

THE CHAIR AND ALL MEMBERS OF THE COUNCIL

Tuesday, 6 October 2020

Dear Member

COUNCIL - WEDNESDAY, 14TH OCTOBER, 2020

You are hereby summoned to attend a meeting of the Council of the Borough of Middlesbrough to be held on **Wednesday, 14th October, 2020 at 7.00 pm** in the Virtual Meeting to transact the following business, namely:-

1. Apologies for Absence
 2. Declarations of Interest

To receive any declarations of interest.
 3. Minutes- Council - 2 September 2020 5 - 18
 4. Announcements/Communications

To receive and consider any communications from the Chair, Mayor, Executive Members or Chief Executive (if any).
 5. Questions from Members of the Public (if any).
 6. Mayor's Statement and Report
 7. Revised Executive Scheme of Delegation 19 - 22
- DEPUTY MAYOR AND EXECUTIVE MEMBER REPORTS**
8. Deputy Mayor and Executive Member Reports 23 - 68
 9. Report of the Overview and Scrutiny Board 69 - 74
 10. Pay Policy Statement 75 - 84
 11. Urgent Items

To consider and Deal with any urgent business brought before the Council by the Proper Officer (if any).
 12. Notice of Motions 85 - 86
 13. Notice of Urgent Motions (if any)
 14. Members' Question Time
 15. Localism Act 2011 - Repeal of Legislation - Dealing with Petitions 87 - 100
 16. Update to the Constitution 101 - 158
 17. Council Budget Meetings - Change of Dates

Verbal Report

Charlotte Benjamin, Director of Legal and Governance Services

PLEASE NOTE THERE IS RESTRICTED
DISABLED ACCESS TO THE COUNCIL CHAMBER

Refreshments will be available in the Erimus Heritage Room prior to the commencement of the meeting.

Inspection of Papers – Documents referred to on this Summons may be inspected between 9.00 am and 4.00 pm Monday to Friday at the Town Hall, Middlesbrough. Copies may also be downloaded from the Council's Website.

Questions / Motions – Details of questions or notices of motion received and not enclosed with the Summons will be circulated prior to the meeting.

Should you have any queries in regard to the items on this agenda please contact Bernie Carr, Members' Office on (Direct Line 01642 729714 or e-mail on: bernie_carr@middlesbrough.gov.uk).

Address: Members' Office, Middlesbrough Council, Town Hall, Middlesbrough TS1 9FX

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MEETING OF MIDDLESBROUGH COUNCIL

At the Virtual Meeting of Middlesbrough Council, lawfully convened, and held on 2 September 2020.

PRESENT: Councillors J Hobson (Chair), L Garvey (Vice-Chair), R Arundale, A Bell, D J Branson, C Cooke, B Cooper, D P Coupe, D Davison, S Dean, C Dodds, T Furness, J Goodchild, A Hellaoui, T Higgins, A High, S Hill, C Hobson, B A Hubbard, N Hussain, D Jones, L Lewis, L Mason, T Mawston, D McCabe, C McIntyre, J McTigue, M Nugent, J Platt, E Polano, Mayor A Preston, G Purvis, J Rathmell, D Rooney, J Rostron, R M Sands, M L Smiles, M Storey, J Thompson, Z Uddin, S Walker, A Waters, G Wilson and C Wright

OFFICERS: S Bonner, C Benjamin, C Breheny, B Carr, R Horniman, A Humble, S Lightwing, C Lunn, T Parkinson, S Reynolds, K Whitmore, I Wright

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors M Saunders, Councillor P Storey, Councillor J A Walker.

DECLARATIONS OF INTERESTS

None Declared

1 MINUTES - COUNCIL - 15 JANUARY 2020 AND 26 FEBRUARY 2020

The minutes of the Ordinary Council meetings held on 15 January 2020 and 26 February 2020 were submitted and approved as a correct record.

2 MINUTES - EXTRAORDINARY COUNCIL MEETING - 12 FEBRUARY 2020 AND 29 JULY 2020

The minutes of the Extraordinary Council meetings held on 12 February 2020 and 29 July 2020 were submitted and approved as a correct record.

3 ANNOUNCEMENTS/COMMUNICATIONS

The Chair welcomed everyone to the first ordinary meeting of the Council.

Members were advised of the process for asking questions at the meeting.

4 QUESTIONS FROM MEMBERS OF THE PUBLIC (IF ANY)

There were no valid questions submitted from members of the public for this meeting.

5 MAYOR'S STATEMENT AND REPORT

The Mayor stated that he had three things that he wished to discuss.

COVID-19

The Mayor advised that the number of Covid-19 cases in Middlesbrough was increasing. Covid-19 was a critical health and economic concern. If the town was to go into lockdown it could affect jobs and livelihoods. The current number of positive Covid-19 tests in Middlesbrough was 35 per 100,000. This number was high and if the town had up to 14-18 new cases a day, the Government could seriously consider imposing restrictions on the town, which would be bad for people's health, lives and jobs. The Mayor reiterated the current safety measures in place, in terms of the covering of faces, keeping a safe distance and regular washing of hands.

The Mayor advised that many of the new cases were coming from a variety of sources including from people that had visited pubs and restaurants across the town and he advised that bad working practices in these premises could contribute to the increase in Covid-19

cases. He stated that business owners/managers had a responsibility to protect the people of the town. He advised that the staff working within premises should be wearing a face covering. The Mayor reiterated that if the number of new cases did not decrease, the Government would consider imposing a lockdown and this would affect the jobs and health and well-being of many of the people in the town.

Fly-Tipping

The Mayor advised that during the Covid-19 pandemic, many of the people of the town felt justified to fly-tip. The situation had improved since the tips had re-opened but it was still an issue. There was also issues with street dealing with drugs during the day. The Police had made many arrests and were doing everything they could. The Mayor urged people to report any instances of anti-social behaviour and where possible, to obtain evidence and photographs and to pass the evidence on to the police. He stated that in some cases he felt the Police and the Council were letting the town down.

Environment - Green Plan

The Mayor advised that it was the ambition of the Council to become carbon-neutral by 2029 and for the town to become carbon-neutral by 2039. The Council would try and reduce this timescale if possible. He stated that the current recycling rates in Middlesbrough were not very good. He advised that the Council intended to re-commence planting more trees and flowers. He stated that people should come forward with any ideas in terms of the Green Plan.

Councillor Cooke stated that Middlesbrough was a travel hub for the Tees Valley area, he queried that if the town was forced to go into lockdown, how it would affect the ability for people to use the bus and train stations?

Councillor Cooke also stated that he would like to see an increase in the teams dealing with fly-tipping. If there was an increase in evictions, this could mean an increase of unwanted furniture being placed onto the streets and the Council would struggle to deal with it.

The Mayor advised that Middlesbrough was considered a travel hub for the region. He stated that the Government could decide on a range of different measures in terms of imposing a lockdown, and at the moment it was unclear how this would affect the town as it had imposed a number of different measures on those towns that had been subject to a lockdown.

The Mayor stated that tackling fly-tipping was essential. He stated that the people carrying out the fly-tipping needed to be caught and prosecuted. He stated that sometimes landlords were driving this and sometimes it was residents. The courts had been closed and there was a backlog of cases. He advised that the Council had obtained a grant which would facilitate up to 500 new cameras to be installed and some of these cameras could be installed in alleyways.

The Mayor advised that sometimes areas received negative comments but he advised of a fishmongers on Parliament Road that had been trading for 30 years and he advised that it provided a great service at great prices.

Councillor Polano queried how the Council could make penalties for street drug dealing more stringent.

The Mayor advised that the issue of penalties for crime was a criminal matter but the Council was frustrated at the soft treatment for offenders in the courts. He stated that there should be tougher sentences and he stated that the police were trying hard and they were receptive to representations. He stated that pressure needed to be placed on the legal system and with the installation of more cameras in the streets it could assist in gaining evidence.

The Mayor referred to bin rummaging and he stated that cameras needed to be installed in back alleys to help deter this practice.

Councillor Mawston queried whether a person who had taken a voluntary Covid-19 test

received any advice between the time they had taken the test and the time they received the result.

The Mayor advised that these people would be advised to isolate if they were having symptoms until they received the result.

Councillor M Storey advised that he offered support to the Mayor and Council officers in respect of the fight against Covid-19 and he advised that he and the labour group would do whatever it could to publicise any information to help protect public health and assist businesses in understanding their responsibilities. He queried with regard to the percentage of people that were being tested in Middlesbrough testing stations and how many people were being sent further afield to undertake a test.

In terms of drug dealing, Councillor Storey advised that the Councillors had raised awareness of this issue and reported many instances that they were aware of taking place in the town and this had resulted in raids and significant arrests. He stated that the police service had lost 500 jobs and Simon Clarke in his role as Minister for Housing, Communities and Local Government needed to be contacted to take the case to Government to push for more resources. Councillor Storey stated that the Chief Constable was doing an excellent job but he needed more resources.

Councillor Storey stated that Parliament Road sometimes received bad press and he stated that it was important to emphasise the good things in the area, whilst recognising and dealing with the negative issues. In terms of the issues with fly-tipping, Councillor Storey stated that it was important that the Council was provided with the necessary resources to deal with the issue.

The Mayor stated that he was not sure of the percentage of people that were being tested in Middlesbrough testing stations and how many people were being sent further afield to undertake a test but he had heard of people being referred to Darlington and further afield to obtain a Covid-19 test. He stated that there was clearly an issue and he stated that people should be able to have access to a Covid-19 test quickly, in a location near to them and this needed to be sorted out.

The Mayor acknowledged that the Police had lost 500 jobs and they had lost funding which did make their jobs harder. He stated that he had no control over whether the Police would obtain more funding but it was up to the Council to advise the Police what the Council's priorities were in terms of policing.

In terms of Parliament Road, the Mayor acknowledged that the area did have some issues, but it was important to promote the good things about the area.

Councillor McTigue stated that rummaging through bins should be classed as a crime. In terms of fly-tipping, keeping on top of the issue was a full-time job. Councillor McTigue referred to fly-tipping on land which was owned by the Thirteen Group, who were slow to deal with issues of fly-tipping. Councillor McTigue highlighted that there were three or four hot spots in terms of fly-tipping and these need to be monitored more closely.

The Mayor advised that he would speak to the Chief Executive of Thirteen and the appropriate Council officer regarding this issue. He stated that dealing with fly-tipping was a dilemma. If the Council removed the items the next day, people might place more items out as it was removed quickly, so the Council could inadvertently be reinforcing bad behaviour.

Councillor McTigue advised that the previous Mayor had advised that if people continued to fly-tip the items would not be removed.

Councillor Coupe advised that the Mayor had the backing of the Conservative Group and all Councillors in dealing with the Covid-19 pandemic. He stated that some people struggled with social distancing, particularly in supermarkets. Shops needed instructions, not guidance, as if the issue was not dealt with, the town could be subject to a lockdown.

The Mayor agreed that there should be legislation. He stated that people who worked in shops or pubs should be required to wear a face covering and pressure should be placed on businesses to reinforce this. The Mayor referred to a supermarket on Corporation Road with regard to the number of people walking into the premises without a face mask who had not been challenged. He stated that there was no clear guidance but he wanted Councillors to speak constructively to businesses within their Wards to reinforce the need to wear face coverings and to adhere to social distancing.

6 REVISED EXECUTIVE SCHEME OF DELEGATION

As required by the Council's Constitution, a report was submitted setting out the revised membership of the Executive appointed by the Mayor as at Appendix B together with details of the amended Executive Scheme of Delegation as at Appendix A, delegating responsibility for certain functions to the Executive, Individual Executive Members, joint arrangements and, where appropriate, Officers of the Council.

The Mayor advised that after a year serving on the Executive, Councillor Cooper intended to focus on Ward matters. As a consequence, the Mayor had appointed Councillor Mieka Smiles to the Executive Member for Education and Skills portfolio on an interim basis.

The Mayor also added the following new delegation to his Executive Scheme of Delegation:-

Decision Making by Chief Executive

The Chief Executive of the Council, or any officer nominated by the Chief Executive as his Deputy in this regard, will have delegated authority to make Executive decisions of a policy, financial and operational nature in response to the Covid-19 emergency.

ORDERED that the report be noted.

7 DEPUTY MAYOR AND EXECUTIVE MEMBER REPORTS

Councillor Cooke moved a Motion without Notice to suspend Standing Orders in relation to the following item to enable all of the questions that had been submitted in relation to Executive Member reports to be asked.

The Monitoring Officer sought clarification with regard to which part of the Council Procedure Rules the motion related to. Councillor Cooke confirmed that it was in relation to the time allowed for questions on Executive Member reports.

The Monitoring Officer advised that the Motion needed to be seconded. The Motion was seconded by Councillor Rooney.

The motion was put to the vote.

On a vote being taken, the motion was declared **LOST**.

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).

The Chair advised that as 26 questions on Executive Member reports had been received, he would invite Councillors to put their questions until the allocated time for Executive Member questions had expired. Any remaining questions could be emailed by the member to the appropriate Executive Member.

Cllr Uddin to the Deputy Mayor re Potholes

Councillor Uddin stated that he noted that 20 weeks had been allocated to deal with the issues of potholes and 8 weeks of the allocated time had gone by and to date, only 5 Wards

had received attention. Councillor Uddin advised that there were 12 roads that needed attention in his Ward and he queried whether the Deputy Mayor could confirm that the roads that still required repairs to potholes would be dealt with.

Councillor High advised that delays to the programmed works had been caused by the weather, as some of the work could not be carried out. He wanted to ensure that each Ward had a full week of intervention. Where weather played a part in delaying works, there was no intention to cut the amount of time in the Ward required to carry out the work. Following the commencement of the repair programme, it was discovered that some Wards required more work than anticipated, and as a consequence it was agreed to extend the time in those Wards to complete the required works. As a result of the programme being extended, it was likely that it would run beyond the anticipated twenty weeks but all Wards would receive the amount of time needed to deal with the work required to repair the potholes. Councillor High acknowledged that following the completion of the planned programme of works, some Wards might still have some minor repairs that required attention, but that could be dealt with in due course.

Cllr Branson to Executive Member for Adult Social Care and Health re Homelessness.

Councillor Branson stated that he noted with concern that the number of people using temporary accommodation had doubled and there had been an increase in evictions from this type of accommodation. With the economic effect of Covid-19 including increased unemployment and lower incomes, Councillor Branson queried whether there would be an increase in the number of people evicted from temporary accommodation and if this was the case, what the Council would do to deal with the issue?

Councillor Davison advised that there was still lots of people in temporary accommodation but the Council was working with them. The Council had applied for a grant, which if successful, would enable the Council to build its own accommodation for people who were on the streets to move into. The outcome of the grant application would be known in a few weeks. The Council had found some of the residents who were in temporary accommodation, permanent accommodation, but unfortunately, some had been evicted as a result of anti-social behaviour. The Council was working with all landlords with regard to this issue. Councillor Davison highlighted that all of the people who were currently housed in temporary accommodation were single, there were no families currently housed in temporary accommodation.

Councillor Arundale to the Executive Member for Culture and Communities re Telephone Boxes

Councillor Arundale queried the cost involved in moving the phone boxes that were located next to the town hall to revitalise and use them for other purposes. Councillor Arundale advised that the reason he was asking the question was because he had been advised that the Council could not afford £1 to adopt a redundant phone box in the Brookfield area which could save lives.

The Executive Member advised that the red telephone boxes were an important part of the town's heritage. Many members of the public had commented when they were taken away. The cost to refurbish the phone boxes amounted to £13k because the phone boxes had special heritage protection so had to be restored by a specialist. Both she and the Executive Member for Finance and Governance had tried to lower the cost of refurbishment. The costs involved commissioning an artist which amounted to £12k and the refurbishment of the phone boxes which had been left to rot and disintegrate. The revitalised phone boxes would add a vibrancy to the area and were an important part of the town's heritage.

In terms of the phone box referred to by Councillor Arundale, the Executive Member advised that the inclusion of a defibrillator was a very good idea and she understood that the Executive Member for Environment was progressing this issue, with a view to the community taking over responsibility for the phone box.

Councillor Hubbard to the Executive Member for Culture and Communities re Motorbike nuisance

Councillor Hubbard commented on the fact that the Council was developing a multi-agency motor vehicle nuisance plan, working closely with Cleveland Police and local social housing providers with the aim of pooling resources to tackle the issues effectively with long term investment into the solutions. It was a bane on many people's lives. He queried how this would operate between the Council and the Police and what methods would be used to get the information out into the public domain.

The Executive Member advised that she understood the frustration with regard to this issue. It was a safety issue because the speed the motorbikes travelled, posed a real risk. There was already a Police operation called Operation Endurance and the purpose of it was to tackle off-road vehicles and the associated anti-social behaviour. The Neighbourhood Safety Team which involved Street Wardens and the Police used CCTV, information from residents and patrols to identify any hotspots. Councillors could also supply any information they had with regard to this issue. Areas were targeted and the Police used off-road bikes and offenders were identified and they were then dealt with. Ward Councillors could assist by disseminating information to the public.

Councillor Rathmell to Executive Member for Culture and Communities re Operation Talla

Councillor Rathmell referred to the joint approach with Cleveland Police and Middlesbrough Council to patrol 'vulnerable locations' which could include places and businesses which could be on the receiving end of the public who didn't want to abide by the rules or targeting of areas where people were congregating such as the town centre and Parliament Road in Newport Ward.

Councillor Rathmell queried what percentage of this approach was targeted at the two areas compared to the rest of the town and he queried whether this could be increased or if there was a limit on the number of Street Wardens as the member stated that he was unsure of the number of new Street Wardens since last May.

The Executive Member advised that at the peak of the Covid-19 pandemic, the Police and the Street Wardens had carried out joint patrols, where possible, in the high crime anti-social behaviour areas of the town which included Newport, North Moorsby and some of the essential town centre areas. This was to encourage social distancing, the keep left initiative and to reinforce government guidance.

The Executive Member explained that Operation Talla was underpinned by 4 key principles, which were Engage, Explain, Encourage and Enforce with the aim of keeping communities safe.

In terms of what activity had taken place outside those area in terms of the number of arrests etc., the Executive Member advised that she had asked for information regarding that issue, in addition to information relating to the Nunthorpe area. Since July 16, Street Wardens had carried out 19 night patrols in the trouble hotspots including The Avenue park, however no issues had been identified. The Neighbourhood Safety Officer was currently investigating the complaints that had been submitted, and the Street Wardens were increasing patrols. It was also intended to connect CCTV in the area.

Councillor Cooke to Executive Member for Culture and Communities re Operation Talla

Councillor Cooke queried with regard to what crimes had been committed in the area and he queried whether resources were being taken away from dealing other crimes. He indicated that there was a large amount of drug dealing in the area and resources might be better used dealing with this issue rather than dealing with people congregating in the area.

The Executive Member stated that she noted the point but stated that both issues were important at this time due to the COVID pandemic. The Executive Member advised that she would request the details of the crimes committed in the area and forward it to the member in due course.

Councillor Coupe to Executive Member for Environment re Green Waste

Councillor Coupe referred to green waste collections and the fact that they were currently 4 weekly. He stated that there was a proposal to make bin collections 2 weekly next year and he queried with regard to the plans for blue recycling waste. He queried whether there was any proposals to return to 2 weekly green waste collections. He stated that they 4 weekly collections had caused issues with residents. He advised that there had been a proposal for people to be able to pay for green waste collection but that was no longer an option. Councillor Coupe urged the Executive Member to reinstate 2 weekly green waste collections.

The Executive Member advised that there was no proposals to change to 4 weekly green waste collections for the following year. The green waste collection would revert back to 2 weekly in due course.

Councillor M Storey indicated that his question to the Executive Member for Environment had been withdrawn.

Councillor Thompson to Executive Member for Environment re Pot Holes

Councillor Thompson queried whether the Executive Member was confident that the budget set to deal with the repair of potholes programme was adequate and she queried with regard to whether Council staff were being used to carry out the repairs or whether it had been outsourced.

The Executive Member advised that he was confident that the budget was adequate as funding had been accessed by the permit scheme in addition to funding that had been brought forward from next year's budget. The programme was on track and work was currently being carried out in the Kader Ward. In terms of the work that was being carried out as part of the repair programme, Council staff were carrying out the majority of the repair work to potholes, but the larger planing service repairs were being carried out by sub-contractors.

Councillor Wright to Executive Member for Environment re Flood Alleviation Scheme

Councillor Wright advised that one of the unintentional side effects of the scheme was that had been an increase in rats, particularly in Easterside. He advised that he had spoken to the Environmental Team who had indicated that they would investigate this issue and get back to him. As he had not received an update, Councillor Wright queried whether the Executive Member would meet with him to look into the issue of the increase in rats in the area.

The Executive Member advised Councillor Wright that he would arrange a meeting with him to try and solve the issue.

Councillor Furness to Executive Member for Regeneration re Planning Reforms

Councillor Furness queried how the recent White paper would affect the Planning Committee and the Local Plan. He stated that the Local Plan was already out of date.

The Executive Member advised that the legislation was still being formed. He advised that there had already been changes to the Local Plan and there could be further changes dependant on the legislation. It was a 10 year Local Plan set out in 2014 so the Council was still within the time-frame.

The Chair queried whether Councillor Uddin had a further question. Councillor Uddin confirmed that he did not have any more questions.

Councillor Cooke to Executive Member for Adult Social Care and Public Health re HMOs and Housing

Councillor Cooke queried with regard to what the Council had done in relation to people that had been placed in HMOs or shared housing to assist in helping them to shield, given that they only had shared access to toilet and bathroom facilities.

The Executive Member advised that she would have to come back to the member with regard to the use of bathrooms. The Council had provided the people with food and mobile phones in case they needed to contact anyone and were required to isolate. In terms of bathrooms, the Executive Member advised that she believed that they were required to share a bathroom, but they had been supplied with all the necessary cleansing equipment.

Councillor Furness to Executive Member for Environment re Electric Charging Stations

Councillor Furness advised that the Council had indicated that they intended to provide public charging points for electric vehicles and he queried whether the Executive Member could give an update with regard to the current status with this initiative.

The Executive Member advised that it was intended to install electric charging stations at Resolution House to accommodate the Council's new fleet of electric vehicles as part of the Council's Green Strategy. It was hoped to install public charging points in the town as soon as the Council received funding from the Transport Action Group.

The Chair advised that the time for Executive member questions had expired. He advised members that they could submit any remaining questions that they had given prior notification of to the appropriate Executive member.

8 REPORT OF THE OVERVIEW AND SCRUTINY BOARD

The Chair of the Overview and Scrutiny Board submitted a report, the purpose of which was to provide an update on the current position regarding progress made by the Overview and Scrutiny Board and each of the individual Scrutiny Panels. Members were advised that the Overview and Scrutiny Board had continued to hold meetings throughout the COVID pandemic and Scrutiny Panel's had commenced meetings in July. The Chair thanked all Scrutiny Panel members and support staff for their commitment to the scrutiny process during this time.

ORDERED that the report be noted.

9 REVENUE AND CAPITAL BUDGET / PROJECTED OUTTURN POSITION AT QUARTER ONE 2020/21

The Head of Financial Planning & Support and the Mayor submitted a report in relation to 2020/21 Quarter One Projected Outturn and the use of reserves for Covid-19 pressures.

The report advised members of the Council's financial position at Quarter One 2020/21, including the projected effect of Covid-19 on the Council's finances. It sought approval from the Council for the use of the General Fund Reserve to fund the total projected overspend in 2020/21.

The report also sought approval from the Council for the transfer of the balance on the Investment Fund Contingency Reserve to the General Fund Reserve, to mitigate the effect of the use of the General Fund Reserve to fund the total projected revenue overspend in 2020/21.

In accordance with statutory regulations a recorded vote was taken by roll call of those Members present at that time, the results of which were as follows:-

Votes For: (44)

The Mayor (A Preston), Councillors Arundale, Bell, Branson, Cooke, Cooper, Coupe, Davison, Dean, Dodds, Furness, Garvey, Goodchild, Hellaoui, Higgins, High, Hill, C Hobson, J Hobson, Hubbard, Hussain, Jones, Lewis, Mason, Mawston, McCabe, McIntyre, McTigue, Nugent, Platt, Polano, Purvis, Rathmell, Rooney, Rostron, Sands, Smiles, M Storey, Thompson, Uddin, S Walker, Waters, Wilson, Wright

Votes Against (0)

ORDERED as follows:

1. That the Council notes the 2020/21 revenue budget Quarter One total projected outturn of £4.435m as reported to Executive on 18 August 2020, representing a £31,000 overspend on non-Covid-19 elements and the estimated financial effect of Covid-19 in 2020/21 of £4.404m, and also notes the proposed actions to address this.
2. That the Council approves the proposed use of the General Fund Reserve to fund the total projected overspend of £4.435m in 2020/21.
3. That the Council notes that a Medium Term Financial Plan (MTFP) update report will be presented to Executive on 29 September 2020.
4. That the Council notes the proposed reductions and additions to the Council's current Investment Strategy, and that these will be submitted for approval by Executive as part of the MTFP update report on 29 September 2020.
5. That the Council approves the transfer of the balance on the Investment Fund Contingency Reserve of £4.928m to the General Fund Reserve, to mitigate the effect on the General Fund Reserve of the total projected revenue overspend in 2020/21.

10 **PAY POLICY STATEMENT 2020/2021**

The Director of Legal and Governance Services and the Executive Member for Finance and Governance submitted a report, the purpose of which was to agree the Pay Policy Statement 2020/2021.

The Executive member presented the report. Members were advised that it was a requirement under the Localism Act 2011, Section 38, for the Pay Policy statement to be approved by full Council.

The Executive Member advised that if an officer opted to take early retirement, the Council could agree a package of up to £100k. This was due to be reduced by the government to £95k.

Councillor Hubbard queried whether the Council had the option to reduce the £95k further or whether the Council had to abide by Government guidance. The Executive member advised that this could be looked at and consulted on in respect of the following years' Pay Policy statement.

Councillor Bell stated that he agreed with the criteria for staff pay increases as set out in paragraph 12 of the statement. Councillor Bell referred to paragraph 10 of the statement and stated that it was unacceptable for Senior officers to have their pay increased without any scrutiny. Councillor Bell proposed that any pay increases to the Senior Management Team should be agreed by full Council prior to the pay increase being implemented.

The Executive Member for Finance and Governance advised that all Chief Officer salaries were set regionally. The posts were evaluated by a trained panel and were subsequently ratified externally.

Councillor Bell stated that he still wished to propose that any pay increases to the Senior Management Team should be agreed by full Council prior to the pay increase being implemented.

The Monitoring Officer clarified that Councillor Bell was proposing a motion to amend the Pay Policy Statement. According to the rules on amendments to motions, detailed at paragraph 69 of the Constitution, the amendment proposed by Councillor Bell was not valid. Chief Officer's pay was set at a local and regional level and the Council did not have the necessary powers to make a decision on this issue.

Councillor Rathmell stated that the Pay Policy statement currently referenced severance payments to officers and it stated that any severance payment under £100k did not need to be submitted to full Council for consideration. Councillor Rathmell referred to a recent severance payment which amounted to over £90k and he proposed that the report be referred back to the Executive Member for reconsideration.

The Monitoring Officer clarified with regard to which points of the report that Councillor Rathmell wished to refer the report back. Councillor Rathmell stated that he wished to refer the report back for the Executive Member to reconsider the threshold of £100k, with a view to lowering that figure, for full Council or a committee thereof to be given an opportunity to vote before severance package is approved.

The Monitoring Officer confirmed that the motion proposed was valid and advised that a seconder would be required before the motion could be considered. Councillor Bell seconded the motion.

Following a vote, the motion was declared **CARRIED**.

ORDERED that the Pay Policy statement report be referred back for the Executive Member to reconsider the threshold of £100k in relation to severance payments, with a view to lowering that figure, for full Council or a committee thereof to be given an opportunity to vote before a severance package is approved.

11 **NOTICE OF MOTIONS (IF ANY)**

Consideration was given to Motion No.143, moved by Councillor M Storey and seconded by Councillor Higgins of which notice had been given in accordance with Council Procedure Rules No. 53-60 as follows:

COVID-19 Motion

'Middlesbrough Council recognises and praises the exceptional work of all council employees, social care workers, NHS staff and all key workers in retail and other sectors for working throughout the Covid-19 pandemic and continue to do so. These workers risked their lives by going to work every day and keeping vital public services and retail during the Covid-19 outbreak. This Council also recognises the hundreds of people across Middlesbrough who volunteered their time to check on friends and neighbours, pack food parcels and deliver them.

This Council therefore resolves:

To place on record its' thanks to all those keyworkers and volunteers who have worked throughout the Covid-19 pandemic.

To place on record its' thanks to all Middlesbrough Council employees who have continued to work throughout the Covid-19 pandemic and provide a service to people of Middlesbrough.'

Councillor McTigue advised that given the content of the motion, it was likely that every member would support the motion and she proposed that Council proceed straight to the vote.

Councillors Wright spoke in support of the motion and outlined some examples of the good work carried out throughout the Covid-19 pandemic within his Ward and other areas.

Councillor Mawston spoke in support of the motion and advised that the Middlesbrough Independent Group fully supported the motion.

The Chair invited Councillor M Storey to speak in support of the motion.

Councillor M Storey outlined the reasons for the motion and spoke in support of the motion. Councillor Storey provided examples of the many different areas of society that had continued

to provide support during the pandemic. He stated that he wished to place on record, his gratitude to all of those people involved in providing invaluable services during Covid-19.

Councillor Higgins spoke in support of the motion.

The motion was put to the vote.

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

Consideration was given to Motion No.144, moved by Councillor Branson and seconded by Councillor Wright of which notice had been given in accordance with Council Procedure Rules No. 53-60 as follows:

COVID-19 - Council finances

'Middlesbrough Council recognises the strain the pandemic has placed on Council finances. Whilst we recognise that the government has reimbursed some of the direct costs of Covid-19, we do not believe it goes far enough. Middlesbrough Council has been unable to make the required savings in its 2020/21 budget and has seen a sharp decline in its income due to the closure of facilities and the suspension of parking fees to name but a few. The government told councils at the start of this crisis that that 'The government will do whatever is necessary to support these efforts.' However, since then it has been confirmed that the government will not reimburse unachieved savings and will reimburse up to 75% of income lost. This will put a further pressure on future budgets This Council believes this is wrong and the Government should fulfil its pledge to do 'whatever is necessary'.

