

**MEETING OF MIDDLESBROUGH COUNCIL**

At the Meeting of Middlesbrough Council, lawfully convened, and held in the Town Hall, Middlesbrough on 28 March 2018.

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

**ALSO IN ATTENDANCE:** M Smiles - Lead Petitioner - Presenting a petition

**OFFICERS:** M Allinson, S Bonner, J Bromiley, B Carr, L Henman, A Hoy, D Johnson, J McCulloch, T Parkinson, B Roberts and J Shiel

**APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Councillor D J Branson, Councillor F McIntyre, Councillor J McTigue, Councillor J Sharrocks, Councillor J Young.

**DECLARATIONS OF INTERESTS**

None Declared.

**1 MINUTES - COUNCIL - 24 JANUARY AND 7 MARCH 2018**

The minutes of the Council meeting held on 24 January 2018 were submitted and approved as a correct record.

The minutes of the Council meeting held on 7 March 2018 were submitted and approved as a correct record, subject to the following:

A member pointed out that the Monitoring Officer had announced that the figures for the outcome of the recorded vote held on 7 March 2018, in respect of the Revenue Budget, Council Tax, Medium Term Financial Plan and Prudential Indicators for 2018/2019, were as follows:

Votes for (28); Votes against (8); Abstained from Voting (2).

The Monitoring Officer subsequently emailed members to advise that the figure for Votes against should be (7).

The member indicated that the original figures for the outcome of the recorded vote should have been included in the minutes of 7 March 2018, and the amendment to the Votes against should have been reported to the 28 March 2018 Council meeting.

**NOTED****2 ANNOUNCEMENTS/COMMUNICATIONS**

There were no Announcements or Communications for this meeting.

**3 PETITION**

The Executive Member for Education and Skills received a petition, on behalf of the Council, regarding a Section 106 agreement relating to a planning application for the Grey Towers Village.

M Smiles, the Lead Petitioner, addressed the Council, and advised that in 2012, the developer

of Grey Towers Village had agreed to pay the Council an education contribution of £750k for the provision of educational services and infrastructure at Chandlers Ridge Primary School. Five years later, the Council was exploring making changes to this agreement so that the money could be spent on schools across the whole of Middlesbrough.

The Council was advised that Chandlers Ridge School was already struggling with maintaining and improving the infrastructure for the children already attending the school, as it received one of the lowest amounts of funding per child in the whole of Middlesbrough, because Nunthorpe was an area of relative low deprivation. The school had planned to use the funding for outdoor facilities, a bigger nursery and improved classroom facilities for all. The lead petitioner pointed out that her two children attended the school and her child's classroom did not have a window. The lead petitioner provided examples of comments from residents regarding the decision about the funding and advised that she hoped that the submission of the petition demonstrated how unhappy people were with the situation.

The Executive Member acknowledged receipt of the petition and agreed to forward the petition to the relevant officers for consideration.

Moved, seconded and **ORDERED** that the petition be received, noted and forwarded for consideration.

#### 4 **MAYOR'S STATEMENT AND REPORT**

The Mayor stated that he wished to speak about four different issues, the first being the appalling weather conditions over the two previous weeks. The Mayor advised that he wished to thank all of the staff for their efforts in keeping the people of Middlesbrough safe. Beyond that, he wished to thank the people of Middlesbrough who did kind and thoughtful things.

The second issue was in relation to the anti-social behaviour and criminal activity in East Middlesbrough, that had been highlighted in the press in the previous few weeks, but in particular, in the areas of Berwick Hills, Pallister, parts of Park End, Belle Vue and particularly around the Norfolk shops area.

The Mayor advised that many things were being done to address the situation. The Mayor stated that he had a list of things that the police were doing. The police had arrested 20 people so far, and further police action was continuing in many different ways, using different parts of the law, to try to improve the situation.

The situation had brought all kinds of people together, the police, local Councillors, the Council, local business owners and landlords, all working together in different ways, to find satisfactory conclusions. The police were keeping residents informed of any developments via social media. An article was due to be published in the Gazette regarding the situation.

The Mayor advised that the Council was carrying out, in conjunction with the police, joint home visits, issuing anti-social behaviour warnings, acceptable behaviour contracts, they had also installed a CCTV system which covered the whole of the Norfolk Shopping precinct.

Preventative work was ongoing, some of which would have an immediate impact and some that would have a long term impact and Ward Councillors had been involved in this preventative work. There was a good communication system in place between the Police, the Council, local Councillors, the Mayor and the Chief Executive to keep people updated with regard to what was happening.

The Executive Member for Culture and Communities, who had Executive responsibility for the issue and was also Ward Councillor for one of the areas affected, had met with representatives from the shops from Norfolk Place. Local schools had been involved, the UCA, in particular, had a meeting with local Councillors and Councillor McGee had been involved in this. Students from UCA were going to hand out community safety leaflets at Norfolk Shops. The Community Council and Middlesbrough Environment City had also been involved. Police School Liaison Officers were working in schools and youth outreach work continued.

