and maximise the potential benefits and opportunities of wider capital and infrastructure planning (including health sector partners, the College, University and Gentoo).
- 2.3.2 The Council will ensure that strong partnership arrangements are in place to enable truly collaborative working with regional partners. This includes the key partnerships of the Tyne and Wear City Region (including the LA7), North East Combined Authority, North of Tyne Combined Authority, and the North East Local Enterprise Partnership (LEP) together with any subsequent arrangements aligned to the devolution agenda.

3.0 CAPITAL EXPENDITURE

- 3.1 The definition of capital expenditure under the Local Government Act 2003 is

'expenditure that results in the acquisition of, or the addition of subsequent costs to assets (tangible or intangible) in accordance with proper practices'

- 3.1.1 To meet the definition of capital, expenditure will only be classified as capital expenditure if the expenditure is directly attributable to an asset and:
- Results in the acquisition, construction, or improvement of an asset;
 - Is separately identified and measurable; and
 - Results in a measurable benefit to the Council for a period in excess of 12 months.
- 3.1.2 In addition, the Local Government Act 2003 allows the following type of expenditure to be classified as capital expenditure:

'the giving of a loan, grant or other financial assistance to any person, whether for us by that person or by a third party, towards expenditure which would, if incurred by the authority be capital expenditure'

- 3.1.3 Whether acquired or self-constructed, fixed assets should initially be measured at cost. Only costs that are directly attributable to bringing the asset into working condition for its intended use should be included. Such costs should be capitalised only for the period in which the activities that are necessary to get the asset ready for use are in progress.

3.2 Governance of the Capital Programme

- 3.2.1 To ensure that available resources are allocated optimally and deliver value for money, capital programme planning is determined in parallel with the service and revenue budget planning process within the framework of the medium-term financial plan (MTFP).
- 3.2.2 The Council has mechanisms in place which seeks to ensure that there is an integrated approach to addressing cross-cutting issues and developing and improving service delivery through its capital investment in pursuance of the Council's priorities. These include:

- Democratic decision-making and scrutiny processes which provide overall political direction and ensure accountability for the investment in the capital programme. These processes include:
 - Full Council, which is ultimately responsible for approving the Capital Strategy, the Treasury Management Strategy, and the Capital Programme;
 - Cabinet, which is responsible for setting the corporate framework and political priorities to be reflected in the Capital Programme and recommends projects for inclusion in the Capital Programme. Cabinet also monitors delivery of the capital programme through the quarterly capital and treasury monitoring process;
 - Scrutiny Coordinating Committee, which considers the programme of new starts for inclusion in the Capital Programme and reviews the MTFP to provide challenge, advice, and commentary to Cabinet where appropriate; and
 - All schemes which progress follow the requirements of the constitution and financial regulations including Financial Procedure Rules and Procurement Procedure Rules.

- Officer Groups which bring together a range of service interests and professional expertise. These include:
 - The Chief Officer Group (COG) which has overview responsibility for the development, management, and monitoring of the capital programme; COG acts as the Capital Strategy Board and provides a framework within which the Council capital investment plans will be scrutinised and prioritised, and delivery of approved plans will be monitored;
 - Directorate Management Teams overseeing and proposing business cases for investments prior to finance and legal due diligence for submission to the Capital Strategy Board; and
 - Specific Programme and Project boards with wide ranging membership are also created as appropriate to oversee significant capital development projects as required.

3.3 Capital Programme 2023/2024 – 2026/2027

The current approved capital programme commits substantial resources over the four years to 2026/2027 and can be viewed at [Capital Programme 2023/2024 - 2026/2027](#)

A quarterly financial review of the Capital Programme is reported to Cabinet each July, October, and January outlining any in year variations, together with an outturn report in June.

3.4 Process for Prioritising New Capital Proposals

The annual process for identifying and prioritising new capital requirements involves a cross-section of stakeholders. The stages and roles within this process are outlined below:

Stage 1 - Identification and Prioritisation of Proposals within Directorates

Executive Directors, through discussion with Cabinet Portfolio holders, are requested to identify projects which are of high priority to their service area and are aligned with

the City Plan. The supporting business case provides a clear justification for the proposal and sets out the rationale for its priority level. In addition, Executive Directors undertake a full review of the existing capital programme to confirm that planned projects remain a priority for the Council.

Stage 2 - Initial Review and Challenge

The Finance service undertakes an initial review and challenge of the proposals received to ensure completeness and robustness of submissions.

Stage 3 - Corporate Strategic Review and Prioritisation

- Submissions are reviewed and challenged by the COG Capital Strategy Board who assess the relative priority of the submissions from a strategic perspective, aligned to the corporate priorities; and
- The COG Capital Strategy Board recommend the projects to be taken forward after taking into account the total resources available and any consequences on the MTFP budget planning process.

Stage 4 - Member Review and Challenge

- Cabinet considers for recommendation to Council the prioritised proposed new start projects;
- Scrutiny Coordinating Committee reviews and challenges the recommendations from Cabinet;
- Cabinet considers the comments from Scrutiny Coordinating Committee and makes a final recommendation to Council; and
- Council considers the recommendations from Cabinet and approves the capital programme for the following 4-year period.

3.5 Monitoring of the Capital Programme

3.5.1 Monitoring of the programme includes expenditure profiling and the delivery against timetable for each project. This, in turn, informs the debt cost of schemes and the associated revenue impacts.

3.5.2 Schemes are regularly monitored by project managers, supported by finance colleagues, which informs quarterly reports to Cabinet that identify changes to the capital programme including:

- New resource allocations.
- Slippage and acceleration in programme delivery;
- Schemes reduced or removed;
- Virements between schemes to maximise delivery and outcomes;
- Revisions to expenditure profile and/or funding to ensure ongoing revenue costs are minimised; and
- Revisions to timelines and significant changes in anticipated outcomes.

3.5.3 Non-financial outputs from the Capital Programme are monitored through the City Plan performance, capturing the wider benefits of schemes over a longer timeframe.

3.6 Longer Term Planning

3.6.1 The current capital planning cycle duration is 4 years, which covers the short to medium term capital investment requirements of the Council. The Prudential Code requires the Capital Strategy to consider the Council's longer-term capital investment requirements, although it does acknowledge that when taking a long-term view of assets, projections in later years are likely to involve a high degree of estimation.

3.6.2 The Council's capital programme, as approved in February 2023 and taking into account any subsequent approved variations, covers the period through to 2026/27 and totals £521.090m. In addition, new capital scheme proposals to commence from April 2024 are currently being developed and are to be considered by Cabinet and then full Council in February 2024 prior to their commencement.

Table 1 below provides a high-level minimum estimate of the capital requirement over the subsequent 15-year period commencing 2027/2028. The totals provided reflect the recurring elements of the capital programme necessary to maintain the status quo of asset groups. Non-recurring projects / initiatives, such as regeneration projects, are excluded from this analysis given their one-off nature.

The recurring elements of capital investment required to maintain service delivery are grouped into a number of asset areas, these are:

- Highways – Improvement and strategic maintenance of the Council's major highway assets including roads, bridges, footways, and traffic signal equipment;
- Property – Improvement and strategic maintenance of Council buildings to support front line services;
- Vehicles – Acquisition of vehicles, such as refuse collection vehicles and large specialist vehicles, to support front line services; and
- ICT and Connectivity – Improvement and replacement of the Council's ICT infrastructure and devices to directly support Council services across the city.

Any further regeneration initiatives following planned feasibility assessments and any other emerging schemes not covered by the above will be developed and appraised in line with the City Plan priorities and reported to Cabinet for consideration at the appropriate time.

Table 1 – Long Term Capital Requirement Forecasts beyond Capital Programme Period

Asset Group	Forecast Requirement 5 Years (2027/28 – 31/32)	Forecast Requirement 10 Years (2032/33 – 41/42)
	£m	£m
Highways (1)	10.000	20.000
Property (2)	13.750	27.500
Vehicles (3)	20.000	40.000
ICT (4)	2.500	5.000
TOTAL	46.250	92.500

Assumptions;

- (1) Highways – £2.000m per annum rolling programme of planned maintenance works and improvements. This estimate does not include investment supported by external funding from the Department of Transport, this has historically totalled c. £5m per annum for the Council and is anticipated to continue at this level.
- (2) Property - £2.750m per annum rolling programme of planned property capital maintenance.
- (3) Vehicles - £4.000m per annum rolling fleet refresh programme (based on 10-year full replacement programme estimate of £13m)
- (4) ICT and Connectivity – £0.500m per annum rolling refresh of user devices and core infrastructure.

Actual budget allocations will be determined as part of the annual revenue and capital budget setting process taking into account affordability at the time and service priorities.

The level of investment noted in table 1 above would result in an average annual spend of £9.250m. This level of additional borrowing would require an increase of around £1.128m to the revenue budget each year for the 15-year period to take account of debt charges.

