

## OVERVIEW AND SCRUTINY BOARD

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| <b>Date:</b> Friday 18th December, 2020 |
| <b>Time:</b> 11.30 am                   |
| <b>Venue:</b> Virtual Meeting           |

## AGENDA

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| Please note: this is a virtual meeting. |
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| The meeting will be live-streamed via the Council's <a href="#">Youtube channel</a> at 11.30 am on Friday 18th December, 2020 |
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1. Apologies for Absence
2. Declarations of Interest  
To receive any declarations of interest.
3. Call-in - Nunthorpe Grange Farm: Disposal - Church Lane 3 - 38
4. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Date Not Specified

### MEMBERSHIP

Councillors J Thompson (Chair), M Storey (Vice-Chair), C Cooke, D Coupe, L Garvey, A Hellaoui, T Higgins, T Mawston, C McIntyre, J McTigue, J Platt, M Saunders and Z Uddin

**Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Chris Lunn, 01642 729742, [chris\\_lunn@middlesbrough.gov.uk](mailto:chris_lunn@middlesbrough.gov.uk)**

**MIDDLESBROUGH COUNCIL**

**AGENDA ITEM 3**

**OVERVIEW AND SCRUTINY BOARD**

**18 DECEMBER 2020**

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| <p><b>CALL-IN –<br/>NUNTHORPE GRANGE FARM: DISPOSAL –<br/>CHURCH LANE</b></p> |
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**PURPOSE OF THE REPORT**

1. In accordance with Middlesbrough Council's Call-in Procedure, to allow Members of the Overview and Scrutiny Board the opportunity to consider a decision made by the Executive.

**RECOMMENDATION**

2. That the Overview and Scrutiny Board considers the decision of the Executive and determines whether it should be referred back to the decision making body for reconsideration.

**EXECUTIVE DECISION**

3. A meeting of the Executive was held on 24 November 2020. At that meeting, consideration was given to a report of the Executive Member for Finance and Governance, the Executive Member for Regeneration, the Director of Finance, and the Director of Regeneration and Culture in respect of Nunthorpe Grange Farm: Disposal – Church Lane. The report was presented in two parts: Part A and Part B (Part B being exempt).
4. A copy of Part A of the above report, which outlined the background to Nunthorpe Grange Farm: Disposal – Church Lane, is attached at **Appendix 1**. A copy of the minutes of the Executive meeting is attached at **Appendix 2**.
5. Part A of the report included the following recommendations:-
  - a) that the information contained in Part A of the report be noted; and
  - b) that the decision be taken once all the financial or exempt information contained in Part B of the report has been considered.

The decision was supported by the following analysis:

In order to meet the Council's requirements to generate capital receipts, increase annually recurring revenue streams and to bring the subject parcel of land into a far more beneficial use in the future.

The disposal of the subject parcel of land as proposed will generate a substantial capital receipt that the Council has allocated to fund/part-fund planned highways junction works on the adjacent Guisborough Road [A1043].

The disposal as proposed supports delivery of the Council's Medium Term Financial Plan.

6. The following was approved in respect of Part B of the report:-
  1. That the recommendations of the report be approved.
  2. That a proportion of the capital receipt (i.e. £43,500) generated by the disposal of the land be allocated to Nunthorpe and Marton East wards, for community use.
  3. That a land-related covenant be applied, imposing restrictions on future use of the land.
  4. That, in respect of the disposal of Council assets, a report be submitted to a future meeting of the Executive to ensure that when a negotiated sum exceeded the asset value, a proportion of the capital receipt generated would be allocated to the relevant ward/s, for community use.

## **CALL-IN PROCEDURE**

7. The power to call-in a decision of a Local Authority Executive body was introduced under the Local Government Act 2000. The process is intended to hold decision makers to account and ensure that Executive powers are discharged properly. Call-in ensures that a decision can be reviewed and reconsidered before it is implemented.
8. The procedure allows Members the opportunity to call-in decisions for review by the Overview and Scrutiny Board as follows:
  - A decision made by the Executive;
  - A decision made by an individual Member of the Executive;
  - A decision made by a Committee or Sub-Committee of the Executive;
  - A key decision made by an officer with delegated authority from the Executive; or
  - A decision made under joint arrangements.
9. The process is initiated by five Members of the Council requesting a decision to be reviewed within five working days following publication of the decision and submitting a form that outlines the reason(s) for the call-in.
10. The completed call-in form, signed by five Members supporting the request to call-in the decision outlined above, was received and validated by the Monitoring Officer.

11. The five Members supporting the call-in were Councillors Rathmell (Proposer), Hill, Hubbard, Polano and Wilson.
12. The decision to be called-in is as follows:

Part A

1. That the information contained in Part A of the report be noted; and
2. That the decision be taken once all the financial or exempt information contained in Part B of the report has been considered.

The decision taken after consideration of Part B of the report (exempt content) was to dispose of the land (Nunthorpe Grange Farm).

