

MEETING OF MIDDLESBROUGH COUNCIL

At the Meeting of Middlesbrough Council, lawfully convened, and held in the Town Hall, Middlesbrough on 16 January 2019.

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, E Dryden, A Hellaoui, T Higgins, C Hobson, J Hobson, T Lawton, L Lewis, D McCabe, J McGee, L McGloin, J McTigue, G Purvis, J Rathmell, C M Rooney, D Rooney, J Rostron, M Saunders, J Sharrocks, M Storey, J Thompson, M Thompson, Z Uddin, J A Walker, N J Walker, V Walkington, M Walters, J Young and L Young

OFFICERS: A Allen, J Bromiley, B Carr, S Dorchell, R Grey, J Robinson, D Johnson, A Pain, K Parkes, T Parkinson, S Reynolds, B Roberts, J Shiel, K Whitmore

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors Councillor J Blyth, Councillor J Goodchild, Councillor T Harvey, Councillor B A Hubbard, Councillor N Hussain, Councillor T Mawston, Councillor F McIntyre, Councillor J Mohan.

DECLARATIONS OF INTERESTS

None Declared

1 MINUTES - COUNCIL - 5 DECEMBER 2018

The minutes of the Council meeting held on 5 December 2018 were submitted and approved as a correct record.

2 ANNOUNCEMENTS/COMMUNICATIONS

The Chair welcomed Councillor Janet Thompson to her first meeting of the Council. Councillor Thompson was elected as Labour Councillor for Brambles and Thorntree Ward following the recent By Election held on 13 December 2018.

The Chair of the Council announced with sadness, the death of Chris Robson, former Councillor and Mayor of Middlesbrough. Mr Robson was the Mayor of Middlesbrough in 1989 - 1990 and he was Middlesbrough Council's 126th Mayor.

The Chair paid tribute to Mr Robson. All those present at the meeting stood in silence as a mark of respect.

3 COUNCIL QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chair stated that six questions from members of the public had been submitted, the details of which had been circulated with the agenda.

The Chair invited the member of the public who had submitted Question 19/18 to put his question to the Executive Member for Economic Development and Infrastructure.

In response to Question 19/18, the Executive Member advised that whilst the Planning Officer may have commented on the potential for 350 houses on the site, the Council was seeking to place 250 houses on the site as per Policy H29 and as stated in the Nunthorpe Masterplan. The addition of a doctor's surgery would not affect the overall number of houses and would be an important local amenity.

The Chair invited the member of the public who had submitted Question 20/18 to put his question to the Deputy Mayor and Executive Member for City Centre Strategy.

In response to Question 20/18, the Deputy Mayor and Executive Member for City Centre Strategy advised that the building would not be completed until August 2019. The office

market had transformed and Middlesbrough was competing with regional and wider locations.

To date, there had been 26 enquiries from local and national companies. The enquiries were in relation to 495,000 sq. ft. of office space which was very promising. There had been no contracted leases at the moment but announcements would be made in relation to this issue later in the year. The Deputy Mayor and Executive Member for City Centre Strategy advised that it was clear that companies would want to make announcements but commercial confidentiality had to be respected. The confidence in the Middlesbrough offer was clear and this would create up to 3,000 jobs in the city centre which would bolster the retail sector and should lead to improvements in public transport.

The Chair invited the member of the public who had submitted Question 23/18 to pose his question to the Executive Member for Economic Development and Infrastructure.

The Executive Member advised that whilst the 2014 Housing Local Plan was the statutorily adopted development plan, the 2018 plan had weight in the decision making process with the superseding of policies being a gradual process until its adoption.

The Chair advised that the member of the public who had submitted Question 21/18 was unable to attend the meeting and he had been requested to read the question on the member of the public's behalf. The Chair read out Question 21/18 and invited the Executive Member to respond.

The Deputy Mayor and Executive Member for City Centre Strategy advised that although there had not been a specific count carried out, the Council did work with owners of empty properties and investors to facilitate and enable development of appropriate new uses. As part of a Grade A office development report in February 2017, the results had revealed that 17 out of 20 empty properties were in the process of being brought back into use which equated to 28,892 of floor space. 442 jobs had been created along with 422 residential units and 159 hotel beds.