3.7 Housing Revenue Account

Local Authorities that own 200 or more social dwellings are required to account for them within a Housing Revenue Account (HRA), at this stage the Council is beneath this threshold.

The HRA records expenditure and income on running the Council's housing stock and closely related services or facilities provided primarily for the benefit of the Council's own tenants. The HRA is a statutory ring-fenced account required to be self financing and, as such expenditure has to be entirely supported from housing rental and other income.

4.0 FUNDING APPROACH

4.1 There are several external and internal funding sources which the Council explores to support the development and delivery of the Capital Programme. These include:

- UK Government and Regional Funding;
- Lottery, Trusts and Foundations;
- Developer Private / Partnership Funding;
- Enterprise Zone Finance and Tax Incremental Finance;
- Capital Receipts and Council reserves; and
- Prudential Borrowing.

Each potential funding approach comes with varying conditions and risks which need to be assessed and then managed as part of the scheme delivery.

4.1.1 UK Government and Regional Funding

- Grants are allocated by Government departments to specific programmes or projects on a competitive or formula basis. The Council seeks to maximise such allocations, developing appropriate projects and programmes which address priority needs in the city. With the Local Growth Fund, Getting Building Fund and European funding programmes now fully, the Council continues to access and investigate funding opportunities linked to the UK Government's Levelling Up agenda. Capital funding secured for major projects includes support from Transforming Cities Fund for the redevelopment of Central Station, Future High Streets Fund for a city centre transformation programme and the Levelling Up Fund to develop the city centre's housing ecosystem, including the Housing Innovation and Construction Skills Academy and two key housing sites on Vaux and Nile and Villiers Streets– Two other significant projects in delivery are co-funded by the Getting Building Fund to support digital and strategic infrastructure in the city centre and riverside areas, and to fund additional energy infrastructure on the Hillthorn Business Park site in Washington.
- The Council is awaiting the outcome of its round 2 bid to the Levelling Up Fund and plans to progress further bids to future rounds of the fund should additional funding be confirmed by Government. Delivery of Enterprise Zone funded capital works is ongoing on both the International Advanced Manufacturing Park (IAMP) and Port of Sunderland sites. Additional support from Government has also been secured to support the development of the IAMP Microgrid project. The Council will continue to work with Homes England and other Government departments to secure additional funding to support its ambitious capital programme.
- The Council secured funding through the UK Shared Prosperity Fund Investment Plan. Although this programme is predominantly revenue funding it will also provide a small amount of capital funding to support priority projects.
- Further consultation and guidance on the City Region Sustainable Transport Fund is awaited which should offer additional transport funding opportunities for the city as part of devolution funding over the next 4-5 years.
- Regional funding will continue to be accessed including from resources allocated to the North East as part of any devolution deal.
- Specific Government grants are utilised to support planned capital expenditure for example, maintenance of transport infrastructure, school buildings and provision of Disabled Facilities.

4.1.2 Non-Government and European grants

The Council continues to monitor opportunities to access non-government funding sources such as the National Lottery Heritage Fund, Sports England, Historic England, National Lottery Community Fund, and Arts Council England to support the delivery of the City Plan. Capital bids for funding are in the pipeline to support the redevelopment of Sunderland Museum and Winter Gardens, Library improvement projects in Houghton and Washington, and a nature conservation project in the former Coalfields area.

Apart from several existing capital projects that are currently being delivered, there are no further opportunities to access EU funding. All current European Structural and Investment Fund (ESIF) projects are scheduled to be completed by the end of 2023.

The UK Shared Prosperity Fund launched in April 2022 will operate until March 2025. Sunderland submitted its investment Plan in July 2022 and is awaiting the outcome of the Government's assessment process. The plan's coverage reflects local, regional and national priorities set out in the Sunderland City Plan, North East Strategic Economic Plan and Levelling Up White Paper – As outlined above, there is some limited scope to develop new capital projects.

4.1.3 Developer Private Funding

The Council has entered a number of private financing / partnering arrangements in recent years including Sunderland Lifestyle Partnership and Waste Management PFI. Funding arrangements have also been entered into with Legal and General in relation to the City Hall that will see other office developments funded and delivered by Legal and General as part of Riverside Sunderland.

The Council is committed to working with partners in the development of the city and its services. Various mechanisms provide opportunities to enhance the Council's investment potential with support and contributions from other third parties and local strategic partners. These range from commissioning / facilitating others to develop services in the city, funding for regeneration projects, and through match funding / joint funding of developments.

4.1.4 Alternative Sources of Financing

Enterprise Zones:

The Council has three live Enterprise Zone sites: A19 Low Carbon Zone, land at the Port of Sunderland and IAMP Phase 1. The Government's Enterprise Zone model allows all business rates growth generated by the Enterprise Zone to be kept by the relevant LEP for a period of 25 years. To unlock sites locally, the North East LEP approved a model of forward funding the required infrastructure work, whereby local authority borrowing is financed through the future flow of business rates growth receipts.

Tax Incremental Finance (TIF):

Tax increment financing (TIF) permits local authorities to borrow money for infrastructure projects against the anticipated increase in tax receipts resulting from the infrastructure. TIF arrangements need to be negotiated and agreed with Central Government.

4.1.5 Internal funding

- Capital receipts from asset disposals

The Council has a substantial property estate, mainly for operational service requirements and administrative buildings. Reviews undertaken in accordance with the Asset Management Plan identify properties which are surplus to requirements, and which can be disposed.

Capital receipts from asset disposals represent a finite funding source and it is important that a planned and structured manner of disposals is in place to support the priorities of the Council. As part of its property rationalisation programme, the Council markets sites when it is felt to be the appropriate time in order to achieve best value and help support operational efficiencies.

The Efficiency Strategy, approved annually by Council, includes the continued proposed use of capital receipts to support costs arising from implementing the Council's savings programme, in accordance with Government guidance on the availability of flexibility around the use of capital receipts for transformation purposes through to 2024/25.

The Council continues to maintain a policy of not committing receipts in advance of realisation and does not ring-fence the use of capital receipts to fund new investment in specific schemes or service areas, except where regulations require this i.e., educational land receipts. Instead, subject to any claw back provisions, resources are allocated in accordance with key aims and priorities.

While the Council does not commit receipts in advance of realisation, an indicative programme of sales of assets into future years is in place against which progress will be monitored and managed.

Receipts realised will be used to assist the Council's long term financial position. This will involve appraisal of the options to maximise revenue benefits, which could include:

- Repayment of existing debt;
- Mitigating requirements for future borrowing requirements in delivering the capital programme priorities;
- Funding of Transformation Projects that will deliver efficiencies; and
- Funding additional priorities.

- Capital Reserves

There is currently limited scope for Capital reserves to support new capital proposals. Opportunities for the creation of additional capital reserves will be considered in the light of the outturn funding position each financial year.

- Lease finance
Leasing may be considered where this provides best value as an alternative to purchasing, to determine this a lease versus buy options appraisal will be undertaken.
- Revenue
Capital expenditure may be funded directly from a revenue contribution (CERA – capital expenditure charged to revenue account). However, the general pressures on the Council’s revenue budget and Council Tax levels limit the extent to which this may be exercised as a source of capital funding.
- Prudential “unsupported” borrowing
Under the Prudential Code, the Council has discretion to undertake borrowing to fund capital projects. The full cost of that borrowing must be taken account of in the Council’s budget, through the Minimum Revenue Provision (MRP) Policy. Any borrowing must be prudent, affordable, and sustainable. The Code of Practice was refreshed in 2021 and strengthens restrictions on borrowing primarily for investment yield.

Given the pressure on the Council’s revenue budget, prudent use has been made of borrowing prioritising where there was a clear financial benefit, such as “invest to save”, “spend to earn” or major regeneration schemes, which provide a net return over and above the borrowing cost, or a wider city benefit in line with the ambitions of the City Plan.

Council resources will be allocated to programmes based on asset lives to manage the long-term yield and revenue implications. Where available, any capital receipts will be focused on those assets with short term life span (e.g., vehicles and IT investments) and the unsupported borrowing on long term assets (e.g., land and buildings). This approach reduces the minimum revenue provision charge to the revenue account.

In November 2020, the Government published revised lending terms for the Public Works Loan Board (PWLB), which were implemented from the 26 November 2020 with a revision on 12 August 2021. The main feature of the new lending terms was to prevent Local Authorities from using PWLB loans to buy commercial assets primarily for yield. This was subsequently strengthened through the Prudential Code update issued in December 2021.

Any investment asset bought primarily for yield which was acquired after 26 November 2020 would result in the Council being unable to access the PWLB in that financial year or being able to use PWLB to refinance this transaction at any point in the future.

It isn’t possible to reliably link loans to specific spending, so this restriction applies on a ‘whole plan’ basis – meaning that the PWLB will not lend to any Local Authority that plans to buy investment assets primarily anywhere in their capital plans, regardless of whether the transaction would notionally be financed from a source other than the PWLB.