13. The reasons for the call-in, as determined as being valid by the Council's Monitoring Officer, are as follows:

*"Members were provided with insufficient information to take the decision as some of the information provided was misleading and disingenuous e.g. Members were not told that this falls outside the Local Development Plan Policy Document. The site was not on the Council's disposal asset register, which lists sites that the Council intends to dispose of. Therefore this decision falls outside the Council's Policy Framework.*

*The site did not go out to tender and no other options were considered for the retention and / or disposal of this land. Therefore Members cannot be assured that this disposal represents value for money.*

*No / inadequate consultation was undertaken. The report states at paragraph 23 "The property is situated in the Nunthorpe Ward and the respective Ward Members have been consulted". This is untrue. The Ward Members were informed, confidentially, that this decision was being taken, this was not consultation. There has been no consultation in the Ward.*

*The report regarding this decision was taken in two parts; the information in part two being confidential. Despite the Council deciding that the information in part two should be confidential, following the meeting information from this part of the meeting was released to the press. This suggests that more information could have been placed in the public domain but was withheld by officers potentially in breach of the release of information protocols and legislation."*

14. To assist the Overview and Scrutiny Board in the call-in process, the Mayor, Executive Member for Finance and Governance, the Executive Member for Regeneration and appropriate Council officers, will be present at the meeting. The Executive Members and officers will explain the reasons and rationale behind the report and the decision that was made. The Member who initiated the call-in will also be present to explain their views and concerns in respect of the decision.
15. A copy of the procedure to be followed at the meeting is attached at **Appendix 3**.

16. Having considered the submitted information, the Overview and Scrutiny Board has the following courses of action available:
- i. To refer the decision back to the Executive for reconsideration. In that case, the Overview and Scrutiny Board should set out in writing the nature of its concerns about the decisions.
  - ii. To determine that it is satisfied with the decision making process that was followed and the decision that was taken by the Executive. In that event, no further action would be necessary and the Executive decision could be implemented immediately.
  - iii. Request that the decision be deferred (adjourned) until the Overview and Scrutiny Board has received and considered any additional information/evidence required to make a decision with regard to the call-in from other witnesses not present at the Committee (the Committee needs to clearly identify the relevant issues that need to be given further consideration, and whether there are any specific time constraints or other implications affecting the proposed implementation of the decision).
  - iv. Take no action in relation to the called-in decision, but consider whether issues arising from the call-in need to be added to the Work Programme of any existing or new Overview and Scrutiny Standing Panel/OSB (the Committee needs to clearly identify the issues to be added to the Work Programme).
  - v. If, but only if (having taken the advice of the Monitoring Officer and/or the Chief Finance Officer), the Committee determines that the decision is wholly or partly outside the Budget and Policy Framework, refer the matter, with any recommendations, to the Council after following the procedure in Rule 8 of the Budget and Policy Framework Procedure Rules. Only in this case is there a continuing bar on implementing the decision.
17. In the event that the decision is referred back to the Executive, a further meeting of the Executive would be arranged within ten further working days. The Executive would then make a final decision in the light of any recommendations made by the Overview and Scrutiny Board.
18. Where the recommendations of the Overview and Scrutiny Board are not accepted in full by the relevant Executive body, the body should notify the Overview and Scrutiny Board of this and give reasons for not accepting the recommendations.

## **BACKGROUND PAPERS**

19. The following background papers were used in the preparation of this report:
- Middlesbrough Council's Call-in Procedure; and
  - Report to Executive – 24 November 2020.

**Contact Officer:**

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Democratic Services Officer  
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|-------------------|---|
| <b>Report of:</b> | Ian Wright, Director of Finance<br>Richard Horniman, Director of Regeneration & Culture<br>Cllr Chris Hobson, Executive Member for Finance & Governance<br>Cllr Ashley Walters, Executive Member for Regeneration |
|-------------------|---|

|                      |                              |
|----------------------|------------------------------|
| <b>Submitted to:</b> | Executive – 24 November 2020 |
|----------------------|------------------------------|

|                 |  |
|-----------------|--|
| <b>Subject:</b> | Nunthorpe Grange Farm: Disposal – Church Lane [Part A] |
|-----------------|--|

**Summary**

|   |
|---|
| <b>Proposed decision(s)</b>   |
| The following is asked of the Executive: <ul style="list-style-type: none"> <li>a) that the information contained in Part A of the report be noted; and</li> <li>b) that the decision be taken once all the financial or exempt information contained in Part B of the report has been considered.</li> </ul> |

| Report for:                     | Key decision:                        | Confidential: | Is the report urgent? |
|---------------------------------|--------------------------------------|---------------|-----------------------|
| Decision to dispose of property | Yes – exceeds the £150,000 threshold | No            | No                    |

| Contribution to delivery of the 2020-23 Strategic Plan   |   |   |
|--|---|---|
| People   | Place   | Business  |
| Delivery of the community focussed development scheme proposed will aid the creation of employment opportunities within the Borough. | The development of the subject parcel of land will generate significant inward investment and bring a vacant and underused Council asset into far more positive future use. | The proposal to dispose of the subject parcel of land will generate a significant capital receipt for the Council and help underpin its Medium Term Financial Plan. |

|                         |
|-------------------------|
| <b>Ward(s) affected</b> |
| Nunthorpe               |

## **What is the purpose of this report**

1. The purpose of the report is to consider the proposal to dispose of the Council's freehold interest in land at Nunthorpe Grange Farm.

## **Why does this report require a Member decision?**

2. The proposal relates to the disposal of an asset deemed to be surplus at a value in excess of the £150,000 threshold.

## **Report Background**

3. The subject parcel of land currently forms part of a much larger, now defunct, agricultural holding situated at Nunthorpe Grange Farm next to the former farm house, yard and buildings – with Guisborough Road [A1043] located immediately to the northern boundary of the subject parcel of land, and Church Lane to the south.
4. Shown edged on the plan attached as Appendix A of this report, the subject parcel of land measures @ 5.954 Acres [2.410 Hectares]. Rectangular in shape, and situated outside of the Local Plan Framework development boundary, the site comprises an open and vacant area of paddock grazing land, which slopes gently and has both boundary hedgerow and tree cover.
5. It is proposed that access to the subject parcel of land will be taken via a new highways roundabout junction to be constructed on Guisborough Road [A1043]. The design of the new arrangement [referenced in Appendix B] will allow the Council to bring forward the subject site, serve any future requirement to access the land situated north of Guisborough Road [A1043] and potentially facilitate delivery of a park & ride scheme proposal on land to the east of the subject site.
6. An Asset Disposal Business Case confirming the status of the subject land as surplus to operational Council requirements is attached as Appendix D to Part B of this report.

