

THE CABINET

AGENDA

Meeting to be held in the Civic Centre (Committee Room No. 2) on
Friday 2 December 2011 at 11.30 a.m.

Part I

ITEM		PAGE
1.	Minutes of the Meeting of the Cabinet held on 2 November 2011 Part I (Copy herewith).	1
2.	Receipt of Declarations of Interest (if any)	
3.	Apologies for Absence	
4.	 Sunderland Strategic Transport Corridor – New Wear Bridge Acquisition of Additional Land and Supplemental Side Roads Order Joint report of the Executive Director of City Services, Deputy Chief Executive and Executive Director of Commercial and Corporate Services (copy herewith).	13

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

The reports contained in Part II of the Agenda are not for publication as the Cabinet is considered likely to exclude the public during consideration thereof as they contain information relating to any individual, which is likely to reveal the identity of an individual, the financial or business affairs of any particular person (including the Authority holding that information) and to consultations or negotiations in connection with labour relations matters arising between the Authority and employees of the Authority (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1, 2, 3 and 4).

Part II

5. **Minutes of the Meeting of the Cabinet held on 2
November 2011 Part II** 31

(Copy herewith).

 **Denotes Key Decision.**

*** Denotes Rule 15 Notice issues – item which is a key decision which is not included in the Forward Plan.**

ELAINE WAUGH
Head of Law and Governance

Civic Centre
SUNDERLAND

24 November 2011

CABINET MEETING – 2 DECEMBER 2011
EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

MINUTES, PART I

Author(s):

Head of Law and Governance

Purpose of Report:

Presents the minutes of the last meeting held on 2 November 2011 Part I.

Action Required:

To confirm the minutes as a correct record.

At a meeting of the CABINET held in the CIVIC CENTRE (COMMITTEE ROOM NO. 1) on Wednesday 2 November 2011 at 2.00 p.m.

Present:-

Councillor P. Watson in the Chair

Councillors Allan, Blackburn, Charlton, Gofton, Kelly, P. Smith, Trueman and T. Wright

Also Present:-

Councillors Oliver and Wood

Part I

Minutes

The minutes of the meeting of the Cabinet held on 5 October 2011, Part I (copy circulated) were submitted.

(For copy report - see original minutes).

1. RESOLVED that the minutes of the last meeting be confirmed and signed as a correct record.

Receipt of Declarations of Interest

The following Councillors declared personal interests in the reports below as Members of the bodies indicated:-

Item 10 – Surestart Review and an Integrated Approach to Service Delivery

Councillor P. Smith

Early Years and Childcare Strategic Partnership

Councillors P. Watson, Trueman, P. Smith, Allan

Children's Trust

Apologies for Absence

An apology for absence was submitted to the meeting on behalf of Councillor Speding.

Report of the Meeting of the Personnel Committee, Part I

The report of the meeting of the Personnel Committee held on 20 October 2011, Part I (copy circulated) was submitted and consideration was given thereto.

(For copy report – see original minutes).

2. RESOLVED that the report of the meeting of the Personnel Committee held on 20 October 2011, Part I be noted.

Items Arising from Committees

Response from Management Scrutiny Committee – 13 October 2011 – Budget Planning Framework 2012/2013 and Medium Term Financial Strategy 2011/2012 – 2014/2015

The response of the Management Scrutiny Committee (copy circulated) was submitted which advised the Cabinet of the comments of the Committee on a joint report of the Chief Executive and the Executive Director of Commercial and Corporate Services which identified the key factors influencing the development of the Council's financial plans into the medium term and sets out the headlines and context for the Medium Term Financial Strategy for 2011/2012 to 2014/2015.

(For copy report – see original minutes).

Cabinet Members having been advised that the Scrutiny Committee had accepted the report, it was:-

3. RESOLVED that the views of the Scrutiny Committee be noted and it be recommended to Council to approve the Budget Planning Framework 2012/2013.

Response from Management Scrutiny Committee – 13 October 2011 – Proposals for Budget Consultation 2012/2013

The response of the Management Scrutiny Committee (copy circulated) was submitted which advised the Cabinet of the comments of the Committee on the proposals for the budget consultation strategy and framework to inform the preparation of the Budget for 2012/2013.

(For copy report – see original minutes).

Cabinet Members having been advised that the Scrutiny Committee had endorsed the budget consultation strategy and framework and acknowledged that the Council was seeking to consult as widely as possible on the budget proposals, it was:-

4. RESOLVED that the comments of the Management Scrutiny Committee on the proposals for the budget consultation strategy and framework be noted.

Response from Management Scrutiny Committee – 13 October 2011 – Revenue Budget Second Review 2011/2012

The response of the Management Scrutiny Committee (copy circulated) was submitted which advised the Cabinet of the comments of the Committee on an aspect of the report on the Revenue Budget Second Review 2011/2012 namely, requesting the Council to approve the transfer of funds.

(For copy report – see original minutes).

Cabinet Members having been advised that the Scrutiny Committee supported the issues of transfers, it was:-

5. RESOLVED that the comments of the Scrutiny Committee be noted and that it be recommended to Council to approve the proposed transfer of funds as set out in the extract in the report.

Response from Management Scrutiny Committee – 13 October 2011 – Capital Programme Second Review 2011/2012 (including Treasury Management)

The response of the Management Scrutiny Committee (copy circulated) was submitted which advised the Cabinet of the comments of the Committee on a report of the Head of Law and Governance which provided an extract from the report on the Capital Programme Second Review for 2011/2012 (including Treasury Management) including details of new schemes that have been added to the Capital Programme which are referred by Cabinet to Council for approval.

(For copy report – see original minutes).

