

# **Record of Executive Decisions published 15/Feb/2013**

**Elaine Waugh  
Head of Law and Governance**

**Civic Centre  
Sunderland**

**15 February 2013**



## **Record of Executive Decisions Published: 15/Feb/2013**

**Decision Taker:** Cabinet

**Appropriate Scrutiny Committee:**  
Scrutiny Committee

**Date decision in force:**

25/Feb/2013

**Date of decision:**

13/Feb/2013

**Full description of decision:**

To note the overall positive position in relation to the Collection Fund for 2012/2013, and the surplus of £500,000 which will be taken into account when setting the Council Tax level for the Council for 2013/2014.

**Reasons for decision:**

Estimating the Collection Fund balance available at the end of 2012/2013 for use in setting the Council Tax for 2013/2014 is a legal requirement, which the Council must fulfil, based on information available to it as at 15th January, each year. The Council also has an obligation to notify its major precepting authorities of the estimated surplus or deficit on the Collection Fund within 7 working days of when this calculation has been made.

**Alternative options considered and rejected:**

Not applicable as the report is for information only.

**Title and author(s) of written report:**

Collection Fund 2012/2013 - Report of the Executive Director of Commercial and Corporate Services

**Contact Officer:**

Sonia Tognarelli

**Extension:**

561 1851

**Email:**

sonia.tognarelli@sunderland.gov.uk

**Is this a key decision:** Yes

**Does the Decision contain Confidential/Exempt Information:** No

**Declarations of Interest and Dispensations:**

None

## Record of Executive Decisions Published: 15/Feb/2013

**Decision Taker:** Cabinet

**Appropriate Scrutiny Committee:**  
Scrutiny Committee

**Date decision in force:**

25/Feb/2013

**Date of decision:**

13/Feb/2013

**Full description of decision:**

To note and approve the recommendations of the Scrutiny Committee and the proposed Action Plans for their implementation.

**Reasons for decision:**

The scrutiny policy review recommendations are intended to inform the future development of policy and practice by Cabinet.

**Alternative options considered and rejected:**

The Scrutiny Committee and its Scrutiny Panels have gathered detailed evidence and arrived at conclusions and recommendations which are intended to improve services. There are no alternatives to be considered.

**Title and author(s) of written report:**

Scrutiny Committee – Policy Review Final Reports - Report of the Scrutiny Committee, Deputy Chief Executive and the Executive Director for Children's Services

**Contact Officer:**

Charlotte Burnham

**Extension:**

5611147

**Email:**

charlotte.burnham@sunderland.gov.uk

**Is this a key decision:** Yes

**Does the Decision contain Confidential/Exempt Information:** No

**Declarations of Interest and Dispensations:**

None

## Record of Executive Decisions Published: 15/Feb/2013

**Decision Taker:** Cabinet

**Appropriate Scrutiny Committee:**  
Scrutiny Committee

**Date decision in force:**

25/Feb/2013

**Date of decision:**

13/Feb/2013

**Full description of decision:**

To: a) Agree to the transition arrangements for public health into the local authority b) To approve the delegation of final arrangements to the Assistant Chief Executive in consultation with the Leader and Portfolio Holder during the remainder of February and March 2013 c) note that it is a Tupe-like rather than a Tupe process to clarify the position at paragraph 10.3 of the report.

**Reasons for decision:**

To comply with the requirements of the Health and Social Care Act 2012 and subsequent statutory guidance. These include the establishment of formal Transfer Orders resulting from the reorganisation of the NHS, with wide ranging changes including the disestablishment of Primary Care Trusts (the "Sender" organisations) and transfer of functions to other statutory bodies ("Receiver" organisations) which include local authorities.

**Alternative options considered and rejected:**

Do Nothing: As the Health and Social Care Act 2012 and its enabling legislation establish the legal framework for the transfer, the timetable is fixed in statute. Refuse to delegate authority: Papers on the direction of travel have been received by Cabinet over the last year. There is no new or additional information expected beyond what is already available to the system. The work of the next six weeks will be about detailed management of the transfer and about transactional issues relating to assets rather than strategy.