## **What decision(s) are being asked for?**

7. The following is asked of the Executive:
  - a) that the information contained in Part A of the report be noted; and
  - b) that the decision be taken once all the financial or exempt information contained in Part B of the report has been considered.

## **Why is this being recommended?**

8. In order to meet the Council's requirements to generate capital receipts, increase annually recurring revenue streams and to bring the subject parcel of land into a far more beneficial use in the future.
9. The disposal of the subject parcel of land as proposed will generate a substantial capital receipt that the Council has allocated to fund/part-fund planned highways junction works on the adjacent Guisborough Road [A1043] as per Appendix B.

10. The disposal as proposed supports delivery of the Council's Medium Term Financial Plan.

## **Other potential decisions and why these have not been recommended**

### ***Re-use for operational purposes***

11. No Council operational service requirement has been identified.

### ***Other uses***

12. Although the site is capable of being used for other purposes, it is situated outside of the Local Plan Framework development boundary and certain types of development would be restricted in planning terms. The future use of the site for the purposes of religious worship as being proposed by the Buyer is preferred.

### ***Do nothing***

13. The property would remain in its present state.
14. Whilst the subject land would be retained for potential Council use in the future, the liability and responsibility for maintaining and holding the property would remain with the Council in the interim.

## **Impact(s) of recommended decision(s)**

### ***Legal***

15. No specific legal issues have been created as a result of the proposal.
16. Disposal of the subject parcel of land would also require the following adjustments:
  - The grant of a licence for the Buyer to occupy and maintain adjoining land that the Council wishes to retain for highways development purposes.
  - The release of a covenant restricting the use of the Buyer's existing Meeting Hall site.
17. The property would be disposed of freehold with vacant possession in accordance with standing disposal protocol.

### ***Financial***

18. The Council would receive a capital receipt plus fees without the need to incur any further marketing costs.
19. The disposal of the site would remove the Council's liability for any future maintenance costs while it remains unused.
20. The disposal of the site would enable the Council to fund/part-fund the cost of procuring and facilitating the delivery of planned highways junction works on the adjacent Guisborough Road [A1043], rather than the same having to be drawn from alternative Council budget streams.

### ***The Mayor's Vision For Middlesbrough***

21. The decision aligns to the Mayor's priorities around people, place & business by working in conjunction with third party organisations and individuals, such as the Buyer, to deliver both physical and social regeneration.

### ***Policy Framework***

22. The proposals do not require any change to the Council's existing policy framework.

### ***Ward***

23. The property is situated in the Nunthorpe Ward and the respective Ward Members have been consulted.
24. Members will be further consulted on any subsequent proposal made as part of the normal planning process.

### ***Equality and Diversity***

25. A Level 1 (Initial Screening) Impact Assessment (IA) accompanies this report attached at Appendix C.
26. The impact assessment identified that the proposal would have a positive impact on the local community and would not represent a concern to equal rights, disability discrimination or the impingement of human rights.
27. The Council's development control planning process would also serve to ensure that any future use proposed would be appropriate for the local area.

### ***Risk***

28. There is a risk that if the Council does not proceed with the disposal as proposed, the requirement to deliver planned highways improvements would have to be funded from another budget source, rather than the capital receipt as proposed.

### ***Actions to be taken to implement the decision(s)***

29. Subject to Executive Committee approval, the Council moves to proceed with the disposal of the subject property as detailed in Part B of this report.

## Appendices

Appendix A – Site Plan – Land at Nunthorpe Grange Farm

Appendix B – Proposed Highways Roundabout Junction – Guisborough Road [A1043]

Appendix C – Impact Assessment Level 1 – Initial Screening Assessment

## Background papers

No further reports were used in the preparation of this report:

| Body | Report title | Date |
|------|--------------|------|
| N/A  | N/A          | N/A  |

**Contact:** David Velemir, Valuation & Estates Manager

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Site Plan - Land at Nunthorpe Grange Farm

Page 14



- Proposed Development
- Adjacent Land
- Proposed Highway Land
- Access Right of Way



TIM WAKE VALUATION & ESTATES

NUNTHORPE GRANGE FARMLAND  
CHURCH LANE  
MIDDLESBROUGH

Scale: 1:2500  
Date: 28th AUGUST 19  
Drawn: JMS  
Drg No: VAL 5949 C

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**Impact Assessment Level 1 – Initial Screening Assessment**

