

COUNCIL

A meeting of the Council was held on Wednesday 24 March 2021.

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

ALSO IN ATTENDANCE:

OFFICERS: B Carr, C Benjamin, S Bonner, C Breheny, Z Farrow, G Field, R Horniman, S Lightwing, J McNally, T Parkinson, A Perriman, S Reynolds, K Whitmore and I Wright

APOLOGIES FOR ABSENCE: Councillors S Hill, C McIntyre and M Saunders

20/76 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor C Hobson	Non-Pecuniary	Agenda Item 12 – Marton West Modified Neighbourhood Plan - Ward Councillor for Marton West Ward
Councillor J Hobson	Non-Pecuniary	Agenda Item 12 – Marton West Modified Neighbourhood Plan - Ward Councillor for Marton West Ward

20/77 **MINUTES- COUNCIL - 13 JANUARY 2021 AND 24 FEBRUARY 2021**

The minutes of the Council meetings held on 13 January 2021 and 24 February 2021 were submitted and approved as a correct record.

20/78 **ANNOUNCEMENTS/COMMUNICATIONS**

The Chair advised members that the pre-election period for the Police and Crime Commissioner and the Tees Valley Combined Authority Mayoral elections (otherwise known as Purdah) began on the 22 March 2021. He advised that, whilst Council business / decision making could continue, he reminded Members that particular care should be taken to avoid any communications (in whatever form) that, appeared to be designed to affect public support for a political party in periods of heightened sensitivity, such as in the run up to an election.

The Chair reminded councillors that this Council meeting was a business meeting of the Council and that members should treat each other with respect at all times, in accordance with the Members Code of Conduct.

The Chair advised that the time of the next Council meeting, which was the Annual meeting of the Council, would be changed to 6pm, to enable members to conduct the business at that meeting by a reasonable time.

20/79 **QUESTIONS FROM MEMBERS OF THE PUBLIC (IF ANY).**

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

20/80 **CHANGE TO THE EXECUTIVE SCHEME OF DELEGATION**

The Mayor advised that he had made a change to the Executive Scheme of Delegation.

Corporate Equality and Diversity Policy had been moved from the portfolio of the Executive Member for Finance and Governance to the portfolio of the Executive Member for Communities and Education.

In accordance with the Constitution, the change was required to be reported to Council.

ORDERED that the change to the Executive Scheme of Delegation, be noted.

20/81

MAYOR'S STATEMENT AND REPORT

The Mayor stated that he wished to provide information in relation to the following issues.

Covid-19

In terms of the Covid pandemic, the Mayor stated that the pandemic had been ongoing for over a year and it had caused problems in relation to jobs, health and mental health. The uptake of vaccinations had been strong and the supply of vaccinations was good. The rate of infections had decreased, and the rate in Middlesbrough was the lowest in the Tees Valley area at 62 per 100,000. The Mayor stated that considering that Middlesbrough had the most densely populated area and a high level of deprivation, it was commendable that the rates of infection in the town, were so low. The Mayor thanked everyone involved in keeping the levels low.

Anti-social behaviour

The Mayor referred to anti-social behaviour in the town. He stated that there had been a rise in anti-social behaviour throughout the country. Part of the problem was the fact that children had not been able to attend school. He urged people to report any instances of anti-social behaviour to the Police by calling 101 unless it was an emergency.

Investment in Middlesbrough

The Mayor announced that the town had received over £40 million in funding from Central Government in the form of schemes such as Brownfield Land fund money, Future High Streets fund money and Town Fund money. It would allow the Council to create more jobs and the workspace for people and attract people to the town. The Council was working with BCEGI, a construction company that was committed to using local labour. The funding and projects would be mainly concentrated in central Middlesbrough and announcements would be made in the near future.

Fly tipping

The Mayor stated that the level of fly tipping was bringing the town down. The Mayor advised that there was a free scheme for collection of bulky items in operation in Middlesbrough. He stated that an action squad had been created to tackle the issue. He stated that prior to the action squad being created, there had been 14 prosecutions in the last two years. Since the action squad had been in operation, in the last three weeks there had been 40 prosecutions. The team used video evidence to enable prosecutions. The Mayor thanked those involved in the creation and operation of the team.

Executive Team

The Mayor complimented the Executive team on their commitment to their roles, in particular, the Deputy Mayor and the Executive Member for Communities and Education. He advised that the Independent Panel on Members Remuneration had indicated that the two Executive Members should receive an increase in their Special Responsibility Allowance due to the increase in their portfolio responsibilities. The Mayor stated that both Executive Members had taken a significant drop in income to carry out their Executive roles.

