

MEETING OF MIDDLESBROUGH COUNCIL

At the Meeting of Middlesbrough Council, lawfully convened, and held in the Town Hall, Middlesbrough on 18 July 2018.

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

OFFICERS: S Bonner, J Bromiley, B Carr, J Etherington, A Hoy, S Lightwing, A Pain, T Parkinson, K Whitmore,

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors Councillor J Blyth, Councillor E Dryden, Councillor T Higgins, Councillor C Hobson, Councillor J Hobson, Councillor T Mawston, Councillor D McCabe, Councillor L McGloin, Councillor F McIntyre, Councillor J Sharrocks, Councillor Z Uddin, Councillor J A Walker, Councillor J Young.

DECLARATIONS OF INTERESTS

None Declared.

1 **MINUTES - COUNCIL - ORDINARY MEETING - 20 JUNE 2018 AND EXTRAORDINARY MEETING 20 JUNE 2018**

The minutes of the Ordinary Council Meeting and the Extraordinary Council Meeting held on 20 June 2018 were submitted and approved as a correct record.

2 **ANNOUNCEMENTS/COMMUNICATIONS**

The Chair of the Council announced with sadness, the death of former Middlesbrough Councillor Edmund Pearson. The Chair paid tribute to Mr Pearson, former Councillor for Linthorpe Ward from 1973 - 1979 and Councillor for Kirby Ward from 1987 - 1995.

All present stood in silence as a mark of respect.

3 **PETITION**

The Executive Member for Finance and Governance received a petition, on behalf of the Council, in respect of the Southlands Centre.

Margaret Woods, the Lead Petitioner, addressed the Council in support of the petition. Mrs Woods advised that she was from Park End and Beckfield Community Forum. Mrs Woods stated that the three and a half thousand people who had signed the petition felt very strongly about the Council's decision to close the Southlands Centre. Mrs Woods stated that the petitioners felt the decision should be overturned and reviewed to save the Southlands Centre as the Council had made the wrong decision in this case.

Mrs Woods indicated that she was a former member of the Health and Wellbeing Forum for Middlesbrough and as a member of this body, she had received many reports with regard to the health of the people of Middlesbrough. Mrs Woods provided the Council with statistical information with regard to the lack of progress in improving the health of the people in Middlesbrough from 2009 - 2018. Obesity levels had also increased in 2017. As a keep fit enthusiast, Mrs Woods advised that the keep fit classes she attended had been moved around many different centres over the years, but the Southlands Centre was well used for such activities. With regard to the closure of the Southlands Centre, Mrs Woods advised that if the centre was closed down it would add to the NHS bill.

Mrs Woods urged the Council to review the decision to close the Southlands Centre.

The Executive Member for Finance and Governance thanked Mrs Woods for presenting the petition. The Executive Member stated that as the Extraordinary meeting, which was to be held following this meeting, was with regard to the Southlands Centre, she would address the points raised by Mrs Woods as part of that meeting.

4 **MAYORS STATEMENT AND REPORT**

The Mayor referred to the fourth Annual Staff Awards event which had been held on Friday 13 July 2018. The Awards Ceremony had been reconfigured to reflect the Council's five values and they also now included an award for Apprentice of the Year. The judging arrangements had also been changed and this year the award winners had been selected by the Employee Engagement Group along with the Chief Executive and there had been no political involvement in the judging. The Mayor thanked all the companies that had sponsored the event.

The Mayor advised that the winners of the Staff Awards were as follows:-

Category 1 - Outstanding Communication - Winner - Community Inclusion Service, Impact Drama Group
Category 2 - Working together for Middlesbrough - Winner - Public Health Team, the Live Well Centre
Category 3 - Spotlight on Middlesbrough Council - Winner - School Readiness Team, Mobile Phone Free Zone Project
Category 4 - Customer Excellence - Winner - North Ormesby Street Wardens
Category 5 - Delivering Results - Winner - Taxi Licensing Team
Category 6 - Innovation and Change - Winner - Risk and Resilience Team, Digital Resilience
Category 7 - Apprentice of the Year 2018 - Winner - James Woodgate, Head Start Programme

The Volunteer of the Year award had been awarded to Jan Ryles from North Ormesby Community Hub and the Team of the Year had been awarded to the Special Educational Needs and Disabilities, and Vulnerable Learners Team (SEND and VL).

The Mayor stated that the standard of nominations had been high and he congratulated and thanked all those who had won awards, together with the people that had been nominated for an award, for all their hard work.

5 **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 Council meeting (Sections 3 and 4).

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

a) Snow Centre

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

The Member congratulated the Executive Member on securing the Snow Centre project and he queried whether the Snow Centre was on track to open on time and whether there was any news with regard to any other inward investment surrounding the Snow Centre.