A Joint Action Plan had been developed and the Joint Action Group (JAG) would monitor the plan. A Task and Finish Group had also been set up to address the issues around Norfolk Shops.

The Mayor reassured Members that all the agencies were working together to rectify the problems with the anti-social behaviour issues and criminal activity in areas of East Middlesbrough and come up with some long term solutions.

The third issue the Mayor wished to talk about was in relation to awards. Middlesbrough Council's Investment Plan was highly commended for Driving Growth at the recent Local Government Chronicle Awards. It was another acknowledgement of the Council's Investment Plan and how it was viewed outside of the town. Middlesbrough had also been named as one of the top ten small cities in Europe, with a small city being classed as any city with a population of a million and a half people.

The fourth issue was that the Council had been handed the keys to the Town Hall back from Kier. The Mayor advised that the transformation was amazing. He urged people to have a look at the Town Hall and he stated that the Council must ensure that the Town Hall was used in different and new ways.

A member stated that he welcomed the comments from the Mayor. He stated that the behaviour in the Berwick Hills and Pallister areas was beyond anti-social behaviour, it was criminal behaviour. He stated that the police were fully focussed on the problem and Ward Councillors had been working with the PCC and the Chief Constable with regard to the problems. He welcomed the multi-agency approach to the issues through the Joint Action Group. There had been issues festering for some time and work was ongoing with the JAG to create positive, diversionary activities and it was hoped to continue doing this.

A member reiterated the comments made by the Mayor and she stated that she would like to reaffirm that there was some fantastic people working on great projects within Unity City Academy. The member had also attended a Fearless Futures Project. The people from the project had then spoken at an International Women's Day event and that work would continue.

A member commented that the work that was ongoing with the police had identified that the young people that had been intercepted by the Police had been from all the areas of the town, not just the Berwick Hills and Pallister areas. He emphasised that the problems faced in these areas were a town wide issue.

## 5 **DEPUTY MAYOR AND EXECUTIVE MEMBER REPORTS**

The Chair advised that twenty two Executive Member questions had been submitted. Given the size of the agenda, the Chair indicated that he had decided to limit the time for questions on Executive Member reports to thirty minutes. He requested questions and answers on the reports to be precise. Only one question per Member would be allowed in the first instance and if there was time left before the thirty minutes had elapsed, Members that had submitted a second question, would be able to ask their second question. The Chair requested that the Monitoring Officer keep a note of the time.

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).

### a) Middlehaven Snow Centre Step Forward

A Member referred to page 3, paragraph 6 of the report of the Deputy Mayor and Executive Member for City Centre Strategy in relation to Middlehaven Snow Centre Step Forward.

The Member commended the Executive Member and officers in respect of their work in relation to the Snow Centre. The Snow Centre was set to be catalytic in respect of the

regeneration and transformation of Middlesbrough and the wider Tees Valley. It was anticipated that the Snow Centre development was likely to create 350 jobs and the scheme would trigger further investments in the Middlehaven area, generating further opportunities. The Member commented that the Snow Centre formed part of the Council's Investment Plan and the project was a key part of the Council's Investment Prospectus, providing a bold vision for creating jobs and attracting investment in Middlesbrough.

The Executive Member stated that the Snow Centre was a great boost for the city centre and he commented that it was a private sector initiative assisted and facilitated by the Council.

The Chair announced that the next two questions were in relation to the same subject and they were both in respect of the report of the Deputy Mayor and Executive Member for City Centre Strategy. He suggested that the two Members ask their questions and that the Executive Member respond to the two questions at the same time.

b) Centre Square

A Member referred to page 2, paragraph 3, of the report of the Deputy Mayor and Executive Member for City Centre Strategy in respect of Centre Square.

The Member commented that the report stated that the Council's commitment to buildings 1 and 2 would prove that there was sufficient demand for high quality office space in Middlesbrough, to enable the development of future phases. The Member queried how Middlesbrough Council, taking over those buildings, could prove that there was any demand for office space and if there was a demand she queried why the Council was moving in. She queried what had happened to the firms that the Planning meeting had been advised of, that were wanting to move into those buildings and create 1500 jobs.

c) Centre Square

A Member referred to page 2, paragraph 3, of the report of the Deputy Mayor and Executive Member for City Centre Strategy in respect of Centre Square.

The Member queried how much the rental would cost Middlesbrough Council over the period of time.

The Executive Member advised that it was made clear at the Executive meeting that of the two buildings leased by the Council, that one would be used by the Council and the other would bring in a profit. The Council was negotiating with people who wanted to come to the building and the expected rental was up by 10% and there was already more people interested in the floor space available. The Council was not guaranteeing this but the Council did have ambitions and hope.

d) Snow Centre

A Member referred to page 3, paragraph 6 of the report of the Deputy Mayor and Executive Member for City Centre Strategy in relation to Middlehaven Snow Centre Step Forward.

The Member queried with regard to what due diligence had been undertaken in respect of the company Cool Runnings.

