

Minutes

Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE on WEDNESDAY, 23 SEPTEMBER, 2015 at 6.00 p.m.

Present: The Mayor (Councillor Curran) in the Chair
The Deputy Mayor (Councillor Emerson)

Councillors	Allan	Francis	Middleton	Turner
	Allen	Galbraith, G.	Miller, F.	Turton, M.
	Ball	Galbraith, I.	Miller, G.	Turton, W.
	Beck	Gibson, E.	Mordey	Tye
	Bell	Gibson, P.	O'Neil	Walker, G.
	Blackburn	Gofton	Porthouse	Waller
	Copeland	Heron	Price	Waters
	Davison	Howe	Scanlan	Watson, P.
	Dixon, M.	Jackson	Smith, D.	Watson, S.
	Elliott	Kay	Smith, P.	Williams
	Ellis	Kelly	Snowdon, D.	Wilson, A.
	English	Lauchlan	Snowdon, D.E.	Wilson, D.
	Essl	Lawson	Speding	Wood
	Farthing	MacKnight	Taylor	Wright, N.
	Fletcher	Marshall	Trueman, H.	Wright, T. H.
	Foster	McClennan		

Also Present:-

Honorary Aldermen: - M. Greenfield and M. Smith.

The notice convening the meeting was read.

Minutes

15. RESOLVED that the minutes of the Meeting of the Council held on 24th June, 2015 (copy circulated), be confirmed and signed as a correct record.

Declarations of Interest

The following Councillor declared an interest as follows: -

Item 11 – Notice of Motion (Defending the Right to Strike)

Councillor Bell

Member of the Union of Allied Trades and Technicians.

Announcements

(i) Green Apple National Gold Award

At the invitation of the Mayor, the Cabinet Secretary, Councillor Speding informed Members of the receipt of the prestigious Green Apple National Gold Award 2015 for the work carried out to breathe new life into Marine Walk and Seaburn Promenade.

Sunderland City Council won the Local Authorities' category at the national awards on 29 June. The awards, organised by The Green Organisation, rewarded and promoted environmental best practice around the world.

The judges commented that their job was harder than ever because of the greater number and higher quality of entries, so it was quite an achievement to win Gold under those circumstances. Cherwell DC and North Kesteven DC were runners up with Silver and Bronze.

The works at the sea front included energy efficient LED lighting, materials recycled from site and elsewhere in the City, and driftwood from Roker Beach. The materials chosen were durable and long lasting. The completed works subtly incorporated secondary sea defences and the sustainable design should be enjoyed by generations to come.

(ii) 2015 Northumbria in Bloom Award

At the invitation of the Mayor, Councillor Mordey informed Members that the Annual Awards Ceremony for Northumbria in Bloom 2015 took place at the Swan Centre, Berwick on Tuesday 15 September.

Councillor Mordey expressed his gratitude to the Deputy Mayor and Deputy Mayoress for attending the event which was also attended by delegates from across the Northumbria in Bloom region.

The achievements of the City, its partners and many of the communities were reported to Council. The judging criteria for the competition were based on the Royal Horticultural Society standards.

Keel Square and St. Mary's Boulevard particularly impressed the judges and it received a Northumbria in Bloom Discretionary Award and Trophy.

Councillor Mordey presented the Mayor with the trophies, which was a great indication of the strong and thriving community that existed in the City. Councillor Mordey thanked all of the City Council's staff, community organisations and businesses for their efforts in achieving the collection of awards.

Reception of Petitions

There were no petitions submitted to the meeting.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Atkinson, Cummings, D. Dixon, Farr, Forbes, Gallagher, Leadbitter, Scaplehorn, Stewart, D. Trueman, P. Walker and Honorary Alderman M. L. Arnott.

Report of the Cabinet

The Cabinet reported and recommended as follows: -

Revenue Budget Outturn for 2014/2015 and First Revenue Review 2015/2016

That they have given consideration to a report of the Director of Finance on the Revenue Budget Outturn for 2014/2015 and First Revenue Review 2015/2016 namely requesting the Council to approve the transfer of funds.

In accordance with the Council's Budget and Policy Framework certain transfers require Council approval. The attached extract sets out the relevant extract from the Cabinet report, which refers to a proposal that £0.649m underspend is transferred to the Strategic Investment Reserve to support transitional arrangements arising from implementation of the savings programmes for 2015/2016 and future years.