This Council therefore resolves:

To robustly call upon the government to properly reimburse councils for the loss of income due to Covid-19 and cost of unachieved savings for 2020/21.

To continue to pressure local MP's to make the case in parliament and to the government.

To write to local Members of Parliament with a copy of this motion if passed.'

Councillors Mawston advised that some time ago, the Corporate Affairs and Audit Committee had written to local Members of Parliament asking for their support in asking for additional funding for this Council. At a recent Corporate Affairs and Audit Committee, it was agreed that a further letter be sent, and Councillor Mawston had advised Simon Clarke, MP, that this letter would be forthcoming. Councillor Mawston advised that Councillor Rathmell, as Chair of Corporate Affairs and Audit Committee may be able to provide an update on this issue.

Councillor M Storey spoke in support of the motion. Councillor Storey advised that the Corporate Affairs and Audit Committee had written to local MPs and Andy McDonald, MP had written to Simon Clarke MP and who was also the Local Government Minister calling for more funding for Middlesbrough. Councillor Storey advised that he would provide the Chair of that committee, with a copy of the letter. Councillor Storey stated that the government had promised to provide local authorities with everything they needed, however the local authorities had only received 75% of the indirect costs, which meant that there were gaps because the government had not funded local authorities appropriately. He stated that it was important that the Council did not see a reduction in services because of a lack of government funding. He urged all members to support the motion.

Councillor Rathmell proposed an amendment to the Motion. Councillor Rathmell suggested that the words 'and the suspension of parking fees to name but a few' be deleted. Most people were on lockdown and the only people that would have benefitted from these services was keyworkers and the NHS staff.

This was seconded by Councillor Hubbard.

The Monitoring Officer clarified which words Councillor Rathmell wanted to be removed. The Monitoring Officer advised that this was a valid amendment.

Councillor Garvey stated that when a body of members write to an MP, if any members of the Council had any influence over the MPs, that they urge them to respond to the communication.

Councillor Cooke suggested a further amendment so that the wording of 'and the suspension of parking fees to name but a few' be changed to 'and the suspension of some chargeable Council services'.

Councillor Rathmell indicated that he agreed to the amendment.

The amended motion was agreed as follows:

COVID-19 - Council finances

'Middlesbrough Council recognises the strain the pandemic has placed on Council finances. Whilst we recognise that the government has reimbursed some of the direct costs of Covid-19, we do not believe it goes far enough. Middlesbrough Council has been unable to make the required savings in its 2020/21 budget and has seen a sharp decline in its income due to the closure of facilities and the suspension of some chargeable Council services. The government told councils at the start of this crisis that that 'The government will do whatever is necessary to support these efforts.' However, since then it has been confirmed that the government will not reimburse unachieved savings and will reimburse up to 75% of income lost. This will put a further pressure on future budgets This Council believes this is wrong and the Government should fulfil its pledge to do 'whatever is necessary'.

This Council therefore resolves:

To robustly call upon the government to properly reimburse councils for the loss of income due to Covid-19 and cost of unachieved savings for 2020/21.

To continue to pressure local MP's to make the case in parliament and to the government.

To write to local Members of Parliament with a copy of this motion if passed.'

Councillor Walker spoke in support of the motion. He stated that many local authorities had an increase in responsibilities and a decrease in funding and with Covid this added additional pressure. He queried whether a letter would be effective. He stated that many members of the public might query whether if there was a decrease in services, if it would mean a reduction in Council tax. He stated that the responsibilities for Middlesbrough had increased but funding from the government decreased.

Councillor Higgins stated that the Council was not asking for special treatment, it was only asking for what it was promised. Councillor Higgins urged members to support the motion.

Councillor Branson spoke in support of the motion. He advised that the Council had already been required to transfer funding from the contingency reserve fund to the general fund to deal with the projected overspend of £4.4m for this year. The Council had been able to save some money on Capital expenditure and by not purchasing new vehicles. The General reserve fund would need to be replenished at a cost of £3.7m. The Director of Finance had indicated that further savings of over £3m, may need to be found in the next financial year.

The effect of Covid on the Council's finances in terms of reduced Council tax income and business rate income as a result of the contracting economy and the fact that the government would only fund 75% of revenue receipts.

There would be significant pressure on local finances in the following year and the Council could be faced with raising the Council tax or cutting services and this would affect the most vulnerable in the town.

Councillor Branson suggested that if agreed, a copy of the motion be forwarded to the Government.

Following clarification from the Monitoring Officer with regard to the proposed amendment to the motion, the amended motion was put to the vote.

On a vote being taken, the amended motion was declared **CARRIED**

12 **NOTICE OF URGENT MOTIONS (IF ANY)**

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

13 **MEMBERS' QUESTION TIME**

The Chair announced that there were five questions from Members of the Council. The details of the specific questions were included at Agenda Item 16.

Question 1/20 - Councillor M Storey to the Mayor with regard to the closure and re-opening of parks.

In response to Question 1/20 the Mayor advised that the coronavirus was dangerous and it was killing people, and decisive strong action needed to be taken. He stated that he believed that the decision to temporarily close the parks was the right one but he had kept it under review. The Mayor advised that he had held discussions with various people including the Director of Environment and prior to re-opening the parks, arrangements had been made to tape off all of the play areas in the parks. The Mayor advised that he had received criticism for closing the parks and criticism for re-opening the parks from some members of the council and local activists. The Mayor urged members to try and be more positive and to work together for the good of the town.

Question 2/20 - Councillor Furness to Councillor Waters regarding Selective Landlord Licensing

In response to Question 2/20, Councillor Waters advised that the Selective Landlord Licensing scheme was currently operating in half of the Newport Ward. Any decision regarding the expansion of the scheme would be made once an evaluation of how the scheme was operating sometime in the future.

The Executive Member advised that the Selective Landlord Licensing scheme based in the North Ormesby Ward was operating well. The scheme had not been enforced in the past very well but changes to the scheme had improved the way the scheme operated.

The Chair requested that Councillor Hellaoui put all her three questions together to allow the Executive Member for Education and Skills to respond.

Question 3/20 4/20 5/20 - Councillor Hellaoui to Councillor Smiles regarding Education

In response to the above questions, Councillor Smiles stated that the Council should pay testament to the young people of the town in the way in which they had handled the situation with regard to the situation with regard to examinations. The Government were not publishing any performance data at this time. Councillor Smiles advised that from early indications from schools, it appeared that in Middlesbrough, the grades awarded were mainly in line with teacher assessments, with some upgrades. These grades could improve further, following the appeals process. Councillor Smiles advised that she was keen to monitor the situation and support the educational settings, where necessary.

The Executive Member advised that in terms of the situation regarding the schools being closed, it appeared that children in the transitional point of their education had been affected more than most other children, as they were unable to engage in their new educational

settings. It was important to monitor this situation. There was a virtual dialogue with the most vulnerable children and additional support was on offer in terms of mental health, which could become an issue in the forthcoming months. There was also a catch up programme for early years for those children moving into reception.

The Executive Member highlighted a campaign called 'Your Future Matters' to promote opportunities for post 16 year olds to access education, skills or training.

Councillor Hellaoui queried whether members could be kept updated on the above issues. The Executive Member confirmed that members would receive updates.

14 **TIMETABLE FOR FULL COUNCIL MEETINGS FOR THE MUNICIPAL YEAR 2020/2021**

The Director of Legal and Governance Services submitted a report outlining the programme of full Council committee meeting dates for the Municipal Year 2020/2021 as outlined in Appendix A to the report.

ORDERED that the report be noted.

15 **UPDATE ON URGENT DECISIONS**

The Director of Legal and Governance Services submitted a report containing details of decisions that had been taken under the urgency rules.

ORDERED that the report be noted.

16 **DIRECTOR OF FINANCE**

The Director of Legal and Governance Services advised that following a recommendation from the Chief Officer Appointments Committee held on 26 August 2020, to appoint Ian Wright to the post of Director of Finance, Council was requested to ratify the appointment to the post, which carried with it responsibility for the statutory Chief Finance Officer role.

Following a vote, it was:

ORDERED that the appointment of Ian Wright as Director of Finance and statutory Chief Finance Officer be approved.

Report of:	The Mayor – Andy Preston
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AGENDA ITEM 7

Submitted to:	Council – 14 October 2020
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Subject:	Change to Executive Scheme of Delegation
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Summary

Proposed decision(s)
That Members note the changes to the Executive Scheme of Delegation

Report for:	Key decision:	Confidential:	Can be called-in:
To be Noted	No	No	No

Contribution to delivery of the 2020-23 Strategic Plan		
People	Place	Business
Not applicable	Not applicable	As part of the, The Mayor is required to report to full Council, any changes to the Executive Scheme of Delegation.

Ward(s) affected
Not applicable

What is the purpose of this report?

1. To advise members of changes to the Executive Scheme of Delegation.

Why does this report require a Member decision?

2. The Mayor is required to report to Council, any changes to the Executive Scheme of Delegation, in accordance with Executive Procedure Rules - Paragraph 1.4 (a), as set out in the Council's Constitution.

Report Background

3. On 22 September 2020, members received an email advising of the following changes to the Executive Scheme of Delegation:

The creation of a new Executive Member portfolio:

Executive Member for Communities and Education.

Councillor Mieka Smiles would be the Executive Member responsible for this new portfolio

The separate portfolios for Communities and Culture and Education and Skills would be disbanded.

4. The Constitution requires that any changes to the Executive Scheme of Delegation are subsequently reported to full Council.

What decision(s) are being asked for? Why is this being recommended?

5. That the changes to the Executive Scheme of Delegation, as set out in paragraph 3, be noted.

Other potential decisions and why these have not been recommended

6. No other options were considered.

Impact(s) of recommended decision(s)

Legal

7. There are no legal implications as a result of this report

Financial

8. There are no financial implications arising from this report

Policy Framework

9. The report does not impact on the overall budget and policy framework

Equality and Diversity

10. Not applicable

Risk

11. It is important that the democratic process is followed. If the Council does not have adequate governance processes in place to ensure that it complies with all relevant legislation, it could result in a breach in governance requirements leading to (depending on the seriousness of the breach) fines, reputational damage, government intervention alongside failure to deliver organisational priorities.

Actions to be taken to implement the decision(s)

12. Update the Constitution with the changes to the Executive Scheme of Delegation.

Background papers

No unpublished background papers were used in the preparation of this report.

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**Executive
Member**

**Council Meeting: 14
October 2020**

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INTRODUCTION

This document contains Executive Member reports relevant to the Council meeting to be held on **14 October 2020**.

The booklet, in addition to containing details of Executive Member activities covering the period following the last Council meeting (section 1), also details those Executive decisions taken since the last booklet was published (section 2) together with those decisions planned to be taken from dispatch of this booklet up until the date of the Council meeting (section 3) and those decisions planned to be taken following the Council meeting (section 4).

The table at section 2 contains details of decisions taken by individual Executive Members, the full Executive, Executive Sub-Committees and Joint Archives Committee. The public reports that were considered are also available through the E-Genda system.

The tables at section 3 and 4 contain details of the decisions to be taken by individual Executive Members, the full Executive, Executive Sub-Committees and Joint Archives Committee. Further details on key decisions that are to be taken can also be found on the E-Genda Forward Plan.

The Executive Member reports and the additional decision making information will hopefully assist Members when considering any questions they may have for Executive Members at Council, which can be asked within accordance of the Council's procedure rules.

Details of those decisions to be taken, as outlined in Section 3 and 4, may sometimes be subject to change (e.g. dates of meetings may alter). Members are therefore advised to check with the Executive Office should they have an interest in specific issues.

Charlotte Benjamin
Director of Legal and Governance Services
(01642) 729024

Contact details

Bernie Carr – Principal Democratic Services Officer - (01642) 729714

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EXECUTIVE MEMBER REPORTS AND ADDITIONAL INFORMATION

COUNCIL MEETING: 14 OCTOBER 2020

CONTENTS

SECTION 1 - Executive Member Reports

<ul style="list-style-type: none"> Deputy Mayor and Lead Member for Children's Social Care <i>Councillor A High</i>
<ul style="list-style-type: none"> Executive Member for Adult Social Care and Public Health <i>Councillor D Davison</i>
<ul style="list-style-type: none"> Executive Member for Communities and Education <i>Councillor M Smiles</i>
<ul style="list-style-type: none"> Executive Member for Environment <i>Councillor D McCabe</i>
<ul style="list-style-type: none"> Executive Member for Finance and Governance <i>Councillor C Hobson</i>
<ul style="list-style-type: none"> Executive Member for Regeneration <i>Councillor A Waters</i>

SECTION 2 – Table of Executive decisions taken and that have been through the Call-In period, since the last booklet, published on 24 August 2020.

SECTION 3 – Table of Executive decisions planned to be taken from dispatch of this booklet up until the date of the Council meeting.

SECTION 4 – Table of Executive decisions planned to be taken following the Council meeting.

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EXECUTIVE MEMBER REPORT TO COUNCIL

Wednesday 14th October 2020

STRATEGIC

1. Youth Services

Staff from the Commissioning Team and the Early Help and Prevention Service have been working together to develop the specification for the new Youth Service Contract. A number of other departments within the Council have contributed to the development of the service model including Public Health and representatives from the Community Hubs, who are able to offer venues and facilities for delivery of youth sessions. We have also had involvement from the Young Commissioners who have been reviewing the specification and working with us on the evaluation questions. This will be a fully commissioned model and bids will be invited from organisations when the tender is published, which will be during October.

The next steps in the planning process are to progress with further work in regard to the pricing schedule, evaluation process, mobilisation of the new service and how we will include and focus on social value. All work is in progress and we are on track to meet the required deadlines and to have the new service up and running from 1st April 2021.

2. Ofsted Improvement Journey

As noted in the last report Middlesbrough's own MACH (Multi-Agency Children's Hub) went live on 1st July 2020. An additional Assistant Team Manager has been recruited along with two additional screening social workers to support the increased demand. The police remain the highest referrer into the MACH with 31.5% of contacts received in August but their conversion to social care assessment is the lowest. By the time of this board meeting there will have been two multi-agency strategic MACH boards since the disaggregation. The first was a set-up meeting and signed off the board's terms of reference.

In order to improve performance a fifth assessment team has been created within current resources which has created a four week gap in the duty cycle giving assessment social workers an extra week to complete their single assessments. It is anticipated that this model will contribute to a reduction in caseloads in the assessment service over the coming months.

However, currently as a result of high demand, social work caseloads are greater than the Directorate target with 61% of case holders carrying 21 or more cases. It is a challenge to mitigate against higher caseloads impacting on the quality of our work including management oversight and our ability to embed learning from audit and training.

In our Early Help Services known as Stronger Families here in Middlesbrough, the level of demand has increased and staff are also carrying high caseloads. To mitigate against this and as part of our recovery planning, the service has recruited additional Senior

Practitioners to increase capacity and has refocused the work of all teams to focus on family work. In addition, we have recently welcomed two members of staff to Stronger Families from the voluntary and community sector. These staff are employed by Safer Communities but will be working within Stronger Families through a formal secondment agreement, these staff will be supporting Early Help Practitioners with casework and delivering interventions with families.

As part of our response to the COVID 19 situation here in Middlesbrough Stronger Families offered a check in service for families during the 6 week summer holidays, these were children that schools felt that may need support whilst the schools were closed and who did not have a Social Worker or an Early Help Practitioner. During the 6 weeks, families have been contacted and 129 children have been supported over the holiday period.

I am very pleased to inform the board that Future for Families, Middlesbrough's service providing outreach to young people edging towards care was registered by Ofsted on 7th September and the service went live on that date providing both in-reach and out-reach support. The service is currently working alongside the Innovate team to support young people moving on from external residential placements and also with 11 additional young people to prevent family or placement breakdown.

A programme of roadshows is underway, looking at service specific improvement, five have taken place to date with seven more still to be carried out. Overall feedback from staff has been positive.

Governance and Partnership

The July Operational Board was substituted by a survey asking attendees for their views on the board's organisation and function – what it does and how it could be done better. Unfortunately there were only four responses so it is not possible to draw any real conclusions from them. However, in general terms the few responses indicate that the purpose of the board is understood but the papers are too long, too detailed and too local authority focused. This will be discussed at the October meeting of the board.

Our emerging Children's Workforce Development Strategy is now being drafted. This work sees a significant shift in scope and emphasis from our previous strategy and is critically aligned with the detailed actions and outcomes set out in our Strategic Improvement Plan. A draft will be available for sharing with DfE and Ofsted later this month. This will provide us with an opportunity to benefit from any initial feedback from our statutory regulators to inform content and approach before an open consultation with our staff during the autumn.

Our Corporate Parenting Strategy, including the Permanency and Sufficiency elements, has been developed during the summer and will be subject to an open consultation with members, staff and other stakeholders for one month from 1st October. The strategy outlines our corporate parenting priorities, our plans for improving permanency for children and young people, and our forecasting and sufficiency priorities for placements and support for children and young people in our care. The strategy has been drafted in consultation with young people.

A virtual meeting between representatives from the Ministry for Communities, Housing and Local Government (MHCLG) and relevant Middlesbrough colleagues led by the Kay Dargue, Head of Services for YOS and partnership took place on 3rd August. The

purpose of the meeting was for the MHCLG to scrutinise our work to prevent homelessness amongst 16/17 year olds - a recommendation from our Ofsted inspection report. The meeting received our current position statement, information about our improvement programme and also a copy of the draft 'Homelessness' protocol for comment.

The feedback from the meeting outlined a number of strengths to build upon, along with the significant challenges we need to tackle as part of our improvement journey. However, they stated that "despite this creating all manner of challenges, it is an exciting time and there is plenty of energy exuded by those championing the ambition". A working group has subsequently been set up to take forward the advice from the MHCLG. They will develop an action plan to ensure advice is taken on board and recommendations are progressed. MHCLG will conduct a further visit in 8-10 months' time to assess our progress.

Our first Ofsted monitoring visit took place virtually on 23rd and 24th September focussing on the MACH and the Assessment Service. The lead inspector was Jan Edwards who was also the lead for the full inspection last year. We submitted a considerable amount of documentation to evidence the work undertaken so far this year including performance, audit and caseload information. Jan chose seven casefiles for in-depth scrutiny but she and her colleague inspector also case tracked many more. The visit went smoothly and the staff involved reported positive experiences. I am pleased that not one child was brought to my attention as requiring urgent remedial work. Jan provided some initial verbal feedback at the end of day two and this is being followed up in the form of a letter. All findings are confidential until we receive the final copy of the letter on 16th October. Monitoring visits are not graded and as this is the first monitoring visit the letter will not be published.

3. Integrated Commissioning Model

The Homeless Advice and Prevention Service (now known as Housing Solutions) transferred back into Middlesbrough Council on 1st September 2020 and the team are settling in nicely. There are some concerns around capacity due to the increase in demand as a result of Covid so we are looking to create a part-time admin officer and full-time accommodation officer, fixed-term until 31st March 2021. Tenders for specialist services have been received and are currently being evaluated.

PERFORMANCE

4. Pot Hole Initiative

The responsive maintenance team are now into week 12 of a planned 20 week programme and have so far completed work in 10 wards with works being carried out in Wards alphabetically with the teams currently in Longlands and Beechwood. Not including ongoing works in this Ward, the team have so far identified and repaired 1769 defects which equates to over 8800 potholes, laid 752 tonnes of tarmac over an area of 7885 square metres and have programmed a further 10251 square metres of resurfacing works to be carried out by a main contractor to repair those areas too large to patch.

Work is progressing well with only minor delays to the programme so far due to a combination of inclement weather and the scale of works identified in 2 wards which extended the planned week per ward programme to ensure that actionable defects were repaired. Feedback from residents so far has been very positive.

EXECUTIVE MEMBER REPORT TO COUNCIL 14th OCTOBER 2020

ADULT SOCIAL CARE AND PUBLIC PROTECTION

PERFORMANCE

Integrated Commissioning Model

1. The tenders for the specialist services have been evaluated and contracts will be awarded in October.
2. The Homeless Service came back into MBC on 1st September 2020 and we are working closely with them to embed the service and address any issues.

Homelessness

3. We are continuing to provide temporary accommodation to homeless applicants and we currently have 78 single people in temp accommodation.
4. Middlesbrough has been awarded some funding as part of the MHCLG 'Next Steps' bid to secure move on accommodation for rough sleepers. Details of the award will be available in early October.

Local Authority Asylum Support Liaison Officers (LAASLOs)

5. The Home Office has restarted its cessation process at decision point, meaning asylum seekers and refugees are once again asked to leave their properties and either return to their country of origin (in case of refusals) or find their own tenancies (in case of granted). The LAASLO team is liaising with homeless and VCS organisations to best support these individuals and ensure they do not end up homeless and destitute. Other forms of ongoing support (applying for bank accounts and benefits, finding employment, support around integration) have continued throughout lockdown. Communication with the Home Office, Mears, and other partners around how best to return to business as usual is ongoing.
6. All asylum seekers in Middlesbrough have been and continue to be, in the case of new arrivals, provided with a UTB facemask. This has helped to promote the importance of wearing masks while also giving the team the opportunity to build relationships and highlight council services.
7. We now have a twice weekly visible presence in the community through locality working efforts. We are in Newport Hub on Tuesday and North Ormesby Hub on Thursday. Neither location, at present, is suitable for face to face meetings, which will continue in the risk assessed booth in the Civic Centre instead. The booth is now also blocked out every Wednesday for welfare rights.
8. The LAASLO team is delivering presentations on the importance of Covid test & trace and ensuring there is an increased understanding of the need to self-isolate and when (and

when NOT) to get tested. This is being delivered to council employees who work in a front-facing role in Middlesbrough's communities (neighbourhood safety officers and street wardens up to now) in an effort to ensure the same, accurate messages are known and disseminated to others.

Domestic Abuse/Sexual Violence

9. Face to face work has resumed for emergency / crisis work and a range of opportunities to access support is still being offered.
10. Office of Police and Crime Coordinating (OPCC) discussions with Safe Lives and strategic partners regarding a focused piece of work across Cleveland, in relation to Domestic Abuse Whole Family Approach. OPCC will fund some of this work but Local Authorities will also need to provide contribution. The work would be focused on mapping process across four areas, conducting Deep Dive in relation to understanding families engagement, completing assessment to check if Local Authorities are Domestic Abuse bill ready (April 2021)
11. Middlesbrough Council and Office of Police Crime Commissioner will be co commissioning BAME service for victims experiencing Honour Based violence, Forced Marriage and Female Genital Mutilation. The new service will available from 1st April 2021. Public Consultation has informed how service will develop

INVOLVEMENT AND PROMOTION

Staying Put Agency – Covid-19 Response

12. In supporting the local authority response to Covid-19, the Staying Put Agency has used its can-do approach, creative thinking and flexible working to support residents in these most challenging and unparalleled times.

TAMP PPE DISTRIBUTION WAREHOUSE

13. The PPE Distribution Warehouse (TAMP) was quickly setup by Middlesbrough Council as a direct response to the Covid-19 pandemic. Three members of the Staying Put Agency staff team have played key roles in the initial setup and in overseeing the day to day management of stock arrivals and distribution. The teams care and attention has resulted in the distribution of safe, fit for purpose PPE, moving rapidly to fulfil emergency orders and support ever changing needs the team have risen to the challenge of helping the residents of Middlesbrough and neighbouring authorities.



WELFARE CALLS

14. In response to the impending lockdown the agency quickly changed an element of its delivery model to offer welfare calls to vulnerable and elderly residents. The calls have

provided advice and support across a broad spectrum. Initially it was imperative to link vulnerable individuals to essential services to ensure basic needs and health requirements were being met. This included helping people arrange medication deliveries, ensuring that essential utility bills could be paid and that food could be safely obtained. Alongside linking in to practical service set up in response to Covid-19, this included the Help Boro Portal and NHS Food Parcels.

15. In addition signposting and joint working around more complex issues has provided positive outcomes for people and in essence provided an early intervention to prevent people reaching a point of crisis and requiring critical care.

MIDDLESBROUGH HANDYPERSON SERVICE

16. The Middlesbrough Handyperson service has played an essential role in the response to Covid-19. Quickly changing its way of working the service offered essential support to a whole range of wider services, groups and organisations. It was heavily relied upon by Adult Social Care to deliver an immediate response to hospital discharge offering out-of-hours services to facilitate increased numbers of people. It was also instrumental in the set-up of the Tees wide regional PPE hub and continues to provide resources and logistical support. The service initially provided the localised collections of the Council arranged food parcels whilst awaiting the government's response and then assisted with the distribution/packaging of larger scale deliveries

PUBLIC HEALTH

STRATEGIC

Covid-19 Outbreak prevention and control

17. The new cases of covid-19 in Middlesbrough was 102.1 per 100,000 population for the most recent 7 days up to 28 September 2020. We have implemented a local enhanced contact tracing programme that has identified that transmission of infection for the majority of people has been attributed to infection being passed on among household members and their extended family bubble. A number of people have also attended other premises such as restaurant, gym or pub and we are also observing a large number of infection that is affecting schools. Most infection in schools have, however been acquired from the community and not been passed on within the school setting. James Cook hospital is also observing increasing numbers of cases with much more severe illness.
18. A multi-agency outbreak control team has been stood up by the South Tees Health Protection Board that is leading on plans to control the spread of infection in the borough and to reduce any adverse impact. We are working with schools and other high risk settings to support them with interpretation and implementation of national guidance, infection control and risk communications.
19. In addition to the regional testing unit, we have also deployed a mobile testing unit to the Newport community hub to boost access to testing for our local residents. We are also working with Teesside University and the Department for Health and Social Care (DHSC) to establish an additional local testing site

COVID-19 community response

20. Two community grants programmes have been launched to support our grass roots response to COVID-19 prevention and recovery.
21. Grants of up to £1,000 for non-constituted groups and up to £5,000 for constituted groups will help ensure local people are well informed on COVID-19 risk, prevention measures and support, with help targeted at those most at risk. This will be supported by a network of COVID-19 community champions who will ensure information and advice on support reaches our most vulnerable communities.
22. A strong community and voluntary sector will also be a crucial part of our recovery and ongoing COVID-19 management and prevention. To support this, grant funding has also been identified to support the sustainability of CVS organisations who are providing support as part of the COVID-19 response and recovery
23. Both schemes will focus on six key areas:
- The older population
 - BAME communities
 - Those shielding
 - Those at clinical risk
 - Those with addictions
 - Wards with high levels of deprivation

Recovery planning

24. As the membership of the Health and Wellbeing Recovery Group is multiagency it was important to co-produce an action plan utilising community insight and intelligence. The action plan has identified and will address inequalities that have arisen or broadened as a result of COVID-19, particularly amongst the vulnerable, and will support health and wellbeing recovery in our local communities with a key focus on addressing issues and gaps in relation to:
- Financial insecurity;
 - Community connectivity and tackling social isolation (with a particular focus on digital exclusion);
 - Environmental benefit and sustainability (including food poverty and affordable warmth);
 - Access to support and services (with a key focus on social prescribing);
 - Mental wellbeing;
 - Health and wellbeing service offer;
 - Housing;
 - Substance misuse;
 - Domestic abuse; and
 - BAME engagement
25. Leads have been identified and agreed from different agencies/organisations to progress the actions within the plan. Through working collaboratively, interdependencies with other existing groups and partnerships have been identified ensuring we add value and are working across the system effectively.
26. It is critical that we continue to work with our communities to identify, build and connect assets to in order to build community capacity and resilience. This is particularly important in light of recent Government restrictions and the potential for further restrictions being put in place. In addition, working with our communities and wider partners ensures that decision making is based on shared understanding of insight, evidence and intelligence.

INVOLVEMENT AND PROMOTION

Sexual Health

27. The five year Tees sexual health contract comes to an end next year on 31 July 2021, following a failed attempt to negotiate a 12 month extension with the incumbent provider (Virgin Care). A steering group has been established across Tees to oversee the tender, which is proposed to separate out clinical services (e.g. integrated clinical contraception and STI testing and treatment) from prevention and outreach (e.g. C-Card, outreach point of care HIV testing, RSE and promotion of safe sex), with the former likely to be tendered Tees-wide and the latter subject to local authority determination.
28. Specifications are currently being developed to support the tender exercise, which will see some of the innovative practice adopted via the COVID-19 response, mainstreamed into services (e.g. increased telephone triage, telemedicine and online provision). The clinical services contract will; be commissioned similar to the existing clinical elements of the current contract, which form part of a collaborative commissioning approach with the four Tees Local Authorities, HSE England and the Tees Valley Clinical Commissioning Group. The tender opportunity is anticipated to be advertised early October, with the contract awarded in December, ahead of a service commencement date of 1 August 2021.

Councillor Dorothy Davison
Executive Member for Adult Social Care & Public Health

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EXECUTIVE MEMBER REPORT TO COUNCIL Wednesday 14th October 2020

STRATEGIC

South Tees Youth Offending Service (STYOS)

STYOS held an open day and this year an invite went to all councillors. The event reflected upon the previous year's work, work during Covid and a presentation was given on specific areas of work including restorative practice and intervention. The day was well attended and the service has received some positive feedback.

South Tees Safeguarding Partnership (STSCP)

The STSCP is operational and replaced the Local Safeguarding Children Boards in Middlesbrough and Redcar & Cleveland. The arrangements cover the South Tees geographic area with the following agencies having equal responsibility: Middlesbrough Council, Redcar & Cleveland Council, Tees Valley Clinical Commissioning Group and Cleveland Police.

The STSCP aims to support and enable local organisations and agencies to work together in a system which places the child at the heart of the process with a key focus on improving practice and enhancing outcomes for children and their families.

Education, Health and Care Plans (SEND)

Covid continues to limit the ability to carry out assessments to support the EHCP process. Across the country local areas have applied innovation to ensure that assessments can continue to take place and that the 20 week process is not delayed. Currently within Middlesbrough the 20 week completion rate remains above 90%, which is above the national average ensuring our young people get best support possible.

Early Years Specialist Support Service (EYSSS)

The EYSSS, a specialist assessment setting for children with a variety of special educational needs and disabilities, was previously based at James Cook University Hospital. In response to Covid, this setting was closed to allow the emergency response from the hospital to take place.

As from September 2020, the service will be temporarily based at Hemlington Initiative Centre for one year. During this time, the service will work with partners to develop a new and improved model within the community.

Access to Education

Outwood Riverside school is now fully open to its first year 7 cohort and feedback from students and pupils has been great.

