

**Record of
Executive
Decisions
published
07/Sep/2012**



Elaine Waugh
Head of Law and Governance

Civic Centre
Sunderland

7 September 2012

Record of Executive Decisions Published: 07/Sep/2012

Decision Taker: Cabinet

Appropriate Scrutiny Committee:
Scrutiny Committee

Date decision in force:

05/Sep/2012

Date of decision:

05/Sep/2012

Full description of decision:

To:

- agree the draft Improvement Plan included at Appendix 1 of the report, and
- agree the draft Annual Governance Statement included at Appendix 2 of the report.

Reasons for decision:

In order to comply with the Accounts and Audit Regulations 2011 and good practice guidance regarding Corporate Governance.

Alternative options considered and rejected:

None available in view of the circumstances.

Title and author(s) of written report:

Annual Review of Corporate Governance Arrangements - Report of the Executive Director of Commercial and Corporate Services

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Is this a key decision: No

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None

Record of Executive Decisions Published: 07/Sep/2012

Decision Taker: Cabinet

Appropriate Scrutiny Committee:
Scrutiny Committee

Date decision in force:

17/Sep/2012

Date of decision:

05/Sep/2012

Full description of decision:

To note the comments of the Scrutiny Committee.

Reasons for decision:

The Foods Standards Agency which monitors and audits Local Authority activities requires Food Law Service Plans to be approved by Members to ensure local transparency and accountability. The plan forms part of the Council's policy and budgetary framework as defined in the Constitution.

Alternative options considered and rejected:

There are no practical alternative options as failure to produce a Food Law Enforcement Plan would conflict with the requirements of the Food Standards Agency.

Title and author(s) of written report:

Response from Scrutiny Committee - 25th July, 2012 - Food Law Enforcement Service Plan 2012/13 - Report of the Head of Law and Governance

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None

Record of Executive Decisions Published: 07/Sep/2012

Decision Taker: Cabinet

Appropriate Scrutiny Committee:
Scrutiny Committee

Date decision in force:

17/Sep/2012

Date of decision:

05/Sep/2012

Full description of decision:

Following consultation with various partners, including the Youth Offending Service Board, the Children's Trust, the Safer Sunderland Partnership, managers and practitioners from the Youth Offending Service and officers from the Council's Strategy, Policy and Performance Management, to approve the Youth Justice Plan 2012-13 and to recommend that it is referred to Scrutiny Committee for their consideration and comment.

Reasons for decision:

The Youth Justice Plan is an Article 4 plan under the Constitution of the Council and is the primary document for YOT partnerships to set out how they will deliver against Youth Justice Board (YJB) performance management framework for Youth Offending Teams (YOTs) and is a key source for local youth justice planning. The Youth Justice Plan was submitted to the Youth Justice Board by their required submission date of 30 June 2012 but may be revised following receipt of comments from Cabinet and Scrutiny.

Alternative options considered and rejected:

The alternative option is not to submit the Youth Plan to full Council, however this would have a negative impact on local youth justice planning and the services' ability to deliver against its action plans.

Title and author(s) of written report:

Youth Justice Plan 2012-2013 - Executive Director of Children's Services

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None

Record of Executive Decisions Published: 07/Sep/2012

Decision Taker: Cabinet

Appropriate Scrutiny Committee:

Scrutiny Committee and Planning and Highways
Committee

Date decision in force:

17/Sep/2012

Date of decision:

05/Sep/2012

Full description of decision:

To note the comments of the Planning and Highways and Scrutiny Committees.

Reasons for decision:

The decision is required to provide essential evidence to inform corporate policy, and chiefly to support progression of the Core Strategy to proceed to its next stage (statutory consultation) in accordance with the Council's adopted Local Development Scheme.

Alternative options considered and rejected:

All local planning authorities are charged under the Planning and Compulsory Purchase Act 2004 with the preparation of a Local Development Framework (LDF), which must include a Core Strategy. They are also charged with preparing the LDF in accordance with the provisions of an approved Local Development Scheme. The Core Strategy must be informed by a robust evidence base. The need for evidence regarding the city's greenspace and ecological requirements is emphasised in the National Planning Policy Framework. To not undertake such updates in the light of the changing circumstances in the city would undermine the planning policy framework and could jeopardise the Core Strategy at Examination. Consequently, no alternatives can be recommended.

