

At a Meeting of the CABINET held in the CIVIC CENTRE (COMMITTEE ROOM NO.1) on TUESDAY 18 JUNE 2019 at 2.00 p.m.

Present:-

Councillor Mordey in the Chair

Councillors Atkinson, Farthing, Mordey, Stewart and A. Wilson

Also Present:-

Councillors Chequer, Johnston and Waller

Part I

Minutes

The minutes of the meeting of the Cabinet held on 16 May 2019, Part I (copy circulated) were submitted.

(For copy report – see original minutes).

1. RESOLVED that the minutes of the Cabinet meeting held on 16 May 2019, Part I, be confirmed and signed as a correct record.

Declarations of Interest

There were no declarations of interest reported to the meeting.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Miller and G. Walker.

Honorary Freedom of the City

The Chief Executive submitted a report (copy circulated) to seek to recommend to Council to formally confer the Honorary Freedom of the City upon the England footballer, Jordan Henderson, to recognise the example of commitment and achievement he set as an ambassador of Sunderland and role model for young people.

(For copy report – see original minutes).

Councillor Mordey was pleased to report that in communications with Sunderland-born Jordan Henderson, who captained Liverpool to victory in the UEFA Champions League final a couple of weeks previously, he had said that he would be proud to accept the Freedom of his home city, at some point in the future.

Councillor Mordey advised that for now, Jordan had his sights firmly set on what he wanted to achieve on the football pitch both with his club and the England team. He explained that for all that Jordan had helped to achieve this past year and his esteemed career in football to date, including the support and encouragement he had given to others, he considered that he was nearer to the start of a journey than the end.

Cabinet Members were advised that as such, he was greatly honoured by the Council's proposal to make him a Freeman of Sunderland but had asked if the Council could revisit it in the future when he was perhaps closer to the end of his playing career and had contributed to many more domestic and international footballing successes, as he undoubtedly would.

Councillor Mordey therefore requested the Cabinet to recommend to Council that the Freedom of the City be conferred upon Jordan Henderson at the appropriate time in the future.

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

2. RESOLVED that it be recommended to Council to:-
 - (i) agree to the conferring, in accordance with the provisions of Section 249 of the Local Government Act 1972, of the Honorary Freedom of the City upon Jordan Henderson; and
 - (ii) authorise the Chief Executive, in consultation with the Leader of the Council, to agree all appropriate arrangements for the formal ceremony at an extraordinary meeting of the Council at the appropriate time in the future.

Capital Programme Outturn 2018/2019 (including Treasury Management)

The Executive Director of Corporate Services submitted a report (copy circulated) on the Capital Programme Outturn for 2018/2019 and an update on the Treasury Management Borrowing and Investment Strategy outturn position for 2018/2019.

(For copy report – see original minutes).

Councillor Stewart was pleased to report that £94 million had been invested in the city's priorities during the last year. He explained that much of this had been aimed at creating the conditions for growth in the city's economy. For example, the Council had invested in the infrastructure of the city with the Northern Spire which opened to the public in August 2018, completed the design of the link road now under construction from this new crossing to the city centre, as well as having made significant progress on the International Advanced Manufacturing Park, the Beam on the former Vaux site and the Northern Gateway two-way traffic system. He advised that the Council had supported local business by completion of significant infrastructure development works at the Enterprise Zone site adjacent to the Nissan complex and the purchase of a new mobile heavy lift crane at the Port of Sunderland.

Councillor Stewart informed Cabinet Members that the Council continued invest to save schemes, including the upgrade of LED lights on street lighting, which were more efficient than the sodium lighting which they replaced and will help with reducing the Council's carbon footprint.

Cabinet Members were advised that the Council continued to invest in the wellbeing of residents by helping them to remain in their own homes for as long as possible through the provision of Disabled Facilities grants, and through the commencement of works to provide new, better quality 3G pitches at three football 'Parklife' Hub sites. In addition investment in Education and Skills had been through the schools infrastructure programme of improvements.