Schools Re-opening

All schools and academies reopened to all Middlesbrough children and young people during the week commencing August 31. School leaders worked through government guidance to ensure detailed plans and risk assessments for opening were in place. Feedback about re-opening has been positive with leaders reporting that pupils are pleased to be back at school, have settled well and are enjoying learning in the classroom again.

Some schools have experienced positive Covid cases. Generally, positive cases have not resulted in widespread disruption to schools and only bubbles (groups of staff and pupils organised in school to minimise the spread of transmission) or part of bubbles have been closed. Full school closures are being considered carefully and are only taking place where reduced staffing means the school cannot open safely and where the risk has been assessed carefully.

There has been consistent communication with parents and carers from Middlesbrough Council and schools so that they understand how and when to seek a test and what to do if there are symptoms in the household.

Middlesbrough Cultural Partnership

The cultural partnership has been successful with the Heritage Action Zone pilot funding, this will involve a joint commissioning model in Middlesbrough Railway station's 'Tunnel Gallery'.

We will be launching the partnership in a series of digital and in person events.

PERFORMANCE, INVOLVEMENT AND PROMOTION

Access to Education

Attendance at school is around 85%, marginally higher than national.

Council officers manned the town centre streets during the first week of term to help ensure a smooth start to Riverside school, helping the new year 7s and their parents on their way.

The Virtual School has rolled out on line training to all schools to help upskill staff in dealing with children who may be struggling to adapt to the return to school.

Middlesbrough Community Learning Service

All three of our centres have reopened across the town including Lingfield Countryside Centre, Multi Media Exchange and CLC Building in Acklam. Due to social distancing restrictions, the delivery of learning has significantly changed. Face to face, delivery has been reduced and a more blended approach to delivering learning has been adopted across all aspects of the service.

Throughout the pandemic, the staff continued to deliver remote learning activities and provided online employability support to our residents. This led to over 500 residents accessing distance learning opportunities, 12 apprentices completing their apprenticeship and 28 people moving into work during March–August 2020

Routes to Work

Well done to our Routes to Work team for being awarded a Civic Award for Improving Employment Opportunities for our Residents. The project is aimed at supporting residents over the age of 30, who have been long term unemployment and facing barriers to moving on with their lives. The project to date has engaged with over 900 Middlesbrough residents and moved some of our most disadvantaged residents closer to work or into employment.

**TEES VALLEY
ROUTES TO WORK**



Opportunities for Culture During Covid

There has been so much amazing work done to continue cultural engagement with audiences throughout the pandemic. Below are just a couple of the highlights.

- The Dorman Museum, Newham Grange Farm, the sports centres and Middlesbrough Archives are now open to the public and operating a Covid secure service. We have had fantastic feedback from visitors.
- Middlesbrough Mela at home project took place over a four week period, created content involved storybook commission and production of 1000 books, online storytelling in English, BLS and Urdu, Mela yoga sessions, music making sessions, arts workshops, mandala workshops, art packs and much more.
- Middlesbrough Town Hall ran one socially distanced comedy event within the building and hosted one outdoor theatre show, Twelfth Night, in partnership with Middlesbrough Theatre.

Neighbourhood Safety Warden Service & Town Centre Team

The Community Safety Team has continued to respond to the impact of Covid with wardens promoting social distancing, keep left campaigns and conducting on the street temperature gun checks with members of the public to raise awareness of risks.

Wardens as usual have responded to a vast range of issues from addressing ASB across the town through to truly fantastic work supporting vulnerable residents.

The Neighbourhood Safety officers have been proactive across the ward on a diverse range of issues affecting local communities however some stand out events this month include the following:

Following formal action being taken against a youth who had been involved in setting a fire in Linthorpe Cemetery, the youth has now completed three one-hour long sessions working alongside the Neighbourhood Wardens to collect litter within the cemetery grounds and has taken positive steps to address his behaviour.

Neighbourhood Safety Officer's (NSO) Neil, Erin and Darren took part in a joint exercise alongside Middlesbrough Neighbourhood Policing Team and Cleveland Police motorcycle unit called Operation Endurance.

The purpose of the exercise was to make the town's roads safer. Four vehicles were seized as part of Operation Endurance (which is dedicated to tackling off-road vehicles and associated antisocial behaviour) and Operation Phoenix.

Library Click and Collect Service

Community Hubs and Libraries re-opened on August 4 offering a Click and Collect library service and a limited return of some community services including nurseries, credit unions and limited sports based services, all complying with the current Covid secure guidelines. This has been a welcome return for many residents who have valued the return to some sort of normal. During the period up until mid-September, the service has issued 6,900 books.

Middlesbrough Libraries Active Mind Project

As a result of Covid, many services and activities can no longer take place in the usual way. People have not been able to meet in groups or attend events, which of course has a negative impact, especially for the elderly and people living with dementia.

A Dementia Café would normally take at place at a number of our venues on a monthly basis, where carers and their friends or family members can come in and have a chat whilst engaging in an activity.

Middlesbrough Library Service is aiming to pull together what we are calling 'Active Mind' bags. These bags will be completely free to borrow and will contain up to 10 items such as books, activities/games/puzzles, photos, posters, clothing, recipes, audio and lots more!

The items within the bags will span the 1940's to the 1970's - the aim being to encourage conversations, stimulate the mind, and reminisce. Initially we would like to put together 40 bags, which we will loan out to library members, the same as we would a book.

Locality Working



The temporary locality-working hub in the Newport Ward is now operational Monday to Thursday at Newport Community Hub and key services and partners are now able to co-locate to work jointly from one building.

Weekly locality meetings hosted virtually (via Webex) are also operational. Named staff allocated to locality working from a wide range of services including social care, homelessness, substance misuse services, education, environment and public health are now meeting to progress joint working and to develop action plans to meet the needs of local residents. Fortnightly multi agency ward walkabouts are also taking place to increase resident engagement and to identify issues 'on the street'.

The locality space within North Ormesby Hub has had delivery of chairs and desks to set out the space ready for those teams to use that are currently out and about in the area, helping to strengthen those links. The space is also operational with area care, wardens, selective landlord licensing and police colleagues all slowly returning to the venue in a controlled way.

Both locality areas are linked with projects such as looking at the impact of drinking in the home, digital access for Middlesbrough residents and a Covid 19 recovery research project.

The Safer Streets project now has a working group that meets fortnightly. The locality team is taking a leading role in identifying areas of need, sourcing equipment and engaging with partners and the community to ensure action is taken in the correct areas.

Community Involvement and Promotion

Our alley way project is very much in full swing with four groups having secured funding so far and residents from many more streets expressing an interest.

We also have an officer who is coordinating the scheme, supporting residents with funding applications and helping to tackle any barriers they may have in transforming their alley way. A letter drop is taking place across Newport to raise further interest.

We are working with Alley Pals and Urban Rebirth, the aim being to assist each other to enable us to improve as many alleys as possible.

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Councillor Dennis McCabe

**EXECUTIVE MEMBER REPORT TO COUNCIL
14 October 2020**

Decision:

The Executive gave approval to commence consultation on the adoption of the emerging Green Strategy. The strategy sets a programme to meet Government targets for Recycling uptake and Greenhouse gas emissions and make the council more climate resilient to make sure we are prepared and can adapt to changes in climate and to minimise the environmental impact of council services in future. This also supports the One Planet Living framework and the 10 principles already adopted by the council. The Green Strategy – ‘A Greener Future for Middlesbrough’ has 3 main aims:

1. To make Middlesbrough Council net carbon neutral by 2029
2. To ensure Middlesbrough as a town is net carbon neutral by 2039.
3. To make Middlesbrough a lead authority on environmental issues.

Strategic:

Waste Collection: In Cab System. Recycling & Waste Services have recently purchased a Digital In Cab System for all the Recycling & Waste Services Vehicles. The system will reduce paperwork for the Crews and also provide an economically enhanced daily route for each round. The benefits of the system is:

MBC Carbon Footprint due to a reduction in miles travelled by a 26t HGV Refuse Compaction Vehicle (RCV)

Measure the performance of the individual Crew to highlight any spare time within the rounds.

Automatic Digital Job Tickets which will improve the Customer Experience as the job can be updated in real time recording the time it was complete.

Significantly reduce the amount of paper used

Offer a ‘real time’ picture of round progress so that any issues can be addressed in a timely manner.

Improve information to the Contact Centre Staff who will have information available to give to residents rather than have to call the Depot.

Improved information gathering on an individual property basis so that we are able to provide a more detailed response to issues.

Confirmation of Assisted Collections to reduce the amount of missed collections which will improve the Customer Experience

Improved Service Performance Reports

Green Waste Service will continue the Monthly Collections until the end November. This popular service has run very smoothly this year and tonnages are comparable to previous years despite the late start due to Covid pandemic.

The Future Waste Project has received nine responses to the Selection Questionnaire (SQ). Compliance checks are currently taking place and which will result in confirmation of compliant and eligible SQ responses by 11 Sept. Nine responses is seen as an excellent result for this initial stage of the competition and shows the level of interest in the project from some of the largest waste companies in Europe. Following the compliance checks a fair and transparent evaluation of the responses through the eight submitted case studies per candidate will be carried out by various members of the project LA's.

Performance:

We have agreed to go ahead with the installation of five new electric vehicle charging stations at the Cargo Fleet Lane depot for council use. This is an agreement with DEKRA, EON and Nissan and is linked to the purchase of new electric e-NV200 vans. These should be installed in the next few months.

Wildflowers

In autumn 2020 Environment Services will be planting 15,000M2 on already identified sites. Additionally, in collaboration with Thirteen Housing Group a further 15,000M2 will be planted across the authority

Bee Hives

Environment Services are aiming to make Middlesbrough a more bee-friendly town through better habitat management and siting of bee hives in key locations. We have already one located at Natures World and have identified a number of other suitable locations for Bee Hives to be positioned in 2021. The Wildflower Planting in Autumn 2020 will help us achieve a sustainable bee population across the town.

Hedge Cutting

Area Care have commenced with the hedge cutting season following the end of the bird nesting season.

Tree Planting

UTCF tree planting of 710 trees making a total of 1,200 trees planted during 2019-2021 will commence in October and continue throughout the Autumn/winter period.

Whip Planting

A Community Whip planting will commence in October with 5000 mixed species whips to be planted. A further 7,500 Whips are to be planted through Middlesbrough during Autumn/Winter.

Pest Control

The team continue to work on treating alley across the town, this work involves baiting alleys and fitting mesh to the bottom of bins to prevent rodents entering the bins. We

would like to remind residents to ensure all waste is bagged and placed in the bins provided and not out on the floor as this attracts rodents or stored in rear yards.

Pot Hole Initiative

The responsive maintenance team have now completed 10 Wards of a planned 20 Ward programme. They have identified and repaired 8845 defects, laid 752 tonnes of tarmac over an area of 8083 square metres and have programmed a further 9862 square metres of resurfacing works to be carried out by a main contractors to repair those areas too large to patch.

Bridges and Structures

We are in the process of confirming capital funding and implementing a 3 year works programme to carry out principal inspections on our bridge and structure stock and rectify any defects identified.

Street Lighting

We have resumed with the LED replacement programme following relaxation of Covid-19 restrictions and are now scheduled to complete the installations by mid November 2020. Following completion of this programme we will resume with planned column replacements with 300 columns due to be replaced by the end of March 2021.

Permit Scheme

Following Executive approval the Permit to Work on the Highway scheme was implemented on 1st April 2020 and the permit team are now successfully managing and co-ordinating all permit activity on the highway. The permit scheme will enable the Council to have much more control of utilities activities on the highway and fulfil our statutory duties in the Traffic Management Act 2004 to manage our network.

Fleet

Electric Vehicle Charging in collaboration with the Councils newly appointed Environment Sustainability Manager fleet services are exploring the option of entering into a Vehicle to Grid innovation programme co-funded by the Department for Business, Energy and Industrial Strategy and the Office for Low Emission Vehicles. The scheme will help and trial vehicle to grid charging technology in partnership with Nissan and E-On and which may enable the Council to have fully funded electric vehicle charging point installed at Resolution House and upon the purchase of compatible Nissan vehicles will allow surplus energy from the vehicle batteries to either be sold back to the energy supplier or used as supplementary overnight power to Resolution House. There will also be additional fuel and servicing savings from the use of the electric vehicles.

Traffic Signals/UTMC

The new UTMC and UTC system development is progressing well with Siemens carrying out the works to have the new system in place soon. TCF funding is available to expand our UTMC assets across the Tees Valley, with the UTMC manager currently working with Fore Consulting to develop an asset plan for hardware type and location (VMS, CCTV, ANPR, Air Quality, Traffic Counting, Weather monitoring etc.) We are also looking for funding to roll out some extra emission monitors along corridors such as Linthorpe Rd in Middlesbrough, Woodlands Road in Darlington and Norton Road in Stockton. Traffic

signal installations are in place at the new A66 throughabout and adjacent roundabout at Cargo Fleet Lane/South Bank Road junction and are working well. These two junctions will work collaboratively so that coordination and congestion can be controlled and monitored via UTMC

Highways Projects

Whilst progress with the planned capital verge and footway scheme works has been significantly delayed due to Covid-19 restrictions the planned highways team have now started on the 2020/21 works programme and are working towards having all of the scheme works complete prior to April 2021.

Flood Management - Marton West Beck Flood Alleviation Scheme

The Environment Agency (EA) and Middlesbrough Council (MC) are working in partnership to reduce flood risk from the Marton West Beck in Middlesbrough. A range of options were closely looked at and it was decided on a number of new flood risk management measures which will provide improved protection to 485 homes in central Middlesbrough. Of these 244 homes will be protected from a 1 in 75 year flood event which is a flood which has a 1.3% chance of happening in any given year.

The scheme will cost £4.8m and will provide £59m of economic benefit to Middlesbrough over the next 50 years, construction started in June 2020.

Involvement and Promotion:

Climate Action Middlesbrough

A partnership of local voluntary sector organisations, led by Middlesbrough Environment City, has been successful in securing a grant of £1.6m from the National Lottery Community Fund through the first round of the Climate Action Programme. Climate Action Middlesbrough will run over five years with the aim of raising greater awareness of sustainable living and helping to reduce the town's carbon footprint. The project will focus on empowering communities, especially young people, to address climate change locally, through involvement in decision-making, education and climate action projects in their own communities. Activities will include setting up Climate Action Forums with young people and the wider community, providing training in understanding climate change and practical community environmental projects across the themes of sustainable food, transport, domestic energy use, waste reduction and natural environment. The other funded partners include Actes, Tees Valley Wildlife Trust, Hemlington Linx and The Other Perspective. The wider partnership includes Thirteen Housing and Middlesbrough Council. The initiative will support the development and implementation of the Council's new Green Strategy. The project is one of only 14 across the UK to receive funding in the first round from over 600 initial Expressions of Interest.

HWRC

The site continues to be popular and the booking system is working well with a number of compliments from residents about how this has helped the process, again we would like to remind residents that when a booking is being made residents must enter their vehicle registration and post code, if they are not included the booking will be rejected.

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EXECUTIVE MEMBER REPORT TO COUNCIL Wednesday 14th October 2020

1. DECISIONS

The following papers went to Executive on 29th September:

Estates Strategy

Medium Term Financial Plan Update

2. STRATEGIC

Revenues and Benefits - Covid 19 - Grant Payments

From 23 September 2020, our Revenues and Benefits Services will be running a 6 week scheme designed to offer financial support of up to £100.00 for small businesses/self-employed etc to help them with purchases that will keep them Covid Secure.

Following the success of the business grants, it seemed like a natural step for the Service to administer this scheme as well. They have designed the solution and put in place a simple way for businesses to claim this much needed support.

The grants are for businesses with between 0-9 members of staff, who trade in Middlesbrough or for self-employed who live in Middlesbrough claims will be paid within 7 days of the application.

In addition in joint collaboration with Taxi Licensing the Services have also introduced a solution that will allow our licensed vehicles to be fitted with screen partitioning, fitted by 4 approved local businesses, the drivers will also receive face coverings.

Funding from Test and Trace of £150k has been set aside to support these two 'keeping customers and business safe' initiatives.

3. PERFORMANCE

ICT – Ofsted Inspection

The ICT Applications Support & Development Team and the First Line Desktop Teams have been focused heavily on the recent Children's Services, Ofsted visit. As part of the overall improvement plan for Children's a targeted two day inspection (September 23rd & 24th) was recently undertaken. Unlike previous inspections and due to restrictions caused by the pandemic, this visit was conducted remotely rather than onsite. This involved the building, testing and shipping of Council laptops to the inspector's homes. Previously inspectors would attend ICT Services in person, be issued with a device and be taken through the connection and logon process. To attempt this for such a critical and time limited task meant that we had to be certain the devices would work first time.

Through careful planning, rigorous testing and working closely with colleagues in Children's, the devices were couriered to the inspector's homes and they were supported in the connection and logon process with no issues.

ICT - COVID-19 Response

ICT Services continue to meet the challenge of supporting almost 2,000 ICT users who continue to work primarily from home. We also continue to support the wider efforts in the design and implementation of future office based working solutions. Recent updates in this area include:

- **WebEx.** An additional 150 licences for the corporate video conferencing solution have now been made available to Heads of Services and their teams across the Directorates. This hosted solution continues to evolve and deliver additional benefits, keeping Managers teams communicating and supporting staff in feeling connected and informed. ICT have recently introduced classroom style "Break out Areas" to the WebEx platform which will support the delivery of virtual training courses in areas such as Education, allowing course attendees to break out into individual groups for task based work. In addition our colleges in HR and Communications have developed a series of corporate backgrounds which can now be used during conferences and meetings. The backgrounds are available on the Councils Intranet Page.
- As part of the national effort to combat COVID-19, the Government have recently launched the NHS Track and Trace App. In order to ensure Council employees issues with smart phones, have access to this app. ICT Services "Fast Tracked" the testing of this app and its security, making it available to our corporate smart phone users the day after launch. Again this work ties into the wider issuing of QR codes by colleagues in Property Services.

ICT – PSN (Public Sector Network Audit)

As part of our ongoing security efforts ICT have recently undertaken the annual ICT PSN (Public Sector Network) health check. This audit involves the testing of our security posture by an externally appointed assessor. The assessor tests the security of our network (both internal and external) against the standards set out by the Cabinet Office. In order for the Council to connect and share information with Central Government e.g. DWP, we must demonstrate that we continue to maintain a keen focus on ICT Security. Following the onsite audit we await the assessors report. After which we will make our compliance renewal submission to the Cabinet Office in mid-October.

ICT - Security

ICT Services, continue to bolster our already strong security posture. Along with the recent upgrades to the MBC Firewall Infrastructure and additional security monitoring we have recently joined two key national initiatives:

NCSC Early Warning – We have provided the NCSC (National Cyber Security Centre) with details of our external MBC domain and our internet facing IP addresses. They will now, at no additional charge, provide an additional layer of monitoring which covers:

- **Incident Notifications** - Activity that suggests an active compromise of our system. Example: Our IP address has been involved in a DDOS (Distributed Denial of Service attack).
- **Network Abuse Events** - Indicators that our assets have been associated with malicious activity. Example: A client on our network is a part of a Botnet.
- **Vulnerability Alerts** - Indications of vulnerable services running on our assets. Example: We have a vulnerable port open.

Should the NCSC detect that one of our assets has been associated with malware communications, vulnerabilities or network abuse, we'll be contacted with details of the vulnerability which we will in turn close.

Police CyberAlarm – Similar to the NCSC Early Warning service. This is a free tool to help members understand and monitor malicious cyber activity. This service is made up of two parts; monitoring and vulnerability scanning.

The Police describe CyberAlarm as a “CCTV camera” monitoring the traffic seen by a member’s connection to the internet. It will detect and provide regular reports of suspected malicious activity, enabling organisations to minimize their vulnerabilities. The data collected by the system does not contain any content of the traffic. The system is designed to protect personal data, trade secrets and intellectual property.

As members of Police CyberAlarm we effectively become part of the wider UK cyber defence network, sharing collected data with Police for analysis at local, regional and national levels to identify trends, react to emerging threats and identify, pursue and prosecute cyber criminals. The more organisations that sign up to be members, the better the threat intelligence will be.

Revenues and Benefits - Food and Essentials Funding

On 10 June 2020, Central Government announced an emergency fund for Middlesbrough of £244k, which was to be distributed to those who were struggling to afford food and other essentials due to Covid 19. It was a big ask as one of the conditions was that ‘in the main’ the funds needed to be distributed within 12 weeks.

A number of authorities opted for a relatively straight forward allocation such as just giving customers a one off payment, our Revenues and Benefits team, who were responsible for designing and administering the solution opted for something that would provide short, medium and longer term support, a solution designed to support the hunger free pledge for Middlesbrough.

For those who haven’t seen this, this article was published by BBC Look North.

4. INVOLVEMENT AND PROMOTION

Human Resources – Flu Vaccinations

The government have extended the remit for people able to receive a Flu vaccination including the over 50’s. Work has started on the Flu Vaccination Programme within the Council with the aim to assist employees to have access to a vaccination if they don’t qualify under the government guidelines, helping to support staff and keep pressure away from the NHS.

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ASHLEY WATERS

EXECUTIVE MEMBER REPORT TO COUNCIL 14 October 2020

Strategic:

Emergency Grant Activity

As at 4 September for Middlesbrough Council (all existing schemes now closed)

Small Business Grant: **1,615** businesses have received grants totalling
£16,150,000

Retail, Leisure & Hospitality Grant: **391** businesses have received grants
totalling **£7,390,000**

Local Authority Discretionary Grants: **100** businesses have received grants
totalling **£888,000**

In delivering the various grants programmes staff in the Revenues and Benefits service and the Economic Growth service quickly mobilised; understanding that time is of the essence for paying these critical funds to our business community. Staff were diverted from their main roles and passionately supported businesses through the application process. Many Middlesbrough businesses now have a much-improved chance of weathering the economic impact, as a consequence of officers' dedicated and speedy response.

Future High Street Fund and Towns Fund

Both bids were submitted to government on 31st July 2020, with an initial response expected in October.

Future High Street Fund

Aim: To renew and reshape town centres and high streets in a way that drives growth, improves experience and ensures future sustainability.

Submission: Middlesbrough envisions a bright future for its high street based on building a new urban community in the heart of Middlesbrough. By bringing more people to live in central Middlesbrough with the aim of:

- Meeting housing demand both now and in the future;
- Driving reliable footfall into the heart of the High Street;
- Converting, adapting and diversifying a chronic oversupply of retail space;

Attracting and retaining skills and talent; and,
Building an increasingly, economically-active consumer base which will provide the necessary demand to sustain the transformation to a balanced leisure economy.

Impact

650 new homes and apartments located within the town centre, housing 1,500 residents.
Business supported to build resilience and embed long term trading adaptations - post COVID-19.

Increased cultural visitor patronage at a growth rate of 2% per annum.

Increase footfall in central Middlesbrough by a minimum of 10%.

Redress the balance of leisure and retail space by 25%, stabilising the commercial rental economy and incentivising private sector reinvestment.

Increased bus/rail patronage and cycle usage working towards the integration of multi-modal transport and a reduction in carbon emissions.

Build the base for further private investment and public funding.

Timescale: 2020/21 – 2023/24

Amount applied for: £20,500,000

Towns Fund

Aim: The overarching aim of the Towns Fund is to drive the sustainable economic regeneration of towns to deliver long term economic and productivity growth.

Submission: Five themes underpin the economic ambitions and aim to rebuild Middlesbrough's economic and social fortunes:

Transport and Connectivity - All travel modes will be enhanced.

Urban Communities and Placemaking - New urban communities, new employment accommodation and a broader leisure mix will be created.

The Middlesbrough Experience - Middlesbrough will be the key destination in the Tees Valley.

Building a Knowledge Economy - Quality of life and outcomes for residents will be improved through education and training.

Enterprise Infrastructure - Middlesbrough will deliver premium commercial space to enable additional employment.

Impact:

By 2030, Middlesbrough will be transformed by:

2000 new urban homes in the town centre, home to 4000 residents;

£500,000,000 investment between 2020 and 2024 (2:1 private: public investment)

265,000 sq. ft. of additional modern office floorspace

2700 new jobs

35% increase in rail passenger patronage

16 km of new cycle ways provided

New Town Centre Art College and Secondary school by 2024

Timescale: 2020/21 – 2023/24

Amount applied for: £25,000,000 plus advanced funding request of £1m to accelerate the Boho 8 development.

Performance:

Rail and Historic Quarter

The Historic Quarter was designated a Conservation Area in 1989 and centres around the Grade II-listed railway station, extending north towards Middlehaven and south towards the town centre. Once the commercial centre of Middlesbrough's trade boom in the second half of the 19th century, the Historic Quarter has suffered in recent years through lack of investment and high levels of empty properties.

The area is now set to benefit from a key funding injection through Historic England's High Street Heritage Action Zone fund. The programme is funded by Historic England (£985,880), Middlesbrough Council (£1 million) and will leverage third party funding.

The project was launched on Monday 7th September and will run until March 2024. It will offer property improvement grants to eligible privately-owned premises, to assist with building repairs and restoration. It will also provide enhancements to Exchange Square and Zetland Road, such as upgrades to hard surfacing, new street furniture, improved street lighting and the introduction of new trees. A range of community and cultural activities will reanimate the area and increase footfall.

The programme of improvements has been designed to stimulate investment and make the area a more engaging and vibrant place to be.

Town Centre footfall

Monthly footfall figures are as follows:

	February	March	April	May	June	July	August
Footfall	1,067,502	847,787	212,476	270,345	652,009	742,657	848,996
% Month on Month		-31.1%	-68.7%	27.2%	92.9%	42.4%	14.3%
% Month on Month North and Yorkshire		-36.1%	-66.7	27.6%	70%	58.1%	15.5%
% Month on Month UK		-42.2%	-66.1%	30.9%	62.7%	56.3%	14.9%

In the months following lockdown the town centre has seen a steady recovery in its footfall levels and has recorded increases in numbers in the town centre in each of those months. The sharpest increase was recorded in June, with an increase of 92.9% which reflected the ending of national lockdown measures and the reopening of non-essential retail in the Town Centre. However, footfall figures in Middlesbrough Town Centre are still only operating at around 80% of pre-lockdown levels which is reflected both regionally and nationally.

Wider conversations with retailers suggest that although numbers are still down on pre-lockdown levels, spend by individual customers per visit to the town centre, has stabilised over this period.

Boho 8

Work has officially started on Boho 8, which is the next phase in the Council's ambitious plans for the Boho Campus. Boho 8 will deliver 10,000 sq. ft. of high quality bespoke modular office accommodation that provide additional space for rapidly expanding companies in Boho 1 and 5 and attract new companies to the digital campus.

The ground breaking ceremony was attended by both the Mayor of Middlesbrough and Tees Valley Major. The project will deliver four bespoke modular design cantilever units that offer external roof terraces and range in size from 1,000 – 3,000 sq. ft. The development will be complete in winter 2020.

Jobs

Amazon (Darlington Fulfilment Centre) is expected to recruit up to 1,000 seasonal/festive workers as part of the company's national recruitment drive.

Costa Coffee has confirmed that up to 1,650 roles are at risk of being cut to reduce its running costs due to the impact of coronavirus. The company is consulting with staff to try to find roles in other parts of the business for those facing redundancy. The company has suggested the role of assistant store manager will be removed in branches across the UK. There are Costa Coffee branches throughout the Tees Valley.

Rio Steakhouse - Authentic Brazilian steak restaurant is due to open in the former Bistrot Pierre on Albert Road. The restaurant forms part of the Tomahawk steakhouse group – The Tomahawk has also taken over the Brierley restaurant in Acklam Hall.

TeesAMP

Since Phase 1 of the manufacturing park was opened in June, despite Covid interrupting the completion of the construction and generally having a negative impact on investment the Council has:

Actually let 25% of TeesAMP (45,000 sq. ft. of the 180,000 sq. ft. available);

Agreed terms with tenants on a further 27,000 sq. ft. with these deal awaiting completion with solicitors;

Close to agreeing terms on a further 60,000 sq. ft. with international manufacturers; and Executive agreed in principle to sell a plot in Phase 2 which will result in a site for the development of an additional 30,000 sq. ft. unit required to attract a new £7.5m inward investment within the green energy sector.

Centre Square

The Council has made both Buildings 1 & 2 available for commercial lettings. Of the total c. 92,000 sq. ft. of the space for let – the Council has:

Agreed terms with tenants to lease c. 74,000 sq. ft. (or 80%). The sectors include banking, pensions, digital and outsourcing – all tenants are businesses in expansion – with Centre Square providing the opportunity to accommodate companies that would otherwise have looked elsewhere – some were looking beyond the Tees Valley area entirely. These deals are in advanced stage and are close to completing with solicitors and will be announced as soon as the companies provide their consent to do so – many have to consult their current staff on the moves.

Exploring the opportunity for Norther School of Arts to utilise the 5,000 sq. ft. Building 1 café area (which faces onto Mima) as a temporary art gallery/exhibition space – given that at present investments within the café/restaurant sector are on hold.

A66/A171 Cargo Fleet Junction Improvements

The new A66/A171 Cargo Fleet junction – including the ‘Throughabout’ – opened to traffic on Sunday 30th August, as programmed. So far the new road layout is working well, although its operation is being closely monitored to ensure that it performs as efficiently and safely as possible.

Works to install the high mast lighting on the A66 have slipped slightly behind schedule due to the inclement weather over recent weeks. Completion of these works – and of the scheme as a whole – is now programmed for Friday 18th September.

Boho Zone

Despite the tough current climate, the digital cluster has enjoyed significant growth within the Boho Zone, leading into the wider Digital Enterprise Zone. Collectively, we’ve seen businesses in Boho One increase their floorspace by over 11,000 sq. ft. (almost half the total lettable space of the building) to meet their growth requirements in the last 5 months. Two of these businesses have moved across to 16-26 on Albert North, with one business in Boho One backfilling their vacated space, meaning the building remains at full occupancy.

Boho Five has also seen significant movement, with another business outgrowing a large space and moving into 16-26. Due to the growth of businesses in this building, we currently have a plan in place to backfill the space to reach the current occupancy levels we have right now of around 80-90% let.

On top of this, we have four businesses that we expect to fill Boho Eight once it comes online in November – with additional expressions of interest coming through daily.

The Tees Tech Awards has proved a major success. Under Middlesbrough Digital, we partnered with DigitalCity and Tees Business to launch the inaugural awards in August. Moving the event online offered both challenges and opportunities, and fortunately the latter has come out on top. Middlesbrough-based digital tech businesses won 10 of the 11 awards on offer, including the first ever ‘Tees Tech Company of the Year’ and ‘Business Leader of the Year’ awards.