The Executive Member advised that normal due diligence had been undertaken for a project of this size. This was a £30m pound investment in Middlesbrough and Cool Runnings were a Middlesbrough company and the Council had helped them facilitate the project.

e) Middlesbrough Rail Station Master Plan

A Member referred to page 4, paragraph 7 of the report of the Deputy Mayor and Executive Member for City Centre Strategy in relation to Middlesbrough Rail Station,

The Member commended the Council for its ambitious plans. He queried with regard to what

plans the Council had in place to secure the finance to deliver the project.

The Executive Member advised that the south entrance was due to be opened soon. He stated that the Council had worked with Network Rail and the other companies involved. They had also enlisted the assistance of the Local MP to drive the project forward. The Combined Authority had contributed to the project. The Council was seeking further funding and if the Council secured any further investment it would be used to create a third platform. It was hoped that this would be a city centre Railway Station.

Prior to the next question a Member commented that he had submitted a question in relation to the Snow Centre. The Chair apologised and advised that a check would be undertaken to see if the submitted question could be identified. In the meantime the next question for the Executive Member for Adult Social Care and Public Health would be posed.

f) Out of hours inspections of food businesses

A Member referred to page 7, paragraph 32 of the report of the Executive Member for Adult Social Care and Public Health in relation to Out of hour's inspections of food businesses.

The Member queried how many food premises had been closed due to enforcement activity in the last year. The Executive Member advised that she could not give an exact number but she would try and get the figure to the Member. The Council tried not to close premises unless there was a public health issue. The authority had 1200 premises and 600 were inspected each year. 92% of food premises were rated 3 to 5 in terms of food hygiene rating and 82% were in the top national standard.

The Chair advised that the missing question on the Snow Centre had been found and he invited the Member to pose his question.

g) Snow Centre

A Member referred to page 3, paragraph 6 of the report of the Deputy Mayor and Executive Member for City Centre Strategy in relation to Middlehaven Snow Centre Step Forward.

The Member stated that the Council had helped to facilitate the Snow Centre with a grant of £94.5k joined up with £235k from the Combined Authority. He queried whether the capital build financing had been found yet. The Executive Member advised that the firm had already engaged expensive architects and they were due to start on the Snow Centre this year. The company were a private enterprise and the Executive Member was not privy to that information.

The Member queried whether he could ask a supplementary question. The Chair advised that due to the large volume of questions and the number of agenda items he had decided not to allow supplementary questions as per the authority granted to the Chair of the Council, at paragraph 1 of the Constitution.

h) Assessment and Care Planning

A Member referred to page 3 of the report of the Executive Member for Children's Services in relation to Assessment and Care Planning.

The Member queried with regard to what was the minimum, maximum and the average caseload of a Social Worker.

The Executive Member advised that nationally it was anticipated that the caseload would be 20 cases per Social Worker. Because there was a high proportion of newly qualified Social Workers they were not allowed to have more than 15 cases, it meant that other, more experienced, Social Workers could have up to 25 cases.

i) Successful Funding: Musinc

A Member referred to page 1, of the report of the Executive Member for Culture and Communities and advised that she was really pleased to see the reference in the report regarding funding for the Musinc project.

The Member stated that music could play a critical role in the intellectual and academic development of children and the earlier children were introduced to this project, the better. The Member queried whether the project was sustainable and whether it suggested the revitalisation of the very valuable and highly thought of Tees Valley Music Service.

The Executive Member advised that the Council had been given significant funding to support this project. Music was sometimes seen as an elitist pursuit and he hoped the project would reach out to disadvantaged children.

The Executive Member advised that he recognised the benefits and advantages of encouraging young people to become involved in music.

j) International Women's Day

A Member referred to page 4, paragraph 6, of the report of the Executive Member for Culture and Communities and stated that he hoped the event was a success however he was unable to attend but it had his full support.

The Member then made a number of statements that referred to individual officers and the Chair advised that the Constitution did not allow this.

k) Place based approach to resettlement and asylum - Home Office and Local Authority pilot

A Member referred to page 5, paragraph 9, of the report of the Executive Member for Culture and Communities and stated that she was pleased to note that in 2017, the Home Office sought to develop a more joined-up conversation on asylum and refugee matters with local authorities. It had been decided that the Home Office would consult with a small number of local authorities to promote a greater partnership with local authorities and enable the Home Office to better understand how their systems and processes interact with local services and the Home Office.

Middlesbrough had been approached to be part of a development pilot scheme to look at data sharing, complementary systems of providing accommodation and living standards. The Member stated that, hopefully, Middlesbrough's participation in the scheme would have an impact nationally. The pilot study would result in recommendations that would be implemented across the country to help develop social regeneration across the towns. It would demonstrate how Middlesbrough had built greater understanding and influence, nationally, with regard to this issue.

The Executive Member commended the excellent work that the Member did, along with others in the community, in supporting those seeking asylum or who were refugees.