Investment to date in empty properties equated to £47m. The Council's Investment Prospectus was delivering great results in the town. The Council would be looking again at empty properties and current progress was good in all but a few private properties. A further update would be provided in due course.

The Chair advised that the member of the public who had submitted Question 22/18 was unable to attend the meeting and he had been requested to read the question on the member of the public's behalf. The Chair read out Question 22/18 and invited the Executive Member to respond.

The Deputy Mayor and Executive Member for City Centre Strategy advised that a written response to this question would be provided.

The Chair advised that the member of the public who had submitted Question 24/18 was unable to attend the meeting and he had been requested to read the question on the member of the public's behalf. The Chair read out Question 24/18 and invited the Executive Member to respond.

The Executive Member for Culture and Communities advised that as the lady had requested a written response, he would respond to the question in writing.

The Chair advised that the member of the public who had submitted Question 25/18 was unable to attend the meeting and he had been requested to read the question on the member of the public's behalf. The Chair read out Question 25/18 and invited the Executive Member to respond.

The Executive Member for Economic Development and Infrastructure advised that he would provide a response in writing.

MAYOR'S STATEMENT AND REPORT

The Mayor referred to the recent parliamentary rejection of the Prime Minister's proposed Brexit deal.

The Mayor reminded Members that in October 2016, following the referendum decision, a report had been submitted to Council outlining the possible implications of Brexit on the Council, the Tees Valley Combined Authority and Middlesbrough Council and Middlesbrough residents.

The Mayor reminded Councillors of the content of the report submitted in October 2016 and advised that he had hoped to have some answers to the issues raised in the report, following the outcome of the vote. Given the current situation, however he was unable to report any progress at this meeting. He stated that there was still a lack of clarity and many unanswered questions but he hoped to provide an update at the next meeting of the Council.

A member queried why a reference to the Durham Tees Valley Airport had not been included in the Mayor's report. The vote in relation to this issue was the following Thursday and he queried whether the Mayor would be backing the deal. The Mayor advised that he and other Councillors on the Combined Authority were subject to a non-disclosure agreement. He advised that a confidential meeting had been held with a potential operator earlier that afternoon and the Business Plan had been issued at 5pm that day. The Mayor advised that he would be looking at the content of the whole of the 294 page Business plan, some of which he had seen previously and some of which he had not seen before. The Mayor advised that he was waiting for a response to some questions he had raised before making a decision about the issue.

The member stated that as far as he was aware, the plan had been received on 20 December and he stated that the representative on the TVCA for Hartlepool Council had indicated that he would vote in favour of the acquisition. The Mayor advised that the statement that he had received the full Business Plan on 20 December was incorrect, he had only received the full Business Plan that day.

Councillor Rathmell queried whether the Mayor had signed a non-disclosure agreement in relation to the Stanhope Castle school issue.

The Chair advised that the question was not appropriate. Members were only permitted to question the Mayor on the content of the Mayor's Statement. He also advised that some of the information in relation to the Stanhope Castle school issue was sub-judice due to issues that were still ongoing. The Chair asked the Councillor to sit down.

Councillor Rathmell proceeded to make comments in relation to issues surrounding Stanhope Castle School. The Chair asked the Councillor to refrain from making such comments. Councillor Rathmell continued to make comments.

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 Rathmell continued to make comments about the issue of Stanhope Castle school.

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

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

As Councillor Rathmell refused to leave the meeting, the Council meeting was adjourned to allow Members to leave the Council Chamber.

After a ten minute adjournment, during which Councillor Rathmell left, the meeting resumed in the Council Chamber.

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).

The Chair announced that the Executive Member for Children's Services wished to make a statement as an addendum to his Executive report.

The Executive Member advised that there had been recent social media coverage and email questions about Middlesbrough's involvement in Stanhope Castle School in County Durham and the attendance by the Strategic Director of Finance, Governance and Support at the Independent Inquiry on Child Sexual Abuse Accountability and Reparations session on 10 December. Given the context and the seriousness of the comments and allegations, he stated that he wanted to make a statement as an addendum to his Executive report.

The Executive Member outlined the actual position in relation to Middlesbrough Council's responsibilities as designated authority for claims concerning Stanhope Castle school when it was operated by the Home Office, Teesside Council and Cleveland County Council up to 1981. The Executive Member advised that it was not usual practice to discuss civil cases at the full Council meeting. The cases would be dealt with professionally by solicitors and legal advisors. Following on from the statement, the Executive Member urged members not to indulge in false and inflammatory claims that were clearly at variance with the facts in relation to this issue.