**Title and author(s) of written report:**

Transition of Public Health to the Council - Report of the Chief Executive

**Contact Officer:**

Sarah Reed

**Extension:**

561 1134

**Email:**

sarah.reed@sunderland.gov.uk

**Is this a key decision:** Yes

**Does the Decision contain Confidential/Exempt Information:** No

**Declarations of Interest and Dispensations:**

None

## Record of Executive Decisions Published: 15/Feb/2013

**Decision Taker:** Cabinet

**Appropriate Scrutiny Committee:**  
Scrutiny Committee

**Date decision in force:**

25/Feb/2013

**Date of decision:**

13/Feb/2013

**Full description of decision:**

To (a) agree that Sunderland City Council will be a member of the North East Local Transport Body ("NELTB"); (b) approve, in principle, the draft Assurance Framework for the NELTB (a copy of the current version is appended) and to delegate authority to the Deputy Chief Executive, in consultation with the relevant Portfolio Holder, to agree the finalised Assurance Framework for the NELTB, so that it can then be submitted to the Department for Transport; (c) delegate authority to the Deputy Chief Executive and the Executive Director of Commercial and Corporate Services to conclude all documentation and enter into legal agreements with the NELTB and its accountable body to cover all requirements of the Assurance Framework; (d) authorise the Deputy Chief Executive, in consultation with the Leader and the Portfolio Holder, to agree and submit local transport scheme proposals to the NELTB pursuant to the new arrangements.

**Reasons for decision:**

In order for Local Authorities to be eligible to receive devolved Local Major Transport funding in future, the Department of Transport requires Local Transport Bodies to be formed (LTB). The Council is being asked to agree to become a member of the North East Local Transport Body and approve the associated Assurance Framework for its operation. Each LTB needs to submit an Assurance Framework, setting out the LTB's governance and working arrangements, for approval by DfT. DfT have issued guidance on what the Framework should cover which sets out minimum requirements. DfT also require each constituent authority to agree the Assurance Framework documents and provide evidence of that agreement.

**Alternative options considered and rejected:**

The alternative options would be for the Council to decide not to become a member of the Local Transport Body or to reject the Assurance Framework. Failure to become a member of the Local Transport Body would prevent the authority from accessing future Local Major Transport funding in light of the proposed devolution of this funding provision.

**Title and author(s) of written report:**

North East Local Transport Body Assurance Framework - Report of the Deputy Chief Executive

**Contact Officer:**

David Laux

**Extension:**

561 7526

**Email:**

david.laux@sunderland.gov.uk

**Is this a key decision:** Yes

**Does the Decision contain Confidential/Exempt Information:** No

**Declarations of Interest and Dispensations:**

None

## Record of Executive Decisions Published: 15/Feb/2013

**Decision Taker:** Cabinet

**Appropriate Scrutiny Committee:**  
Scrutiny Committee

**Date decision in force:**

13/Feb/2013

**Date of decision:**

13/Feb/2013

**Full description of decision:**

To: (i) approve a grant of £40,000 funding to support the development of the proposed Sunderland BID to be met from existing economic development budgets (ii) approve estimated costs of £20,000 in respect of the ballot to be met from the Council's general contingency fund and iii) agree to receive a further report in due course in respect of the detailed proposals for the Sunderland BID.

**Reasons for decision:**

The development of a private sector led BID for Sunderland is a welcome initiative. Their scoping work is now reaching a critical stage and it is now necessary to formally approve the remainder of the funding to ensure that the private sector team can take this up to ballot stage. The BID has the potential to make a real and significant difference to the city centre, would be a demonstrable sign of confidence but more importantly it is the private sector working together under a common goal to help revitalise the city centre. It is considered vital that the Council continues to support the private sector efforts.

**Alternative options considered and rejected:**

Not to approve the funding. The BID will not be delivered if the requested funding is not made available. This is not recommended.

**Title and author(s) of written report:**

Sunderland Business Improvement District (BID) - Report of the Deputy Chief Executive

**Contact Officer:**

Ian Williams

**Extension:**

561 1507

**Email:**

ian.williams@sunderland.gov.uk

**Is this a key decision:** No

**Does the Decision contain Confidential/Exempt Information:** No

**Declarations of Interest and Dispensations:**

None

## Record of Executive Decisions Published: 15/Feb/2013

**Decision Taker:** Cabinet

**Appropriate Scrutiny Committee:**  
Scrutiny Committee

**Date decision in force:**

25/Feb/2013

**Date of decision:**

13/Feb/2013

**Full description of decision:**

To recommend to Council to approve: - the proposed Capital Programme for 2013/2014  
- the Treasury Management Policy and Strategy for 2013/2014 (including specifically the Annual Borrowing and Investment Strategies) - the Prudential Indicators for 2013/2014 to 2015/2016 - the Minimum Revenue Provision Statement for 2013/2014.

**Reasons for decision:**

To comply with statutory requirements.

**Alternative options considered and rejected:**

No alternatives are submitted for Cabinet consideration.