|  |  |  |  |  |
|--|--|--|--|--|
| <b>Subject of assessment:</b>          | Part disposal of the Council’s freehold interest in land at Nunthorpe Grange Farm, Church Lane, Nunthorpe, Middlesbrough TS7 0PD   |  |  |  |
| <b>Coverage:</b>                       | Service specific   |  |  |  |
| <b>This is a decision relating to:</b> | <input type="checkbox"/> <b>Strategy</b>   | <input type="checkbox"/> <b>Policy</b>   | <input type="checkbox"/> <b>Service</b>  | <input type="checkbox"/> <b>Function</b> |
|  | <input type="checkbox"/> <b>Process/procedure</b>  | <input type="checkbox"/> <b>Programme</b>  | <input type="checkbox"/> <b>Project</b>  | <input type="checkbox"/> <b>Review</b>   |
|  | <input type="checkbox"/> <b>Organisational change</b>  | <input checked="" type="checkbox"/> <b>Other (please state)</b> Asset management |  |  |
| <b>It is a:</b>                        | <b>New approach:</b>   | <input checked="" type="checkbox"/>  | <b>Revision of an existing approach:</b> | <input type="checkbox"/>                 |
| <b>It is driven by:</b>                | <b>Legislation:</b>  | <input type="checkbox"/>   | <b>Local or corporate requirements:</b>  | <input checked="" type="checkbox"/>      |
| <b>Description:</b>                    | <p><b>Key aims, objectives and activities</b><br/>To assess the impact of the proposal to dispose of Council property deemed to be surplus to operational requirements.</p> <p><b>Statutory drivers (set out exact reference)</b><br/>The Local Government Act 1972 Section 123, as amended by the Local Government Planning and Land Act 1980 Section 118 Schedule 23 Part V.</p> <p><b>Differences from any previous approach</b><br/>The subject land has been unused since April 2018. There are no Council staff, or services that will be affected by the disposal proposed. Future use will be for the purposes of redevelopment as a place of worship.</p> <p><b>Key stakeholders and intended beneficiaries (internal and external as appropriate)</b><br/>The Council, buyer and the local community.</p> <p><b>Intended outcomes</b><br/>The proposed disposal of the subject site would:</p> <ul style="list-style-type: none"> <li>• generate a significant capital receipt for the Council;</li> <li>• create new jobs within the borough;</li> <li>• remove the Council’s liability for future holding costs, responsibility for, and maintenance of the land, and</li> <li>• help stimulate further development in the local area, and bring the subject site back into a more positive future use.</li> </ul> |  |  |  |
| <b>Live date:</b>                      | Tuesday 24 <sup>th</sup> November 2020   |  |  |  |
| <b>Lifespan:</b>                       | Not applicable.  |  |  |  |
| <b>Date of next review:</b>            | Not applicable.  |  |  |  |



| Screening questions  | Response                            |                          |                          | Evidence   |
|--|-------------------------------------|--------------------------|--------------------------|--|
|  | No                                  | Yes                      | Uncertain                |  |
| <p><b>Human Rights</b></p> <p>Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*</p>   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>It is considered that the disposal of the subject property will not impact negatively on individual human rights. The proposal represents a significant and positive enhancement for both the locality and the wider area, far outweighing the transfer of the land from the Council's Estate holding. This assessment has been made taking into account:</p> <ul style="list-style-type: none"> <li>the fact that the property is vacant, and that no Council staff or services will be affected by the disposal as proposed;</li> <li>the new jobs that future re-use of the property will create, and</li> <li>the potential for this proposal to stimulate further economic development within the borough.</li> </ul>  |
| <p><b>Equality</b></p> <p>Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>The Council has a duty to consider the impact of the proposed decision on relevant protected characteristics, to ensure it has due regard to the public sector equality duty. Therefore, in the process of taking decisions, the duty requires the Council to have due regard to the need to:</p> <ol style="list-style-type: none"> <li>eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and</li> <li>foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ol> <p>Consideration of this duty has shaped the proposals.</p> <p>The site is vacant and fulfils no specific function, purpose or service. In accordance with this position, access to and delivery of Council services will not be affected by the proposed disposal.</p> <p>It is considered that the proposal will not have a disproportionate adverse impact on a group, or individuals, because they hold a protected characteristic.</p> <p>Evidence used to inform this assessment includes engagement to date with relevant Council departmental teams and the proposed purchaser, together with analysis of the terms and conditions that will be incorporated within the proposed sale.</p> |

\*Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.

|   |   |   |   |   |
|---|---|---|---|---|
| <p><b>Community cohesion</b><br/>         Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*</p>   | ☒ | ☐ | ☐ | <p>There are no concerns that the proposal could have an adverse impact on community cohesion.</p> <p>Evidence used to inform this impact assessment includes the potential for bringing this property back into a far more beneficial future use than that being provided under the current ownership and management arrangement.</p>  |
| <p><b>Middlesbrough 2020 – Our Vision</b><br/>         Could the decision impact negatively on the achievement of the vision for Middlesbrough?*</p>  | ☒ | ☐ | ☐ | <p>The disposal will facilitate regeneration and contribute <i>positively</i> towards the Middlesbrough 2025 Vision – specifically in respect of Aim 2 (‘a learning town, in which families and communities thrive), where one of the priorities is for more people to be working. This assessment has been made taking into account the new jobs that will be created in the Borough by bringing this property back into a far more beneficial future use.</p> |
| <p><b>Organisational management / Change Programme</b><br/>         Could the decision impact negatively on organisational management or the transformation of the Council’s services as set out in its Change Programme?*</p>  | ☒ | ☐ | ☐ | <p>No tangible relationship between the disposal of the property and the organisational management of the Council, or the transformation of its services (as set out in its Change programme), have been identified.</p>  |
| <p><b>Next steps:</b></p> <ul style="list-style-type: none"> <li>➡ If the answer to all of the above screening questions is No then the process is completed.</li> <li>➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.</li> </ul> |   |   |   |   |

|                                 |               |                         |                |
|---------------------------------|---------------|-------------------------|----------------|
| <b>Assessment completed by:</b> | David Velemir | <b>Head of Service:</b> | Louise Grabham |
| <b>Date:</b>                    | 24/09/2020    | <b>Date:</b>            | 24/09/2020     |

## THE EXECUTIVE

A meeting of the Executive was held on 24 November 2020 at 1:00 p.m. in Virtual Meeting.