Title and author(s) of written report:

Response from Planning and Highways Committee - 4th July, 2012 and Scrutiny Committee - 25th July, 2012 - Sunderland City Council Draft Greenspace Audit and Report 2012 & Draft Ecological Evidence Base for Sunderland's Local Development Framework 2012 - Head of Law and Governance

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None

Record of Executive Decisions Published: 07/Sep/2012

Decision Taker: Cabinet **Appropriate Scrutiny Committee:**
Scrutiny Committee

Date decision in force: 17/Sep/2012 **Date of decision:** 05/Sep/2012

Full description of decision:

To: -

- a) Approve the making of a non-immediate direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) ("the 1995 Order") to withdraw permitted development rights to change the use of a C3 Dwellinghouse to a C4 House in Multiple Occupation within the wards of Barnes, Hendon, Millfield, St Michael's and St Peter's with a prior notification period of a minimum of 12 months before the direction comes into force and subject to the consideration of any representations received during the public consultation process for the direction;
- b) Approve the undertaking of a six week public consultation process on the direction pursuant to Article 5 of the 1995 Order;
- c) To agree to receive a further report in due course in order to consider confirmation of the direction in the event that objections are received during the public consultation process;
- d) To authorise the Deputy Chief Executive to confirm the direction in the event that no objections are received during the public consultation process.

Reasons for decision:

The Council is satisfied that it is expedient that the conversion of dwelling houses (within Use Class C3) to houses in multiple occupation (HMOs) (within Use Class C4) should not be carried out within the wards of Barnes, Hendon, Millfield, St Michael's and St Peter's unless planning permission is granted on an application. This would allow planning control over proposed future changes of use from C3 to C4 within these five wards where there is a higher concentration of HMOs. This would assist in the promotion and retention of sustainable mixed and balanced communities within these five wards and enable additional HMOs and their effects to be coherently and comprehensively managed through the planning framework.

In addition, the withdrawal of this permitted development right within these five wards would allow the Council to:

- Drive up standards of HMO accommodation in terms of appearance and function and to manage the effects of additional HMOs by the imposition of planning conditions;
- Control and prevent the potential negative effects in terms of impact on residential amenity and traffic arising from high concentrations of HMOs;
- Improve conditions in neighbourhoods benefiting existing citizens and enhancing the attractiveness of those areas of the city to visitors, investors and potential new residents.

The making of a non-immediate direction under Article 4 will be subject to a public consultation process and the provision of a minimum of 12 months prior notice before taking effect. This will enable the Council to consider any

representations received to the direction before deciding whether or not to confirm the direction and avoids the Council incurring potential liability to pay compensation to affected parties in the relevant wards for any losses arising from the withdrawal of the permitted development right in the event that planning permission for a conversion of a C3 dwelling house to a C4 HMO is subsequently refused or granted subject to conditions more limiting than the existing permitted development right.

Alternative options considered and rejected:

- a) Determine not to introduce an Article 4 Direction and accept the inability to manage new C4 HMO uses and the consequential undermining effect of this on delivering the Council's objectives in the wards referred to in this report where there is a higher concentration of HMOs. This approach would not appear to be justified given the issues/problems arising from higher concentrations of HMOs in the relevant areas of the city as identified by residents and Councillors.
- b) An immediate Article 4 Direction could be made without consultation and advance publication which would have the advantage of withdrawing the permitted development right with immediate effect in the relevant areas and therefore giving the Council the immediate ability to manage future HMOs through the planning process. However, the Council would then have the potential liability to pay compensation to those affected parties who are subsequently refused planning permission for a conversion to a C4 HMO or granted permission subject to conditions more limiting than the existing permitted development right (if the planning application is submitted within 12 months of the date the direction comes into force). It is not possible to quantify this potential level of compensation liability.
- c) The Introduction of a city wide Article 4 Direction to remove the permitted development right for a change of use from a C3 dwelling to a C4 HMO with non-immediate effect has been considered. This would avoid any problems of the concentration of HMO's shifting to different areas of the city but given the low levels of HMOs in the other parts of the City it is not considered expedient to make such a direction under Article 4.