**Title and author(s) of written report:**

Capital Programme 2013/2014 and Treasury Management Policy and Strategy 2013/2014, including Prudential Indicators for 2013/2014 to 2015/2016 - Report of the Executive Director of Commercial and Corporate Services

**Contact Officer:**

Sonia Tognarelli

**Extension:**

561 1851

**Email:**

sonia.tognarelli@sunderland.gov.uk

**Is this a key decision:** Yes

**Does the Decision contain Confidential/Exempt Information:** No

**Declarations of Interest and Dispensations:**

None



## Record of Executive Decisions Published: 15/Feb/2013

**Decision Taker:** Cabinet

**Appropriate Scrutiny Committee:**  
Scrutiny Committee

**Date decision in force:**

25/Feb/2013

**Date of decision:**

13/Feb/2013

**Full description of decision:**

To: - recommend to Council the proposed Revenue Budget for 2013/2014 be approved as set out at Appendix I; - note the Medium Term Financial Strategy 2013/2014 to 2015/2016 as set out in Appendix E - recommend to Council to approve the proposed Council Tax for 2013/2014 at Appendix D ; - note the views of the expressed by the North East Chamber of Commerce and Trade Unions at Appendix C.

**Reasons for decision:**

To comply with statutory requirements.

**Alternative options considered and rejected:**

There are no alternative options recommended for approval as the budget has been developed on the basis of an agreed framework with consultation carried out throughout the process.

**Title and author(s) of written report:**

Revenue Budget and Proposed Council Tax for 2013/2014 and Medium Term Financial Strategy 2013/2014 to 2015/2016 - Report of the Chief Executive and Executive Director of Commercial and Corporate Services

**Contact Officer:**

Sonia Tognarelli

**Extension:**

561 1851

**Email:**

sonia.tognarelli@sunderland.gov.uk

**Is this a key decision:** Yes

**Does the Decision contain Confidential/Exempt Information:** No

**Declarations of Interest and Dispensations:**

None

## Record of Executive Decisions Published: 15/Feb/2013

**Decision Taker:** Cabinet

**Appropriate Scrutiny Committee:**  
Scrutiny Committee

**Date decision in force:**

25/Feb/2013

**Date of decision:**

13/Feb/2013

**Full description of decision:**

To: i) Note the information with regard to the current library service ii) Adopt the proposed new Vision and approach to develop a new and modern future Library service iii) Agree to implement a two stage consultation approach with residents - including children and young people, users and non-users, staff, partners, voluntary and community groups and members to inform future service design.

**Reasons for decision:**

To allow the Council the best chance to consult with significant numbers of stakeholders about the future of Library services. This will allow valuable insight to specifically inform how the Council can increase the use of library services whilst reducing costs. The Council will use evidence of recent trends in usage, survey results, good practice discussions with other local authorities and engagement with staff and residents to form a draft Vision.

**Alternative options considered and rejected:**

Use the same consultation approach but with no reference point for future services - this was dismissed as it was considered too vague and may not stimulate debate or bring focus to discussions. A one stage approach was also considered using evidence of recent trends, survey results, good practice discussions with other local authorities and initial engagement with staff and residents to date. this was dismissed due to limited stakeholder engagement.

**Title and author(s) of written report:**

Future Library Services - Report of the Executive Director of Health, Housing and Adult Services

**Contact Officer:**

Neil Revely

**Extension:**

561 8947

**Email:**

neil.revely@sunderland.gov.uk

**Is this a key decision:** Yes

**Does the Decision contain Confidential/Exempt Information:** Yes

**Declarations of Interest and Dispensations:**

None

## Record of Executive Decisions Published: 15/Feb/2013

**Decision Taker:** Cabinet

**Appropriate Scrutiny Committee:**  
Scrutiny Committee

**Date decision in force:**

25/Feb/2013

**Date of decision:**

13/Feb/2013

**Full description of decision:**

To: a) note the feedback received during the consultation period from the public, including representatives/representative groups of, voluntary organisations and community groups. b) Approve the Local Welfare Provision Scheme, developed locally as two separate services called Crisis Support and Community Care Support, as outlined in the report. c) Authorise publication of the Scheme on the Council's website and in any additional manner determined by the Executive Director of Commercial and Corporate Services in consultation with the Leader of the Council and Cabinet Secretary. d) Authorise the Executive Director of Commercial and Corporate Services to administer the scheme and determine applications.

**Reasons for decision:**

The Council must have a Local Welfare Provision Scheme in place by 1 April 2013.

**Alternative options considered and rejected:**

There are no alternative options recommended.

