

MEETING OF MIDDLESBROUGH COUNCIL

At the Meeting of Middlesbrough Council, lawfully convened, and held in the Town Hall, Middlesbrough on 29 March 2017.

PRESENT: Councillors S E Bloundele (Chair), R Brady (Vice-Chair), R Arundale, S Biswas, J Blyth, D J Branson, J Brunton, Mr D Budd, D P Coupe, P Cox, S Dean, E Dryden, J Goodchild, T Harvey, A Hellaoui, T Higgins, C Hobson, J Hobson, B A Hubbard, N Hussain, L Lewis, D McCabe, J McGee, L McGloin, G Purvis, J Rathmell, C M Rooney, D Rooney, J Rostron, M Saunders, M Storey, M Thompson, Z Uddin, J A Walker, N J Walker, M Walters and L Young

OFFICERS: J Barker, J Bromiley, B Carr, G Field, N Finnegan, A Hoy, E Kunonga, K Parkes, T Parkinson, S Reynolds, B Roberts and P Schofield

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors Councillor M Carr, Councillor D Davison, Councillor T Lawton, Councillor T Mawston, Councillor F McIntyre, Councillor J McTigue, Councillor P Purvis, Councillor J Sharrocks, Councillor B E Taylor.

DECLARATIONS OF INTERESTS

Name of Member	Type of Interest	Item/Nature of Interest
Councillor P Cox	Non Pecuniary	Tenant of Thirteen Group
Councillor T Harvey	Non Pecuniary	Member of Erimus Board
Councillor M Thompson	Non Pecuniary	Member of Erimus Board

16/86 **MINUTES - COUNCIL - 15 FEBRUARY 2017 AND 1 MARCH 2017**

The minutes of the Council meetings held on 15 February 2017 and 1 March 2017 were submitted and approved as a correct record subject to an amendment to the minutes of 15 February 2017 - Page 3 Paragraph 4c) Public Transport Line 6 to say "only one bus service was operating in South Middlesbrough **of an evening** and some areas did not have any".

NOTED16/87 **ANNOUNCEMENTS/COMMUNICATIONS**

The Chair made the following announcement in respect of ongoing employment tribunal proceedings to which the Council was a party:-

"It is a well-established rule that the proper administration of justice may not be prejudiced or interfered with. Members will be aware of the ongoing Tribunal proceedings, where Middlesbrough Council is a party, and are asked to refrain from discussing these proceedings at Council meetings until the legal process is concluded and determined."

16/88 **MAYOR'S STATEMENT AND REPORT**

The Mayor commented on the recent tragic events that had occurred in Westminster. He stated that everyone was shocked at what had occurred and sympathy was offered to those people affected by the events and to those people offering support to them.

Teresa May and Sadiq Khan had expressed their thoughts in a moderate way. The Mayor commented that many people had family and friends in London or had passed along Westminster Bridge. An email had been received from the Council's friends in Oberhausen expressing their sympathy.

Prior to the events that had occurred in London, the Mayor advised that he had received a letter from Sadiq Khan and Brendan Cox - the husband of the late Jo Cox regarding a great get together in 2017/18 for a big lunch to commemorate the first anniversary of the death of Jo Cox MP.

The Mayor read the letter out to those present at the Council meeting and encouraged everyone to facilitate street parties and organise community events. He urged everyone to support the event and he requested feedback from members in terms of any ideas on what the Council could do to contribute to the event.

Members commented on the events that had occurred in Westminster and spoke in support of the proposed Great Get Together event in 2017/18.

16/89

DEPUTY MAYOR AND EXECUTIVE MEMBER REPORTS

The Chair invited Members to raise items for general discussion arising from the Information Booklet of Executive Member reports which detailed activities carried out within the respective Executive Member portfolios (Section 1), Executive decisions taken (Section 2) or to be taken where known, prior to and following the meeting (Sections 3 and 4).