The Executive Member stated that as Chair of the North East Migration Partnership (NEMP), part of his role was to co-ordinate activities across the North East, with local authorities and with third sector organisations to manage the process of resettling people seeking asylum and refugees. Representations had been made to the Home Office to advise that local authorities in particular Middlesbrough had a lot to offer and he was pleased that the Home Office was going a little way to support the work that local authorities were doing. The Executive Member stated that our town welcomed refugees and asylum seekers. He stated that there were some local authorities who were not prepared to play their part in support refugees and asylum seekers.

l) Local History Month

A Member referred to page 4, paragraph 8, of the report of the Executive Member for Culture and Communities in relation to Local History Month.

The Member referred to the collection of walks, talks, tours and exhibitions and she queried with regard how attendance at the tours would be advertised and she encouraged everyone to attend.

The Executive Member advised that the tours, talks and exhibitions had proved to be very popular and some events had been over-subscribed. He urged Members to promote the events to the residents of the town as the town had a fascinating history.

m) Building Team Capacity: Recruitment

A Member referred to page 3, paragraph 4, of the report of the Executive Member for Culture and Communities in relation to Building Team Capacity: Recruitment. The Member referred to the two new Senior posts that had been created in Culture and Communities. He stated that the department already had three Senior Management posts in the department (Business Development Manager, Cultural Services Manager and a Marketing and Communications Manager), and he queried with regard to how new Senior posts could be created if the Council were short of money.

The Executive Member stated that reference had already been made to the Town Hall which was a fantastic venue. It provided a cultural offer which extended beyond the boundaries of Middlesbrough. It was important that the offer matched the investment that the Council had put in. It was important that a Programme Manager was in place to put forward a programme that went beyond the traditional offer and used the extended space to host a whole range of activities.

The Executive Member stated that he had already made reference to the importance of the history and on raising the profile of the town and the impact it had on tourism.

He stated that both the Museums Head of Transformation and the Town Hall Head of Programmes posts were very important and he was pleased that the Council had them.

n) Pybus Building

A Member referred to page 1, paragraph 2, of the report of the Executive Member for Economic Development and Infrastructure with regard to the Pybus Building.

The Member advised that the Pybus Building was a beautiful historic building located on Roman Road. The building was currently being used by Tesco Express, and they had removed part of the balustrade of the original building. The removal of the balustrade was noticed by the local labour councillors in Linthorpe and Park Ward, and highlighted with the local MP. As a result Tesco were contacted to see what was happening.

Tesco had removed the balustrade from the building, which was located in a Conservation Area, without the appropriate planning permission. Swift action was taken by the Council to arrange a meeting with Tesco, which the Member had attended on behalf of the local MP, Andy McDonald accompanied by Council officers. The Member wished to thank everyone, including local Councillors and officers of the Council, for their swift action in responding to the issue. Members of the Pybus family had contacted the MP's office to thank everyone for their actions.

The work had now ceased and Tesco intended to submit the necessary forms to the Planning Department to remedy the issue. The Member had advised that the balustrade need to be reinstated in its original condition.

The Executive Member thanked the Member for his comments, which he would pass on to the officers concerned. He advised that he and officers from the Council were continuing to meet with Tesco, and had made their position clear; in that the heritage elements of the Pybus Building should be put back to their original state.

o) Bereavement Services: Dementia Friendly Middlesbrough

A Member referred to page 4, paragraph 11, of the report of the Executive Member for Environment and Commercialisation in respect of Bereavement Services: Dementia Friendly Middlesbrough.

The Member stated that she was pleased to see that Middlesbrough Council's Bereavement Service had received their badges and certificates for their Dementia Awareness Training. Encouraging Middlesbrough Council staff to support people in this way was to be applauded and encouraged. The Member stated that the Social Care and Adult Services Scrutiny were looking at issues around loneliness and isolation and this was another area that the awareness of Council staff could be important. The Member stated that it was pleasing to see that Middlesbrough Council staff went the extra mile to ensure that services were delivered with compassion and care.

The Executive Member thanked the Member for her comments which were duly noted.

p) Budget Setting

A Member referred to page 3, paragraph 17, of the report of the Executive Member for Finance and Governance in relation to Budget Setting.

The Member commented that the Executive Member had in paragraph of her report referred to the fact that opposition councillors from other local authorities had been prepared to submit alternative budget proposals, following a proper process, ahead of the council meeting. The Member queried whether the Executive Member could provide any examples of local authorities where this had occurred.

The Executive Member stated that Wrexham had submitted an 8 page document which included reference to risks etc. submitted from the Labour opposition. The Wirral Conservative opposition had submitted an alternative budget in advance. Darlington and Stockton Councils had both submitted alternative budget proposals which had gone through the proper process of going through their S151 Officers.

The Executive Member stated that it was important that the proper process was followed when submitting an alternative budget. The budget proposals needed to be checked to ascertain if it was viable; if it was legal, if the proposals were part of the Revenue budget rather than the Capital budget in order that the appropriate impact assessment could be carried out and in order for Members of the Council who were tasked with setting a balanced budget could see the proposals prior to them being agreed. The Executive Member stated that she hoped that if an alternative budget was to be submitted for the next financial year, that the proper process would be followed.

q) Council Tax leaflet

A Member referred to page 3, paragraph 21, of the report of the Executive Member for Finance and Governance in relation to Council Tax Leaflet.

