

CIVIC CENTRE,
SUNDERLAND.
3 September 2021.

TO THE MEMBERS OF SUNDERLAND CITY COUNCIL

YOU ARE SUMMONED TO ATTEND A MEETING of Sunderland City Council to be held in the Montgomery Suite, Sunderland AFC, Stadium of Light, Sunderland, SR5 1SU on **WEDNESDAY 15 September 2021** at **4.00 p.m.** at which it is proposed to consider and transact the following business:-

- | | |
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| 1. To read the Notice convening the meeting. | - |
| 2. Apologies. | - |
| 3. To approve the minutes of the last ordinary meeting of the Council held 23 June 2021 (copy attached). | 1 |
| 4. Receipt of Declarations of Interest (if any). | - |
| 5. Announcements (if any) under Rule 2(e). | - |
| 6. Covid-19 - Verbal Update by the Leader of the Council | - |
| 7. Citywide approach to carbon reduction – Verbal update by the Deputy Leader of the Council | - |
| 8. Reception of Petitions. | - |

- | | |
|--|----|
| 9. Written Questions by Members of the Public (if any) under Rule 10. | - |
| 10. Written Questions by Members of the Council (if any) under Rule 11. | - |
| 11. Report of the Cabinet (copy attached). | 15 |
| 12. To consider a report on action taken on petitions (copy attached). | 71 |
| 13. To consider the following reports:- | |
| (i) Report on Special Urgency Decisions – report of the Leader (copy attached). | 79 |
| (ii) Appointments to Committees and Outside Bodies – report of the Assistant Director of Law and Governance (copy attached). | 81 |
| 14. To consider the attached Motions (copy attached). | 85 |



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://youtu.be/iDq2sAqKRPw>

Minutes

Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the MONTGOMERY SUITE, STADIUM OF LIGHT, SUNDERLAND on WEDNESDAY 23 JUNE 2021 at 4.00pm

Present: The Mayor (Councillor H Trueman) in the Chair
The Deputy Mayor (Councillor A Smith)

Councillors	Ali	Foster	Mason-Gage	Smith, P
	Bewick	Gibson, E	McClennan	Snowdon, D
	Blackburn	Gibson, P W L	McDonough	Snowdon, D E
	Blackett	Gibson, P	McKeith	Speding
	Burnicle	Greener	Miller, F	Stewart
	Butler	Hartnack	Miller, G	Taylor, A
	Chequer	Haswell	Morrissey	Thornton
	Crosby	Heron	Mullen	Trueman, D
	Dixon	Hodson	Nicholson	Turner
	Dodds	Howe	Noble	Tye
	Donaghy	Jenkins	O'Brien	Walker, M
	Doyle	Johnston, K	Peacock	Walker, P
	Dunn	Johnston, S	Potts	Warne
	Edgeworth	Lauchlan	Price	Williams
	Essl	Laws	Reed	Wilson
	Fagan	MacKnight, D	Rowntree	Wood, A
	Farthing	MacKnight, N	Samuels	Wood, P
	Fletcher	Mann	Scanlan	

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 Leadbitter and G Smith together with Aldermen Arnott, Forbes and Tate.

Minutes

5. **RESOLVED that** the minutes of the Annual Meeting of the Council held on 19 May 2021 be confirmed and signed as a correct record subject to an amendment to the voting record on page 11 of the Minutes to show that Councillor Dodds voted *against* the amendment and *for* the substantive motion and that Councillor Reed voted *for* the amendment and *against* the substantive motion.

Declaration of Interests

The following declarations of interest were made and the Members concerned left the meeting during consideration of the item: -

Councillor G Miller	Item 15(ii) – Notice of Motion – Newcastle Airport	Director of Newcastle International Airport LA Holding Company Ltd Alternate Director of Newcastle International Airport LA Holding Company Ltd
Councillor C Rowntree		

Announcements

There were no announcements.

Covid-19 – Verbal Update by the Leader of the Council

The Mayor invited the Leader to provide a verbal update on the Covid-19 pandemic.

The Leader provided a further update on the ongoing situation and commented that it had been hoped that this week would see the final step in the easing of Covid restrictions but this had been delayed. The situation was frustrating and disappointing but the public's health had to come first and the region's infection rates were a cause for concern.

The Leader highlighted that the Delta variant was causing Covid cases to increase and urged people to continue to take up the vaccine which had been confirmed to be highly effective against the variant and would slow the spread of the virus. The Council was doing all it could to support the NHS in delivering vaccinations as quickly as possible and was emphasising that people should keep to the current rules and guidance in relation to hands-face-space, meeting up with others and working from home where possible.

The Leader advised that the Council was working with the Government on potential measures tailored to the region's needs and circumstances, including access to their communication channels and further localisation of Test and Trace. Clarity was also being sought on the extension of any national schemes to support the business community and parts of the economy most affected.

The Leader expressed his pride in the people of the city who had taken responsibility and done the right thing in the face of the latest threat and paid tribute to the council teams who had gone the extra mile and more over the last 16 months.

There continued to be huge pressure on Council services and resources and the Leader asked Members to provide support in referring to the comprehensive information on the Council's Covid web pages and avoiding non-essential demands on officers so that they were able to focus on supporting residents, businesses and communities.

In closing, the Leader thanked everyone playing a part in the battle against Covid-19 and made a plea for people to keep this going by taking good care, remaining vigilant and following the rules. The Council would continue to communicate with residents on the latest situation and would keep on updating and sharing information, advice and guidance. Communities would be supported in overcoming the challenges that the pandemic continued to present and the Council would keep on forging ahead with its plans to create a fantastic city with opportunities for all residents.

6. RESOLVED that the update from the Leader be noted.

Citywide approach to carbon reduction – Verbal update by the Deputy Leader of the Council

The Deputy Leader provided an update on the ongoing progress being made in relation to the city's goal of being carbon neutral by 2030 and reducing its carbon emissions.

The Deputy Leader advised that Council's 2030 Task Group continued to be very active on initiatives to drive forward carbon reduction and to deliver against the Council's Action Plan. The Action Plan supported delivery of the city-wide Low Carbon Framework which was adopted by partners in December 2020 and endorsed by Cabinet in January 2021. Examples of recent work included the following: -

- Sunderland, together with South Tyneside, Gateshead and the Durham Wildlife Trust had been awarded a total of £250,000 funding from the National Lottery Green Recovery Challenge Fund. Sunderland's portion of funds would be used to upgrade ten Local Wildlife Sites in the city;
- The bid with partners in Tyne and Wear and County Durham to create a new North East Community Forest was progressing well and a decision was expected by the end of July. In addition, 75 trees had been generously donated to the city by Haskel Energy Systems for Earth Day and these trees had been planted within the grounds of Southwick Primary School and also at Southwick Cemetery;
- £300,000 revenue grant funding had been awarded from the Government's Capability Fund to promote sustainable transport options throughout 2021;
- Through the Department for Transport's Active Travel Fund, Sunderland had been awarded just over £1m to upgrade the National Cycle Network along the coast at Roker, subject to the outcome of successful consultation. A Local Cycling and Walking Infrastructure Plan (LCWIP) for the city was also being developed and would be presented to Cabinet in the near future;
- The Government's Office for Zero Emission Vehicles (or OZEV) had also awarded the Council £69,300 of grant funding to deliver on-street residential EV charging infrastructure.

The Deputy Leader highlighted that a new e-Collect all-electric Refuse Collection Vehicle had been delivered and had begun its rounds on the 8 June. Sunderland has been selected to be part of a European peer learning programme linked to the Covenant of Mayors. Sunderland had been matched with a local authority in both Spain and Italy to share learning and expertise, with the city-wide approach through the development of the Low Carbon Framework having been identified as a particular strength.

Research had been commissioned to engage with both residents and businesses, to gain insight into their current understanding and behaviours relating to low carbon best practice and to shape the development of engagement and communication activity. Six key groups had been identified around which to focus the activity, these were: residents; children and young people; the voluntary and community sector; partners; businesses, and employees.

The Deputy Leader reported that a key step to date was the proposal to establish a city-wide Young People's Advisory Group. This had been agreed by all partners and work had begun with Together for Children, Sunderland College and the University to develop the group and ensure that the city's young people would help to shape and lead it.

The Leader had given a presentation on low carbon to Sunderland College students people as part of their recent student-led Green Conference, raising awareness of the city-wide approach and of the key role that young people had to play in this important agenda.

The Deputy Leader stated that internal communication actions were also progressing well, low carbon was included monthly in Workwise Bitesize and a new employer social network platform was to be created which be used to share low carbon messages.

The Deputy Leader advised that she would continue to provide updates to Council as appropriate going forward and accordingly it was: -

7. RESOLVED that the information be noted.

Reception of Petitions

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

Councillor Mullen – Petition opposing the proposed housing development on the field in front of Princetown Terrace/land east of Primate Road;

Councillor Edgeworth – Petition calling on the Council to create a safe, ground level crossing at Hastings Hill so that people do not have to use the existing subway;

Councillor Heron – Petition calling on the Council to investigate excessive noise at Rainton Arena; and

Councillor Mann – Petition regarding vehicular access at Birchberry Close, St Anne's ward.

Written Questions by Members of the Public (if any) 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.

Written Questions by Members of the Council (if any) under Rule 11

There were no questions to be considered under Rule 11 of the Council Rules of Procedure.

Area Arrangements Annual Report 2020/2021

The Executive Director of Neighbourhoods submitted the Area Arrangements Annual Report which summarised the work of the five area committees during 2020/2021.

Councillor Williams, duly seconded by Councillor P Walker, moved the Area Arrangements Annual Report and accordingly it was: -

9. **RESOLVED that** the achievements and impact of the work of the Area Committees and their supporting Neighbourhood and Community Board during 2020/2021 as outlined in the Annual Report be received and noted.

Scrutiny Annual Report 2020/2021

The Assistant Director of Law and Governance submitted the Scrutiny Annual Report which summarised the work of the scrutiny committees during 2020/2021.

Councillor D MacKnight, duly seconded by Councillor D E Snowdon, moved the Scrutiny Annual Report and accordingly it was: -

10. **RESOLVED that** the report on the operation of the scrutiny function for 2020/2021 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 petitions which had been presented to the Council.

- (i) **Petition requesting Council to consider introducing traffic calming to Vicarage Road, Cumberland Road and Lincoln Avenue - presented by Councillor Tye on 23 September 2020**

The petition had highlighted that the roads had become a rat run and suggested that possible measures could include reduction in the speed limit, traffic calming measures and review of the bus types being used to service the roads.

Officers had investigated the matter and advised that Nexus was the authority that decided on the operation, routes and size of vehicle for their bus services. The Passenger Transport Executive had been consulted with regards to the bus services and had confirmed that the mini link service ceased to operate in 2011 as passenger demand had increased.

The area which was the subject of the petition was residential with most residents parking their vehicles on-street. The road linked Warwick Terrace to Silksworth Road and was subject to a 30mph speed limit. There had been no injury accidents recorded on this stretch of road.

Following consideration by Council Officers, it was agreed that consideration would be given to reducing the speed limit to 20mph prior to the introduction of physical traffic calming measures in the first instance. Any scheme considered will be subject to consultation.

This location would be added to those being considered for the introduction of a 20mph speed limit in the next prioritisation exercise scheduled to take place in the coming months.

The Ward Councillors and lead petitioner had been advised of the outcome.

(ii) Petition requesting Council to reduce the speed limit and install other traffic calming measures in Atkinson Road and surrounding streets – presented by Councillor Doyle on 18 November 2020

Officers had investigated the matter and noted that the streets suggested were residential streets which were heavily parked with private vehicles. The road was a 30mph road and linked Fulwell Road to Mere Knolls Road. A recent speed survey showed that the average speed of traffic was travelling at around 20mph and no accidents had been recorded on this street where speeding was a contributory factor.

Following consideration by Council Officers, it was agreed that consideration would be given to reducing the speed limit to 20mph prior to the introduction of physical traffic calming measures in the first instance. It would be decided in the coming weeks which areas to take forward into the next programme for 20mph schemes and any scheme considered would be subject to consultation.

The Ward Councillors and lead petitioner had been advised of the outcome.

(iii) Petition requesting Council to consult with local residents regarding the installation of double yellow lines and a Community Parking Management Scheme (CPMS) on Seafields and the 'royal streets' – presented by Councillor Doyle on 18 November 2020

It was highlighted that a potential CPMS had been identified for Seafields and the new residential estate currently being developed which would be funded by the development funding as part of their agreement. Part of this funding could be utilised to consider traffic management measures in the 'royal streets'.

Following consideration by Council Officers, it was agreed that consideration would be given to the measures requested when a scheme was developed in the future and will be subject to consultation.

The Ward Councillors and lead petitioner had been advised of the outcome.

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.

11. RESOLVED that the report be received and noted.

Appointments to Committees and Outside Bodies

The Assistant Director of Law and Governance submitted a report seeking approval for a number of proposed changes to various committees and outside bodies which had arisen since the Annual Council meeting.

The Leader of the Council, duly seconded by the Deputy Leader, moved the report and accordingly it was: -

12. RESOLVED that: -

- (i) the appointment of Dr Martin Weatherhead and Chief Superintendent Sarah Pitt to the Health and Wellbeing Board be noted and endorsed;
- (ii) the appointment of Councillors R Elvin and D Geddis as the Hetton Town Council representatives to serve on the Standards Committee be noted and endorsed; and
- (iii) Councillors Greener and A Wood be appointed to the vacant positions on the Green Terrace Primary School Trust.

Approval of Reason for Absence from Meetings

This report was withdrawn.

Notices of Motion

The Leader of the Council, Councillor G Miller, duly seconded by the Deputy Leader, Councillor Rowntree, moved the suspension of Council Procedure Rules 12.1 and 14.1 so far as they required the signing and delivering of a notice of motion to be carried out in person.

13. RESOLVED that the suspension of the relevant Council Procedure Rules be agreed.

(i) Seeking an end to “Fire and Rehire” tactics by employers

The Leader of the Council, Councillor G Miller, duly seconded by Councillor Farthing moved the following motion: -

“This Council notes the increased use by employers in the UK of fire and rehire tactics, forcing their staff to accept worse terms/conditions, leaving many having to work longer hours and for lower pay.

That while the Prime Minister has called the practice “unacceptable” he has continually refused to take action to outlaw the practice, raising concerns that he will not intervene in this race to the bottom by some employers.

This Council therefore believes actions are required to ensure local residents are protected against such unscrupulous employers and agrees to:

- Ask the Leader of the Council to write to the Prime Minister demanding he act now and keep his promise to local residents to protect their employment terms and conditions
- Promote the increasing number of progressive local employers prioritising their employees wellbeing by becoming a REAL living wage employer.
- Work with our anchor institutions and key partners to bring forward plans for the introduction of a local employer charter for companies to work toward, with Trade Union rights, support for the TUC great jobs agenda and paying the REAL living wage at its heart.”

On the motion being put, it was declared to be carried unanimously and it was: -

14. RESOLVED that: -

This Council notes the increased use by employers in the UK of fire and rehire tactics, forcing their staff to accept worse terms/conditions, leaving many having to work longer hours and for lower pay.

That while the Prime Minister has called the practice “unacceptable” he has continually refused to take action to outlaw the practice, raising concerns that he will not intervene in this race to the bottom by some employers.

This Council therefore believes actions are required to ensure local residents are protected against such unscrupulous employers and agrees to:

- Ask the Leader of the Council to write to the Prime Minister demanding he act now and keep his promise to local residents to protect their employment terms and conditions
- Promote the increasing number of progressive local employers prioritising their employees wellbeing by becoming a REAL living wage employer.
- Work with our anchor institutions and key partners to bring forward plans for the introduction of a local employer charter for companies to work toward, with Trade Union rights, support for the TUC great jobs agenda and paying the REAL living wage at its heart.

(ii) Newcastle Airport

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

“This Council resolves to write to Newcastle International Airport to urge its directors to rename the airport ‘Newcastle Sunderland International Airport.’”

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

After “urge its directors to”

- Delete “rename the airport Newcastle Sunderland International Airport”
- Add “consider suitable options for renaming the airport that will best reflect the area it serves”

So the amended motion would read: -

“This Council resolves to write to Newcastle International Airport to urge its directors to consider suitable options for renaming the airport that will best reflect the area it serves.”

Upon being put, the amendment was declared to be carried unanimously. The substantive motion, as amended, was put to the meeting and accordingly it was: -

15. RESOLVED that: -

This Council resolves to write to Newcastle International Airport to urge its directors to consider suitable options for renaming the airport that will best reflect the area it serves.

(iii) Back Lanes

Councillor Mullen, duly seconded by Councillor Greener, moved the following motion: -

“Council recognises the need to take action to improve the condition of residential back lanes across the city.

Back lanes often look untidy and uninviting, as well as attracting fly-tipping issues, anti-social behaviour, and speeding and parking problems.

To improve the state of back lanes for local residents, Council agrees to learn from the Reclaim the Lanes project and undertake the following actions:

- To launch a public consultation among residents with back lanes to understand their concerns and preferred solutions, and to report back to each Area Committee;
- To subsequently identify a number of pilot areas across the city to implement the solutions and ideas identified by residents;

- To conduct an audit of how many waste bins and dog bins are currently in the vicinity of residential areas with multiple back lanes.”

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

After Second Bullet point add additional one as follows:

“To support residents who may look to increase social and environmental benefits with proposals to turn lanes into useable outdoor space for growing plants and socialising”

Amend final bullet point as follows:

Delete: “To conduct an audit of how many waste bins and dog bins are currently”

Add: “As part of the current city wide audit of waste and dog bins, to review additional need”

So that the amended motion would read: -

“Council recognises the need to take action to improve the condition of residential back lanes across the city.

Back lanes often look untidy and uninviting, as well as attracting fly-tipping issues, anti-social behaviour, and speeding and parking problems.

To improve the state of back lanes for local residents, Council agrees to learn from the Reclaim the Lanes project and undertake the following actions:

- To launch a public consultation among residents with back lanes to understand their concerns and preferred solutions, and to report back to each Area Committee;
- To subsequently identify a number of pilot areas across the city to implement the solutions and ideas identified by residents;
- To support residents who may look to increase social and environmental benefits with proposals to turn lanes into useable outdoor space for growing plants and socialising
- As part of the current city wide audit of waste and dog bins, to review additional need in the vicinity of residential areas with multiple back lanes.”

Upon being put, the amendment was declared to be carried unanimously. The substantive motion, as amended, was put to the meeting and accordingly it was: -

16. RESOLVED that: -

Council recognises the need to take action to improve the condition of residential back lanes across the city.

Back lanes often look untidy and uninviting, as well as attracting fly-tipping issues, anti-social behaviour, and speeding and parking problems.

To improve the state of back lanes for local residents, Council agrees to learn from the Reclaim the Lanes project and undertake the following actions:

- To launch a public consultation among residents with back lanes to understand their concerns and preferred solutions, and to report back to each Area Committee;
- To subsequently identify a number of pilot areas across the city to implement the solutions and ideas identified by residents;
- To support residents who may look to increase social and environmental benefits with proposals to turn lanes into useable outdoor space for growing plants and socialising
- As part of the current city wide audit of waste and dog bins, to review additional need in the vicinity of residential areas with multiple back lanes.

(Signed) H TRUEMAN
Mayor

Report of the Cabinet

The CABINET reports and recommends as follows:-

1. Update to Constitution: Procurement Procedure Rules and Review of Financial Thresholds

That they will be giving consideration to a report of the Executive Director of Corporate Services (copy attached) to seek agreement to recommend to Council proposed changes to the Procurement Procedure Rules (PPRs) and key financial reporting thresholds.

The Cabinet is requested to:-

- recommend Council to approve the proposed revised Procurement Procedure Rules (as contained in Appendix A to the report) and the increases to financial thresholds set out in paragraphs 5.1 to 5.7 of the report, and
- authorise the Assistant Director of Law and Governance to amend the Constitution accordingly, including the making of any consequential amendments, stylistic or typographical changes, to ensure consistency throughout the Constitution

Cabinet's recommendations to Council will be set out in a supplementary report.

2. Licensing Act 2003 – Review of Cumulative Impact Assessment

That they will be giving consideration to a report of the Executive Director of Neighbourhoods (copy attached) on the Licensing Act 2003 – Review of Cumulative Impact Assessment which informs of the legal requirement of the Council, in its capacity of Licensing Authority, to undertake a review of the Council's Cumulative Impact Assessment (CIA), under the Licensing Act 2003, ("the Act").