Members commented and posed questions in relation to the following matters and Executive Members responded where appropriate:-

Deputy Seatbelt Sheriffs

A member referred to point 5, page 3 of the Deputy Mayor and Executive Member for Regeneration's report regarding the fact that the Seatbelt Sheriff had recently visited Hemlington Hall and Corpus Christi primary schools and sworn in 650 Deputy Seatbelt Sheriffs to help encourage Middlesbrough school children to understand why they needed a child car seat and the importance of always wearing a seatbelt on every journey. Deputy Sheriffs were also given the extra duty of reminding everyone in the vehicle to 'buckle up'.

The member commented that he was really pleased to hear about the Seatbelt Sheriffs as he had been driving this initiative forward for some time, as he lived near to two schools and there was an issue with children travelling in cars without seatbelts on the school run. He commented that this often occurred when older siblings transported younger children to the schools.

The Executive Member commented that he could speak to staff about extending the initiative to other schools. The issue of children not using car seats or wearing seatbelts was an enforcement issue for the police but it was good to hear that the Seatbelt Sheriff was visiting schools to promote the initiative.

Investment Prospectus

A member referred to point 1, page 1 of the Deputy Mayor and Executive Member for Regeneration's report regarding the Middlesbrough Investment Prospectus. He commented that he wished to praise the Mayor and the Executive on the Investment Prospectus, in particular the Council's commitment to inject £74m into a series of exciting developments in times of unprecedented cuts. The member commented that he was proud that the Investment Prospectus had been completed by a Labour led Council. He stated that it was a testament to the confidence and creativity in Middlesbrough's growing stature as the city heart of the Tees Valley and it would serve as a catalyst for the creation of 500 new jobs and investment from the private and public sector. The member commented on the various new developments in the town.

A member commented that people were supportive of the Investment Prospectus but he stated that more investment could have been found for the Southlands Centre. A decision had been made to close the centre. Businesses were struggling to find alternative premises. The package of £100k sounded like a lot of money but it only amounted to £2k per business to relocate and some businesses had already spent £20k plus.

The Executive Member thanked the member for acknowledging the work of the Mayor and Executive in bringing the Investment Prospectus to fruition but he commended the work of officers who had worked tirelessly, particularly in relation to the Snow Centre. In terms of the Southlands Centre, he stated that half of the businesses had already agreed to relocate, three

of the businesses only used the centre for storage and others only used the centre as a postal address. The Centre for Cities had stated that the Council were doing the right thing in terms of inward investment to boost our retail sector by bringing in more offices and more knowledge intensive partnerships.

Deprivation of Liberty

A member requested clarification on the issue of Deprivation of Liberty standard safeguards.

A member acknowledged the fact that the Law Commission had published a draft bill but that could take some time. He queried whether the Council was going to put measures in place to protect most vulnerable, as in his view, the Council continued to act unlawfully.

The Executive Member for Adult Health and Social Care advised that a lot of members would be familiar with Deprivation of Liberty. In 2014 the Supreme Court defined what Deprivation of Liberty meant. It was known as the Cheshire West decision. It had an enormous impact because the number of assessments increased significantly and more Social Workers were required to administer the process and carry out assessments.

Local authorities became the administrators for all Deprivation of Liberty referrals including referrals from care homes and hospitals. Middlesbrough's Deprivation of Liberty assessments increased to twice the national average. Before the Cheshire West decision Middlesbrough was averaging 47 referrals per year but following the decision, Middlesbrough had received 1051 in 2015/16. In order to assist in processing referrals the Association of Directors of Social Services had provided a screening tool to assist authorities in identifying those people most at risk so they could be treated first and this was reviewed on a weekly basis. It had brought the number of referrals waiting to be assessed down to 170.

The Council felt that by using the screening tool, the risk of litigation had been reduced. The Law Commission had been reviewing the Deprivation of Liberty and it now included people aged 16 and 17, and this was an improvement.