5.0 DEBT, BORROWING AND TREASURY MANAGEMENT

5.1 As defined by CIPFA in the Treasury Management Code of Practice, Treasury Management is:

5.2 *'the management of the organisation's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with the activities; and the pursuit of optimum performance*

Under the Prudential Code, local authorities have discretion over the funding of capital expenditure and the level of borrowing they wish to undertake to deliver their capital plans and programmes. However, capital spending plans must be affordable, sustainable, and prudent. To demonstrate this, the Council's longer term financial needs, alongside a projection of forecast external debt and borrowing, are detailed within the Prudential and Treasury Indicators 2023/2024 to 2026/2027 and within the Treasury Management Strategy Statement. This is approved annually by Council.

5.3 Table 2 below shows the estimated net revenue cost of debt charges and the future borrowing levels that will be required by the Council to meet its estimated capital financing requirement (CFR) over the 20-year timeframe included in the Capital Strategy. The table includes longer term capital financing requirements beyond the current capital programme timeframe that are identified in section 3.6 of this report but does not include other long-term liabilities (e.g., PFI schemes and finance leases).

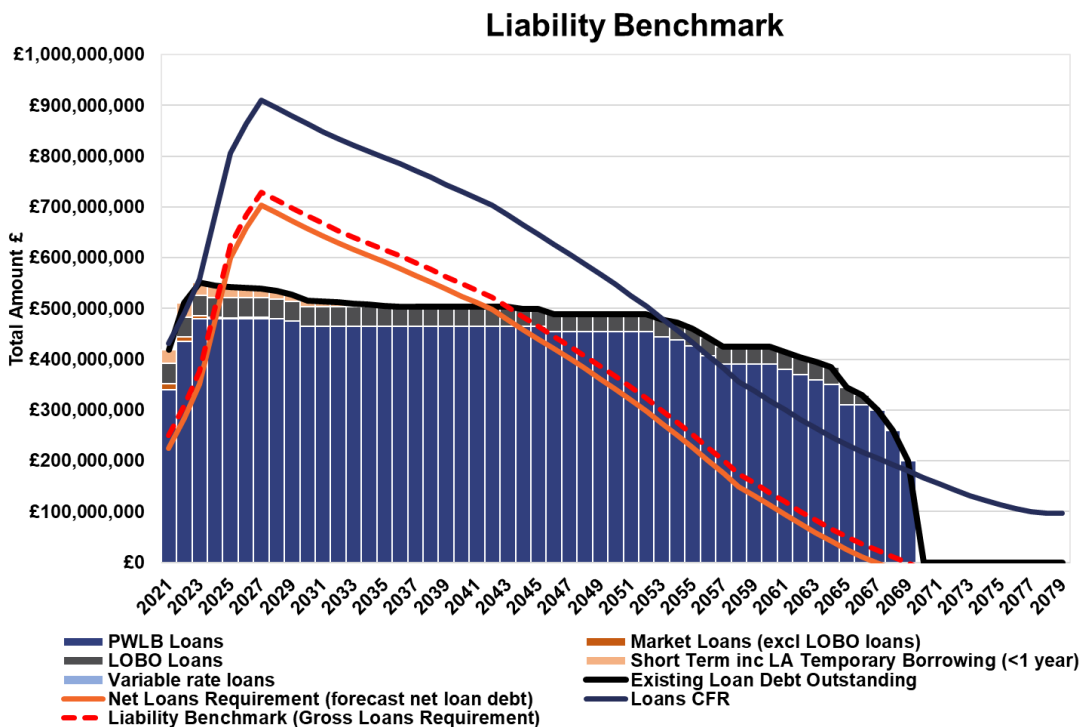
5.4 The CFR quantifies capital expenditure that has not yet been paid for from revenue or capital resources. It measures the authority's underlying need to borrow for a capital purpose. It does not increase indefinitely as it is decreased by the Minimum Revenue Provision, which reduces the borrowing need in line with assets lives. Consideration will be given to utilising cash backed reserves to temporarily fund the Council's borrowing requirement.

Table 2

	2027/28 £m	2032/33 £m	2037/38 £m	2042/43 £m
Capital Financing Requirement	888.624	783.906	688.935	590.576
Existing External Debt	534.679	509.650	503.999	504.063
Additional External Debt Requirement	353.945	274.256	184.936	86.513
Net Debt Charges	30.18	29.318	32.087	32.970

The Council ensures that the revenue implications of capital finance, including financing costs, are properly taken into account within option appraisal processes, the capital programme and the MTFP.

5.4 The liability benchmark for the Council is shown in the chart below. From 2023 onwards it is projected for the next 20 years that the Council will be under-borrowed against its requirements. This will mean that additional borrowing will be required but the Council will manage that, as it always has, by monitoring interest rates and identifying the most appropriate borrowing opportunities. There may be occasions when the Council will opt to actively be under-borrowed to avoid excessive interest rate costs and manage financing requirements through internal resources.



5.5 Borrowing Limits

All external borrowing and investment undertaken is subject to the monitoring requirements of the Prudential Code. Under the Code, local authorities must set borrowing limits (Authorised Borrowing Limit for External Debt and Operational Boundary for External Debt) and must also report on the Council's performance for all the other Treasury Management Prudential Indicators.

Further details are included within the Prudential and Treasury indicators 2023/2024 to 2026/2027 as approved by Council in February 2023.

5.6 Debt Repayments

The Council is required to repay an element of its capital financing requirement each year through a revenue charge known as the MRP. The Council must set a prudent amount of MRP in an annual MRP Policy Statement that is approved by Full Council each year.

5.7 Treasury Management Governance and Risks

The Local Government Act 2003 and subsequent guidance requires the Council to set out its Treasury Management Strategy for Borrowing and to prepare an Annual Investment Strategy. This sets out the Council's policies for managing both its borrowing and its treasury investments, which gives priority to the security and liquidity of those investments.

6 COMMERCIAL ACTIVITY – INVESTMENT STRATEGY

- 6.1 Since 2010 local government finances have been restricted by annual grant reductions, with much greater emphasis on self-sufficiency. The Council's Capital Strategy aims to support this agenda by increasing the physical and economic regeneration of the city, to generate more business rates and council tax to support Council services.
- 6.2 In recent years, a number of local authorities have increased their property portfolio for purely commercial / income generation reasons, often outside of their geographic area, in order to support existing Council budgets faced with continued grant reductions. This practice has drawn concern from both CIPFA and the Department for Levelling Up, Housing and Communities (DLUHC) around the risk and security of funds from such commercial activity. DLUHC has subsequently updated its Statutory Investment Guidance, which requires that authorities:
- Prepare an investment strategy for approval by full Council once a year;
 - Disclose the contribution that investments make “toward the service delivery objectives and / or place making role of the local authority”;
 - Include indicators that enable assessment of the authority's investments and decisions taken;
 - Must not “borrow in advance of need” to profit from the investment of the sums borrowed. This requirement now applies to non-financial investments (e.g., investment in commercial property that is solely commercial) rather than financial instruments. In the past, investment in commercial property would have counted solely as capital expenditure and so could have been funded by borrowing; and
 - If they do borrow in advance of need for profit, authorities must set out the reasons for their non-compliance in the strategy and their risk management arrangements.
- 6.3 To date, the Council has not entered any investment decisions (outside of Treasury Management transactions) that solely focus on the commercial return of that investment. Whilst some capital developments and loan agreements in place have a commercial rate of return, and this is considered as part of any decisions approved, all such investments are principally to support the regeneration and economic sustainability of the city. The Council has no property assets defined as “investment assets” held on its balance sheet.
- 6.4 The Council has prepared this investment strategy to comply with the statutory guidance issued by the DLUHC. In doing so, the overarching principles of any investment decisions are that:
- Investment decisions are made with the primary purpose of supporting the regeneration and economic resilience of the city, and that the benefit of such is set out as part of the decision-making process. As such no borrowing “in advance of need” would be undertaken;
 - Any proposals to undertake any such investment decisions would fully consider appropriate risks and security of funds as part of any decision-making process and weigh up these risks against the anticipated benefits of the proposal;
 - There would be a fully calculated and robust financial case of any proposal to be considered; and
 - The approval for any such proposals follow the existing governance and approval process as set out in the Council's constitution.

- 6.5 Any ongoing monitoring of investment decisions will be undertaken using existing channels i.e., revenue and capital monitoring. No additional mechanisms will be put in place given the Council does not intend to undertake any purely commercial activities.
- 6.6 This strategy and the related activity sits alongside the Treasury Management strategy referenced elsewhere, as well as having direct relationships with borrowing and Prudential Indicators. The Council will ensure that this policy is updated on an annual basis to be compliant with any such changes as required by CIPFA or the DLUHC.

7 ENVIRONMENTAL SUSTAINABILITY

- 7.1 Sunderland is a thriving city and is home to businesses from all industries who are driving innovation and solutions to help tackle the climate change crisis and support the city's target of net-zero commitment by 2030. Businesses and stakeholders from across the private and public sectors are working together to invest in climate action and make the city resilient to future challenges and build a better future for the residents. There are many innovative and exciting projects being undertaken to support Sunderland's net-zero commitment and to help the city meet its climate change target.
- 7.2 The Council has a significant role to play in supporting the city to transition to net-zero carbon, the capital programme includes investment, which will help facilitate the Council's 2030 net-carbon target.