Cabinet is requested to recommend to Council that the existing CIA should cease as from 19 September 2021, and that a CIA be further considered in the next 6-12 months subject to the availability of all relevant data at that time.

The report was also referred to the Economic Prosperity Scrutiny Committee for further advice and consideration.

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

UPDATE TO CONSTITUTION: PROCUREMENT PROCEDURE RULES AND REVIEW OF FINANCIAL THRESHOLDS**Report of Executive Director of Corporate Services****1. Purpose of the Report**

- 1.1 To seek agreement to recommend to Council proposed changes to the Procurement Procedure Rules (PPRs) and key financial reporting thresholds.

2. Description of Decision (Recommendations)

- 2.1 Cabinet is requested to
- recommend Council to approve the proposed revised Procurement Procedure Rules (as contained in Appendix A to this report) and the increases to financial thresholds set out in paragraphs 5.1 to 5.7 of the report, and
 - authorise the Assistant Director of Law and Governance to amend the Constitution accordingly, including the making of any consequential amendments, stylistic or typographical changes, to ensure consistency throughout the Constitution.

3. Introduction/Background

- 3.1 The Council spends significant amounts on the procurement of goods, services and works; over £273m in 2020/21. The Council has a strong track record of successful procurement, delivering value for money and securing savings.
- 3.2 The current PPRs were adopted in 2013. They set out the overall governance arrangements with regard to how the Council undertakes its procurement activity in compliance with public procurement law and best practice.
- 3.3 A significant number of changes have taken place since 2013 impacting on the Council's procurement policies and practices including:
- Updates to public procurement law, including the Public Contract Regulations 2015 ("PCR 2015") and the Concession Contracts Regulations 2016;
 - adoption of Community Wealth Building agenda;
 - increased focus on Contract Management, through the Council's Supplier Relationship and Contract Management Framework;
 - the adoption by the Council of the New Procurement Strategy in 2019.
- Whilst day-day operational working practices have been updated to reflect the above, the PPRs have not been updated in line with the above.

4. Proposed changes to the PPRs

4.1 The key changes proposed to the PPRs include the following:

- a) Clarification that the new Rules apply to the grant of concession contracts in respect of services and works.
- b) Clarification that the new Rules apply to any proposed funding agreements with third parties whereby the third party is undertaking to provide services, goods or works in accordance with the Council's requirements and in consideration for the Council's funding.
- c) Clarification that contracts awarded to an entity that satisfies the requirements of the "in-house" public procurement exemption under Regulation 12 of the PCR 2015 (the "Teckal test") are exempt from the Rules.
- d) Co-operation agreements between the Council and other Contracting Authorities for the joint provision of public services in the public interest pursuant to Regulation 12 of the PCR 2015 are also exempt from the Rules.
- e) Increased the threshold from £5k to £10k in relation to when a Council directorate must agree the procurement process with Corporate Procurement (to ensure specialist resource is focused on areas of greater spend), and that Corporate Procurement must agree the form and method of any pre-procurement preliminary market engagements to be carried out.
- f) Increased the threshold for approval from Cabinet to procure from £250k to £500k.
- g) Express clarification of the need for Chief Officers to prevent, identify and remedy at the outset any actual or potential conflicts of interest in relation to potential procurement activities and/or third-party contracts and to report these promptly in writing to Corporate Procurement.
- h) Wording updated in line with Public Contract Regulations 2015 with regard to the range of procurement procedures available.
- i) Included the requirement for all contract opportunities to be advertised with a value exceeding £25,000 to also be published in Contracts Finder, the Government national procurement portal, in line with the PCR 2015.
- j) Requiring that all quotes over £10,000 and Tenders shall be submitted through a secure electronic system whereby they are not 'opened' until the deadline has passed for receipt of the quotes/tenders. Tenders being opened at one time and in the presence of an officer designated by the Executive Director of Corporate Services, removing the requirement for a Member to be present.
- k) Incorporating the same rules to the procurement of consultants as to other types of service contracts, and updating the relevant thresholds as follows:
 - the relevant Chief Officer shall engage with Corporate Procurement on all such proposals for consultancy services where the estimated total value is £10,000 or greater;

- where the estimated total value of the proposed contract for consultancy services is equal to or greater than £100,000, the prior written consent of the Executive Director of Corporate Services or the Chief Executive is required to the proposed appointment before the procurement process is undertaken; and
 - where the estimated total value of the proposed contract for consultancy services is equal to or greater than £500,000, Cabinet approval is required to the proposed appointment before the procurement process is undertaken.
- l) Increasing the requirement for all contracts above £75,000 (from £50,000) to be in writing in a form to be approved by the Assistant Director of Law and Governance.
- m) The Rules have been also been re-drafted to make them easier to read / understand.
- 4.2 A copy of the proposed PPRs, as amended in accordance with the proposals outlined in this report, is appended for members' consideration.

5 Proposals regarding Financial Thresholds

- 5.1 In tandem with the review of the PPRs, it is timely to review related financial thresholds set out in the Constitution, regarding the definition of a "key decision" and the level at which capital schemes must be referred to Cabinet for approval.
- 5.2 Article 14.03 of the Constitution defines a key decision as:

"...an executive decision which is likely-

- *to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates, or*
- *to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the City".*

Rule 12 of the Access to Information Procedure Rules provides that:

““Significant” in terms of expenditure shall be taken to mean either expenditure of £250,000 or more in relation to capital expenditure or £100,000 or 1% of the relevant net revenue budget head whichever is the greater, as set out in paragraph 7 of the Budget and Policy Framework Procedure Rules.”

The financial threshold in respect of savings is not expressly stated.

- 5.3 The financial threshold for a key decision has not been reviewed since the Constitution was adopted under the Local Government Act 2000 and is low compared to other metropolitan / unitary authorities. Generally speaking, nationally, limits of £1 million capital and £500,000 revenue are not uncommon. In the region, whilst Newcastle Council's revenue threshold for a key decision is £250,000, its capital threshold is £1 million. North Tyneside Council's threshold is £500,000 for both capital and revenue.

It is therefore proposed that the financial threshold for a key decision should be amended to provide that:

““Significant” in terms of expenditure and savings shall be taken to mean either expenditure or savings of £500,000 or over, whether capital or revenue.”

It should be noted that a decision which incurs expenditure or makes savings of a lesser amount, may still amount to a “key decision” if it meets the criterion of being *“...significant in terms of its effects on communities living or working in an area comprising two or more wards in the City.”*

- 5.4 Linked with these provisions is the requirement in Rule 2.10 of the Financial Procedure Rules for proposed capital schemes with an estimated value of £250,000 or over to be referred to Cabinet for approval. If the proposals in respect of the PPRs are accepted, it is recommended that this threshold in respect of capital schemes also be increased to £500,000 or over, to align with the threshold for decisions requiring Cabinet approval under the PPRs.
- 5.5 Officers exercising delegated powers under the provisions referred to will remain subject to the requirement in the Constitution to consult the relevant portfolio holder (and Committee Chair in respect of non-executive matters) where the decision has policy or significant financial implications, or where the portfolio holder or chairman has given prior indication that they wish to be consulted on the matter or type of matter. Appropriate consultation must also take place with ward members on matters which impact on their ward.
- 5.6 Cabinet members are free to determine the level of financial decision regarding which they wish to be consulted, and this may vary from time to time and between different types of decisions. However, as a guideline, it is suggested that unless a portfolio holder agrees otherwise, all decisions with a value of £50,000 or above should be made in consultation with the relevant Cabinet member.
- 5.7 Whilst decisions that do not fall within the definition of a “key decision” will not need to be included on the “28-day notice/Forward Plan”, officers are required to record and make available for publication, a record of certain decisions (subject to the application of the provisions regarding confidential and exempt information). The record includes information required by law, including the reason for the decision and any alternative options considered. In line with the proposed changes to the PPRs, it is recommended that a formal record of decision should be made in respect of any contract with a value of £10,000 or above. In respect of contracts below this limit, although a formal record of decision for publication may not be required, officers should, as a minimum, retain an appropriate internal record of the decision to serve as an “audit trail” in the event of any queries.

6 Reasons for the Decision

- 6.1 The changes proposed to the Procurement Procedure Rules are considered appropriate to ensure the Council's internal procurement procedure rules remain fully up to date and are more responsive, in order to maximise the local economic impact, whilst securing the desired outcomes and value for money.
- 6.2 The changes proposed to financial thresholds are considered to reflect an appropriate balance between officers implementing the strategies, policies and plans of the Council at pace, with the need to seek approvals from Cabinet in respect of higher value proposals.

7. Alternative Options

- 7.1 One alternative is not to update the PPRs or financial thresholds, but this is not recommended as it will not achieve the objectives as set out in the report.
- 7.2 Another alternative is to implement some but not all the changes proposed. However, a piecemeal approach is not recommended as this will not deliver the same objectives.

8. Other Relevant Considerations / Consultations

- (i) **Financial Implications** – There are no financial implications of the proposals.
- (ii) **Legal Implications** – The Assistant Director of Law and Governance has been consulted on the proposals and her comments have been incorporated in the proposed changes to the Constitution.

Part 3: Section 7 – Procurement Procedure Rules

1 INTRODUCTION AND SCOPE

- 1.1 These Procurement Procedure Rules (hereafter referred to as these / the Rules) are intended to secure value for money, promote good purchasing practice and public accountability and ensure compliance with public procurement law.
- 1.2 The Rules are mandatory for all **officers**. Following them is the best defence against any allegations that purchases have been made incorrectly or fraudulently. They lay down the minimum requirements for procurement.
- 1.3 All procurement approaches, whether established and traditional or modern and innovative (for example e-procurement tools such as e-tendering) must comply with all elements of these Rules.
- 1.4 The Rules apply to all purchasing, licensing, contracting, commercial partnering and the establishment of frameworks which involve the provision or procurement of works, goods or services by third parties to, or on behalf of, the Council. Further detail regarding the scope of these Rules is provided in Rule 3 (**Relevant Contracts**) below.
- 1.5 All procurement shall comply with the requirements of the Public Contracts Regulations 2015 (as amended from time to time) ("PCR") as applicable and the Constitution, including the Scheme of Delegation and the Employee's Code of Conduct.
- 1.6 Where a new legal entity is to be created by the Council then the Constitution of that new entity must include a scheme of Procurement Procedure Rules as approved by the Executive Director of Corporate Services.
- 1.7 Chief Officers and managers are responsible for ensuring that employees comply with these Rules and that appropriate contractual provisions are in place for compliance by agency workers, interims, consultants and agents who are undertaking procurement activity on behalf of the Council.
- 1.8 Wherever reference or action is to be taken by Corporate Procurement, it is undertaken on behalf of the Executive Director of Corporate Services.
- 1.9 All procurement procedures and the resultant Contracts shall comply with these Rules and, where applicable, the requirements of the PCR and no officer or Member shall seek to avoid them. The only permitted exceptions to these Rules are as expressly set out in Rule 5 below.

2 BASIC PRINCIPLES

Basic Principles

- 2.1 All procurement procedures and activities must:

- be cost-effective and secure value for money;
- be consistent with the highest standards of integrity;
- ensure fairness and transparency in awarding public contracts;
- comply with all legal requirements; and
- support the Council's corporate and service aims and activities.

Officer Responsibilities

- 2.2 Where the Rules refer to an officer of the Council, this shall be deemed to include both that individual and their authorised representative(s) as permitted pursuant to the Council's **Scheme of Delegation** and any Directorate Delegation Schemes.

Chief Officers

2.3 Chief Officers are responsible for:

- ensuring that the relevant **Portfolio Holder(s)** are consulted as appropriate under the Scheme of Delegation prior to advertising a procurement and are provided with progress reports at appropriate intervals;
- ensuring that, where relevant, an appropriate level of engagement with Members and service users is undertaken relating to procurements within their areas of responsibility;
- engaging with Corporate Procurement at the earliest opportunity to identify future commissioning intentions, including the options appraisal stage, of any proposals that may lead to a procurement with an estimated value of £10,000 and over. This does not include call-offs from existing framework agreements where agreed in advance with Corporate Procurement;
- ensuring, where Council contracts exist (including **Framework Agreements and/or Dynamic Purchasing Solutions**) or a commitment has been given for the Council to participate in a consortium contract, those arrangements are utilised, except where otherwise approved in advance by the Executive Director of Corporate Services;
- complying with the corporate Supplier Relationship and Contract Management framework;
- prevent, identify and remedy at the outset any actual or potential conflicts of interest in relation to potential procurement activities and/or third-party contracts and to report these promptly in writing to Corporate Procurement;
- prior to advertising or awarding (as appropriate) any contract:
 - (a) producing a clear written specification of the Council's requirements (outcome based where appropriate) and evaluation criteria;
 - (b) ensuring sufficient approved budget provision is available; and
 - (c) save where Cabinet has expressly authorised the relevant procurement, ensuring a Record of Delegated Decision regarding the decision to procure is completed by or on behalf of the relevant Chief Officer.
- procuring goods, works and services under £10,000, where not covered by an existing Council contract, in accordance with these Rules;
- ordering goods and calling-off services in accordance with the conditions of existing contracts; and
- keeping complete records for procurements where they are the lead.

Executive Director of Corporate Services

2.4 Corporate Procurement, on behalf of the Executive Director of Corporate Services, will:

- agree the procurement process and contract management plans for all procurements valued £10,000 and over;
- agree the form and method of any preliminary pre-procurement market engagements to be carried out;
- consider the case for the potential use of any of the exceptions contained in Rule 5;
- chair procurement evaluation panels;

- organise and manage corporate contracts (including Framework Agreements and Dynamic Purchasing Solutions);
- keep complete records for procurements of £10,000 or over, where such procurements are led by Corporate Procurement;
- maintain a corporate Supplier Relationship and Contract Management framework; and
- support procurements led by Directorates, where appropriate.

3 RELEVANT CONTRACTS

3.1 All **Relevant Contracts** must comply with these Rules. A Relevant Contract is any arrangement made by or on behalf of the Council for the carrying out of works or for the supply of goods or services. These include arrangements for:

- (a) the supply of goods;
- (b) the hire, rental or lease of goods or equipment;
- (c) the provision of services including, but not limited to, those relating to:
 - (i) the recruitment of personnel e.g., recruitment consultants and agency staffing;
 - (ii) professional services; or
 - (iii) all other consultancy services;
- (d) the delivery of works for, or in accordance with the requirements of, the Council;
- (e) the letting of concession contracts (whether for works or services); and
- (f) contracts or agreements for services, goods or works where the provider is engaged on a payment by results or success fee basis.

3.2 For the purpose of these Rules, Relevant Contracts do not include:

- (a) delivery of works and services by an in-house Council provider, including, for example: construction, engineering, maintenance, professional services, etc.;
- (b) contracts for the delivery of works or services with a legal entity that satisfies the requirements of the “in-house” public procurement exemption under Regulation 12(1) of The Public Contracts Regulations 2015 (“the Teckal test”) subject to the prior approval of the Executive Director of Corporate Services (in each case) and Cabinet (where the estimated value of the contract exceeds £500,000);
- (c) a co-operation agreement between the Council and one or more other contracting authorities for the joint provision of public services for mutual benefit which satisfies the requirements of Regulation 12(7) of The Public Contracts Regulations 2015, subject to the prior approval of the Executive Director of Corporate Services (in each case) and Cabinet (where the estimated value of the contract exceeds £500,000);
- (d) contracts of employment which make an individual a direct employee of the Council;
- (e) agreements regarding the acquisition, disposal (including rental) or transfer of land or buildings or which concern interests in or rights over any of them;
- (f) arrangements that can properly be regarded as grants only in accordance with Financial Procedure Rules and do not involve the provision of works, services or goods for or on behalf of the Council;
- (g) personal social services contracts commissioned as a result of an expression of choice and control by an individual service user in accordance with the Care Act 2014 (as amended);

- (h) contracts for specialist legal advice and/or representation or other expert professional advice in the context of actual or potential litigation, proceedings or otherwise which the Assistant Director of Law and Governance considers it necessary to obtain.

- 3.3 If there is any doubt over whether a contract is likely to be **Relevant Contract**, Corporate Procurement should be consulted initially and, if doubt still remains, the matter will be determined by the Executive Director of Corporate Services.

4 FINANCIAL THRESHOLDS

- 4.1 All Relevant Contracts are subject to Rule 7 (Steps Prior to Purchase) and must be subject to competition in accordance with these Rules unless there is an exception approved under Rule 5 (Exceptions). Corporate Procurement must be satisfied that the actions taken to facilitate the purchase are cost-effective and reflect the complexity and value of the purchase. The minimum competition requirements are as follows:

- **Up to £10,000** – value for money must be considered with at least one oral quotation confirmed in writing (a catalogue or published price or an email is acceptable for the purposes of this requirement only). In addition, where practicable the use of local suppliers should be considered.
- **Over £10,000 and up to/below the applicable Public Contracts Regulations (PCR) threshold for the Relevant Contract.**

Corporate Procurement shall determine, in consultation with the Chief Officer, the most appropriate procurement strategy and approach. This may include either of the following:

Quotes

Where a quotation process is deemed by Corporate Procurement to be appropriate, at least three written relevant quotations shall be obtained and considered from suitable third parties. In addition, where available, any in-house provider must also be asked to provide a quotation.

Where it is not reasonably practicable to obtain three quotations, Corporate Procurement and the relevant Chief Officer may agree to reduce the number of quotations required to be obtained provided that the reasons for this are documented before the purchase is made or the contract is let.

Tenders

Where a tender process is deemed by Corporate Procurement to be appropriate, the specific form and nature of the tender process shall be determined by Corporate Procurement in consultation with the relevant Chief Officer.

- **Applicable PCR threshold and above** – the form of procurement process must be approved by Corporate Procurement and shall be in accordance with the **PCR** as set out in Rules 11 to 19 below.
 - **Payment by Results or Success Fee based contract**– The estimated total value of the fee/income to be received by the contractor shall be assessed by the Chief Officer and Corporate Procurement in order to determine the value of the Relevant Contract for the purpose of determining the appropriate procurement route under 4.1.1 to 4.1.3 above.
- 4.2 Current PCR thresholds are displayed on the Council's website and will be maintained by Corporate Procurement. For the avoidance of doubt, all references in these Rules to the relevant PCR thresholds mean such thresholds as may be amended from time to time.
 - 4.3 In the case of **Port Contracts**, the relevant thresholds for the purposes of the above are contained in the Utilities Contracts Regulations 2016 (as may be amended from time to time).

5 EXCEPTIONS

- 5.1 All exceptions made in accordance with this Rule 5 and the reasons for them must be recorded and reported in advance to Corporate Procurement in the manner determined by the Executive Director of Corporate Services. In addition, in each case reliance on any of the exceptions set out below is also subject to compliance with the provisions of the PCR (where applicable).
- 5.2 Where a Chief Officer considers that one of the exceptions as set out in this Rule 5 should apply, they must first discuss this with Corporate Procurement prior to seeking advance written approval of the Executive Director of Corporate Services and, as appropriate, authorisation from Cabinet.
- 5.3 Subject to Rule 5.2 above and save where Cabinet has expressly authorised the use of an exception in relation to a specific contract, a Delegated Decision Form is to be completed by the relevant Chief Officer including the rationale for the application of the relevant exception and a copy provided to Corporate Procurement where a central record will be maintained.
- 5.4 For the avoidance of doubt, in the event that one of the exceptions set out in this paragraph 5.5 is to be relied on, a specification setting out the Council's requirements and the terms and conditions of contract for the proposed appointment are still required.
- 5.5 Subject to Rules 5.1 to 5.4, Rules 11 to 15 do not need to be applied to the following categories of procurement, provided that where the procurement is equal to or exceeds £500,000 in value the prior approval of Cabinet is obtained:
- 5.5.1 where the goods/asset are being sold through an auction or purchased through the used goods/second-hand market;
 - 5.5.2 procurement when, for economic, technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the contract can only be awarded to a particular third party or where the use of another party would otherwise cause significant inconvenience or substantial duplication of costs to the Council;
 - 5.5.3 execution of works by statutory undertakers;
 - 5.5.4 execution of works or services in which the personal skill or knowledge of the person(s) carrying out the works or services is of primary importance;
 - 5.5.5 call-offs via an existing Framework Agreement or dynamic purchasing system under which the Council has a right to participate which offers value for money and provided the Council follows the frameworks or system's call-off procedures;
 - 5.5.6 contracting via a contract awarded by a third party under which the Council has a right to participate and offers value for money, and provided the Council follows the terms and conditions of the contract;
 - 5.5.7 urgency, when (for reasons brought about by events unforeseeable and not attributable to the Council and only to the extent it is strictly necessary) the time required to fully comply with these Rules would be prejudicial to the Council's interests or its ability to discharge its statutory functions or duties. In these cases, consideration should still be given to those parts of the Rules that could still be followed particularly the need for competition. Where the value of the procurement is equal to or over £500,000 a report shall be submitted to the next Cabinet with an explanation of the circumstances giving rise to the need for the exemption and detailing the procurement process actually followed;
 - 5.5.8 the award of any Port Contract which is below the relevant threshold as contained in the Utilities Contract Regulations 2016 and provided that consideration is given to those parts of these Rules that can be reasonably followed for the particular procurement;

- 5.5.9 procurement of works, goods or services below the applicable threshold within the PCR to meet the requirements of a principal contract that has been awarded to a Council department as a result of a competitive tendering process. Where the principal contract has not been awarded via competition then this exception shall not apply. Further, this exception is restricted to those elements of these Rules that cannot reasonably be followed.

