

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 15 January 2019.

PRESENT: Councillors J Sharrocks (Chair); M Storey (Vice Chair); Councillors Coupe, Hellaoui, Higgins, Lewis, McGee and McGloin and Saunders.

PRESENT AS OBSERVERS: J. Cain (Local Democracy Reporter), A Hoy (Press Officer), A Pain (Press Officer).

PRESENT BY INVITATION: Councillor M Thompson (Executive Member for Culture and Communities); Councillor L Young (Executive Member for Economic Development and Infrastructure).

ALSO IN ATTENDANCE: S Lawrence and J Martin (Witnesses for Agenda Item 4).

OFFICERS: A. Allen, S. Bonner and R Horniman.

APOLOGIES FOR ABSENCE Councillors Dryden, Mawston and J Walker.

DECLARATIONS OF INTERESTS

Name of Member	Type of Interest	Item/Nature of Interest
Councillor Michael Saunders	Non-Pecuniary	Agenda Item 3 (Call In Signatory)
Councillor Michael Saunders	Non-Pecuniary	Agenda Item 4 (Call In Signatory)

1 CALL IN - MIDDLESBROUGH PLACE BRAND

The Chair welcomed everyone to the meeting and introductions were made.

The Chair made a statement informing members of the public the meeting was being recorded and to remind them of appropriate behaviour during the meeting.

The Chair provided an outline of how the Call In would proceed; the Councillor proposing the Call In (Cllr Jon Rathmell) would be afforded 15 minutes to do so and this would include any statements from witnesses. At the end of the 15 minute presentation the Executive Member for Economic Development and Infrastructure would have the opportunity to question the proposing Councillor for five minutes, this could include input from officers from the relevant service area.

The Executive Member/ service area would then have 15 minutes to provide the reasons for the decision after which the proposing Councillor would have the opportunity to question the Executive Member/ service area for five minutes.

The Overview and Scrutiny Board (OSB) would then be given the opportunity to ask the proposing Councillor and Executive Member/ service area questions. After this the proposer and the Executive Member would be given five minutes each to sum up. OSB would then vote on whether or not the decision should be sent back to the Executive.

The Chair confirmed that the subject of the Call In was the decision made by the Executive on the 18 December 2018.

At this point in the meeting the Chair invited Cllr Rathmell to present the case to OSB.

Following points were made during the presentation:

- While the report discussed extensive consultation, an Executive Report should have enabled Executive Members to make an effective decision.
- However, there was no evidence consultation had taken place. Ordinarily, consultation exercises were accompanied with responses and feedback in the form of appendices.

- In this case evidence of the consultation seemed to have been omitted from the report. The report, in fact, stated that no background papers were relied upon.
- If the consultation was effective it was queried why Members not receive the responses.
- Cllr Rathmell, acting as elected Member of the Council and Member of his Community Council was not invited to participate in any consultation exercise relating to the Place Brand.
- While the Place Brand was cited as belonging to the Town, there seemed to be a lack of engagement with the residents of the town. This lack of engagement was reflected in the public's opinion of the Place Brand's strapline "Can Do People, Can Do Place". Some negative public comments were highlighted for the Board.
- Comments made by the public regarding the "M" within the Place Brand logo seemed to question the report's rationale that it represented Middlesbrough's past present and future.
- There was no information within the report about how Hemingway Design was chosen.
- It was questioned why Hemingway Design was chosen over local design companies.
- There was no statement of the costs for the initial production of the Place Brand, with this information only coming to light via the press.
- It would have been better to defer a re-branding process until after a new Mayor had taken up their post.
- The report referenced a brand partnership board but did not specify its membership. It was questioned if the Executive had knowledge of the board's membership.
- Comments on social media were critical of the quality of the graphic for the Place Brand.
- Despite a lack of information contained within the report, the Executive nevertheless agreed the recommendation.
- The production of a coherent brand should have had input from the community.
- The report was not transparent and did not demonstrate what consultation had taken place.
- While statements from the Council were made about the Place Brand these were made after it had been announced.
- If good governance processes had been applied the relevant information would have been supplied prior to local media reporting on the brand.
- While there was lots of rhetoric in the report about the benefits of the Place Brand, there was no mention about whose opinion this was based on.
- During the development of a new housing development consultation was always undertaken and this was published, so it was questioned why this approach had not been adopted for the Place Brand.
- There was no specific mention of costs or the format of how the Place Brand would be rolled out.
- The negative opinion of the public in the matter spoke for itself.
- The consultation for the public had been rushed and as such the Executive's decision was ill-informed.