8 ASSET MANAGEMENT PLANNING

- 8.1 The Council has a responsibility for assets used in service delivery including property, highways infrastructure and vehicles, plant and equipment. It is essential to understand the need, utilisation, condition and the investment and operating costs associated with the Councils asset portfolio.
- 8.2 When prioritising investment, it is essential to understand the whole life costs of maintaining and operating existing assets, having consideration of which are deemed essential in continued service delivery or which can be considered for alternative uses.
- 8.3 Approved Asset Management Plans are in place for property assets that demonstrate the Council's stewardship of assets. A disposal strategy is also in place to relinquish or find alternative beneficial uses for assets deemed surplus to requirements.
- 8.4 In line with best practice, Cabinet will consider development plans for Highways and other infrastructure assets during 2023/24 and updates on property asset management plans already developed. The Council's approach to asset management and stewardship of assets will be supported by targeted internal and external reviews to assess the effectiveness of asset management practices including governance, risk management and control.

9 OTHER LONG-TERM LIABILITIES

- 9.1 Councils may take on liabilities and hold investments explicitly in the course of service delivery including regeneration. Whilst not included within the Capital Programme or the Treasury Management Strategy, they are included within the wider Capital Strategy to give an overarching view of the Council's financial position.

- 9.2 As at 31st March 2023 the Council held £56.003m long-term liabilities in respect of PFI schemes;
- Waste Management Partnership £40.696m;
 - Street Lighting and Highways Signs £10.850m; and
 - Sandhill View £4.457m.
- 9.3 The Council also held finance leases liabilities of £98.250m at 31st March 2023 mainly in respect of City Hall, Keel Square Hotel, Sunnyside Multi Storey car park and the City Library building and embedded vehicle leases. An additional finance lease for Hillthorn Business Park is due to be finalised in the financial year 2023/2024.
- 9.4 The Council has entered a number of joint venture partnerships and provided loans to the following:
- Sunderland Lifestyle Partnership - In June 2015 the Council entered a unique joint venture (JV) partnership, known as Sunderland Lifestyle Partnership, with Sports & Leisure Management Ltd (SLM), to manage and operate the city's leisure facilities. The JV is a private company limited by shares and is owned by the Council and SLM in equal shares (50:50) and is managed by a board of directors with an equal number of representatives from each party; and
 - IAMP LLP - This joint venture has been established with South Tyneside Council to deliver the International Advanced Manufacturing Park to the north of Nissan. Both parties own 50% of the LLP. Land currently held by IAMP has been financed through Local Growth Funding grant and member loans in the form of Loan Notes.

The Council also has the following Financial Guarantees in place:

- Future possible payments may be required to Gentoo (formerly the Sunderland Housing Group) under the terms of the Transfer Agreement established between the Council and Gentoo for claims relating to non-environmental and environmental warranties. This agreement was drawn up as part of the Large-Scale Voluntary Transfer which took place on 26th March 2001 which transferred all Council Housing and related assets to Gentoo;
- In addition to this, the Council acts as a guarantor to the Tyne and Wear Pension Fund in respect of pensions for employees who were originally employed by the Council but transferred to Gentoo in March 2001; and
- The Council also acts as a joint guarantor (along with other councils) to the Tyne and Wear Pension Fund in respect of pensions for employees of several bodies such as the Association of North East Councils (ANEC) and the North East Regional Employers Organisation (NEREO). The councils involved have agreed with the Pension Fund administrators that, in the unlikely event of any of these bodies failing, any pension deficit would be repaid over an agreed repayment period. Independently, the Council has similar arrangements in place for possible pension deficits with several other organisations.

These guarantees have all been judged to be insurance contracts and have been valued accordingly.

9.5 All other long-term liabilities are subject to Council approval and detailed business cases are provided prior to approval being given. This includes clear identification and quantification of financial risks and any implied subsidy included in the proposals. All long-term liabilities are closely monitored for changes to assumptions made and the probability of financial guarantees being called upon.

10 **KNOWLEDGE AND SKILLS**

10.1 The respective disciplines which support the implementation of the Capital Strategy across the Council i.e., finance, legal, property, etc. are delivered by officers with the necessary skills and professional standing. Officers regularly attend training courses, seminars and conferences provided by CIPFA, RICS and other bodies to ensure they are up to date with emerging issues, regulatory changes, and best practice.

10.2 To ensure appropriate skill levels are available within the Council, suitable officers are provided with the opportunity to undertake professional training. The introduction of the Government's Apprenticeship Levy initiative is now supporting the financing of such development opportunities.

10.3 The Council uses Link Asset Services as its external treasury management advisers. The Council recognises that responsibility for treasury management decisions remain with the Council at all times and ensures that undue reliance is not placed upon our external service providers. It also recognises that there is value in employing external providers of treasury management services in order to acquire access to specialist skills and resources.

10.4 Where deemed necessary, external advisers / consultants will be engaged to support Council officers. These engagements may cover work packages including; business case development, regulatory consideration / compliance, project appraisal and specialist project delivery advice and support.

10.5 New Councillors are provided with financial training as part of their induction programme by internal Finance Officers. In addition, existing councillors can opt to receive refresher training as and when required, for example when they have a change in responsibility.

11 **CONCLUSION**

11.1 The Council has a long-established history of strong financial management. This Capital Strategy does not, in itself, introduce any new controls, but serves as a useful document as it summarises all the arrangements in place around our capital activities. It highlights the comprehensive arrangements in place to ensure that the Council can balance the need for continued investment in the city with the requirement to set a balanced MTFP and address the ongoing financial challenges that the Council faces.

Report of the Standards Committee

The STANDARDS COMMITTEE reports and recommends as follows: -

1. Review of Members' Code of Conduct

That at its meeting on 12 September 2023, the Committee gave consideration to a report of the Assistant Director of Law and Governance (Appendix 1), which invited Members to review the current Code of Conduct and to determine whether they wished to propose any amendments. (NB copies of the appendices referred to in the report can viewed via the following link [Meetings and Events \(sunderland.gov.uk\)](https://www.sunderland.gov.uk))

The Committee resolved that: -

- i.) it be recommended that Council amend the Code of Conduct as shown in Appendix 3 to the report subject to additional amendments to provide for: -
 - A footnote in relation to the second introductory paragraph indicating examples of when the code may apply,
 - a specific requirement in paragraph 2 that 'You must comply with the provisions of the Equality Act 2010'
- ii.) the current descriptions of the Seven Principles of Public Life be retained, and the Code be amended accordingly;
- iii.) no changes be made to the Code in relation to the provisions for registration and declaration of interests.

A copy of the tracked version of the updated Code showing the amendments recommended to Council by the Standards Committee is attached at Appendix 2 and for ease of reference, a clean copy of the proposed Code is attached at Appendix 3.

Accordingly, the Standards Committee recommends to Council that the amended Code of Conduct be approved.

REPORT TO STANDARDS COMMITTEE

12th SEPTEMBER 2023

REVIEW OF MEMBERS' CODE OF CONDUCT

REPORT OF THE ASSISTANT DIRECTOR OF LAW AND GOVERNANCE

1. Introduction

1.1 The purpose of this report is to invite the Committee to review the current Code of Conduct and consider whether it wishes to propose any amendments. Any amendments will be referred to Council for approval.

1.2 The Arrangements for Dealing with Complaints will be brought to a future meeting of the Committee for review.

2. Background

2.1 The Code was last updated in 2020, in order to incorporate a reference to adopting the International Holocaust Remembrance Alliance working definition of antisemitism. Since then, the LGA has published a suggested Model Code which members may wish to consider.

2.2 It is for the Council to determine its own Code of Conduct. There is no obligation to adopt the LGA Model Code, although the Council may do so if it wishes. Alternatively, the Council may adopt the LGA Model Code with "local" modifications, or it may simply consider the terms of the Model Code and make such changes as it considers appropriate to its existing Code. The Council may also determine that no amendments to the Council's Code should be made at this time.

2.3 The Council's existing Code of Conduct is attached at Appendix 1 to this report and the LGA Model Code is shown at Appendix 2. Suggested amendments to the Council's Code for the Committee's consideration are shown as tracked changes at Appendix 3, should the Committee decide that its preferred approach is to amend the existing Code.

3. LGA Model Code of Conduct

3.1 The style of the LGA Model Code is somewhat different to the Council's Code of Conduct. The Council's Code is expressed in the second person, including requirements that "You must..." "You must not..." etc. Any guidance on the application and interpretation of those provisions is provided in supplementary documents such as e-mails or briefing notes, generally sent by the Monitoring Officer, which do not form part of the Code of Conduct.