6 COLLABORATIVE OR JOINT PROCUREMENT ARRANGEMENTS

- 6.1 In order to secure **Value for Money** and fulfil its general duty of **Best Value**, the Council may enter into a variety of collaborative or joint procurement arrangements.
- 6.2 Where the Council acts as the lead or host authority in any collaborative or joint procurement arrangements these Rules will apply, unless otherwise agreed by the Executive Director of Corporate Services.
- 6.3 Subject to Rules 9 and 10 (Approvals), where a Chief Officer wishes to participate in a proposed collaborative or joint procurement arrangement to be undertaken by a third party, the prior written agreement of the Executive Director of Corporate Services shall be obtained. The procurement process followed should be broadly comparable to that set out in these Rules unless otherwise agreed by the Executive Director of Corporate Services.
- 6.4 Where applicable, officers should be aware that collaborative or joint procurement arrangements are subject to the requirements of the PCR.

7 STEPS PRIOR TO PURCHASE

- 7.1 The Chief Officer must appraise any procurement decision in a way that matches its complexity and value by:
- taking into account the information from any relevant consultation;
 - appraising the need for the expenditure and the priority of the purchase;
 - defining the objectives of the purchase (having first consulted users where appropriate) and relating it to the achievement of the Council's objectives as set out in the City Plan;
 - assessing the risks associated with the purchase and how to manage them; and
 - considering what procurement method is most likely to achieve the purchasing objective, including internal or external sourcing, partnering, collaboration or use of a purchasing consortium.

8 ESTIMATING CONTRACT VALUES/AGGREGATION

- 8.1 To meet the requirements of both these rules and the PCR, the relevant Chief Officer must calculate the estimated contract value for any purchase as follows:
- where the proposed contract is for a one-off purchase or task, by taking the estimated price (excluding VAT) for the purchase of those items, or the completion of that task;
 - where the proposed contract is for a fixed period, by taking the total price (excluding VAT) to be paid or which might be paid (or received if a Concession Contract) during the whole period, including all potential options and permitted extensions;
 - where a contract for the provision of services is of an uncertain duration (e.g., a "rolling" contract) by multiplying the estimated monthly payment by 48 (i.e., four years);
 - where the contract is for the purchase of goods or materials, involving recurring transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months; and
 - for preliminary feasibility studies, the value of the overall scheme or contracts which may subsequently be awarded as a result of the initial work to the same supplier.

- 8.2 An Officer must not enter into separate Relevant Contracts nor select a method of calculating the estimated contract value in order to circumvent the application of these Rules.
- 8.3 Prior to any procurement process, Corporate Procurement and Chief Officers shall have regard to the optimum packaging of works, supplies or services, particularly those of a similar nature, which are likely to be carried out in connection with a particular project in order to achieve the best value for money and taking into account all relevant requirements, including the need for integration and any inter-dependencies plus the promotion of social value. However, a proposed contract must not be divided into separate lower value contracts simply to avoid the full application of these Rules. This does not affect the determination of the number and size of lots within a Framework Agreement.

9 APPROVALS: GENERAL PROCUREMENTS

- 9.1 The Executive Director of Corporate Services (through Corporate Procurement) must agree the procurement process for all procurements with a value equal to or over £10,000.
- 9.2 Where the aggregate value of the intended procurement is estimated to be equal to or over £500,000 Cabinet approval is required prior to advertising, except only in urgent cases where approval must be secured before award.
- 9.3 The requirement in Rule 9.2 above does not apply to those Relevant Contracts that are in place to underpin the day-to-day workings of the Council (e.g., including (without limitation) utility supplies, stationery supply) provided that the prior agreement of the Executive Director of Corporate Services has been obtained before relying on this provision. Subject to the foregoing, the procurement of such contracts may be authorised by the relevant Chief Officer in consultation with the Executive Director of Corporate Services.

10 APPROVALS: CONSULTANCY SERVICES

- 10.1 In relation to proposals to use Consultants (as defined in paragraph 23.2 below):
- the relevant Chief Officer shall engage with Corporate Procurement on all such proposals where the estimated total value is £10,000 or greater;
 - where the estimated total value of the proposed Relevant Contract for Consultancy Services is equal to or greater than £100,000, the prior written consent of the Executive Director of Corporate Services or the Chief Executive is required to the proposed appointment before the procurement process is undertaken; and
 - where the estimated total value of the proposed Relevant Contract for Consultancy Services is equal to or greater than £500,000, Cabinet approval is required to the proposed appointment before the procurement process is undertaken.

Procurement Process

11 ADVERTISING CONTRACTING OPPORTUNITIES

- 11.1 Where the value of the proposed Relevant Contract is on or above the applicable PCR threshold, a contract notice must first be published in accordance with the requirements of the PCR.
- 11.2 All tender opportunities shall be published on the e-Tender Portal. All contract opportunities to be advertised with a value exceeding £25,000 shall also be published in Contracts Finder.
- 11.3 All procurement opportunities (regardless of value) should be considered as to whether their advertising would be beneficial in order to encourage competition.

12 PROCUREMENT PROCEDURES

- 12.1 The PCR set out the procedures which can be used to procure Relevant Contracts at or exceeding the applicable PCR threshold.
- 12.2 Corporate Procurement, in consultation with the Chief Officer, shall select the most appropriate procedure for the procurement of a Relevant Contract which is equal to or exceeds the applicable PCR threshold, having regard to the requirements of the PCR.
- 12.3 In order to determine a suitable procurement approach for a proposed Relevant Contract (whether above or below the applicable PCR threshold), officers, in liaison with Corporate Procurement, may first choose to carry out preliminary and non-committal soft market testing in order to inform the market of the Council's potential procurement plans and to understand the likely level of interest. Any such testing should be undertaken in accordance with the principles of equal treatment and transparency and should not have the effect of distorting competition.
- 12.4 The relevant documents for each procurement process (including the instructions to bidders, the Council's specification, submission requirements and the evaluation criteria) shall be agreed by the relevant Chief Officer and Corporate Procurement. The terms and conditions of the proposed contract shall be approved by the Assistant Director of Law & Governance.

13 SUBMISSION AND OPENING OF QUOTES AND TENDERS

- 13.1 Quotes over £10,000 and Tenders shall be submitted through a secure electronic system whereby they are not 'opened' until the deadline has passed for receipt of the quotes/tenders.
- 13.2 Tenders for a Relevant Contract shall be opened at one time and in the presence of an officer designated by the Executive Director of Corporate Services. A Register of Tenders opened shall be maintained by the Executive Director of Corporate Services. The Register of Tenders shall include the names, addresses, value and the date and time of opening.

14 NEGOTIATIONS

- 14.1 Negotiations with individual candidates or bidders during a procurement process shall not take place except where expressly permitted under the provisions of the PCR.
- 14.2 Negotiations following receipt of tenders or quotations may only take place with the prior approval of the Assistant Director of Law and Governance.

15 ACCEPTANCE OF QUOTATIONS AND TENDERS

- 15.1 A Chief Officer may accept a tender or quotation on the basis of the offer which is considered to be the most advantageous to the Council as determined in accordance with the evaluation criteria as set out in the invitation to tender or quote for that procurement.

16 AWARD NOTICE

- 16.1 In respect of a contract which exceeds the relevant threshold as set out in the PCR, an Award Notice shall be published by Corporate Procurement no later than 48 days after the date of award of the contract and shall also be published on Contracts Finder.
- 16.2 In the case of the award of a contract which exceeds £25,000 (including a call-off contract awarded under a framework agreement), an Award Notice shall be published by Corporate Procurement on Contracts Finder within a reasonable period of time from the date of the award.

17 CONTRACT TERMS AND CONDITIONS

- 17.1 All contracts and orders shall be in writing or in an approved electronic format, and every contract which equals or exceeds £75,000 in value shall be in writing in a form to be approved by the Assistant Director of Law and Governance and executed in accordance with **Section 6, Part 2** of the Council's Constitution. As a minimum, the following areas must be adequately covered within the terms and conditions:

- the Contract Period (including any extensions);

- the Contract Price and payment terms;
- the Council's requirements (e.g. its specification and performance requirements);
- Insurance and liability provisions; and
- termination

18 CONTRACT MANAGEMENT

- 18.1 Chief Officers must ensure that contract management arrangements are in place for all contracts which are deemed as medium / high risk relevance in accordance with the Council's Supplier Relationship and Contract Management Framework (as may be updated from time to time).

19 NOMINATED CONTRACTORS AND SUB-CONTRACTORS

- 19.1 In circumstances where there is a case for the Council to nominate sub-contractors to main contractors, the provisions of these Rules shall apply in relation to the selection of the nominated sub-contractor.

20 VARIATION OF CONTRACTS

- 20.1 All proposed contract variations shall be consistent with the scope and terms of the existing contract and proportionate in value to the total value of the contract when originally awarded. In addition, where applicable, any proposed variation must also comply with the relevant provisions of the PCR.

- 20.2 Any proposed variation, or series of variations, incurring extras, shall be authorised prior to the work or services being undertaken or supplies being received as follows:

- Where the net cumulative value of the variation to a contract (together with all previous variations to the contract) is lower than £250,000 by the Chief Officer having obtained prior written agreement of the Executive Director of Corporate Services and provided payment can be contained within the relevant budget provision. If not, prior authorisation must be obtained from Cabinet;
- where the net cumulative value of the variation to a contract (together with all previous variations to the contract) is equal to or exceeds £250,000, Cabinet approval must be sought regardless of whether this can be contained within the existing approved budget for the contract;
- where the net cumulative value of all variations to a contract is estimated to equal or exceed 50% of the original contract value, the Chief Officer may only authorise the variation or series of variations after consultation with the Assistant Director of Law and Governance as to application of the PCR.

For the avoidance of doubt, this Rule 20.2 shall not apply in the case of a potential variation which expressly formed part of the original procurement documents and where the future exercise of that proposed variation as an option was expressly authorised by Cabinet as part of the award of the original contract.

- 20.3 Once duly authorised, approved variations must be executed in writing in a form agreed with Corporate Procurement, and payments made in accordance with the terms of the contract.
- 20.4 The Chief Officer shall issue separate certificates, showing all extras less deductions presented to the Council for payment, stating the amounts of extras ordered to date and the amount certified for payment.

- 20.5 This Rule 20 shall not apply to the discharge of the Council's obligations under the terms of a contract in connection with the granting of compensation events (or equivalent) or relief which arise or become due under the terms of the contract provided that records relating to the grant of such compensation events or relief shall be kept in a form acceptable to the Executive Director of Corporate Services.

21 CONTRACT EXTENSIONS

- 21.1 A contract may be extended before its expiry date where the extension is in accordance with its original terms, can be shown to offer value for money and with the approval of the applicable Chief Officer and the Executive Director of Corporate Services.

- 21.2 Where the contract terms do not provide expressly for an extension:

- Those contracts subject to the PCR may only be extended as expressly permitted by the PCR and on the written approval of the applicable Chief Officer and the Assistant Director of Law and Governance.
- Those contracts not subject to the PCR may only be extended by formal written variation where the extension to a contract can be shown to offer value for money and is proportionate and reasonable in all the relevant circumstances on the written approval of the applicable Chief Officer and the Executive Director of Corporate Services.

In addition, where the contract does not include an express right of extension, any proposed extension will also constitute a contract variation for the purpose of Rule 20 above and therefore the provisions of Rule 20 will also need to be followed.

- 21.3 After the expiry of the term of a contract, it may not be extended or varied.

22 ASSIGNMENT AND NOVATION

The relevant Chief Officer, in consultation with the Executive Director of Corporate Services, shall have authority to determine whether permission to assign or novate a contract is given on behalf of the Council.

23 TERMINATION

Where a Chief Officer wishes to terminate a contract early, they may do so only after consulting with the Executive Director of Corporate Services and Assistant Director of Law and Governance as to the financial and legal implications of the proposed termination.

24 INTERPRETATION AND DEFINITIONS

- 24.1 "PCR" means The Public Contracts Regulations 2015 (as amended).

- 24.2 For the avoidance of doubt, all references in the Rules to the PCR, The Concession Contracts Regulations 2016 and The Utilities Contracts Regulations 2016 shall in each case be construed as a reference to such legislation as may be amended, consolidated or re-enacted from time to time and includes any subsequent enactment, regulation or other similar instrument having equivalent effect.

- 24.3 "Third party" for the purposes of these Rules includes any economic operator, another public sector body, a works contractor, a supplier, a services provider, a consultant, a firm, a company, a partnership or an individual.

- 24.4 "Consultant" and "Consultancy Services" means all such Third Parties who market their services as a consultancy service for whatever purpose, whether management, technical, financial, IT, marketing, personnel etc., and are generally understood to come within the term "consultants". This does not include staff employed via job agencies or other organisations that carry out day-to-day work on the Council's behalf.

- 24.5 In relation to a Port Contract, all references in these Rules to Cabinet shall be interpreted as meaning the Port Board.

CABINET – 14 SEPTEMBER 2021

LICENSING ACT 2003 - REVIEW OF CUMULATIVE IMPACT ASSESSMENT

REPORT OF THE EXECUTIVE DIRECTOR OF NEIGHBOURHOODS

1.0 PURPOSE OF THE REPORT

- 1.1 To inform Cabinet of the legal requirement of the Council, in its capacity of a Licensing Authority, to undertake a review of the Council's Cumulative Impact Assessment (CIA), under the Licensing Act 2003, ("the Act").

2.0 DESCRIPTION OF RECOMMENDATION

- 2.1 To recommend to Council that the existing CIA should cease as from 19 September 2021, and that a CIA be further considered in the next 6-12 months subject to the availability of all relevant data at that time.

3.0 BACKGROUND

- 3.1 Section 5 of the Act requires all Licensing Authorities to prepare and publish, every 5 years, a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act.
- 3.2 The Council's current Licensing Policy was agreed by Council at its Meeting of the 18 November, 2020 as an intermediate position to allow the then existing policy to roll over as set out, due to the existing difficulties created as a result of the Coronavirus Pandemic. The Licensing Policy was subsequently published and took effect as from and including 7 January 2021 for the 5 year period to 6 January 2026, although it was agreed that the Licensing Policy would undergo a comprehensive review in due course, when the hospitality sector returns to normal operation.
- 3.3 Since the implementation of the Licensing Act, Councils have commonly exercised Cumulative Impact Policies as a means of placing restrictions on the grant of new licences and on applications for variations of existing licences within their areas. The Policing and Crime Act 2017 amended Licensing Act 2003 so as to give the concept of "cumulative impact" a statutory footing with effect from 6 April 2018. The way in which this has been achieved is to give Licensing Authorities the discretion to publish documents, separate to their Licensing Policy Statements, which are termed "Cumulative Impact Assessments" (CIAs). Cumulative Impact Assessments were introduced as a tool for licensing authorities to limit the growth of licensed premises, both on and off trade, in problem areas.
- 3.4 Many of Sunderland's alcohol related outcomes remain significantly worse than the England average. Specifically, alcohol related hospital admission rates are significantly worse than the rest of England. Addressing alcohol harms is a complex issue and no single approach will be successful in isolation, therefore it requires commitment and contributions from a range of partners across the City. Alcohol remains one of the key drivers of health inequalities and is the key cause of premature death, placing a significant burden across the whole system: NHS, adult social care, the wider economy, notably local businesses.

- 3.5 A licensing authority may publish a CIA. It is not a statutory requirement to do so. A CIA is a statement that the licensing authority considers that the number of relevant authorisations in respect of premises in one, or more parts of its area described in the CIA is such that it is likely that it would be inconsistent with the authority's duty, (the duty to carry out its functions with a view to promoting the licensing objectives), to grant any further relevant authorisations in respect of premises in that part, or those parts of its area.
- 3.6 In some areas where the number, type, or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high, or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area. For example, when leaving premises at peak times, or when queuing at fast food outlets, or for public transport.
- 3.7 A CIA may relate to all relevant authorisations, or only to relevant authorisations of a particular type described in the Assessment. For example, for certain parts of the area, the licensing authority may, having regard to the levels of crime and disorder and public health data, consider it appropriate to implement a CIA to cover only "off" licensed premises and to not include in the Assessment premises licensed for the sale of alcohol for consumption on the premises, such as pubs, bars and restaurants.
- 3.8 The existing Sunderland CIA was adopted on 19 September 2018 following a prescribed statutory consultation process. A copy of the CIA is attached at Appendix 1. Under the Act, CIAs must be reviewed every 3 years, so the current Assessment is due for a review prior to 18 September 2021.

4.0 EFFECT OF CUMULATIVE IMPACT ASSESSMENTS

- 4.1 When publishing a CIA, a licensing authority is required to set out evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area described. The evidence is used to justify the statement in the CIA that it is likely that granting further licences in that area would be inconsistent with the authority's duty to promote the licensing objectives.
- 4.2 In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant, or variation of premises licences. It is therefore expected that, in respect of each of relevant application in the area concerned, the licensing authority, along with other Responsible Authorities, (eg. the Police, Public Health and Environmental Health), will be considering whether it is appropriate to make a representation.
- 4.3 The CIA does not however change the fundamental way that licensing decisions are made. If no representations are made on an application where the premises are located within the CIA area, the application will be granted routinely on the terms set out in the application in the same way that all other applications are dealt with. In cases where representations are made, it is open to the Licensing Sub-Committee to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule, (part of the legally prescribed application form), that they would not be adding to the cumulative impact. The Guidance states that applicants for licences in areas covered by a special policy should give consideration to potential cumulative impact issues when setting out in their operating schedules the steps that they will take to promote the licensing objectives.

5.0 CURRENT CIA ARRANGEMENTS

5.1 Existing areas subject to the CIA restrictions include, :-

- The City Centre and East End, ie. parts of the Hendon, Millfield and St Michael's Wards;
- Millfield and Pallion, ie. parts of these Ward;
- Hendon, ie. parts of the Hendon and St Michael's Wards;
- Southwick;
- Shiney Row;
- Washington North; and
- Hetton, ie. parts of the Copt Hill and Hetton Wards.

5.2 However, since the implementation of the CIA in Sunderland no new applications for licences, or applications to vary existing licences have been refused in the above areas, following no representations having been made on the grounds of cumulative impact.

5.3 Guidance sets out the steps that an authority should follow in considering whether to adopt a special policy. These are, :-

- To identify concern about crime and disorder, public safety, public nuisance or the protection of children from harm in a particular location;
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm;
- If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that a risk of cumulative impact is imminent;
- Identify the boundaries of the area(s) where problems are occurring; and
- To consult the statutory consultees (as prescribed by the Act) and, subject to the outcome of the consultation, include and publish details of the special policy in the Licensing Policy.

5.4 Under the Act, any decision to introduce a CIA, or to cease continuing to implement a CIA must be made by full Council.

6.0 CURRENT POSITION

6.1 The current CIA is due to expire on 18 September 2021 and consideration needs to be given to the arrangements for its review.

6.2 The principle of cumulative impact is to identify which areas are saturated with a significant number, type of composition of licensed premises, causing the benefits provided by alcohol outlets to be outweighed by public nuisance, crime, disorder and other costs of excessive alcohol consumption.