Repossession Prevention Fund

A member referred to point 15, page 6/7 of the Executive Member for Communities and Public Health's report in relation to the Repossession Fund. The member acknowledged the fact that Community Safety were working alongside Five Lamps to bring back the Repossession Prevention Fund to prevent people being evicted from their property because they were in arrears with their rent, when small loans at 0% interest would assist in solving the problem.

He stated that homelessness was a problem, particularly in relation to young people. Young people were having to move to the private rented sector and rents were spiralling. There had also been a reduction in housing benefit for the under 35's and single people. The Repossession Fund would assist and the member wished to congratulate the Council in bringing back the Repossession Fund.

Orange Pip Market

A member referred to point 2, page 1 of the Executive Member for Culture, Leisure and Sport's report and acknowledged that the Council was going to have its own stall at the Orange Pip Market, selling stickers, mugs, tea towels, wall calendars etc. The member queried whether it was tax payers funding that had produced the design and product and whether Council officers would be working on the stall.

The Executive Member confirmed that the Orange Pip Market was supported by the Council and that he would provide the information requested by the member.

Number of extra children in schools

A member referred to paragraph 3, page 1 of the background information in relation to Migration Funding Bid Success, contained in the Executive Member for Education and Skills

report. The member stated that he was disturbed when he read the report and he referred to paragraph 3 with regard to the number of new arrivals at schools placing pressure on teachers, teaching assistants and school leaders.

The member stated that one of the Mayor's theme was fairness and the situation was not fair for the teachers or the children. The Government had put funding in to assist and he hoped that the problem would be resolved as quickly as possible.

The Executive Member stated that the Council did have responsibility for all children residing in Middlesbrough which is why the Council had made a bid for the funding. The Executive Member pointed out that next year with the new funding formula the schools in Middlesbrough stood to lose £7m.

The Executive Member pointed out that there was lots of good practice in Middlesbrough, particularly at Abingdon School and North Ormesby Primary Schools who were doing their best to assist children to settle into school.

Programme Management

A member referred to point 1, page 1 of the Executive Member for Finance and Governance's report regarding Programme Management. He acknowledged the positive feedback from Deloitte with regard to the Council's performance in respect of Programme Management, particularly in relation to Planning, Governance, Reporting, Accountability and PMO (Programme Management Office) structure.

16/90 **REPORT OF THE OVERVIEW AND SCRUTINY BOARD**

Council received and considered a report of the Chair of the Overview and Scrutiny Board outlining the work of the Board and Scrutiny Panels.

NOTED

16/91 **STRATEGIC PLAN 2017-21**

The Strategic Director of Finance, Governance and Support submitted a report, the purpose of which was to set out the Council's approach to meeting the savings targets identified in the Medium-Term Financial Plan.

Following approval by Council of the 2017/18 Budget on 1 March 2017, this report refreshed the Council's Strategic Plan to 2020/21, incorporating its Medium-Term Financial Plan and Investment Strategy for the same period.

The Executive Member for Finance and Governance advised that the report incorporated the details of the 2017/18 Budget approved on 1 March 2017.

Paragraph 23 -28 contained details of the improved performance of the Council. The Executive Member advised that 99% of the staff that had experienced agile working had commented that the initiative had met or exceeded their expectations.

Moved, seconded and **ORDERED** that the Strategic Plan 2017-21, be approved, ensuring that the Council's overarching business plan remains fit for purpose, and enabling a systematic, coherent and controlled approach to addressing the Council's ongoing financial challenges over the medium-term, while maximizing its contribution to the 2025 Vision for Middlesbrough.

16/92 **PAY POLICY STATEMENT 2017 – 2018**

The Strategic Director of Finance, Governance and Support submitted a report, the purpose of which was to seek approval of the 2017-18 Pay Policy Statement.

The Executive Member for Finance and Governance advised that the recommendation

contained in the report should be amended to "That the 2017-2018 Pay Policy Statement is approved by Council".

Moved, seconded and **ORDERED** that the 2017-2018 Pay Policy Statement be approved.