Title and author(s) of written report:

Non-immediate Article 4 Direction to withdraw permitted development rights for the change of use of a dwellinghouse to a House in Multiple Occupation within the wards of Barnes, Hendon, Millfield, St Michael's and St Peter's - Report of the Deputy Chief Executive

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None

Record of Executive Decisions Published: 07/Sep/2012

Decision Taker: Cabinet

Appropriate Scrutiny Committee:
Scrutiny Committee

Date decision in force:

17/Sep/2012

Date of decision:

05/Sep/2012

Full description of decision:

To: -

- i) Agree in principle to the Council's participation in the re-development of the above ground element of Sunderland Railway Station on the basis that the Council is an equal funding partner with Nexus and Network Rail.
- ii) Agree that the Council contributes a one third share, £200,000 towards the next stage of the project, the remaining cost of £400,000, to be shared equally by Nexus and Network Rail.
- iii) Authorise the Executive Director of Commercial and Corporate Services to enter into a Development Services Agreement with Network Rail to enable the project to progress to the next stage on the terms detailed in this report and otherwise on terms to be agreed by the Executive Director of Commercial and Corporate Services.
- iv) Authorise the Deputy Chief Executive to be the lead officer for the project and to report back to Cabinet on future stages for the implementation of the project

Reasons for decision:

The redevelopment of the Station was not previously included by Network Rail in its major infrastructure work programme. The participation in the project by the Council and Nexus as an equal share partners will result in the early redevelopment of the Station and will add further momentum to the regeneration of the City Centre in line with the Council's Economic Masterplan.

Alternative options considered and rejected:

The alternative option is for the Council to not participate in the development and delivery of the project. This will result in a shortfall in funding for the scheme the consequences of which will be either the long term delay or abandonment of the project. This option has been considered but is not recommended.

Title and author(s) of written report:

Proposed Redevelopment Sunderland Railway Station - Report of the Deputy Chief Executive

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None

Record of Executive Decisions Published: 07/Sep/2012

Decision Taker: Cabinet

Appropriate Scrutiny Committee:
Scrutiny Committee

Date decision in force:

17/Sep/2012

Date of decision:

05/Sep/2012

Full description of decision:

To note the content of the Annual Report and to refer the Annual Report to Scrutiny Committee for their consideration and comment.

Reasons for decision:

The Children and Young People's Plan is an Article 4 plan under the Council's Constitution and is the primary document for Children's Trust Partnerships to set out how they will deliver improved outcomes for children and young people in the city. As an Article 4 Plan, it is a requirement to submit an annual report to Cabinet for consideration and comment.

Alternative options considered and rejected:

The alternative option is not to submit the Children and Young People's Plan Annual report to full Council, however this would result in progress not being reported against the objectives and milestones within the Plan.

Title and author(s) of written report:

Children and Young People's Plan Annual Report 2011-2012 - Report of the Executive Director of Children's Services

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None

Record of Executive Decisions Published: 07/Sep/2012

Decision Taker: Cabinet

Appropriate Scrutiny Committee:
Scrutiny Committee

Date decision in force:

17/Sep/2012

Date of decision:

05/Sep/2012

Full description of decision:

To refer the draft statement of principles under the Gambling Act 2005 to Scrutiny Committee for further consideration.

Reasons for decision:

The provisions of the Gambling Act 2005 require that the Council prepares a statement of principles in respect of its functions under the Act with regard to a period of three years commencing on 31 December 2012.

Alternative options considered and rejected:

There are no other practical alternative options as the preparation of a statement of principles by licensing authorities (including the Council) is a requirement of the Gambling Act 2005

Title and author(s) of written report:

Gambling Act 2005 - Approval of the Council's Statement of Principles - Report of the Executive Director of City Services

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None

Record of Executive Decisions Published: 07/Sep/2012

Decision Taker: Cabinet

Appropriate Scrutiny Committee:
Scrutiny Committee

Date decision in force:

05/Sep/2012

Date of decision:

05/Sep/2012

Full description of decision:

To: - (i) Note the contents of the report. (ii) Recommend Council to approve the proposal at 6.1 and 6.2 of the report to invite the five members appointed to chair locality People Boards to join the membership of the Local Children's Area Board for their locality; (iii) Receive a further report to the November meeting of Cabinet in relation to the commissioning of Children's Centre services from April 2013.

Reasons for decision:

In addition to the need to achieve financial savings the review was undertaken to ensure the integration of children's centres with the wider early intervention offer and to provide a more targeted model which better engages with parents and improves outcomes. The recommendation to invite the Chairs of People Boards to join the Local Area Children's Centre Boards will provide a formal link into the Council's community leadership arrangements and ensure that the People Boards are able to shape and influence future service delivery arrangements.