The Tees Tech Awards has now been viewed over 110,000 times, with a reach well outside of the Tees Valley and wider North East – raising the profile and highlighting the strength of the digital tech sector we have in Middlesbrough and Tees Valley.

Marlon Avenue

Following a procurement exercise a preferred developer has been selected for the delivery of the Marlon Avenue site. Executive Approval is being sought and a decision is due to be made by them on the 29th September 2020.

In a move away from the original intention, the site is being sold as one whole site. This means that all vehicular access to and from the site will be taken from Alan Peacock Way with no through access to Marton Avenue, other than pedestrian.

A maximum of 72 units will be built at this site. The residential development will contribute towards improving Middlesbrough's overall housing offer, ensuring there is a sufficient supply of high quality housing to prevent residents moving outside of the city and attracting new residents from neighbouring areas. This will increase the vibrancy of the city, support Middlesbrough's overall economic growth and stem out migration.

Middlesbrough Development Company

At this week's Middlesbrough Development Company (MDC) board, it was agreed that Tony Dodds who has been working as acting Managing Director for Middlesbrough Development Company would be appointed into a permanent role employed by MDC. It was unanimously approved by all board members and Tony has taken up the role with immediate effect.

Involvement and Promotion:

Kickstart Scheme

Government scheme to create jobs for up to 500 young people in the region as part of the new Kickstart scheme. To allow small and medium sized companies in the Tees Valley to access this support and create jobs TVCA will lodge an application. SME's that wish to take on a young person for six months have been asked to register their interest at <https://www.teesvalleybusiness.com/kickstart-tees-valley>.

Baker / Bedford Street Consultation

Following on-going monitoring of the temporary highway arrangements at Baker/Bedford Street and Linthorpe/Grange Road, a consultation with local stakeholders has recently concluded to identify longer term solutions.

Temporary arrangements (temporary suspension of parking bays, and road closures on Grange Road/Linthorpe Road) were put in place at the start of the Covid-19 pandemic in order to allow people to access the town centre; following guidelines from the Government. This has resulted in a reduction in car parking spaces in the area, which had been opposed by some stakeholders. However, a number of the food and beverage stakeholders requested and now have street licenses in operation to expand their trade capacity (using the car parking spaces). Balancing these conflicting requirements resulted in several options being presented to stakeholders.

Indicative ideas were presented to stimulate debate. They include:

Return the street to pre Covid measures, returning all car parking facilities (excluding where outdoor licenses have been awarded), and allowing free movement of traffic through the area, including the return of buses.

Maintain the current set up, which involves the road closures at Grange Road and Linthorpe/Borough Road, and maintain the street licenses to be upheld. This will return some car parking spaces.

Maintenance the existing set up (option two), however implement a barrier system on Baker Street to allow the option of weekend closures of Baker Street. This option would look to improve the provision of the street licenses using more aesthetically pleasing hoardings, as opposed to the current red and white crash barriers.

Space was provided for stakeholders to provide comments on how the highway arrangements could work from their perspective, and propose alternate means of addressing the issues faced. The outcome of the consultation was to implement adaptations with some amendments to the illustrative options. These measures will be communicated with the stakeholders of the area, prior to implementation.

EXECUTIVE MEMBER REPORTS AND ADDITIONAL DECISION INFORMATION

SECTION 2 - DECISIONS TAKEN

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DATE	DECISION MAKER	ISSUE	PURPOSE OF REPORT	KEY DECISION
01/09/20	Executive	CONFIDENTIAL - Middlesbrough Development Company: Strategic Plan, CSI site and Boho Village [Part B]	The approval of the MDC Business Plan attached as Appendix 1.	Yes
01/09/20	Executive	CONFIDENTIAL - Nunthorpe Medical Centre - Disposal [Part B]	Disposal of part of the Council's freehold interest in land at Nunthorpe Grange Farm for the purposes of healthcare development.	Yes
01/09/20	Executive	Fortnightly Residual Refuse Collections	That Executive consider the report on Fortnightly Residual Refuse Collections and approve: The proposal to consult on the move to Alternate Weekly (Fortnightly) Refuse Collections. That the results of the consultation be presented to Full Executive for consideration in November 2020.	No
01/09/20	Executive	Green Strategy	That Executive approve this proposal to commence consultation on the adoption of the emerging Green Strategy.	No
01/09/20	Executive	Middlesbrough Development Company: Strategic Plan, CSI site and Boho Village [Part A]	The approval of the MDC Business Plan.	Yes
01/09/20	Executive	Nunthorpe Medical Centre - Disposal [Part A]	Disposal of part of the Council's freehold interest in land at Nunthorpe Grange Farm for the purposes of healthcare development.	Yes
01/09/20	Executive	Re-designation of the North Ormesby Selective Landlord Licensing Scheme	The purpose of this report is to present the evaluation report for the North Ormesby Selective Landlord Licensing Scheme which comes to an end on 31st December 2020 and to seek approval to consult on the re-designation of the North Ormesby as a Selective Landlord licensing area and the proposed fee of £765.	No

01/09/20	Executive	Strategic Plan 2020-23 Progress at Quarter 1	To consider progress and performance targets, highlighting risks and issues to be considered	No
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SECTION 3 - DECISIONS TO BE TAKEN UP UNTIL THE COUNCIL MEETING

DATE	PROPOSED DECISION MAKER	TITLE	DETAIL	KEY DECISION
12/10/20	Executive Member - The Mayor	Test and Trace Support Discretionary Payment Scheme	The Self Isolation Policy has emerged following the most recent update from Local Government and will financially support Middlesbrough residents who are having to self isolate due to Covid 19.	Yes

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SECTION 4 - DECISIONS TO BE TAKEN FOLLOWING THE COUNCIL MEETING

DATE	PROPOSED DECISION MAKER	TITLE	DETAIL	KEY DECISION
27/10/20	Executive	Adoption of Development Briefs for sites at Hemlington North and Hemlington Grange South	That Executive adopts Development Briefs for sites at Hemlington North and Hemlington Grange South.	No
27/10/20	Executive	Annual Equality and Diversity report	To present the annual equality and diversity report that gives an overview of the diversity of the town and the composition of Council employees along with proposed actions for the next 12 months.	No
27/10/20	Executive	Boho Residential Towers - Site Disposal	That Executive approves the proposal to proceed with the disposal of the Council's freehold interest in land at Middlehaven in order to facilitate the development of the Boho Residential Towers.	Yes
27/10/20	Executive	Council - Future Office Accommodation Update	The Executive reconsiders the preferred option of Centre North East for the future accommodation of Council Staff and approves that alternative options for accommodation are explored	Yes
27/10/20	Executive	Covid-19 Grant Funding and Expenditure	TBC	No
27/10/20	Executive	Members Small Scheme Allocation 2020/21	That Executive Sub Committee for Property considers the schemes set out in this report and in respect of each scheme either: Approves the scheme; Rejects the scheme, or Endorses the scheme for future consideration.	Yes
27/10/20	Executive	Middlesbrough Leisure Indoor and Built Facility Strategy	That Executive approves the adoption of the Middlesbrough Leisure Indoor Built Facility Strategy for use as a source of reference in decisions pertaining to Middlesbrough's sport/leisure indoor built facilities.	Yes

27/10/20	Executive	Middlesbrough Playing Pitch Strategy	That Executive approves the adoption of the Middlesbrough Playing Pitch Strategy for use as a source of reference in decisions pertaining to Middlesbrough's playing pitches.	Yes
27/10/20	Executive	Quarter Two report - Progress against the Strategic Plan	To outline progress against the strategic plan and identify actions to address off target performance	No
02/11/20	Executive Member for Children's Services	Place Planning Strategy Action Plan	The Place Planning Strategy sets out the challenges that the council faces in terms of ensuring an adequate and appropriate number of school places are available in Middlesbrough, and gives a broad outline of how the Authority will respond to them. The Action Plan will provide a more detailed account of how the Strategy will be delivered, including timescales and key benchmarks.	No
24/11/20	Executive Member for Finance and Governance	Revenue and Capital Budget - Projected Outturn Position as at Quarter Two 2020/21	To advise the Executive of the Council's financial position at Quarter Two 2020/21, including the projected effect of Covid-19 on the Council's finances. To approve the proposed revenue budget virements over £150,000, and to approve the proposed revised Investment Strategy to 2022/23.	Yes
24/11/20	Executive	CONFIDENTIAL - Nunthorpe Grange Farm: Disposal - Church Lane [Part B]	Disposal of part of the Council's freehold interest in land at Nunthorpe Grange Farm	Yes
24/11/20	Executive	Children's Services Improvement Quarterly Briefing	To update the Executive and to seek comments on the progress made against the Children's Services Improvement agenda	No
24/11/20	Executive	Gresham Housing Phase 2 – Long Term Lease	That Executive approves the disposal of Phase 2 of the Gresham Housing Site to Thirteen Housing Group on a 999 year lease.	Yes
24/11/20	Executive	Local Area SEND Update	Local Area SEND Update	No
24/11/20	Executive	Nunthorpe Grange Farm: Disposal - Church Lane [Part A]	Disposal of part of the Council's freehold interest in land at Nunthorpe Grange Farm	No
24/11/20	Executive	Town Centre Strategy	To update the town centre strategy in response to changing economic circumstances.	Yes
01/12/20	Executive Member for Environment	Pot Hole Initiative	To implement a town wide coordinated pothole repair programme.	Yes
16/02/21	Executive Member for Finance and Governance	Revenue and Capital Budget - Projected Outturn position as at Quarter Three 2020/21	To advise the Executive of the Council's financial position at Quarter Three 2020/21, including the projected effect of Covid-19 on the Council's finances. To approve the proposed revenue budget virements over £150,000, and to approve the proposed revised Investment Strategy to 2022/23.	Yes
11/05/21	Executive Member for Finance and Governance	Revenue and Capital Budget - Year End Outturn position 2020/21	To advise the Executive of the Council's financial position at year end 2020/21, including the effect of Covid-19 on the Council's finances. To approve the proposed revised Investment Strategy to 2022/23.	Yes

MIDDLESBROUGH COUNCIL	
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AGENDA ITEM 9

COUNCIL

Report title	Scrutiny Progress Report
Chief Executive or Director	Director of Legal and Governance Services
Date	14 October 2020

Summary

Proposed decision(s)
To update the position in respect of the Council's Overview and Scrutiny Board (OSB) and scrutiny panels. The current position regarding progress made by the Board and each of the panels is set out below.

Report for:	Key decision:	Confidential:	Is the report urgent?
To be noted	No	The report is not confidential	Non-urgent report

Contribution to delivery of the 2020-23 Strategic Plan		
People	Place	Business
N/A	N/A	Members will be able to keep abreast of the work carried out through the Scrutiny Process
Ward(s) affected		
No wards in Middlesbrough are directly affected.		

What is the purpose of this report?

1. To update the position in respect of the Council's Overview and Scrutiny Board (OSB) and scrutiny panels.

Why is this report necessary?

2. The report is necessary so that Members are aware of the work being carried out by the individual Scrutiny Panels and the Overview and Scrutiny Board.

What decision(s) are being asked for?

3. That Council note the report.
4. The current position regarding progress made by the Board and each of the panels is set out below.

OVERVIEW AND SCRUTINY BOARD

Since the last Council update, the Overview and Scrutiny Board has met on two occasions and considered the following:-

3 September 2020:

- a) Executive Forward Work Programme;
- b) Middlesbrough Council COVID-19;
- c) COVID-19 Update: Education and Skills;
- d) Scrutiny Work Programme 2020/2021; and
- e) Scrutiny Chairs Update.

1 October 2020:

- a) Mayor's Update;
- b) Executive Forward Work Programme;
- c) Middlesbrough Council's Response to COVID-19;
- d) Executive Member Update: Finance and Governance;
- e) COVID-19 and Finance Update; and
- f) Scrutiny Chairs Update.

SCRUTINY PANEL UPDATES

The updated position in respect of the work of each of the Council's scrutiny panels is shown below.

Adult Social Care and Services Scrutiny Panel

The Panel met on 16 September 2020 and received updates from officers in relation to physical activities for older people during Covid-19. The Panel were pleased to hear of the good work carried out during the Covid period and continued work.

As the draft final report was due to be submitted to the March meeting, the Panel agreed to update the report with information received at the meeting (including information from external sources i.e. Age UK). The draft final report, along with draft recommendations will be submitted to the next meeting.

Ad Hoc Scrutiny Panel

The Panel has not met since the last Council meeting.

Children and Young People's Learning Scrutiny Panel

The Scrutiny Panel is currently investigating the topic of Addressing Poverty Issues and the Impact on Learning.

The Panel met on 14 September 2020 to receive evidence from schools and the Heads from Breckon Hill Primary School, North Ormesby Primary Academy, Park End Primary School and River Tees Multi Academy Trust (RTMAT) were in attendance.

The schools that had been invited to submit evidence had all established effective practices of support for families living in poverty.

In terms of tackling the root causes of poverty and mitigating the effects of disadvantage, the schools have dedicated members of staff to provide pastoral support, promoting the emotional resilience of pupils and providing a valuable link to families; provide small group and one-to-one interventions for pupils; use their resources to develop the skills and roles of their teachers and teaching assistants; assist families with gaining access to a whole range of activities, opportunities and support; provide resources, assistance and support to pupils to learn outside of the classroom and financially support families e.g. by running shops that provide access to low-cost or free groceries and household items and by paying for school trips, school uniforms, PE kits, breakfast club provision etc.

The Panel's next meeting is scheduled to be held on 12 October 2020. At this meeting, the Panel will consider:

- the draft final report in respect of the current topic of Addressing Poverty Issues and the Impact on Learning; and
- an update on the progress made with the implementation of recommendations in respect of the previous review of Mental Health in Schools.

Children and Young People's Social Care and Services Scrutiny Panel

The Scrutiny Panel met on 14 September 2020 and received an introduction to its new scrutiny topic – Sufficiency and Permanency (Perceptions of Children in Care).

The Executive Director of Children's Services attended the meeting, together with Directors and Heads of Service, to provide the Panel with a detailed, interactive presentation of a pathway through children's social care, particularly from the child's perspective.

A fictitious family was created for the purpose of the presentation which was designed to give Members a greater understanding of the services and interventions provided by Children's Services and also to demonstrate how each of the services worked in partnership together and with external partners.

The Panel's next meeting is scheduled for Monday, 12 October at 4.00pm when Members will receive further information in relation to the profile of Middlesbrough's looked after children.

Culture and Communities Scrutiny Panel

The Panel met on 10 September 2020 where it was provided with evidence relating to its investigation on Community Cohesion. The Head of Stronger Communities was in attendance to update the Panel with how the Stronger Communities Services had responded to the COVID-19 Pandemic.

As part of this the Panel received information relating to Community Tension and how this was monitored via a standardised form that key partners all contributed to. Were any issues reported resulting actions were created for the relevant service. Coupled

with this, a Communication Matrix had also been created to ensure important messages were transmitted to relevant audiences. While created for the purposes of COVID response, both mechanisms were now part of the Council's business as usual approach and were continually monitored for effectiveness.

The Panel also heard that, as part of Community Cohesion works, the Alleyway Improvement project aimed to engage with local residents to improve alleyways. To date 14 expressions of interest had been received with five being progressed in Newport, Linthorpe and Longlands Wards.

The Panel also received information relating to Locality Working and how it played a role in Community Cohesion. Locality Working aimed to reconfigure the relationship between statutory services and communities to develop social capital and to give communities a say in how they are run. Due to the COVID situation progress on Locality had slowed but work continued, despite challenging circumstances.

At the Panel's next meeting on 15 October 2020 an overview of Middlesbrough's Cultural offer and how that relates to cultural events will be provided by the Director of Regeneration and Culture. This will form the basis of the Panel's next review topic.

Economic Development, Environment and Infrastructure Scrutiny Panel

The EDEI Scrutiny Panel met on 8 September 2020 and received a presentation from the Head Co-ordinator of the Boro Youth Climate Action Team (BYCA). The aims of the BYCA were outlined, one of which was to increase membership. Officers and Members present at the meeting invited the BYCA become involved in various initiatives including the Council's Green Strategy.

The Panel also received information in relation to the Council's Policy on Tree Management from the Senior Area Care Manager. The Panel asked for an update in 2021 when the Policy is due to be reviewed.

Final evidence gathering for the Panel's current short review of Teesside Crematorium included a presentation from the Head of Property and Commercial Services and the Operational Manager. A Final Report will now be drafted for consideration at the next meeting.

At the next meeting on 7 October 2020 the Panel will begin its main scrutiny review for this year: Middlesbrough Regeneration Post Covid-19.

Health Scrutiny Panel

The Health Scrutiny Panel met on 22 September 2020 and received a presentation from the Director of Public Health (South Tees) and Dr Janet Walker, Medical Director at Tees Valley Clinical Commissioning Group (CCG) on the local Public Health / NHS response to Covid-19.

The Director of Public Health (South Tees) advised that over the previous 7 day period for which the data was available there had been 66 COVID-19 positive cases recorded in Middlesbrough. Middlesbrough ranked 34th highest nationally for rate of positive tests per 100,000. The proportion of cases affecting Asian residents in Middlesbrough

had been high during the first half of August but this had changed to mostly affecting White British residents.

The Medical Director at Tees Valley CCG advised that the Tees Valley had been chosen as one of 3 NHS England Vanguard sites to implement home monitoring via the establishment of a COVID virtual ward 'COVID care at home'. The panel heard that COVID positive patients were able to remain at home but would be provided with a pulse oximeter to measure their oxygen saturation levels. Patients were then asked to submit their readings via a digital App and would be contacted by staff if they were showing any signs of deterioration.

The Panel also received a presentation from the Medical Director, Interim Director of Nursing and Head of Patient Safety & Quality at South Tees Hospitals NHS Foundation Trust. In respect of COVID-19 it was advised that from the Trust's perspective indications were that the second wave would start from here and the modelling showed the impact could be longer and more sustained.

The Trust emphasised how the amazing support they received from the local community had kept staff going through the last peak and what actions were needed from everyone now to help protect the local community. It was advised that last week JCUH had 7 to 8 patients on site with COVID-19, as of that day (22 September 2020) the figure was 25 COVID positive patients.

The Trust's Quality Accounts 2019/20 document was discussed and the panel's comments will be incorporated in the final version of the report.

Tees Valley Health Scrutiny Joint Committee

The Committee met on 18 September 2020 and considered the following items:-

- Quality Accounts 2019/20:-
Tees, Esk and Wear Valley NHS Foundation Trust
- Annual Hand-Over of Chair and Support

Tees Valley Combined Authority Overview and Scrutiny Committee

The Committee is next scheduled to meet on 12 November 2020.

SCRUTINY REPORTS SUBMITTED TO EXECUTIVE

Since the last update to Council, the following Scrutiny Panel reports have been submitted to Executive.

21 January 2020 - Health Scrutiny Panel - Vulnerable and Fragile Health Services

Other potential decisions and why these have not been recommended

5. No other options were considered.

Impact(s) of recommended decision(s)

Legal

6. There are no legal implications as a result of the proposed appointments.

Financial

7. There are no financial implications arising from this report

The Mayor's Vision for Middlesbrough

8. The report is line with the Mayor's vision for Middlesbrough

Policy Framework

9. The report does not impact on the overall budget and policy framework.

Wards

10. The report does not impact on wards

Risk

11. Not applicable.

Equality and Diversity

12. An Impact Assessment has not been completed, as it is not applicable.

Actions to be taken to implement the decision(s)

13. Not applicable

Background papers

No unpublished background papers were used in the preparation of this report.

**COUNCILLOR J THOMPSON
CHAIR OF OVERVIEW AND SCRUTINY BOARD**

Contact Officer:

Chris Lunn

Democratic Services

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Report of:	Director of Legal and Governance Services and Executive Member for Finance and Governance
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AGENDA ITEM 10

Submitted to:	Council – 14 th October 2020
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Subject:	Pay Policy Statement 2020/2021
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Summary

Proposed decision(s)
That Full Council agree the Pay Policy Statement 2020/2021.

Report for:	Key decision:	Confidential:	Is the report urgent? ¹
Decision	No	No	No

Contribution to delivery of the 2020-23 Strategic Plan

People	Place	Business
Not Applicable	Not Applicable	The Pay Policy Statement sets out the Council's policies on remuneration of its staff in accordance with Section 38 of the Localism Act 2011. The policy must be approved by full Council and is subject to annual review. The Pay Policy Statement sets out details of the various employee policies relevant to the remuneration of Chief Officers in operation within the Council. The actual content of those policies included within the statement will continue to be determined by current mechanisms.

Ward(s) affected

What is the purpose of this report?

1. The purpose of the report is to set out the Pay Policy Statement 2020/2021 for consideration by full Council.

Why does this report require a Member decision?

2. It is a requirement of the Localism Act 2011 (Section 38) that the Council produces an annual Pay Policy Statement, in line with supplementary statutory guidance. The policy must be approved by full Council.

Report Background

3. To comply with the Localism Act 2011, the Council is required to approve a Pay Policy Statement setting out details of the Council's policies on the following:
 - Level of remuneration of Chief Officers
 - Level of remuneration paid upon recruitment
 - Payment of increments
 - Enhanced / additional pension contributions
 - Payment of bonuses, performance related pay and severance pay for Chief Officers
 - Awarding additional fees for election work
 - The creation of new posts with a salary package over £100,000 per annum
 - Employment of individuals already in receipt of a local government pension
 - Employment of ex-employees as Chief Officers under a contract for services

The Pay Policy Statement also sets out:

- The Council's approach to the pay of its lowest paid employees
- The relationship between Chief Officer pay and the Council's remaining employees as set out within the context of the pay multiple calculation
- How the Pay Policy Statement will be publicised

When this matter last came before full Council on 2 September 2020, Council ordered that the Pay Policy statement report be referred back for the Executive Member to reconsider the threshold of £100,000 in relation to severance payments, with a view to lowering that figure, for full Council or a committee thereof to be given an opportunity to vote before a severance package is approved.

Since the full Council meeting on 2 September 2020, the Executive Member for Finance and Governance has hosted two member briefings to set out the current arrangements for pay and remuneration within the council.

Somewhat unexpectedly since the last council meeting, the [Restriction of Public Sector Exit Payments Regulations 2020](#) have been approved by Parliament and are expected to come into force before the end of the year. Those regulations will place a £95,000 cap on public sector exit payments and present an opportunity to review the pay policy statement and the threshold in relation to severance payments when the full implications of the legislation are understood.

What decision(s) are being asked for?

4. That Full Council agree the Pay Policy Statement 2020/2021.

Why is this being recommended?

5. The decision is being recommended to ensure that the Council complies with statutory requirements in relation to publication of information required by the Localism Act 2011. Council will recall that the Pay Policy Statement 2020/2021 refers to the financial year April 2020 to March 2021. Council is being asked to approve the Statement retrospectively from April and for the remainder of the financial year. The Executive Member for Finance and Governance commits to reviewing the threshold in relation to severance payments in respect of next year's Pay Policy Statement.

Other potential decisions and why these have not been recommended

6. Full Council could decide not to approve the Pay Policy Statement. This is not recommended because it would result in failure to comply with the Localism Act 2011.

Consideration was given to amending the £100,000 limit for Full Council approval on exit payments (paragraph 17 in the Pay Policy Statement). However, legislation is currently in process to introduce a £95,000 cap on exit payments in local government and full details have not yet been published. Furthermore consultation on the local government pension regulation changes required to facilitate the exit cap is still ongoing and details of this are unlikely to be clear until the end of the year.

Impact(s) of recommended decision(s)

Legal

7. As set out above - the Pay Policy Statement is a requirement of the Localism Act 2011.

Financial

8. There are no direct implications arising from this report. It sets out financial detail but this detail is determined by the Council's range of HR policies that are in place.

Policy Framework

9. The Pay Policy Statement forms part of the Policy Framework, meaning that it is a decision reserved for full Council. Once agreed it will replace the previous year's statement, therefore amending the policy framework.

Equality and Diversity

10. An Impact Assessment has not been completed as the Pay Policy Statement sets out details of policies already in place within the Council, rather than establishing policy in its own right. The policies set out within the statement have previously been subject to the Impact Assessment process, where required.

Risk

11. The statement sets out how the Council remunerates its senior officers and provides assurance that it is employing fair and transparent employment practices.

Actions to be taken to implement the decision(s)

12. Once approved the current statement will be published on the Council's website.

Appendices

13. Appendix 1 – 2020/2021 Pay Policy Statement

Background papers

Body	Report title	Date
Council	2019/2020 Pay Policy Statement	March 2019

Contact: Nicola Finnegan, Head of Human Resources
Email: nicola_finnegan@middlesbrough.gov.uk

PAY POLICY STATEMENT 2020/2021

INTRODUCTION

1. This Pay Policy Statement sets out the Council's policies on remuneration of its staff in accordance with Section 38 of the Localism Act 2011. The policy must be approved by full Council and is subject to annual review. Any amendments during the course of the year must also be considered by full Council. The Pay Policy Statement will be published on the Council's website as soon as reasonably practicable after approval or amendment.
2. The Localism Act 2011 does not require the Council to consider individual schools therefore the arrangements set out in this document do not extend to members of staff employed within schools.

DEFINITIONS

3. The Localism Act 2011 defines the following as Chief Officer posts:
 - Head of Paid Service designated under Section 4(1) of the Local Government and Housing Act 1989
 - Monitoring Officer designated under Section 5(1) of that Act
 - Any statutory Chief Officer mentioned in Section 2(6) of that Act
 - Any non-statutory Chief Officer mentioned in Section 2(7) of that Act
 - Any Deputy Chief Officer mentioned in Section 2(8) of that Act.
4. The following posts within the Council fall within the above definition:
 - Chief Executive
 - Executive Directors
 - Strategic Directors
 - Directors
 - Monitoring Officer (Director of Legal and Governance Services)
5. The lowest paid employee of the Council (£9.55 per hour) is paid above the Living Wage Foundation Rate of £9.30.
6. Apprenticeships have been excluded as the salaries attributable to apprenticeships are largely in line with those set out within National Minimum Wage legislation however the Council pay £4.35 in year 1 regardless of age.
7. The median salary figure for the organisation is the middle value of all employees' salaries listed in numerical order. The median salary figure is then used to calculate the organisation's pay multiple and is calculated on a fixed date each year, as at 31 December.

CONTENT

8. To comply with the Localism Act 2011, the Council is required to approve a Pay Policy Statement setting out details of the Council's policies on the following:
- Level of remuneration of Chief Officers
 - Level of remuneration paid upon recruitment
 - Payment of increments
 - Enhanced / additional pension contributions
 - Payment of bonuses, performance related pay and severance pay for Chief Officers
 - Awarding additional fees for election work
 - The creation of new posts with a salary package over £100,000 per annum
 - Employment of individuals already in receipt of a local government pension
 - Employment of ex-employees as Chief Officers under a contract for services
9. The Pay Policy Statement also sets out:
- The Council's approach to the pay of its lowest paid employees
 - The relationship between Chief Officer pay and the Council's remaining employees as set out within the context of the pay multiple calculation
 - How this Pay Policy Statement will be publicised

CHIEF OFFICER REMUNERATION

Remuneration of Chief Officers

10. The level of remuneration paid to Chief Officers is based on the Local Government Association Scheme and the policy on this was approved in December 2005 by the Mayor. The terms and conditions of Chief Officer Employment contracts incorporate nationally agreed Joint Negotiating Committee terms and conditions.

Post	Salary Band
Chief Executive	£148,584
Executive Director	£108,977 - £120,442
Strategic Director	£102,979
Joint Director of Public Health ¹	£86,603 - £92,016
Monitoring Officer ²	£86,603 - £92,016
Director Level 1	£86,603 - £92,016
Director Level 2	£75,776 - £81,191

Level of remuneration paid upon recruitment

11. The Council's policy on pay upon recruitment is set out within the Recruitment & Selection Policy Statement and Guide, which applies to all employees. The Starting Salaries Policy states that upon recruitment to a post, remuneration will begin at the bottom of the pay band unless agreed otherwise by the Director in exceptional circumstances. In the case of Chief Officers, the Chief Executive and the Director of Finance would be required to agree any variation to this policy.

¹ Director of Public Health has joint responsibility for Middlesbrough and Redcar & Cleveland

² Currently allocated to the Director of Legal and Governance Services

Payment of increments and increases in salary

12. The Council's policy on the payment of increments is that all employees with less than six months' service on the first of April will receive their first increment six months after appointment, promotion or re-grading. Otherwise all employee increments are payable on an annual basis on the first of April. Other increases in pay for any employee will only occur where:

- There is a pay award agreed by way of national / local collective bargaining
- There is a significant change to a job role which results in a higher salary being appropriate which is confirmed by an appropriate job evaluation process
- Recruitment and Retention payments which, following consideration of the circumstances at the time, are deemed necessary and in the best interests of the Council and which are determined under the relevant policy relating to such payments.

Enhanced / additional pension contributions

13. The Council's policy on enhanced or additional contributions to pensions is set out within the Teesside Pension Fund Policy Statement and the Council's Statement of Policy regarding the application of the discretionary elements of the Local Government Pension Scheme regulation. These apply to all employees. These statements set out:

- Allocation of employee contribution bands
- Awarding extra benefits for early retirement situations
- Extending time limits for certain provisions
- Setting up a shared cost Additional Voluntary Contribution (AVC) scheme
- Waiving actuarial reductions for early / flexible retirements

Payment of bonuses, performance related pay and severance pay

14. The Council's policy is that it does not operate bonus or performance related pay for its employees.

15. The policy on severance and redundancy pay is set out within the Reviews, Consultation and Redundancy Policy, which applies to all employees. This states that calculation of any redundancy payment to an employee will be in accordance with the Council's policy in relation to Redundancy. Redundancy payments will be based on age and years' service in line with the Statutory Redundancy table up to a maximum of 30 weeks, however the Council retains the discretion under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales Regulations) 2006 to offer discretionary payments. Such discretionary elements will be approved by the Chief Officer Appointments Committee as a Committee of full Council.

16. Corporate Affairs and Audit Committee has approved a temporary enhancement of the Council's Voluntary Redundancy Scheme. This policy currently enables a multiplier of 1.25 to be applied to voluntary redundancies that arise either as a result of a review within a specific service area or from time to time within a Council wide scheme.