Future for Middlesbrough

The Mayor stated that things were looking positive for the town. There would be job losses across the town but not in Middlesbrough Council. There would be job creation in Middlesbrough and the town would be at the forefront of ambition, prosperity, energy and achievement.

Councillor Cooke stated that there were many dedicated community groups in the town and he queried whether there was any possibility of setting up an accreditation scheme to recognise the work and dedication of the groups.

The Mayor stated that the Council had the Boro Heroes Awards but that was awarded on a monthly basis but this award scheme would not be appropriate for community groups as there were so many hard working groups in operation. The Mayor stated that a formal accreditation scheme was a good idea as people would be able to use it on CVs or job applications. He invited Councillor Cooke to meet him in the Gresham Ward for a walk about to share thoughts on the initiative.

Councillor Wright stated that it was appropriate that the Council mark the one year anniversary of lockdown. He stated that the community in Ladgate had lost many good people to Covid, but it was pleasing to see that Middlesbrough now had the lowest infection rates in the Tees Valley. Councillor Wright referred to the £40m investment in the town, particularly the town fund scheme and queried whether any could be used towards the regeneration of the St Agnes Church site and he hoped that the Ward would receive a fair share of the funding.

Councillor J Walker stated that she agreed with the sentiments regarding the loss of people to Covid. Councillor Walker stated that shops and premises had to be closed but she thanked people for adhering to the rules and those shielding, when required. She congratulated the Mayor on the establishment of the Fly Tipping Action Squad. Councillor Walker stated that they performed an excellent service and queried whether the team could be expanded.

The Mayor thanked Councillor Walker for her comments.

Councillor M Storey stated that he echoed the Mayor's thoughts on the one year anniversary of the Covid pandemic and he commented how pleasing it was to see communities coming together to help vulnerable people. Dealing with the pandemic had brought out the best in people. Councillor Storey highlighted that there had however been a 60% increase in calls to the Refuge domestic violence hotline. In Central, Newport and Park Ward there had been 419 alcohol related domestic violence crimes. The Council needed to ensure that there was assistance available to those trapped in domestic violence settings during the pandemic.

In terms of anti-social behaviour, the Street Wardens already had lots of different responsibilities and the Council needed to be careful not to put too much additional responsibility on the wardens as it would dilute their effectiveness in other important areas.

Councillor Storey stated that the £40m investment in the town was good news. About 10% of the Town's Fund was based outside the town centre and he queried whether the figures could be rebalanced to increase the amount to the areas outside the town centre.

The Mayor stated that the bid for the Town's Fund was put together by a Board and it had been accepted by the Government. The existing bid could not be undone.

Councillor Coupe said he agreed with the comments about the £40m investment in the town and agreed that areas outside the town centre should be included in the bid. Councillor Coupe also commented about the fact that Middlesbrough had the lowest infection rates in the Tees Valley.

20/82

DEPUTY MAYOR AND EXECUTIVE MEMBER REPORTS

The Chair invited Members to raise items for general discussion arising from the Information Booklet of Executive Member reports which detailed activities carried out within the respective Executive Member portfolios (Section 1), Executive decisions taken (Section 2) or to be taken where known, prior to and following the meeting (Sections 3 and 4).

The Chair advised that 6 questions on Executive Member reports had been received.

Question on the Executive Member for Adult Social Care and Public Health report

Question from Councillor Mawston regarding Track and Trace.

Councillor Mawston congratulated the Public Health Team on the work they had carried out in order to set up the local Track and Trace system. In response to a question with regard to how the Track and Trace system worked and how people were being contacted, the Executive Member advised that Middlesbrough had become one of 17 local authorities to launch the local Test and Trace Service known as Local0, as part of a national pilot. The aim of the Track and Trace service was to contact people by telephone within hours of them getting their positive result. The contact officers were required to ask a series of standard questions, identify contacts and use their local knowledge to better understand the information provided by the case. Advice on isolation was provided on a more individual and local basis. Support needs were also identified for those in isolation and arrangements could be put in place quickly to provide assistance.

If it was not possible to contact people within 6 hours, a letter was delivered by hand to their home address which provided guidance and advice. The pilot scheme had commenced on 1 March 2021 and to date, 424 people had been contacted within 6 hours. To date the Local Test and Trace Service was achieving contact with 94% of cases of COVID19 and providing isolation advice and offering support to them.

The Executive Member thanked the staff involved in setting up the Local0 Track and Trace service.

Questions on the Executive Member for Environment report

Question from Councillor Arundale regarding LED Lighting

In response to a question regarding whether the LED Lighting scheme was achieving the expected savings envisaged, the Executive Member advised that the use of LED had achieved savings of £588,000 on street lighting per annum, this equated to nearly 2,500 metric tonnes of carbon saved due to the new LED lights compared to the sodium lights, which equated to a 1% increase in Council Tax.