Cabinet Members having been advised that the Scrutiny Committee had accepted the proposed additional scheme as set out in the extract to the report and that they recognised the opportunities that the purchase of a mobile crane would create for the Port of Sunderland, it was:-

6. RESOLVED that the comments of the Scrutiny Committee be noted and it be recommended to Council to approve the inclusion of the additional scheme for 2011/2012 costing over £250,000 as set out in Appendix A of the report.

Review of Parliamentary Constituencies – Initial Proposals

The Chief Executive submitted a report (copy circulated) which outlined the initial proposals of the Boundary Commission for England (BCE) for the review of Parliamentary constituencies in Sunderland.

(For copy report – see original minutes).

The Chairman highlighted that the Boundary Commission for England was conducting a review of parliamentary constituencies in England which would reduce the number of parliamentary constituencies from 650 to 600. He explained that each constituency must have an electorate that is within 5% of the electoral quota of 76,641, which gave constituencies of no fewer than 72,810 electors and no more than 80,473 electors.

The Leader reported that the North East region currently had 29 parliamentary constituencies and the Boundary Commission for England proposed to reduce this number to 26. He added that Sunderland currently had three parliamentary constituencies which were coterminous with the City boundary. However the Boundary Commission had proposed two constituencies that contained only local government wards within the Sunderland area and a further constituency that contained seven Sunderland local government wards and two from Gateshead MBC.

During the discussion Cabinet Members noted that the two wards from Gateshead were part of Birtley and every effort would be required to be made to overcome any difficulties in engaging with the electorate.

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

7. RESOLVED that the initial proposals of the Boundary Commission for England (BCE) for the review of Parliamentary constituencies in Sunderland be noted.

Review of Polling Districts, Polling Places and Polling Stations

The Chief Executive submitted a report (copy circulated) to advise of the results of the review of polling districts, polling places and polling stations carried out as required by the Electoral Administration Act 2006.

(For copy report – see original minutes).

The Chairman reported that the Electoral Administration Act 2006 placed a duty on all Local Authorities to review their parliamentary polling districts and polling places every four years. He explained that the last formal review was carried out and agreed by Members in 2007 and informal reviews had taken place every year since then.

The Chairman advised that the city had 123 polling districts with most wards in the City having five. He added that the only exceptions to this average were Copt Hill and Shiney Row wards which had six polling districts and Castle, Hetton, Washington North and Washington West Wards which had four.

Cabinet Members commended the work of the elections team and welcomed the report which gave helpful analysis of the electors' use of the polling stations across the city.

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

8. RESOLVED that it be recommended to Council that the proposed changes to Polling Places as set out in Appendix 4 of the report are approved.

Disposal of land at Rainton Meadows, Mercantile Road, Houghton-le-Spring

The Deputy Chief Executive submitted a report (copy circulated) to seek approval to enter into an option agreement for the disposal of approximately 3 acres of Council land at Rainton Meadows, Mercantile Road, Houghton-le-Spring.

(For copy report – see original minutes).

Councillor Trueman highlighted that Roseberry Leisure had approached the Council with a request for an option to acquire 2 acres and to lease 1 acre of Council-owned land at Rainton Bridge Business Park. He explained that the land in question was at the rear of the existing arena that was owned and operated by Roseberry Leisure.

Councillor Trueman reported that Roseberry Leisure wished to construct a new and larger arena with a car park on the Council owned land and dispose of the existing arena site for a predominantly non-food retail development in order to fund the cost of the new arena.

Cabinet Members were advised that the proposed re-development of the existing arena site would be dependent upon planning approval being obtained for the use, which was a separate process entirely which had not yet commenced and would require a planning application to be submitted and properly considered by the Council as local planning authority.

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

9. RESOLVED that to agree to enter into an option agreement for the disposal of approximately 3 acres of Council land at Rainton Meadows, Mercantile Road, Houghton le Spring to Roseberry Club Leisure Limited for the price set out in the report on Part II of this agenda and otherwise on terms to be agreed by the Deputy Chief Executive.

Ombudsman's Annual Review 2010 - 2011

The Chief Executive and the Executive Director of Commercial and Corporate Services submitted a report (copy circulated) on the number and outcome of complaints considered by the Local Government Ombudsman during 2010-2011 and to inform Members of the extended powers of the Ombudsman.

(For copy report – see original minutes).

The Chairman was pleased to highlight that the Ombudsman had determined 15 complaints during 2010 - 2011, half the number of the previous year and the lowest in the Tyne and Wear region. He advised that there had been only 4 cases where the Ombudsman considered that action should be taken to remedy the situation and in all of these cases the council had no opportunity to consider the complaints through its own procedure first. The outcome in 3 of the 4 local settlements was to offer a fresh appeal to parents whose child had not been successful at the first school admissions appeal and the outcome in the fourth was to inspect the highway.

The Chairman was also pleased to report the average response time had reduced to 15 days, the fastest in the Tyne and Wear region and that there had been no findings of maladministration against the Council.

Cabinet Members having congratulated the Council's officers for their sterling work in improving the council's performance in dealing with complaints, it was:-

10. RESOLVED that the contents of the Ombudsman's annual review, and in particular that there were no findings of maladministration against the council for the municipal year 2010-2011, be noted.

Sure Start Review and an Integrated Early Intervention Service

The Executive Director of Children's Services submitted a report (copy circulated) on the current position in relation to the development of an early intervention service which included services delivered as part of the former Sure Start, Early Years and Childcare Grant (SSEYCG), to consider the recommendation to progress changes to current service delivery and to progress to formal consultation on a Children's Centre delivery model.

(For copy report – see original minutes).