Councillor Stewart then drew the attention of Cabinet Members to variations in the 2018/2019 programme including the re-profiling of expenditure and associated funding into 2019/2020 and beyond. He explained that this had been necessary largely due to external influences outside of the Council's control, and the timing of projects had also been subject to review to ensure best value to the Council or to minimise the disruption arising from works.

In relation to the Treasury Management aspects of the report, Councillor Stewart reported that there continued to be positive performance in this area, with the Council continuing to perform well, in what was a challenging environment.

Councillor Farthing highlighted that despite austerity, the Council had still managed to achieve great things for the city. She added that the effects of austerity might not be so apparent in a report covering a twelve-month period and suggested that if the last five to ten year period was examined, it would highlight the immense effects on the city.

Councillor Kelly advised that the 'Parklife' sites were to be known as 'Football Hubs.' He was pleased to report that the development of the Hubs was coming along at pace. He commended the investment in Sunderland, by the FA, Premier League and the Football Foundation, which would be a valuable asset for residents of all ages.

Councillor Mordey agreed that the investments detailed in the report highlighted what the Council could achieve, given the scope of funding. He added that the Council would have been much further forward had it not been for the Government's austerity measures.

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

3. RESOLVED that:-

- (i) the inclusion of additional schemes or variations to existing schemes for 2018/2019 detailed at Appendix A, as a variation to the Capital Programme, be noted;
- (ii) the overall capital outturn position for 2018/2019 be noted; and
- (iii) the Treasury Management Strategy and Prudential Indicators outturn position for 2018/2019 be noted.

Revenue Budget Outturn 2018/2019

The Executive Director of Corporate Services submitted a report (copy circulated) on the outcome of the Revenue Budget Outturn for 2018/2019.

(For copy report – see original minutes).

Councillor Stewart was pleased to report a positive outturn position, reflecting the work carried out over the last year by Portfolio Holders and Directorates to ensure that the Council succeeded in dealing with the very difficult financial challenges which it faced.

Councillor Stewart drew attention to Appendix A of the report which drew out the main areas of Portfolio variations. He reported that significantly, and as reported during the year, there had been continued pressures in relation to the increasing numbers of looked after children within Together for Children. He advised that following the release of previously agreed resources, there remained an overspend of £4.360 million, which it should be noted was an improvement of approximately £2 million from that anticipated at the third review. He assured that the ongoing position has been taken into account when setting the 2019/2020 budget.

Cabinet Members were advised that the debt management arrangements, one off grant income, together with prudent management of contingencies and central costs, had enabled a balanced outturn position. In addition, specific resource of £10.625 million had been earmarked to support potential pressures and transitional phasing issues in 2019/2020 as identified in the report. The final outturn position was an underspend of £0.682 million which had been transferred to the Strategic Investment Reserve.

Councillor Farthing referred to the overspend in Together for Children (TfC) and assured Cabinet Members that the TfC Finance Director had been working extremely hard to instil a financial discipline across the company. She reported that all managers and team leaders had been given budgets to adhere to and advice on making savings. She explained that it was the increasing and unfortunate demands on the service, another impact of the Government's austerity measures, that had caused the deficit.

4. RESOLVED that:-

- (i) the budget transfers, contingency and reserve transfers proposed within Section 3, these having been agreed via delegated authority as approved by Cabinet in January 2019, be noted; and
- (ii) the final account decisions as set out in the report, having been agreed by delegated authority as approved by Cabinet in January 2019, be noted.

Parsons Depot redevelopment and Electric Vehicle Hub installation

The Executive Director of Neighbourhoods submitted a report (copy circulated) to seek approval to:

- (a) procure contractors in respect of the redevelopment of Parsons depot, namely for demolition works required to prepare the site, plus design and construction of the new facility including vehicle workshops, a salt barn and low carbon measures at the site and at Jack Crawford House (JCH); and
- (b) confirm a total funding commitment of £1.502 million over three years commencing 2019/20 from the allocation for Low Carbon Infrastructure within the Council's current capital programme, to match European Regional Development Fund (ERDF) grant for an Electric Vehicle Hub and demonstration facility.