Question from Councillor Cooke regarding Highway Projects

In response to a question regarding why Parliament Road was not included on the list of potential highway projects, the Executive Member advised that the current list was not a definitive list and the list could be reprioritised. The Executive Member suggested that he meet with Councillor Cooke to conduct a site visit of the area.

Comment on the Executive Member for Finance and Governance report

Comment from Councillor Hellaoui regarding the Registrars Service

In response to a comment from Councillor Hellaoui congratulating the Registrars Service for

the excellent way in which they carried out their duties during the Covid-19 pandemic, the Executive Member advised that she would pass the comments on to the Registrars Service. The Executive Member advised that she would like to add her appreciation to the Registrars Service for their performance during the pandemic.

Questions on the Executive Member for Regeneration report

Question from Councillor Branson regarding LIP Consultation – Executive 16 February 2021.

Councillor Branson commented regarding the sharp decline in bus public transport as a result of the Covid pandemic and concerns regarding what would happen when bus subsidies were removed to the services. He acknowledged that the Government was offering £3b funding for bus subsidies and he queried with regard to what steps the Council was taking to ensure that Middlesbrough received some of the funding.

Councillor Waters stated that the Council's officers would be working to obtain funding to ensure that Middlesbrough maintained the current level of bus services and improve services, where possible.

Question from Councillor Hellaoui regarding Linthorpe Road Cycling and Walking Improvement Plan – Consultation

Councillor Hellaoui commented on the recent consultation document regarding the Linthorpe Road Cycling and Walking Improvement Plan. There had been over 400 responses to the consultation and 71% of the respondents had indicated that they were against the proposals. Councillor Hellaoui stated that one of the issues with the plan was the location of the cycle path along Linthorpe Road and many of the local businesses based on Linthorpe Road and the Ward Councillors were concerned about the negative impact of the proposals on businesses.

Local businesses had received a letter from the authority mitigating their concerns. Councillor Hellaoui queried whether there could be a pilot scheme to see if the mitigations proposed by the Council, addressed the issues. If this was not possible, Councillor Hellaoui queried whether the improvement plan could be monitored to see what the impact of the plan was, as it progressed.

Councillor Waters stated that the concerns of businesses had been listened to and as a result they had proposed mitigations. He stated it was unlikely that there would be a pilot scheme, however he agreed that the improvement plan should be monitored. Councillor Waters thanked the TVCA for providing the funding, as it was important that the town had a healthy infrastructure going forward.

20/83 **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.

Councillor Mawston congratulated the panels on the updates on the work of the individual scrutiny panels and stated that the content of the report demonstrated how well the scrutiny process was working in Middlesbrough.

ORDERED that the report be noted.

20/84 **URGENT ITEMS**

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

20/85 **MARTON WEST MODIFIED NEIGHBOURHOOD PLAN**

The Director of Regeneration and Culture and the Executive Member for Regeneration submitted a report, the purpose of which was to seek approval of the Modified Marton West Neighbourhood Plan.

The Executive Member for Regeneration advised that, when adopted, the Marton West Neighbourhood Plan would form part of the Council's Policy Framework. Prior to its adoption,

the Council needed to make a decision to approve the Plan, taking into account the recommendations of the Independent Examiner, so that a referendum could take place. The decision to approve Neighbourhood Plans was a non-Executive function, and must be made the Borough Council, in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Council's constitution.

The plan was originally adopted in 2016, however as a consequence of recent Ward boundary changes, part of the Coulby Newham Ward covering Newham Hall, Brass Castle Lane and De Brus Park areas, now lay within the Marton West Ward. The existing adopted Neighbourhood Plan for Marton West, did not therefore cover these areas, due to them not being within the Ward at the time of its preparation.

The Council agreed to extend the Marton West Neighbourhood Area to incorporate those areas excluded from the designated area, and which now formed part of the amended Ward boundary. It was also agreed that an early review should be undertaken, by the Marton West Neighbourhood Forum, of the adopted 2016 Marton West Neighbourhood Plan, in order to take account of the amended designated Neighbourhood Area. The Marton West Neighbourhood Forum subsequently submitted a modified draft Neighbourhood Plan to the Council for examination in July 2020, incorporating the boundary changes, updating relevant adopted planning policies to reflect the enlarged Neighbourhood Area boundary, and to include additional proposed open space designations.