The Deputy Mayor and Executive Member for City Centre Strategy advised that planning permission was due to be sought this year and the Snow Centre was due to open the following year. He advised that the Snow Centre was a private sector initiative, however the Council had helped to facilitate it. He stated that it would be a great attraction for the town.

Members were advised that the Executive Member report highlighted many of the positive things happening in the town including the CEBR Consumer report which was positive about the consumer sector in Middlesbrough.

b) Albert Road Level Surface

A Member referred to page 2, paragraph 3 of the report of the Deputy Mayor and Executive Member for City Centre Strategy in relation to Albert Road Level Surface.

The Member stated that his question was in three parts:

- (i) What was the whole purpose of the development?
- (ii) Did it present safety issues to people with sight or hearing difficulties?; and
- (iii) Given the condition of some of the other roads in the town, whether the development was value for money?

The Member also highlighted that he had always supported the Snow Centre project and he had been part of a Scrutiny Panel that had scrutinised and approved the building of a bridge at the Dock that would help facilitate the Snow Centre.

The Deputy Mayor and Executive Member for City Centre Strategy advised that the development was part of a larger Masterplan for the town and the primary purpose of the Masterplan was to attract businesses to the town, which it had achieved. The aim was to enhance the area around the location of the businesses. The works had been delayed on the road crossing because the businesses wanted to wait until the summer season had ended before disrupting the road and pedestrian traffic.

The Council had consulted with the RNIB regionally and the Older Persons Partnership through the Council's Access Officer. The Council was continuing to consult with both organisations and to date there had been no incidents or accidents reported. The Council would continue to monitor the situation after the work was completed to ensure that there was no detriment to any person with a disability.

c) Openings and Closures

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

The Member stated that there was clearly more shops closing than opening with the closures of Poundland, Lazy Joes, Bargain Buys and the impending closure of the House of Fraser. The Member queried with regard to what was being done to ensure that Middlesbrough had shops fit for the town centre and what the impact had been on the business rates with the closure of the shops.

The Deputy Mayor and Executive Member for City Centre Strategy stated that according to the CEBR Consumer report, Middlesbrough's consumer sector GVA growth rate was 3%, which was the second highest recorded in the UK in Q4 2017, with Middlesbrough being placed second behind Bristol. The Council had taken advice from Centre for Cities about developing work and offices in the city.

House of Fraser was closing at the earliest in 2019 and the Council was already in discussions with people interested in occupying part or all of the building. The business rates were set nationally, however the Council had assisted some of the small businesses including those trading in the Bedford/Baker Street by providing small grants.

Following an interruption to the meeting, the Chair requested that people refrain from interrupting the meeting, whilst a Member was speaking.

d) Boro Baby Fair

A Member referred to page 9, paragraph 16 of the report of the Executive Member for Culture

and Communities in relation to the Boro Baby Fair.

The Member stated that he wished to thank the Council for arranging the Boro Baby Fair. The Member stated that there were stalls from lots of different organisations including the National Childbirth Trust, containing an array of different information including advice on baby dental care, health care for children, NHS services and Breast Feeding Support. There was also a crèche available. It was positive to see the Council supporting young families. The Member also made reference to the opening of a Breast Feeding Cafe in the Live Well Centre and the Breast Feeding Welcome campaign which encouraged businesses to be welcoming places for women who wished to breast feed. The Member stated that this demonstrated how the Council was trying to support new families starting out.

The Executive Member stated that he wished to thank the Member for the excellent work that he and his wife had carried out in respect of making Middlesbrough a Breast feeding friendly town.

Following the Boro Baby fair, the poor access into Central Library had been raised as an issue and the Council was looking to seek funding to resolve the issue.

e) Midsummer Banquet

A Member referred to page 1, paragraph 1 of the report of the Executive Member for Culture and Communities in relation to the Midsummer Banquet.

The Member queried whether the Executive Member could explain why the Council thought it was appropriate to spend £36k on the opening ceremony of the Town Hall when the poorest of the town were relying on charities to eat.

The Executive Member stated that there was no correlation between having a civic launch and child poverty. In his view, the things that were linked to child poverty included the bedroom tax and the two children limit for child tax credits and other such measures. The Executive Member also stated that the figures provided by the Member were not accurate. The Town Hall had received £249k a year up to 2022, towards its running costs, as part of the recognition of its Arts Council England National Portfolio Organisation status. The Town Hall had undergone a £7.7m restoration and the vast majority of the restoration had been funded externally.

The purpose of the civic launch of the Town Hall was to promote the Town Hall as a showcase event. There had been an agreement with the Heritage Lottery Fund to have a civic launch and the Heritage Lottery Fund had funded part of the civic launch in respect of the Southpaw company, the volunteers and the dancers. The launch had been attended by key stakeholders, community groups, business leaders, education leaders and funders. It was a celebration of communities and it provided the opportunity to invite businesses including the University who may be looking to hire the newly refurbished Court Room.