The Member stated that the leaflet that was issued with Council Tax Bills was excellent and she wanted to commend the team that had put it together. It was visually interesting, it showed what the Council was doing to provide services to residents of Middlesbrough and how money was being spent. It also showed how Middlesbrough was investing and developing in the town.

The Executive Member advised that she would pass the comments on to the officers concerned. A large proportion of the Revenue Budget was used for looking after children and the elderly. Council Tax receipt covered 23% of the budget... The Executive Member highlighted that it showed that the Investment Programme was not directly funded by the Council Tax it was funded by the Capital Programme and the Council were good at bringing in grants for this.



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

The Chair of the Health Scrutiny Panel advised that he thought it appropriate to inform members with regard to the situation in respect of respite provision for people with learning disabilities, complex needs and autism. Reference was made to the proposals put forward by the Clinical Commissioning Group (CCG) to reconfigure the service, which was currently provided by Aysgarth and Bankfields Court, and reduce respite provision for people with learning disabilities, complex needs and autism. These proposals affected 90 people across the Tees Valley area and 34 of those affected were from Middlesbrough.

The Council had the power, through the Health Scrutiny Panel, to refer any matter to the Secretary of State for Health, if it considered them to be contentious or if it disagreed with the proposals. The Tees Valley Joint Scrutiny Committee had established a Respite Opportunities and Short Breaks Joint Health Scrutiny Committee, which included members from Hartlepool, Middlesbrough, Redcar and Stockton Councils, to scrutinise the proposals.

Middlesbrough and Redcar and Cleveland Council were minded to refer the matter to the Secretary of State for Health because they disagreed with the proposals put forward for the respite facilities in respect of their residents but Hartlepool and Stockton had decided instead, to keep a watching brief. Currently Middlesbrough had joined up with Redcar and Cleveland Council on the South Tees to have discussions with the CCG with regard to how to progress the matter, which was something that the Council were obliged to do, before referring the matter back.

The Health Scrutiny Panel's view was that the respite facilities for people with learning disabilities, complex needs and autism should continue at the above venues. The current respite facilities were a clinical provision with clinical oversight with nurses and doctors. The notion that choice would be expanded was welcomed. The Panel would continue to press for appropriate provision of respite with the appropriate oversight.

A member commented on the difference that the Selective Licensing scheme had made in the North Ormesby area and commented that she would like to the scheme expanded across the town if funding was available.

## **NOTED**

### **7 PAY POLICY STATEMENT**

The Strategic Director of Finance, Governance and Support submitted a report, the purpose of which was to seek approval of the 2018 - 19 Pay Policy Statement.

The Executive Member for Finance and Governance advised that the Pay Policy Statement was required to be considered by the Council on an annual basis. The Executive Member outlined the changes to the Pay Policy Statement since the report had last been submitted to Council.

Reference was made to paragraph 9, in relation to remuneration of staff, which had increased due to the recent pay award.

Reference was also made to paragraph 17 which had been added in to the Pay Policy Statement as a result of a recommendation of best practice from the auditors.

The Chair advised that a number of Councillors had indicated that they wished to speak in relation to the report.

A member stated that many of Middlesbrough Council Apprentices were paid significantly less than the living wage and he stated that these apprentices were the Council's lowest paid employees and this should be reflected in the Pay Policy Statement. The report stated that apprenticeships had been excluded from the Pay Policy Statement as the salaries attributable to apprenticeships were in line with those set out within National Minimum Wage legislation.

The member queried whether, in the spirit of openness and transparency, the Pay Policy Statement could be amended to include the pay of Apprentices.

The Executive Member clarified that the paragraph that had been added in the Pay Policy Statement, as a result of a recommendation from the auditor, was paragraph 16, rather than paragraph 17.

The Executive Member stated that she did have sympathy with what the member was saying. The question had been raised and discussed within the Labour Group, although it was not a party political issue. The Community Learning Service were in the process of developing an Apprenticeship Strategy, and linked to that, they were proposing to review the terms and conditions and rates of pay for Apprentices, to bring them more in line with other employees. Apprentices contracts involved time for off the job training, required as part of the National Apprenticeship Framework. It was expected that this piece of work would be completed within six months and a report would be submitted to Executive. The Executive Member stated that she would be happy to advise the member when the report was due to be submitted to Executive.

A member referred to paragraph 9 of the report in respect of the increase in the remuneration of the Monitoring Officer, when the department had suffered job losses and had a target to reduce costs of 50%. The Chair advised that as the question related to the pay of an individual officer, the question could not be answered.

A member referred to page 4, top paragraph, in relation to the statement that, 'the Council retains the discretion under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales Regulations) 2006 to offer discretionary payments'. The member queried with regard to what the statement meant and which officers of the Council could benefit from this provision.