**PRESENT:** Councillors Mayor A Preston (Chair) and Councillors D Davison, A High, C Hobson, D McCabe, M L Smiles and A Waters

**INVITEES:** Councillor J Thompson

**OFFICIALS:** C Benjamin, S Bonner, R Brown, S Butcher, G Cooper, G Field, R Horniman, A Hoy, C Lunn, E Mireku, G Moore, T Parkinson, S Reynolds, E Scollay and I Wright

### DECLARATIONS OF INTERESTS

There were no Declarations of Interest made by Members at this point in the meeting.

#### 20/59 **MINUTES - EXECUTIVE - 27 OCTOBER 2020**

The minutes of the Executive meeting, held on 27 October 2020, were submitted and approved as a correct record.

#### 20/60 **RESIDUAL WASTE COLLECTIONS**

##### **SUSPENSION OF COUNCIL PROCEDURE RULE NO 5 - ORDER OF BUSINESS**

**ORDERED** that, in accordance with Council Procedure Rule No 5, the committee agreed to vary the order of business.

**ORDERED** that the items be considered as shown:

The Executive Member for Environment and the Director of Environment and Community Services submitted a report for the Executive's consideration. The purpose of the report was to provide an update on the results of the consultation around the introduction of fortnightly collection for residual waste and to seek approval for the movement to fortnightly collection of residual waste from April 2021.

Middlesbrough was currently one of the few local authorities that continued to collect residual waste on a weekly basis. Nationally, less than 13% of authorities collected their waste weekly.

In September 2020, it had been outlined that moving residual waste collection to fortnightly collections would have the following environmental benefits:

- it would aid improved recycling rates by 3%;
- it would reduce the amount of residual waste sent for final disposal;
- there would be an annual reduction in CO2 emissions of 152,700kg and that would be achieved through the reduction in vehicles being used and equated to a service 30% reduction in the annual CO2 emissions;
- there would be an annual reduction of 57,000 litres of fuel consumption;
- it would assist in achieving the required change programme revenue savings of £322K alongside capital savings.

The Executive had previously agreed that a consultation on the proposals for fortnightly collection of residual waste would be undertaken.

Of the circa 57,000 affected properties, the Council had received a total of 3309 responses (both online and paper responses combined), which equated to 5.8% of affected properties.

In respect of the proposal to move to fortnightly collections, 1,811 (52.21%) of participants strongly disagreed with the proposal, 639 (18.42%) disagreed, 266 (7.67%) were neutral, 363 (10.46%) agreed and 230 (6.63%) strongly agreed. Those who had responded negatively to

the proposal equated to 4.3% of all affected properties.

Those who had responded negatively had provided the following reasons:

- My household would generate too much waste for the bin in a two-week period - 1,940 (55.92%). However, of the residents who had stated that they were unhappy due to current bin capacity, 23% had stated they would be happy if a larger 240 litre bin was provided.
- I am concerned that leaving waste for two weeks would be smelly/attract vermin - 2,241 (64.6%).
- I would find the bin too difficult to move if it contained two weeks' worth of rubbish - 906 (26.12%).
- Other - 375 (10.81%).

Measures proposed to mitigate those concerns highlighted in the consultation were outlined at paragraph 17 of the submitted report.

Should the move to fortnightly collection be agreed, a significant communication exercise would be carried out as the Council moved towards the roll out.

A discussion ensued and concerns were raised in respect of how the Council would distribute larger bins and additional recycling bins and how missed collections, fly tipping and vermin would be managed.

If approval was granted, the Executive Member for Environment advised that the Council planned to undertake work to ensure that those residents, who request larger bins or additional recycling bins, receive them in advance of the implementation date (1 April 2020). It was also added that:

- alley bins and large commercial bins would continue to be collected on a weekly basis;
- in areas that had been issued with black bin liners, those would continue to be collected on a weekly basis until bins could be distributed in those areas;
- systems and responses were being revised/developed to manage missed collections and prevent fly tipping; and
- additional staff had been trained in rodent control to respond to any issues on Council/public land.

## **OPTIONS**

**To change the residual waste collection frequency to Alternate Weekly (Fortnightly) with the current in use 140 litre wheelie bins - That was not being recommended as the waste public consultation questionnaire (October 2020) showed a large percentage of the participants expressed anxiety with that option.**

## **ORDERED**

**That the proposal to move to alternate weekly (fortnightly) residual waste collections, from April 2021, be approved.**

## **REASONS**

**The proposed changes planned to support the Council's Green Strategy and therefore aid achieving a Carbon Neutral status by 2029. It would improve the Council's current recycling rate toward the Government target of 50% by 2020. It would also embed the vision of the Council to be the lead authority on all environmental issues. Additionally, it planned to assist in delivering a saving of £322K and capital savings of £180k in line with the change Programme 3:1 (2021/22).**

**2021/2022**

The Mayor and the Director of Finance submitted a report for the Executive's consideration. The purpose of the report was to provide an update of the Council's Medium Term Financial Plan (MTFP) for the period to 2023/24, reflecting and supporting delivery of the Strategic Plan. The report outlined the proposed additional budget efficiency savings and the proposed Council Tax increase for 2021/22, and noted that following approval by Council on 16 December 2020 the proposals would be, where required, subject to public consultation.