At this point in the meeting the Chair invited the Executive Member for Culture and Communities to pose questions to Cllr Rathmell.

The Executive Member for Culture and Communities drew the Board's attention to section 5.4 (i) of the Council's Call In procedure regarding a Member's ability to approach the relevant decision maker which stated Members should, "discuss their concerns with the relevant officer(s) and decision taker Executive Member to ensure they are aware of all the relevant information and have an opportunity to discuss their concerns informally". The Executive Member for Culture and Communities asked if Cllr Rathmell had done this. Cllr Rathmell responded that the Call In proposers had adopted the same principles to consultation as the Executive, therefore wanted to challenge the decision rather than consult with those concerned.

The Executive Member for Culture and Communities asked Cllr Rathmell if he was aware that the Place Brand was a brand for Middlesbrough rather than for the Council. Cllr Rathmell responded that that had been made clear throughout his presentation, and why he

emphasised the need for wider consultation.

The Executive Member for Culture and Communities asked if Cllr Rathmell was against branding for the town or if it was just this brand in particular. Cllr Rathmell responded he was not opposed to branding, but he was opposed to branding being used as a means as a quick fix to long term problems.

The Executive Member for Culture and Communities asked Cllr Rathmell what he viewed as a successful Brand for Middlesbrough and what key message had been missed. Cllr Rathmell responded the Council had re-branded many times and it was important to get the key message right. The Executive was attempting to bring in a new brand while concealing the essence of it.

The Executive Member for Culture and Communities asked Cllr Rathmell if he would welcome a Member briefing, delivered by Hemingway Design, to explain the rationale and methodology behind the Place Brand. Cllr Rathmell responded that it was difficult to welcome something that was approved by a select few, namely the Executive. On the whole, the Place Brand had not been adopted in the correct way.

At this point in the meeting the Executive Member for Culture and Communities was invited to present his case. The following points were made as part of the presentation:

- There was no contact between the Executive Member and Cllr Rathmell or any from any of the other Call In proposers. Had this happened any confusion could have been clarified.
- Cllr Rathmell claimed the Executive had been duped, however the report did discuss the consultation that was undertaken.
- The consultation focussed on how Middlesbrough was viewed by people outside of the town.
- The Place Brand report stated, "The place brand has emanated from collaboration, consultation and co design with circa 1000 people" and confirmed the consultation was undertaken in a quite creative manner.
- At the meeting of the Executive on 18 December 2018 there was no indication the Executive lacked sufficient information to make an informed decision.
- The Place Brand was important as Middlesbrough was in a competitive environment and if the town did not project a positive image others would take the opportunity to define it.
- During the consultation, respondents stated they were pleasantly surprised about the town.
- The Town Centre was under pressure and the retail offer was fragile but was holding its own. This was why a positive image was required to maintain that position.
- Local stakeholders, including AV Dawson, were in favour of the branding exercise.
- It was emphasised that the Place Brand was for the town it was not just for the Council.
- The report presented to Executive contained large extracts from the Hemingway Design consultation report.
- The Director for Culture and Communities stated that the consultation exercise was very thorough and extensive.
- The entire consultation process lasted approximately 12 months.
- Hemingway Design, after undertaking research, discovered there was a real need for Place Brand.
- The Council involved local stakeholders, such as the University, that helped to guide the process.
- Research also suggested that there was potential to attract visitors to the town.
- Hemingway Design was chosen as they were a national expert in this field.
- The cost of engaging Hemingway Design was £50,000 which would pay for itself many times when investment arrived in the town. Comparatively, York City Council were spending £500,000 on their Place Brand.
- There was wide recognition that a Place Brand was required and was important.
- The consultation report produced by Hemingway Design showed the methodology of

- the exercise which included workshops with local residents and focus groups with people from outside of the area.
- One of the key areas of the exercise was around public consultation which was undertaken via a public portal on the internet. It was mentioned on TV and local radio as well as within bulletins to all Council staff and elected Members.
 - Members provided input to the consultation and there were 400 useable responses to the consultation exercise. This was a significant number of responses for an exercise of this nature.
 - The creation of the Place Brand was a key priority for the Council and that priority was agreed by full Council.
 - As the Brand had been created it was important to spread the message and to publicise it as much as possible.
 - Background papers were not included with the report which, with hindsight, could have been included.

At this point in the meeting the Chair invited Cllr Rathmell to pose questions to the Executive Member for Culture and Communities.