They also referred the extract of the budget transfer to the Scrutiny Committee, for advice and consideration. The Scrutiny Committee supported the transfer of funds to the Strategic Investment Reserve to support transitional arrangements arising from implementation of the savings programmes for 2015/2016 and future years and supported the Cabinet recommendation that the transfer be submitted to Council for approval.

Accordingly the Cabinet recommended the Council to approve the budget transfer as set above and in the attached extract.

Capital Programme Outturn 2014/2015 and First Capital Review 2015/2016 (including Treasury Management)

That they have given consideration to a report of the Director of Finance on an aspect of the report on the Capital Programme Outturn 2014/2015 and First Review 2015/2016 (including Treasury Management), namely requesting the Council to note the variations to the capital programme with an estimated cost variance of £250,000 or more in 2015/2016.

They referred the report to the Scrutiny Committee to note the variation to the Capital Programme 2015/2016 with an estimated cost variance of £250,000 or more, details of which are set out in the attached extract. The Scrutiny Committee noted the report and were satisfied with the proposed variation to the Capital Programme.

Accordingly, the Cabinet recommended the Council to note the proposed variations to the capital programme with an estimated cost variance of £250,000 or more in 2015/2016 as set out in the attached extract.

The Leader of the Council, Councillor P. Watson, duly seconded by the Deputy Leader, Councillor H. Trueman, moved the report of the Cabinet.

Upon the report of the Cabinet being put to the Council it was:-

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

Report of the Audit and Governance Committee

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

Annual Report on the work of the Audit and Governance Committee 2014/15

That they have given consideration to a report by the Director of Finance on the work of the Audit and Governance Committee during 2014/15, demonstrating how they have fulfilled their delegated responsibilities. Accordingly, the Committee recommended Council to note the Annual Report on the Work of the Audit and Governance Committee 2014/15.

Councillor Farthing, duly seconded by the Cabinet Secretary, Councillor M. Speding, moved the report.

Upon the report of the Audit and Governance Committee being put to the Council it was:-

17. RESOLVED that the report of the Audit and Governance Committee be noted.

Written Questions under Rule 8.2

Pursuant to Rule 8.2 of the Council Rules of Procedure, Members of the Council asked questions of the Leader and Members of the Executive.

Action Taken on Petitions

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

(i) Petition requesting the reinstatement of bus service 35A between East Herrington and Silksworth.

The text of the petition read:

“The residents of Oakfield Court and the surrounding area are having difficulties in getting to Silksworth since Go North East have taken off the number 35A bus service and replaced it with the 35 which only runs once every hour.

This is causing hardship for especially the elderly residents who need to journey to Silksworth to access the Health Centre for Doctor’s appointments, also the Post Office.

For residents who live in parts of Farringdon the Gentoo office is also there.

They are aware that Nexus support an evening and weekend service 35A however this does not help with Doctor's appointments."

The petition was forwarded to the bus operator Go North East and to Nexus for their response. Details of their deliberations and response are outlined below.

Go North East responded to Councillor Galbraith on 30 June 2015. In this they acknowledged that they made changes to services in Sunderland at the end of January. A review of the service 35A was instigated following feedback from passengers about the route being too complicated, and the actual changes which were introduced were done so after a thorough review of passenger numbers and travel patterns, a consultation event at Park Lane Interchange, and face to face surveys with passengers on board service 35A in the affected area.

Their analysis showed that the number of people travelling directly between The Herringtons and Silksworth was not sufficient for a 20-minute service to continue to operate. However, the connection was still available throughout the day with no change of buses required. Service 38 provides a direct connection to Silksworth hourly on Monday to Saturday daytimes, with service 35A continuing to provide the link on evenings and Sundays. It was also possible to make the journey on a more frequent basis with one change of bus, by using service 33/33A from Silksworth to Barnes Park, and then service 35/36 from Barnes Park to the Herringtons, with each of these services running up to every 15 minutes on Monday to Saturday daytimes.