6.3 In recent months, a number of local authorities have, following a review of their CIA, decided that it is no longer necessary to implement a CIA due to the changing environment and local circumstances.

- 6.4 Statutory guidance issued relating to the use and application of special policies has been diluted since first introduced. In many cases, the presumption of refusal of an application in a particular area has been determined to be inappropriate. Appropriate and carefully considered licence conditions proposed by responsible authorities can offer adequate protections in accordance with the licensing objectives.
- 6.5 The Covid pandemic has had a significant detrimental impact on the hospitality sector and any restrictions imposed on the variation and grant of new premises applications may be considered to be an additional threat to recovering high streets. In addition, lockdown periods have affected recorded levels of crime and disorder within commercial centres. Any study to support a special policy focusing on the cumulative impact of licensed premises on the promotion of the licensing objectives will be impacted by the pandemic. Also, all special policies proposed must be based on accurate and robust data and evidence, as they are often subject to national and local challenge.
- 6.6 It should be noted, in respect of the existing City Centre and East End CIA area, that at the time of adoption the Council resolved to encourage the development of new, high quality leisure venues and retail outlets whose operations would have a positive impact upon the economic vitality of the City Centre. It was therefore proposed that an amendment to the licensing policy include the following statement, :-

“The Council intends that the City Centre should remain as an area where we would encourage businesses to set up and expand. We recognise that a dynamic trading environment will feature applications for new or amended licences. We consider that the operations of well-run, high quality licensed premises should not have a negative impact upon the licensing objectives. We, therefore, would welcome the submission of applications for new or amended licences by businesses whose operations would significantly enhance the economic vitality of the City Centre.”

In essence the provision of the above amendment created significant weakness in relation to adoption of the policy in the city centre. Any subsequent special policy may require more robust composition to withstand scrutiny.

- 6.7 Regardless of its view on the future of a CIA for the area, the Council is required to comply with a statutory procedure for a review of the existing CIA. Under the Act, after publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult with a prescribed list of consultees. These are, :-
- Northumbria Police;
 - Tyne and Wear Fire and Rescue Service;
 - Local Authority Director of Public Health;
 - Representatives of the licensed trade and members' clubs;
 - Local businesses and their representatives; and
 - Local residents and their representatives.

- 6.8 If having consulted with the statutory list of persons, the licensing authority decides that it is no longer of the opinion set out in the CIA, it must publish a statement to that effect. The statement must make clear that any reference to CIA in its licensing policy statement no longer applies. The licensing authority should remove any reference to the CIA within its licensing policy statement at the earliest opportunity.
- 6.9 If having consulted the licensing authority decides that it remains of the opinion set out in the assessment, it must revise the CIA to include a statement to that effect and set out evidence as to why it remains of that opinion. It will be important for any evidence included in the revised CIA to be robust and relevant to the current problems described. This is likely to involve the collation of fresh, or updated evidence of the kind described in Paragraph 5.3 above. The licensing authority must also at this stage publish any other material change in the assessment. For example, if the types of premises or area described in the assessment have changed due to a shift in the nature of the problems being experienced or where there is evidence of the emergence of new type of problem.

7.0 PROPOSAL FOR REVIEW OF CIA

- 7.1 Since March 2020, the Coronavirus Pandemic has had a significant impact on hospitality businesses resulting in periods of full lockdown, or in some periods trading authorised subject to various restrictions. The impact of the pandemic has also caused issues as to the accuracy of the relevant data that may be available to justify a CIA at this time.
- 7.2 In view of these circumstances along with the instability still currently being experienced by the hospitality sector, it is not considered appropriate to continue with the implementation of a CIA beyond 18 September 2021. Although, it is intended that Officers will instigate an appropriately timed CIA within the next 6-12 months. It is hoped that this will provide sufficient time for the collection of robust data that may be used to consider whether a new CIA should be proposed for implementation. It is envisaged that a future review of the CIA will also coincide with a comprehensive review of the Statement of Licensing Policy, with both processes being subject to widespread consultation.
- 7.3 At its meeting held on 2 August 2021, the Licensing and Regulatory Committee considered a report concerning a review of the CIA, and approved recommendations as follows, :-
- (a) A period of consultation is commenced with the relevant stakeholders as set out in Paragraph 6.7 of this Report to obtain comments on the proposal that the existing Cumulative Impact Assessment (CIA) should cease as from 19 September 2021;
 - (b) The period of consultation commences on 3 August, 2021 until 5pm on 20 August 2021; and
 - (c) Recommend to Council that the existing CIA should cease as from 19 September 2021, and that a CIA be further considered in the next 6-12 months, subject to the availability of all relevant data at that time.

7.4 In its consideration of the above recommendations, the Licensing and Regulatory Committee was also informed that prior to that meeting, Officers had considered it appropriate to seek the views of three of the statutory consultees, the Director of Public Health and Commissioning, Northumbria Police and Tyne and Wear Fire and Rescue Service on such proposals. The Members were informed that the above consultees had all confirmed that they were in agreement with the proposal that the CIA should cease as from 19 September 2021. The Licensing and Regulatory Committee will receive confirmation of the outcome of the consultation at its Meeting of the 6 September 2021 in the terms set out at paragraph 7.5 below.

7.5 Following the statutory consultation on the proposal that the CIA should cease as from 19 September 2021, no responses were received.

8.0 REASONS FOR DECISION

8.1 To facilitate compliance with the requirements of the Licensing Act 2003 that the Council undertakes a review of its CIA within three years of implementation.

9.0 ALTERNATIVE OPTIONS

9.1 There are no alternative options available to the Council which are considered to be appropriate. The existing CIA is required to be reviewed within the statutory timescale. In the absence of relevant current data, there are insufficient grounds to exercise a CIA beyond 18 September 2021, and therefore the proposal to cease with a CIA as set out in the Report is the only appropriate option available at this time.

10.0 IMPACT ANALYSIS

10.1 **Equalities** – No impact

10.2 **Privacy Impact Assessment** - No impact

10.3 **Sustainability** - No Impact

10.4 **Reduction of Crime and Disorder** – No Impact, the Licensing Act allows representations by responsible authorities including the Police irrespective of the presence of a CIA.

11.0 OTHER RELEVANT CONSIDERATIONS/CONSULTATIONS

11.1 **Financial Implications** – There are no direct financial implications arising from the recommendation to Council to cease the existing CIA.

11.2 **Legal Implications** - The Assistant Director of Law and Governance advises that the Council is legally required to review its CIA within 3 years of publication of the previous Statement.

11.3 **The Public/External Bodies** - Statutory consultees have been consulted.

12.0 LIST OF APPENDICES

12.1 Appendix 1: The Council's current CIA for the period to 18 September 2021.

13.0 BACKGROUND PAPERS

13.1 None.

APPENDIX 1

Cumulative Impact Assessment

Cumulative Impact Assessment

1. The Council considers that, in specified parts of the City, the number of premises licences and/or club premises certificates (relevant authorisations) are such that it is likely that it would be inconsistent with our duty to promote the licensing objectives set out by the Licensing Act 2003 to grant any further relevant authorisations in respect of premises in those areas. The evidential basis for our opinion is set out in Appendices 1,2 and 3. Appendix 4 contains maps of the relevant parts of the City. This assessment relates to the grant of premises licences or club premises certificates in these areas, where the premises are proposed to be authorised to sell alcohol.
2. This assessment does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, before the Council may lawfully refuse an application.
3. The Council will consider properly the circumstances of all applications in respect of which relevant representations are received. Those applications which are considered to be unlikely to add to the existing cumulative impact upon the licensing objectives may be granted.
4. The Council intends that the City Centre should remain as an area where it would encourage business to set up. The Council recognises that a dynamic trading environment will feature applications for new licences. The Council considers that the operation of well-run, high quality licensed premises should not have an impact upon the licensing objectives. The Council, therefore, would welcome the submission of applications for new licences by businesses whose operations would significantly enhance the economic vitality of the City Centre.
5. This Cumulative Impact Assessment was approved for publication at a meeting of the Council on 19 September 2018.

Appendix 1

Evidential Basis for the Cumulative Impact Assessment of numbers of Licensed Premises

- 1.1 Compared with other local authority areas in England, the available relevant data shows that Sunderland as a whole has particular problems associated with alcohol. For example, Sunderland is in the worst 10% of the 152 upper tier local authority populations for alcohol-specific hospital admissions of young people aged under 18 (second highest) and hospital admission episodes for alcohol related conditions (all people) (12th highest).
- 1.2 Research into the views of residents and business people in the City upon the impact of licensed premises upon the licensing objectives revealed particular concerns about certain parts of the City. Data held by the Council, NHS and the Police, either covering the calendar year 2016 or the financial year 2015-16 as indicated, show that, in the areas identified by the research, the rates of crime and disorder and public nuisance associated with alcohol, and the risk of harm to people (which includes children) due to alcohol, are greater than the average situation across the City. Given the City's issues with alcohol as a whole, these data constitute good evidence that the relevant problems in these areas are being caused, in some instances, by customers of the local licensed premises and that the operations of these premises are having, cumulatively, a negative impact upon the licensing objectives.
- 1.3 The data are set out in Appendices 2 and 3. All of the data is presented within datasets which refer to Lower Super Output Areas (LSOAs). These are areas which have approximately equal numbers of residents and are used for the purposes of making statistical comparisons. Some of the datasets exclude the LSOAs in the City Centre, which are significantly the most problematic areas of the City in relevant respects, in order that the differences between the situations in more residential areas may more readily be demonstrated. Appendix 2 shows some of the data in a pictorial format and is composed of the datasets identified below:
 - Alcohol-related hospital admissions;
 - Alcohol-related assaults resulting in hospital attendance (occurring between 6am and 9pm);
 - Alcohol-related assaults resulting in hospital attendance (occurring at any time);
 - Alcohol-related ambulance call outs;
 - Alcohol-related Anti-Social Behaviour (ASB) incidents (occurring between 6am and 9pm);
 - Alcohol-related Anti-Social Behaviour (ASB) incidents (excluding City Centre LSOAs) (occurring between 6am and 9pm);
 - Alcohol-related Anti-Social Behaviour (ASB) incidents (occurring at any time);
 - Alcohol-related Anti-Social Behaviour (ASB) incidents (excluding City Centre LSOAs) (occurring at any time);
 - Alcohol-related incidents (recorded by the Police) (occurring between 6am and 9pm);
 - Alcohol-related incidents (recorded by the Police) (excluding City Centre LSOAs) (occurring between 6am and 9pm);

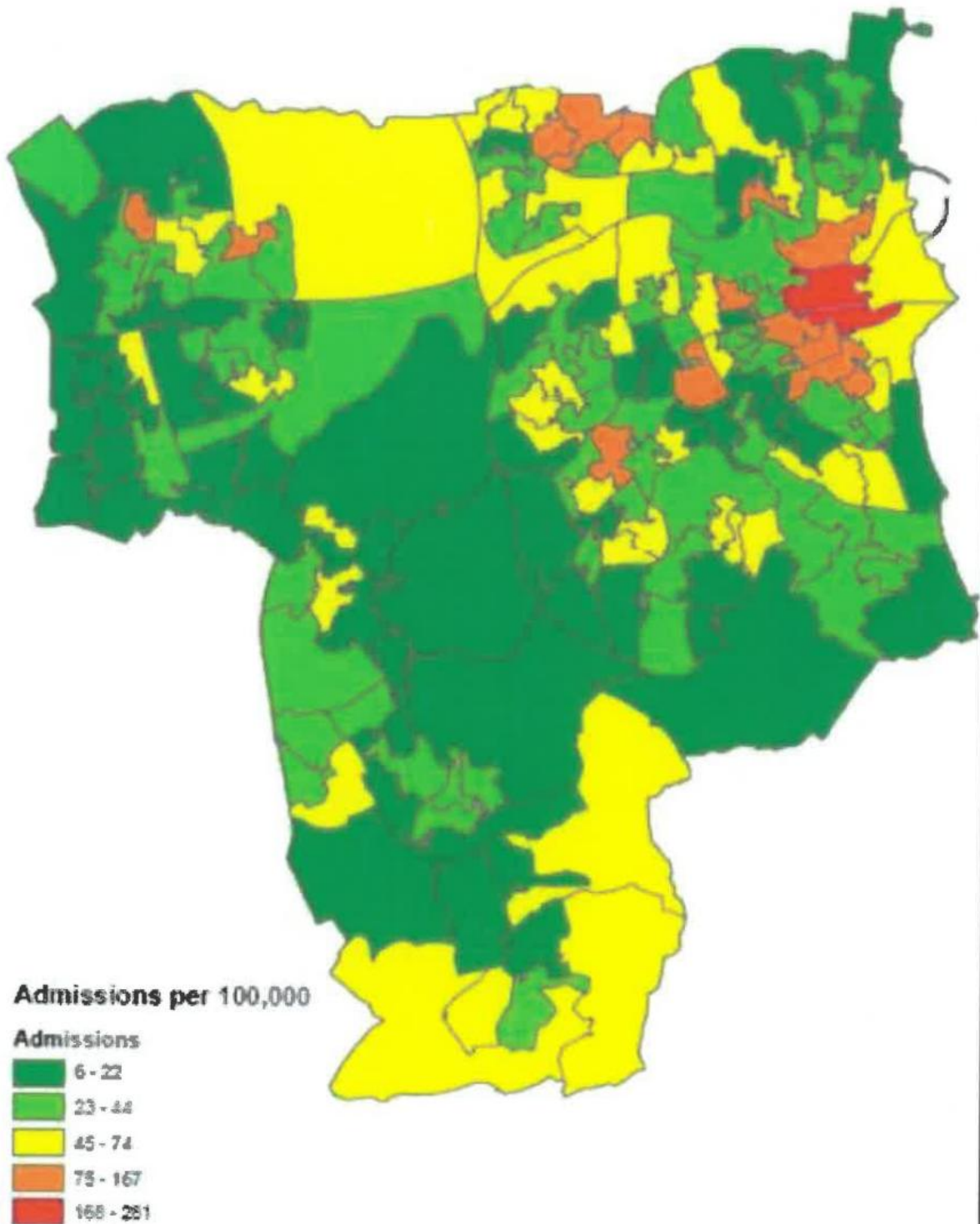
- Alcohol-related incidents (recorded by the Police) (occurring at any time; and
 - Alcohol-related incidents (recorded by the Police) (excluding City Centre LSOAs) (occurring at any time).
- 1.4 Appendix 3 contains a table which indicates:
- numerical values for some of the datasets listed at paragraph 1.3 above;
 - other datasets as identified in the table;
 - the numbers of licensed premises in the relevant LSOAs; and
 - in respect of each criterion, the ranking of the relevant LSOAs relative to all 185 LSOAs in the City.
- 1.5 The Cumulative Impact Assessment areas are not coterminous with Council ward boundaries. Some of the areas are wholly located within single wards whereas others are composed of parts of more than one ward. The areas are identified in the list below:
- the City Centre and East End (parts of Hendon, Millfield and St Michael's wards);
 - Millfield and Pallion (parts of each ward);
 - Hendon (parts of Hendon and St Michael's wards);
 - Southwick;
 - Shiney Row;
 - Washington North; and
 - Hetton (parts of Copt Hill and Hetton wards).
- 1.6 The fact that these areas may be seen to experience more relevant problems than the average for the City during daytime specifically, as well as on a 24 hour basis, justifies the inclusion of off licences within the assessment regime as well as premises where alcohol may be sold for immediate consumption e.g. public houses.
- 1.7 The Cumulative Impact Assessment areas do not, in all cases, follow the LSOA boundaries precisely. Some of the boundaries proposed go beyond the relevant LSOA areas in order to include areas closely adjacent to the LSOA. These either contain licensed premises which serve the adjacent LSOA or are areas in which it is envisaged that additional licences serving the adjacent LSOA may be sought. Restricting some of the proposed Cumulative Impact Assessment areas specifically to LSOA boundaries runs the risk of failing to prevent the establishment of licensed premises immediately outside the problematic LSOA area; thus having, potentially, an adverse impact on the licensing objectives within the neighbouring LSOA.
- 1.8 The boundaries of the Cumulative Impact Assessment areas are indicated in the maps contained in Appendix 4. Where a boundary is demarcated by a street, the special policy area includes only the inner side of the street i.e. that side which is continuous with the remainder of the area.