17. Where a Council decision to terminate a contract of employment and negotiate a redundancy payment and/or salary in lieu of notice, if the total amounts to a single payment of £100,000 or more, full Council or a committee thereof will be given an

opportunity to vote before the package is approved. This is set out within the Reviews, Consultation and Redundancy Policy.

18. Where an employee is contractually entitled to a payment in excess of £100,000 on the grounds of compulsory redundancy, failure to comply with this would place the Council in breach of contract and leave it exposed to litigation. Therefore, there is an exemption from the requirement to give Council an opportunity to vote on those cases where the payment of a severance package does not involve any discretion, this is because the Council is legally bound to comply with severance terms in any event.
19. In the absence of any exceptional circumstances which render it necessary in the best interests of the Council to do so, the Council will generally not re-engage any individual who has previously been employed by the Council and left that employment with the benefit of a severance, early retirement or redundancy payment.

Awarding additional fees

20. The policy on the payment of additional fees is set out within the Council's Constitution and decision making is delegated to the Corporate Affairs and Audit Committee. The Council's policy on the payment of additional fees to officers within the scope of this statement is that fees for election duties for Chief Officers are not included in salaries. These are determined separately in consultation with the other Tees Valley Councils. For contested elections, the fees are based on an agreed sum for the first 1,000 electors and a further sum for each additional 1,000 electors or fraction thereof, and a set agreed sum for uncontested elections. This policy of payment is approved by the Council's Corporate Affairs Committee and is in line with national guidance and legislation.

Creation of new posts with a salary package over £100,000 per annum

21. In line with the requirements of the Localism Act 2011, Council will be given the opportunity to approve salary packages for any new posts that would come within the scope of this Pay Policy Statement, defined within the Act as posts over £100,000 per annum. This includes any additional fees, charges or allowances that would be routinely payable. The approach to be taken when creating a new post is set out within the Constitution. Where a Chief Officer post is created which is under £100,000 the usual processes will be followed as set out within the Recruitment and Selection Policy and the Pay Policy Statement will be amended accordingly.

Employment of individuals already in receipt of a local government pension

22. The approach to the employment of individuals already in receipt of a Local Government Pension is set by the administering authority for the pension. The Local Government Teesside Pension Fund has resolved not to abate pensions on re-employment, having regard to the enactment of regulations introducing flexible retirement, unless an enhanced ill-health retirement has been awarded. Some pensioners have been awarded extra pensions by their former employers to compensate them for retiring early. When this happens, the extra pensions, called compensatory added years (CAYs), are paid along with the Fund's retirement pension. These extra pensions may be abated upon re-employment or upon subsequent retirement, in accordance with the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended).

Employment of ex-employees as Chief Officers under a contract for services

23. The Council's position is that this is generally discouraged, however there may be some specific circumstances where employment of an ex-employee under these terms could be the most effective and efficient way of meeting the Council's needs. If this situation applies formal approval must be sought from the Chief Executive in their role as Head of Paid Service.

Chief Officers' Tax and National Insurance

24. The Council does not enter into arrangements with individual employees to minimise their tax and national insurance contributions.

REMUNERATION OF THE LOWEST PAID EMPLOYEES WITHIN THE COUNCIL

Lowest paid employees

25. As at 31st December 2019 the lowest FTE salary within the Council grading structure is £18,426.

The Council's approach to the pay of its lowest paid employees

26. The Council is committed to ensuring that pay and reward policies are fair and that the needs of the lowest paid employees are properly considered. The Council has completed the job evaluation process to ensure that all employees receive a fair and equal rate of pay for the work that they undertake. The lowest paid employees are paid above the Living Wage Foundation rate and the Council is signed up to nationally negotiated pay agreements.

Relationship between Chief Officer pay and other employees

27. The Council publishes its pay multiple in line with the Local Authorities (Data Transparency) Code 2015. The pay multiple is the ratio between the highest paid employee (£148,583.69) and the median earnings across the organisation (see paragraph 7 for information on the method used to calculate this). The current median salary earned within the Council is £20,344. The current pay multiple is 7.3.

PUBLICATION OF THE PAY POLICY STATEMENT AND TRANSPARENCY INFORMATION

28. The Pay Policy Statement is published on the Council's website. Further information on the remuneration of Chief Officers can be found on the Open Data section of the Council's website in line with the Local Authorities (Data Transparency) Code 2015.

POTENTIAL FUTURE REVIEW

Recovery of Public Sector Exit Costs

29. The Government is seeking to introduce legislation to require senior officers in the public sector (those earning over £80,000) to repay termination payments in the event that they return to the public sector within a prescribed period, which is currently proposed as 12 months. The enabling provisions are set out in the Enterprise Act which received Royal

Assent in May 2016. However, there is no clear timeline for the implementation of these provisions.

£95k Exit Cap on Public Sector Employees

30. In addition, the Government is proposing to introduce a cap on public sector exit payments of £95,000 (including the capital cost of unreduced pension benefits for staff aged 55 or above). The proposal is that this cap would be subject to a right for Council to grant waivers in exceptional circumstances. Consultation has taken place and the regulations laid before parliament. Government is aiming to introduce the new regulations by the end of the year but there is no fixed timetable at this point.

**COUNCIL MEETING – 14 OCTOBER 2020
NOTICE OF MOTION**

COUNCIL PROCEDURE RULE NOS. 53-60

MOTION NO.	PROPOSER	SECONDER	MOTION
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 85</p>	<p>Councillor M Storey</p>	<p>Councillor Hellaoui</p>	<p>Black Community Motion</p> <p>The motion has been compiled and written in collaboration with members of our black community in Middlesbrough and highlights the issues that of greatest importance to them and their community.</p> <p>This, the month of October, is black history month in the UK, Netherlands and Ireland. The purpose of having a black history month is to shine a light on the life, culture and history of our black residents, friends and family in our own community, across Britain and the world.</p> <p>Black History Month 2020 is also a time to look forward and celebrate the here and now - and the future possibilities. In years gone by, October has been the only time of year when the UK talks about the achievements of Black people in Britain. Hopefully, the events of 2020 will be a catalyst for Black history to be shared much more widely - in museums, galleries, schools, universities, public places.</p> <p>Whilst the recent death of George Floyd in the US has attracted significant international attention and peaceful protest, this is just one such incident in a depressing trend in many countries, including the UK.</p> <p>This Council supports a message of solidarity and support to the local Black community in Middlesbrough, in recognition of the continuing battle against racial injustice, racist violence, and abuse of power, and in recognition that the right to life, liberty, and justice of every citizen is precious.</p> <p>Middlesbrough Council resolves:</p>

			<ol style="list-style-type: none">1. That a programme of training to be delivered to all elected members to educate Councillors in black history and issues of race and how they manifest themselves in society.2. That Black literature and media are represented in Middlesbrough Libraries and cultural spaces and to deliver promotion of these materials within Council settings. <p>Middlesbrough Council notes:</p> <ol style="list-style-type: none">1. A request to support local educational establishments to promote and embed positive Black-led education initiatives.2. A request for a commitment from the Council to support Black-led businesses and organisations in Middlesbrough.
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Report of:	Director of Legal and Governance Services
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Submitted to:	Council – 14 October 2020
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Subject:	Localism Act 2011 – Repeal of Legislation – Dealing with Petitions
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Summary

Proposed decision(s)
To provide members with the opportunity to review the Council’s current Petitions Scheme adopted at the Council meeting on 19 May 2010, following the repeal of legislation relating to the requirement for the Council to have a statutory Petitions scheme.

Report for:	Key decision:	Confidential:	Can be called-in:
Decision	No	No	No

Contribution to delivery of the 2020 - 2023 Strategic Plan		
People	Place	Business
Not applicable	Not applicable	The legislation relating to the requirement to have a statutory petitions scheme was repealed in 2012. In line with the review of the Council Constitution it is considered timely to review the Council’s current Petitions Scheme which was last reviewed in 2010.

Ward(s) affected
Not applicable

What is the purpose of this report?

1. The purpose of the report is to agree the revised Petitions Scheme following the repeal of legislation relating to the requirement for local authorities to have a statutory scheme.

Why does this report require a Member decision?

2. The initial statutory Petitions Scheme was agreed by full Council on 19 May 2010 and any revisions to the scheme should be confirmed by full Council.

Report Background

3. The Local Democracy and Construction Act 2009, made it a statutory duty for all Councils to adopt a formal petition scheme. The Localism Act 2011 repealed the requirement for such a scheme and provided the opportunity for the current petitions scheme to be reviewed in order to provide greater clarity and flexibility in respect of dealing with petitions. As part of the review research was carried out in relation to other local authorities' petition schemes and to examine best practice. Whilst there is no longer a legal requirement for the authority to have a petitions scheme it is deemed appropriate to have a mechanism that allows the public to highlight issues that are of importance to many people and requires some form of response from the Council. The report was originally submitted to Constitution and Members' Development Committee in November 2018, however it was not submitted to Council for confirmation.

At the Constitution and Members' Development Committee held on 4 February 2020, members indicated that given the number of new members, and the changes in the political landscape, they would prefer that the report be brought back to Committee for reconsideration, prior to submission to Council.

The report was considered by the Constitution and Members' Development Committee on 24 July 2020 where it was recommended that the revised scheme be submitted to full Council for approval, subject to the threshold for the number of signatures required before a petition can be debated at full Council being revised from 1500 to 500 signatures.

What decision(s) are being asked for?

4. (i) That the full Council decides whether to revise the current Petitions Scheme adopted at the Council meeting on 19 May 2010, following the repeal of legislation relating to the requirement for the Council to have a statutory petitions scheme.

(ii) If the decision is to revise the scheme, that Council adopt the suggested new Petitions Scheme. See Appendix 1 & 2.

Why is this being recommended?

5. There has been some confusion with regards to the process for dealing with petitions received by the Council, which has resulted in some negative experiences by the public. The revised petition scheme will provide greater clarity in respect of how petitions will be dealt with in the future.

Other potential decisions and why these have not been recommended

6. Maintain the current procedure which is out of date and not in line the customer focussed ethos that the Council is promoting.

Impact(s) of recommended decision(s)

Legal

7. The proposals are in line with the Localism Act 2011.

Financial

8. No impact.

Policy Framework

9. Not applicable. The report does not propose an amendment to the policy framework.

Equality and Diversity

10. Not applicable.

Risk

11. The public may become disenfranchised with the petitions process if clarity is not provided which could also lead to negative publicity

Actions to be taken to implement the decision(s)

12. If agreed, the Council's Petition scheme will be amended and put into a user friendly format

Background papers

No background papers were used in the preparation of this report.

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MIDDLESBROUGH COUNCIL - DRAFT REVISED PETITIONS SCHEME

Summary

1. Middlesbrough Council welcomes petitions and recognises that they are one of many ways in which people can let the Council know about their concerns and participate in the democratic process. This document sets out how the Council will deal with petitions that meet the criteria set out in the scheme. Petitions may be in paper format or via an e-petition (found on the Council website) [click here](#)
2. **Please ensure that you read the full scheme prior to submitting a petition to the Council.**
3. The type of petition determines how a petition will be responded to. There are two types of petitions:
 - I. Ordinary petitions requiring at least 100 signatures
 - II. Petitions for debate at full Council requiring at least 500 signatures
4. More detail about how the Council will respond to each of these is found on page 3 of this scheme. For the purposes of this scheme, the number of signatures is judged at the date of submission to the Council; signatures added after submission will not be counted.
5. If something is clearly intended to be a petition but does not meet the requirements set out in this scheme, we will ask the relevant service area to provide a response directly to the petition organiser.

What is a petition?

6. We treat a petition as a communication which is signed by or sent to us on behalf of a number of people with 100 or more signatures.

Who can submit a petition?

7. Anyone who lives, works or studies in Middlesbrough can organise or sign a petition.

What must a petition contain?

8. A clear and concise statement of your concerns and what action you would like the Council to take. If this is not clear we may need to return the petition to you for further clarification. This statement should be present prior to any signature being applied to the petition, and should be included on every page.
9. The name and contact details of the “petition organiser” or someone to whom you would like any correspondence about the petition to be sent.
10. The name, full address (including postcode) and signature of any person supporting the petition. If the details of any person are not clear then these may not be counted towards the total number.

11. In addition to the above for Paper petitions the Council requires that the petition also contains:

- a total number of signatories on each page and ensure each page/ side has a page number before submission. See the example [petition form](#)

What can a petition be about?

12. Petitions should relate to any matter which is relevant to the functions of the Council or where the Council has influence.

Exceptions to the Petitions Scheme

13. The majority of petitions we receive will be accepted but there are some circumstances where we will not be able to deal with your petition under this scheme. Petitions that fall outside of this scheme include:

- Any matter that the Council is not directly responsible for or has no influence over. We will return the petition to you and where possible direct you to the correct organisation.
- Any matter relating to a planning decision which has been made. For further information about making representations about planning decisions, please contact planning@middlesbrough.gov.uk
- Any matter relating to a licensing application. For further information about making representations please contact the Council's licensing section
- A statutory petition (for example a petition in respect of the creation or abolition of a directly elected Mayor). Please contact the Council's Returning Officer.
- Any matter where there is already an existing right of appeal or a separate complaints process, such as council tax banding, non-domestic rates and scrutiny call-in.
- Any specific issue that the Council is carrying out a formal consultation on. Please see page 5 for further information regarding how we will deal with your petition in this circumstance.
- A petition where we have received another petition on the same issue within the previous two years and the issues are fundamentally similar in nature. In these circumstances, we will write to the petition organiser and include a copy of the response to the first petition received.
- Any petition the Head of Democratic Services considers to be vexatious, abusive, meant to be humorous or otherwise inappropriate. You should not include confidential information or potentially libellous, false or defamatory statements or statements which cause personal offence, distress or loss.
- Any petition that is asking the Council to do anything unlawful or relating to the subject of any legal action taken by the Council or individual.

- During politically sensitive periods, such as just before an election, we have to be extra careful to ensure that all political parties enjoy a level playing field. At such times, if your petition contains politically controversial material we may decide not to accept it or defer consideration of it until after the election. If this is the case, we will explain the reasons and the revised timescale which will apply

Types of petition and numbers of signatures required

Ordinary Petitions

14. To be considered valid, a petition should contain at least 100 signatures, names and addresses. If your petition contains less than 100 signatories but you are able to demonstrate that, in relation to a particularly local issue of concern, it was simply not possible to obtain 100 signatures, the Council may still consider your petition under this scheme.
15. If your petition is accepted as an 'ordinary petition' you will receive an acknowledgement within 10 working days of receipt and be advised of the action being taken with regards to your petition.
16. In most circumstances, an ordinary petition will be submitted to the appropriate Executive member who will liaise with the appropriate Service Director's for consideration. You will receive a response to your petition from the Executive Member or the relevant officer within four weeks of acceptance of your petition. If more time is required, the petitioner will be contacted with a new deadline for response and the reasons why.

Petitions for debate at full Council (500 or more signatories)

17. On receipt the appropriate Executive Member, the relevant service area and where appropriate the local ward councillors will be informed of the details of the petition.
18. If your petition is accepted as a valid petition and suitable for debate at full Council, you will be contacted within 7 working days of receipt. The Head of Democratic Services in consultation with the Chair of the Council will determine the validity of a petition for full Council.
19. This means that the issue raised in the petition may be discussed at a meeting where all councillors can attend, if the petition organiser wishes to take this opportunity.
20. The Council will aim to consider the petition at its next ordinary meeting providing it has been accepted, although on some occasions, this may not be possible and consideration will then take place at the following meeting.
21. For a petition to be considered at the next ordinary Council meeting the petition must be submitted with a minimum of 10 clear working days' notice prior to the next ordinary Council meeting. This is to allow the governance / administrative processes to take place. Petitions may not be submitted to the Annual meeting or any Extraordinary meeting of the Council.

22. Petition organisers (max 2) are welcome to present their petition to the relevant Executive Member/ Mayor at full Council and speak for up to a maximum of five minutes. Councillors may then debate the petition for up to a maximum of 10 minutes. Democratic Services Officers will contact the lead petitioner to inform them of the Council procedures. No More than two petitions per ordinary Council meeting.
23. The Council will decide how to respond to the petitioner at the meeting. It may decide to take the action the petitioner requests, take no further action, request further investigation i.e. via a scrutiny review into the matter or refer to the appropriate service area to respond. If the issue is one that requires the Executive to make the final decision, the Council will decide whether to make recommendations to inform that decision.
24. Petition debates cannot not take place at the Council's budget setting, annual or extraordinary meetings.

All petitions

25. When a petition is received, which relates to a local matter (particularly affecting specific electoral wards) a copy of the petition will be sent to each relevant ward councillor and the relevant executive Member at the same time as acknowledging receipt of the petition to the petition organiser.
26. It may be inappropriate for the Council to deal with certain petitions during periods when it is subject to restrictions, such as immediately before elections or referendums. In these circumstances, the petition organiser will be informed when the petition will be considered, or when any material relating to it will be published on the Council's website. In this circumstance, we will contact you within 7 working days to explain the situation to you.
27. If your petition falls outside of the criteria of the scheme, it will be treated as correspondence and sent to the relevant service area for a response. The relevant senior officer will have discretion and flexibility to decide how to reply to this correspondence so that they are able to take appropriate action and respond to the request within 20 working days.

How to submit a petition

28. You can submit a petition either as a paper petition to the following address:
Democratic Services
Middlesbrough Council
PO BOX 503
Town Hall
Middlesbrough
TS1 9FX

or by using the Council's e-petition facility:

E-Petitions

29. The Council welcomes e-petitions that are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions;

electronic petitions that do not follow these guidelines will be treated as correspondence and will be responded to as noted above.

30. The petition organiser will need to provide the Council with their name, postal address and email address. Unless otherwise agreed following discussions with the petition organiser, an e-petition will remain open for signatures for a period of 90 days.
31. When an e-petition is created, it may take up to five working days before it is published online. This is because checks will need to be made on the suitability of the content matter before it is made available for signatures. If the petition falls outside the scheme, you will be advised and are welcome to submit a revised version. If the petition does not fall within the scheme, it will not be published on the Council's website.
32. When an e-petition has closed for signatures, it will be considered as part of this petitions scheme.
33. We can also accept petitions emailed to us, or created with other petitions software subject to meeting our submission criteria. When petitions have been created with other petitions software, once the petition is closed, the petitioner can download and print the signatures and submit them to us in the same way as a paper petition or provide an electronic PDF version. **The name, postal address and email address of each signatory should be included so that we can establish if the signature is valid or not.** Where the Council cannot verify signatures then we will not accept the petition.

Joint Petitions

34. Petitions can also be made up of both paper and electronic and must follow the rules for both types of petition. The submission of signatures on paper must take place prior to the closing date of the e-petition and the petition organiser must state on both the paper petition and e-petition that it is a joint petition.

How do I sign an e-petition?

35. When you sign a Council e-petition, you will be asked for your name, postcode and a valid email address. When you have submitted this information, you will be sent an email with a link that you must click in order to validate your email address and petition signature.

Further information

How will the Council deal with petitions relating to ongoing consultations?

36. If the Council receives a petition about an issue that it is already consulting with residents about, the petitions scheme will be cancelled for that petition. All petitions received that relate to the subject of a formal consultation will automatically be incorporated into the formal consultation process at the earliest stage possible. Petition organisers will be informed of this course of action within 7 working days.

37. Sometimes we receive petitions after the consultation deadline has passed but before a final decision has been taken. In these circumstances, the decision maker will be asked to take your petition into consideration when they make the decision.
38. All petitions received after a decision has been taken on a matter that the Council has previously consulted residents on will not be considered under the scheme but will be passed to the relevant senior officer to respond.

What happens after the petition is submitted?

39. We will send an acknowledgement letter within 7 working days of receipt to the petition organiser.
40. This acknowledgement will also say as much as we can at that stage of about what we have done or plan to do. If your petition meets the requirements for a debate at a Council meeting, you will also be informed of the process for this.

Other reasons your petition may be rejected

41. The specific criteria for the petitions scheme are set out earlier in this guidance. If a petition does not meet the criteria, it will not be considered under the scheme. If we are unable to consider your petition using the scheme we will send an acknowledgement letter within 7 working days of receipt to the petition organiser setting out the reasons why and what action we can take, if any, in response to your submission.
42. Outside the general exceptions there are several reasons why a petition may be rejected, including but not exclusively:
- the petition statement is not clear
 - the subject matter of the petition is not within the remit of the Council
 - the entries contain incomplete or invalid information such as no full address

What can I do if I feel my petition has not been dealt with properly?

43. If you are unhappy with the way that your petition has been processed, you can submit a complaint to the Council via the Corporate Complaints scheme.

Will my paper petition be published on the Council's website?

44. No. For paper petitions, the subject of the petition and the number of signatures in support of the petition will be published. Signatures and addresses will not be published for Data Protection reasons. We aim to publish petitions on our website within 10 working days of receipt.
45. If you create an e-petition using the Council's facility this will be published on the website as soon as it has been checked for suitability.
46. Petitions are presented on the website in the order in which they are received. Details of petitions received will be kept on the website for up to two years from the date of receipt unless subject to further appeal or other action.

Will the Council check each signature?

47. The Council reserves the right to seek to verify each signature appended to a petition. This can be significant when establishing whether a petition has obtained the requisite number of signatures to trigger a specific process.

Privacy Policy

48. The details you provide when signing a paper or e-petition are needed to validate your support. For paper petitions, no personal details will be included on the website, for e-petitions only your name will be listed. The Council may contact you in relation to any petitions you have signed, unless you have requested not to be contacted when signing the petition.

49. Middlesbrough Council is the data controller for personal information collected in respect of both the Council's E-petition facility and for paper petitions.

50. Your personal information will not be shared outside of the Council, unless otherwise required to by law.

51. Paper petitions will be scanned and stored securely in electronic format and will be deleted after 12 months unless subject to further appeal or other action.

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We the undersigned
Statement(Put here what your issue/concern is)

We request the council(Put here what action you want the Council to take)

Please note: Only people who live, work or study in Middlesbrough can sign this petition.

If you work or study in Middlesbrough - please also indicate which in the address

No.	LEAD PETITIONER	Contact details -address & tel or email address	SIGNATURE
1			
	PRINTED NAME	HOME ADDRESS	SIGNATURE
2	A Nother	123 full Home Address - Stockton (Work)	
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
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25			

Please note addresses may be checked to ensure they meet the Council’s petition criteria.

Please submit your petition to:

Democratic Services, Middlesbrough Council, PO BOX 503 Town Hall, Middlesbrough TS1 9FX

Report of:	Head of Democratic Services – Sylvia Reynolds
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AGENDA ITEM 16

Submitted to:	Council – 14 October 2020
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Subject	Update - Council Constitution
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Summary

Proposed decision(s)
To approve the revised Financial and Contract Procedure Rules

Report for:	Key decision:	Confidential:	Can be called-in:
Decision	No	No	No

Contribution to delivery of the 2020-23 Strategic Plan		
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People	Place	Business
Not applicable	Not applicable	The Constitution sets out how the Council operates, how decisions are made and the procedures, which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

Ward(s) affected

Not applicable

What is the purpose of this report?

1. The Council’s Constitution is subject to an annual review together with any associated documents. The Financial and Contract Procedure Rules were reviewed and submitted to the Constitution and Members Development Committee. The Constitution and Members Development Committee approved the revised Financial and Contract Procedure Rules and recommended that they be submitted to Council for final approval.

Why does this report require a Member decision?

2. The Constitution is a live document, which from time to time requires adjustment to reflect how the Council operates. It is sometime since a comprehensive review has been undertaken and therefore a phased review is underway to ensure that the constitution is fully up to date. The Constitution and Member Development Committee initially consider changes to the Constitution before being approved by full Council.
3. Changes to the Constitution usually fall within three broad areas, and the proposed changes that have been endorsed by the committee are described as follows:-
 - I. **Alterations made as a result of decisions of either the Council or the Executive.**
 - A separate report detailing changes to the Executive Scheme of Delegation is included as part of this agenda.
 - II. **Alterations made under the delegated powers given to the Monitoring Officer to deal with changes required because of legislative changes.**
 - A report confirming the designation of the Chief Finance Officer and Section 151 Officer was submitted to Council on 2 September 2020.
 - III. **Alterations to improve the working of the Council or, to attempt to resolve ambiguities or amend typographical or drafting errors.**
 - Revised Financial and Contract Procedure Rules (Standing Orders) – attached at Appendix A. Members of The Constitution and Members Development Committee suggested that the term “Councillor” be changed to “Member”.
 - Following a recommendation by Audit, the Joint Health and Wellbeing Board was included under Article 10 – Joint Arrangements.

What decision(s) are being asked for?

4. That Council consider proposals to update the Constitution and agree as follows:
 - (a) That Council approves the proposed changes to the Constitution as detailed in the report and notes that the Monitoring Officer will, under delegated powers, amend the Constitution accordingly.
 - (b) That the Monitoring Officer, maintains under delegated powers to be authorised to amend the Constitution and make any necessary minor textual changes or further adjustments to comply with any subsequent legislative changes, changes to reflect decisions taken by Council and/or Executive and changes which are of typographical/drafting error nature.

Other potential decisions and why these have not been recommended

5. No other options were considered.

Impact(s) of recommended decision(s)

Legal

6. No impact.

Financial

7. No impact.

Policy Framework

8. Not applicable. The report does not propose an amendment to the policy framework.

Equality and Diversity

9. Not applicable.

Risk

10. If the Council does not have adequate governance processes in place to ensure that it complies with all relevant legislation, it could result in a breach in governance requirements leading to (depending on the seriousness of the breach) fines, reputational damage, government intervention alongside failure to deliver organisational priorities

Actions to be taken to implement the decision(s)

11. The Monitoring Officer will make any necessary changes to the Constitution, as agreed by Council.

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**MIDDLESBROUGH
BOROUGH COUNCIL**

**FINANCIAL AND CONTRACT
PROCEDURE RULES
(STANDING ORDERS)**

Financial Procedure Rules

INTRODUCTION

The financial policies of the Council are set out in these regulations. They apply to every member and officer of the Authority and anyone acting on its behalf.

Separate financial regulations are to be issued in accordance with the Fair Funding Scheme which will apply to Governing Bodies, Head Teachers and staff of schools with delegated budgets. These will be appended to the Fair Funding Scheme document.

These regulations identify the financial responsibilities of:

- the full Council;
- the Executive;
- scrutiny committees;
- members;
- the Head of Paid Service;
- Monitoring Officer;
- Chief Finance Officer; and
- Executive Directors and Assistant Directors (in these regulations jointly referred to as “Other Chief Officers”).

The Head of Paid Service and all officers should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers,, references to the Head of Service in the regulations should be read as referring to them.

All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

1. THE FULL COUNCIL

- 1.1 The full Council is responsible for adopting the Authority’s Constitution and Members’ Code of Conduct and for approving the policy framework and budget within which the Executive operates. It is also responsible for approving and monitoring compliance with the Authority’s overall framework of accountability and control. The framework is set out in its Constitution. The full Council is also responsible for monitoring compliance with the agreed policy and related decisions.
- 1.2 The full Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated and decisions taken by the Council and its committees. These delegations and details of who has responsibility for which decisions are as set out in the Constitution.

2. THE EXECUTIVE

- 2.1 The Executive is responsible for proposing the policy framework and budget to the full Council, and for discharging Executive functions in accordance with the policy framework and budget.
- 2.2 Executive decisions can be delegated to a committee of the Executive, an individual Executive member, or an officer or joint committee.

- 2.3 The Executive is responsible for recommending protocols to ensure that individual Executive members consult with relevant officers before taking a decision within their delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

3. COMMITTEES OF THE COUNCIL

Overview and Scrutiny Committees

- 3.1 Overview and scrutiny committees are responsible for scrutinising Executive decisions before or after they have been implemented and for holding the Executive to account. Overview and scrutiny committees are also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the Authority.

Standards Committee

- 3.2 The Standards Committee is established by the full Council and is responsible for promoting and maintaining high standards of conduct amongst members. In particular, it is responsible for advising the Council on the adoption and revision of the Members' Code of Conduct, and for monitoring the operation of the code.

Other Regulatory Committees

- 3.3 Planning, conservation and licensing are not Executive functions but are exercised through multi-party Planning and Development and Licensing Committees under powers delegated by the full Council. The Planning and Development and Licensing Committees report to the full Council.

4. THE STATUTORY OFFICERS' RESPONSIBILITIES

Head of Paid Service

- 4.1 The Head of Paid Service is responsible for the corporate and overall strategic management of the Authority as a whole. S/he must report to and provide information for the Executive, the full Council, scrutiny committees and other committees. S/he is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the full Council's decisions.

Monitoring Officer

- 4.2 The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and therefore provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the full Council and / or to the Executive, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- 4.3 The Monitoring Officer must ensure that decisions and the reasons for them are made public. They must also ensure that Council members are aware of decisions made by the Executive and of those made by officers who have delegated responsibility.

- 4.4 The Monitoring Officer is responsible for advising all members and officers about who has authority to take a particular decision.
- 4.5 The Monitoring Officer is responsible for advising the Executive or full Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the policy framework.
- 4.6 The Monitoring Officer, together with the Chief Finance Officer, is responsible for advising the Executive or full Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:
- initiating a new policy;
 - committing expenditure in future years to above the budget level;
 - incurring inter-service transfers above virement limits; or
 - causing total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.

Chief Finance Officer

- 4.7 The Chief Finance Officer is the corporate officer with statutory responsibility in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. The statutory duties arise from:
- Section 151 of the Local Government Act 1972;
 - The Local Government Finance Act 1988;
 - The Local Government and Housing Act 1989;
 - The Accounts and Audit Regulations 1996;
 - The Local Government Finance Act 1992;
 - The Local Government Act 2000;
 - The Local Government Finance Act 2012;and
 - The Accounts and Audit Regulations 2015.
- 4.8 The Chief Finance Officer is responsible for:
- the proper administration of the Authority's financial affairs;
 - setting and monitoring compliance with financial monitoring standards;
 - advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
 - providing financial information;
 - preparing the revenue budget and capital programme;
 - preparing the annual statement of accounts;
 - treasury management, pension and trust funds; and
 - providing advice on the safeguarding of assets including risk management and insurance.
- 4.9 The Chief Finance Officer shall be responsible for setting and monitoring standards. This involves links with professional staff throughout the Council but does not interfere with normal line management arrangements. The Chief Finance Officer reserves the right to be involved in the appointment of all staff employed in posts designated as requiring a qualified accountant or auditor, wherever located.
- 4.10 The Chief Finance Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the

Executive and for approval to the full Council. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the Council and / or the Executive.