3.2 The LGA Model Code is expressed in a mixture of first-person obligations in bold type as "**I will...**" "**I do not...**" etc. which are supplemented by guidance on the application and interpretation of the obligations, which is expressed in the second

person and built into the Code itself. On this basis, any updates or amendments to the associated guidance would also need to be approved by Council, as they would amount to an amendment to the Code itself.

3.3 In respect of the “General Conduct” obligations in the LGA Model Code, the following observations are made:

3.3.1 **Respect**

3.3.1.1 Both the LGA Model Code and the Council’s Code include provisions regarding treating others with respect. Whereas the Council’s Code states that this includes Council officers and members, the LGA also expressly refers to members of the public, then goes on to refer to employees and representatives of partner organisations and those volunteering for the local authority. It is not entirely clear what group of people would fall within the category of “volunteering for the local authority” as opposed to volunteering more generally.

3.3.1.2 Members may wish to consider whether specifically identifying additional categories of persons to whom respect should be shown would add any value to the current provisions in the Council’s Code, or whether the current provisions are sufficient to convey the importance of treating all persons with respect.

3.3.2 **Bullying, harassment and discrimination**

3.3.2.1 The Council’s Code includes provision in respect of bullying. Harassment is not expressly referred to, nor is there express reference to equalities and non-discrimination.

3.3.2.2 Suggested amendments to cover these areas are shown as tracked changes at Appendix 3.

3.3.3 **Impartiality of officers of the Council**

3.3.3.1 The provisions in the Model Code and Council’s Code are in similar terms.

3.3.4 **Confidentiality and Access to Information**

3.3.4.1 While much of the suggested provision in the Model Code is in similar terms to the Council’s Code, the Model Code contains an additional requirement that where a member is proposing to disclose information of a confidential nature, as well as the disclosure being reasonable and in the public interest, made in good faith and in compliance with the reasonable requirements of the authority, the member should also have consulted the Monitoring Officer prior to its release.

3.3.4.2 It is recommended that members include this additional provision in the Council’s Code of Conduct. The provision does not require the member concerned to accept the advice of the Monitoring Officer (although if they act contrary to that advice, it is to be expected that they would be more likely to be in breach of the Code) however including this provision may help serve as a reminder to members of

the importance of using proper channels and appropriate procedures when they genuinely have concerns about matters which they believe should be disclosed. Consulting the Monitoring officer would provide an opportunity for the member to be briefed regarding whether there were other more appropriate methods of raising any concern they may have.

3.3.4.3 The Model Code also includes a provision that a member should not improperly use information they have gained as a result of their role as a councillor to advance themselves, other persons connected with them, or their business interests.

3.3.4.4 It is recommended that a similar provision be included in the Council's Code, in the interests of public confidence that members are acting to serve the wider public interest, rather than those of themselves or their associates. Appropriate amendments are suggested at Appendix 3.

3.3.5 Disrepute

3.3.5.1 The Model Code provision is that a member does not bring their role or local authority into disrepute, which arguably suggests that for a breach of this provision to be established, it is necessary to demonstrate that either the member's role or the Council was, in fact, brought into disrepute. The provision in the Council's Code is that a member should not conduct themselves in a manner which could "reasonably be regarded" as bringing the Council, or their office as member, into disrepute. It is suggested that the Council's version is to be preferred.

3.3.6 Use of Position

3.3.6.1 A similar provision is included in the Council's Code of Conduct, which it is suggested should be enhanced, as referred to in paragraphs 3.3.4.3 and 3.3.4.4 of this report.

3.3.7 Use of Local Authority Resources and Facilities

3.3.7.1 A similar provision is included in the Council's Code of Conduct.

3.3.8 Complying with the Code of Conduct

3.3.8.1 The Council's Code contains a similar provision to that at 8.3 of the LGA Model Code, which prohibits intimidation or attempted intimidation of a person who is involved with the administration of, or the investigation of, a complaint. There are however additional provisions in the Model Code to undertake Code of Conduct training, co-operate with any Code of Conduct investigation or determination and to comply with any sanction imposed following a breach.

3.3.8.2 Members may wish to consider including provisions in the Code to require co-operation with investigations and sanctions imposed. It should be relatively clear when a member is failing to comply with an ongoing process or to comply with a sanction imposed.

3.3.8.3 While it is important that members attend relevant training on the Code of Conduct, a Code obligation to undertake training may raise issues in respect of what level of “failure to attend” amounts to a breach. For example, how many training opportunities would need to be missed before a potential breach arose? Nevertheless, despite any potential difficulties in identifying the circumstances that may amount to a breach, members may consider that these are not unsurmountable and that if an allegation was made, account would be taken of the surrounding circumstances. Suggested provision has been set out at Appendix 3, regarding which members views are sought.

3.4 Protecting your Reputation and the Reputation of the Council

In respect of the obligations in the Model Code regarding protecting the reputation of members and the Council, the following observations are made.

3.4.1 Registration and Disclosure of Interests

- 3.4.1.1 The provisions of the Model Code regarding registration and declaration of interests are set out in paragraph 9 and Appendix B of the Model Code and are arguably more complex than the provisions of the Council’s Code. The Council’s Code requires registration and declaration of Disclosable Pecuniary Interests (DPIs) and gifts and hospitality of a value of £50 and over. The Model Code also imposes requirements in respect of what are described as “Other Registrable Interests”, which are
- unpaid directorships,
 - membership of, or the holding of a position of management or control in, a body to which the member is appointed or nominated by the Council,
 - any other body exercising functions of a public nature, or directed to charitable purposes, or a body, one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

3.4.1.2 The Model Code provides that such interests must be registered and where a matter at a meeting “directly relates” to the financial interest or wellbeing of one of a member’s Other Registrable Interests, it must be disclosed. If members of the public are allowed to speak on the matter, the member may do likewise, however they must not otherwise take any part in the discussion or vote and must not remain in the room, unless they have a dispensation to do so.

3.4.1.3 There is also a further category of “Non-Registrable Interests” under which members are required to declare an interest if a matter at a meeting “directly relates” to their financial interest or well-being (and is not already a DPI) or a financial interest or well-being of a close associate. The member may speak if a member of the public is allowed to speak on the matter, but may not take part in any discussion or vote on the matter or remain in the room, unless granted a dispensation.

3.4.1.4 The Model Code then goes on to make further provision for the situation where a matter at a meeting “affects”, (as opposed to “directly relates to”) the

member's financial interest or well-being, the financial interest or wellbeing of a relative or close associate, or the financial interest or wellbeing of a body included in the "Other Registrable Interests" categories. A member must disclose the interest and apply a test set out at paragraph 9 of the Model Code, to determine whether they can remain in the meeting. This test requires the consideration of whether the interest affects the financial interest or well-being of the member to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and whether a reasonable member of the public, knowing all the facts, would believe that it would affect the member's view of the wider public interest.

3.3.9.4 Whilst the Council's current Code does not include provisions regarding "Other Registrable Interests" and "Non-Registrable Interests", considerations regarding the appearance of bias are relevant when members are attending meetings and making decisions and this topic is included in training provided to members. As a result, for example, clear advice is given that members who are also members or directors / trustees etc. of organisations that are applying for funding from the Council, should declare the interest and leave the room. This is important because if a member took part in decisions in which they have a potential conflict of interest, arguably, they may expose themselves to an allegation that they had used their position improperly to gain an advantage or disadvantage, and/or that they were bringing their office or the Council into disrepute. In addition, certain decisions may be subject to challenge if the member concerned had taken part in their consideration.

3.3.9.5 The practice at the Council has been that in respect of all interests, whether DPIs or other interests, when considering whether to participate in a meeting considering a particular matter, members are advised to ask themselves whether a reasonable member of the public might think that their judgement could be affected. Would a fair minded and informed observer, having considered the facts, conclude that a real possibility of bias exists?

3.3.9.6 This approach has worked well to date. Members identify areas where they may need to declare an interest and / or leave the room while a matter is being considered and if in doubt, they seek advice. There is no evidence to suggest that there are any issues or concerns with members participating in decision making on matters regarding which they have a conflict of interest. It is therefore suggested that paragraphs 13-18 of the Council's Code of Conduct as per the draft at Appendix 3 are sufficient. Nevertheless, the Committee may wish to consider whether it wishes to recommend a different approach to the registration and declaration of interests, in line with that suggested in the Model Code.

3.4.2 Gifts and hospitality

3.3.10.1 Similar provision is included in the Council's Code of Conduct.

4. Nolan Principles

4.1 The "Seven Principles of Public Life" or "Nolan Principles" are not referred to by those titles in the legislation relating to the Code of Conduct. The Localism Act 2011

simply requires the Code to be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These are however the principles commonly referred to as the “Nolan Principles”.

4.2 The preamble to the Council’s Code states that the Code is intended to be consistent with Nolan’s Seven Principles of Public Life and should be read in the light of them. Annex 1 of the Code sets out, for information, the more detailed description of the principles, as those descriptions were when the Code was originally adopted.