Cllr Rathmell asked if it was an Executive decision regarding the branding exercise and this was confirmed.

Cllr Rathmell asked for an explanation the branding exercise in relation to the Council's LGA Peer Review and why that was omitted from the report. It was confirmed the decision made by the Executive on 18 December was not to create a Place Brand, as this was agreed previously. Instead the decision was about how best to use the Place Brand and that the LGA Peer review was not relevant to the Call In.

Cllr Rathmell asked if the omission of the Hemingway Design consultation report and the LGA Peer review was acceptable. The Director of Culture and Communities responded that consultation exercise was extremely robust and the response rate was possibly one of the best Middlesbrough had seen. With regard to the report; the contents had been a continuous process and had involved discussion with Executive Members extensively. The report that had been submitted to Executive on 18 December was a means of providing a narrative to that process. The Director also stated that he was happy to distribute the Hemingway report to Members of OSB, if required.

At this point in the meeting Members of OSB were invited to pose questions to the Executive Member and Cllr Rathmell.

A Member queried if Cllr Rathmell had approached officers about this issue before submitting the Call In. Cllr Rathmell responded that the Place Brand had been in place for months prior, and if correct processes were to be followed the Council should be seen to be Member led.

A Member queried if the Consultation exercise was conducted on-line only. The Executive Member responded that there were many formats used as part of the consultation exercise including workshops.

A Member queried what the definition of "the public" was in this context, as it had different meanings for different people. Cllr Rathmell responded that the public in this context referred to public participation in a number of different forums, including social media platforms and local media outlets.

The Chair clarified that earlier descriptions of the consultation exercise included face-to-face interactions with the public at the Orange Pip Market.

A Member queried if the businesses in the Bedford/ Baker Street area of the town had been consulted about the Place Brand, as he had been told this was not the case. The Executive Member clarified that attendees of the Orange Pip Market were approached, as well as a number of businesses on Baker and Bedford Street. A list of those businesses contacted could be supplied.

A Member queried if creative projects, such as the Place Brand, were subjective and would

depend on individual preference. The Executive Member confirmed this was the case.

A Member queried the costs of the Place Brand. The Director of Culture and Communities responded that the costs for the roll out of the Place Brand would be met from within the costs for existing initiatives.

A Member queried if the intention of the Place Brand was to unite all stakeholders in the town in order to attract private sector investment. The Executive Member confirmed this was the case. The Executive Member also clarified that in developing and launching the Place Brand emphasis was placed on subtlety and reduced costs. The Place Brand's first event would be the celebration of the Town Hall's 130 year anniversary.

A Member queried if there was any financial contribution from local businesses as they would be using the Place Brand as well. The Director for Culture and Communities confirmed there was no direct contribution towards its development, local businesses and partners would spend a great deal in publicising the Place Brand and making it known.

At this point in the meeting, The Executive Member for Culture and Communities was invited to summarise his position. As part of that presentation the following points were made:

- It was clarified that the procurement of Hemingway Designs was undertaken via NEPRO.
- Wayne Hemingway was a designer of international renown, and had worked with several recognised brands such as Virgin and McDonalds.
- All of the information the Executive needed to make its decision was provided to the Executive.
- AV Dawson, a local business, provided a response to the creation and launch of the Place Brand that stated if Middlesbrough was to be competitive in communications and investment, the use of a Place Brand was essential.

At this point in the meeting Cllr Rathmell was invited to summarise his position and part of his presentation the following points were made:

- In terms of the procurement issue; this information was not contained within the report, and that correct procedures should be followed as laid down in the Council's Constitution.
- In terms of the consultation; there was less than 4% of the population that responded to the consultation exercise. This was a similar rate of response to the Dixon's Bank alteration scheme.
- The report had not included detailed information about the consultation exercise, such as the Hemingway Design report.
- The Executive were blinkered when making their decision due to having insufficient information.
- There was no information provided in the report that related to the LGA Peer Review.

ORDERED:

1. That after considering all of the information presented at the meeting, the decision of the Overview and Scrutiny Board was not to refer the decision back to the Executive. As a consequence no further action is necessary and the decision will be implemented with immediate effect.
2. That the Hemingway Design consultation report be provided to Members of OSB.
3. That a list of businesses that were consulted as part of the consultation exercise be provided to OSB.
4. It was recommended that future Executive reports should, where possible, include full details to support its content or should provide links to that evidence.