Alternative options considered and rejected:

Maintaining current arrangements was considered and rejected as to do this would not have supported the development of an early intervention model or engaged with the families who most require support to improve outcomes for children. Furthermore the efficiency of £1.77 million would not have been achieved.

Title and author(s) of written report:

Sure Start Review and an Integrated Early Intervention Service - Implementation Update - Report of the Executive Director of Children's Services

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Is this a key decision: No

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None

Record of Executive Decisions Published: 07/Sep/2012

Decision Taker: Cabinet **Appropriate Scrutiny Committee:**
Scrutiny Committee

Date decision in force: 17/Sep/2012 **Date of decision:** 05/Sep/2012

Full description of decision:

To:

- i) Approve the commencement begin a process to procure a Seasonal beach Lifeguard Service to be delivered at Roker and Seaburn Beaches to commence May 2013 for a five year period, and
- ii) Agree to incorporate the provision of a Water Safety Education Programme to be delivered annually to Sunderland Schools as part of this service.

Reasons for decision:

Based on the cost of the current service with the incumbent provider, the RNLI, for the operation of a seasonal beach lifeguard service, the contract value over a 5 year period would be in excess of the limit whereby Cabinet approval to tender is required. The current cost of delivery of a Beach Lifeguarding service and water safety education programme is in the region of £70,000 per year. It is therefore envisaged that a five year contract for delivery of this service commencing 2013 would be in the region of approximately £350,000 (2013 - 2018 inclusive)

Alternative options considered and rejected:

The alternative options would be for the Council to:

- i) Return the Beach Lifeguarding Service in-house and continue to deliver in-house the Water Safety Education Programme. In doing so, the Council would need to secure additional resource to the value of approximately £25,000 per year in order to provide the required staffing, resources and equipment needed to deliver this service. No budget currently exists to support this.
- ii) To cease delivery of a Beach Lifeguarding Service and Water Safety Education Programme from 2013 onwards. The provision of Beach Lifeguarding and Water Safety Education is not a statutory service, however, it is considered that to withdraw beach lifeguarding from Roker and Seaburn Beaches during the Summer Season and Water Safety Education to Sunderland schools would impact significantly on the safety and wellbeing of young people, residents and visitors to the Seafront and in addition impact negatively to the image and reputation of the City Council.

Title and author(s) of written report:

Sunderland Seasonal Lifeguard Service - Report of the Executive Director of City Services

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None

Record of Executive Decisions Published: 07/Sep/2012

Decision Taker: Cabinet

Appropriate Scrutiny Committee:
Scrutiny Committee

Date decision in force:

17/Sep/2012

Date of decision:

05/Sep/2012

Full description of decision:

To approve:

- Retrospectively, the funding arrangements for housing related support providers for a period of 24 months (1st April 2012 - 31st March 2014), and
- the award of a grant to Gentoo for the delivery of a Community In reach Service for Older People

Reasons for decision:

As part of the Business Transformation Programme a series of service reviews were undertaken across the Council. Housing Related Support with funding arrangements for providers formed part of the Service Review. The review concluded that Housing Related Support Services should continue to be provided with existing providers but subject to new funding arrangements and new ways of working until 31st March 2014.

Alternative options considered and rejected:

Do Nothing - this is not an option, as the previous funding allocations were unsustainable.

Re-procurement of services - this was considered but there is a mature market of local support providers in the city who could have been adversely affected by a re-procurement exercise. Furthermore, housing related support monies are provided to organisations to compliment their overall service delivery, not fully fund them. It was also felt not to be in the best interests of service users, who may well have had to switch support providers, if their existing provider would have been unsuccessful.

Title and author(s) of written report:

Review of Housing Related Support Services - Report of the Executive Director Health, Housing and Adult Services

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None

Record of Executive Decisions Published: 07/Sep/2012

Decision Taker: Cabinet

Appropriate Scrutiny Committee:
Scrutiny Committee

Date decision in force:

17/Sep/2012

Date of decision:

05/Sep/2012

Full description of decision:

To: - Approve the Council's participation in the regional procurement by Gateshead Council (as the lead authority on behalf of NEPO) of the NHS Complaints Advocacy service with ten local authorities from across the region
Approve the financial contribution to the regional procurement, which will not exceed the DoH allocation for Sunderland.