A number of members of the public shouted comments at this stage of the meeting. The Chair asked members of the public not to interrupt members of the Council when they were speaking.

A number of Members commented on the Executive Member's statement and suggested that it might have been helpful to have a Member's Briefing on the issue at the point that the Executive Members were advised of the situation and it would have remained confidential. The Executive Member advised that he had only become aware of the issue on the Monday before the Council meeting otherwise he would have consulted Councillors earlier.

Councillor Lawton stated that he would like to put a question to the Executive Member in relation to the addendum to the Executive report. He queried with regard to who made the decision and when the decision was made in relation to the current Middlesbrough Council position of limiting liability in claims.

The Executive Member advised that the Council had been subject to many claims and the Council's solicitors and the insurers would look at liability in relation to any of those claims. The claims were civil cases subject to court proceeding and evidence had to be presented. The view of the solicitors was that the Council would consider and respond to claims and some of these claims had been settled. The claims were subject to issues of liability of time scale and the availability of evidence being presented. The school had been closed for 38 years and much of the evidence and some of the documentation and files were no longer available. The Council as a public authority responsible for public funds had a duty to respond to claims if evidence was available.

Councillor Lawton stated that he would like to ask a follow up question. The Chair advised that he would be allowed a supplementary question as long as it related to his first question.

The meeting was subject to further interruptions from members of the public. The Chair invited Councillor Lawton to put his supplementary question.

Councillor Lawton queried with regard to whether there was a time limitation with regard to any claims and if so what the time limitation was in respect of those claims.

The Executive Member advised that this was a legal question and he was not qualified to answer but he advised however that his understanding was that the legal requirement for submitting claims was that the claim should be submitted within 3 years of the person reaching adulthood and the submission of any evidence in support of the claim was also relevant in relation to the consideration of any claims. If there was substantial evidence in support of the claim then the issue of timescale would have been more important. The Executive Member advised that if the evidence was not available then it was not possible to expend public money without evidence to justify it in a case of this nature however concerned the Council may be about the individuals concerned.

Councillor Lawton stated that he wished to ask further questions. The Chair explained that the Councillor had already had the opportunity to ask a question and a supplementary and he had already been advised that he would receive a written response to his questions.

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

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 questions 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**.

As Councillor Lawton refused to leave the meeting, the Council meeting was adjourned to allow Members to leave the Council Chamber. The Chair indicated that the meeting would continue in the Mandela Room.

The meeting later resumed in the Mandela Room, with the agreement of Council.

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

a) TeesAMP - A member expressed disappointment at the rate of progress. He stated that apart from the Welding Institute none of the anticipated jobs had materialised and he queried with regard to why this had happened. The Deputy Mayor and Executive Member for City Centre Strategy advised that the Welding Institute was a multi-million pound business. He advised that there had been a delay in the remediation of the land but construction work was due to commence by the end of the month.

b) Middlesbrough Brand - A member queried with regard to who had been consulted in relation to the Middlesbrough Brand, as members and residents or community councils had not been consulted. She suggested the name 'Positive Place, Positive People' and suggested that Cleveland College of Art and Design could have been involved or a competition could have been held. The Executive Member for Culture and Communities advised that over 1000 people had been consulted including the business community and events had been held at MIMA. The designer of the brand was keen to come to the Council and provide a briefing on the brand. The Executive Member emphasised that the brand was not about the Council it was about the town as a whole. He stated that how we were perceived outside of the town was important and having a place brand for the town could attract investors to the town.

c) Hemlington Christmas - A member thanked the Executive Member for Culture and Communities for attending the event and advised that the residents were pleased to meet him. The member advised that this was the first time the event had been held in Hemlington Library and she wished to thank all the staff especially Gill Harrison who moved all of the books for

the event and created the Santa's Grotto. The Executive Member stated that he had enjoyed the event.

d) Draft Stainsby Masterplan - A member congratulated the Executive Member for Economic Development and Infrastructure for the recent consultation process in respect of the Draft Stainsby Masterplan. The views of those who had been consulted had been listened to and as a consequence changes had been made to the Draft Masterplan. The Executive Member thanked the member for his comments and advised that those people that had participated in the consultation process had helped to positively shape the Masterplan.