In highlighting the report, Councillor Smith drew attention to the proposed consultation to consider how many designated Children's Centres and how many additional service delivery points there should be. She explained that if the Cabinet agreed to the proposals in the report, a further report on the matter would be submitted in February which would detail the outcome of wider consultation and the contracts for service delivery to be awarded from April.

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

11. RESOLVED that approval be given for:-
 - (i) Children's Services to formally consult on alternative models of Children's Centre delivery such as an area model based on the 5 localities and any other options identified through consultation,
 - (ii) Children's Services to develop a proposal to put in place area based or community boards,
 - (iii) following consultation with the appropriate groups, service specifications for the procurement of Children's Centre services to be progressed in order that contracts are awarded and in place by 1st April 2012 for a twelve month period, and
 - (iv) a further report to be submitted for consideration in February 2012 in order to approve the services to be procured and to consider the Children's Centre delivery model following wider consultation.

Neighbourhood Renewal Assessment (NRA) for Maudlin Street, Hetton Downs

The Executive Director Of Health, Housing And Adult Services submitted a report (copy circulated) to advise of:-

- (a) the findings and recommendations of the Neighbourhood Renewal Assessment (NRA) for Maudlin Street, Hetton Downs; and

- (b) the progress on the Hetton Downs Area Action Plan, in relation to Maudlin Street and refresh of the acquisition and clearance policy for the area.

(For copy report – see original minutes).

Councillor Wright highlighted that the Hetton Downs area had been designated as a renewal area for some years and working with the Homes and Community Agency, funding had been secured for the acquisition, assembly and clearance of land occupied by the former terraces of colliery housing. He explained that the area displayed evidence of some of the poorest housing in the city, market failure, over representation of the private rented sector and high numbers of empty properties and related anti social behaviour and crime. He added that the programme had progressed well and today in the acquisition and clearance area previously identified, only Maudlin Street remained.

Councillor Wright reported that following a further independent NRA study, and it had reaffirmed that the most appropriate course of action was for the council to clear the street to make way for new affordable housing of the type that met modern day aspirations and which also fit with the developing draft Area Action plan for the future development of the Hetton Downs area. He advised that to date, of the 28 dwellings in the street the council had acquired 8 premises and had agreed the purchase of another 6. He added that this was as a result of owners coming forward with a request to purchase their properties and that the council had not yet approached owners to sell.

Cabinet Members were advised that owner occupiers wishing to sell their premises were given full market value along with home loss and disturbance payments and in certain circumstances were also eligible for relocation loans up to £35,000. In addition, all residents were assisted in finding suitable alternative accommodation.

Cabinet Members having been informed that Officers were working with the Homes and Communities Agency to consider how best to develop the cleared sites and that the outcome of these considerations would be the subject of future reports to Cabinet, it was:-

12. RESOLVED that:-

- (i) the outcomes of the Neighbourhood Renewal Assessment (NRA) and the proposed actions in the report be noted and approved, and
- (ii) the Executive Director of Health, Housing and Adult Services be authorised to continue with the programme of acquisition and assembly of land at Maudlin Street and the demolition of the street.

Empty Property Action Plan and the Financial Assistance Policy in relation to Empty Homes Assistance

The Executive Director of Health, Housing and Adult Services submitted a report (copy circulated) to seek approval for:-

- (i) the adoption of the Empty Property Action Plan, and
- (ii) amendments to the Council's Financial Assistance Policy 2011 – 2014 in relation to Section FAP 15, Empty Homes Assistance.

(For copy report – see original minutes).

Councillor Wright highlighted that the report sought approval for the action plan which would be used to target empty homes across the whole of the council area and provided specific targets for each Area Committee Area to assist in reducing the number of empty homes. He explained that the report also sought approval to utilise the New Homes Bonus of £577,000 which had been awarded to the council as a result of its work in bringing empty homes back into use and building new homes and therefore the approval was also sought to reinvest the funding to do even more.

Councillor Wright reported that the action plan targeted those dwellings in each ward across the city, for example, which had been empty for the longest period or were the cause for additional concerns such as anti-social behaviour, crime and vandalism, and had been welcomed and supported by each of the 5 area and scrutiny committees. He added that the plan looked to reduce all ward empty property figures down to no more than the city average.

Turning to the New Homes Bonus, Councillor Wright advised that it was proposed to use the funding in two ways; firstly to provide loans to help bring empty homes back into use and also to provide a fund which would assist organisations such as Registered Providers to purchase and refurbish empty premises in their areas which would otherwise remain empty and increase the problems associated with such premises.

Cabinet Members were advised that both schemes, which required an amendment to the Council's Financial Assistance Policy, were designed so as to be paid back to the Council over time so that the funds could be re-cycled in other premises and in some cases the Council would also have nomination rights to the property for those waiting for a home.

Councillor Wright reported that the Action Plan set a target of 360 empty homes brought back into use this year and that this figure currently stood at 195. He advised that an additional proposal to the Homes and Communities Agency was also set out in the report which, if successful, would add a further 55 homes to the target.

Councillor Trueman in commending the report, highlighted that it was an excellent achievement for the Council to be awarded the New Homes Bonus of £577,000 and to bring that number of empty properties back into use.

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

13. RESOLVED that:-

- (i) the Empty Property Action Plan which will be implemented by partners in the City in order to return empty properties back into use be noted and approved, and,
- (ii) the amendments of the Council's Financial Assistance Policy in relation to Empty Homes Assistance be approved as set out in this report.

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

At the instance of the Chairman, it was:-

14. RESOLVED that in accordance with the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during consideration of the remaining business as it was considered to involve a likely disclosure of information relating to any individual, which is likely to reveal the identity of an individual, the financial or business affairs of any particular person (including the Authority holding that information) and to consultations or negotiations in connection with labour relations matters arising between the Authority and employees of the Authority (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1, 2, 3 and 4).