- 4.11 The Chief Finance Officer is responsible for issuing advice and guidance to underpin the financial regulations that members and officers and others acting on behalf of the Authority are required to follow.
- 4.12 The Chief Finance Officer shall, in compliance with section 114 of the Local Government Finance Act, 1988, report to the full Council, Executive and external auditor if the authority or one of its officers:
- has made or is about to make a decision which involves or would involve the Council in incurring expenditure which is unlawful;
 - has taken or is about to take a course of action which, if pursued to its conclusion would be unlawful and likely to cause a loss or deficiency on the part of the Council; or
 - is about to enter an item of account, the entry of which is unlawful.

and the Chief Finance Officer shall also make a report if it appears that the expenditure proposed by the Council in a financial year is likely to exceed the resources available to meet that expenditure.

- 4.13 Section 114 of the Local Government Finance Act, 1988 also requires the Chief Finance Officer to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under Section 114 personally. The Authority shall provide the Chief Finance Officer with sufficient staff, accommodation, and other resources, including legal advice where necessary, to carry out the duties under Section 114.
- 4.14 In order to comply with all statutory duties and with the requirements and instructions of the Council, the Chief Finance Officer shall be given access to any information as is necessary.
- 4.15 The Chief Finance Officer shall approve all financial procedures, records, systems and accounts operated throughout the Council including any changes which are subsequently proposed.
- 4.16 The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should also ensure that public funds are properly safeguarded and used economically, efficiently and in accordance with the statutory and other authorities that govern their use.
- 4.17 The Chief Finance Officer shall have the power to make technical amendments from time to time to make these Financial Procedure Rules consistent with legal requirements, changes in Council structure and personnel and best practice after approval of the Leadership Management Team.

OTHER CHIEF OFFICERS' RESPONSIBILITIES

- 5.1 Other Chief Officers (Directors) are responsible for ensuring that all members of staff in their Service are aware of the existence and content of the Authority's financial regulations and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their Service.
- 5.2 Prior to introducing, amending or discontinuing any arrangements, guidelines and procedures for the proper administration of the financial affairs of a Service, other Directors shall confer with the Chief Finance Officer.
- 5.3 Other Directors are responsible for ensuring that Executive members are advised of the financial implications of all proposals and that the financial implications have been agreed with the Chief Finance Officer.
- 5.4 Other Directors shall consult the Chief Finance Officer on any matter within their responsibility which is liable materially to affect the finances of the Council, before any commitment is incurred and before submitting policy options or recommendations.
- 5.5 With regard to any report or information for members of the public which relates to budget planning and / or monitoring or upon which policy decisions or consultation are to be based, Other Directors are responsible for ensuring the Chief Finance Officer is consulted about any information to be included concerning the finances of the Council, its services and activities. The Chief Finance Officer is to be given adequate time to comment in advance of the agenda / deadline date. If an Other Director, having regard to the Chief Finance Officer's views, does not wish to amend the report, the Chief Finance Officer may require inclusion of his comments within the report before it is finalised.
- 5.6 Reports shall only be submitted jointly by an other Director and the Chief Finance Officer, if that Officer has validated and agreed the financial aspects of the report. The onus is on the other Director to obtain the agreement of the Chief Finance Officer.
- 5.7 Before submitting an application for grant which would require the Council to commit additional resources in the current or succeeding year, Directors should consult the Chief Finance Officer.
- 5.8 All grant bids for £150,000 or less should be submitted to the relevant Director for approval. Grant bids for more than £150,000 require approval at Corporate Management Team. All grant bids should include a full financial appraisal with the appropriate level of support from Accountancy staff. Directors shall submit to the Service Finance Business Partner grant bids and claims for validation and certification prior to submission. Only grant submissions that specifically state that they require approval by the Section 151 Officer need to be submitted to the Chief Finance Officer prior to submission. All grant claims should be completed in conjunction with the relevant Finance Business Partner. Only claims requiring Section 151 Officer sign off need to be signed by the Chief Finance Officer.
- 5.9 Notification of a successful application for grant shall be obtained in writing stating the amount and conditions relating to its receipt.

FINANCIAL ACCOUNTING AND ADMINISTRATION

The main accounting system should provide data that is accurate and adequate for the published final accounts and management in the conduct of their business. Secure and

reliable systems are essential to ensure that individual transactions are processed and recorded accurately.

GENERAL PRINCIPLES

- Directors are responsible for promoting the financial management standards set by the Chief Finance Officer in their service areas and monitoring adherence to the standards and practices, liaising as necessary with the Chief Finance Officer.
- All Directors shall promote sound financial practices in relation to the standards, performance and development of staff in their Services.

FINANCIAL ADMINISTRATION

- 6.1 The Chief Finance Officer shall be responsible for keeping the principal accounting records for all Services of the Council.
- 6.2 The Chief Finance Officer shall ensure that the accounts and accompanying reconciliations are properly prepared and presented for audit in accordance with relevant guidelines and statutes.
- 6.3 All accounts, financial records, including computerised records and financial administration procedures shall be kept in a form approved by the Chief Finance Officer.
- 6.4 After conferring with relevant Directors, the Chief Finance Officer shall issue instructions as are deemed necessary to carry out the day to day financial work of the Council.
- 6.5 Prior to introducing, amending or discontinuing any record or procedure relating to financial transactions or accounting in their Service, Directors shall consult the Chief Finance Officer.
- 6.6 The Chief Finance Officer shall be consulted by relevant Directors on the retention and safe custody of all accounting records. In determining a timescale for the retention of accounting records, the Chief Finance Officer will take into account all statutory obligations and available storage facilities. No voucher or other document shall be destroyed before the specified period has elapsed.
- 6.7 Directors shall comply with accounting guidance provided by the Chief Finance Officer and to supply that Officer with information when required.

CLOSING OF ACCOUNTS

- 7.1 The Chief Finance Officer shall be responsible for the production and publication of the Council's year-end accounts and financial statements in such form and in accordance with such timetable as to make it consistent with any relevant statute.
- 7.2 The Chief Finance Officer shall produce and circulate to all relevant officers of the Council a set of guidance notes for the production of year-end accounts and financial statements. These notes shall detail the timetable for the final accounts production, the information and action required from Services and any other details necessary to ensure that the responsibilities under this paragraph are properly discharged.

- 7.3 The Chief Finance Officer shall present the Statement of Accounts for the year in question to the Corporate Affairs and Audit Committee and the Council's external auditors as early as possible.
- 7.4 Directors must comply with accounting guidance provided by the Chief Finance Officer and supply information when required in relation to the closing of accounts.
- 7.5 The Chief Finance Officer shall retain, in safe custody, copies of the audited Statement of Accounts including the external auditor's signed certificate and opinion.

UNOFFICIAL (TRUST) FUNDS

- 8.1 An 'unofficial fund' is any fund where the income and expenditure does not form part of the Council's accounts but which is controlled wholly or in part by an officer by reason of employment by the Council or employment by, for instance, the Governors of a school or other semi-autonomous body.
- 8.2 Relevant Directors shall be responsible for the immediate control of 'unofficial funds' within or relating to their Services.
- 8.3 The Chief Finance Officer shall be informed of the existence of all 'unofficial funds' and shall issue and update accounting instructions for them where necessary.

FINANCIAL PLANNING

The budget process converts the plans for the use of physical resources into monetary values and has a controlling influence over the financial affairs of the Council. Budget monitoring enables senior management; the Executive and Council to be kept fully informed of whether the Authority's financial targets and plans are being achieved and imposes accountability upon budget holders.

GENERAL PRINCIPLES

- 9.1 The full Council is responsible for agreeing the Authority's policy framework and budget, which will be proposed by the Executive.
- 9.2 The full Council is responsible for approving procedures for agreeing variations to approved budgets, plans and strategies and forming the policy framework for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the full Council by the Monitoring Officer.
- 9.3 The full Council is responsible for setting the level at which the Executive may reallocate budget funds from one service to another. The Executive is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.
- 9.4 Each year, the Chief Finance Officer shall report to the Executive upon the general financial situation of the Council and upon future financial scenarios in relation to the coming year's budget prospects and long-term trends.
- 9.5 Having regard to the Chief Finance Officer's reports and advice, the Executive shall recommend the general budget strategy to be adopted with regard to preparation by Services of their annual budget submissions.

- 9.6 The Executive and Service Directors shall ensure that capital and revenue spending are each contained within their approved budget ceiling and shall seek further approval from the Council before taking any action that shall cause net spending to increase by either increasing gross expenditure and / or reducing income.

REVENUE BUDGET

- 10.1 The general format of the budget will be approved by the full Council after receiving a proposal from the Executive on the advice of the Chief Finance Officer. The draft budget should include allocations to different services and projects, proposed taxation levels and contingency funds.
- 10.2 The Chief Finance Officer is responsible for ensuring that a revenue budget is prepared on an annual basis for consideration by the Executive, before submission to the full Council. The draft budget should include allocations to different services and projects, proposed taxation levels and contingency funds.
- 10.3 Each Director shall prepare annually a forward revenue budget in accordance with the criteria, format, timetable and targets specified by the Chief Finance Officer and / or Executive.
- 10.4 If any line at the level of the detailed budget agreed by the Council becomes, or is expected to become overspent, the appropriate Director must take action to correct the position; this may include use of virement powers contained in paragraph 10.5 below.
- 10.5 Virement between one line in the revenue budget and another is allowed in accordance with the rules and limits currently prescribed by the Council. At present these are:
- all proposed virements must be reported to the Chief Finance Officer;
 - all virements involving a significant change in policy are subject to Executive approval;
 - any virement proposing a permanent change in establishments require the approval of Corporate Management Team;
 - no proposed virement shall be used to justify additional resource allocation in following years;
 - once a proposed virement has been agreed / approved, the Chief Finance Officer shall ensure that the appropriate changes are made to the Authority's computerised accountancy system at the earliest opportunity;
 - Approval of the Executive is required for any virement where it is proposed to vire between service level budgets agreed by Council in setting the annual revenue budget; and
 - Directors may vire within the overall service budget allocated to them by the Council in the annual budget setting report, within the virement rules above.
- 10.6 A Service may, subject to the approval of the Chief Finance Officer and Corporate Management Team not later than its last meeting before the end of the

financial year, carry forward from one year to another unspent balances where it is satisfied that:

- for reasons beyond the Service's control, supplies and services are not obtainable within the financial year;
- because of changes of specification, design, etc. it is advantageous to defer a purchase beyond the end of the financial year; or
- where the balance is a carry forward of a revenue contribution to capital outlay.

Such agreement shall constitute authority for the appropriate Service to incur relevant expenditure not exceeding the amount approved.

10.7 The extent to which a Service can carry forward and utilise in subsequent years any underspends which arise on its revenue budget as a result of:

- improved management control; or
- external factors outside its control,

shall be determined by the Corporate Management Team not later than its last meeting before the end of the financial year. The Corporate Management Team may, at its discretion, require a Service to carry forward to the following financial year any overspent balances.

CAPITAL BUDGET

11.1 The Executive shall recommend the policy guidelines within which a forward capital programme shall be prepared each year through the Council's Capital Strategy report. This will define affordability, sustainability and prudence in the context of the Council's medium term financial plan.

11.2 The definition of capital expenditure shall be such as the Council may determine in accordance with relevant statutory provisions, the local authority accounting code of practice issued annually by the Chartered Institute of Public Finance and Accountancy and the advice of the Chief Finance Officer.

11.3 The Chief Finance Officer shall report to Executive on the current and planned capital programme each quarter. New capital projects recommended for Executive approval will be subject to a capital project appraisal, the format of which is agreed by the Executive.

11.4 Where capital expenditure is to be met in part or whole by a grant, contribution from another party (e.g. government department) or from Council wide resources (external borrowing or capital receipts), no expenditure shall be incurred until all necessary approvals have been obtained, including that of the Executive.

11.5 Where the actual or estimated cost of a capital scheme exceeds the original budgetary provision by more than £100,000 the appropriate Director shall prepare a report for the Executive outlining the reasons and consequences of adhering to the approved capital programme. The Executive must take action to correct the position; this may include the use of virement powers contained in paragraph 11.6 below or the reduction of overall expenditure within the capital programme .

- 11.6 Virement between one capital scheme and another is allowed in accordance with the rules and limits prescribed by the Council. At present these are:
- Virements between capital projects are subject to approval by Executive;
 - all necessary approvals are obtained from external funding bodies where necessary; and
 - the diversion of expenditure does not increase the Council's eventual revenue costs.
- 11.7 Any proposal to add, delete, substitute or substantially amend any capital project shall be subject to approval by the Executive.
- 11.8 Any reduction in payments on a capital project, whether resulting from slippage or cost savings, shall be reported to the Executive and shall not be used by Services to fund additional capital expenditure unless the Executive so determine.

BUDGET MONITORING

- 12.1 The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively.
- 12.2 It is the responsibility of Directors to control income and expenditure within their service areas and to monitor performance, taking account of financial information provided by the Chief Finance Officer. The Chief Finance Officer will report on the overall projected outturn position for the Council to the Executive.
- 12.3 It is the responsibility of each Director to identify budget holders under their direct control and to ensure that budgets are not overspent. They should also take any action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems at the earliest opportunity.
- 12.4 Budget planning shall assume annual inflation increases are applied to fees and charges, unless a lower or higher figure is approved by the Corporate Management Team. The Executive shall receive quarterly monitoring reports for approval.

CONTRACTS, AGREEMENTS AND PURCHASING

Officers authorised to commit the Council to current or future expenditure are expected to act responsibly and demonstrate that the arrangements and procedures followed comply with the Council's instructions.

GENERAL PRINCIPLES

- 13.1 All contracts, agreements and purchases are subject to the requirements of Standing Orders, and the procedures and financial limits which they prescribe.
- 13.2 Advice and assistance shall be available from the Council's Head of Commissioning and Procurement to enable other Directors to comply with the requirements of any relevant government or E. C. Regulations relating to contracts.

- 13.3 Every officer and member has a responsibility, in accordance with appropriate codes of conduct, to declare any links or personal interests which they may have with suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. It is important for everyone involved in spending public money to demonstrate that they do not benefit personally from decisions that they make and to avoid any situation which might be regarded as compromising their objectivity and impartiality.
- 13.4 Before entering into purchasing commitments, other Directors shall ensure that the estimated cost is covered by financial provision in the budget to which it relates.
- 13.5 Official orders and official purchasing/procurement cards must not be raised for any personal or private purchases, nor must personal or private use be made of Council contracts.

ORDERS FOR WORK, GOODS AND SERVICES

- 14.1 Before concluding any purchase, Directors should always ensure that best value for money is obtained having due regard to any special circumstances which may apply.
- 14.2 Official orders shall be in a form approved by the Chief Finance Officer and released only by officers authorised by the appropriate Director. All official orders issued by a Service shall be the responsibility of that Director. An up to date list of authorised officers shall be maintained by Directors and a copy sent to the Chief Finance Officer. Any changes to the list of authorised officers shall be notified to the Chief Finance Officer immediately.
- 14.3 Official orders shall be issued for all goods, work and services except where the Council enter into a formal contract with a supplier made for supplies of utility services, periodic payments such as rents or rates, for petty cash purchases or such other exceptions as the Chief Finance Officer may approve.
- 14.4 All goods, equipment etc., ordered on official order forms shall be for the Council's own use, including those purchased under VAT Savings Schemes.
- 14.5 Any subsequent variations or amendments to official orders shall be approved by an authorised officer, linked to the original record.

CONTRACTS

- 15.1 These regulations with regard to contracts shall be read in conjunction with the Council's Standing Orders relating to Contracts.
- 15.2 All Directors should ensure that adequate and effective systems and procedures are operated for arranging and managing contracts and agreements having regard to advice and guidance from the Chief Finance Officer on financial aspects. This includes the financial vetting of contracts where appropriate.
- 15.3 Contractual agreements for the provision of social care between the Council and independent sector providers shall take into account the following specific issues:
- the need to reflect a high degree of client, carer and client's family's involvement in contracting arrangements;

- The need for a long term service relationship avoiding regular changes in service provider, particularly in the case of long term residential care; and
 - the involvement of potential providers, such as small charities or voluntary organisations, who may have limited experience and resources to cope with complex contracting and tendering arrangements.
- 15.4 Any contract or agreement involving a charge upon assets or property must be forwarded to the Monitoring Officer for signature on behalf of the Council.
- 15.5 Except on the instruction of the Chief Finance Officer, no other Director shall enter into any agreement or contract involving the borrowing of funds, leasing of equipment, credit arrangement, hire purchase agreement, insurance contract, or the investment of Council monies; nor the authorising of any direct debit to be charged against the Council's bank accounts (except as agreed and authorised by the Chief Finance Officer).
- 15.6 Except as agreed by the Executive, no officer may raise money by securing any legal charge or claim upon the buildings, property or any other asset or interest of the Council.
- 15.7 The content and form of contracts and agreements are to be agreed by the Monitoring Officer before finalising by any Director on behalf of the Council.
- 15.8 Prior to entering into any contract, Directors will fully consider all Insurance and Risk Management implications, and where necessary seek appropriate advice from the Chief Finance Officer.

PAYMENT OF ACCOUNTS

- 16.1 The Chief Finance Officer has authority to pay all amounts to which the Council is legally committed, after authorisation by the appropriate Director.
- 16.2 Unless alternative arrangements have been agreed and approved by the Chief Finance Officer, the appropriate Director responsible for issuing an order, or nominated officer, shall authorise all invoices.
- 16.3 Payments on account to contractors shall be made only on a certificate issued by the appropriate Director (or private architect, engineer or consultant where engaged by the Council) or other officer nominated in writing for the purpose.
- 16.4 Before the appropriate Director or duly authorised person issues a final certificate of payment under a contract, the Chief Finance Officer shall be notified and have the right to examine the contractor's final account, together with other such documents as the Chief Finance Officer may consider necessary. The appropriate Director shall notify the Chief Finance Officer in writing on the satisfactory completion of the maintenance period under a contract so that any performance bonds may be released.

EMPLOYEE AND PERSONNEL ASPECTS

The largest element of Council expenditure is the cost of staff. Reliable and timely information is required to ensure that only genuine employees are paid in accordance with their proper entitlement. Failure to apply taxation and national insurance regulations correctly to all payments could incur significant financial penalties.

GENERAL PRINCIPLES

- 18.1 The payment of salaries, wages, pensions, compensation and other emoluments to all employees or former employees of the Council and allowances to members shall be made by the Chief Finance Officer or under arrangements approved and controlled by the Chief Finance Officer.
- 18.2 All Directors shall ensure appointments are made in accordance with the regulations of the Council and approved establishments, grades and scale of pay and that adequate budget provision is available.
- 18.3 All Directors shall ensure that salaries, wages, pensions etc. are processed only through the payroll system. Careful consideration should be given to the employment status of individuals employed on a self-employed, consultant or sub contract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Chief Finance Officer.
- 18.4 All timesheets or other pay documents shall be in a form agreed with the Chief Finance Officer and shall be signed as a correct record by both the employee concerned and by an officer authorised to certify the document on behalf of the appropriate Assistant Director.
- 18.5 All Directors shall determine which officers from within their Services are authorised to certify salaries and wages documents. An up to date list of these authorised officers together with their specimen signatures and initials should be maintained by the Director and a copy sent to the Chief Finance Officer. Any changes to the list shall be notified to the Chief Finance Officer.
- 18.6 All relevant records and other pay documents shall be submitted to the Chief Finance Officer in accordance with timetables and deadlines determined by the Council.
- 18.7 The Chief Finance Officer shall be responsible for making arrangements for the administration and regulation of claims for expenses and allowances to employees and members of the Council and its committees and other approved bodies. The Monitoring Officer shall be responsible for monitoring the budget for member's expenses.
- 18.8 Certification of officers' travel and subsistence claims, by or on behalf of a Service, shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, expenses properly incurred and that the allowances are payable by the Council.
- 18.9 The Chief Finance Officer shall ensure that there are adequate arrangements for administering superannuation matters on a day to day basis.

BANKING, INCOME AND TREASURY MANAGEMENT

Proper administration of bank accounts is fundamental for financial control. All income collection systems must provide for prompt recording of both cash and credit and the prompt banking of all receipts. Income is vulnerable if not adequately and effectively controlled.

BANKING

- 19.1 All arrangements concerning the opening, closing and operation of the Council's bank accounts shall be notified to the Chief Finance Officer. All Bank Mandates shall be signed by the Chief Finance Officer or nominated representative.
- 19.2 Directors shall not enter into any arrangements for payments to be automatically debited from the Council's bank account without prior approval of the Chief Finance Officer. Any Director shall not apply for additional banking services, for example credit/debit cards without the express approval of the Chief Finance Officer.
- 19.3 Each bank account operated by the Council shall bear an official title and in no circumstances shall an account be opened in the name of an individual except in respect of an account in the name of the Returning Officer for the Middlesbrough Constituency.

INCOME

- 20.1 Arrangements for the collection of all monies due to the Council shall be agreed with the Chief Finance Officer, even though a Director may be responsible for the actual collection, either upon a directive of the Council or by agreement with the Chief Finance Officer. Records of all income transactions shall be maintained by Directors, in a form agreed by the Chief Finance Officer.
- 20.2 The Chief Finance Officer shall set out the arrangements necessary to ensure that all monies due and received are banked promptly.
- 20.3 All receipt forms, books, tickets and other such items shall comply with the requirements of the Chief Finance Officer who shall be satisfied as to the arrangements for their control. Every issue of any such document shall be acknowledged by the signature of the officer to whom the issue is made. No officer shall give a receipt for any money received on behalf of the Council on any form other than an official receipt form or ticket.
- 20.4 All sums received by officers shall be paid over promptly to the Chief Finance Officer, or by arrangement, to the Council's bankers. No deduction should be made from such money, unless specifically authorised by the Chief Finance Officer. Personal cheques must not be cashed out of collections.
- 20.5 The Chief Finance Officer shall be notified as early as possible of all money due to the Council under contracts, or any other arrangements which would involve the receipt of money by the Council, and shall have access to the original documents or relevant particulars.
- 20.6 Every officer when depositing money or paying over collections must complete a paying in slip in accordance with best practice.

DEBT COLLECTION

- 21.1 Income arising from work done, goods supplied or services rendered and not paid for at the time, must be invoiced and all Directors must ensure the prompt issue and rendering of such accounts. To do this, all Directors should ensure that the full details of the debtor and service provided are recorded in order that amounts due can be collected. Performance management systems should be established to monitor recovery of income and flag up areas of concern to the Chief Finance Officer. Evidence of the debt shall be retained by Directors for an appropriate period agreed with the Chief Finance Officer.

- 21.2 Before raising any invoices for work done, goods supplied or services delivered, Directors should consider the most cost effective method of collecting the income. Where it would be reasonable to expect payment in cash it should be collected prior to the provision of goods or services.
- 21.3 All Directors have a responsibility to collect debts which they have originated, by providing any further information requested by the debtor, and in pursuing the debt on the Council's behalf.
- 21.4 The Chief Finance Officer and Monitoring Officer shall take all reasonable steps to obtain recovery of debts (involving debt collection agencies and / or Court proceedings as appropriate).
- 21.5 The authority to approve the write off of debts raised from the 1 April 2016 is delegated to Directors. Write off of debts raised prior to the 1 April 2016 requires the approval of the Chief Finance Officer. The Chief Finance Officer is authorised to approve the write off of debts in respect of the following:
- Council Tax;
 - National Non Domestic Rates;
 - Community Charge; and
 - Sundry Debt (Commercial Rents, Payroll, Housing Advances, Overs and Shorts of Cash, Returned Payments, Small Balances and Unclaimed Credit Accounts).
- 21.6 Any bad debts shall be charged against the budget of the Service to which the transaction and income originally related.

TREASURY MANAGEMENT

- 22.1 The Council has adopted the key recommendations from the Chartered Institute of Public Finance and Accountancy's (CIPFA) "Treasury Management in the Public Services: Code of Practice". Accordingly, Middlesbrough Council will create and maintain, as the cornerstones for effective treasury management.
- A treasury management policy statement, stating the policies and objectives of its treasury management activities; and
 - Suitable treasury management practices (TMPs), setting out the manner in which Middlesbrough Council will seek to achieve those policies and objectives and prescribing how it will manage and control those activities. The Chief Finance Officer will approve the TMPs and amend them as necessary, with such amendments being reported to the Executive.
- 22.2 The Executive will receive reports on its treasury management policies, practices and activities, including an annual strategy and plan in advance of the year, and an annual report after its close.
- 22.3 The Executive is responsible for the implementation and monitoring of its treasury management policies and practices. The Chief Finance Officer is responsible for the execution and administration of treasury management and will act in accordance with the Treasury Management Policy Statement and CIPFA's Standard of Professional Practice on Treasury Management.

- 22.4 All money received by the Council shall be aggregated for the purpose of treasury management and shall be under the control of the officer designated for the purpose of section 151 of the Local Government Act 1972, referred to in the Code as the Responsible Officer.
- 22.5 All borrowings and investments shall be effected in the name of Middlesbrough Borough Council.
- 22.6 The Chief Finance Officer shall be the registrar for all stocks, bonds and mortgages of the Council and shall maintain records of all transactions relating thereto, and of all borrowings of money by the Council.

ASSETS, SECURITY AND RISK MANAGEMENT

The Council's assets represent a significant resource, which must be protected against loss or misuse. The need for effective measures to reduce losses has led the Council to adopt a more positive strategy towards the management of risk.

ASSETS

- 23.1 All Directors shall maintain an inventory for each establishment within their control, recording an adequate description of such readily portable items of furniture, fittings, equipment, tools, plant and machinery in a form approved by the Chief Finance Officer. All leased assets shall be identified and recorded separately.
- 23.2 All Directors shall arrange for regular physical checks (at least annually) to be carried out of equipment, stores etc. against the relevant records. Any significant surplus, deficiency or deterioration revealed as a result of such checks shall be identified, investigated, pursued to a satisfactory conclusion and the inventory annotated accordingly.
- 23.3 All Directors shall arrange for the valuation of assets for accounting purposes in accordance with the Local Government Act 1989 and associated codes of practice.
- 23.4 The Council's property shall not be removed other than in accordance with the ordinary course of business or used other than for the Council's purposes except in accordance with specific directions issued by the Director of the appropriate Service.
- 23.5 Assets owned by the Council shall as far as possible, be effectively marked as Council property.
- 23.6 Before Directors take any action on the disposal of surplus or obsolete stock they should consult other Services to determine if there is a continuing need for the item(s) within the Council. Where there is no internal need for the item(s), Directors shall arrange for the items to be offered for sale by competitive tender or public auction, except as agreed otherwise by the Chief Finance Officer and in accordance with Standing Orders.
- 23.7 The Chief Finance Officer shall be notified of the intention to dispose of any item which might be regarded as capital or was obtained via leasing agreement. No leased asset shall be disposed of without the written agreement of the Chief Finance Officer.

- 23.8 Assets leased by the Council must be maintained in full working order in accordance with the terms of the lease and shall not be adapted for any alternative use without the prior written agreement of the Chief Finance Officer.

SECURITY

Assets

- 24.1 All Directors shall be responsible for introducing and maintaining adequate arrangements for all aspects of security including personnel, stores, equipment, cash, data, and confidential information under their control. The Chief Finance Officer shall be consulted in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 24.3 The Chief Finance Officer shall be responsible for ensuring that secure arrangements are made for the preparation and holding of pre-signed cheques, stock certificates, bonds and other financial documents.
- 24.4 All Directors should ensure that contingency plans are in place for the security of assets and continuity of service in the event of disaster or system failure.

Information

- 24.5 All employees of the Council have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be classified as sensitive, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way. All Directors shall seek to ensure their staff have an awareness of safety and security issues in relation to Information, and an appreciation of the individual responsibilities of staff both under the Health and Safety at Work Act 1974 and otherwise to ensure the safety of individuals and security of the Council's assets.
- 24.6 The Council has adopted a Computer Security Code of Practice. All Directors should ensure that employees are familiar with this document, and that effective controls and security routines are operated to protect data against the hazards listed (e.g. computer viruses; unauthorised access; loss of data etc.).
- 24.7 It is the responsibility of Directors to ensure that all computerised systems within their responsibility are properly registered and operated in accordance with requirements of the 1998 Data Protection Act and other legislation.

INSURANCE

- 25.1 The Chief Finance Officer shall ensure that adequate insurance protection is maintained for the Council's assets and operations where it is considered to be cost-effective and appropriate. Such protection may, on advice, be arranged by way of external insurance cover, or by way of an internal 'Insurance Fund' established for that purpose, or a combination of such measures.
- 25.2 The Chief Finance Officer shall be responsible for the negotiation of all the Council's insurance contracts, and Directors shall provide all such information and assistance as is required to facilitate such negotiations. No insurance contracts may be entered into by Directors other than through the Chief Finance Officer.

- 25.3 Each Director shall give prompt notification to the Chief Finance Officer of all new insurable risks and all changes in operations, responsibilities, contractual arrangements, indemnities, or ownership or occupation of properties in which the Council has an interest whenever such changes may have a bearing on any of the Council's insurance arrangements.
- 25.4 Each Director shall be responsible for providing prompt notification to the Chief Finance Officer of all incidents likely to give rise to an insurance claim by or against the Council. In the case of accidents involving death or serious injury to any party, such notification shall in the first instance be by way of an immediate oral report.
- 25.5 Each Director shall ensure full and prompt co-operation of their Service and individual staff in the investigation, defence and negotiation of claims.
- 25.6 Directors may arrange with the Chief Finance Officer for the provision of insurance cover additional to those arranged generally for the Council when they judge such additional cover to be appropriate based on the risk involved.
- 25.7 Fortuitous accidents and losses, which arise in a wide variety of ways, may have a very significant impact both in humanitarian terms, and in terms of financial cost to the Council. It is the responsibility of every Director to manage the operations of their Service in such a way as to reduce as much as reasonably practicable both the humanitarian and financial costs of risks. To this end, all Directors must consider the risk and insurance implications of all existing and new operations undertaken and contracts and indemnities entered into; where appropriate consulting with specialist Health and Safety, Risk Management, Insurance, Legal or other technical staff within the Council in order to minimise the attendant risks.

Risk Management

- 25.8 The Head of Strategy, Information and Governance shall provide advice on Risk Management and the risks facing the Council. Each Director has a responsibility to support these initiatives with the aim of improving Risk Management throughout the organisation.