The Independent Examination into the modified Plan was undertaken in December 2020. The Examiner's Report was issued at the end of January 2021, and recommended that the modified Plan should proceed to referendum stage of the Neighbourhood Planning process, subject to some minor amendments being made.

The Executive Member thanked those involved in reviewing the plan.

Councillor Cooper queried whether the modified plan would offer protection from being built on to Bonny Grove Park, wetlands at land at West Moor Farm (previously identified as Sudbury Pond) and Fairy Dell. Councillor C Hobson confirmed that the plan would offer these areas protection.

Councillor Smiles stated that the Modified Marton West Neighbourhood Plan was a very powerful document in planning terms. It offered protection to the Marton West area. Councillor Smiles indicated that there were proposals to create a Neighbourhood Plan for the Nunthorpe area.

Councillor Coupe advised that the Stainton and Thornton area were in the process of preparing a Neighbourhood Plan and the final document would be submitted to Council for approval in the near future.

Councillor J Walker stated that it would be useful for members to have sight of existing Neighbourhood Plans to ascertain if they required updating.

Following a vote, it was:

ORDERED that the Modified Marton West Neighbourhood Plan be approved.

PAY POLICY STATEMENT

The Director of Legal and Governance and Executive Member for Finance and Governance submitted a report, the purpose of which was for Council to agree the Pay Policy Statement 2021/2022.

The Executive Member for Finance and Governance advised that the Pay Policy Statement set out the Council's policies on remuneration of its staff in accordance with Section 38 of the Localism Act 2011. The policy was required to be approved by full Council and was subject to annual review.

The Pay Policy Statement set 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 would continue to be determined by current mechanisms.

The Executive Member highlighted that an additional paragraph had been added to the Pay Policy Statement on the development of a policy and procedure for settlement agreements and to introduce a cap on payments (paragraph 19).

A policy was being developed specifically for settlement agreements to outline the procedure and approval routes. It was proposed that any settlement payment, pension strain costs and payment in lieu of notice would not exceed an amount equivalent to 26 weeks' pay. Once implemented the policy would apply to existing staff as well as new starters to the Council.

The Executive Member advised that member briefings had been held in order to explain the contents of the Pay Policy.

Councillor Rooney queried whether the Trade Unions had been consulted with regard to the new policy in relation to settlement agreements and whether it complied with current legislation.

The Executive Member advised that she would make some further inquiries and respond to Councillor Rooney's queries.

Councillor Higgins queried whether it was possible to vote on a policy that had not been agreed by the Trade Unions. It was confirmed that some of the Trade Unions had attended the briefing meetings.

The Director of Legal and Governance clarified that agreement was sought to approve the Pay Policy. A further report would be brought back to Council to agree the policy for settlement agreements.

Following a vote, it was:

ORDERED that the Pay Policy Statement for 2021/2022 be approved.

20/87 **MEMBERS' QUESTION TIME**

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

20/88 **NOTICE OF URGENT MOTIONS (IF ANY)**

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

20/89 **NOTICE OF MOTIONS**

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

20/90 **ARMED FORCES COVENANT**

Councillor Arundale and Councillor Cooper, the Council's Armed Forces Champions, submitted a report, the purpose of which was to present an update on the Armed Forces Community Covenant.

Councillor Arundale presented the report. The report detailed the current position, and progress made by the Council in relation to fulfilling the commitments made in the updated Armed Forces Community Covenant, which was re-signed on 12 November 2020.

Councillor Arundale thanked the Civic Support and Town Twinning Officer for her assistance in compiling the report.

ORDERED that the report be noted.

20/91

COUNCIL DIARY 2021/2022

The Director of Legal and Governance Services submitted a report, the purpose of which was to agree the timetable of meetings for the Municipal Year 2021/2022.

The Director of Legal and Governance Services advised that the dates contained within the timetable were tentative, and could be subject to change.

Following a vote, it was:

ORDERED as follows:

- (i) That the timetable of meetings for the Municipal Year 2021/2022, as detailed in the Appendix to the report, be approved.
- (ii) That, with the exception of the following, the dates for ordinary meetings of the Council be designated as meetings at which questions will be taken from members of the public:
 - Budget/Council Tax Setting Meetings – 23 February and 4 March 2022
 - Wednesday 25 May 2022 (Annual Meeting)

20/92

MEMBERS SCHEME OF ALLOWANCES

The Director of Legal and Governance Services and the Executive Member for Finance and Governance Services submitted a report, the purpose of which was that:

1. Council consider the recommendations proposed by the Independent Panel on Members' Remuneration outlined in their report at Appendix 1
2. Council adopt the proposed Members Scheme of Allowances for 2021/22.