Appendix 2

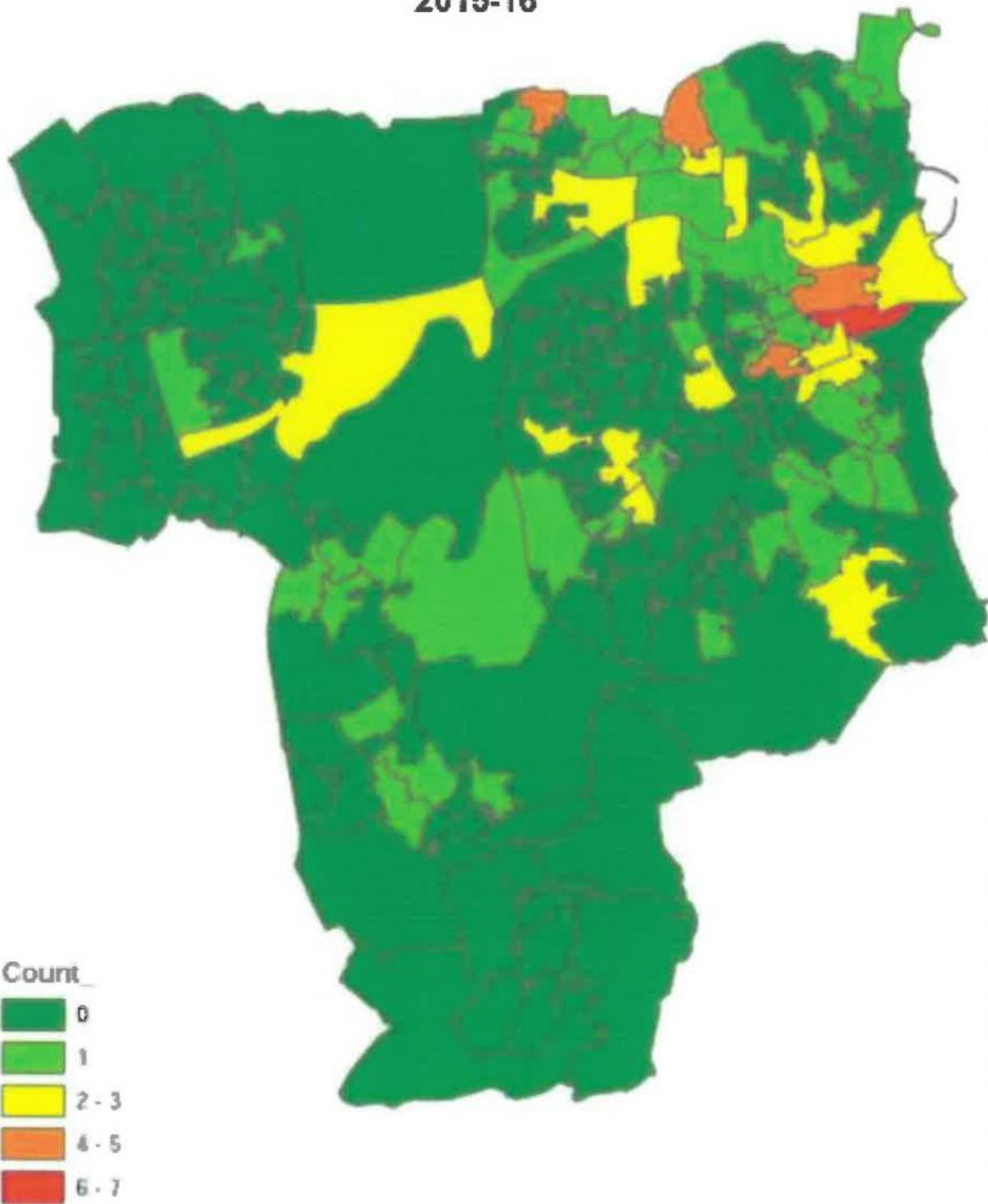
Evidential data in pictorial Format

Alcohol-related hospital admissions

2015-16



**Alcohol-related assaults
resulting in hospital
attendance
(6am - 9pm)
2015-16**



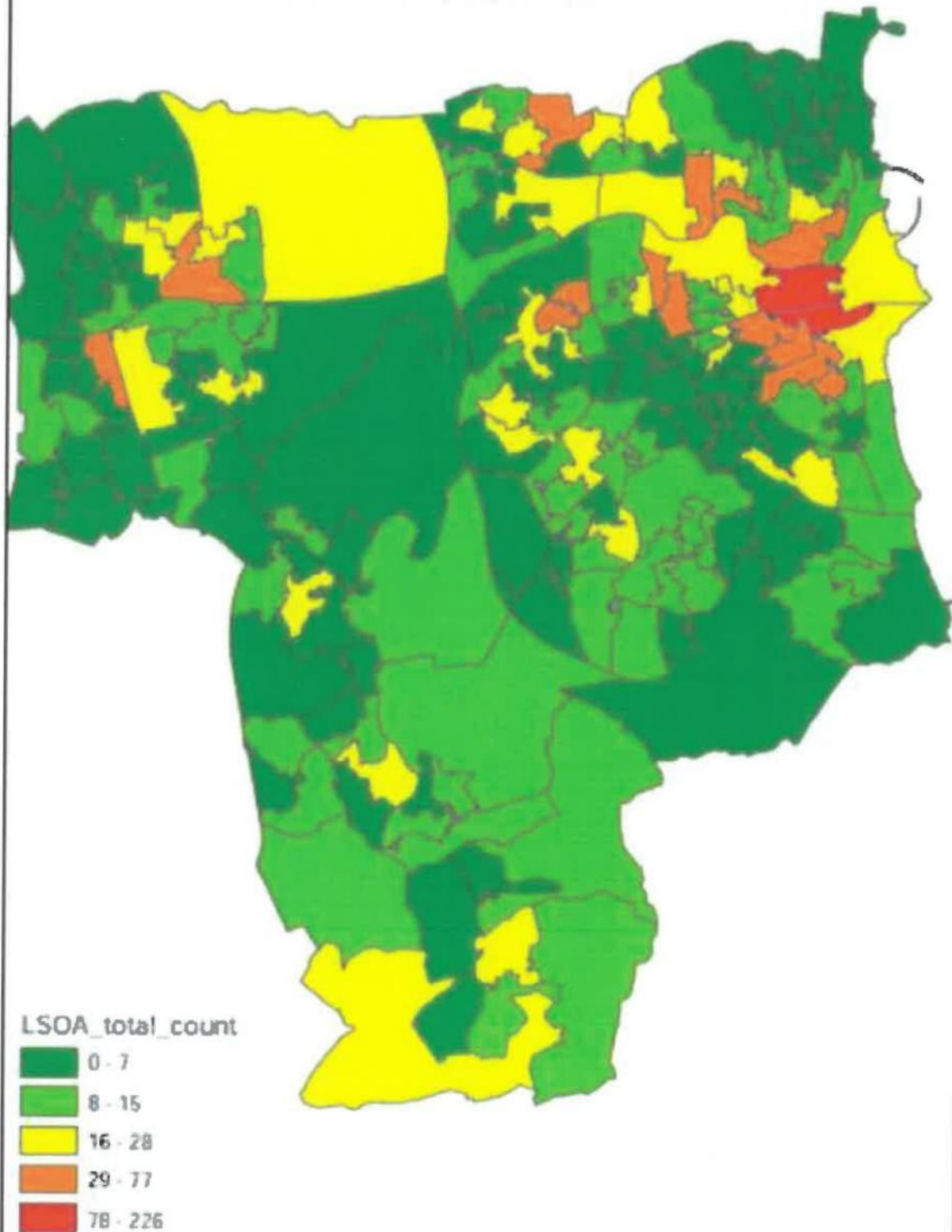
**Alcohol-related assaults resulting in
hospital attendance
(any time)
2015-16**



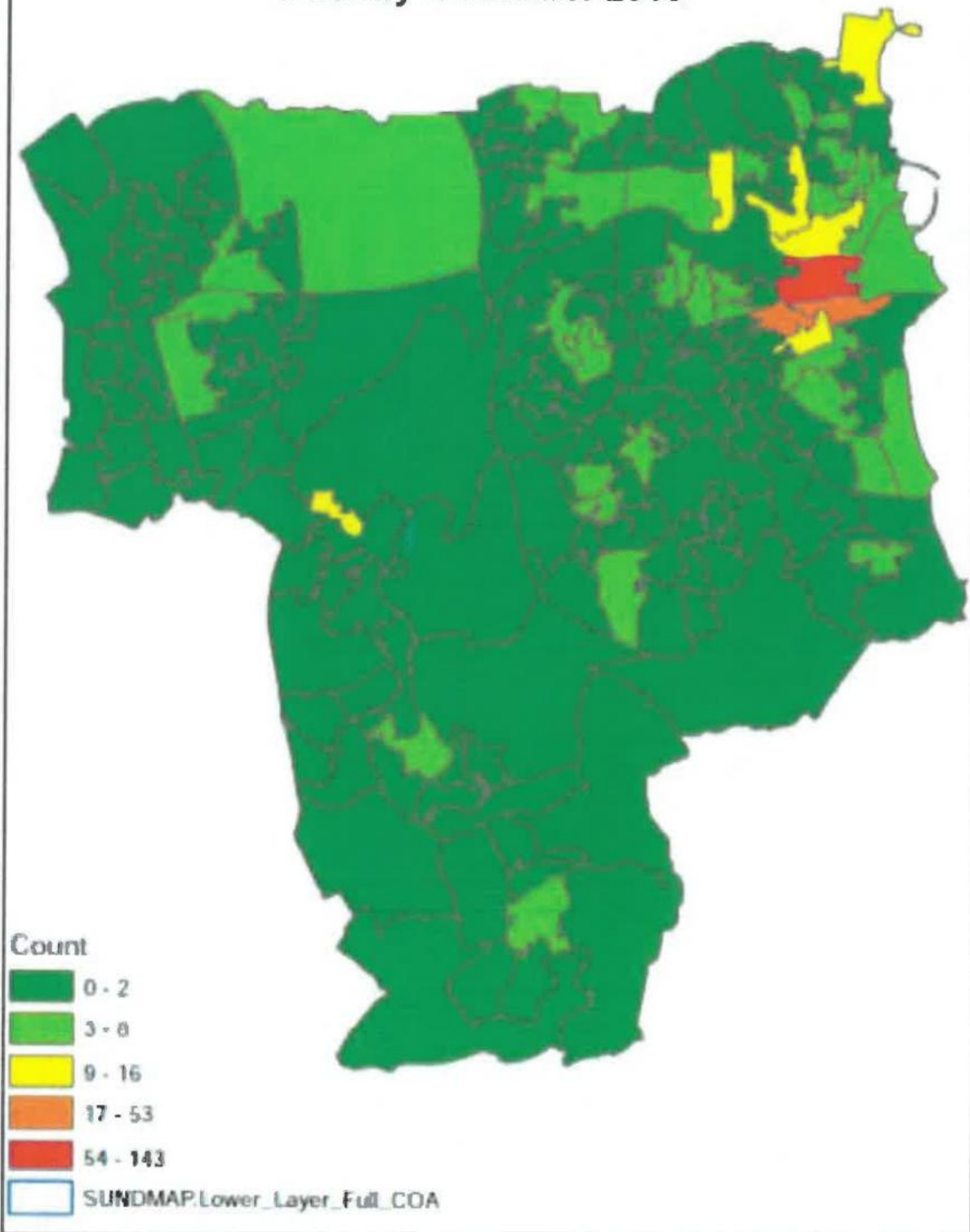
Count

0
1 - 5
6 - 9
10 - 25
26 - 40

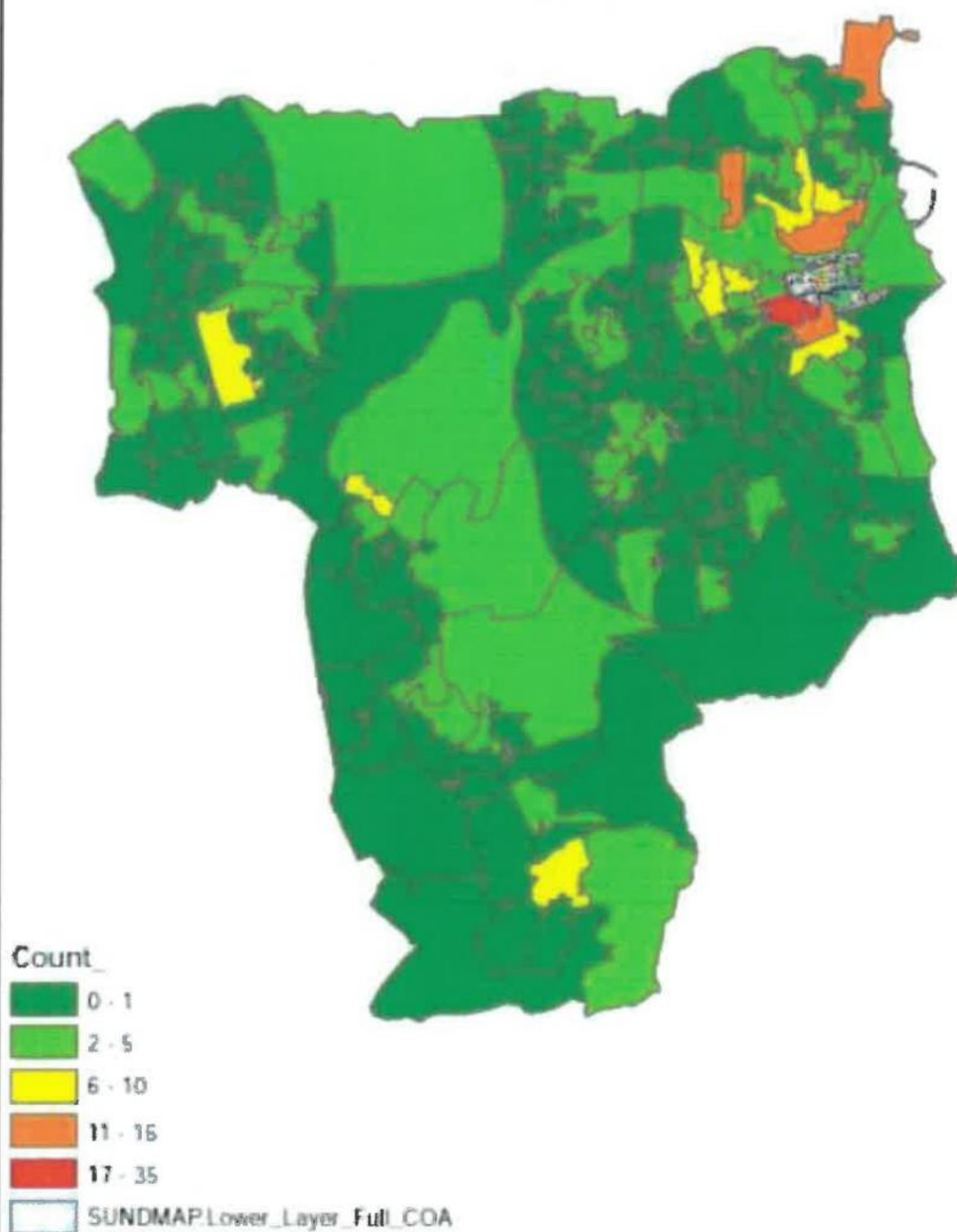
**Alcohol-related ambulance call
outs 2015-16 (any time)**



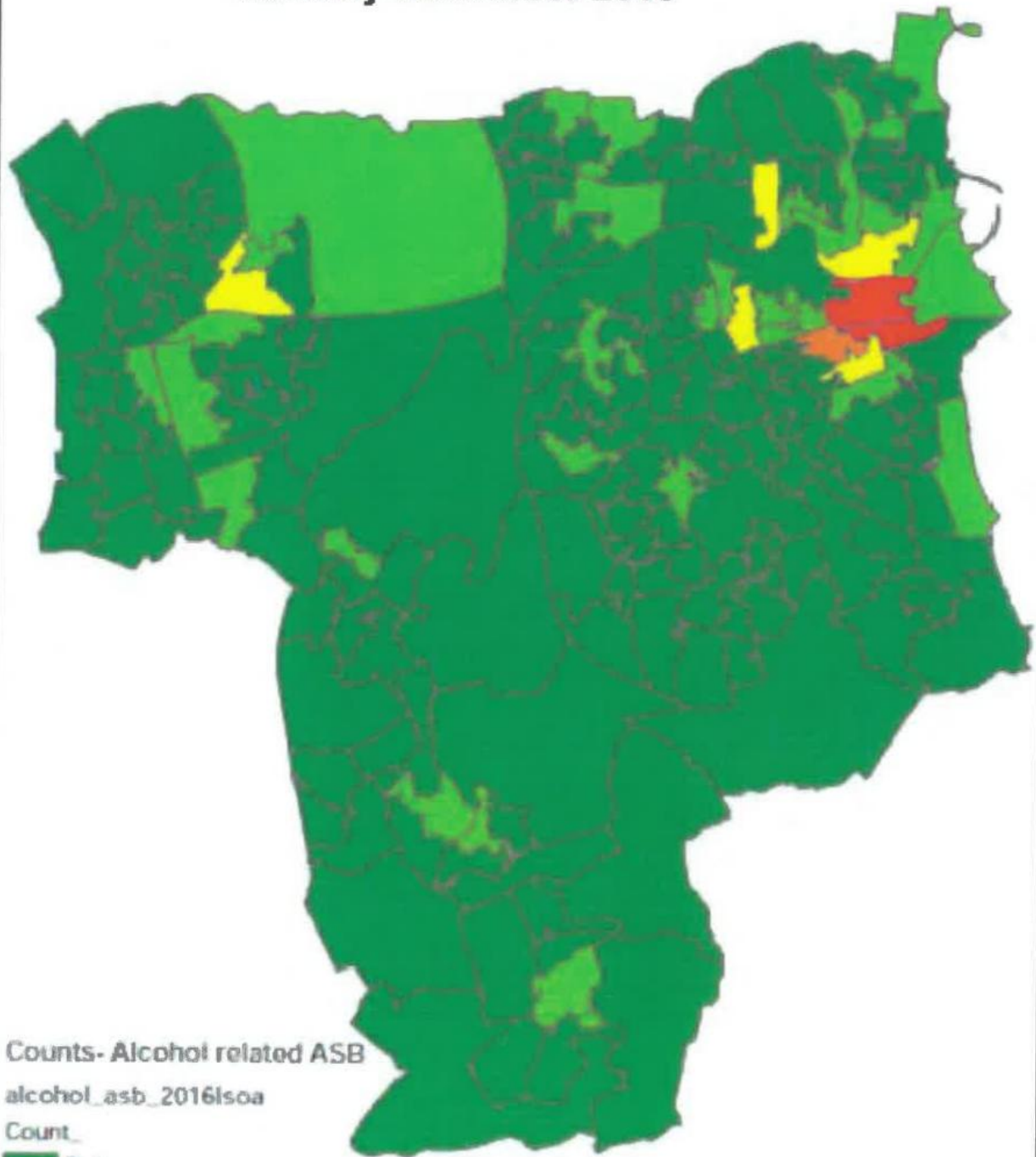
**Alcohol-related ASB incidents
(6am – 9pm)
January-December 2016**