(Signed) P. WATSON,
Chairman.

Note:-

The above minutes comprise only those relating to items during which the meeting was open to the public.

Additional minutes in respect of other items are included in Part II.

CABINET MEETING – 2 DECEMBER 2011

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

SUNDERLAND STRATEGIC TRANSPORT CORRIDOR – NEW WEAR BRIDGE ACQUISITION OF ADDITIONAL LAND AND SUPPLEMENTAL SIDE ROADS ORDER

Author(s):

Executive Director of City Services, Deputy Chief Executive and Executive Director of Commercial and Corporate Services

Purpose of Report:

The purpose of this report is to obtain approval for the stopping up of highways and the acquisition of additional land for the Sunderland Strategic Transport Corridor new Wear bridge project. (“the Scheme”) and the making of the Supplemental Side Roads Order and the Supplemental Compulsory Purchase Order No.2 for the Scheme

Description of Decision:

Cabinet is recommended to:-

- i) Approve the making of a supplemental side roads order pursuant to sections 14 and 125 of the Highways Act 1980 to be known as the Sunderland City Council (Sunderland Strategic Transport Corridor – new Wear bridge A1231 and B1405 Classified Roads)(Side Roads)(Supplemental) Order 2011 in order to stop up the highways as described in the attached schedule and identified on plan number NWC/D/SCC/07/GEN/800021 attached to this report.
- ii) Approve the making of a supplemental compulsory purchase order pursuant to Sections 239 and 240 of the Highways Act 1980 to be known as the Sunderland City Council (Sunderland Strategic Transport Corridor – new Wear bridge) (Supplemental No. 2) Compulsory Purchase Order 2011 in order to acquire the additional land on the south side of Pallion New Road as described in the attached Schedule and identified on plan number NWC/D/SCC/07/GEN/800022 attached to this report
- iii) Authorise any of the following officers: the Chief Executive, Executive Director of Commercial and Corporate Services or the Head of Law and Governance to make minor amendments, modifications or deletions to the schedules and the plans should this be necessary and to finalise and make the supplemental orders

<p>iv) Authorise the Deputy Chief Executive and Head of Law and Governance to take all necessary action to achieve confirmation of the supplemental orders</p>	
<p>Is the decision consistent with the Budget/Policy Framework? Yes</p>	
<p>If not, Council approval is required to change the Budget/Policy Framework</p>	
<p>Suggested reason for Decision: The highways that are the subject of this report have long since ceased to serve their original purpose of providing access to numbers 39 to 41 Woodbine Terrace. They are however still highways and the public has the right to use them as such. Should this right be exercised the outcome would be traffic attempting to enter and leave Pallion New Road in close proximity to the proposed traffic signal controlled junction resulting in a significant road safety risk. It is therefore proposed that the highways should be stopped up.</p> <p>When a highway on unregistered land is stopped up the ownership of that land passes to the land owners whose land abuts that highway. Since this would result in small areas of land with no access to the highway and would prevent the stopping up works being carried out under Section 14 of the Highways Act 1980 it is proposed that the Council acquires compulsorily the affected land.</p> <p>Cabinet has previously recognised that there is a compelling case in the public interest to justify the use of the council's CPO powers to secure the land interests and the rights required for the Scheme given the established need for and public benefits of the Scheme to the city. It is considered that there is a compelling case in the public interest to justify the further use of the Council's CPO powers as the second supplemental CPO is also required to secure the essential highway improvement works which are required to the B1405</p>	
<p>Alternative options to be considered and recommended to be rejected: In that the redundant highways have existed for many years and have not apparently been used as highways it would be possible to leave things unchanged. However to do so would leave open the possibility for a landowner at some time in the future to seek to bring his land back into productive use and make use of the highway rights that exist. This would result in traffic seeking to use inappropriate and unsafe accesses to the main road and can not be recommended.</p>	
<p>Is this a "Key Decision" as defined in the Constitution? Yes</p>	<p>Relevant Scrutiny Committee: Environment and Attractive City</p>
<p>Is it included in the Forward Plan? No</p>	

**SUNDERLAND STRATEGIC TRANSPORT CORRIDOR – NEW WEAR BRIDGE
ACQUISITION OF ADDITIONAL LAND AND SUPPLEMENTAL SIDE ROADS
ORDER**

**Report of the Executive Director of City Services, Deputy Chief Executive and
Executive Director of Commercial and Corporate Services**

1.0 Purpose of the Report

1.1 The purpose of this report is to obtain approval for the stopping up of highways and the acquisition of additional land for the Sunderland Strategic Transport Corridor new Wear bridge project. (“the Scheme”) and the making of the Supplemental Side Roads Order and the Supplemental Compulsory Purchase Order No.2 for the Scheme.