The Executive Member advised that the Pay Policy Statement applied to all officers.

A member stated that the legislation that the member was referring to, allowed for discretionary payments of up to two years' salary to be paid to Senior Officers. The MICA group felt that an exit payment of up to two years, potentially being paid to a Senior Officer, given the high turnover of Chief Executive Officers, in particular, was abhorrent. The group had concerns with regard to the discretionary elements of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales Regulations) 2006, being approved by the Chief Officer Appointments Committee, (which could be held in private), rather than the full Council. The member stated that the MICA group would like to move that all future 'pay offs' were brought to full Council

The Executive Member advised that this was a proposal to amend the Pay Policy Statement rather than a question.

The Chair requested the member to put forward the amendment to the Pay Policy Statement.

An amendment to the Pay Policy Statement was moved by Councillor Rathmell and seconded by Councillor Hubbard, as follows

That the Pay Policy Statement reflect that Senior Officer's final settlements, with the discretionary two years pay also included, come to full Council rather than by a labour dominated committee, behind closed doors.

On a vote being taken the amendment was declared **LOST**.

Moved, seconded and **ORDERED** that the 2018 - 2019 Pay Policy Statement be approved.

8

## **STRATEGIC PLAN 2018 - 2022**

Council received and considered a report of the Chief Executive which sought approval of the Strategic Plan 2018 - 2022.

The report refreshed the Council's overarching Strategic Plan, which set out its contribution to the Mayor's Vision for Middlesbrough, and extended it to 2021/22, in line with the revised Medium-Term Financial Plan agreed by Council on 7 March 2018.

The Mayor advised that the text had been edited by the Plain English Campaign and had received a Crystal Award. The Mayor stated that he hoped the Strategic Plan was more readable and he hoped that this would be the way forward for future Council documents.

A member stated that he appreciated the Mayor's comments and he queried whether there was a large print version of the document available. The Mayor advised that this would be made available.

Moved, seconded and **ORDERED** that the Strategic Plan 2018-22, be approved, ensuring that the Strategic Plan remained fit for purpose, and enabling a systematic, coherent and controlled approach to addressing the Council's ongoing financial challenges over the medium-term, while maximising its contribution to the 2025 Vision for Middlesbrough.

## 9 **MORTGAGE INTEREST RATE**

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 2018.

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 2018 - 30th September 2018 be set at 4.106%
- b) That this rate be used for all Housing Mortgages for this period.

## 10 **MEMBERS' QUESTION TIME**

The detail of the specific question was included at Agenda Item 13.

Question 6/17 - Councillor T Lawton to the Executive Member for Finance and Governance - Regarding the Call-in of the Centre Square decision.

In response to the question from Councillor Lawton, the Executive Member for Finance and Governance clarified that the decision taken in respect of Centre Square, was taken by the full Executive. The Executive Member advised that when committing to the level of expenditure involved in the project, the risks involved had to be considered.

The relevant risks and consequences delivery were outlined at paragraphs 83 - 96 of the Options Appraisals Risk Assessments, within Part A of the report in relation to Centre Square East office development, which was considered by the Executive on 20 February 2018. The Executive Member advised that she had a copy of the information available, if required. The Executive Member confirmed that she had considered this information when making her decision.

This section of the report explored the relative merits of various funding options including the likely financial and socio-economic implications of the do nothing option. Similarly, the confidential element of the report outlined the relative merits of a lease model versus a purchase model. This contained analysis from BNP Paribas, who were a renowned international company. The report stated that 'with regard to new Council accommodation, there was an option for the Council to purchase the completed building. However, utilising third party finance through an overriding lease structure could be a cost effective solution that would transfer the construction risk to a private sector partner, whilst the Council retained the occupational risk'.

The Council's risk had diminished slightly as the Council negotiated a higher rent income for the part of the building that the Council were going to rent out, so lower occupancy rates for the part that the Council was going to rent out, were required. The Executive Member highlighted that although there was a financial risk there was also an economic risk to Middlesbrough. It was a risk if the Council didn't do it because companies would not come to Middlesbrough and the jobs associated with those companies would not be realised. There was also a risk to the retail sector if the businesses were not in place to support the retail sector by spending in the area.

In terms of accommodation for staff, the Council could do nothing but the Civic Centre was not fit for purpose; it cost more in energy costs and it did not support agile working or deliver the savings required for agile working and those were the key risks involved. The Executive Member advised that further was available within the report.

The Member posed a supplementary question. The Member advised that he would like a copy of the information that the Executive Member had referred to earlier. He queried what would happen if there were problems filling up a second multi storey office building. Assuming the Council filled up one building, if the landlord of the second building, in the short term, struggled to fill it and had to pay higher business rates, would there be a risk that the building would be closed down and the Council would end up in the same situation as they were with Gurney House, except it would be right in the centre of town.