**Alcohol-related ASB incidents
(6am – 9pm)
(excluding City Centre LSOAs)**



**Alcohol-related ASB incidents
(any time)
January-December 2016**



Counts- Alcohol related ASB

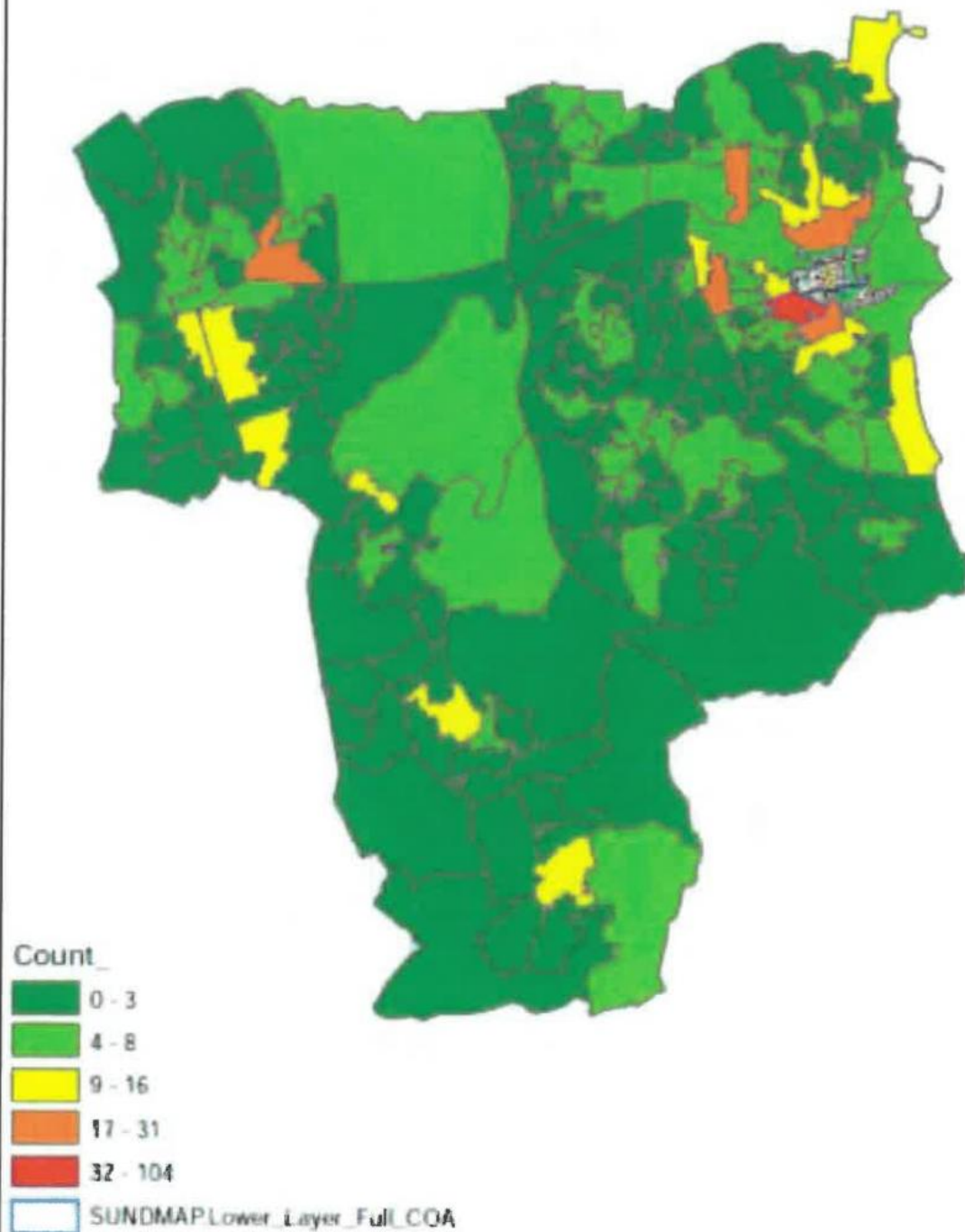
alcohol_asb_2016|soa

Count_

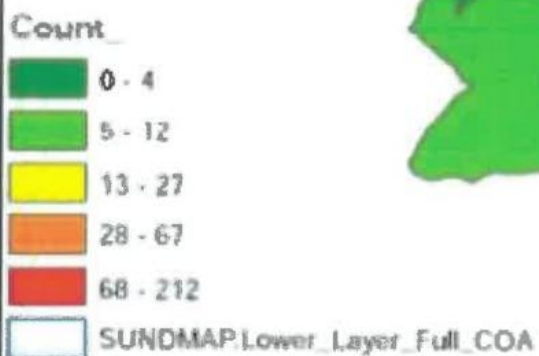
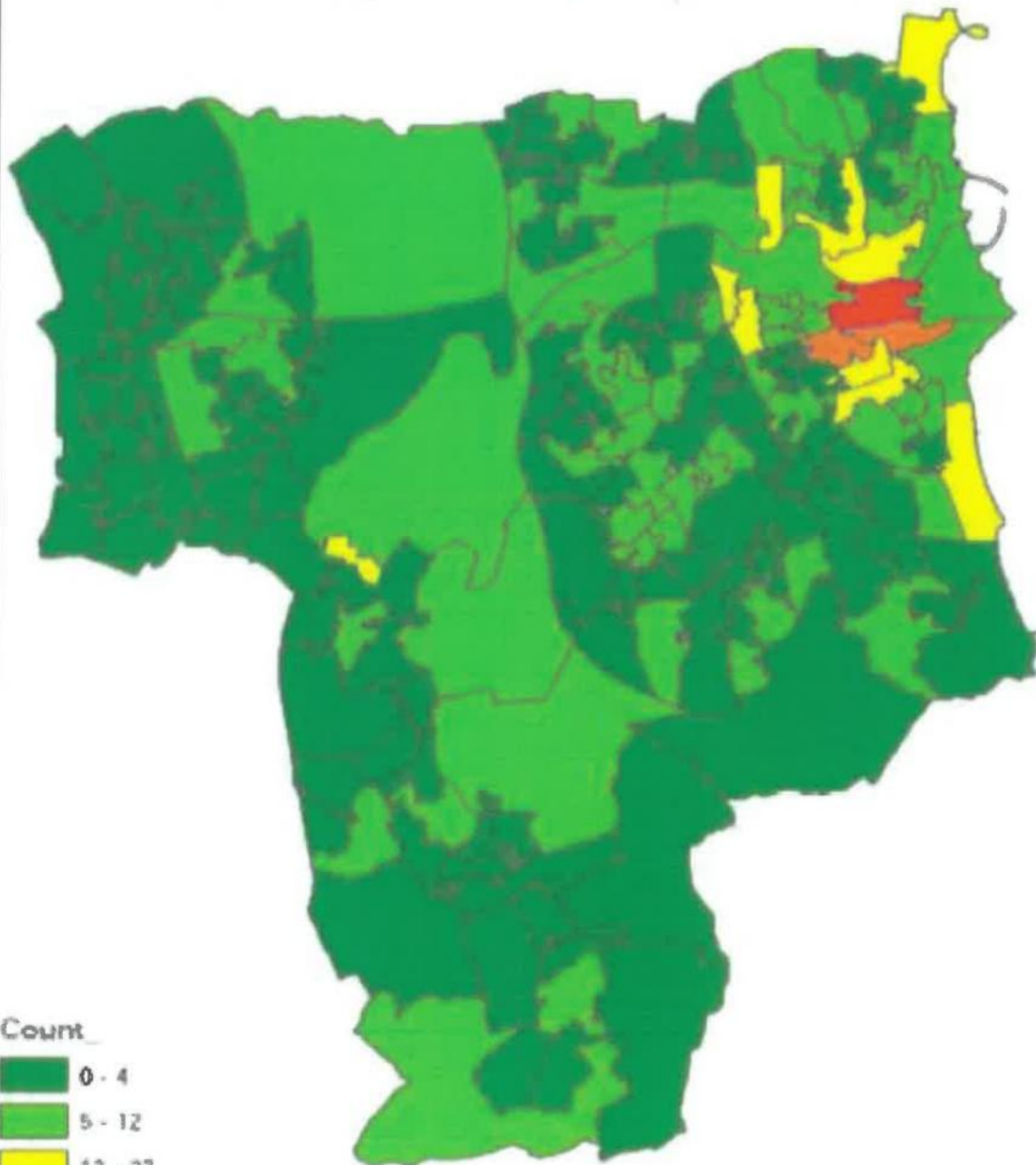
- 0 - 5
- 6 - 16
- 17 - 31
- 32 - 104
- 105 - 251

Alcohol-related ASB incidents (any time)(excluding City Centre LSOAs)

January-December 2016

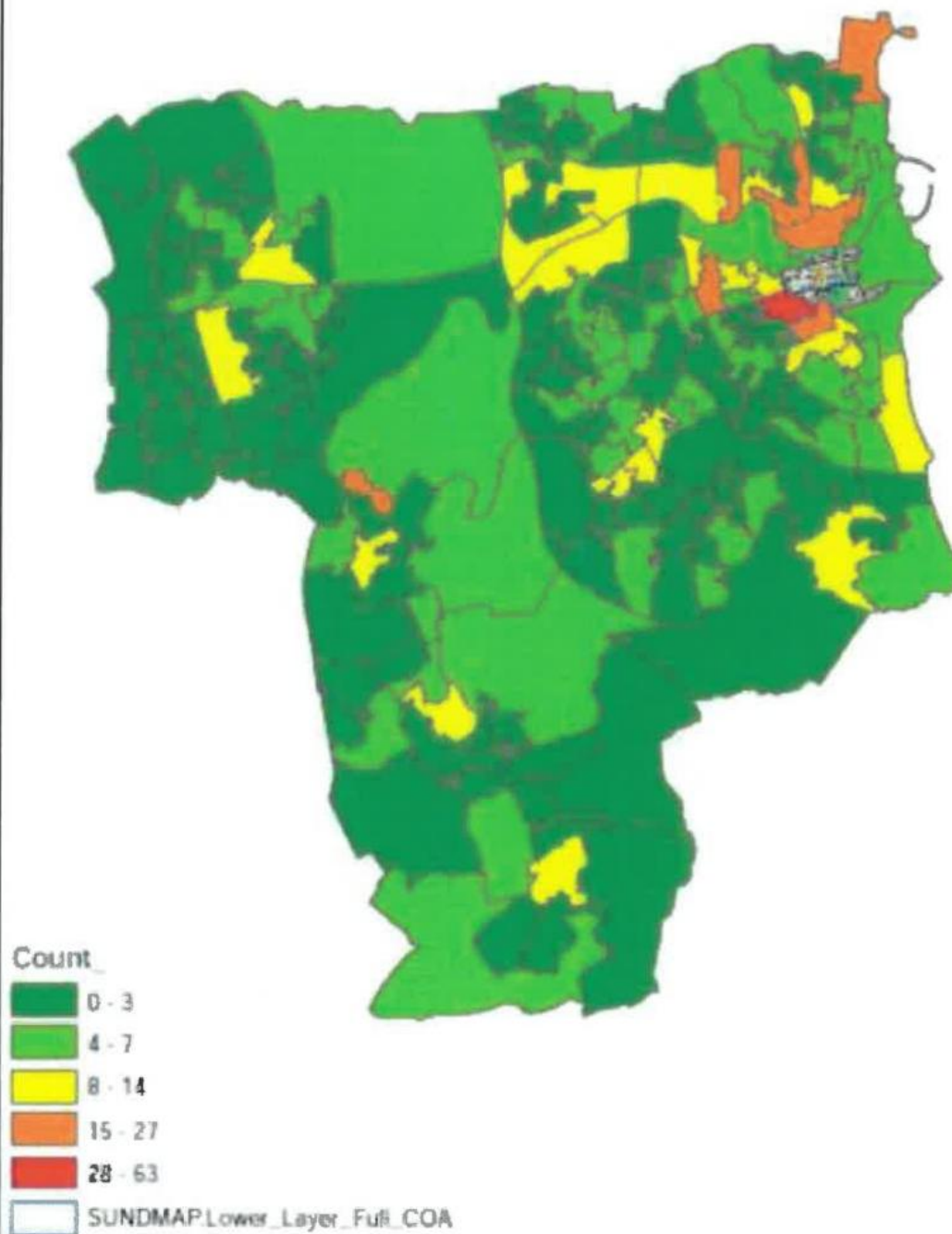


**Alcohol-related incidents (recorded by the
Police) (6am – 9pm)
January – December 2016**



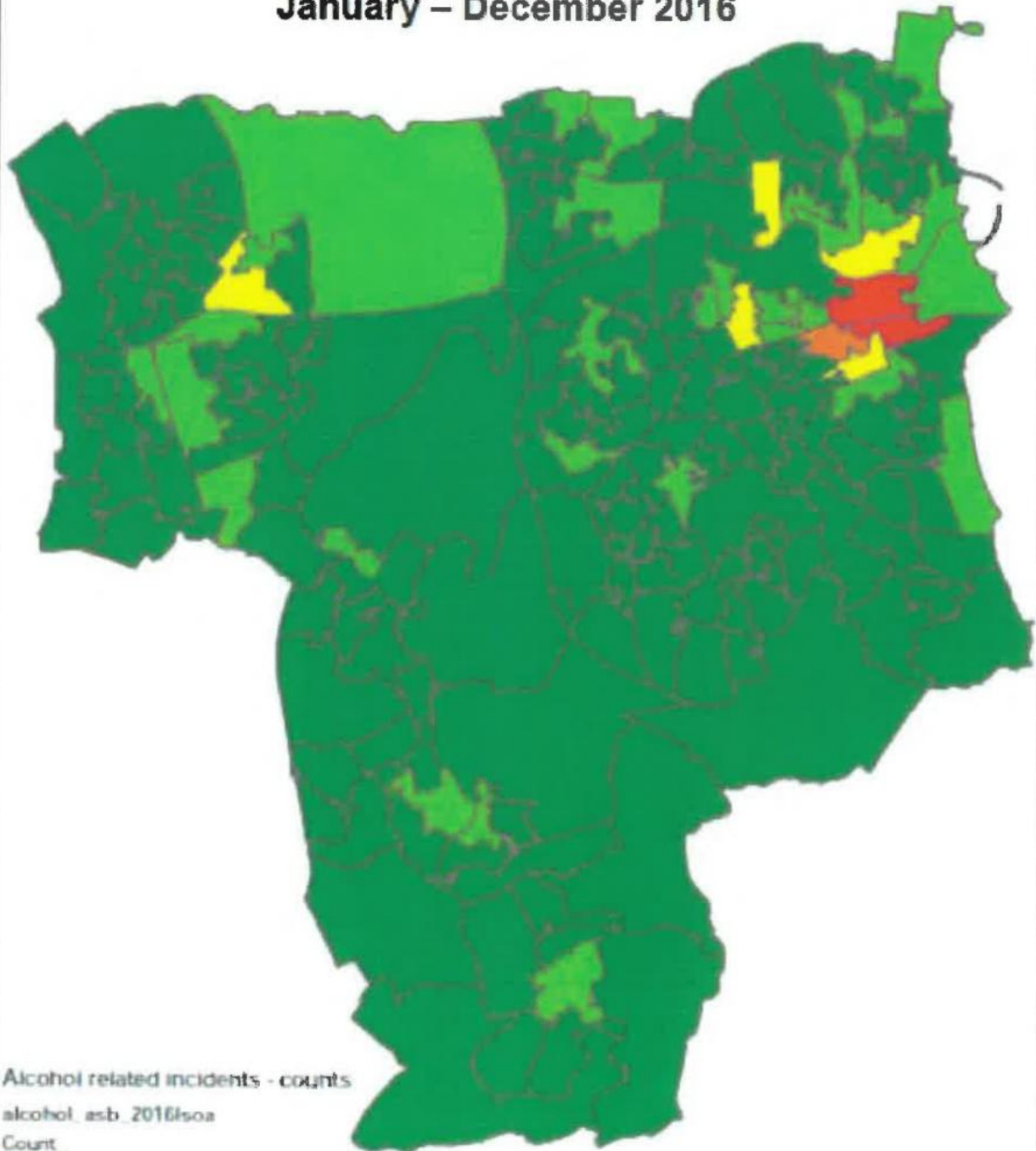
**Alcohol-related incidents (recorded by the Police)
(6am – 9pm) (excluding City Centre LSOAs)**

January – December 2016



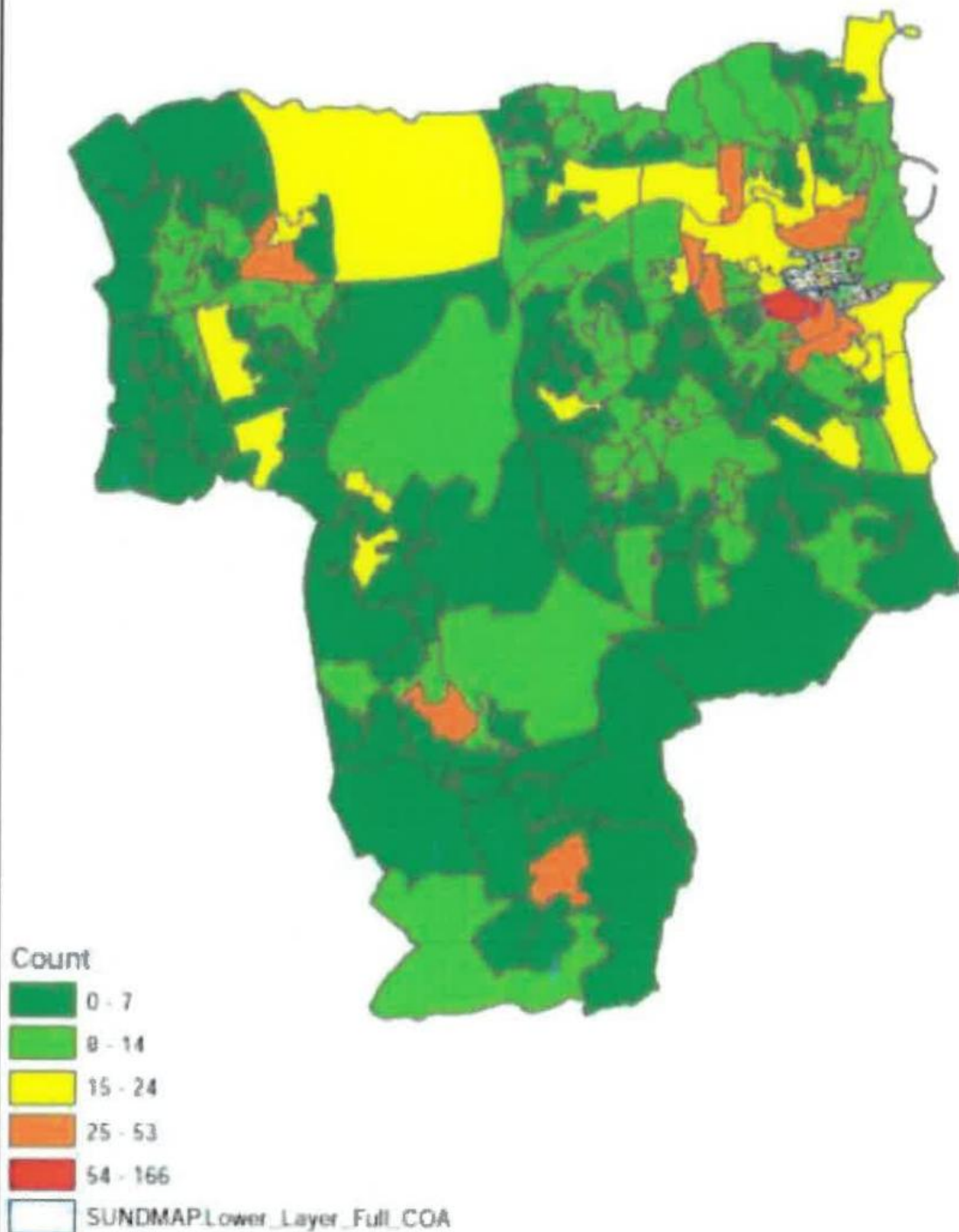
**Alcohol-related incidents (recorded by
the Police) (any time)**

January – December 2016



**Alcohol-related incidents (recorded by the Police)
(any time) (excluding City Centre LSOAs)**

January – December 2016



Appendix 3

Evidential data in tabular format

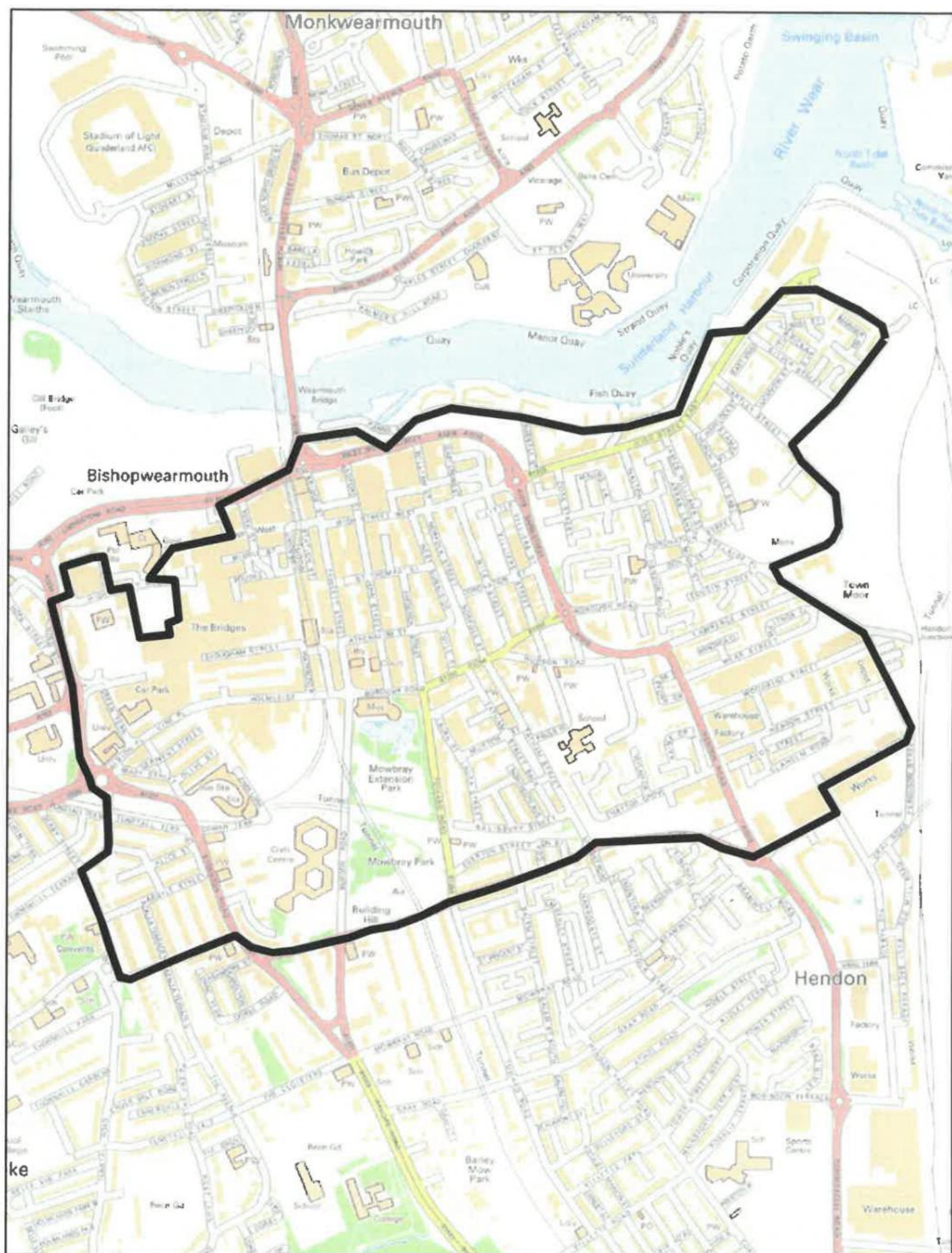
LSOA(s)	Alcohol-related ambulance callouts		Alcohol-related assaults (recorded by Police) 6:00-21:00		Alcohol-related assaults (recorded by Police) (All)		Alcohol-related ASB 6:00-21:00		Alcohol-related ASB (All)	
	Ranking within City	Number	Ranking within City	Number	Ranking within City	Number	Ranking within City	Number	Ranking within City	Number
E01008703 E01008836	1 2	178 113	2 1	186 224	2 1	233 266	1 2	240 128	1 2	463 448
E01008705 E01008700 E01008707 E01008706 E01008704 E01008701	32 18 56 56 8 7	12 18 9 9 29 30	29 24 19 12 8 7	16 17 15 20 30 32	30 22 44 23 8 9	23 27 18 26 45 44	30 14 65 11 6 49	8 13 4 16 26 5	18 23 72 17 6 52	25 21 8 27 57 11
E01008834 E01008735 E01008737	6 11 4	31 25 37	14 12 10	25 26 27	15 73 35	64 24 38	4 9 21	37 21 11	4 11 22	71 37 22
E01008818	4	37	5	37	5	55	7	25	9	45
E01008800	68	8	17	21	17	30	15	12	17	19
E01008858 E01008853 E01008854 E01008859 E01008855	145 56 68 77 46	2 9 8 7 10	39 4 12 95 84	14 38 26 6 7	50 4 10 88 60	16 72 43 10 14	40 23 185 49 30	6 10 0 5 8	32 7 80 72 59	15 56 7 8 10
E01008742	33	11	17	21	13	34	65	4	12	32