2.1 Description of Decision

Cabinet is recommended to:-

- i) Approve the making of a supplemental side roads order pursuant to sections 14 and 125 of the Highways Act 1980 to be known as the Sunderland City Council (Sunderland Strategic Transport Corridor – new Wear bridge A1231 and B1405 Classified Roads)(Side Roads)(Supplemental) Order 2011 in order to stop up the highways as described in the attached schedule and identified on plan number NWC/D/SCC/07/GEN/800021 attached to this report.
- ii) Approve the making of a supplemental compulsory purchase order pursuant to Sections 239 and 240 of the Highways Act 1980 to be known as the Sunderland City Council (Sunderland Strategic Transport Corridor – new Wear bridge) (Supplemental No. 2) Compulsory Purchase Order 2011 in order to acquire the additional land on the south side of Pallion New Road as described in the attached Schedule and identified on plan number NWC/D/SCC/07/GEN/800022 attached to this report
- iii) Authorise any of the following officers: the Chief Executive, Executive Director of Commercial and Corporate Services or the Head of Law and Governance to make minor amendments, modifications or deletions to the schedules and the plans should this be necessary and to finalise and make the supplemental orders
- iv) Authorise the Deputy Chief Executive and Head of Law and Governance to take all necessary action to achieve confirmation of the supplemental orders

3.0 Background

- 3.1 At its meeting on 26th June 2008 Cabinet agreed to accept the offer from the Department for Transport (DfT) of Programme Entry for the Sunderland Strategic Transport Corridor – new Wear bridge (SSTC) Scheme. The DfT has therefore accepted that there is a business case for the Scheme and agreed that the Scheme could be further developed to the next stage in the DfT approval process.
- 3.2 As explained in the subsequent Cabinet report dated 1st December 2010, following the Coalition Government's Comprehensive Spending Review, the Scheme is now part of the DfT's Development Pool of local authority major transport schemes seeking DfT funding. All projects within the Development Pool were required to submit a 'best and final bid' (BAFB) to the DfT by 9th September 2011. The DfT's decision on funding will then be made at the end of the year.
- 3.3 As part of the assessment of the BAFB, the DfT will need to be satisfied that the business case remains robust and that the statutory powers and permissions necessary to enable the Scheme to be delivered have either been secured or that there is no significant impediment to them being secured. Members will recall that at the meetings on 8th April and 7th October 2009, Cabinet approved the making of the Sunderland City Council (Sunderland Strategic Transport Corridor – new Wear bridge) Compulsory Purchase Order 2009 ("the CPO") in order to acquire land and new rights which are required for the construction of the new bridge and its associated approach roads on the grounds that there is a compelling case in the public interest to justify the acquisition of the land and the rights to enable the Scheme to proceed. In addition, approval was also obtained for the making of the other relevant statutory orders including a side roads order required for the Scheme.
- 3.4 At its meeting on 1st June 2011 Cabinet resolved to make a supplemental compulsory purchase order for land that was not included in the original CPO as it is outside the works area for carriageway improvement works (although the improvement works also require the stopping-up of the access) and it was hoped that a private agreement could be reached with the landowner and the lessee for the acquisition of either the entire Site or for the acquisition of Plot 58 of the original CPO provided that the landowner was able to secure an alternative means of access to the highway with the adjoining landowner. Unfortunately, the Council has so far been unable to acquire the Site either in whole or in part through negotiation with the landowner and the lessee. The landowner is of course entitled at any time to require the Council to purchase the entire site under Section 8(1) of the Compulsory Purchase Act 1965. However, to date, the landowner has not sought to exercise this power.

3.5 The original Orders and the Supplemental Order have now been made and submitted to the Secretary of State for Transport for confirmation. Objections to the Orders have been received resulting in the requirement for Public Local Inquiries which have started but are currently adjourned until 5th December 2011 while consultations take place with lessees on the former Groves site. The consultation is necessary because, at the request of the site owner, the Council is proposing to make some changes to the Side Roads Order but only to the extent that it affects roads within that site. If Cabinet agrees to the two supplemental orders outlined below being made, a further short adjournment of the Inquiries is likely to allow the time period for objections to run, and the Inspector to consider any objections received.

4.0 Proposed Supplemental Side Roads Order

4.1 During work carried out for the Public Local Inquiries it became apparent that although not shown on the highway records there are some sections of unadopted highway and a small section of adopted highway at the corner of Pallion New Road and Pallion Subway that have not been stopped up. These highways served numbers 39 to 41 Woodbine Terrace – properties that were demolished in the late 1960s to make way for a radius improvement which in turn was replaced by a roundabout when European Way was built in the early 1980s.

4.2 A highway gives the general public the right to pass and re-pass over land that is dedicated as a highway. Should the public wish to exercise that right in this location the outcome would be two unsafe junctions with busy roads. It is therefore proposed that under the provisions of sections 14 and 125 of the Highways Act 1980 a supplemental side roads order be made to stop up the highways and private means of access shown on plan NWC/D/SCC/07/GEN/800021 and described in the schedule attached to this report.

5.0 Proposed Supplemental Compulsory Purchase Order

5.1 It is often the case, and indeed for parts of the highways proposed to be stopped up it is the case here, that the land over which the highway right exists is unregistered and therefore in unknown ownership. In such cases when a highway is stopped up ownership of the land reverts to the frontagers. If the Council takes no action the outcome would be to leave small areas of land without a suitable access to the highway and would prevent the stopping up works being carried out under Section 14 of the Highways Act 1980. In order to prevent such an occurrence it is proposed that the Council makes a supplemental compulsory purchase order to acquire the land under the highways to be stopped up. In addition, there is one plot, included for completeness, which is part of the highway to be stopped up which is in Council ownership.

5.2 There is also a small area of unregistered land adjacent to the highways to be stopped up that is believed to be part of the back yard of the former number 41 Woodbine Terrace. The other adjacent plot is in the ownership of the Homes and Communities Agency. For the reasons set out above it is proposed that these areas of land should also be included in the supplemental compulsory purchase order. The land to be acquired is shown on plan NWC/D/SCC/07/GEN/800022 and described in the schedule attached to this report. There are two occupiers listed against the plots as a fence has been erected around the area to enclose it with the adjacent premises. The remaining parts of the highway to be stopped up are already included in the original CPO.