The Executive Member pointed out that Gurney House was not 'Grade A' office accommodation, was not fit for modern working practices and businesses were unlikely to want to relocate to that building from outside the area. The risk was partly for the Council and partly for the private developer. There was a break- even position contained in the confidential part of the report. The level of rent assumed for that, was substantially less than what the Council was negotiating, so the break even position required lower occupancy. There was a risk of going forward with the proposals and a risk in not going forward with the proposals.

11

## **NOTICE OF MOTION**

Consideration was given to Motion No. 130, moved by the Mayor - D Budd and seconded by Councillor C Rooney of which notice had been given in accordance with Council Procedure Rules No. 53-60 as follows:

### **Motion on Cleveland Police**

'This Council values and supports the hard work of staff of Cleveland Police. Since 2010 we have seen the cruel reality of austerity on our Police service. Cleveland has lost 500 police officers as a result of the Conservative Government's policies. The government continues to insufficiently fund our police force and as a result precept rises have been necessary to prevent further cuts and protect public safety.

This Council calls upon the government to properly fund our police force and stop putting the burden on local tax payers. The real threat to policing and public safety on Teesside is Tory cuts and the effect those have.

This Council notes the recent Police Federation report showing morale is low amongst officers due to recent attacks on Cleveland Police. We call upon politicians of all parties to properly support the police by demanding fairer funding from government and not further damage morale. This Council recognises the progress which Cleveland Police has made in recent years, including being recognised as 'Good' in efficiency and effectiveness by independent inspectors at HMIC.

This Council will write to the Police and Crime Commissioner and ask him to pass on our thanks and support to officers and staff for all the hard work that they do to protect our communities and keep us safe. This letter will be copied to local Members of Parliament'.

The Chair queried whether the Mayor wished to read the motion out or take it as read. A

member pointed out that it was agreed at the Constitution and Members Development Committee held on 22 February 2017 and ratified at the full Council meeting on 31 May 2017 that all Motions should be read out in full.

The Chair invited the Mayor to propose the Motion and read the Motion out. Councillor C Rooney seconded the Motion.

The Mayor and Councillor Rooney spoke in support of the Motion. A number of other members spoke to the Motion. During the debate, a Point of Order was raised in respect of comments with regard to the Police and Crime Commissioner.

On a vote being taken the Motion was declared **CARRIED**.

## 12 **NOTICE OF URGENT MOTION**

There were no urgent motions for this meeting.

## 13 **COUNCIL DIARY 2018 - 2019**

The Monitoring Officer presented a report to request approval of the draft programme of Council Committee meeting dates for the Municipal Year 2018/2019. A copy of the proposed dates was attached at Appendix A to the submitted report.

Moved, seconded and **ORDERED** that the draft programme of Council Committee meeting dates for the Municipal Year 2018/2019 be approved.

## 14 **REVIEW OF OVERVIEW AND SCRUTINY RULES**

The Monitoring Officer presented a report which sought Council approval of the suggested revisions to the Overview and Scrutiny Procedure Rules which formed part of the Council's Constitution and Call-In Guidance for Councillors, contained within the Members' Handbook, which was considered by the Constitution and Members Development Committee on 19 January 2018 and the Overview and Scrutiny Board on 20 February 2018.

Moved, seconded and **ORDERED** that the suggested revisions to the Overview and Scrutiny Procedure Rules which formed part of the Council's Constitution and Call-In Guidance for Councillors, contained within the Members' Handbook, be approved.

## 15 **CHARTER RECOGNITIONS**

The Strategic Director for Finance, Governance and Support submitted a report which recommended that Council agree to sign up to certain charters and protocols as put forward by the Trades Unions and contained in the report.

A Member referred to page 3, paragraph 10 of the Ethical Care Charter in relation to zero hour's contracts. The Member advised that the report stated that the Council would prefer not to mandate no zero hour's contracts and he queried why this proposal was worded in such a way as to allow agencies to have zero hour's contracts. The member related various quotes from J McDonnell, L McCluskey and D Prentice in relation to zero hour's contracts.

The MICA group indicated that much stronger wording was required for the Ethical Care Charter and suggested the following wording:

Middlesbrough Council does not tolerate the use of zero hour contracts. Contractors are expected to offer set amounts of hours. Middlesbrough Council will not issue contracts to any company that issues zero hour's contracts to employees.

The Executive Member advised that this was a suggestion for an amendment rather than a question however she advised that she would try and explain the situation. The Council

already has contract for this provision. The Executive Member stated that she was not in favour of zero hour's contracts, but in particular, imposed zero hour's contracts. The statement in the report related to the choice of an employee if they wished to opt to have a zero hour's contract, rather than have it imposed upon them.

An amendment to the Ethical Care Charter was moved by Councillor Hubbard and seconded by Councillor Rathmell, as follows:

Middlesbrough Council do not tolerate the use of zero hour's contracts. Contractors are expected to offer set amounts of hours. Middlesbrough Council will not issue contracts to any company that issues zero hour's contracts to employees.

On a vote being taken the amendment was declared **LOST**.