The Executive Member stated that many local people had been involved in the performance of the entertainment and a number of those involved in the performance had passed on their gratitude for the opportunity to be involved in the event.

f) Armed Forces Day

A Member referred to page 4, paragraph 3 of the report of the Executive Member for Culture and Communities in relation to Armed Forces Day.

The Member stated that she wished to thank all the people involved in the organisation of the recent Armed Forces Day event. The Member advised that the Apollo Choir were a new addition to the event.

The Executive Member stated that although he had been unable to attend the Armed Forces event, he had been able to view information on the event on social media. The Executive Member thanked Councillor Arundale and Councillor Lewis for their involvement in the event.

g) Sainsbury's Site

A Member referred to page 1, paragraph 3 of the report of the Executive Member for Economic Development and Infrastructure in relation to Sainsbury's Site.

The Member stated that in the Executive Member's report, reference had been made to the fact that the Sainsbury's unit may be sub-divided and that the Council was waiting for documentation to be submitted so that the planning application could be submitted. The Member stated that he was aware that Cleveland Police had required a COMAH assessment because of potential chemicals releases from a neighbouring site and wind direction. The Member stated that it was the duty of the Council to complete the COMAH assessment and he queried whether the Council could assist the businesses by completing this promptly.

The Executive Member advised that if the COMAH assessment was necessary then the Council would complete it and he advised that he would provide further information to the Member.

h) Tees Valley Combined Authority Bids

A Member referred to page 2, paragraph 5 of the report of the Executive Member for Economic Development and Infrastructure in relation to Tees Valley Combined Authority Bids.

The Member queried whether the Executive Member could describe the proposed measures of suppressing traffic domination in the Tees Valley and building an emphasis on sustainable travel for the future.

The Executive Member advised that as the Council was developing Masterplans for housing, they were looking at ways of reducing the use cars by encouraging people to use public transport and bikes. Through the Masterplan they would be looking at incentives such as providing free bikes or accessories for bikes for new house buyers or providing a number of months free bus travel to promote bus travel. The Executive Member advised that he was engaging with bus companies early on in the process to ensure that the bus routes and the connectivity were available.

i) Sport Participation

A Member referred to page 4, paragraph 8 of the report of the Executive Member for Economic Development and Infrastructure in relation to Sport Participation.

The Member referred to the significant increase in Middlesbrough Leisure Centres which equated to a 22% increase. There was also increased attendance at the Golf Centre and swimming lessons. The Member stated that it showed the commitment in the town to improving public health. It was encouraging to see the figures and he hoped they would continue to increase.

The Executive Member stated that the Council had some great leisure venues and there had been increased investment in the centres. There was a high level of engagement with the public to encourage them to attend the centres. There had been an incentive which included free swimming vouchers for children and families and the uptake had meant increased attendance at the centres. The incentive was part of the Council's commitment to encourage people to become healthier.

6 REPORT OF 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**7 MEMBERS' QUESTION TIME**

There were no questions submitted within the specified deadlines for Members Questions for this meeting, however Councillor Lawton advised that he wished to ask a question and proceeded to read his question out.

The Chair advised the Councillor that there were procedural rules and specific timescales for submitting questions and the Councillor had missed the deadline for submission of questions for this meeting.

Councillor Lawton proceeded to read the question out. The Chair requested that Councillor Lawton refrain from asking the question however Councillor Lawton continued with his question.

The Chair Moved and it was seconded that the Councillor be not heard further.

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

Councillor Lawton continued to read his question out.

The Chair Moved and it was seconded that Councillor Lawton be required to leave the meeting.

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

At this point, Councillor Lawton left the meeting.

8 **NOTICE OF MOTION**

Consideration was given to Motion No. 132, moved by Councillor Carr and seconded by Councillor N Walker of which notice had been given in accordance with Council Procedure Rules No. 53-60 as follows:

'The local authority has a duty of care to care leavers.

Middlesbrough Council recognises the difficult transition care leavers face as they move out of care and into adulthood.

A recent report by The Children's Society found that when care leavers move into independent accommodation and manage budgets for the first time, many fall into debt and financial difficulty.

A national study by The Centre for Social Justice found that over half of young people leaving care have difficulty managing their money and avoiding debt when leaving care.

To ease the transition, this Council provides a range of services to support care leavers, including exemption from Council tax for those between the ages of 18 and 21.

Noting that, under the terms of the Children and Social Work Act 2017, the Council has a legal obligation to offer advice, support and guidance to care leavers up to the age of 25, the Council resolves to extend the Council tax exemption to cover all eligible care leavers (as defined by the Children Leaving Care Act 2000) up to the age of 25 who are resident within the borough.

This exemption will operate retrospectively from the beginning of this financial year.'

The Chair invited Councillor Carr to speak to the motion.