The Council had a legal obligation in relation to setting a balanced budget and was required to meet the challenging financial targets faced in the MTFP. The setting of the budget was part of the policy framework and therefore required Full Council approval.

The report to the Executive on 29 September 2020 had detailed the anticipated changes to the Council's financial position in the period to 2022/23 since the budget report to Council in February 2020, along with the main assumptions and risks contained within the updated MTFP. The report highlighted that there was a requirement for an estimated £3m of additional budget savings in 2021/22.

The MTFP, along with the assumptions and risks included in it, had been further reviewed in the submitted report. The table at paragraph 9 of the submitted report summarised the updated position of the anticipated changes to the Council's financial position in the period to 2023/24, since the budget report to Council in February 2020.

The Executive had decided to propose a number of potential additional budget efficiency savings, which would have minimal or no effect on front line service delivery levels, alongside an increase in the Council Tax to 3.99% in 2021/22. Those were detailed in the submitted report with the proposed increases in Council Tax shown in paragraphs 27 to 33 and the proposed additional budget efficiency savings being shown in paragraphs 50 to 54. Those proposals were brought forward for consideration by the Executive and then by Council on 16 December 2020, after which public consultation on the budget and the proposed Council Tax increase of 3.99% (for 2021/22) would commence.

Following consideration of the proposed additional budget efficiency savings it had been determined that all of the proposed additional budget efficiency savings were considered to have minimal or no effect on front line service delivery levels and that they required no, or no further, public consultation or impact assessment prior to consideration by Full Council as part of the 2021/22 revenue budget for implementation in 2021/22. All of the proposed additional budget efficiency savings were therefore shown in Appendix 1. The budget consultation would therefore be regarding the proposed Council Tax increase only.

As noted in the report to Executive on 29 September 2020, there were a number of planned budget savings for 2021/22 that had been proposed as part of the budget report to Council in February 2020 and were already assumed in the MTFP. Those were shown in the table at paragraph 15 of the submitted report. It was noted that removal of any of those savings would have required further additional savings to be made to replace them.

**OPTIONS**

**The Council had no option but to monitor its financial position, addressing any potential financial pressures and any budget savings required, to ensure the Council's financial position was balanced. The updated Medium Term Financial Plan for 2020-24 would provide the means to achieve that in a proactive and systematic manner, while continuing to reshape the Council to lead the delivery of the priorities for Middlesbrough.**

**ORDERED**

1. **That the updated Medium Term Financial Plan position for 2020-24 be noted.**
2. **That the proposed additional budget efficiency savings for 2021/22 detailed in Appendix 1, which were considered to have minimal or no effect on front line**

service delivery levels, and the proposed Council Tax increase of 3.99% for 2021/22, be endorsed.

3. That the report be presented to Council on 16 December 2020, allowing consultation on the budget and the proposed Council Tax increase to commence, with any required changes arising from the discussion of the report at the Executive being delegated to the Executive Member for Finance and Governance, as advised by the Director of Finance.

## REASON

To enable the Council to meet its statutory responsibility to set a balanced revenue budget and to ensure that a proper framework was in place for the medium term financial management of the Council, which would enable the Council to take a systematic, coherent and controlled approach to addressing ongoing financial challenges over the medium-term, while maximising its contribution to the Mayor's priorities for Middlesbrough.

20/62

## REFRESHING THE STRATEGIC PLAN FOR THE 2021-2024 PERIOD

The Mayor and the Chief Executive submitted a report for the Executive's consideration. Prior to consideration by Full Council on 16 December 2020, the purpose of the report was to seek endorsement of proposed revisions to the Council's strategic priorities. It was proposed that consultation on those priorities and the 2021/22 revenue budget would form part of the first 'annual conversation' with local communities and the Council's stakeholders and inform the refresh of the Strategic Plan for the 2021-24 period, which would be presented to the Executive on 16 February 2021 prior to consideration by Council on 5 March 2021, following planned approval of 2021/22 budgets on 24 February.

It was proposed that the Council retained its three simple and interrelated strategic aims. Those were detailed at paragraph 14 of the submitted report and were both well-understood and remained responsive to the long-term issues facing Middlesbrough and to political direction.

While the Council's aims would remain unchanged, it was proposed to refine the Council's strategic priorities to provide a greater focus for the remainder of the Mayor's term. The proposed priorities were:

- children and young people;
- vulnerability;
- crime and anti-social behaviour;
- climate change;
- COVID-19 recovery;
- physical environment;
- town centre;
- culture; and
- quality of service.

That would reduce the number of strategic priorities to nine in total, from 20 in the 2020-23 Strategic Plan, and complete the process of the integrating the priorities of the Elected Mayor with those of the Council. Appendix 1 of the submitted report set out proposed priorities for 2021-24 in detail, showing changes from the current plan.

It was proposed that the Council consult with local communities and other stakeholders on those proposed revisions to strategic priorities. The consultation would take the form of the first 'annual conversation' with communities on direction of travel and future plans (including spending plans), an approach which would in future years be embedded within the Council's emerging locality working approach.

The 2020 annual conversation would run from 17 December 2020 to 31 January 2021.

The annual conversation planned to inform the development to the refreshed Strategic Plan for the 2021-24 period, which would be presented to the Executive on 16 February 2021 prior to consideration by Council on 5 March. Building on the economy of the current format and design, the refreshed plan would be further streamlined, aiding communication to stakeholders.

To improve focus upon and strengthen delivery of the Strategic Plan, a supporting workplan would be developed in the period to March 2021, bringing together all current and planned activity in support of the Council's strategic priorities. That workplan would be presented to the Executive for approval on 16 March 2021, following the planned approval of the finalised Strategic Plan at Council on 5 March.