e) Transport Strategy - A member commented on the lack of prosecutions in respect of the misuse of disabled badges. He stated that he would like to work with the Executive Member for Economic Development and Infrastructure to find a better way of dealing with the misuse of disabled badges. The Executive Member stated that he was aware of the issue and he advised that he would be happy to meet with the member concerned.

f) Work Readiness Team - A member commented on the excellent progress made in reducing the number of young people Not in Education or Training (NEET) from 12.3% to 4.2%. The Executive Member for Education and Skills advised that the huge success was down to Work Readiness staff and other partners working together to monitor the NEETs. By continuing to do this, it would give children the best start in the workplace.

g) Safer Bus Award - A member congratulated the staff at Middlesbrough Bus Station on once again achieving the Safer Bus Award. He queried with regard to when the Executive Member would advise staff what was going to be placed on the Bus Station site. The Executive Member for Environment and Commercial Services congratulated the staff at the bus station on the well-deserved award. In terms of changes to the bus station, the Executive Member advised that at the present time the Council did not have any plans to do anything with the bus station. When the Council did have any plans, the commitment was that the bus station would still have all the services that were currently in the bus station at the present time.

h) Middlesbrough College - A member requested clarification in respect of the hosting contract. The Executive Member stated that this was an update to her report in December. The Council's IT Services provide a reliable infrastructure to users across the Council. One of the strategic aims was to extend this service to external customers and generate income in the process. ICT had entered into a formal three year contract to provide hosting services to Middlesbrough College. Middlesbrough College instead of investing in their current systems had approached Middlesbrough Council to provide the system which not only saved the college money, but generated income to the Council of £75k over three years.

l) Housing Delivery Vehicle - A member stated that he welcomed the news that the Council aimed to establish a Housing Delivery Company.

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.

The Chair of the Overview and Scrutiny Board invited the Chair of the Health Scrutiny Panel to provide an update in respect of respite service for people with learning disabilities, complex needs and/or autism.

Members were advised that a decision had been made by the Clinical Commissioning Group to enable the 95 families using the service to continue with the support as it now stands. The service 'as it now stands' meant five places in Bankfields, six places in Aysgarth, for 95 families for 33 nights. The Chair of the Health Scrutiny Panel clarified that there was no intention of withdrawing the submission to the Secretary of State with regard to this issue.

7 **COUNCIL TAX SUPPORT SCHEME**

The Executive Member for Finance & Governance and the Strategic Director of Finance,

Governance and Support submitted a report, the purpose of which was to seek approval for the Council Tax Support Scheme for 2019/2020.

Moved, Seconded and **ORDERED**

That the Council Tax Support (CTS) scheme for 2019/2020 be approved.

8 **COUNCIL TAX BASE**

The Executive Member for Finance and Governance and the Strategic Director of Finance, Governance and Support submitted a report, the purpose of which was to set the Council Tax base for the financial year 2019/2020 by the statutory deadline of 31 January 2019.

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

That: Council

Note the contents of the report.

Agree the council tax base for 2019/2020 as 33,608.

Agree 2,120 and 779 as the Council Tax base for the parishes of Nunthorpe and Stainton & Thornton respectively for 2019/2020.

Agree to notify the Police and Crime Commissioner, the Cleveland Fire Authority and the Parish Councils of the 2019/2020 Council Tax base.

9 **MEMBERS' QUESTION TIME**

There were no questions submitted within the specified deadlines for Members Questions for this meeting.

10 **NOTICE OF MOTIONS**

There were no Motions submitted within the specified deadlines for Motions for this meeting.

11 **URGENT MOTIONS**

There were no Urgent Motions submitted within the specified deadlines for Urgent Motions for this meeting.

12 **CHANGE OF DATES TO COUNCIL AND EXECUTIVE MEETINGS**

The Monitoring Officer submitted a report, the purpose of which was to advise Council of the change of dates to Council and Executive meetings.

Council had, at the Council meeting held in October, noted a change in various meeting dates, made in order to fit in with the budget consultation process. Unfortunately, due to the unexpected unavailability of key members, it had been necessary to make further minor amendments to meeting dates as follows:

Council: Change from 6 March 2019 to 4 March 2019 (MONDAY)

Executive: Change from 26 February 2019 to 22 February 2019 (FRIDAY)

The changes did not impact on the budget consultation process.