INTERNAL AUDIT

Internal Audit systematically monitors the Council's objectives and through an examination of system and management controls attempts to ensure that those objectives and any subsequents are being met in the most efficient, economic and effective manner.

GENERAL PRINCIPLES

- 26.1 The Accounting and Audit Regulations 1996 issued by the Secretary of State for the Housing, Communities and Local Government require every local authority to maintain an adequate and effective internal audit. The Council has delegated its statutory responsibility to the Chief Finance Officer.
- 26.2 As a service to management, the Internal Audit Service shall provide an independent appraisal of all the Council's activities, reporting on the adequacy and effectiveness of

the systems of internal control, including management controls and arrangements. The work undertaken by the Internal Audit Section shall have the following objectives:

- to review and appraise the soundness, adequacy and application of accounting, financial and other controls;
- to ascertain the extent to which systems of control ensure compliance with established policies and procedures;
- to ascertain the extent to which assets and interests entrusted to or funded by the Council are properly controlled and safeguarded from losses of all kinds;
- to ascertain that accounting and other information is reliable as a basis for the production of accounts and other returns;
- to ascertain the integrity and reliability of financial and other information provided to management including that used in decision making; and
- to ascertain that systems of control are laid down and operate to promote the most economic, efficient and effective use of resources.

26.3 The Chief Finance Officer or authorised representative shall have authority on production of identification to:

- enter at all reasonable times on any Council property or land;
- have access to all assets, staff, records, computer files, documents and correspondence relating to any financial and other transactions;
- require and receive such explanations as are necessary concerning any matter under examination;
- require any employee holding or controlling cash, stores or any other Council property to produce such items;
- access records belonging to third parties, such as contractors and partners, when required; and
- have direct access to the Head of Paid Service and Executive.

26.4 In relation to these rights of access, Internal Auditors are regarded as having a personal responsibility to observe the highest standards of confidentiality and personal integrity. Any breach of this could give rise to disciplinary proceedings.

26.5 Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the Council or any suspected irregularity in the exercise of the functions of the Council, the Director concerned shall immediately notify the Chief Finance Officer, who shall investigate and report as necessary. Pending any investigation and reporting, the appropriate Assistant Director should take all necessary steps to prevent further loss and secure records and documentation against removal or alteration.

26.6 Directors shall ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

- 26.7 Directors shall ensure that new systems for maintaining financial and non-financial records or records of assets, or changes to such systems, are discussed with and agreed by the Head of Internal Audit prior to implementation.

PARTNERSHIPS

Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local Authorities are working in partnership with others: public agencies, private companies, community groups and voluntary organisations. Local Authorities still deliver some services, but their distinctive leadership role is to bring together contributions of the various stakeholders.

GENERAL PRINCIPLES

- 27.1 The Executive is responsible for approving delegations of Executive functions, including frameworks for partnerships. The Executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 27.2 The Executive can delegate functions - including those relating to partnerships, to officers. These are set out in the scheme of delegation that forms part of the Council's Constitution. Where functions are delegated, the Executive remains accountable for them to the full Council.
- 27.3 The Head of Paid Service represents the Council on partnership and external bodies, in accordance with the scheme of delegation.
- 27.4 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Authority.
- 27.5 The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. They must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. The Chief Finance Officer must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- 27.6 Directors` are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

CONTRACT PROCEDURE RULES

STANDING ORDERS RELATING TO CONTRACTS

CONTENTS

- PART A – A Brief Guide to Standing Orders
- PART B – Exemptions
- PART C – Glossary of Defined Terms
- PART D – Standing Orders

PART A – A Brief Guide to Standing Orders

Contract Standing Orders promote good purchasing practice, public accountability and deter corruption. Following the rules is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

Officers responsible for the purchase or disposal of assets must comply with these Standing Orders, which lay down minimum requirements. A more thorough procedure may be appropriate for a particular contract.

- Follow the rules set out in Standing Orders if you purchase goods, materials, services, consultancy, order building or civil engineering work.
- Take all necessary legal, financial, procurement and professional advice in a timely manner.
- Declare any personal interest in a contract. **Corruption is a criminal offence.**
- Conduct any review and appraise the purchasing need.
- Normally allow two weeks for submission of Quotations
- Normally allow four weeks for submission of Tenders (not to be submitted by fax or e-mail).
- Keep tenders confidential.
- Complete a written contract or Council order before the supply or work begins.
- Keep records of dealings with suppliers in line with the Council's retention policy.
- Assess each contract afterwards to see how well it meets the Council's needs.

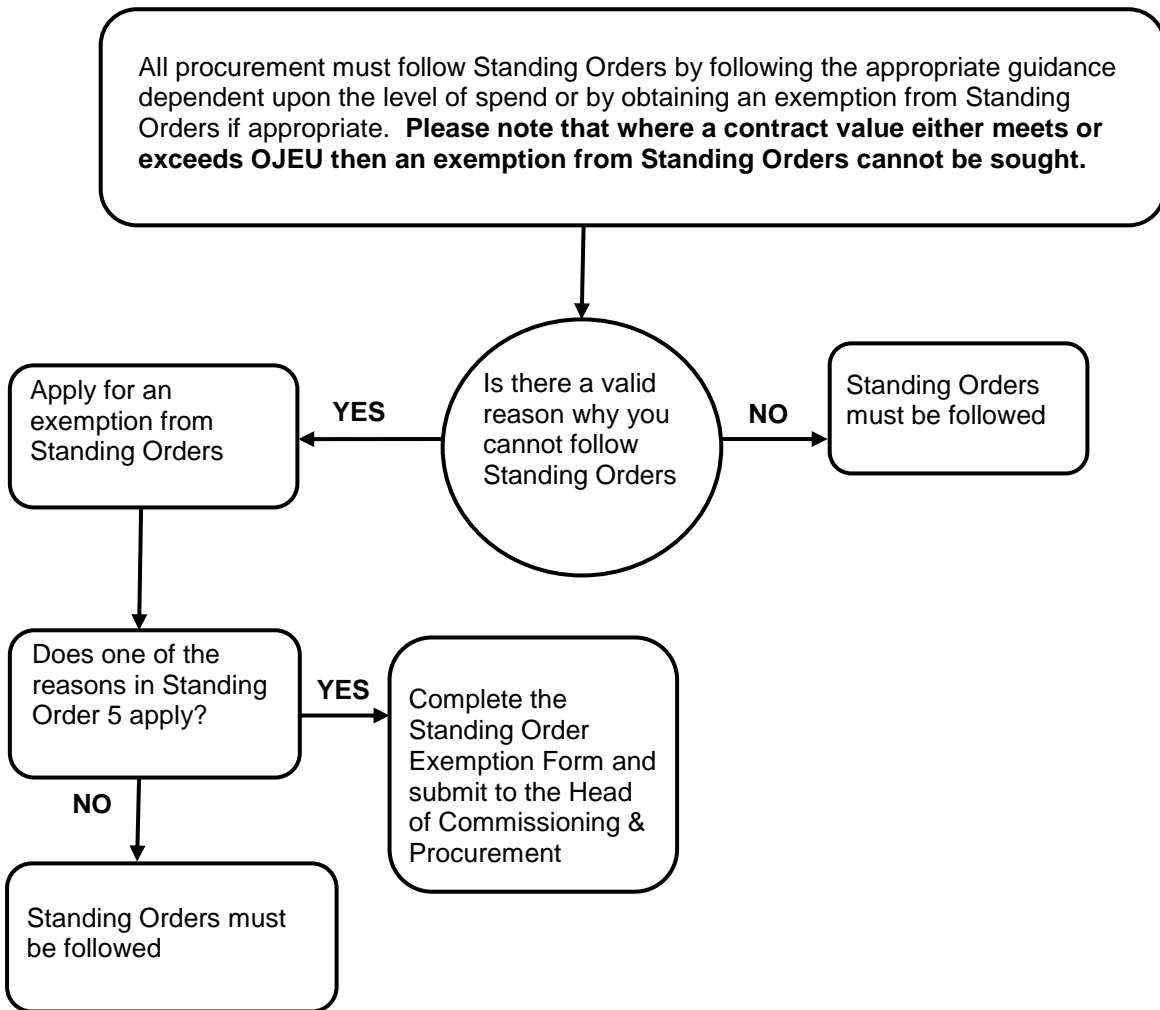
PART B – Exemptions

All Relevant Contracts (see Standing Order 4) must be subject to competition, unless there is an exemption, as follows:

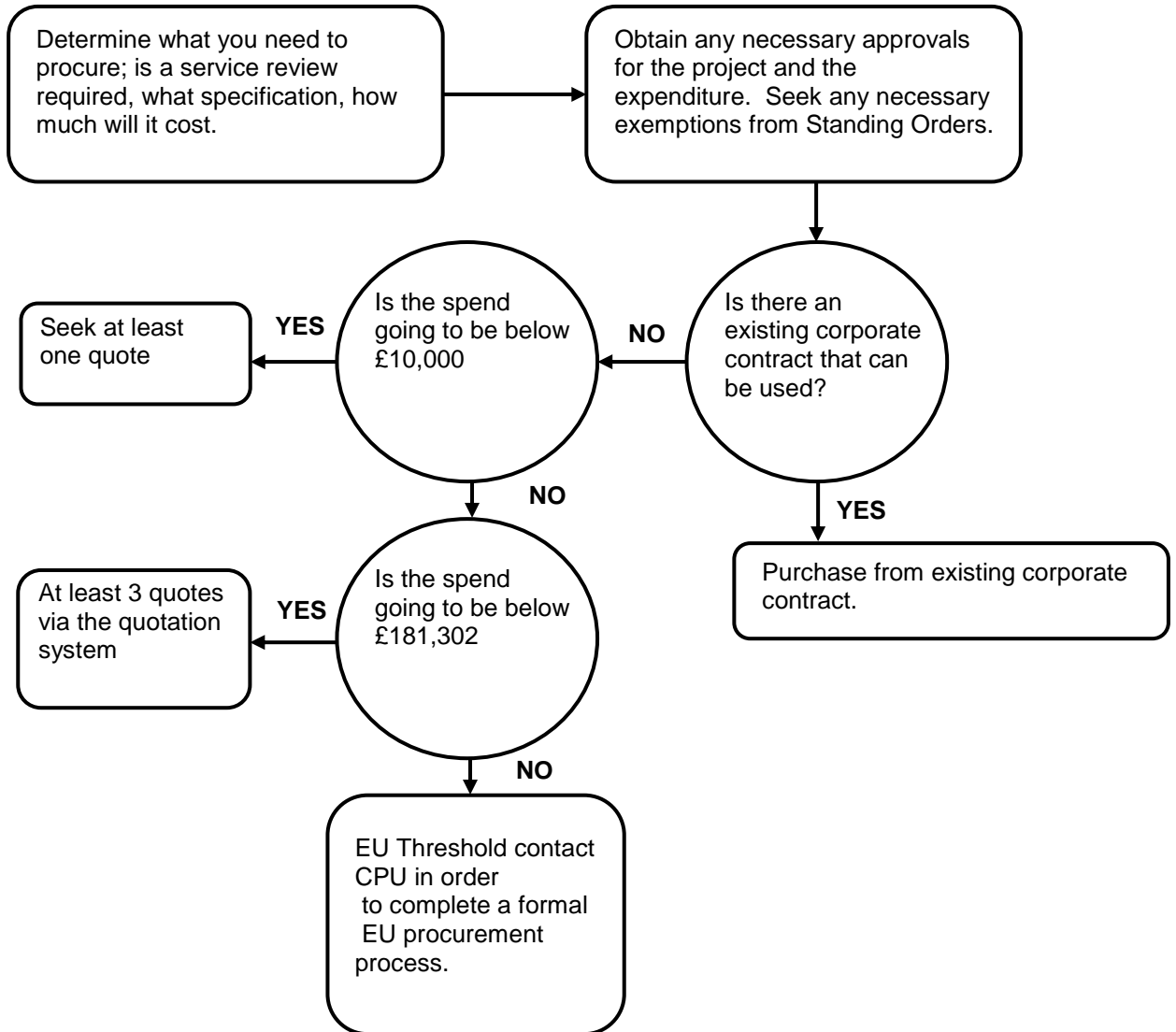
Works	Supply of Goods, Materials and Services	Light Touch Regime	Consultants	Tendering Procedure
Up to £10,000	Up to £10,000	Up to £10,000	Up to £10,000	Neither written quotations nor tenders need to be invited ensuring value for money is achieved using local suppliers where possible.
£10,001 – £1,000,000	£10,001 - £181,302	£10,001- £615,278	£10,001 - £181,302	At least 3 written quotations. The NEPO portal quotation system must be used for quotations. From local suppliers where possible. Tenders can be sought but this is optional.
£1,000,000 – £4,551,413	Not Applicable	Not Applicable	Not Applicable	At least 4 Tenders must be sought. The Tender advert(s) must be placed on Contracts Finder. The NEPO portal must be used.
Above £4,551,413 (EU threshold)	Above £181,302 (EU threshold)	Above £615,278 (Light Touch Regime)	Above £181,302 (EU threshold)	EU Procedure - OJEU notice At least 5 tenders must be sought, ensuring that the tender process complies with the EU Directives. The NEPO portal must be used.

NOTE: The following flow charts are explanatory only and not a substitute for reading Standing Orders.

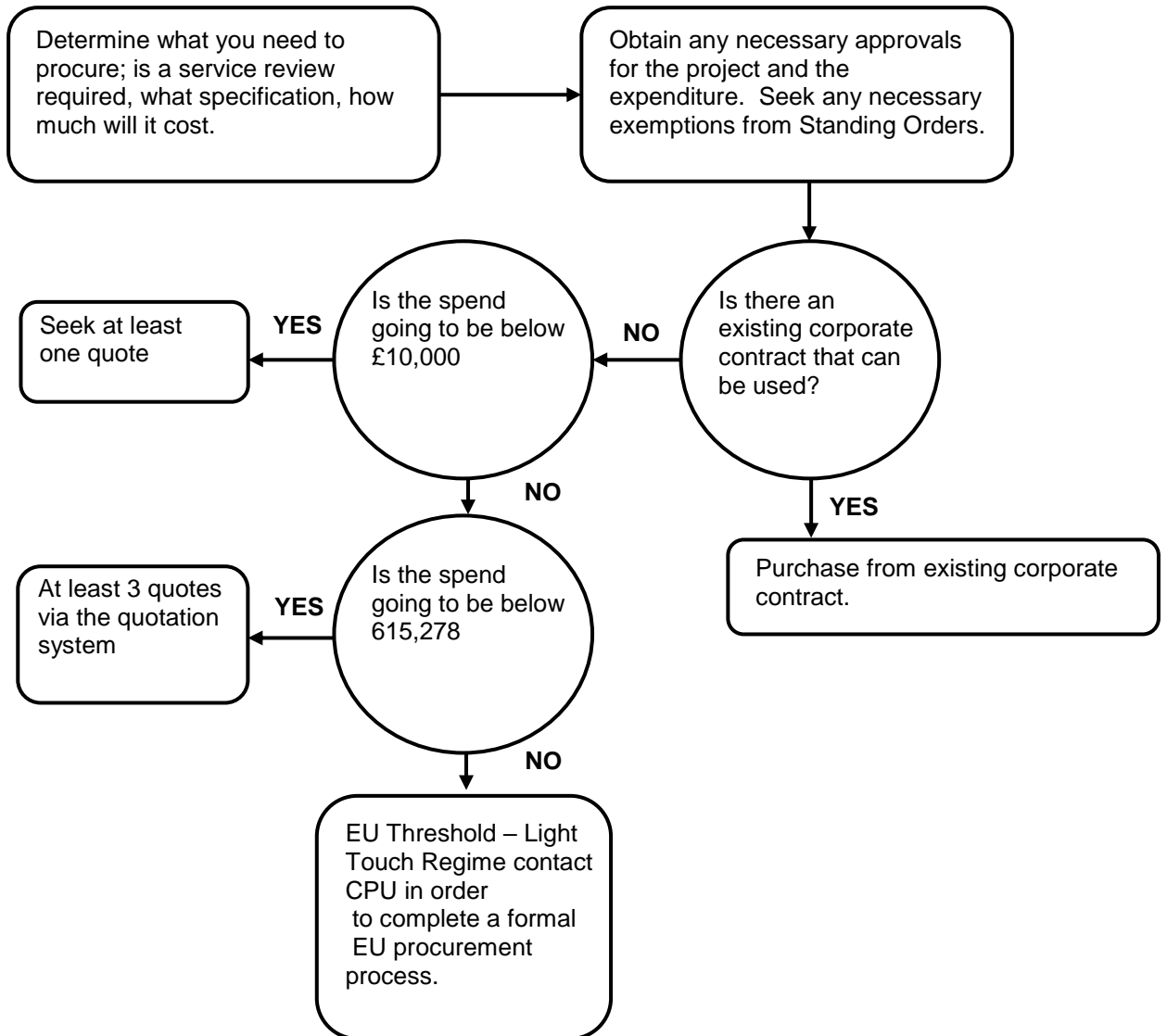
PROCUREMENT



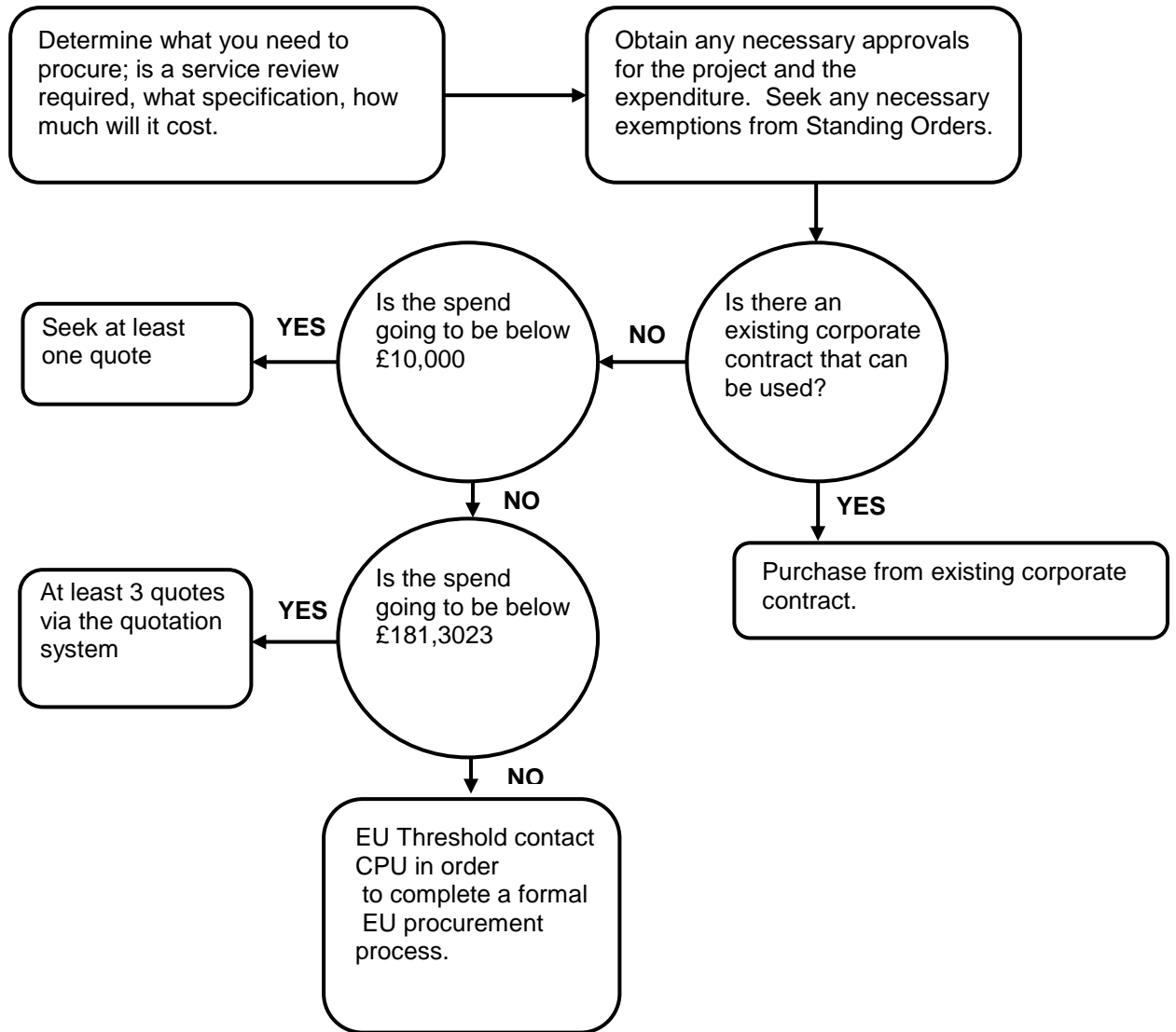
GOODS & SERVICES



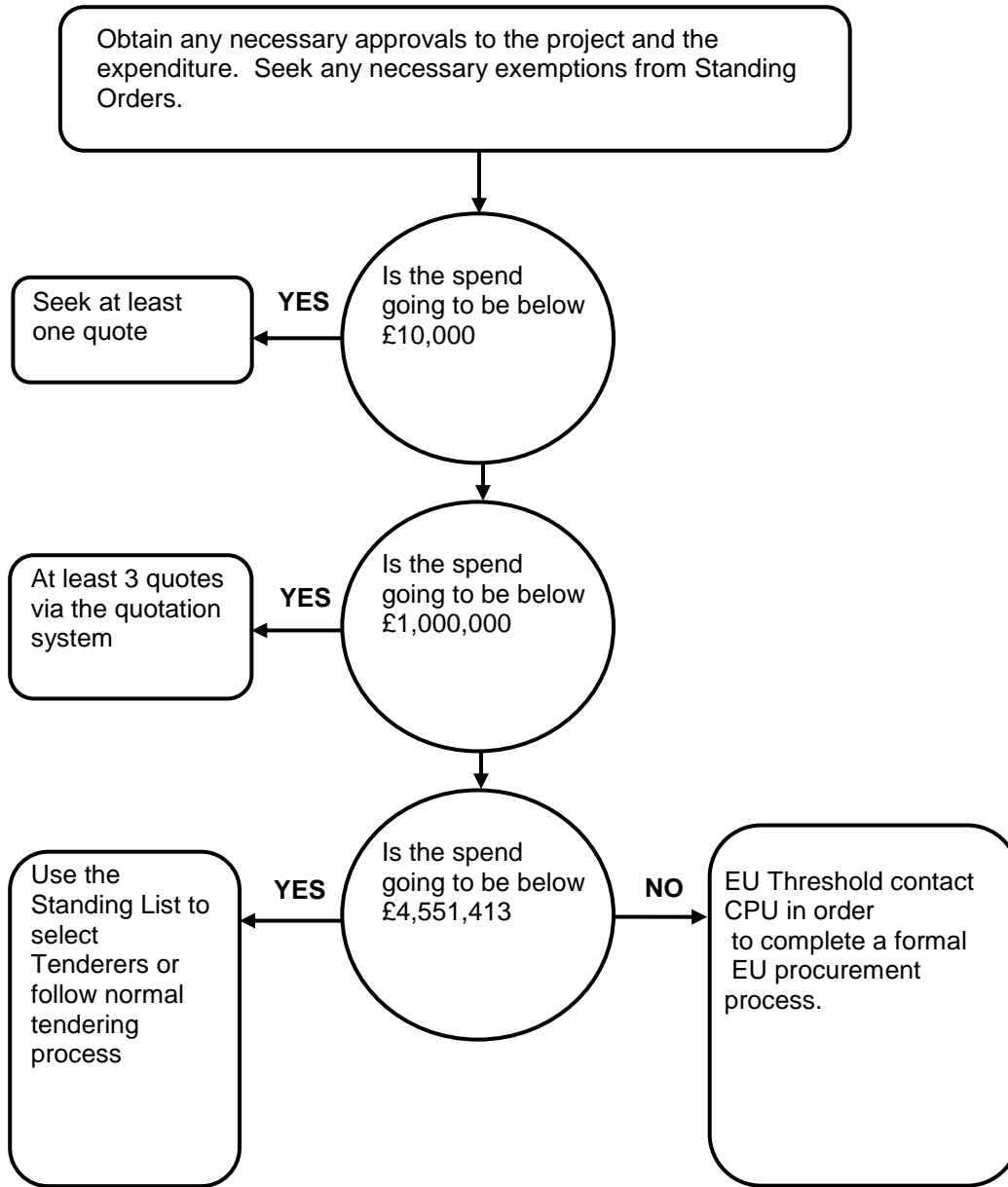
LIGHT TOUCH REGIME



COMMISSIONING CONSULTANTS



WORKS



PART C – Glossary of Defined Terms

Award Criteria	The criteria by which the successful Quotation or Tender is to be selected (see further Standing Order 13 and 14.5)
Award Procedure	The procedure for awarding a contract as specified in Standing Order 11
Bond	An insurance policy. If the contractor does not do what is has promised under contract with the Council, the Council ca claim from the insurer the sum of money specified in the Bond (often 10% of the contract value). A Bond is intended to protect the Council against a level of cost arising from the contractor's failure.
Candidate	Any person who asks or is invited to submit a quotation or tender.
Chief Finance Officer	The officer responsible for the financial administration of the Council under Section 151 of the Local Government Act 1972.
Code of Conduct	The code regulating conduct of officers issued by the Council
Contracting Decision	Any of the following decisions: <ul style="list-style-type: none"> • Composition of Standing Lists • withdrawal of Invitation to Tender • whom to invite to submit a Quotation or Tender • shortlisting • award of contract • any decision to terminate a contract
EU Procedure	The procedure required by the EU where the Total Value exceeds the EU Threshold
EU Threshold	The contract value at which EU procurement directives must be applied if expected to be exceeded by the total value, currently £181,302 for the supply of goods, materials or services, £615,278for Light Touch Regime and £4,551,413 for building and civil engineering contracts.
European Economic Area	The members of the European Union and Norway, Iceland and Liechtenstein
Financial Regulations	Financial regulations provide the framework for managing the Councils financial affairs. They apply to every member and officer of the authority and any one acting on its behalf.
Government Procurement Agreement	The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are: USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.
Head of Service	The most senior officer in a particular service area of the Council.

Invitation to Tender	Invitation to tender documents in the form required by Standing Orders.
Invitation to Tender by Advertisement/List	An Invitation to Tender sent to prospective contractors shortlisted from among either: <ul style="list-style-type: none"> • Those responding to advertisement of the contract inviting proposals placed in such publications as shall secure widest publicity among relevant suppliers; or • Those included on a Standing List in respect of the type of purchase, which is the subject of the Invitation to Tender.
M.E.A.T.	Award criteria that considers more than just price; which could include price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales service, technical assistance and any other relevant matters.
Monitoring Officer	The most senior legal officer within the Council
NEPO portal	The North East Procurement Organisation (NEPO) electronic tendering system
Nominated Suppliers and Sub-contractors	Those persons specified in a main contract for the discharge of any part of that contract.
Non-Commercial Considerations	<ol style="list-style-type: none"> 1. The terms and conditions of employment by contractors of their workers or composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces; 2. Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self employed persons of their services only; 3. Any involvement of the business activities or interests of contractors with irrelevant fields of Government policy; 4. The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons; 5. The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors 6. Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees 7. Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support; <p>Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.</p>

Officer	The officer designated by the Service Director to deal with the contract in question.
Open Procedure	All prospective candidates are invited to bid in response to advertisement.
Parent Company Guarantee	A contract which binds the parent company of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, it can require the parent company to do so instead.
Prospective Candidate	Any persons who asks or is invited to submit a Quotation or Tender
Public Sale	A sale open to members of the public or Council staff, at least at a section level, conducted in person, by internal or public notice or by any other means.
Quotation	An indication by any person of a price for the execution of work or the supply of goods, materials or services (without the formal issue of an Invitation to Tender).
Quotation System	The NEPO portal quotation system.
Relevant Contract	Contracts to which these Standing Orders apply (see Standing Order 4).
Shortlisting	Where prospective contractors are selected <ul style="list-style-type: none"> • to quote or tender or • to proceed to final evaluation
Standing List	A list of approved suppliers able to perform contracts to supply goods or services of particular types.
Tender	A written offer made by any person (following an invitation from the Council) which can be accepted by the Council to form a binding contract.
Total Value	The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal, whether or not it comprises several lots or stages, to be paid or received by the Council or a Service within the Council. The Total Value shall be calculated as follows <ul style="list-style-type: none"> • where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period; • where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months; • for feasibility studies: the value of the scheme or contracts which may be awarded as a result; • for nominated suppliers and sub-contractors: the Total Value shall be the value of that part of the main contract to be fulfilled by the nominated supplier or sub-contractor.

PART D – Contract Standing Orders

Contents

Section 1 – Scope of Standing Orders

1. Basic Principles
2. General Provisions
3. Responsibilities of Officers
4. Relevant Contracts
5. Exemptions

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7. Records and Debriefing Candidates
8. Approved Lists
9. Selective Tendering for Specific Contracts
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11. Competition Requirements for Purchase, Disposal and Partnership Arrangements
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Annex 1 – Letting of School Based Contracts

Section 1 – Scope of Standing Orders

1. BASIC PRINCIPLES

- 1.1 Purchasing and disposal procedures must:
- Secure the most economically advantageous tender;
 - Be consistent with the highest standards of integrity;
 - Ensure fairness in allocating public contracts;
 - Comply with all legal requirements;
 - Ensure that *Non-Commercial considerations* do not influence any *Contracting Decision*; and
 - Support the Council's corporate and service aims and policies.

2. GENERAL PROVISIONS

- 2.1 Every contract, whether made by the Council, the Executive or an Officer to which the power of making contracts shall have been delegated, **shall be made in accordance with these Standing Orders, and no exemption from any of the provisions of these Standing Orders (where possible) shall be made otherwise than by direction of:**
- 2.1.1 the Council;**
 - 2.1.2 the Executive; or**
 - 2.1.3 the Head of Service concerned, with the prior agreement of the Chief Finance Officer, if they are satisfied that exceptional circumstances justify such an exemption.**
- 2.2 Any contract or sub contract which is substantially (i.e. above 50% of value) for the execution of work shall be treated as such for the purposes of these Standing Orders notwithstanding that it includes the supply of goods, services or materials.
- 2.3 Every contract made by or on behalf of the Council shall comply with the Treaty of Rome and any relevant directives of The European Union for the time being in force in the United Kingdom.
- 2.4 It shall be a condition of any contract between the Council and any person (not being an officer of the Council) who is required to supervise a contract on its behalf that in relation to such contract they shall comply with the requirements of these Standing Orders as if they were an Officer.
- 2.5 Where external funding is received unless otherwise stipulated in the grant criteria the Council's Standing Orders will apply. Obviously where the grant criteria dictates a procurement process then that procedure will take precedent and be followed.
- 2.6 Any breach or non-compliance with these Contract Standing Orders must on discovery be reported immediately to the Audit Manager acting on behalf of the Chief Finance Officer. The Audit Manager shall, after taking legal advice and consulting Strategic Commissioning and Procurement, decide whether each reported breach or non-compliance presents a significant risk of harm to the Council's interests and if satisfied that such risk exists shall undertake any necessary investigation and report the findings to the Chief Finance Officer.