The anticipated outline timetable for the refresh of the Strategic Plan was outlined at paragraph 24 of the submitted report.

## **OPTIONS**

**The only other realistic potential decision would have been to leave the Council's strategic objectives unchanged on the assumption that they were sufficiently flexible to accommodate responses to COVID-19 and other issues affecting the Council during 2020. However, that was not correct and neither would it represent an appropriate response to COVID-19, which would clearly impact local communities and the business of the Council for some years ahead.**

## **ORDERED**

**That the proposed revisions to the Council's strategic priorities for the 2021-24 period be endorsed.**

## **REASON**

**To commence the refresh of the Strategic Plan for 2021-24, based on real local insight through the first 'annual conversation' with local communities.**

20/63

## **REVISED APPROACH TO COVID-19 RECOVERY**

The Mayor and the Chief Executive submitted a report for the Executive's consideration. The purpose of the report was to provide an understanding of the Council's response to the second wave of the COVID-19 pandemic; in particular the recent surge in local cases of COVID-19, subsequent imposed restrictions from national Government and the resulting impact on the approach to recovery. The report also advised of the requirement to revise the approach to COVID-19 recovery and related recovery plan/strategy, as approved on 16 June 2020.

Since approval of the Council's COVID-19 Recovery Plan in June 2020, work had been undertaken to ensure plans remained fit-for-purpose and were able to flex in-line with the changing national and local position. Milestone plans were in place to monitor recovery activity, and those plans were reviewed by exception via Gold Command Recovery Group.

As at October 2020, progress against the plan (by Strategic Plan aim and Recovery work stream) was detailed at paragraph 14 of the submitted report.

As reported at Year-End 2019/20 and Quarter One 2020/21, COVID-19, both the response to it and the recovery from it, would have a significant impact on local people and communities, the local economy and would fundamentally change the way the Council did business in the future.

Priorities had undoubtedly been impacted as a result of COVID-19; new plans had emerged, and others had been de-prioritised, or were no longer necessary.

Significant surges in infection rates of COVID-19 and increased numbers of outbreaks

(leading to further community transmission) had occurred across Middlesbrough, the Tees Valley and North East. The second wave implications and enforced restrictions in many areas of the country, including Middlesbrough and the wider Tees Valley had confirmed the need to reassess and review local response to outbreaks and longer term implications/requirements for recovery.

In light of the fundamental and lasting impact of COVID-19 on local communities, Phase 2 Recovery would consider longer-term assumptions and impact and would feed in to a revised Strategic Plan for the Council for 2021/22 onwards. A separate report submitted to the meeting had set out proposed revised priorities for future years and the proposed approach to consulting with communities on those priorities in advance of finalising the plan in March 2021.

The revised COVID-19 Recovery Plan metrics and measures, as set out at Appendix 1 of the submitted report, identified new priorities, timescales and measures of success to address the increased and new risks posed to the Council, as a result of the disruption caused by the resurgence of COVID-19.

### **OPTIONS**

**Not applicable; the Council had a legal duty to respond to an emergency incident.**

### **ORDERED**

1. **That the impact of the recent surge in local cases of COVID-19, the nationally imposed restrictions and resulting impact on the approach to Recovery, approved by the Executive in June 2020, be noted.**
2. **That the Council's revised approach to COVID-19 Recovery be approved and the updated Recovery metrics and measures, at Appendix 1, be noted.**
3. **That the delegation of approval for minor amendments to in-quarter timescales against Recovery metrics and measure timescales, via the Recovery Group, be agreed. That any significant variation to approach or deliverables be reported, for approval, via the quarterly Strategic Plan progress reports to Executive.**

### **REASON**

**To enable the effective management of delivery and monitoring of progress, against the Council's approach to COVID-19 Recovery and to support delivery of the Council's strategic priorities.**

**To advise that regular updates on progress towards COVID-19 Recovery would continue to be provided to the Overview and Scrutiny Board and also as part of the quarterly Strategic Plan updates to the Executive.**

**It should be noted that the deadlines associated with the Recovery metrics and measures were dependent on the 'R number' and any associated restrictions enforced as a result. The R number was the average number of people that one infected person would go on to infect. When the R number was 1, one infected person would go on to infect one other person on average. If it was higher than 1 then the number of cases in a population would increase exponentially unless immunity and/or controls were in place. Conversely, if the number was lower than 1 then cases would eventually peter out.**

20/64

### **STRATEGIC PLAN 2020-2023 – PROGRESS AT QUARTER TWO 2020/2021**

The Mayor and the Chief Executive submitted a report for the Executive's consideration. The purpose of the report was to advise of progress against the 2020-23 Strategic Plan and outline strategic risks at Quarter Two 2020/21.

The Council's Scheme of Delegation gave the Executive collective responsibility for corporate strategic performance, together with associated action.



The submitted report provided the necessary information to enable the Executive to discharge its performance management responsibilities, setting out:

- a progress update against the 2020-23 Strategic Plan, summarising the actual and likely future impact of the COVID-19 pandemic on the Council's strategic objectives, where they were known at that stage;
- an update on the Council's Strategic Risk Register; and
- actions that the Council had taken and planned to take to address the issues raised.

The financial projections for Quarter Two were reported separately at the meeting. However, where performance had a significant impact on financial performance that was highlighted across both reports.

Paragraphs 13 to 61 of the submitted report set out in brief the key headlines from Quarter Two relating to the Council's current strategic priorities, including where available current estimates of the impact of COVID-19 and future plans.