		Alcohol-related incidents (recorded by Police) 6:00-21:00		Alcohol-related incidents (recorded by Police) (All)		No. alcohol outlets	
		Ranking within City	Number	Ranking within City	Number	Ranking within City	Number
LSOA(s) 185 City wide							
E01008703 E01008836	City Centre	1 2	336 163	1 2	759 493	1 3	93 25
E01008705 E01008700 E01008707 E01008706 E01008704 E01008701	Millfield and Pallion	19 13 34 25 19	22 28 16 19 22	19 16 43 29 9 17	43 52 31 38 76 50	25 6 69 90 15 28	7 19 3 2 9 6
E01008834 E01008735 E01008737	Hendon	5 18 14	64 23 27	5 22 11	116 40 65	28 69 28	6 3 6
E01008818	Southwick	11	31	15	54	9	13
E01008800	Shiney Row	8	37	13	57	10	12
E01008858 E01008853 E01008854 E01008859 E01008855	Washington North	74 10 58 25 43	9 32 11 19 14	38 6 50 43 45	32 110 28 31 30	90 8 124 49 28	2 14 1 4 6
E01008742	Hetton	19	22	14	56	13	10

Appendix 4

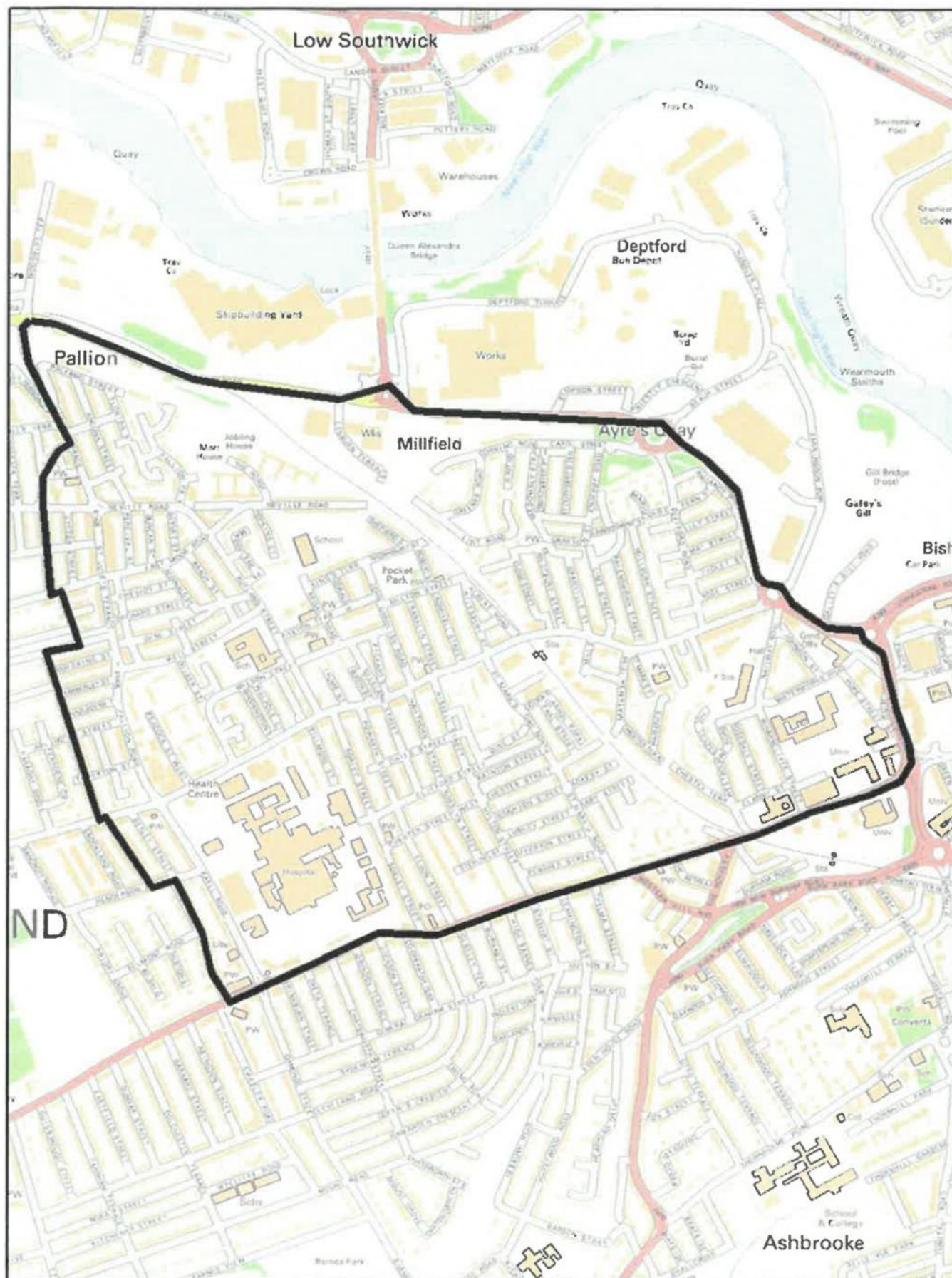
Maps of Cumulative Impact Assessment Areas

City Centre and East Cumulative Impact Assessment Area

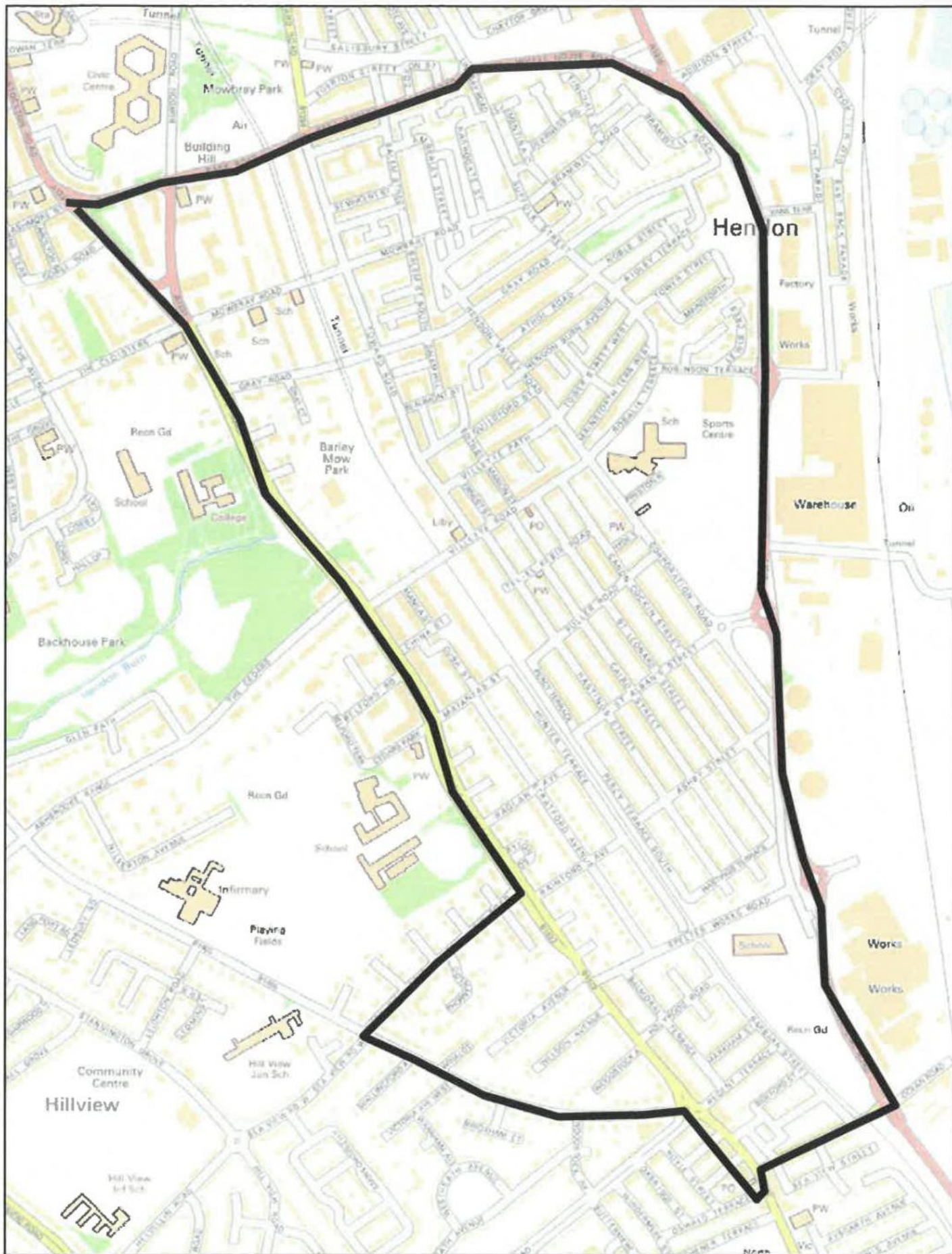


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Millfield and Pallion Cumulative Impact Assessment Area

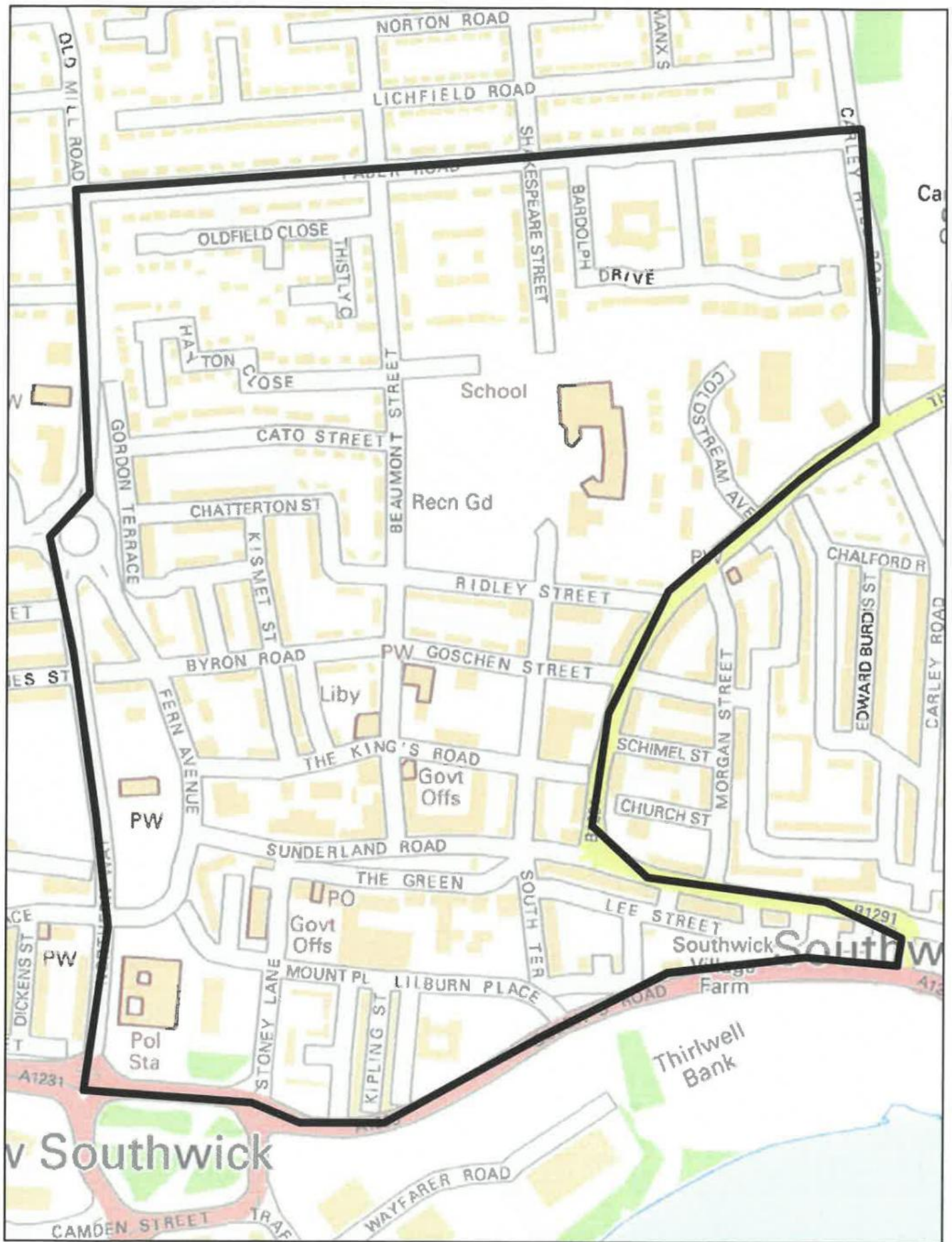


Hendon Cumulative Impact Assessment Area



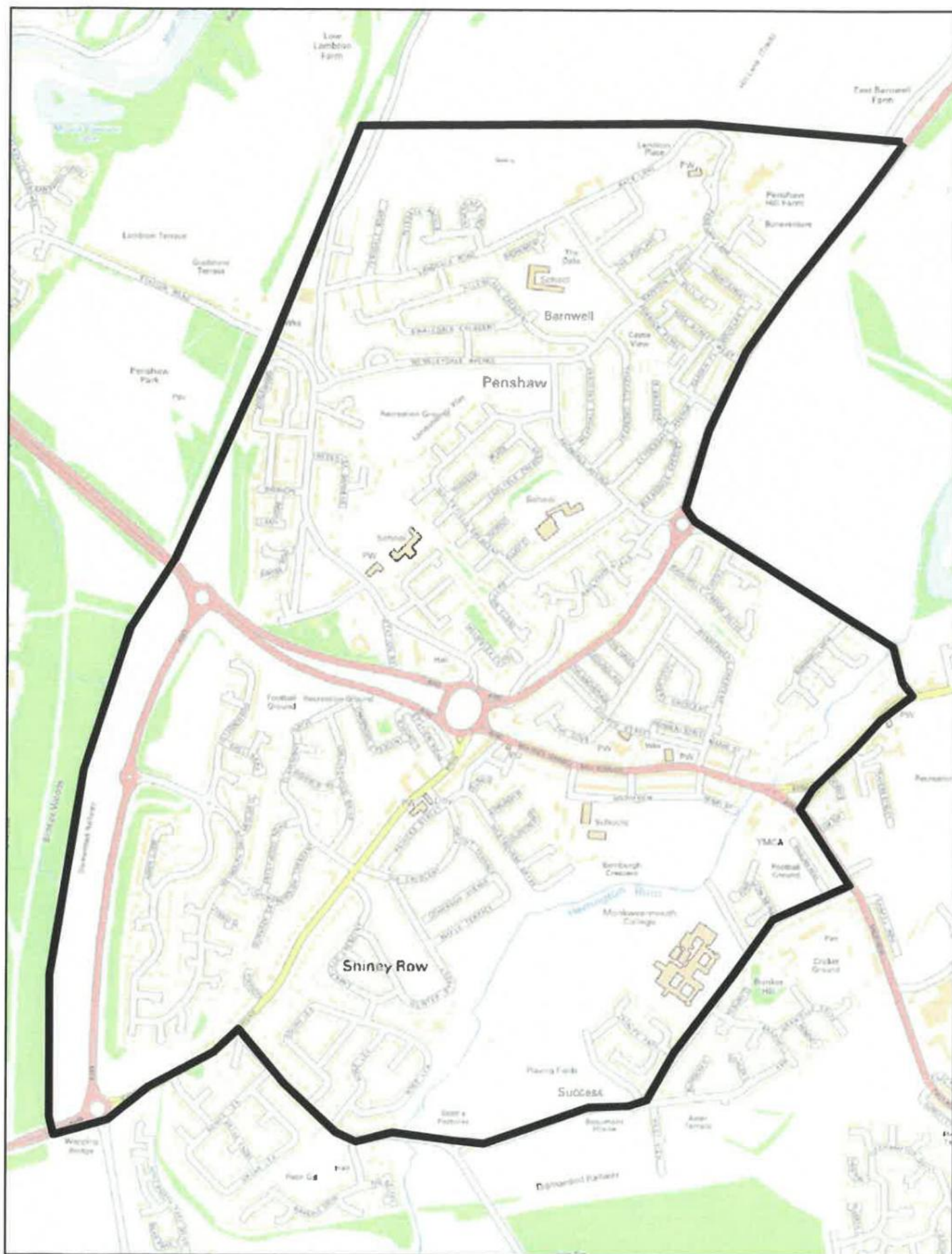
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Southwick Cumulative Impact Assessment Area



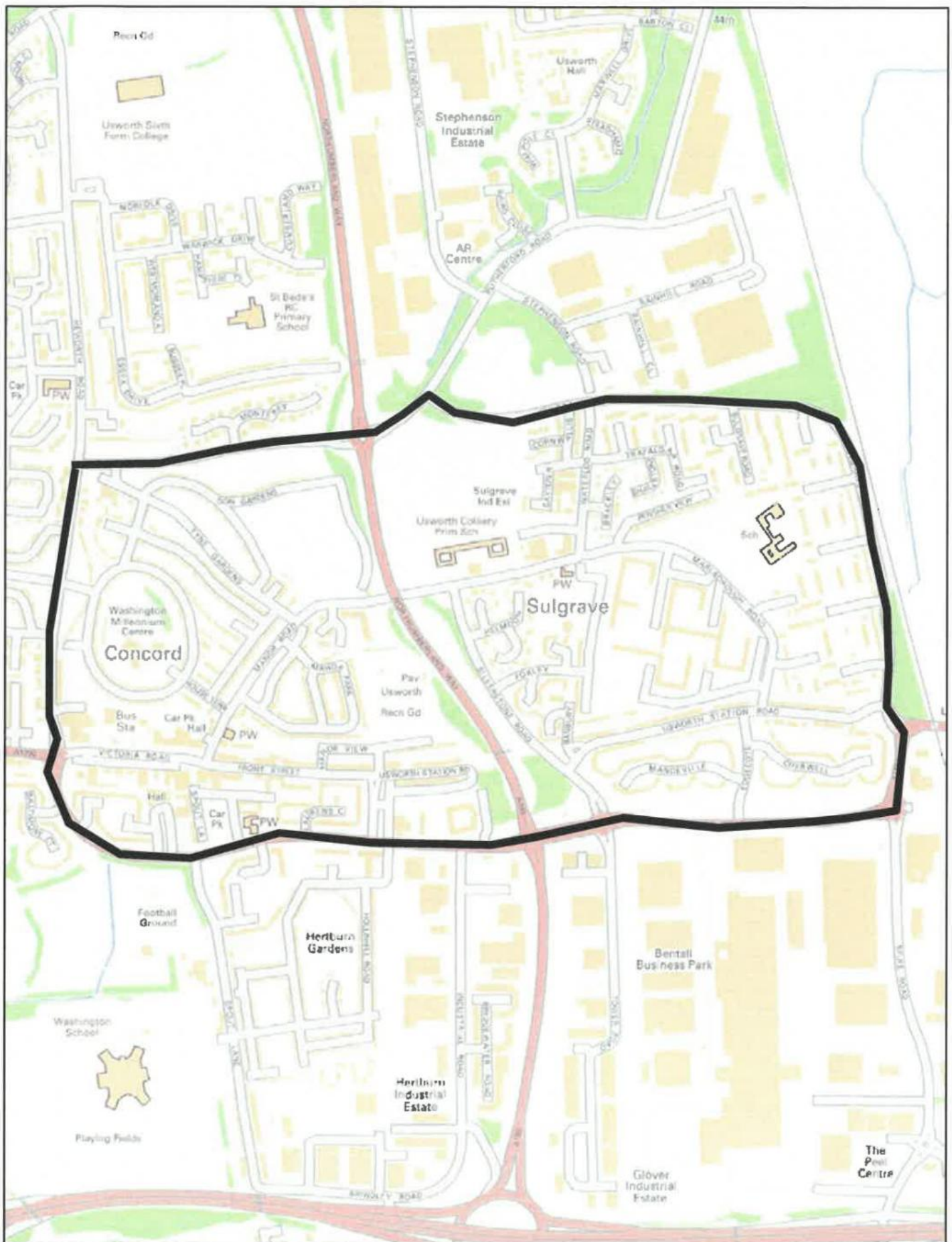
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Shiney Row Cumulative Impact Assessment Area