4.3 Since adoption of the Council’s Code, the descriptions attached to the Seven Principles of Public Life have been amended and now read as set out in Appendix A of the LGA Model Code.

4.4 It would be possible to continue to use the original description of the principles, but if so, it would be preferable and more accurate not to refer to them as Nolan’s Seven Principles of Public Life.

4.5 It is recommended that the Annex to the Council’s Code is either amended to reflect the updated descriptions of the Principles or, if the Committee prefers the original descriptions of the Principles, that the Code is amended to remove the reference to Nolan’s Seven Principles of Public Life. The Code would continue to recite that it is intended to be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. This would still be compliant with the legislation.

5. Recommendations

5.1 The Standards Committee is recommended to consider:

5.1.1 recommending Council to amend the Code of Conduct as shown in Appendix 3;

5.1.2 whether to update the descriptions of the Seven Principles of Public Life as set out in the LGA Model Code or to retain the current descriptions and amend the Code accordingly;

5.1.3 whether to propose changes to the Code to the provisions for registration and declaration of interests;

5.1.4 any further amendments it wishes to propose to the Code of Conduct or;

5.1.5 whether to take a different approach to amendment of the Council’s Code to that proposed in the Report, such as to adopt the LGA Model Code in its entirety.

Background Papers

Sunderland City Council Code of Conduct
LGA Model Code of Conduct

Code of Conduct for Members

The Council of the City of Sunderland (“the Council”) has adopted the following Code which took effect from 1 July 2012 and which was most recently amended on 27 March 2013 [date] and which sets out the conduct that is expected of elected and co-opted Members of the Council when they are acting in that capacity.

This means the Code applies whenever you (a) conduct the business of the Council (including the business of your office as an elected Councillor or co-opted Member) or (b) act, claim to act or give the impression you are acting as a representative of the Council. (For further guidance on “capacity” see explanatory note¹ below.)

‘Co-opted Member’ means any person who is a Member of any Committee or Sub-Committee of the Council with a right to vote but is not one of its elected Members.

The Code is intended to be consistent with the following principles Nolan’s Seven Principles of Public Life and should be read in the light of those principles, namely that Council Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These seven principles are not part of this Code but descriptions of the behaviour the Council considers to be encompassed by the principles are set out ~~in full~~ at Annex 1 for information.

In addition, the Council adopts the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism (set out in explanatory note² below) and associated examples, where relevant in the consideration and any investigation of an allegation of a breach of this Code. The associated examples can be found at <https://www.holocaustremembrance.com/working-definition-antisemitism>

General Conduct

1. You must treat others with respect, including Council officers and other elected Members.
2. You should comply with the Equality Act 2010 and any other equalities legislation and not discriminate unlawfully against any person.
- ~~3.~~ You must not bully or harass 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.~~
4. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Council.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute.

6. You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person any advantage or disadvantage. You should not improperly use knowledge gained solely as a result of your role as a councillor for the advancement of yourself, your friends, your family members, your employer or your business interests.
7. You must comply with any Protocol adopted by the Council which seeks to regulate the conduct of its elected Members or co-opted Members and which the Council has specifically declared should fall within the provisions of this Code of Conduct and which is listed in the annex to this Code.
8. When using or authorising the use by others of the resources of the Council, you must act in accordance with the Council's reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
9. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
10. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
 - a) You have the consent of a person authorised to give it; or
 - b) You are required by law to do so; or
 - c) The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - d) The disclosure is reasonable, ~~and~~ in the public interest and made in good faith and you have consulted the Monitoring Officer prior to its release.
11. Where you have been involved in making any decision by the Council which is subsequently subject to scrutiny by an Overview and Scrutiny Committee of the Council, you must not take part in that scrutiny process except to the extent you may be invited by the Committee to give evidence to, or otherwise assist, it. In this paragraph, 'scrutiny' means the formal examination of a policy or decision previously approved or taken by or on behalf of the Council in order to reach a view as to its merits or effectiveness.
12. You should undertake Code of Conduct training provided by the Council wherever reasonably possible and if you are unable to attend scheduled formal training sessions, should make reasonable efforts to attend any follow-up sessions or individual briefing sessions offered to you. You must comply and engage and co-operate with any Code of Conduct investigation and/or determination, including compliance with any sanction imposed on you following a finding that you have breached the Code of Conduct. 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.](#)

Registration of Interests

13. Subject to paragraph [14 2](#), you must register in the Council's Register of Members' Interests information about your personal interests. In this Code of Conduct 'your personal interests' means:

(a) any 'Disclosable Pecuniary Interest' (as defined by regulations made from time to time by the Secretary of State) which you know about and which is held by

(1) you, or

(2) your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners.

(b) any person or organisation from whom you have received an offer of a gift or hospitality with an estimated value of £50 or more (whether or not you accept the offer) which is attributable to your position as an elected or co-opted Member of the Council. In addition to recording the identity of the person or organisation who made the offer, you should record the nature of the gift or hospitality.

(Note: Paragraph [13 4\(b\)](#) relates only to your interests and not those of your spouse or civil partner)

(c) You must register information about your personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a Member of the Council; and
- any change taking place in your personal interests.

(Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this Code. A list of Disclosable Pecuniary Interests as currently defined by regulations is set out in Annex 2)

14. Where you think that disclosure of the details of any of your personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, you may inform the Monitoring Officer; and if the Monitoring Officer agrees, a note will be made in the Register to the effect that you have a personal interest, details of which are withheld under Section 32 of the Localism Act 2011.

Declaration of Interests

15. When you attend a meeting of the Council or Cabinet, or one of their Committees or Sub-Committees, and you are, or ought reasonably to be, aware that any of your Disclosable Pecuniary Interests are relevant to an item of business which is being considered, then unless the interest is one which has been noted under paragraph 14, you must disclose to that meeting the existence and nature of that interest at the start of that item of business, or when the interest becomes apparent, if later.
16. When you attend a meeting of the Council or Cabinet, or one of their Committees or Sub-Committees, and you are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered at that meeting, you may not (unless you have a relevant dispensation granted under section 33 of the Localism Act 2011):
 - a) participate (or further participate) in any discussion of the matter at the meeting; or
 - b) participate in any vote (or further vote) taken on the matter at the meeting.
17. If a function of the Council can be discharged by you as a Member acting alone and you are aware you have a Disclosable Pecuniary Interest in any matter to be dealt with by you in the course of discharging that function, you shall not deal with that matter in any way (except to enable it to be dealt with by someone else).

(Note: Failure, without reasonable excuse, to comply with paragraph 16 4 or 17 5 is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this Code)
18. You must comply with any standing order adopted by the Council which requires Members to leave the room during any meeting at which a matter in which they have a Disclosable Pecuniary Interest is being discussed.

Explanatory Notes:

- ¹ *The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:*
- *You misuse your position as a councillor.*
 - *Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.*

The Code applies to all forms of communication and interaction, including:

- *At face to face meetings*
- *At online or telephone meetings*
- *In written communication*

- *In verbal communication*
- *In non-verbal communication*
- *In electronic and social media communication, posts, statements and comments*

² *“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”*

Description of the Principles Relevant to the Code of Conduct and Members' Behaviour

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Disclosable Pecuniary Interests
(as defined by regulations made by the Secretary of State under section 30
Localism Act 2011 (the Regulations))

Please note: The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) yourself, or (b) your spouse or civil partner, or (c) a person with whom you are living as husband and wife, or (d) a person with whom you are living as if you were civil partners (all of whom are referred to as “relevant persons”):

Employment, office, trade, profession or vocation - Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship - Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts - Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council —

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land - Any beneficial interest in land which is within the area of the relevant authority.

Licences - Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies - Any tenancy where (to M’s knowledge)—

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities - Any beneficial interest in securities of a body where—

- (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either—

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person

has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Note: These descriptions of interests are subject to the following definitions;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Associated Protocols

The Council has adopted the following Protocols which are intended to regulate the conduct of its elected members or co-opted members and which the Council has specifically declared should fall within the provisions of this code of conduct pursuant to paragraph 6 of the code:

Protocol on Member / Employee Relations

Protocol for Members in relation to Development Control Matters.

Protocol on the use of Civic Cars

Protocol for Members in relation to Licensing Matters

Protocol for Members and Voting Co-opted Members – Use of Council Resources and Equipment

Guidance for Members in Relation to the Use of Council ICT Facilities

Protocol for Use of Member Websites

Remote intranet / Internet Access for Members

Protocol in Relation to Members' Business Dealings with the Council

Code of Conduct for Members

The Council of the City of Sunderland (“the Council”) has adopted the following Code which took effect from 1 July 2012 and which was most recently amended on [date] and which sets out the conduct that is expected of elected and co-opted Members of the Council when they are acting in that capacity.

This means the Code applies whenever you (a) conduct the business of the Council (including the business of your office as an elected Councillor or co-opted Member) or (b) act, claim to act or give the impression you are acting as a representative of the Council. (For further guidance on “capacity” see explanatory note¹ below.)