2 CALL IN - SOUTHLANDS FUTURE REDEVELOPMENT

The Chair welcomed everyone to the meeting and introductions were made.

The Chair made a statement informing members of the public the meeting was being recorded and to remind them of appropriate behaviour during the meeting.

The Chair provided an outline of how the Call In would proceed; the Councillor proposing the Call In (Cllr Brian Hubbard) would be afforded 15 minutes to do so and this would include any statements from witnesses. At the end of the 15 minute presentation the Executive Member for Economic Development and Infrastructure would have the opportunity to question the proposing Councillor for five minutes, this could include input from officers from the relevant service area.

The Executive Member/ service area would then have 15 minutes to provide the reasons for the decision after which the proposing Councillor would have the opportunity to question the Executive Member/ service area for five minutes.

The Overview and Scrutiny Board (OSB) would then be given the opportunity to ask the proposing Councillor and Executive Member/ service area questions. After this the proposer and the Executive Member would be given five minutes each to sum up. OSB would then vote on whether or not the decision should be sent back to the Executive.

The Chair confirmed that the subject of the Call In was the decision made by the Executive Sub Committee for Property on the 19 December 2018.

At this point in the meeting the Chair invited Cllr Hubbard was asked to introduce his witnesses and to present his case to OSB.

During the presentation the following comments were made:

- Disappointment was expressed at only one item of the Call In being classed as valid.
- While the report submitted to the Executive Sub Committee for Property referenced consultation, this had focussed on the new community hub and not the outdoor football provision.
- The report stated that consultation had taken place with Community Councils, community groups and local residents. However with regard to football pitch provision no consultation had been carried out with local residents.
- The Board's attention was drawn to the plans in the report which showed the proximity of the homes to the perimeter fence of the Southlands Centre.
- The plans did not show where the outdoor pitches would be.
- The report was agreed despite it not considering the impact on residents living nearby.
- The decision made by the Executive Sub Committee for Property would allow the Council to place the playing fields in a place they deemed fit without the need to consult with local residents.
- After speaking with local residents about the issue, there were a number of concerns expressed, including where the pitches would be located and the possibility of increased noise.
- At this point in the meeting the first witnesses was invited to present their case and made the following points:
- The witness's properties were extremely close to the perimeter fence and the Southlands building itself.
- There were concerns about what would become of the Southlands site.
- It was apparent that a decision had been made to close the centre despite the views of many people not to do so.
- Numerous attempts were made to contact the Council to try and find answers about what would happen to the site after the building's closure.

- Residents began to campaigning and became involved with community groups in order to try and find out as much information as possible.
- Council officials were told that residents were becoming frustrated with the uncertainty surrounding the Southlands. Despite being told by Council officials that residents would be informed about plans for the Southlands this did not happen.
- Residents were not informed about the closure of the centre.
- Local Councillors had been very supportive of local residents.
- The witnesses attended a meeting of the Executive Sub Committee for Property in which Cllr Hubbard spoke about the closure of the centre regarding how money could be saved for the Council. However, the Chair of the committee did not allow Cllr Hubbard to speak or hear his suggestions.
- At this point in the meeting, the second witness was invited to present his case to the Board. The following points were raised during the presentation:
- Despite strong opposition from the community the decision to close the centre was taken.
- When both the Southlands - Next Steps and Southlands Future Redevelopment reports were presented, there were suggestions submitted about how the existing facilities could be refurbished and utilised.
- Shock was expressed at the off-hand manner in which Cllr Hubbard's suggestions were dealt with at the Executive Sub Committee for Property.
- There had been a reluctance from the Council to discuss the Southlands with the local community.
- If discussions had taken place at an early stage, a lot of wasted effort would have been saved and many issues that were raised by members of the local community could have been addressed.

At this point in the meeting The Executive Member for Economic Development and Infrastructure was invited to pose questions to Cllr Hubbard.

The Executive Member asked if Cllr Hubbard agreed that the report submitted to the Executive Sub Committee for Property on the 19 December 2019 was an options appraisal rather than offering firm plans. Cllr Hubbard brought the Board's attention to paragraph 17 of the report that stipulated the site be designated as a community hub with football pitches. This would then give Council Officers the opportunity to place the playing pitches wherever they chose to on the site.

The Executive Member asked Cllr Hubbard if he agreed that paragraphs 2 to 16 were appraising two options, namely housing and pitch provision before recommending an option. Councillor Hubbard agreed with this.