It was Moved, Seconded and **ORDERED** that the above change of dates to Council and Executive meetings be noted.

13 REVIEW OF THE CONSTITUTION

The Monitoring Officer submitted a report, the purpose of which was to agree the reconstitution of the Corporate Parenting Board as a Committee of Council, under the membership and Terms of Reference set out in Appendix 1 to the report, with effect from the new Municipal term; agree minor amendments to the Constitution, set out in Appendix 2, and their inclusion in that document; and to note the contents of the revised Local Code of Corporate Governance, as set out in Appendix 3 to the report, which was previously agreed by Corporate Affairs and Audit Committee, agree to their inclusion in the Constitution, and agree that any future revisions would be considered by Corporate Affairs and Audit Committee and thereafter incorporated in the Constitution without reference to Council.

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

That Council:

- a) agree the reconstitution of the Corporate Parenting Board as a Committee of Council, under the membership and Terms of Reference set out in Appendix 1 to the report, with effect from the new Municipal term;
- b) agree the minor amendments to the Constitution, set out in Appendix 2, and their inclusion in that document; and
- c) note the contents of the revised Local Code of Corporate Governance, as set out in Appendix 3 to the report, agrees to their inclusion in the Constitution, and agrees that any future revisions will be considered by Corporate Affairs and Audit Committee and thereafter incorporated in the Constitution without reference to Council.

14 MONITORING OFFICER – INTERIM AND ANCILLARY ARRANGEMENTS

The Monitoring Officer submitted a report, the purpose of which was to seek Council agreement to the designation of an interim Monitoring Officer, together with other ancillary arrangements.

The current Monitoring Officer was leaving the employment of the authority, with effect from 24 February 2019, although the Monitoring Officer's last day in the office was expected to be 11 February 2019. The Council was, however, required to designate one of its officers as the Monitoring Officer, pursuant to section 5 of the Local Government and Housing Act 1989, and there was insufficient time to carry out a recruitment exercise prior to the departure of the current Monitoring Officer. It was, therefore, necessary to designate an interim Monitoring Officer to cover the period up to any recruitment.

The report also requested, that in terms of the future arrangements for the roles carried out by the current Head of Legal and Democratic Services, that the management responsibilities be divided into three constituent elements:

- Head of Democratic Services: Sylvia Reynolds (currently the Members and Statutory Services Manager);
- Head of Legal Services: Samantha Dorchell (currently a Principal Solicitor and Deputy Monitoring Officer);
- Monitoring Officer: Samantha Dorchell, for a period of 12 months, commencing 12 February 2019;

In addition, part of the current role of the Head of Legal and Democratic Services involved the linked roles of Returning Officer and Electoral Registration Officer. In order to ensure that these linked roles were supported at the appropriate level, the report proposed that the Head of Paid Service be designated as Returning Officer and the Electoral Registration Officer.

It was Moved, Seconded and **ORDERED**

That Council agree the following designations:

- Head of Democratic Services: Sylvia Reynolds (currently the Members and Statutory Services Manager);
- Head of Legal Services: Samantha Dorchell (currently a Principal Solicitor and Deputy Monitoring Officer);
- Monitoring Officer: Samantha Dorchell, for a period of 12 months, commencing 12 February 2019;
- Returning Officer: Tony Parkinson, Chief Executive; and
- Electoral Registration Officer: Tony Parkinson, Chief Executive.

15

HEAD OF LEGAL AND DEMOCRATIC SERVICES - MONITORING OFFICER

The Executive Member for Finance and Governance stated that she would like to extend her personal thanks to the Head of Legal and Democratic Services and congratulate him on his senior promotion. The Executive Member stated that Bryn Roberts had always acted in a very professional and courteous way with integrity and always with a smile.

The Chair of the Council stated that he would also like to thank the Head of Legal and Democratic Services for all the personal help he had received over the years. He stated that the advice he had received was invaluable and Bryn had always been very helpful and always cheerful.

The Head of Legal and Democratic Services stated that it had been a pleasure and a privilege to serve Middlesbrough Council for the past 15 years and he would miss a lot of the people at the Council.