16/93 **MORTGAGE INTEREST RATE 2017 - 2018**

The Strategic Director of Finance, Governance and Support submitted a report, the purpose of which was to set the Local Average Mortgage Interest Rate for the six months commencing 1st April 2017.

The Executive Member for Finance and Governance presented the report.

Move, seconded and **ORDERED** as follows:

- a) That the Local Average Interest Rate for the period 1st April 2017 to 30th September 2017 be set at 4.675%.
- b) That the rate specified above be used for all Housing Mortgages for this period.

16/94 **CODE OF CORPORATE GOVERNANCE REVIEW**

The Strategic Director of Finance and Governance submitted a report, the purpose of which was to set out the revised Local Code of Corporate Governance, attached at Appendix 1 to the report, for consideration by Council.

The content of the Local Code had been revised this year to reflect the latest CIPFA Solace guidance 'Delivering Good Governance' (2016). This guidance set out seven principles for good governance, supported by sub-principles and examples of evidence that would demonstrate that an organisation's governance processes, systems and policies are in line with the principles of good governance.

The draft Local Code of Corporate Governance outlined how the Council would meet those principles. Progress in meeting those principles would be assessed by the Annual Governance Statement which would be published alongside the Statement of Accounts later in the year.

The draft Code was considered by the Corporate Affairs and Audit Committee at its meeting on 9 March 2017. The Committee was supportive of the proposal to revise the code to reflect current best practice guidance.

Moved, seconded and **ORDERED** that the draft Local Code of Corporate Governance be approved.

16/95 **THE ALCOHOL STRATEGY, STATEMENT OF LICENSING POLICY AND THE LOCAL ALCOHOL DECLARATION**

The Executive Director for Economic Development and Communities submitted a report, the purpose of which was as follows:

1. To seek Council approval for the Statement of Licensing Act Policy 2017-2022 and the Alcohol Harm Reduction Strategy, 2017-2022.
2. To seek Council support for the sign up to the Local Government Alcohol Declaration.

The Assistant Director of Improving Public Health presented the report to Council. A member requested that the Council pursue the aim of having a minimum price for alcohol. The Executive Member for Adult Social Care advised that the Council had passed a report a few years previously which had supported introducing a minimum price for alcohol but the Government had chosen not to pursue the initiative, however the campaign to introduce a minimum price for alcohol was ongoing.

Moved, seconded and **ORDERED** as follows:-

1. That the Statement of Licensing Policy 2017-22 be approved.
2. That the Alcohol Harm Reduction Strategy 2017-22 be approved by Council and that approval be given for the sign up to the Local Government Alcohol Declaration.

16/96 **NOTICE OF URGENT MOTION**

There were no urgent motions for this meeting.

NOTED

16/97 **MEMBERS' QUESTION TIME (IF ANY)**

There were no questions for this meeting.

NOTED

16/98 **CONSOLIDATION OF THIRTEEN GROUP**

The Strategic Director of Finance, Governance and Support submitted a report, the purpose of which was to inform Council of the proposed group consolidation of Thirteen Group, and the associated impact on Erimus Housing Limited, and to seek Council's approval of the recommended way forward.

The report stated that Thirteen Group provided services to its partners which owned and managed 34,000 homes across the North East and Erimus Housing was one of those partners. Thirteen Group had proposed to simplify the group structure by consolidating Erimus Housing and the other three registered providers in the group to form a single registered provider operating across all the current operating areas by 30 June, 2017, subject to all necessary approvals being in place.

The proposal would result in the organisation being led by one single board. Existing Board Directors from across Thirteen Group would be invited to apply for the new positions on the new Thirteen Board and Committees, subject to having the required skills and knowledge, with external recruitment being sought for vacancies as a result of any skills gaps or insufficient appropriate applications.

The proposals ultimately aimed to streamline Thirteen Group operations and the borrowing arrangements of the group, and enable more efficient investment in the provision and development of social housing and releasing financial capacity across the group and ultimately facilitate further investment in Middlesbrough.