A member referred to page 4, paragraph 17 in relation to the Residential Care Charter. The member queried with regard to which way the current commissioning of residential care provision contractual arrangements did not meet the requirements, when this would be rectified, and how much it would cost to rectify.

The Executive Member advised that she would provide a written response to the question however, the Charter indicated that the Council's current contractual arrangements did not meet the requirements but the Council would aim to build the principles of the Charter into its new contractual arrangements. The Executive Member clarified that the Council currently had contractual arrangements that it was required to adhere to, but when the contracts came up for renewal, the Council would aim to build the principles of the Charter into its new contractual arrangements.

The member requested that the report be deferred until the information and figures requested by Councillor Rathmell, about the timescale and the costs of rectifying the current commissioning of residential care provision contractual arrangements to meet the requirements, had been received.

It was moved by Councillor Rathmell and seconded by Councillor Hubbard that the report be deferred.

On a vote being taken the request that the report be deferred was **LOST**.

Moved, seconded and **ORDERED** that the Council sign up to certain charters and protocols as put forward by the Trades Unions and contained in the report.

16

#### **GRENFELL TOWER TASK AND FINISH GROUP - UPDATE**

The Executive Member for Economic Development and Infrastructure, presented the Grenfell Tower Final Report, in respect of the Task and Finish Group, established following the Extraordinary Council meeting, held on 28 June 2017.

The Executive Member advised that the report set out at paragraphs 6 - 10, the work undertaken by Middlesbrough Council and its partners. The most important thing that members could take away from the report was that none of the buildings that had been surveyed, gave the Council cause for concern.

The Executive Member stated that he would like to thank the Council's officers and those within their partner agencies, who had been working hard to ensure that Middlesbrough residents and those who worked in high rise buildings were safe.

The Executive Member emphasised that safe living and working conditions were of paramount importance, and the efforts of everyone involved had been thorough and had gone beyond the requirements set by the Government.

Members were advised that one of the points raised by the Executive Member at the Extraordinary meeting in June 2017, was that the Council's powers around building

regulations were limited. This continued to be the case, as indicated at paragraph 5 of the report. The Council had written to owners of high rise buildings, but they could only do as much as the legislation allowed, and had no powers to compel a response.

The Executive Member stated that his firm belief, continued to be, that local authorities should be solely responsible for building regulations, and that those regulations needed to be strengthened. Members were advised that although the report presented was the Final Report of the Grenfell Towers Task and Finish Group, it was not the end of the issue. The Mayor and the Executive Member would be writing to the Secretary of State for Housing with a copy of the report to add the Council's name to the call for local authorities to be given more regulatory powers.

#### 17 **OUTCOME OF STANDARDS HEARINGS SUB COMMITTEE - 16 FEBRUARY 2018**

The Monitoring Officer submitted a report, detailing the outcome of the Standards (Hearings) Sub Committee held on 16 February 2018.

The Standards (Hearings) Sub-Committee, held on 16 February 2018, considered a report by the Investigating Officer which concluded that Councillor Lawton had breached the Authority's Members' Code of Conduct in relation to the matters identified in the report. The Standards (Hearings) Sub-Committee decided that the Member had failed to comply with the Members' Code of Conduct and decided that formal censure by motion was appropriate.

In accordance with the Standards (Hearings) Sub-Committee's resolution; the matter of a Motion of Censure was placed before Council in respect of Councillor Lawton's conduct in respect of the matters detailed by the Investigating Officer in the report to the Standards (Hearings) Sub-Committee meeting held on 16 February 2018.

The Chair invited Councillor Rostron to present the report.

A Member raised a Point of Order. He stated that the report that Members were being asked to rely on, and were being asked to consider at Agenda Item 20, was kept confidential under Section 100a of the Local Government Act and the Local Government Act 1972 was applied. The Member stated that the only difference in this report was that the complainant's names had been removed and if Members were to consider the report, he stated that it was only fair that the complainant's names were included and that all parties consent had been obtained in order to review and consider the report. The Member stated that in the absence of that, the MICA group did not want to breach Data Protection, confidentiality or the statute that had been applied.

The Chair invited Councillor Rostron to present the report. Councillor Rostron presented the report and stated that, in accordance with the decision of the Standards (Hearings) Sub-Committee meeting held on 16 February 2018, she would like to formally propose a Motion of Censure against Councillor Lawton. The proposal was seconded.

The Chair invited Councillor Lawton to speak to the Council to provide reasons why he should not be censured. The Chair reminded the Councillor, that it was not a re-run of the hearing.

The Councillor stated that he was not given the opportunity to present his case to the hearing. The Chair advised that it was his understanding that he was given the opportunity to take part in the investigation and the hearing and that he had chosen not to take part in the process.

Councillor Lawton stated that this was not the case. The Chair stated that Councillor Lawton could only present his case outlining why, in his view, he should not be censured. Councillor Lawton proceeded to present his case.

It was Moved and seconded that consideration be given to the motion, to censure Councillor Lawton.

On a vote being taken, the Motion to Censure Councillor Lawton was declared **CARRIED**.