Members were advised that the Council was required under Section 18 Local Government and Housing Act 1989 and The Local Authorities (Members' Allowances) (England) Regulations 2003 to publish a Members Scheme of Allowances on an annual basis and to have due regard to the recommendations of the Independent Panel on Members Remuneration.

The Director of Legal and Governance Services outlined the purpose of the report and the options available to members.

Councillor High thanked the Independent Remuneration Panel for their role in ensuring that allowances were reviewed regularly. He stated that he was honoured that the Panel recognised his commitment to his role as Deputy Mayor. Due to the current economic climate, both locally and nationally, Councillor High stated that he did not think it was the appropriate time to propose any increases in Special Responsibility Allowances, and for that reason, he would be voting against the proposal.

Councillor Storey stated that the Labour Group had resolved to vote against the proposals. The responsibilities of Executive Members was at the discretion of the Mayor and an increase in the responsibilities of two of the Executive Members had led to a proposal from the Independent Remuneration Panel, to increase the SRA of the two Executive Members. Given issues with pay claims for nurses, the fact that unemployment rates were currently at 5%, 693,000 people had lost their jobs and the fact that the Federation of Small Businesses had indicated that many small businesses would be forced to close because of the pandemic, he stated that in his view, it was inappropriate to accept a pay increase, and for that reason, allowances should remain at the current rate.

Councillor High reiterated that any proposals put forward regarding members remuneration

were the responsibility of the Independent Panel on Members Remuneration, not the Mayor.

Councillor Storey clarified that the content of Executive portfolios was the decision of the Mayor. The Remuneration Panel had decided that an increase in responsibilities equated to an increase in the Executive Member portfolios SRA. Councillor Storey clarified that he did not believe that the Mayor or Deputy Mayor had any involvement in the decision to increase Executive Member SRAs.

Councillor Rathmell stated that he would be voting against any proposed increase in members' allowances. Residents were facing an increase in Council Tax, businesses were failing and many people had lost their jobs. He stated that it would be an insult to the NHS if members accepted an increase and as a consequence, he would like to see the allowances retained at the 2020/2021 rates and that members reject the increase in line with the Pay Policy statement.

Councillor Cooper stated that he would be voting against the proposals. He stated that there should be a fixed rate for all members.

Councillor Mawston stated that the Middlesbrough Independent Group would be voting against the proposals.

Councillor Cooke queried whether the three options that were open to members to vote on were to accept, reject or renew the current scheme agreed in October 2019.

The Director of Legal and Governance Services clarified that the Panel's recommendations dealt with an increase to the two Executive Members (Deputy Mayor and Executive Member for Communities and Education) SRA of £1000 and a proposal to increase the basic allowance for all members by £449, incrementally over 4 years from 2018 – 2022, plus an increase in line with any staff pay awards, which was agreed in 2019.

The Independent Panel's proposals overall, included the increases to the two Executive Member SRAs and the increase in the basic allowance for all members. The other option that was available to members, was to agree the scheme that was agreed in 2019 and this included a proposal to increase the basic allowances for all members by £449 on an incremental basis but this did not include the proposed increase in the 2 Executive Member SRA's.

The Director of Legal and Governance Services stated that members had indicated that they were uncomfortable with increases in remuneration, and if this included any increase, then the two options that were currently available to members would not be appropriate.

The Director of Legal and Governance Services indicated that members should vote first on the Panel's recommendations.

Councillor Smiles stated that she would be voting against the proposals. Given the back drop of Covid. Councillor Smiles indicated that it would not be appropriate to agree any increases in Executive Member SRAs or members allowances, in general.

Councillor Bell stated that the two Executive SRA's should be increased by £1000. He also commented on Chief Officer pay awards.

Councillor Garvey requested that the Director of Legal and Governance Services outline the role of the Independent Panel on Members' Remuneration.

The Director of Legal and Governance Services advised that the Panel was completely independent of the Council. The Panel did not know anything about the personalities involved and they took an objective view of all the roles and evaluated the work involved in carrying out the role when deciding whether the role merited a Special Responsibility Allowance and what level the SRA should be.

Councillor Branson indicated that he would be voting against the proposals as in his view members should not be accepting any increases in remuneration.

Councillor Rathmell proposed an amendment to the report so that that all three elements of

24 March 2021

the report be rejected and that a freeze on the 2020/2021 rates of allowances be instated.

Councillor Wilson seconded the proposal.

The Director of Legal and Governance Services clarified the amendment and invited members to vote on it.

Following a vote the amendment to the report was CARRIED.

Members voted on the amended recommendation

The amended recommendation was approved as follows:

That all three elements of the submitted report be rejected and that a freeze on the 2020/2021 rates of members allowances be instated.