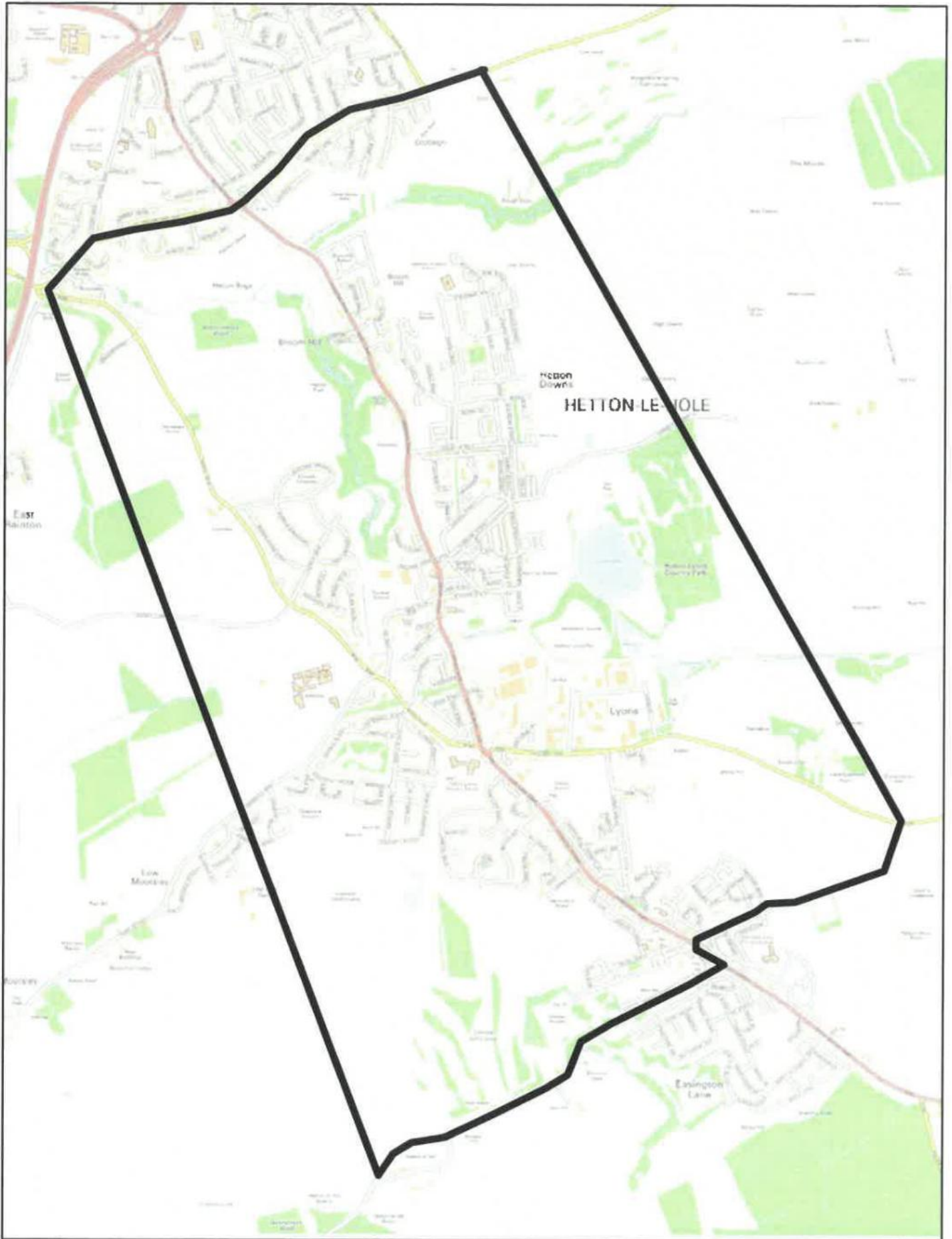
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Washington North Cumulative Impact Assessment Area



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Hetton Cumulative Impact Assessment Area



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Action 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:-

(i) Petition from residents regarding vehicle access and parking problems at Salisbury and Dalla St, South Hylton

At the meeting of the Council on 22 March 2021, a petition was presented by Councillor Mann containing 22 signatures as follows:-

“We the undersigned, residents of Salisbury and Dalla St, South Hylton, Sunderland petition Sunderland City Council regarding vehicle access and parking at these residences. The access is severely restricted, causing problems with parking for residents with disabilities, is difficult to access for refuse collection and is a hazard for emergency vehicles. We suggest removal of some verge areas to allow wider access and the addition of further parking bays to relieve congestion. We ask to have the area assessed by officers to evaluate the situation.”

After careful consideration by Council Officers, the outcome of the petition is as follows:-

- The Council has confirmed that it is not in a position to progress the works suggested.
- The Council has however offered to explore the option of entering into an agreement with the petitioners should they wish to progress the works themselves.

The Ward Councillors and lead petitioner have been advised of the outcome.

(ii) Petition from residents requesting the Council to reduce the speed limit and install other traffic calming measures in Allendale Road and surrounding streets

At the meeting of the Council on 27 January 2020, Councillor McDonough presented a petition signed by 93 residents and an on-line petition in the same terms asking the Council to reduce the speed limit and install other traffic calming measures on Allendale Road and surrounding streets.

The statement on the petition sheet stated:-

“Petition calls on Sunderland City Council to reduce the speed limit on the entirety of Allendale Road in Farringdon to 20mph and to install traffic calming measures.”

Officers have investigated the matter and noted that the location suggested is a residential area that has a primary and secondary school on this road. The road outside both schools is 20mph and then 30mph on the stretches not directly outside of the schools.

There have been seven accidents on this stretch of road however the Road Safety Team determined that none of these accidents had similar circumstances and were all random events.

Furthermore, there are numerous measures already installed at this location in the form of raised zebra crossings, build outs with tactile crossings, school keep clear markings, 20mph zone signage and rumble strips to slow traffic.

Allendale Road is also a Mobile Speed Camera Site operated by Northumbria Police.

After consideration by Council Officers, the outcome of the petition is as follows:-

To decline this petition on the basis that most of Allendale Road is already a 20mph zone covering large areas outside of both schools and there are numerous other traffic calming measures installed at this location. The primary school 20mph zone has just been extended and ward councillors were consulted during this process in May 2020 and a further update in September 2020.

The Ward Councillors and lead petitioner have been advised of the outcome.

(iii) Petition - Development on land at Primate Road

At the meeting of the Council on 23 June 2021, Councillor Mullen presented a petition with 61 signatures, including those of Cllrs Ali, Burnicle, Hartnack and Johnson. The petition set out an objection to planning application ref. 21/01001/FU4, which related to a development of 69 no. affordable dwellings on land east of Primate Road, Plains Farm.

The statement on the petition sheet reads:

'We the undersigned indicate our opposition to the proposed housing development planned for the field in front of Princetown Terrace/land east of Primate Road.

We object on the grounds that the increased traffic flow generated by the development – both during and after construction – will have unacceptable adverse impact upon the existing road network. We see no evidence of adequate mitigation. The proposed development therefore fails to comply with the requirements of policies ST3 and HS1 of the Core Strategy.

We believe there is insufficient visitor parking proposed, which will again impact on the existing road network by creating congestion on neighbouring residential

streets. This will inconvenience local residents and fails to accord with policy HS1 of the Core Strategy.

The proximity of the proposed dwellings to existing dwellings is also concerning. There is a particular risk of overlooking and obstruction of light which we strongly feel is unacceptable.'

The petition is being treated as a formal representation in respect of planning application ref. 21/01001/FU4 and will be material to the consideration of the application by officers ahead of its determination by the Planning and Highways (East) Committee. The concerns raised within the petition in relation to road capacity, highway safety, parking and the amenity of existing residents, are all material considerations and the implications of the proposed development in respect of these issues will be fully assessed by officers prior to the presentation of the planning application to the Committee for determination.

(iv) Excessive Noise at Rainton Arena

At the meeting of the Council on 23 June 2021, Councillor Heron presented a petition with 112 signatures. The petition set out concerns from residents regarding noise, crime and disorder from Rainton Meadows Arena.

The statement on the petition sheet reads:

We the undersigned wish to register complaints about the excessive noise produced by Rainton Arena and associated business and events held at Mercantile Road, Houghton-le-Spring, Tyne and Wear, DH4 5PH.

It is our view that the constant noise unreasonably and substantially interferes with the use of enjoyment of our homes, gardens and outdoor spaces and is severe enough for some that it could likely cause injury. We urge Sunderland City Council to investigate this issue as it could be considered a statutory nuisance under the Environmental Protection Act 1990.

The allegations of excessive noise have been investigated and to date there is no evidence to suggest that a statutory nuisance exists. The licensee is engaging with the Council to enhance their existing licensing conditions to provide further controls in respect of the licensing objectives on site.

A response had been shared with Cllr Juliana Heron and a follow up query has also been responded to.

(v) Petition – Seaburn Tram Shelter

An online petition signed by 1179 people was presented to Council on 27 January 2021 by Councillor Doyle. The statement on the petition sheet states:-

“We want Seaburn tram shelter to remain as it is, in its original form and for its original purpose, as a free shelter for visitors and residents. We want Sunderland Council to revoke their decision to lease this building and to commit to maintaining the building for future visitors and residents.”

The proposals for the former tram shelter form part of the Council’s wider Coastal Communities Fund Round 5 project (CCF5). Along with three other projects - the Seaburn Bay Shelter, the former Roker Toilet Block, and the Seaburn beach huts - the proposals for the former tram shelter were given planning consent in January 2019.

The rental income that will be received from the new premises will support the operation of the Seafront Trust and give it a foundation from which to operate.

A review has been undertaken as agreed that included: meetings with residents, including most recently on 19 March and 9 June 2021, which Councillor Doyle attended with former Councillor Atkinson and Councillor Johnston respectively; reviewing the submissions by potential tenants and materials prepared in relation to planning; as well as reflecting on local media coverage (including social media) in relation to the proposed development.

It has been concluded that whilst there is a petition to stop the change of use there is also the view that a sympathetic conversion, with an appropriate end user, will be a positive addition to the seafront.

Given the broad range of views and the need to move forward, one way or another, it is proposed to carry out local engagement on the proposals. A preferred tenant has been selected who will now carry out engagement with the local community on their proposals for the building. This will enable them to both build up their own understanding through community engagement and to share their ideas and proposals. This engagement will then inform the development of the planning application which they will need to submit for listed building consent to the Local Planning Authority for consideration.

A response was sent to Cllr Doyle on 29 June 2021 setting out the review and the conclusion, as set out above. Officers will continue to work with the selected tenant to ensure the planned engagement takes place with the local community, and other stakeholders as appropriate, and to ensure the physical proposals developed for the premises can protect and enhance it as a grade II listed building.

Reports

COUNCIL

15 SEPTEMBER 2021

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.

COUNCIL

15 SEPTEMBER 2021

APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES

REPORT OF THE ASSISTANT DIRECTOR OF LAW AND GOVERNANCE

1.0 Introduction and Background

- 1.1 The purpose of this report is to seek approval to a number of proposed changes to various committees and outside bodies that have arisen since the last Council meeting.
- 1.2 The full list of appointments to committees and outside bodies will be published on the Council's website in the Year Book at <https://www.sunderland.gov.uk/committees/cm15/PublicDocuments.aspx> following the meeting.

2.0 Changes to Appointments on Committees

- 2.1 Notification has been received from Councillors Bewick, Jenkins and Mann that they had resigned as members of the United Kingdom Independence Party (UKIP) and dissolved their Group on the Council. Councillor Mann has subsequently joined the Conservative Group and Councillors Bewick and Jenkins have advised that they will continue to serve their Wards as a newly formed Wearside Independents Group.
- 2.2 These changes have given rise to a review of the political balance of the Council to ensure places on Committees are allocated in accordance with the relevant statutory requirements.
- 2.3 The resultant changes required are as follows:-
 - **Scrutiny Co-ordinating Committee** – the seat held by the former UKIP Group is allocated to the Conservative Group;
 - **Planning and Highways Committee (East)** – the seat held by the former UKIP Group is allocated to the Liberal Democrats Group;
 - **Planning and Highways Committee (West)** – the seat held by the former UKIP Group is allocated to the Conservative Group;
 - **Licensing and Regulatory Committee** - the seat held by the former UKIP Group is allocated to the Wearside Independents Group;

- **Homelessness Appeals Panel** – one seat held by the Liberal Democrat Group is allocated to the Wearside Independents Group; and
- **Appeals Committee** - the seat held by the former UKIP Group is allocated to the Wearside Independents Group.

3.0 Appointment of Independent Person

- 3.1 The Localism Act 2011 requires the Council to appoint at least one Independent Person, whose views must be sought and taken into account before the Standards Committee makes a decision in respect of an allegation against a Member which has been investigated. The Independent Person's views may also be sought by a Member who is the subject of a complaint.
- 3.2 At its meeting on 20 September 2017, the Council appointed Mr Dennis Hall to the post for a period of two years from 1 October 2017, with provision for the Council to extend the appointment on two subsequent occasions (i.e. 6 years in total). Mr Hall's appointment was subsequently extended for a further period of two years from 1 October 2019. The allowance payable for the post (which does not form part of the Members' Allowances Scheme) is set at £1,000 per annum plus reasonable travel and subsistence expenses and it is proposed that this continues.
- 3.3 Mr Hall is a retired local government solicitor and former monitoring officer, with extensive knowledge and experience of local government. He has provided valuable input and support to the Standards Committee and it is therefore recommended that his period of office be extended by a further period of two years from 1 October 2019.

4.0 Additions and Changes to Outside Bodies

Local Government Association Coastal Special Interest Group

- 4.1 The Council has been invited to nominate an elected member representative and an officer representative to the Local Government Association Coastal Special Interest Group which is open to all members of the LGA. It currently has a membership of 57 coastal local authorities from around England and covers 59% of the English coast.
- 4.2 The LGA Coastal SIG exists to champion and represent the collective interests of the coastal communities by increasing awareness and debate on environmental, economic and social issues at all levels in relation to the coast. It works in partnership with other organisations with complementary aims and brings pressure on the Government to secure local government's full involvement at all levels of policy formulation concerning the coast.

- 4.3 The LGA Coastal SIG meets 4 times per year. All nominated Member and officer representatives are invited to attend. These meetings are attended by representatives from relevant government departments (e.g. Defra, MHCLG) and provide a direct line to government. The SIG also attracts a varied programme of external speakers, including an Executive Director of the Environment Agency and the Chief Officer of the Association of Inshore Fisheries and Conservation Authorities.
- 4.4 Council is therefore requested to appoint an elected member representative and the Flood and Coastal Group Engineer from the City Development Directorate as the officer representative to the Local Government Association Coastal Special Interest Group.

North East Combined Authority (NECA) Audit and Standards Committee

- 4.5 The Council was notified by the Monitoring Officer at NECA that the political balance calculations had been reviewed and this had highlighted the need to revise committee membership of the NECA Audit and Standards Committee. Sunderland was requested to nominate a Conservative Member and substitute to the Committee in place of the current Labour representative Cllr Stewart with Cllr J Price as Substitute.
- 4.6 At Annual Council, authorisation was given to the Assistant Director of Law and Governance to make any necessary changes to appointments should any external organisation inform the Council that any Council representative(s) must be from a particular political group in order to comply with that organisation's constitution or other governing document, or, should any notification be received that a nominated member is ineligible for appointment under the organisation's constitution or governing document, in accordance with notification(s) received from the relevant group leader(s) or their representatives and notify Council members accordingly.
- 4.7 Council is therefore requested to note that Councillor Mullen, with Councillor Doyle as his substitute, has been nominated to the NECA Audit and Standards Committee.

5.0 Positions as Trustees on the Samuel Dobson and Victoria House Trusts

- 5.1 A vacancy for a Councillor representative exists on both the Samuel Dobson Trust and the Victoria House Trust previously held by former Councillor Turner.
- 5.2 Council is therefore requested to appoint to the resultant vacancies.

6.0 Recommendations

The Council is accordingly invited to:-

- (i) appoint a Conservative Group Member to the seat on the Scrutiny Co-ordinating Committee held by the former UKIP Group;
- (ii) appoint a Liberal Democrat Group Member to the seat on the Planning and Highways Committee (East) held by the former UKIP Group;
- (iii) appoint a Conservative Group Member to the seat on the Planning and Highways Committee (West) held by the former UKIP Group;
- (iv) appoint a Wearside Independents Group Member to the seat on the Licensing and Regulatory Committee held by the former UKIP Group
- (v) appoint one seat currently held by the Liberal Democrat Group on the Homelessness Appeals Panel to the Wearside Independents Group;
- (vi) appoint a Wearside Independents Group Member to the seat on the Appeals Committee held by the former UKIP Group;
- (vii) extend the period of appointment of Mr Dennis Hall as Independent Person as set out in the report, for an additional period of two years from 1 October 2021;
- (viii) appoint an elected member representative and the Flood and Coastal Group Engineer from the City Development Directorate as the officer representative to the Local Government Association Coastal Special Interest Group;
- (ix) note that Councillor Mullen, with Councillor Doyle as his substitute, has been nominated to the NECA Audit and Standards Committee;
- (x) appoint an elected member representative to the Samuel Dobson Trust; and
- (xi) appoint an elected member representative to the Victoria House Charity.

Motions on Notice

MOTIONS ON NOTICE

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

1. Road Safety

Councillors of all parties have concerns about road safety in our city. From speeding problems to road markings, we take seriously the complaints we receive from residents about dangerous driving, unsafe roads, and the sometimes inadequate response to these problems.

It is regrettable that too often the Council's response to road safety issues is too slow or defeatist – particularly when councillors are told, by Highways Officers, that there is no problem because 'the average driver does not speed' or because 'there has not been a fatal accident'.

Council believes that a culture change within the organisation is necessary and therefore resolves to:

- Change the way speeding problem areas are identified, moving away from the median to a system which reflects a mix of incidents numbers, police concerns, resident complaints, and councillor reports.
- Develop a strategy for dealing with anti-social driving outside of sociable hours.
- Improve the way that Sunderland City Council logs and reports upon residents' speeding complaints and to frequently communicate this data to Northumbria Police.
- Work more closely with the police on the installation of 20mph zones to ensure these can be effectively enforced.
- Work with Northumbria Police to establish Community Speed Watch schemes in problem areas.
- Introduce a system for councillors to request urgent junction protections be installed in areas of their wards where poor visibility is hazardous.
- Prioritise the re-painting of faded junction lines over other road markings where the faded junction lines present a danger to drivers' safety.

Councillor A. Mullen (Proposer)
Councillor M. Hartnack (Seconder)

Signed by:-

Councillor L. Reed
Councillor A. Mullen
Councillor S. Johnston
Councillor M. Hartnack
Councillor G. Peacock

Councillor M. Dixon
Councillor P. Donaghy
Councillor J. McKeith
Councillor P. Wood
Councillor J. Doyle

2. Government cuts in financial support to most vulnerable

Our Council recognises the significant impact on residents, particularly children and young people, of the deplorable decision of the Government to remove the Uplift provision for those on Universal Credit that will push many struggling families further into poverty.

This Council will therefore

- Support those at risk of financial difficulties by offering solutions such as actively participating in and the promotion of the Kickstart Scheme to local employers, inclusive of for those 16 - 24 on Universal Credit, to gain employment for a minimum of 6 months.
- Utilise and enhance our current Welfare Rights Service for those most vulnerable, supporting local job clubs and training provision help up-skill improve confidence and knowledge, to help our residents become more financially resilient through these challenging times to counteract the negative impact.
- Ask the Chief Finance Officer to write a further letter on behalf of the Council to the Chancellor and Prime Minister demanding the government re-introduce this payment as a matter of urgency to the many thousands of individuals, families and their children in Sunderland and the North-East that will be adversely affected by this austerity driven cut in financial support to the most vulnerable.

Councillor K. Noble (Proposer)
Councillor C. Rowntree (Seconder)

Signed by:-

Councillor P. Stewart
Councillor L. Farthing
Councillor S. Laws
Councillor D.E. Snowdon

Councillor M. Butler
Councillor L. Williams
Councillor K. Johnson