They had no plans to increase the frequency of the connection between The Herringtons and Silksworth at the current time, however they stated that they continually reviewed all of their services to ensure that they met the needs of passengers

Nexus wrote to Councillor Galbraith on 21 July with their response. This explained that as Go North East was a commercial operator, Nexus had very little control over the decisions made in relation to their commercial networks. Evening and Sunday journeys on the '35A' were financially supported by Nexus and continued to service Oakfield Court. Nexus also continued to provide an hourly daytime service for the residents of Oakfield Court in the form of the Nexus secured service '37'. This provided hourly links to Doxford Park, East Herrington and Washington Galleries. It also highlighted other services such as taxi-card and group travel which may assist residents.

The Nexus response mentioned that they believed that the changes in January were done without the appropriate consultation and encouraged the petitioners to continue to continue Go North East.

The City Council did not have any legal or financial responsibility for bus services. The City Council's powers in this context were limited to influencing or lobbying the commercial operators and requesting Nexus to

secure additional services to make good any gaps in the commercial network. In either instance the final decision on whether to reinstate the service would rest with the operator or Nexus.

In the case of this petition both avenues available to the City Council to resolving this matter had been exhausted and there was nothing further within the current legislative framework that could be done.

Councillor Gillian Galbraith and the petitioners had been notified.

Notices of Motion

Councillor Wood, seconded by Councillor M. Dixon, moved the following motion:-

(i) Ofsted Judgement

This Council deeply regrets the recent Ofsted judgement that “there are widespread and serious failures that leave children unsafe and mean that the welfare of children looked after is not adequately safeguarded or promoted” and resolves to do all in its power to realise Ofsted’s expectation “that all children and young people receive the level of help, care and protection that will ensure their safety and help prepare them for adult life.”

The Leader of the Council, seconded by Councillor P. Smith, proposed the following amendment:-

After “This Council” remove “deeply regrets” and insert “is profoundly concerned over” after “and” remove “resolves to do” and replace with “assures all City residents that it is doing”

So that the amended motion would read:-

“This Council is profoundly concerned over the recent Ofsted judgement that “there are widespread and serious failures that leave children unsafe and mean that the welfare of children looked after is not adequately safeguarded or promoted” and assures all City residents that it is doing all in its power to realise Ofsted’s expectation “that all children and young people receive the level of help, care and protection that will ensure their safety and help prepare them for adult life.”

Upon being put to a vote by a show of hands the amendment was unanimously agreed. The new substantive motion was then put to the meeting and accordingly it was:-

18. RESOLVED that:-

“This Council is profoundly concerned over the recent Ofsted judgement that “there are widespread and serious failures that leave children unsafe and mean that the welfare of children looked after is not adequately safeguarded or promoted” and assures all City residents that it is doing all in its power to realise Ofsted’s expectation “that all children and young

people receive the level of help, care and protection that will ensure their safety and help prepare them for adult life.”

(ii) Defending the Right to Strike

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

This Council notes:

- In February 2015 the United Nations agency the International Labour Organisation (ILO) reaffirmed its belief that ‘without protecting a right to strike, Freedom of Association, in particular the right to organise activities for the purpose of promoting and protecting workers’ interests, cannot be fully realised.’
- In July 2015 the Conservative Government announced its intention to change legislation affecting trade unions and their members to make it harder to win ballots for industrial action. This will only be lawful if there is a 50% turnout among trade union members entitled to vote in addition to a simple majority voting for industrial action.
- The Conservatives seek a further requirement for those working in ‘important public services’ to secure the support of 40% of all trade union members. Non-voters will be counted as ‘against’ industrial action which is contrary to ILO guidance. This means that on a 50% turnout, 80% will have to vote for industrial action for it to be lawful in many public services.
- No such thresholds apply to elections in local government, for police and crime commissioners, or in European or Westminster elections.
- The government has refused the request of trade unions to make electronic balloting legally permissible and increase turnout this way.

This Council further notes:

- The proposed Conservative legislation will also introduce greater restrictions for picketing. These include requirements on unions to inform the police of the name of a picket supervisor and ensure that they have a letter of authorisation they must be required to carry, inform the police of how many will be expected to attend a picket line and what banners or materials will be used as well as notify the police of details of how trade unions intend to use social media during a dispute.
- The Trade Union Bill has been criticised by human rights organisations Liberty, Amnesty International and the British Institute of Human Rights arguing it “would hamper people’s basic rights to protest and shift even more power from the employee to the employer.”
- The Conservative government wants to remove the ban for employers to employ agency workers during a period of lawful industrial action
- The government want to grant Ministers the power to reduce the amount of facilities time agreed by employer and the workforce which is in place to ensure adequate workplace representation.