The Executive Member asked Cllr Hubbard to confirm that Appendix 2 of the report contained a Stage 1 Impact Assessment of the entire site. Cllr Hubbard stated that the Impact Assessment was correct regarding consultation and the community hub, but not for the installation of the football pitches.

The Executive Member asked if Cllr Hubbard had approached the relevant Executive Member before the decision was taken in order to discuss concerns. Cllr Hubbard confirmed he had attended the Executive Sub Committee for Property and raised concerns from residents had not been consulted with, but did not raise the issue of the Impact Assessment.

- At this point in the meeting the Executive Member for Economic Development and Infrastructure was invited to present his case. During the presentation the following points were made:
- The report 'Southlands - Future Redevelopment' was an options appraisal about re-development of the site alongside the new community facility. Decisions about closure and demolition had already been taken.
- There were two options as part of the report namely housing on the site which was rejected for the reasons cited in paragraph 10. The second option concerned additional pitch provision which was supported by an emerging playing pitch strategy.
- The report recommended that future exploration be undertaken and as yet there were

- no concrete plans for the site.
- The Impact Assessment that accompanied the report was based on the pitch provision recommendation, and the plans were indicative layouts which would be subject to change.
- Any specific plan that was formulated would be subject to an Impact Assessment.
- Council Officers had been asked to engage with local residents about potential plans.
- Plans for the site may also need to be subject to statutory Planning regulations and residents would have the opportunity to participate in that consultation.
- On the whole the report recommended that one of the options, pitch provision, contained in the report be explored.

At this point in the meeting Cllr Hubbard was invited to pose questions of the Executive Member.

Cllr Hubbard asked if the Executive Member would agree that consultation with residents had not taken place. The Executive Member commented that consultations had taken place regarding the community centre and residents would be engaged with residents regarding the pitch provision.

Cllr Hubbard drew the Board's attention to the report's Impact Assessment and asked if consultation had taken place. The Director for Regeneration confirmed that the consultation cited had taken place and was detailed in previous reports.

It was clarified that the Impact Assessment's coverage related to the new community facility, location of existing artificial grass pitches and additional football pitches. The consultation, however, concerned the community facility.

Cllr Hubbard queried where the football pitches may be cited as well as accompanying car parking provisions. It was confirmed there were no definitive plans in place.

At this point in the meeting Members of OSB were invited to pose questions to the Executive Member and Cllr Hubbard.

A Member queried that if definitive plans had not been put in place, would residents be more comfortable that their concerns would be taken into consideration during this period. The witness confirmed that it was not a case of trust but instead about being informed of any plans.

The Chair queried if, before further development was undertaken, the Executive would take further decisions in relation to the site's future development. It was confirmed that the pitch provision option in the report would be taken forward and that future Impact Assessments would be completed based on resulting plans, including engagement with residents.

A Member queried if the development of the Southlands site could improve the health, among other, outcomes for local residents. Cllr Hubbard agreed this was the case, however the closure of the Southlands Centre would see some community groups without a facility and this could have an impact on their well-being.

Cllr Hubbard expressed concern that there was a pre-determination about the use of the new community facility, however it was confirmed this was not the case by the Executive Member.

A Member queried if the nature of the Call In was premature given that there were no firm plans and sought clarification that consultation would be undertaken with residents when plans were created. The Executive Member confirmed this was the case.

A Member suggested that any future plans examine the possibility of re-routing the footpath, contained on the plans, away from residential areas.

At this point in the meeting the Executive Member for Economic Development and Infrastructure was invited to sum up his position. The following points were made as part of the presentation:

- The report 'Southlands Future Redevelopment' was an options appraisal for the future redevelopment of the site and what would sit alongside the new community centre.
- The options in the report were housing and pitch provision and it was decided that pitch provision would be taken forward for future exploration. This would include engagement with residents and stakeholders.
- Specific Impact Assessments would be completed when specific plans were brought forward.

At this point in the meeting Cllr Hubbard was invited to sum up his position. The following points were made as part of the presentation:

- The original Call In request consisted of six parts, however, only one was examined.
- Resident's concerns centred on what type of consultation would be applied going forward as some residents had not been consulted.
- Real consultation needed to take place, not a tick box exercise.
- Concerns from community groups utilising the existing provision were expressed to the Board.
- Meaningful consultation needed to take place with residents.

ORDERED: That after considering all of the information presented at the meeting, the decision of the Overview and Scrutiny Board was not to refer the decision back to the Executive. As a consequence no further action is necessary and the decision will be implemented with immediate effect.