6.0 Reason for the Decision

6.1 The highways that are the subject of this report have long since ceased to serve their original purpose of providing access to numbers 39 to 41 Woodbine Terrace. They are however still highways and the public has the right to use them as such. Should this right be exercised the outcome would be traffic attempting to enter and leave Pallion New Road in close proximity to the proposed traffic signal controlled junction resulting in a significant road safety risk. It is therefore proposed that the highways should be stopped up.

6.2 When a highway on unregistered land is stopped up the ownership of that land passes to the land owners whose land abuts that highway. Since this would result in small areas of land with no access to the highway and would prevent the stopping up works being carried out under Section 14 of the Highways Act 1980 it is proposed that the Council acquires compulsorily the affected land.

6.3 Cabinet has previously recognised that there is a compelling case in the public interest to justify the use of the council's CPO powers to secure the land interests and the rights required for the Scheme given the established need for and public benefits of the Scheme to the city. It is considered that there is a compelling case in the public interest to justify the further use of the Council's CPO powers as the second supplemental CPO is also required to secure the essential highway improvement works which are required to the B1405

7.0 Alternative Options

7.1 In that the redundant highways have existed for many years and have not apparently been used as highways it would be possible to leave things unchanged. However to do so would leave open the possibility for a landowner at some time in the future to seek to bring his land back into productive use and make use of the highway rights that exist. This would result in traffic seeking to use inappropriate and unsafe accesses to the main road and can not be recommended.

8.0 Relevant Considerations

Financial Implications

The cost of land purchased for the project is a 'main scheme' cost as defined by the DfT. Such costs will therefore be eligible for retrospective funding from the DfT. DfT funding will not be released until Full Approval is granted for the project, which is programmed for September 2012. However, as construction is programmed to commence in October 2012, land acquisition needs to be completed before the works begin.

Negotiations with land owners may result in a requirement to purchase land before Full Approval is granted. Alternatively as a result of having to exercise the powers granted by the Compulsory Purchase Order a requirement to purchase will also arise. A number of options are being explored for the temporary financing of the land purchases, pending Full Approval. The options include the temporary use of LTP allocations, council reserves and prudential borrowing. The temporary financing, once finalised will be reported through the normal quarterly reviews of the Capital Programme.

Compatibility with the European Convention on Human Rights

Article 1 of the First Protocol of the European Convention on Human Rights which is embodied in domestic law by the Human Rights Act 1998 provides that

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

In the context of Article 1, regard must be had to the fair balance which must be struck between the competing interests of the individual and the community as a whole. In the circumstances of this case it is considered that the public benefits in making the second Supplementary Compulsory Purchase Order to support the Scheme outweigh the infringement of the human rights of those people with an interest in the affected land. The land to be included within the Order is a proportionate response to the needs of the Scheme. In addition the second Supplementary Compulsory Purchase Order will follow all applicable legislative provisions in respect of the making and confirming of compulsory purchase orders and the payment of compensation.

9.0 Background Papers

Cabinet reports dated 27th June 2008, 8th April 2009, 7th October 2009, 1st December 2010 and 1st June 2011

Sunderland City Council (Sunderland Strategic Transport Corridor – new Wear bridge) Compulsory Purchase Order 2009

Sunderland City Council (Sunderland Strategic Transport Corridor – new Wear bridge) (Supplemental) Compulsory Purchase Order 2011

Sunderland City Council (Sunderland Strategic Transport Corridor – new Wear bridge A1231 and B1405 Classified Roads)(Side Roads) Order 2009

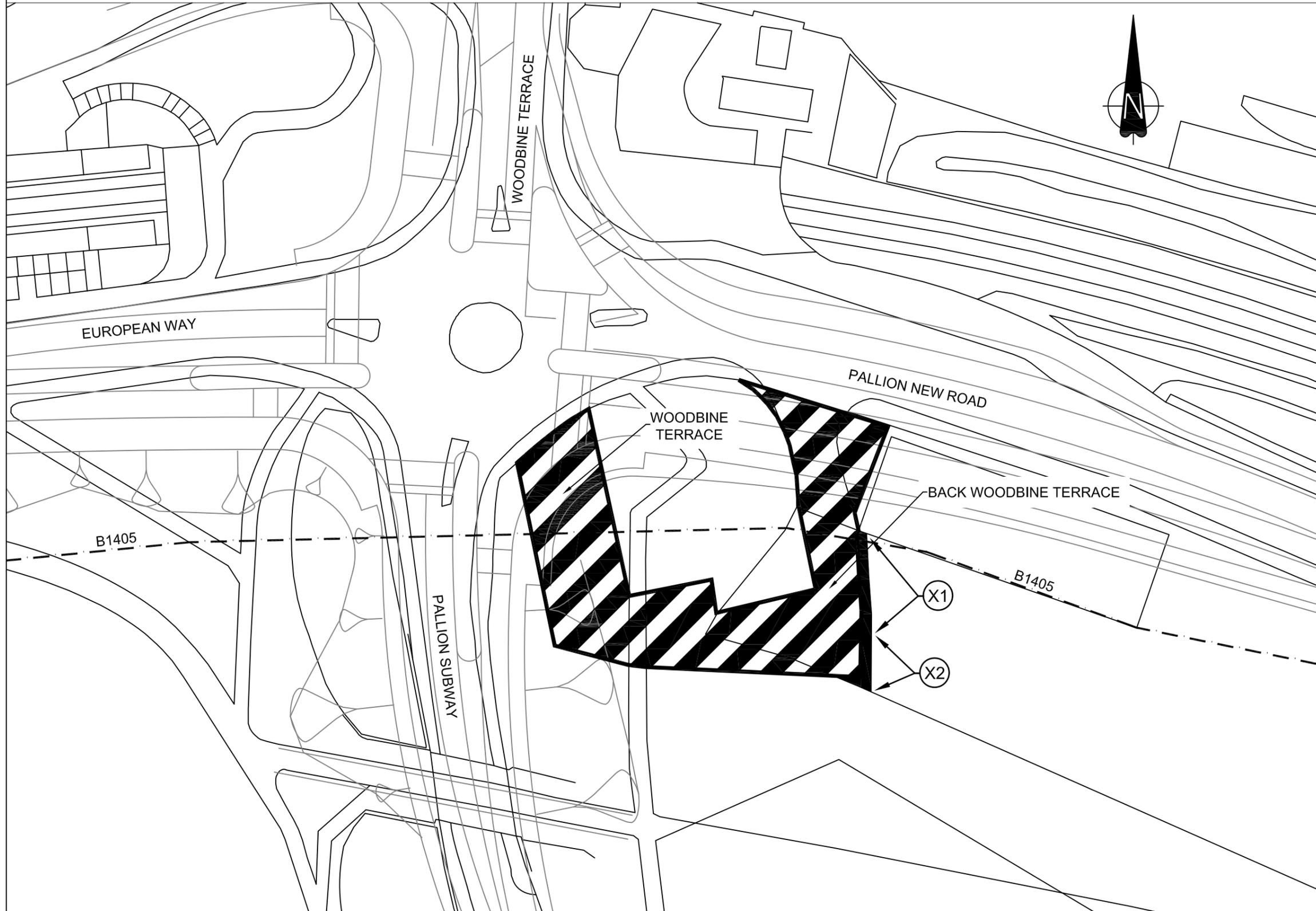
Statement of Reasons for the original CPO and the Side Roads Order