- Trade unions take industrial action for a wide range of reasons including defending wages and pensions, conditions at work and safety.

This Council believes:

- The right to strike and protest are fundamental rights which should be respected in a free and democratic society
- The Conservative government's Bill will undermine constructive employment relations across Wearside and that harmonious industrial relations are achieved by meaningful engagement and not additional legal restrictions to trade union members
- The government's Trade Union Bill is part of a disturbing trend to erode civil liberties and inhibit the right to speak out or protest against the government
- The Conservative government's Trade Union Bill is a politically-motivated attack on trade unions and could have negative consequences for working people in Sunderland and society

This Council resolves to:

- Oppose the Trade Union Bill 2015-16
- To write to the Secretary of State for Business, Innovation and Skills stating the council's opposition to their Trade Union Bill and to participate in any consultations
- Support the Northern TUC and civil liberties groups in campaigning to defend the right to strike and oppose the Trade Union Bill
- Continue to value the importance of meaningful workforce engagement and representation through trade unions in Sunderland

Upon being put to the vote the motion was carried with 58 Members voting in favour:-

The Mayor (Councillor Curran) in the Chair
The Deputy Mayor (Councillor Emerson)

Councillors	Allan	Galbraith, G.	Middleton	Turner
	Allen	Galbraith, I.	Miller, F.	Turton, M.
	Ball	Gibson, E.	Miller, G.	Turton, W.
	Beck	Gibson, P.	Mordey	Tye
	Bell	Gofton	O'Neil	Walker, G.
	Blackburn	Heron	Porthouse	Waller
	Davison	Jackson	Price	Waters
	Elliott	Kay	Scanlan	Watson, P.
	Ellis	Kelly	Smith, D.	Watson, S.
	English	Lauchlan	Snowdon, D.	Williams
	Essl	Lawson	Snowdon, D.E.	Wilson, A.
	Farthing	MacKnight	Speding	Wilson, D.
	Fletcher	Marshall	Taylor	Wright, N.
	Foster	McClennan	Trueman, H.	Wright, T. H.

4 Members voting against:-

M. Dixon
Howe
Francis
Wood

No Members abstained.

Accordingly it was:-

19. RESOLVED that:-

The Council notes:

- In February 2015 the United Nations agency the International Labour Organisation (ILO) reaffirmed its belief that 'without protecting a right to strike, Freedom of Association, in particular the right to organise activities for the purpose of promoting and protecting workers' interests, cannot be fully realised.'
- In July 2015 the Conservative Government announced its intention to change legislation affecting trade unions and their members to make it harder to win ballots for industrial action. This will only be lawful if there is a 50% turnout among trade union members entitled to vote in addition to a simple majority voting for industrial action.
- The Conservatives seek a further requirement for those working in 'important public services' to secure the support of 40% of all trade union members. Non-voters will be counted as 'against' industrial action which is contrary to ILO guidance. This means that on a 50% turnout, 80% will have to vote for industrial action for it to be lawful in many public services.
- No such thresholds apply to elections in local government, for police and crime commissioners, or in European or Westminster elections.
- The government has refused the request of trade unions to make electronic balloting legally permissible and increase turnout this way.

This Council further notes:

- The proposed Conservative legislation will also introduce greater restrictions for picketing. These include requirements on unions to inform the police of the name of a picket supervisor and ensure that they have a letter of authorisation they must be required to carry, inform the police of how many will be expected to attend a picket line and what banners or materials will be used as well as notify the police of details of how trade unions intend to use social media during a dispute.
- The Trade Union Bill has been criticised by human rights organisations Liberty, Amnesty International and the British Institute of Human Rights arguing it “would hamper people’s basic rights to protest and shift even more power from the employee to the employer.”The Conservative government wants to remove the ban for employers to employ agency workers during a period of lawful industrial action
- The government want to grant Ministers the power to reduce the amount of facilities time agreed by employer and the workforce which is in place to ensure adequate workplace representation.
- Trade unions take industrial action for a wide range of reasons including defending wages and pensions, conditions at work and safety.