Reasons for decision:

- A collaborative approach to the procurement of the NHS Complaints Advocacy Service is a more cost effective option than if each LA were to commission on an individual basis
- A soft market testing exercise carried out by Gateshead Council on behalf of the region found a collaborative approach to be the market's preferred approach.
- A collaborative approach provides the opportunity for joined up working, information sharing and analysis of data and trends across authorities as well as a more resilient service to cope with potential peaks in demand.

Alternative options considered and rejected:

Sunderland could procure the NHS Complaints Advocacy Service individually. However, the future demand for the service and whether the funding allocation meets the demand for the service is unknown. A collaborative approach creates economies of scale helping to minimise the risk and is the most cost effective approach.

Title and author(s) of written report:

Regional Procurement of NHS Complaints Advocacy Service - Report of the Executive Director of Health, Housing and Adult Services

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None

Record of Executive Decisions Published: 07/Sep/2012

Decision Taker: Cabinet **Appropriate Scrutiny Committee:**
Scrutiny Committee

Date decision in force: 17/Sep/2012 **Date of decision:** 05/Sep/2012

Full description of decision:

To vary the details of the original contract awarded to a contractor for the provision of Neighbourhood Enterprise Talent Scouts and Neighbourhood Based Business Advisors

- 1) to extend the end date to the 31 March 2013 and
- 2) to seek approval to increase the value of the contract as detailed in the report.

Reasons for decision:

To award a variation (extension) of a previous contract which Sunderland City Council has with the contractor, detailed in the report, to deliver a contract 'Neighbourhood Enterprise Talent Scouts and Neighbourhood Based Business Advisors'. This contract offers pre start up business support through Enterprise Coaching and has to date supported 538 Sunderland residents into self employment. Due to securing additional match funding the contract is now in a position to be increased by and the funding will be provided on a 50/50 basis by Sunderland City Council/European Regional Development Fund. The contract variation will be undertaken by informing the contractor in writing of the proposed extension, which is on the same terms and conditions as the original contract. This satisfies both Sunderland City Council and European Union procurement regulations. European regulations allow for the original project amount to be increased by up to 50%, the requested variation is within this allowance.

Alternative options considered and rejected:

The decision to apply a variation to the original contract is being taken because of the need for continuous delivery and quality of provision. The variation will ensure that clients have seamless support without suffering from such a break in provision, there are also cost savings in procurement and officer time. The contractor has a highly successful track record in delivery and have exceeded all of the contracted outputs for the original contract - 538 new business starts against a target of 400 business starts, therefore there is significant confidence that the outputs within the contract variation - a further 205 business starts will be successfully delivered.

Title and author(s) of written report:

Extension to Contract for the provision of Neighbourhood Enterprise Talent Scouts and Neighbourhood Based Business Advisors - Report of the Deputy Chief Executive and Executive Director of Commercial and Corporate Services

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: Yes

Declarations of Interest and Dispensations:

None

Record of Executive Decisions Published: 07/Sep/2012

Decision Taker: Deputy
Chief Executive

Appropriate Scrutiny Committee:
Scrutiny Committee

Date decision in force:
17/Sep/2012

Date of decision:
05/Sep/2012

Full description of decision:

To approve the sale of St Marks Garage to the Pakistani Islamic and Community centre on terms agreed by the Deputy Chief Executive and the planning permission granted by the Development Control (South Sunderland) Sub-Committee on 31 July 2012.

Reasons for decision:

The premises are surplus to operational requirements and their disposal will meet a need for a local community facility and secure a capital receipt for the Council.

Alternative options considered and rejected:

1. Retain the premises for operational use. The premises are used to garage transport vehicles but have been identified as surplus to requirements as part of the property rationalism programme. Existing capacity elsewhere in the Council property portfolio can be better utilised so as to enable the release of this building.
2. Release the premises to the open market. An opportunity has arisen through this disposal that clearly meets a local community need. Independent valuation advice has confirmed that the terms that had have been provisionally agreed are at market value and as a consequence the Council's duty to secure best consideration can be met without the property going to the market. Both of these options have been considered but for the reasons set out above are not progressed.

Title and author(s) of written report:

Disposal of St Mark's Garage, St Mark's Road, Millfield, Sunderland - Report of the Deputy Chief Executive

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Is this a key decision: Yes

Does the Decision contain Confidential/Exempt Information: No

Declarations of Interest and Dispensations:

None