‘Co-opted Member’ means any person who is a Member of any Committee or Sub-Committee of the Council with a right to vote but is not one of its elected Members.

The Code is intended to be consistent with the following principles and should be read in the light of those principles, namely that Council Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These principles are not part of this Code but descriptions of the behaviour the Council considers to be encompassed by the principles are set out at Annex 1 for information.

In addition, the Council adopts the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism (set out in explanatory note² below) and associated examples, where relevant in the consideration and any investigation of an allegation of a breach of this Code. The associated examples can be found at <https://www.holocaustremembrance.com/working-definition-antisemitism>

General Conduct

1. You must treat others with respect, including Council officers and other elected Members.
2. You should comply with the Equality Act 2010 and any other equalities legislation and not discriminate unlawfully against any person.
3. You must not bully or harass any person (including specifically any Council employee).
4. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Council.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute.

6. You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person any advantage or disadvantage. You should not improperly use knowledge gained solely as a result of your role as a councillor for the advancement of yourself, your friends, your family members, your employer or your business interests.
7. You must comply with any Protocol adopted by the Council which seeks to regulate the conduct of its elected Members or co-opted Members and which the Council has specifically declared should fall within the provisions of this Code of Conduct and which is listed in the annex to this Code.
8. When using or authorising the use by others of the resources of the Council, you must act in accordance with the Council's reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
9. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
10. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
 - a) You have the consent of a person authorised to give it; or
 - b) You are required by law to do so; or
 - c) The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - d) The disclosure is reasonable, in the public interest and made in good faith and you have consulted the Monitoring Officer prior to its release.
11. Where you have been involved in making any decision by the Council which is subsequently subject to scrutiny by an Overview and Scrutiny Committee of the Council, you must not take part in that scrutiny process except to the extent you may be invited by the Committee to give evidence to, or otherwise assist, it. In this paragraph, 'scrutiny' means the formal examination of a policy or decision previously approved or taken by or on behalf of the Council in order to reach a view as to its merits or effectiveness.
12. You should undertake Code of Conduct training provided by the Council wherever reasonably possible and if you are unable to attend scheduled formal training sessions, should make reasonable efforts to attend any follow-up sessions or individual briefing sessions offered to you. You must comply and engage and co-operate with any Code of Conduct investigation and/or determination, including compliance with any sanction imposed on you following a finding that you have breached the Code of Conduct. 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.

Registration of Interests

13. Subject to paragraph 14, you must register in the Council's Register of Members' Interests information about your personal interests. In this Code of Conduct 'your personal interests' means:

(a) any 'Disclosable Pecuniary Interest' (as defined by regulations made from time to time by the Secretary of State) which you know about and which is held by

(1) you, or

(2) your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners.

(b) any person or organisation from whom you have received an offer of a gift or hospitality with an estimated value of £50 or more (whether or not you accept the offer) which is attributable to your position as an elected or co-opted Member of the Council. In addition to recording the identity of the person or organisation who made the offer, you should record the nature of the gift or hospitality.

(Note: Paragraph 13 (b) relates only to your interests and not those of your spouse or civil partner)

(c) You must register information about your personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a Member of the Council; and
- any change taking place in your personal interests.

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16. When you attend a meeting of the Council or Cabinet, or one of their Committees or Sub-Committees, and you are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered at that meeting, you may not (unless you have a relevant dispensation granted under section 33 of the Localism Act 2011):
 - a) participate (or further participate) in any discussion of the matter at the meeting; or
 - b) participate in any vote (or further vote) taken on the matter at the meeting.
17. If a function of the Council can be discharged by you as a Member acting alone and you are aware you have a Disclosable Pecuniary Interest in any matter to be dealt with by you in the course of discharging that function, you shall not deal with that matter in any way (except to enable it to be dealt with by someone else).

(Note: Failure, without reasonable excuse, to comply with paragraph 16 or 17 is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this Code)
18. You must comply with any standing order adopted by the Council which requires Members to leave the room during any meeting at which a matter in which they have a Disclosable Pecuniary Interest is being discussed.

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- ¹ *The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:*
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- *In written communication*

- *In verbal communication*
- *In non-verbal communication*
- *In electronic and social media communication, posts, statements and comments*

² *“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”*

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Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

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In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

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Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Disclosable Pecuniary Interests
(as defined by regulations made by the Secretary of State under section 30
Localism Act 2011 (the Regulations))

Please note: The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) yourself, or (b) your spouse or civil partner, or (c) a person with whom you are living as husband and wife, or (d) a person with whom you are living as if you were civil partners (all of whom are referred to as “relevant persons”):

Employment, office, trade, profession or vocation - Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship - Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts - Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council —

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land - Any beneficial interest in land which is within the area of the relevant authority.

Licences - Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies - Any tenancy where (to M’s knowledge)—

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities - Any beneficial interest in securities of a body where—

- (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either—

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person

has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Note: These descriptions of interests are subject to the following definitions;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Associated Protocols

The Council has adopted the following Protocols which are intended to regulate the conduct of its elected members or co-opted members and which the Council has specifically declared should fall within the provisions of this code of conduct pursuant to paragraph 6 of the code:

Protocol on Member / Employee Relations

Protocol for Members in relation to Development Control Matters.

Protocol on the use of Civic Cars

Protocol for Members in relation to Licensing Matters

Protocol for Members and Voting Co-opted Members – Use of Council Resources and Equipment

Guidance for Members in Relation to the Use of Council ICT Facilities

Protocol for Use of Member Websites

Remote intranet / Internet Access for Members

Protocol in Relation to Members' Business Dealings with the Council

Action Taken on Petitions

ACTION TAKEN ON PETITIONS

Council Members are asked to note the action taken in relation to the under-mentioned petitions which were presented to Council: -

1. Petition – Request that the Developer of the Chestergate Housing Scheme use an alternative access for construction traffic rather than Pickering Road

A petition signed by nine residents, was presented to Council on 22 March 2023 by former Councillor Pam Mann and referred to the Executive Director of City Development.

The residents claim to have suffered from noise, mud and dust whilst the development has been ongoing. The petition requested that the Council intervene with the developers and instruct them to use an alternative entrance.

Following receipt of the petition, the issues were investigated by officers and with respect to the mud and dust concerns raised in the petition, the developer states that a road sweeper was in operation when earth moving operations were ongoing. Furthermore, the road sweeper visits once a week and will also be requested when site activities and the weather deem it necessary. Repairs to the carriageway were completed during February 2023 and at a follow up highway inspection in May 2023 Council officers considered the road to be safe and serviceable. The amount of noise generated by construction traffic should have greatly reduced now that the carriageway has been repaired and the number/type of construction vehicles has reduced.

The Council have no legal powers to insist that Gentoo change the current route of construction traffic but it will request that Gentoo submit a request to alter the planning conditions and Construction Management Plan now that the access road is complete. The Council will also consider making an alternative access route a planning condition for any future phases of development.

2. Petition to Reduce or Remove Charges for Memorial Benches in Sunderland

A petition signed by 267 residents was presented to Council on 13 September 2023 by Councillor Sam Johnston requesting that charges for memorial benches be reduced or removed.

Council officers have considered the petition and advised as follows.

The Council understands that these benches hold significant sentimental value for many and have carefully considered the quality of the product offered to ensure a consistently high quality for the lifetime of the sponsorship term. The goal is to ensure the long-term sustainability of the memorial bench programme, allowing the

Council to continue to provide a meaningful and lasting tribute to loved ones. Purchase costs of the premium bench, installation costs and maintenance expenses have contributed to the overall cost of each bench as the aims are to ensure the continued delivery of quality memorialisation products and improvement of public areas.

Taking into account all the associated costs in the purchase, installation and maintenance of these benches, any overage is minimal and can contribute to the administration of the scheme.

Therefore, any reduction to these charges could result in the Council subsidising the provision of this service. To remove the charges altogether would mean that this would become a fully subsidised service and would inevitably create an unprecedented demand that the Council may not be able to accommodate in terms of cost, locations, time to install and maintain in a safe usable state.

It should be noted that these benches are not benches that the Council would provide anyway, in these locations, as part of normal highway assets.

The Council understands that bench fees may be challenging to some, and is actively exploring ways to mitigate the impact of such by introducing a range of alternative memorial options to enable bereaved families to memorialise loved ones in a range of products and prices.

The Council is committed to finding solutions to residents' concerns in providing the best service at the best costs that cater for every budget.

Councillor Johnston has been advised of the response.

Reports

(i)

COUNCIL

15 NOVEMBER 2023

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.

APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES

REPORT OF THE ASSISTANT DIRECTOR OF LAW AND GOVERNANCE

1. Introduction and Background

1.1 The purpose of this report is to inform Council of changes required to the allocation of Committee seats between political groups as a result of the changes to the political balance of the Council. In addition, Councillor Thornton has indicated that she wishes to step down from the Board of Sunderland Care and Support Limited and a replacement nomination is proposed.