Councillor Carr advised that those people who were parents would be aware that support for their children never ended and children were usually supported by their parents throughout adulthood. As Members of the Council, Councillors had a corporate responsibility and legal obligation to offer support and guidance for young people in the care of the authority and care leavers up to their 25th birthday.

It was known through organisations such as the Children's Society and the Centre for Social Justice that care leavers were vulnerable to financial difficulties and debt as they transitioned to full independence. One of the practical ways that the Council could assist these young people was to make them exempt from paying Council tax up until their 25th birthday, if they were eligible. This exemption was currently available up until the age of 21 but by increasing the age to 25, it would be in line with the changes in the age range of the Children and Social Care Act 2017.

The Council had been approached by the Children's Society, through a local member to consider this and the local and regional Children in Care Council had made it one of their priorities. A number of other local authorities had already adopted similar policies.

Councillor N Walker provided information with regard to the impact of adopting the resolution. The Council was advised that it was difficult to predict the impact as it was not known which care leavers would be in a position of having to pay Council tax. It was projected that it would cost an additional £5k a year over a three year period and over a six year period it was estimated that it would cost £20k.

Councillor McTigue queried whether it would be possible to teach children in care how to budget before they left the care system.

Councillor Hubbard commented that the proposals in the resolution were excellent and he congratulated the two Executive Members on the resolution.

Councillor Carr thanked Members for their support for the motion. In relation to the query by Councillor McTigue, Members were advised that care leavers were part of a pathway process and as part of the process they were offered the kind of support suggested by Councillor McTigue and the Council was currently adding to that support and guidance.

The motion was put to the vote.

On a vote being taken the motion was declared unanimously **CARRIED**.

9 **NOTICE OF URGENT MOTION (IF ANY)**

There were no urgent motions for this meeting.

10 **OUTCOME OF THE STANDARDS (HEARINGS) SUB COMMITTEE HELD ON 19 MARCH 2018.**

The Members' and Statutory Services Manager submitted a report, detailing the outcome of the Standards (Hearings) Sub Committee held on 19 March 2018.

The Standards (Hearings) Sub-Committee, held on 19 March 2018, considered a report by the Investigating Officer which concluded that Councillor Rathmell 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 requested that the member apologise in writing to the officers concerned. Failure to do so within 4 weeks would lead to public censure.

As no apologies had been received, 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 Rathmell's conduct in respect of the matters detailed by the Investigating Officer in the report to the Standards (Hearings) Sub-Committee meeting held on 19 March 2018.

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 19 March 2018, she would be formally proposing a Motion of

Censure against Councillor Rathmell.

The Chair invited Councillor Rathmell 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 or an appeal.

Councillor Rathmell presented his case with regard to why he should not be censured. The Chair addressed a Point of Order and a proposed Notice of Motion.

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

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

11

AMENDMENTS TO THE TERMS OF REFERENCE OF CHIEF OFFICER APPOINTMENTS COMMITTEE

The Deputy Monitoring Officer presented a report with regard to amendments to the Terms of Reference of the Chief Officer Appointments Committee.

The Deputy Monitoring Officer advised that the report sought delegations concerning disciplinary matters relating to the Council's 3 statutory officers; the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

The first delegation was in respect of the power for the Chief Officer Appointments Committee (or the Chair of COAC in an Emergency) to suspend a statutory officer, on full pay, pending investigation.

The second delegation was for authority to be given to the Head of Human Resources, on the instructions of the Chief Officer Appointments Committee, to negotiate settlement agreements with statutory officers.

The terms of a settlement agreement would be sanctioned by the Mayor, in the case of the Head of Paid Service, or the Head of Paid Service in the case of the Monitoring Officer or the Chief Finance Officer, in consultation with the External Auditor.

If the total settlement agreement amounted to a single payment of £100,000 or more, full Council would be given the opportunity to vote on the package before it was approved.

A Member queried whether the Deputy Monitoring Officer could explain why Statutory Officers involved in disciplinary proceedings could be offered settlement packages and whether this facility would be offered to all officers? He also queried whether the Deputy Monitoring Officer was aware of any potential disciplinary action that was due to be taken and whether he thought that Statutory Officers should be allowed to leave when they were subject to disciplinary proceedings?

The Deputy Monitoring Officer advised that the report concerned delegations from Council to the Chief Officer Appointments Committee and he did not think it was appropriate to comment on hypothetical situations.

Moved, Seconded and **ORDERED** as follows:

a) That the COAC (or the Chair of COAC in an emergency) be given delegated authority to carry out such suspension of a Statutory Officer, on full pay. Written notice stating the reasons for any such suspension shall be given at the earliest opportunity possible.

b) That delegated authority be given to the Head of Human Resources, if instructed by the COAC, to negotiate a settlement with the Statutory Officer as part of the mutual termination of the Statutory Officer's contract.