The Council was required to consent to the proposed change to the existing Articles of Association as stated in the proposed Heads of Terms attached at Appendix 1 to the report.

A proposed Collaboration Agreement which specified that Thirteen Group would undertake to develop 500 new homes in the Borough within the next 5 years, invest £376m in its stock in the Borough over the next 30 years, and had agreed that the Council and Thirteen Group would work together to manage current neighbourhoods and encourage social investment was attached at Appendix 2.

Moved, seconded and **ORDERED** that subject to the amendment to para 3.2.5 of the Collaboration Agreement to say "the parties will promote the involvement of tenants and will manage current neighbourhoods and encourage social investment" that:

- a) Council consents to the proposals for consolidation as outlined in the Heads of Terms (Appendix 1) subject to the parties subsequently entering into a Collaboration Agreement in

the form annexed to those Heads of Terms (Appendix 2); and

b) the Head of Legal and Democratic Services be given delegated authority to conclude a Deed of Variation to the Transfer Agreement and such other documentation in achieving the consolidation, in consultation with the Chief Executive and the Strategic Director of Finance, Governance and Support.

16/99

COUNCIL DIARY

The Head of Legal and Democratic Services presented a report to request approval of the draft programme of Council Committee meeting dates for the Municipal Year 2017-2018. A copy of the proposed dates was attached at Appendix A to the submitted report.

A member suggested that the Council meeting scheduled for 10 January 2018 be moved to 24 January 2018 and the meeting scheduled for 14 February 2018 be cancelled as some council officers could be on leave during the Christmas holiday period during the submission deadlines for Council questions

Moved, seconded and **ORDERED** that the draft programme of Council Committee meeting dates for the Municipal Year 2017/2018 be approved subject to the following:-

1. The meeting scheduled for 10 January 2018 be moved to 24 January 2018.
2. The meeting scheduled for 14 February 2018 be cancelled.

16/100

CHANGE OF DATE OF ANNUAL COUNCIL MEETING

The Monitoring Officer submitted a report, the purpose of which was to seek Council's agreement to reschedule the forthcoming Council meeting, from 17 May 2017 to 31 May 2017.

The Annual General Meeting of the Council was currently scheduled to take place on Wednesday, 17 May 2017, with papers being published on 9 May 2017. However, given the proximity of the Tees Valley Combined Authority Mayoral Election, and the inevitable unavailability of key staff in the immediate run-up to the meeting, the Chair of the Council suggested that the meeting be rearranged to 31 May 2017, to allow additional preparation time.

Moved, seconded and **ORDERED** that the Annual General Meeting of the Council be rescheduled to 31 May 2017.

16/101

APPOINTMENT OF INDEPENDENT PERSONS

The Monitoring Officer submitted a report, the purpose of which was to seek Council's agreement to the appointment of new Independent Persons.

Under the provisions of the Localism Act 2011, the Council is required to appoint Independent Persons to act in relation to, amongst other things, standards and Code of Conduct complaints.

The current Independent Person had indicated that, given the growth in her practice and her Judicial commitments, she did not wish to continue in the role. Applications for the role were, therefore, sought, and applications were received from Mr G Fell and Mr T Mitchell.

The Monitoring Officer had met with both candidates, and was satisfied as to their suitability of character and qualifications. It was also recognised that it was good practice to have more than one Independent Person appointed by the Council, and it was therefore the Monitoring Officer's conclusion that both candidates ought to be appointed. In addition, it was the Monitoring Officer's view that Mr Mitchell was suitably qualified to assume the role of independent pension's adjudicator.

Moved, seconded and **ORDERED** as follows that Council:

1. Approve the appointment of Mr Fell and Mr Mitchell as Independent Persons, with effect from 1 April 2017.
2. Approve the appointment of Mr Mitchell as the Council's independent pension's adjudicator, with effect from 1 April 2017.