(For copy report – see original minutes).

Councillor Wilson in highlighting the report, advised that the Council needed to invest in fit for future depot facilities to ensure front line services were delivered effectively across the city, mitigating their environmental impact and which were aligned with City Plan priorities. She explained that funding for the project had been secured from the Council's capital programme and through the ERDF grant.

Cabinet Members were advised that the Council must demonstrate compliance with UK and EU procurement legislation. The Council's constitution also required that the procurement of works and services with a value over £250,000 must seek Cabinet approval.

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

5. RESOLVED that:-

- (i) the Executive Director of Neighbourhoods, in consultation with the Portfolio Holder for Environment and Transport, be authorised to procure a contractor(s) to demolish the current Parsons depot and, separately, to design and construct a new depot including vehicle workshops and salt barn on the site. This will include low carbon measures, with a smaller provision for low carbon technology at JCH; and
- (ii) the match funding commitment of £1.502 million over three years commencing 2019/20 from within the approved capital programme be confirmed and the Executive Director of Corporate Services be authorised to execute the ERDF funding agreement and any associated documentation for this project as issued by MHCLG.

Cross Border Taxi Licensing Enforcement

The Executive Director of Neighbourhoods submitted a report (copy circulated) to outline proposals for the Council to enter into arrangements with other local authorities in the north east region in order to facilitate cross border licensing enforcement with regard to hackney carriages and private hire vehicles that were being operated outside of the area of the local authority from which their relevant licences were obtained.

(For copy report – see original minutes).

Councillor Wilson in highlighting the report, advised that the primary aim of the licensing of taxi drivers, vehicles and operators is to protect the public and promote safety for users. She reported that recent national concerns relating to the safeguarding of vulnerable adults and children had led to the publication of proposed new statutory guidance for licensing authorities in this respect.

Cabinet Member were advised that as a consequence, a review was currently being undertaken in respect of licensing to consider any emerging new responsibilities and potential improvements which would seek to enhance the safety of taxi users and protection of the public. The first part of this review aimed to update the city's licensing enforcement powers and had identified the need to ensure cross border authorisation of enforcement officers. This would allow officers from other authorities in the region to ensure that our licensed vehicles were operating in accordance with the law in their areas and would conversely allow our licensing officers to confirm the same in Sunderland.

Councillor Wilson reported that the approval of this proposal would enable effective regulation of the taxi trade in the city and throughout the northeast.

Councillor Kelly, as a former taxi driver, welcomed the proposals which he felt were long overdue. He reported that the excellent taxi firms in the city would also welcome the assurances of these proposals.

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

6. RESOLVED that:-

- (i) approval be given to the Council entering into a Memorandum of Understanding with other local authorities in the north east region in order to facilitate cross border licensing enforcement with regard to hackney carriages and private hire vehicles that are being operated outside of the area of the local authority from which the relevant licences were obtained;
- (ii) the form of the Memorandum of Understanding be in the form, or substantially in the form, of that set out in Appendix 1 to the report, subject to any amendments required or agreed by the Assistant Director of Law and Governance.
- (iii) approval be given for the Council to enter into agreements under section 113 of the Local Government Act 1972 with the other authorities participating in the Cross Border Hackney Carriage and Private Hire Vehicle Authorisation Scheme for (a) the placing at the disposal of the other authorities for the purposes of the Scheme the services of licensing officers employed by the Council; and (b) the acceptance of the services of officers of those other participating authorities on a reciprocal basis.
- (iv) the Executive Director of Neighbourhoods be authorised to take all steps necessary to implement the above and be given delegated power to authorise officers made available by other participating authorities to exercise taxi licensing enforcement powers within their respective areas on behalf of this Council.
- (v) Council be asked to agree provisions (1) to (4) above in relation to any matters within the remit of the Scheme and the Memorandum of Understanding that are not functions of the Executive.