**Title and author(s) of written report:**

Local Welfare Provision – Crisis Support and Community Care Support - Report of Executive Director of Commercial and Corporate Services

**Contact Officer:**

Fiona Brown

**Extension:**

561 1811

**Email:**

fiona.brown@sunderland.gov.uk

**Is this a key decision:** Yes

**Does the Decision contain Confidential/Exempt Information:** No

**Declarations of Interest and Dispensations:**

None

## Record of Executive Decisions Published: 15/Feb/2013

**Decision Taker:** Cabinet

**Appropriate Scrutiny Committee:**  
Scrutiny Committee

**Date decision in force:**

25/Feb/2013

**Date of decision:**

13/Feb/2013

**Full description of decision:**

To approve the procurement of a Handypersons and Minor Alterations Service for a period of 36 months with an option to extend for a further period of 12 months, at the sole discretion of Sunderland City Council. In accordance with the Constitution, Cabinet approval is required in relation to procurements exceeding £250,000 in value.

**Reasons for decision:**

The provision of minor alterations is a mandatory requirement via provisions in The National Health Service and Community Care Act (1990) and The Chronically Sick and Disabled Persons Act (1970). The HPMA service has been in place for the last four years with a locally based social enterprise called Sunderland Community Furniture Service (SCFS). The contract has proved very successful in terms of delivering a high quality service within timescales and to budget. The contract for a HPMA Service will ensure that the Council is responding to the current policy context by externally commissioning a service that delivers excellent service standards for local people.

**Alternative options considered and rejected:**

There are no alternative options for consideration

**Title and author(s) of written report:**

Sunderland Home Improvement Agency (HIA) – Procurement of a Handypersons and Minor Alterations (HPMA) Service - Report of the Executive Director of Health, Housing and Adult Services

**Contact Officer:**

Neil Revely

**Extension:**

561 8947

**Email:**

neil.revely@sunderland.gov.uk

**Is this a key decision:** Yes

**Does the Decision contain Confidential/Exempt Information:** No

**Declarations of Interest and Dispensations:**

None

## Record of Executive Decisions Published: 15/Feb/2013

**Decision Taker:** Cabinet

**Appropriate Scrutiny Committee:**  
Scrutiny Committee

**Date decision in force:**

21/Feb/2013

**Date of decision:**

13/Feb/2013

**Full description of decision:**

To: - (i) agree to enter into a JVA with HCA in respect of Central Sunnyside and authorise the Deputy Chief Executive in consultation with the Executive Director of Commercial and Corporate Services, the Head of Law and Governance and the Leader and Cabinet Secretary to agree the terms of the JVA. (ii) authorise the Deputy Chief Executive in consultation with the Leader and Cabinet Secretary to acquire the property interests within Central Sunnyside detailed in the report and on the terms detailed, (iii) authorise the Deputy Chief Executive, in consultation with the Leader and Cabinet Secretary and in conjunction with the HCA, to dispose of the Council's interests in Central Sunnyside for a range of acceptable planning Uses. (v) Agree in principle to the potential use of Compulsory Purchase Order (CPO) powers to secure the delivery of a scheme in Central Sunnyside and to receive a further report in due course in respect of the proposed making of the CPO.

**Reasons for decision:**

To enable the Council to formally engage with the HCA in progressing the regeneration of Sunnyside, and assemble a site with the common aim of providing future comprehensive development.

**Alternative options considered and rejected:**

To not progress the JVA would lead to the site being unattractive to the market and would not result in its comprehensive re-development. This option would lead to the site remaining undeveloped for the foreseeable future. To decide not to enter into the proposed JVA would also signal that the Council was not able to commit to a formal partnership with the HCA with the common aim of bringing forward the development of the site.

**Title and author(s) of written report:**

Proposed Joint Venture Agreement at Sunnyside, Sunderland - Report of the Deputy Chief Executive.

**Contact Officer:**

Colin Clark

**Extension:**

561 1502

**Email:**

colin.clark@sunderland.gov.uk

**Is this a key decision:** Yes

**Does the Decision contain Confidential/Exempt Information:** Yes

**Declarations of Interest and Dispensations:**

None

## Record of Executive Decisions Published: 15/Feb/2013

**Decision Taker:** Cabinet

**Appropriate Scrutiny Committee:**  
Scrutiny Committee

**Date decision in force:**

25/Feb/2013

**Date of decision:**

13/Feb/2013

**Full description of decision:**

To: a) move the delivery of care and support for 5 homes for people with learning disabilities to Care and Support Sunderland Ltd, b) approve the establishment of the new corporate structure for CSSL on the terms set out in this report, including the creation of a new parent company (TopCo); c) authorise the Executive Director of Health, Housing and Adult Services and the Executive Director of Commercial and Corporate Services to take all necessary steps and to execute all relevant documents as may be required in order to secure the establishment of the new corporate structure and the transfer of the additional care and support services to CSSL; d) authorise the Chief Executive to nominate a member or officer of the Council to exercise the shareholder rights in respect of TopCo on behalf of the Council; and e) recommend that Full Council appoints directors to the Board of TopCo.