2. Changes to Appointments on Committees

2.1 Following the resignation of Councillors Curtis and G Smith from the Liberal Democrat Group, a recalculation of the political balance on committees to ensure places are allocated in accordance with the relevant statutory requirements has been undertaken.

2.2 So far as reasonably practicable, the proportion of the total number of committee seats allocated to each group should reflect each group's proportion of the membership of the authority. There are also a number of vacant seats which require a nomination and the proposed change to Sunderland Care and Support Limited referred to above. The changes to Committees which are required are set out in the table below: -

Committee	Member(s) to be Removed	Member(s) to be Appointed
Human Resources Committee	Vacancy	Labour Group Nomination to be notified.
Health and Wellbeing Board	Cllr Bond	Cllr Vera
Scrutiny Co-ordinating Committee	Cllr Curtis	Independent Nomination to be notified
Health and Wellbeing Scrutiny Committee	Vacancy	Labour Group Nomination to be notified.
Children, Education and Skills Scrutiny Committee	Vacancy	Labour Group Nomination to be notified.
Economic Prosperity Scrutiny Committee	Cllr Donaghy Cllr Reed	Labour Group Nomination to be notified. Cllr S Johnston
Standards Committee	Cllr O'Brien	Independent Nomination to be notified.

Licensing and Regulatory Committee	Cllr Curtis	Labour Group Nomination to be notified.
Education (Appointment of Governors) Panel	Cllr G Smith	Cllr Gibson
Homelessness Appeals Panel	Cllr Curtis	Cllr Fagan
Appeals Committee	Cllr Curtis	Labour Group Nomination to be notified.
Supportive Parenting Partnership	Cllr Donaghy	Labour Group Nomination to be notified.
Port Board	Cllr G Smith	Cllr Edgeworth
Outside Bodies		
Health Scrutiny Joint Committee between South Tyneside and Sunderland Local Authorities	Cllr Walton	Cllr Burnicle
North East and North Cumbria ICS and North of Tyne and Gateshead and Durham, South Tyneside and Sunderland Area Integrated Care Partnerships Overview and Scrutiny Committee	Cllr Bond	Cllr Ayre
Sunderland Care and Support Limited	Cllr Thornton	Cllr A Smith
Tyne and Wear Fire and Rescue Authority	Cllr G Smith	Cllr Mullen

3. Vice-Chair Positions

3.1 The Conservative Group is now the majority group in opposition and the majority group have requested that the Council appoint a Conservative Member as Vice-Chair of East Area Committee in place of Councillor Hodson and as Vice-Chair of the Children, Education and Skills Scrutiny Committee in place of Councillor Gibson. The Conservative Group have indicated that they propose Councillor McDonough as Vice-Chair of Children, Education and Skills Scrutiny Committee. The Conservative nomination for Vice-Chair of the East Area Committee will follow.

4. Recommendations

4.1 The Council is accordingly invited to consider approving the following: -

- (i) the appointment of a Labour Group Member to the Human Resources Committee;
- (ii) the appointment of Councillor Vera to the Health and Wellbeing Board in place of Councillor Bond;

- (iii) the appointment of an Independent Member to the Scrutiny Co-ordinating Committee in place of Councillor Curtis;
- (iv) the appointment of a Labour Group Member to the Health and Wellbeing Scrutiny Committee;
- (v) the appointment of a Labour Group Member to the Children, Education and Skills Scrutiny Committee;
- (vi) the appointment of Councillor S Johnston in place of Councillor Reed and the appointment of a Labour Group Member to the Economic Prosperity Scrutiny Committee in place of Councillor Donaghy;
- (vii) the appointment of an Independent Member to the Standards Committee in place of Councillor O'Brien;
- (viii) the appointment of a Labour Group Member to the Licensing and Regulatory Committee in place of Councillor Curtis;
- (ix) the appointment of Councillor Gibson to the Education (Appointment of Governors) Panel in place of Councillor G Smith;
- (x) the appointment of Councillor Fagan to the Homelessness Appeals Panel in place of Councillor Curtis;
- (xi) the appointment of a Labour Group Member to the Appeals Committee in place of Councillor Curtis;
- (xii) the appointment of a Labour Group Member to the Supportive Parenting Partnership in place of Councillor Donaghy;
- (xiii) the appointment of Councillor Edgeworth to the Port Board in place of Councillor G Smith;
- (xiv) the appointment of Councillor Burnicle to the Health Scrutiny Joint Committee between South Tyneside and Sunderland Local Authorities in place of Councillor Walton;
- (xv) the appointment of Councillor Ayre to the North East and North Cumbria ICS and North of Tyne and Gateshead and Durham, South Tyneside and Sunderland Area Integrated Care Partnerships Overview and Scrutiny Committee in place of Councillor Bond;
- (xvi) the appointment of Councillor A Smith to Sunderland Care and Support Limited in place of Councillor Thornton;
- (xvii) the appointment of Councillor Mullen to the Tyne and Wear Fire and Rescue Authority in place of Councillor G Smith;

- (xviii) the appointment of a Conservative Group Member as Vice-Chair of East Area Committee in place of Councillor Hodson; and
- (xix) the appointment of Councillor McDonough as Vice-Chair of the Children, Education and Skills Scrutiny Committee in place of Councillor Gibson.

Motions on Notice

MOTIONS ON NOTICE

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

1. Notice of Motion – Credit Their Service

This Council notes the Royal British Legion "Credit their Service" campaign, demanding an end to the treatment of military compensation as income by welfare benefit means tests, which results in many veterans and their families missing out on thousands of pounds a year.

Sunderland council therefore agrees:

- To use what discretionary powers it has available to ensure that military compensation is never treated as income in means tests for all locally administered benefits.
- Where such discretion is not available, formally request the government:
 - (a) amend benefit regulations to ensure that military compensation is not considered income by means tests; and,
 - (b) Compensate financially those councils that use their discretion to support veterans when applying for benefits.

Proposed by Councillor Catherine Hunter
 Seconded by Councillor Martyn Herron

Additional Signatories

Cllr Graeme Miller	Cllr Iain Scott	Cllr John Price
Cllr Claire Rowntree	Cllr Kelly Chequer	Cllr Kevin Johnston
Cllr Alison Smith	Cllr Linda Williams	Cllr Paul Stewart
Cllr Fiona Miller	Cllr Peter Walker	Cllr Alex Samuels
Cllr Beth Jones	Cllr Stephen Foster	Cllr Juliana Heron
Cllr John Usher	Cllr Joanne Chapman	Cllr Allen Curtis
Cllr Lindsey Leonard	Cllr Michael Butler	Cllr Denny Wilson
Cllr Ehtesham Haque	Cllr Jill Fletcher	Cllr Sean Laws
Cllr Dorothy Trueman	Cllr Henry Trueman	Cllr Alison Chisnall
Cllr Phil Tye	Cllr Joanne Laverick	

2. Notice of Motion – Amendment to Sunderland City Council Constitution (Part 2 Article 10 Area Committees)

To amend Part 2, Article 10 of the Constitution as follows.

To insert under ‘Terms of Reference’ - contained within the table located at 10.02 (a) (Form, Composition and Function) – an additional bullet point beneath "To support delivery of these objectives the Area Committee may..." which reads:

- Decide how funding allocated to the Area Committee in the annual Council budget should be structured and disseminated, including allocating ward-based budgets.

Proposed by Councillor Antony Mullen
 Seconded by Councillor Paul Edgeworth

Additional Signatories

Councillor Sam Johnston
 Councillor Lyall Reed
 Councillor Richard Dunn
 Councillor Greg Peacock
 Councillor Michael Hartnack
 Councillor Simon Ayre
 Councillor Andrew Wood
 Councillor Dominic McDonough

Councillor Michael Dixon
 Councillor Adele Graham-King
 Councillor Margaret Crosby
 Councillor Joshua McKeith
 Councillor Heather Fagan
 Councillor Chris Burnicle
 Councillor Julia Potts
 Councillor Lynn Vera

3. Notice of Motion – Bringing the Metro to Hendon, Grangetown, Ryhope and beyond

This Council:

- supports efforts to re-open the Leamside Line, and to extend Tyne and Wear Metro services to Washington.
- regrets the Government’s U-turn on committing to re-opening the Leamside Line less than 24 hours after the announcement was made.
- Supports extending the Tyne and Wear Metro to reach more of Sunderland. To ensure a route through Hendon, and Grangetown to Ryhope. To ensure a route so Doxford Park has a station.
- Believes that extending the Metro across Sunderland is of equal importance as re-opening the Leamside Line in developing our vibrant city.

Council therefore resolves to ask the Chief Executive to write to relevant regional transport authorities, and to the Secretary of State for Transport to ask them to prioritise preparing a business case for extending the Metro to Hendon, Grangetown, Ryhope and other parts of Sunderland as a matter of priority, alongside preparing the business case to re-open the Leamside Line.

Proposed by Councillor Andrew Wood
 Seconded by Councillor Ciaran Morrissey