Procurement of Care and Support at Home Services

The Executive Director Neighbourhoods submitted a report (copy circulated) to seek approval to procure Care and Support at Home Services for adults aged 18 years and over who have care and support needs that have been assessed as being eligible for support from the Council.

(For copy report – see original minutes).

In the absence of the Portfolio Holder, Councillor Chequer highlighted that a contract was in place with a number of service providers to deliver care and support at home services, which was due to end on 2 January 2020. She explained that the support provided included personal care; support with medication and support with meals and the service enabled people to remain living independently in their own homes.

Councillor Chequer reported that approval was being sought to procure future arrangements and put in place a number of contracts with the successful bidder(s) who had demonstrated their capacity and capability to deliver the required services. She explained that the Council had a continuing need to commission these services to support adults to live independently therefore there was a need to undertake a competitive procurement process in order to establish replacement services.

Cabinet Members were advised that the proposal should ensure that services remained in place to meet the care and support needs of individuals in the future; support the Council to meet its obligations under the Care Act 2014, specifically with regard to promoting wellbeing and market shaping and commissioning; allow fair and equal access to all interested providers to tender for Care and Support at Home Services thereby ensuring value for money was achieved.

Councillor Chequer reported that it was expected that the value of the contracts should be in excess of £11 million per annum and that the contract would be in place for up to 4 years.

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

7. RESOLVED that:-

- (i) Approval be given for the procurement, through a competitive tendering process, of Care and Support at Home Services for adults aged 18 years and over who have care and support needs that have been assessed as being eligible for support from the Council; and
- (ii) the Executive Director Neighbourhoods, in consultation with the Portfolio Holder for Health and Social Care, be authorised to subsequently award contracts to the successful bidder(s).

Private Sector Housing Enforcement Policy

The Executive Director of Neighbourhoods submitted a report (copy circulated) to seek approval for the Private Sector Housing Enforcement Policy for the regulation of housing and housing management standards in the private rented sector and the delegation of enforcement powers under related legislation.

(For copy report – see original minutes).

Councillor Atkinson highlighted that private sector housing played a significant role in the City's housing provision making up 26% of the stock. She advised that it was important therefore to ensure that this housing was safe and free from hazards to residents.

Councillor Atkinson reported that the policy drew together existing and new powers available to regulate landlords and managing agents in one document. She explained that it described the tools and powers available to the Council to protect tenants in privately rented homes and how they would be used.

Cabinet Members advised that the document set out clearly the Council's approach to civil penalties, ensuring they were based on the seriousness of risk of harm caused to the tenant and the landlord's culpability. They took into account the landlord's previous track record and any financial benefit obtained from committing the offence. These were alternatives to court prosecution and civil penalties of up to £30,000 might be imposed.

Councillor Atkinson advised that it was essential that the Council reviewed private sector housing to ensure that good management and safe standards were met and that it acted effectively to regulate the sector. She explained that this enforcement policy would ensure that decisions made in the exercise of available powers were consistent and transparent.

Cabinet Members having commended the report, it was:-

8. RESOLVED that:-

- (i) the Private Sector Housing Enforcement Policy annexed to the report be approved and adopted;
- (ii) the Executive Director of Neighbourhoods, in consultation with the Assistant Director of Law and Governance, be authorised to approve minor modifications and updates to the policy; and
- (iii) the Executive Director of Neighbourhoods be authorised to exercise the functions of the Council under the Housing and Planning Act 2016, The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014, The Efficiency (Private Rented Properties) (England and Wales) Regulations 2015 (as amended) and the Tenant Fees Act 2019 insofar as they relate to housing conditions and the management of housing.

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

At the instance of the Chairman it was: -

9. 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 exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) (Local Government Act 1972, Schedule 12A, Part 1, Paragraph 3). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.

(Signed) M. MORDEY,
Chair.

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.