3. RESPONSIBILITIES OF OFFICERS

Officers

- 3.1 The Officer responsible for purchasing or disposal must comply with these Standing Orders, Financial Regulations, Code of Conduct and with all United Kingdom and European Community binding legal requirements.
- 3.2 The Officer must keep the records required by Standing Order 21.
- 3.3 Tender procedures must be conducted in accordance with procedures set out in the Invitation to Tender
- 3.4 Officers must also ensure that agents, consultants and contractual partners acting on behalf of the Council also comply.
- 3.5 Officers must take all necessary legal, financial, procurement and professional advice in a timely manner.
- 3.6 **Standing Orders must be complied with strictly. They are minimum requirements and a more thorough procedure may be appropriate for particular contracts.**

(For example, if Standing Order 11.1 would normally require that quotes be obtained, it might be appropriate in the particular circumstances to seek more quotations in writing or tender submissions. Equally it may not always be appropriate to make use of an exemption under Standing Order 5 even if one might apply or be granted.)

Heads of Service

- 3.7 Heads of Service must ensure that their staff comply with Standing Order 3.1.
- 3.8 Heads of Service must ensure that their staff complete the **Council's Corporate Contract Register for all contracts entered into**, which means that notification of any contract award must be provided to Strategic Commissioning & Procurement.

4. RELEVANT CONTRACTS

- 4.1 **All Relevant Contracts must comply with these Standing Orders.**
- 4.2 A Relevant Contract is any arrangement made by or on behalf of the Council (including maintained schools) for the carrying out of work or the supply of goods, materials or services. These include arrangements for:
 - the supply or disposal of goods or materials;
 - hire, rental or lease of goods or equipment;
 - execution of works; or
 - the delivery of services including those related to:
 - the recruitment of staff;
 - the supply of staff by employment agents, consultants or any other companies;
 - land and property transactions; or
 - financial and consultancy services.

- 4.3 Relevant Contracts do not include contracts relating to:
- the employment of staff;
 - the acquisition, disposal, or transfer of land (for which *Financial Regulations* shall apply); or
 - legal advice or representation, or medical advice, or other expert advice required in the context of actual or potential litigation which the Monitoring Officer considers it necessary to obtain.

5. EXEMPTIONS

- 5.1 The Council, the Executive and Executive Members have power to waive the requirement of a standing order in specific instances. **No exemptions can be used if the EU procedure applies.**
- 5.2 An exemption under this Standing Order (5) allows a contract to be placed by direct negotiation with one or more suppliers rather than in accordance with Standing Order 11.
- 5.3 Subject to Standing Order 5.4, all exemptions, and the reasons for them, must be recorded using the appropriate form. Exemptions shall be signed by the Head of Service and countersigned by the Chief Finance Officer and the Monitoring Officer.
- 5.4 The following exemptions only need the signature of the Head of Service and the Chief Finance Officer:
- any contract or sub contract that is substantially for the undertaking of services in which the exercise of professional knowledge and skill is of primary importance;
 - for work, supplies and services which are patented or of a proprietary or special character and for which it is not possible or desirable to obtain competitive prices;
 - where for technical, commercial or artistic reasons or because of exclusive rights, it is not reasonable to advertise for tenders;
 - where the contract is awarded under the terms of a strategic partnership arrangement approved by the Executive;
 - social care services under the National Health Services and Community Care Act, 1990 or the Children Act, 1989 (contract value must be below £615,278);
 - where a supplier owns a property and is also a registered service delivering care into those premises (contract value must be below £615,278);
 - where grant conditions require expenditure to be incurred within a financial year, and notification of a grant is received so late as to prevent compliance with contract standing order 11;
 - where we are awaiting publication or confirmation of legislative changes that will directly impact future service delivery and the loss of the service would be detrimental to the delivery of Council services;
 - where a purchase is to be made by auction;
 - where there is no market;
 - where a purchase is to be made using **standing arrangements** with another local authority, government department, health authority, statutory undertaker or public service purchasing consortium; or
 - where a new contract is proposed to be entered into or an existing contract is being extended and a change of supplier would cause:
 - disproportionate technical difficulties;
 - diseconomies; or

- significant disruption to the delivery of Council services.
- 5.5 Where an exemption is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council Services, Heads of Service may approve the exemption but must prepare a report for the Chief Finance Officer to justify the action taken. If they consider it necessary, the Chief Finance Officer may require that report to be submitted to the next meeting of the Executive.
- 5.6 The Chief Finance Officer must monitor the use of all exemptions, and maintain a record of all exemptions used.

Section 2 – Common Requirements

6. STEPS PRIOR TO PURCHASE

6.1 Before beginning a purchase, the *Officer* responsible for it must:

- a) In a manner commensurate with the complexity and value of the purchase:
- ensure there is a service specification that clearly articulates the outcomes to be achieved;
 - take into account the requirements from any review;
 - appraise the need for the expenditure and its priority;
 - ensure there are no existing contract arrangements already in place;
 - define the objectives of the purchase;
 - assess the risks associated with the purchase and how to manage them;
 - consider what procurement method is most likely to achieve the purchasing objectives, including external or internal sourcing or accessing an existing contract, collaboration with other purchasers, partnering and long term relationships;
 - adhere to the provisions of the Social Values Act 2012 for eligible contracts; and
 - consult users as appropriate about the proposed procurement method, contract standards, and also performance and user satisfaction monitoring, and
- b) confirm that:
- there is Member or delegated approval for the expenditure (and a copy of that approval be retained on file);
 - there is Executive approval for significant new proposals as required by Financial Regulations; and
 - prior information notices, if required in accordance with EC procedures, have been sent.

7. RECORDS AND DEBRIEFING CANDIDATES

- 7.1 Where the Total Value is less than £1,000,000 for works and £164,176 for supplies of goods, materials, consultants or services the following documents must be kept:
- invitations to quote and Quotations received;
 - a written record of:
 1. any exemption and reasons for it;

- 2. the reasons if the lowest price is not accepted; and
 - written records of communications with the successful contractor.
- 7.2 Where the Total Value exceeds £164,176 for works and £164,176 for supplies of goods, materials, consultants or services and £589,148 for Light Touch Regime services the Officer must record:
- pre-tender market research;
 - the method for obtaining bids (see Standing Order 11.1);
 - any Contracting Decision and the reason for it;
 - any exemption under Standing Order 5 together with the reasons for it;
 - the Award Criteria;
 - tender documents sent to and received from Candidates;
 - the contract documents;
 - clarification and post-tender negotiation (to include minutes of meetings);
 - written records of communications with Candidates and with the successful contractor throughout the period of the contract; and
 - post contract evaluation and monitoring.
- 7.3 Written records required by this Standing Order must be kept for six years (twelve years if the contract is under seal) after the final settlement of the contract. However, documents which relate to unsuccessful Candidates may be electronically scanned or stored by some other suitable method after twelve months from award of contract, provided there is no dispute about the award.
- 7.4 Prospective Candidates must be notified simultaneously in writing and as soon as possible of any Contracting Decision. If a Candidate requests in writing the reasons for a Contracting Decision, the Officer must give the reasons in writing as soon as possible (see further Standing Order 19.6).
- 7.5 The Freedom of Information Act 2000 gives a general right of public access to all types of 'recorded' information held by public authorities, sets out exemptions from that general right, and places a number of obligations on public authorities with regard to the disclosures of information. The Council will, as a general rule, allow public access to recorded information where possible and the contractor shall agree to the Council making any disclosures in accordance with the Act.
8. **APPROVED LISTS**
- 8.1 This Standing Order shall have effect where the Council has determined that a Standing List or lists shall be kept of persons suitable for undertaking contracts for the execution of specified categories of work or for the supply of specified categories of goods, materials or services within such values or amounts as may be specified.
- 8.2 Standing Lists should be used where recurrent transactions of a similar type are likely but where such transactions need to be priced individually and cannot easily be aggregated and priced in a single tendering exercise. **Standing Lists cannot be used where the EU Procedure applies.**
- 8.3.1 Standing Lists shall:
- be compiled following the procedure stipulated in this Standing Order;
 - contain the names and addresses of all persons whose requests to be included have been approved by the Head of Service in consultation with the Strategic Commissioning & Procurement Team;

- not enter persons on a Standing List until there has been an adequate investigation into both their financial and technical ability to perform the contract, unless such matters will be investigated each time tenders are invited from that list;
 - not preclude persons from inclusion on a Standing List other than for good reasons;
 - indicate whether a person whose name is included is approved for contracts of all or only some of the specified categories, values or amounts;
 - be kept by the relevant Head of Service who will co-ordinate all enquires in respect of the list.
- 8.4 Standing Lists must be drawn up after an advertisement inviting applications for inclusion on the list. The advertisement must be placed to secure widest publicity amongst relevant suppliers and not less than four weeks before the list is first compiled. Persons may be entered on a list between the initial advertisement and re-advertisement provided the requirements of Standing Order 8.3 are met.
- 8.5 Standing Lists and shortlisting criteria must be reviewed at least annually and re-advertised at least every three years, Review means:
- the reassessment of the financial, technical ability and performance of those persons on the list unless such matters will be investigated each time Candidates are invited from that list, and
 - the deletion of those persons no longer qualified, with a written record kept justifying the deletion.
- 8.6 **On re-advertisement, a copy of the advertisement must be sent to each supplier on the list, inviting them to confirm they wish to remain on the list at least four weeks before. If they wish to remain then a review of necessary checks will be completed and they will remain on the list if checks are satisfactory.**
- 8.7 All Standing Lists must be open to public inspection.
- 8.8 Where invitation to tender for a contract is limited to persons whose names appear on a Standing List maintained under this Standing Order, an invitation to tender for that contract shall be sent to at least four of those persons. Each person invited to tender must be approved for a contract for the category, value or amount selected. If there are insufficient suitably qualified persons to meet the competition requirement, all suitably qualified persons must be invited.
9. **SELECTIVE TENDERING FOR SPECIFIC CONTRACTS**
- 9.1 This Standing Order shall apply where the Council has resolved that Invitations to Tender for a specific contract shall be limited to persons who reply to a Public Notice via the NEPO portal and Contracts Finder.
- 9.2 The manner of issuing the required Public Notice shall be that stipulated by Standing Order 10.2 except that in place of inviting tenders the Notice shall:
- request expressions of interest;
 - express the purpose and nature of the proposed contract; and
 - provide the registration instructions for the NEPO portal and the closing date and time when expressions of interest must be made.

10. OPEN TENDER

10.1 This Standing Order shall apply where the Head of Service has decided that Tenders for a contract are to be obtained by open tender.

10.2 All tenders will be advertised via Contracts Finder and the advert shall:

- express the nature and purpose of the contract;
- indicate how tender documents may be obtained;
- invite tenders; and
- state the closing date and time by when valid tenders must be returned via the NEPO portal.

Section 3 – Conducting a Purchase or Disposal

11. COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS

11.1 Purchasing - Competition Requirements

Where the estimated Total Value for a purchase is within the values in the first, second third and fourth columns of the table set out at Part B of these Standing Orders above, the Tendering Procedure in the fifth column must be followed.

All Relevant Contracts (see Standing Order 4) must be subject to competition, unless there is an exemption as set out in Part B of these Standing Orders above.

Where it can be demonstrated that there are insufficient suitably qualified Candidates to meet the competition requirement, all suitably qualified Candidates must be invited.

11.2 **An Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these Standing Orders.**

11.3 Where the EU Procedure is required the Officer shall work with Strategic Commissioning & Procurement to determine the method of conducting the purchase.

11.4 Where services are currently purchased internally, i.e. from within the Council, for internal provision, the requirement to obtain other quotations or tenders does not apply. However, Services may choose to seek alternative quotations / tenders for the purpose of market testing.

Disposal

11.5 **Assets for disposal** must be sent to Public Sale except where better value for money is likely to be obtained by inviting Quotations and Tenders. In the latter event, the method of disposal of surplus or obsolete stocks/stores or assets other than land must be determined as follows:

TOTAL VALUE	PROCEDURE
Up to £1,000	two written Quotations or Public Sale

£1,000.01 to £100,000	at least three written Quotations or Public Sale
£100,000.01 and above	Invitation to Tender to at least four Candidates

- 11.6 The sale of goods and materials to staff must be approached with caution and the tendering procedures must be used.

Providing Services to External Purchasers

- 11.7 Providing services to external purchasers must be in compliance with the Local Authority Goods and Services Act.

Partnership Arrangements

- 11.8 Partnership Arrangements are subject to all United Kingdom and EU Procurement legislation and must follow these Standing Orders. If in doubt, Officers must seek the formal written advice of the Chief Finance Officer and Strategic Commissioning & Procurement.

12. PRE-TENDER MARKET RESEARCH AND CONSULTATION

- 12.1 The Officer responsible for the purchase:

- may consult potential suppliers prior to the issue of the Invitation to Tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters **provided** this does not prejudice any potential Candidate, but
- must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential Candidates or distort competition, and
- should seek advice from Strategic Commissioning & Procurement.

13. STANDARDS AND AWARD CRITERIA

- 13.1 The Officer must ascertain what are the relevant British or equivalent, European or International **standards**, which apply to the subject matter of the contract. The Officer must include those standards, which are necessary to properly describe the required quality. The Monitoring Officer must be consulted if the Officer proposes to use standards other than European standards.

- 13.2 The Officer must define Award Criteria in order to ensure the most economically advantageous tender (M.E.A.T.) is secured.

- 13.3 Award Criteria must not include:

- Non-Commercial Considerations;
- matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement; or
- matters which are anti-competitive within the meaning of the Local Government Act 1988.

14. INVITATIONS TO TENDER

14.1 The Invitation to Tender shall state that no Tender will be considered unless it is received by the date and time stipulated. No Tender delivered in contravention of this clause shall be considered.

14.2 All Invitations to Tender shall include the following:

- a specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers;
- A requirement for Candidates to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the Candidate to any other party (except where such disclosure is made in confidence for a necessary purpose);
- A requirement for Candidates to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion;
- Notification that tenders are submitted to the Council on the basis that they are compiled at the Candidates expense;
- A description of the Award Procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms;
- A stipulation that any Tenders submitted by fax or e mail are not allowed; and
- The method by which arithmetical errors discovered in the submitted tenders are to be dealt with. In particular, whether the overall price prevails over the rates in the tender or vice versa.

14.3 All Invitations to Tender must specify the goods, services or works that are required, together with the terms and conditions of contract that will apply (see Standing Order 21)

14.4 The Invitation to Tender must state that the Council is not bound to accept any Tender and can stop the tender process at any time.

14.5 All Candidates invited to Tender must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.

15. INVITATIONS TO QUOTE

15.1 The Invitation to Quote shall state that the Council will reserve the right to accept a Quote that is not received by the date and time stipulated in the Invitation to Quote.

15.2 All Invitations to Quote shall include the following:

- a specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers;
- A requirement for Candidates to declare that the Quotation content, price or any other figure or particulars concerning the Quote have not been disclosed by the Candidate to any other party (except where such disclosure is made in confidence for a necessary purpose);
- A requirement for Candidates to complete fully and sign all quotation documents including a form of quote and certificates relating to canvassing and non-collusion;

- Notification that quotes are submitted to the Council on the basis that they are compiled at the Candidates expense;
 - A description of the Award Procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms; and
 - A stipulation that any quote submitted by fax or e mail will be rejected unless they have been sought in accordance with tender instructions.
- 15.3 All Invitations to Quote must specify the goods, services or works that are required, together with the terms and conditions of contract that will apply (see Standing Order 21).
- 15.4 The Invitation to Quote must state that the Council is not bound to accept any quote and can stop the quotation process at any time.
- 15.5 Quotations will be received and opened via the Quotation System and it will be the responsibility of the officer to ensure that at least three suitable organisations receive the quote, including the verifying of e-mail and premise addresses.
- 15.6 A minimum of two weeks must be given for the return of quotations.

16. **SHORTLISTING**

- 16.1 Where Standing Lists are used, Shortlisting may be done by the Officer or other authorised representative of the Head of Service in accordance with shortlisting criteria drawn up when the Standing List was compiled (See Standing Order 8.5).
- 16.2 Any Shortlisting must have regard to the financial and technical standards relevant to the contract and may have regard to Award Criteria. Special rules apply in respect of the EU Procedure.
- 16.3 Officers may decide not to Shortlist but to send Invitations to Tender and to evaluate all possible Tenderers.

17. **SUBMISSION, RECEIPT AND OPENING OF TENDERS**

- 17.1 Tenders received via the NEPO portal under Standing Order 11.1 shall have the electronic seal removed at one and the same time by Strategic Commissioning and Procurement.

Period for Candidates response

- 17.2 Candidates invited to respond must be given an adequate period in which to prepare and must submit a proper Tender, consistent with the urgency of the contract requirement. Normally at least **four weeks** should be allowed for submission of Tenders. The EU Procedure lays down specific time periods, which must be adhered to.
- 17.3 All Tenders must be returned using the NEPO portal.
- 17.4 Tenders received by fax or E mail must be rejected.

18. CLARIFICATION PROCEDURES

- 18.1 Providing clarification of an Invitation to Tender to potential or actual Candidates or seeking clarification of a Tender or Quote whether in writing or by way of a meeting is permitted.

19. EVALUATION AND AWARD OF CONTRACT

- 19.1 Apart from the debriefing required or permitted by this Standing Order:

- confidentiality of Tenders and the identity of Tenderers must be preserved at all times; and
- information about one Tenderers' response must not be given to another Tenderer.

- 19.2 Contracts must be evaluated and awarded in accordance with the Award Criteria.

- 19.3 The arithmetic in compliant Tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their Tender. Alternatively, if the rates in the Tender, rather than the overall price, were stated within the Invitation to Tender as being dominant, an amended Tender price may be requested to accord with the rates given by the Tenderer.

- 19.4 If a Tender has been sought on the basis of price only then no such Tender other than the lowest if payment is to be made by the Council, or the highest if payment is to be received by the Council shall be accepted, except:

- by the Executive after considering a report from the appropriate Head of Service; or
- by a duly authorised Officer following consultation with the appropriate Executive Member.

A record of the reason must be made as appropriate.

- 19.5 Details of the amount of each tender shall be made available to all present at the meeting of the Executive at which they are under consideration but no information regarding the identity of individual tenderers in relation to the Tenders received shall be given until a tender has been accepted by the Executive.

- 19.6 The Officer should debrief in writing all those Tenderers who submitted a bid about the reasons why they were unsuccessful and the characteristics and relative advantages of the leading bidder. This should normally include:

- how the award criteria were applied
- the prices or range of prices submitted, in either case not correlated to Tenderers names

The same information may be given to those who responded in any pre-tender selection process. No other information should be given without taking the advice of the Chief Finance Officer and the Head of Commissioning & Procurement.

20. **NOMINATED SUB CONTRACTS**

20.1 The following provisions shall have effect where the Council proposes to enter into a contract for the execution of work with a person (in this Standing Order called 'the main contractor') and also proposes to nominate to the main contractor one or more sub-contractors or suppliers for the execution of work or the supply of goods, materials or services within the main contract.

- Tenders for the nomination shall be invited in accordance with the relevant provisions of Standing Orders 11.1:
 1. the terms of the invitation shall require an undertaking by the tenderer that if selected they will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against their own obligations under the main contract in relation to the work or goods, materials or services included in the sub-contract;
 2. the Head of Service concerned or their authorised representative shall nominate to the main contractor a person whose tender is in their opinion the most suitable. Provided that where the tender is other than the lowest received, the circumstances shall be reported appropriately;
- Tenders received under this Standing Order must comply with Standing Order 14 and must be opened in accordance with Standing Order 17 of these Standing Orders.

Section 4 – Contract and Other Formalities

21. **CONTRACT DOCUMENTS**

21.1 All contracts with a value in excess of EU Thresholds must be referred to Legal Services for preparation and registrations, whether made in writing or under seal at the sole discretion of the Monitoring Officer, subject only to 21.8.

21.2 In the event of any person withdrawing a Tender after it has been accepted, no further Tender from that person shall, unless the Executive otherwise resolves, be considered for a period of three years from the date of withdrawal.

21.3 With the exception of minor cash transactions made in accordance with financial regulations, every contract for the execution of work or the supply of goods, materials or services shall be created only by one of the following means:

- by the issue of an official order raised via the Council's financial system; or
- where tenders have been invited by the completion of a formal written contract unless the Head of Service or their authorised representative certifies that, owing to the nature of the proposed contract, the interest of the Council will be adequately protected by the issue of an official order form as above.

21.4 In addition, every Relevant Contract over £15,999 for purchases, for works, supplies of goods, materials, consultants or services must also as a minimum state clearly:

- that the contractor may not assign or sub-contract without prior written consent;
- any insurance requirements;

- health and safety requirements;
- ombudsman requirements;
- data protection requirements if relevant;
- that charter standards are to be met if relevant;
- the Council's requirements in respect of Freedom of Information and Human Rights;
- that agents must comply with these Standing Orders relating to contracts (where agents are used to let contracts);
- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes; and
- Whistleblowing arrangements.

21.5 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Chief Finance Officer. **An award letter is insufficient.**

21.6 All contracts must include the following paragraph:

“The Contractor recognises that the Council is under a duty to act in a manner which is compatible with the Convention rights as defined by Section 1(1) of the Human Rights Act 1998 (‘Convention Rights’). This duty includes a positive obligation on the Council to ensure that contractors providing services on the Council’s behalf act in a way which is compatible with the Convention Rights. The Contractor therefore agrees to provide the Services and comply with its other obligations under this contract in a manner which is compatible with the Convention Rights.”

21.7 The Officer responsible for securing the signature of the contractor must ensure that the person signing for the contracting party has authority to bind it.

21.8 Where contracts are completed by each side adding their formal seal, the fixing of the Council’s seal must be witnessed by an officer on behalf of the Monitoring Officer. Every Council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal. The seal must not be affixed without the authority of the Council, the Executive or of a Head of Service acting under delegated powers. A contract must be sealed where;

- The Council wishes to enforce the contract for more than six years after it ends
- The price paid or received under the contract is a nominal price and does not reflect the value of the goods or services
- Where there is any doubt about the authority of the person signing for the contracting party
- Where the total value is expected to exceed £181,3-2

22. LIQUIDATED DAMAGES AND PARENT COMPANY GUARANTEES

22.1 Every formal written contract, which exceeds £25,000 in value or amount and is for the execution of works shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed.

22.2 The Officer must consult the Chief Finance Officer when a Tenderer is a subsidiary of a parent company and the officer does not think a Parent Company Guarantor is necessary, and:

- the total value exceeds £200,000;

- award is based on evaluation of the parent company; or
- there is some concern about the stability of the Tenderer.

23.2 The Officer must consult the Chief Finance Officer about whether a Bond is needed:

- where the total value exceeds £200,000; or
- where it is proposed to make stage payments or other payments in advance of receiving the whole of the subject matter of the contract.

23. PREVENTION OF CORRUPTION

23.1 The Officer must comply with the Council's Employee Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the officer to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under statutes referred to in Standing Order 23.2

23.2 The following clauses must be put in every written Council contract:

"The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:

- *offer, give or agree to give anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or*
- *commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972; or*
- *commit any fraud in connection with this or any other Council Contract whether alone or in conjunction with Council Members, contractors or employees.*

Any clause limiting the Contractor's liability shall not apply to this clause."

23.3 Any suspected irregularity shall be referred to the Audit Manager who shall notify the Chief Finance Officer and Monitoring Officer where necessary. Any examination of contractors' or tenderers' books and records as a result of any such suspected irregularity shall be conducted by the Audit Manager. If, in the investigation of any irregularity, the Chief Finance Officer considers that disciplinary procedures may need to be invoked, the appropriate Head of Service, Head of Legal & Democratic Services and Head of HR Client Services shall also be notified.

24. DECLARATION OF INTERESTS

24.1 If it comes to the knowledge of a member or an employee of the Council that a contract in which he or she has a pecuniary interest has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to the Monitoring Officer.

24.2 Such written notice is required, irrespective of whether the pecuniary interest is direct or indirect. An indirect pecuniary interest is distinct from a direct pecuniary interest in as much as it is not a contract to which the member or employee is directly a party.

24.3 A shareholding in a body not exceeding a total nominal value of £1,000 or 1% of the nominal value of issued share capital (whichever is the less) is not a pecuniary interest for the purposes of this standing order.

- 24.4 The Monitoring Officer shall maintain a record of all declarations of interests notified by Members and officers.
- 24.5 The Monitoring Officer shall ensure that the attention of all Members is drawn to the national code of local government conduct.

SECTION 5 - General

25. POST CONTRACT MONITORING AND EVALUATION

25.1 During the life of the contract and in order to inform future commissioning decisions the Officer must monitor in respect of:

- performance;
- compliance with specification and contract;
- cost;
- value for money achieved; and
- user satisfaction and risk management.

26. COMMISSIONING A CONSULTANT

26.1 The engagement of consultant architects, engineers and surveyors or other professional consultants shall be subject to completion of a formal letter, or contract of appointment.

26.2 Consultants shall be required to provide evidence of and maintain professional indemnity policies to the satisfaction of the relevant Head of Service for the periods specified in the respective agreement. The excess for any one claim shall be no more than £250,000.

26.3 Consultants shall be selected and awarded in accordance with the values and procedures recorded in the table in standing order 11.1 above.

26.4 Records of consultancy contract shall be maintained in accordance with Standing Order 7.

27. TECHNICAL AMENDMENTS

27.1 The Chief Finance Officer shall have the power to make technical amendments from time to time to make these Standing Orders consistent with legal requirements, changes in Council structures and personnel and best practice, after consultation with the Head of Paid Service, Monitoring Officer, and Chair of the Council.

LETTING OF SCHOOL BASED CONTRACTS – ANNEX 1

This section outlines the Department for Education & Skills (DfES) regulations ensuring compliance with the requirements of the Fair Funding Scheme when letting contracts. The Fair Funding Scheme has been drawn up in consultation with schools and is approved by the Secretary of State. The scheme sets out the financial relationship of schools under delegation with the Council and the areas it covers are required by regulations made under the School Standards and Framework Act 1988.

1. The following must be borne in mind when evaluating tenders and letting contracts:
 - 1.1 Section 2.9 of the Fair Funding Scheme requires that Governing Bodies maintain a register of business interests of governors and Head teachers. This does not preclude participation in discussions about the relative merits of quotations and tenders but does mean those with a declared interest cannot vote on the final decision on the award of a contract. Those with declared interests must not be given any information about the quotations or tenders of other contractors until after the deadline for submission of all quotations and tenders has passed.
 - 1.2 Governing Bodies are acting as agents of Middlesbrough Council when they enter into contracts using funds delegated by the Authority. This means that Governing Bodies enter into contracts on behalf of Middlesbrough Council. Schools must adhere to the terms and conditions within the contract. Section 6.2.3 of the Fair Funding Scheme enables the Authority to charge any costs to a school's delegated budget awarded against it by a court for breach of contract by a school where they have failed to heed LEA advice.
 - 1.3 The status of Governing Bodies of aided and foundation schools gives them additional responsibilities. Governing Bodies of these schools are not acting as agents of the LEA and are not bound by the Financial Scheme when exercising their additional powers or discharging additional responsibilities.
 - 1.4 The provision of services and facilities by the LEA are covered by Section 8 of the Fair Funding Scheme. Although not a legally binding contract the terms and conditions of the Service Level Agreement set out the respective responsibilities of schools and the LEA. The Executive Director of Children Families & Learning will act as arbiter should a dispute arise.
 - 1.5 Section 1.5 of the Fair Funding Scheme suggests the appropriate delegation to Head teachers. This includes delegation to enter into contracts. Governing Bodies are free to determine their own levels of delegation to Head teachers. In exercising delegated powers Head teachers must abide by the contracting processes referred to in this document.
 - 1.6 Section 2.10 of the Fair Funding Scheme does not restrict schools to selecting contractors from approved lists. However, where schools choose contractors who are not on Middlesbrough Council's approved list they must satisfy themselves as to the health and safety competence and insurance cover of the contractor. Schools should also have regard to Child Protection legislation and satisfy themselves that contractors have made adequate arrangements to monitor the activities of employees where they will have access to children during the course of their work. It is essential that schools record their reasons for assessing and selecting a contractor when they let a contract. This is not only considered good practice but also provides essential evidence to safeguard schools and the LEA from litigation claims.

- 1.7 Schools are advised that selecting contractors from Middlesbrough Council's approved list is the preferred method of obtaining quotes and tenders. Details of contractors on the approved list are available, including the type and value of work for which each contractor is approved and their status for tax deduction under the Construction Industry Taxation Scheme (CITS) (see section 7.2 of the Finance Scheme and Annex 5 of the Fair Funding Scheme).
- 1.8 Schools are required to seek at least three written quotations for any contract for goods, materials, services & consultants valued between £16,000 and £53,099. For works at least three written quotations are required for any contract valued between £16,000 and £106,099.
- 1.9 Schools are required to seek tenders for any goods, materials, services or consultants valued over £53,100 and works valued over £106,100.
- 1.10 In all cases where quotations or tenders are sought schools should accept the bid that is most economically advantageous tender. The reasons for accepting a quotation or tender must always be recorded in the minutes of Governing Body meetings where Head teachers have used delegated powers referred to above.
- 1.11 All tenders should be accepted by the full Governing Body (subject to the withdrawal from the decision making process by those with business interests (see above) and delegation to the Head teacher by the Governing Body (see above)). In exceptional circumstances where the lowest tender is not accepted the Governing Body must record its decision in the minutes of the meeting.
- 1.12 Governing Bodies (or Head teachers with delegated powers) must ensure that tenderers have adequate public liability insurance cover of at least £5m for the work or goods and services covered by the contract before contractors are appointed.

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