THE SCHEDULE

Locality – Sunderland, Tyne and Wear

<u>Highways to be stopped up</u>	<u>Reference letter(s) of new highway</u>
Woodbine Terrace for 28 metres southwards from its junction with Pallion New Road	-
Back Woodbine Terrace for 35 metres southwards from its junction with Pallion New Road	-
The whole of the un-named cross street between Woodbine Terrace and back Woodbine Terrace	-
<u>Private means of access to be stopped up</u>	<u>Reference number(s) of new access</u>
Access from back Woodbine Terrace to adjacent land to the east (ref X1 on the order plan)	-
Access from back Woodbine Terrace to adjacent land to the east (ref X2 on the order plan)	-

THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR - NEW WEAR BRIDGE A1231 AND B1405 CLASSIFIED ROADS) (SIDE ROADS) (SUPPLEMENTAL) ORDER 2011



- HIGHWAY TO BE STOPPED UP
- PRIVATE MEANS OF ACCESS TO BE STOPPED UP
- HIGHWAY BOUNDARY, CLASSIFIED ROAD

THE SEAL OF THE COUNCIL OF THE CITY OF SUNDERLAND was hereunto affixed in the presence of

.....

Authorised signatory

Rev.	Date	Description	Drawn	Appr'd
C	NOV '11	MINOR AMENDMENTS TO PMA ACCESS	AL	IS
B	NOV '11	MINOR AMENDMENTS TO BOUNDARY	AL	IS

Sunderland City Council

City Services,
P.O. Box 102, Civic Centre,
Sunderland SR2 7DN
Tel. (0191) 520 5555
Fax. (0191) 553 1020

Client

Project
SUNDERLAND STRATEGIC TRANSPORT CORRIDOR

Subject

<i>Drawn by</i>	A. LYNN	<i>Date</i>	OCT 2011
<i>Checked by</i>	K. ATKINSON	<i>Scale</i>	1:500
<i>Approved by</i>	K. ATKINSON	<i>Sheet size</i>	A3

Drawing No. NWC / D / SCC / 07 / GEN / 800021 *Revision* C

SCHEDULE

Table 1 - LAND

Number on map	Extent, description and situation of the land	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – name and address (3)			
		Owners or reputed Owners	Lessees or reputed Lessees	Tenants or reputed Tenants (other than lessees)	Occupiers
(1)	(2)				
1	63 sq. metres. Industrial Land south of Pallion New Road, approximately 45 metres east of Pallion Subway	unknown	-	-	<p>Mr C Murray Ivy Cottage Offerton Hall Farm Offerton Sunderland SR4 9JL</p> <p>Mr Malcolm Graham 47 Hunter Terrace Grangetown Sunderland SR2 8SB, Trading as: MGT Paving and Garden Ltd Pallion New Road Sunderland SR4 6UA</p>

SCHEDULE

Table 1 - LAND

Number on map	Extent, description and situation of the land	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – name and address (3)			
		Owners or reputed Owners	Lessees or reputed Lessees	Tenants or reputed Tenants (other than lessees)	Occupiers
(1)	(2)				
2	179 sq. metres. Industrial Land south of Pallion New Road, approximately 50 metres east of Pallion Subway	unknown	-	-	<p>Mr C Murray Ivy Cottage Offerton Hall Farm Offerton Sunderland SR4 9JL</p> <p>Mr Malcolm Graham 47 Hunter Terrace Grangetown Sunderland SR2 8SB, Trading as: MGT Paving and Garden Ltd Pallion New Road Sunderland SR4 6UA</p>