**Reasons for decision:**

1. Protects front line services to vulnerable people. 2. Reduces the number of staff employed by the Council. 3. Allows in-house Care and Support to back fill existing vacancies in remaining services, reducing the requirement for agency staff and staff having to work additional hours or overtime. 4. Allows for a smooth and faster transition of services as CSSL already exists. 5. CSSL are able to recruit new staff mostly of who will live in Sunderland. 6. Escalates the move to alternative models of service delivery and strengthens the move from a local authority controlled company to a social enterprise. 7. Avoids any TUPE transfer of staff from the Council to CSSL. 8. Allows for other Council services i.e. Shared services to make efficiencies as there will be less employees i.e. payroll function.

**Alternative options considered and rejected:**

The following options have been considered: 1. Keep the 5 homes directly into the management of the Local Authority so that the service continues as an 'in house services' that will sit as part of the Care and Support service area in HHAS. 2. Move the homes directly out to become a social enterprise. 3. Not to establish the proposed corporate structure. The above options have been rejected on the basis that option 1 would not reduce the level of vacancies within the in-house service and continue the dependency on the use of agency staff. Option 2 would not offer the appropriate level of flexibility within the service and critical mass of staff numbers to make the service viable in the long term. Joining up with Care and Support Sunderland would significantly reduce this risk for both the existing Care and Support Sunderland Ltd homes and the additional 5 homes to be transferred. Option 3 would lead to additional VAT costs to the company.

**Title and author(s) of written report:**

Transfer of care & support in 5 care establishments for adults with learning disabilities & complex needs to Care & Support Sunderland Limited, a LA owned company - Report of the Executive Director of Health, Housing & Adult Services

**Contact Officer:**

Neil Revely

**Extension:**

561 8947

**Email:**

neil.revely@sunderland.gov.uk

**Is this a key decision:** Yes

**Does the Decision contain Confidential/Exempt Information:** Yes

**Declarations of Interest and Dispensations:**

None

## Record of Executive Decisions Published: 15/Feb/2013

**Decision Taker:** Cabinet

**Appropriate Scrutiny Committee:**  
Scrutiny Committee

**Date decision in force:**

25/Feb/2013

**Date of decision:**

13/Feb/2013

**Full description of decision:**

To recommend Council Tax levels 2013/14/associated matters in accordance with amended legal requirements to Council - Council Tax base for Council & Hetton Town Council, - estimated amount of Council's aggregate gross revenue expenditure/revenue income, Council's Council Tax Requirement, - precept notified by Hetton Town Council, - Council Tax bands of Council & Parish of Hetton Town Council based on above financial information, - provisional precept of Tyne & Wear Fire & Rescue Authority, - provisional precept of Police & Crime Commissioner for Northumbria, - draft total Council Tax levels for 2013/14 of Council & Parish of Hetton Town Council including all relevant precepts, - Council's relevant basic amount of Council Tax for 2013/14 is not excessive in accordance with Local Govt Finance Act 1992, - Council Tax Leaflet be presented on Council website & final document be delegated to & finalised by Exec Dir of Commercial & Corp. Services in consultation with Leader of Council & Cabinet Secretary.

**Reasons for decision:**

To comply with all legal requirements including changes to the Local Government Act 1992 made by the Localism Act 2011, in order to determine the Council Tax Requirement and the applicable basic Council Tax for 2013/2014 and changes to the Council Tax and Non Domestic Rates (Demand Notices) (Amendment) Regulations 2012.

**Alternative options considered and rejected:**

There are no alternative options recommended for approval.

**Title and author(s) of written report:**

Appendix D – Revenue Budget and Proposed Council Tax 2013/2014 - Report of the Executive Director of Commercial and Corporate Services

**Contact Officer:**

Malcolm Page

**Extension:**

561 1003

**Email:**

malcolm.page@sunderland.gov.uk

**Is this a key decision:** Yes

**Does the Decision contain Confidential/Exempt Information:** No

**Declarations of Interest and Dispensations:**

None