This Council believes:

- The right to strike and protest are fundamental rights which should be respected in a free and democratic society
- The Conservative government’s Bill will undermine constructive employment relations across Wearside and that harmonious industrial relations are achieved by meaningful engagement and not additional legal restrictions to trade union members
- The government’s Trade Union Bill is part of a disturbing trend to erode civil liberties and inhibit the right to speak out or protest against the government
- The Conservative government’s Trade Union Bill is a politically-motivated attack on trade unions and could have negative consequences for working people in Sunderland and society

This Council resolves to:

- Oppose the Trade Union Bill 2015-16
- To write to the Secretary of State for Business, Innovation and Skills stating the council’s opposition to their Trade Union Bill and to participate in any consultations
- Support the Northern TUC and civil liberties groups in campaigning to defend the right to strike and oppose the Trade Union Bill
- Continue to value the importance of meaningful workforce engagement and representation through trade unions in Sunderland

Appointments to Committees and Outside Bodies

The Head of Law and Governance submitted a report to confirm the appointments of Hetton Town Council on the Standards Committee and to make appointments to the Health & Wellbeing Board Chairs Network and the North

East Culture Partnership of the Association of North East Councils (ANEC) and the Sunderland Autism Partnership Board.

(For copy report – see original minutes).

20. RESOLVED that:-

- (i) the appointments of Councillors R. Heron and K. Hepple as the representatives of Hetton Town Council on the Standards Committee be confirmed;
- (ii) the Leader of the Council be appointed to the Health and Wellbeing Chairs Network and the Public Health, Wellness and Culture Portfolio Holder to the North East Culture Partnership, and
- (iii) the appointment of the Children's Services Portfolio Holder on the Sunderland Autism Partnership Board be approved.

Quarterly Report on Special Urgency Decisions

The Leader of the Council submitted a quarterly report (copy circulated) on executive decisions which had been taken as a matter of special urgency.

(For copy report – see original minutes).

There were no such instances to report.

21. RESOLVED that the report be received and noted.

Appointments – Interim Head of Paid Service, Returning Officer & Electoral Registration Officer, Deputy Electoral Registration Officer and Interim Director of Children's Services

The Head of Law and Governance submitted a report to recommend Council to appoint an Interim Head of Paid Service, a Returning Officer & Electoral Registration Officer, a Deputy Electoral Registration Officer and an Interim Director of Children's Services and to approve appropriate amendments to delegated functions as a consequence of these designations.

(For copy report – see original minutes).

The Leader of the Council moved that the recommendations contained in the report be approved and it was:-

22. RESOLVED that:-

- (i) the operation of the Employment Procedure Rules (in particular Rules 2,3 and 4) as they applied to the appointments referred to in the report, be suspended, such suspension to be for the purpose of this item of business only.
- (ii) approval be given, with effect from 1 October 2015, to:-

- (a) the appointment of Sonia Tognarelli, Director of Finance, as Interim Head of Paid Service and that she be authorised to undertake the functions set out in Section A of the Appendix to the report on an interim basis, in addition to those functions delegated to the Director of Finance under the Constitution and
 - (b) the appointment of Sue Stanhope, Director of Human Resources and Organisational Development as Returning Officer and Electoral Registration Officer and that she be authorised to undertake the functions set out in Section B of the Appendix to the report, in addition to those functions currently delegated to the Director of Human Resources and Organisational Development under the Constitution, and
 - (c) the appointment of Lindsay Dixon, Head of Electoral Services, as Deputy Electoral Registration Officer and that she be authorised to undertake the functions of the Electoral Registration Officer in their absence.
- (iii) approval be given to the appointment of Steve Walker as Interim Director of Children's Services, the appointment of the Interim Director to the Health and Wellbeing Board and the authorisation of the Interim Director to undertake those functions which are within the remit of the statutory role of Director of Children's Services, which are currently delegated under the Constitution to the Executive Director of People Services.
 - (iv) the Director of Human Resources and Organisational Development, in consultation with the Leader, be authorised to determine the remuneration to be awarded in respect of the interim appointments and in respect of any officers who undertake additional responsibilities as a consequence of the interim arrangements; and
 - (v) the Head of Law and Governance be authorised to amend the Constitution as appropriate to reflect the delegations set out in the Appendix to this report and the delegation of relevant functions to the Interim Director of Children's Services and to make such other amendments as are appropriate to reflect the appointments agreed by the Council.

(Signed) B. CURRAN,
Mayor.