SCHEDULE

Table 1 - LAND

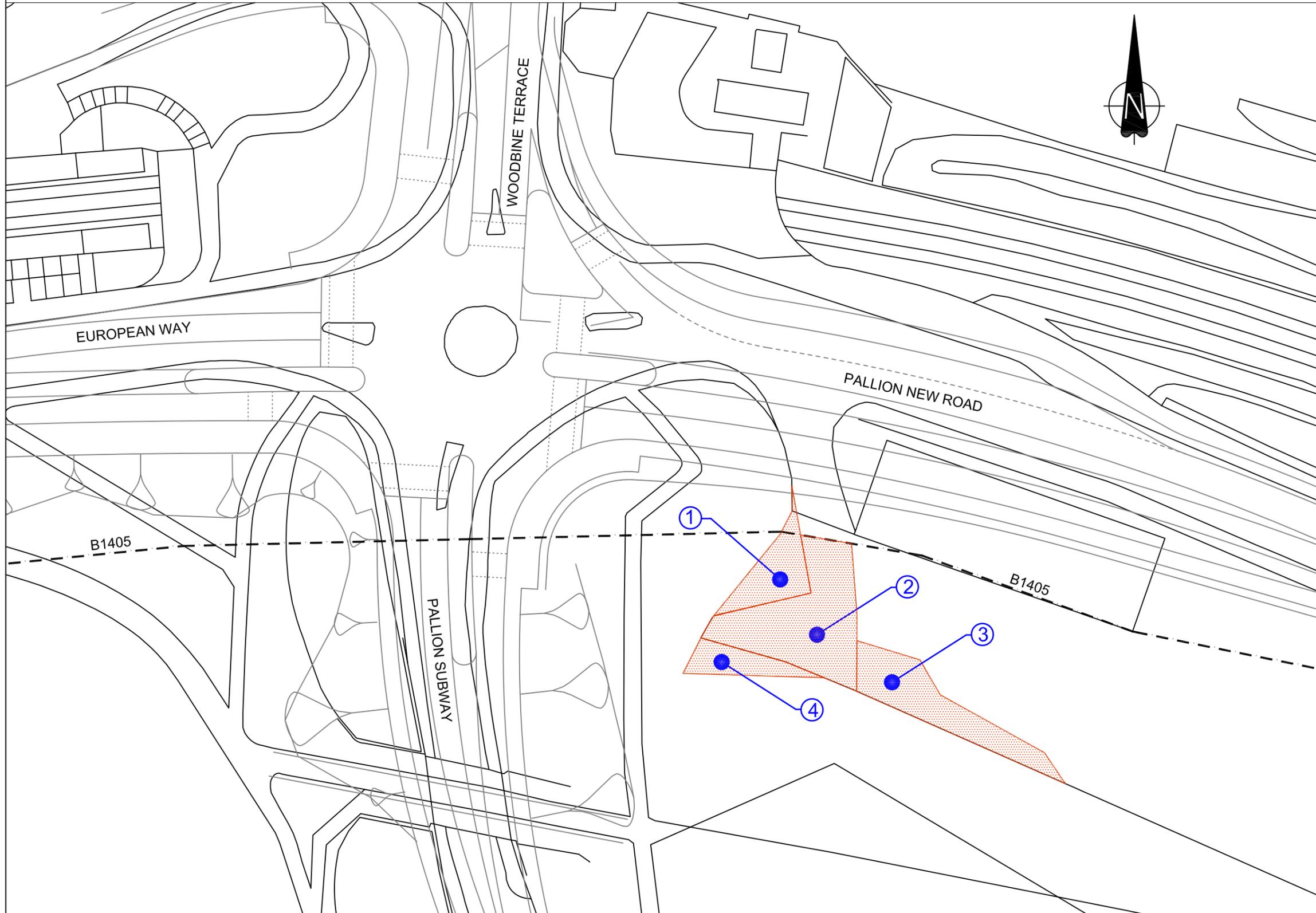
Number on map	Extent, description and situation of the land	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – name and address (3)			
		Owners or reputed Owners	Lessees or reputed Lessees	Tenants or reputed Tenants (other than lessees)	Occupiers
(1)	(2)				
3	115 sq. metres. Industrial Land south of Pallion New Road, approximately 60 metres east of Pallion Subway	Homes and Communities Agency 110. Buckingham Palace Road London SW1 9SA	-	-	Mr C Murray Ivy Cottage Offerton Hall Farm Offerton Sunderland SR4 9JL Mr Malcolm Graham 47 Hunter Terrace Grangetown Sunderland SR2 8SB, Trading as: MGT Paving and Garden Ltd Pallion New Road Sunderland SR4 6UA

SCHEDULE

Table 1 - LAND

Number on map	Extent, description and situation of the land	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – name and address (3)			
		Owners or reputed Owners	Lessees or reputed Lessees	Tenants or reputed Tenants (other than lessees)	Occupiers
(1)	(2)				
4	42 sq. metres. Industrial Land south of Pallion New Road, approximately 45 metres east of Pallion Subway	Sunderland City Council PO Box 100 Civic Centre Sunderland SR2 7DN	-	-	Mr C Murray Ivy Cottage Offerton Hall Farm Offerton Sunderland SR4 9JL Mr Malcolm Graham 47 Hunter Terrace Grangetown Sunderland SR2 8SB, Trading as: MGT Paving and Garden Ltd Pallion New Road Sunderland SR4 6UA

MAP REFERRED TO IN THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR - NEW WEAR BRIDGE) (SUPPLEMENTAL No. 2) COMPULSORY PURCHASE ORDER 2011



PLOT No.	AREA (m ²)
1	63
2	179
3	115
4	42

THE SEAL OF THE COUNCIL OF THE CITY OF SUNDERLAND was hereunto affixed in the presence of

Authorised signatory

Rev.	Date	Description	Drawn	Appr'd



City Services,
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SUNDERLAND STRATEGIC TRANSPORT CORRIDOR

Subject

Drawn by A. LYNN Date OCT 2011

Checked by K. ATKINSON Scale 1:500

Approved by K. ATKINSON Sheet size A3

Drawing No. NWC / D / SCC / 07 / GEN / 800022 Revision B