#### **ORDERED**

**That the progress made in implementing the Council's Strategic Plan 2020-23 in Quarter Two 2020-21 and the ongoing and likely future impact of COVID-19 on strategic objectives, where they were known at that stage, be noted.**

**That, in light of the above, the Council's updated Strategic Risk Register at Appendix 1 be noted.**

#### **REASON**

**To enable the effective management of performance and risk in line with the Council's Local Code of Corporate Governance.**

20/65

#### **CHILDREN'S SERVICES IMPROVEMENT PROGRAMME: OVERVIEW OF PROGRESS. JUNE – OCTOBER 2020.**

The Deputy Mayor and Lead Member for Children's Social Care and the Executive Director for Children's Services submitted a report for the Executive's consideration. The purpose of the report was to provide an overview of the strategic and operational actions undertaken between June and October 2020 against the Children's Services Action Plan 2020/21. It also set out the context in which those actions had been carried out and that of delivering against Children's Services Improvement Plan 2020/23. The overall aim was to improve outcomes for Middlesbrough's vulnerable children, young people, families and carers.

Children's Services in Middlesbrough had been the subject of a full Ofsted inspection in November/December 2019. The report, published in January 2020, had evidenced that services were inadequate in all categories. As was usual in such circumstances, the Department of Education (DfE) appointed a Commissioner to examine Children's Services as a whole and make recommendations to the minister, as to whether the Council required an Alternative Delivery Model. The commissioner's recommendation *'that there are reasonable grounds to conclude that this is not an LA where alternative delivery models are needed at this stage'* had been subsequently accepted by the minister. It had also been agreed that the commissioner would stay involved with Children's Services on a 2/3 day per month basis and submit further reports to the minister in November 2020 and May 2021.

The submitted report was an update covering the period since the receipt of the confirmatory letter from the minister in May until the end of October, which coincided with the period that the commissioner would cover in his November 2020 report.

The submitted report was written against the three themes of the improvement plan. The report provided an update on the strategic and operational work undertaken in respect of:

- Quality and Performance - the Multi-Agency Children's Hub, early help, Futures for Families, participation and Innovate (paragraphs 6 to 22),
- Leadership and Management (paragraphs 23 to 30) and;
- Governance and Partnerships (paragraphs 31 to 40).

### **ORDERED**

**That the overview of the strategic and operational work undertaken between June - October 2020, in line with the Children's Services Improvement Action Plan 2020/21, be approved.**

### **REASON**

**It was important that the Executive had oversight of:**

1. **the improvement plan and the improvement work taking place to deliver improved outcomes for children;**
2. **the external scrutiny of Children's Services in particular the additional scrutiny given because Middlesbrough's Children's Services were in intervention; and**
3. **the context in which the service operated.**

20/66

### **INVEST TO SAVE PROPOSAL; REDUCING HIGH COST PLACEMENTS AND IMPROVING OUTCOMES FOR CHILDREN IN CARE**

The Deputy Mayor and Lead Member for Children's Social Care and the Executive Director for Children's Services submitted a report for the Executive's consideration. The purpose of the report was to outline the benefits of the proposal for improving outcomes for Middlesbrough's looked after children. The proposal would result in improved care planning and more appropriate placements such as children returning to in-house provision in the Middlesbrough area, moving from residential care to foster care again in the Middlesbrough area and in some circumstances home to birth parents where it was safe to do so.

There were significant cost benefits to the Local Authority as the current spend on external residential placements was a significant financial pressure.

The current project had been in place since July 2020 and had evidenced impact to date. The proposal was to extend the project for a further period of 24 months from January 2021.

To date, the progress of the project had resulted in direct savings in year, 2020-21, estimated to be £385k with a full year effect next financial year of £797k. That was likely to increase by a smaller amount in the current financial year and more for the full year effect for 2021-22 due to work still in progress.

The cost of the service for phase 1 had been £273,000, so it was clear at the mid-point that it had already achieved its invest to save ambition.

Throughout the first phase of the project there was an evidenced impact of improved care planning for children, improved outcomes and securing more appropriate placement options for the identified cohort of children.

A further cohort of 27 children and young people had been identified for a potential phase 2 of the project. Should the project continue, in depth assessments would be undertaken to identify the most appropriate care planning options and next steps.

It was important to note that all of the children in that cohort may not return home as a first step and therefore realise full cost avoidance. Following full assessment at the start of phase 2, some children may go to fostering placements or to in house residential placements so there were still associated costs but at a significant reduction to external residential placements.

If the project impacted on a further 10 external residential placements, over the next 6 months, the cost avoidance based on an average weekly cost would be an estimated £1.8m for the full year. That assumed that the 10 young people in phase 2 would have moved placement by 1 April 2021, allowing for a full year effect.

Indicative costs for continuing the project for 12 months would be approximately £560,000.

#### **OPTIONS**

**The other potential option would be an attempt to manage improvement with existing resources.**

#### **ORDERED**

**That the progress made with the current Innovate Project, to improve care planning for children looked after, improve outcomes and also reduce high cost spend, be noted.**

**That the proposal to extend the current contract for a period of 24 months be noted. That would be reviewed on a 3 monthly basis to monitor effectiveness and agree if continuation was required.**

#### **REASON**

**The decision was being recommended in order to improve care planning for children looked after, improve outcomes and potentially reduce high cost spend.**

20/67

#### **RE-PROCUREMENT OF TEES INTEGRATED SEXUAL HEALTH SERVICE**

The Executive Member for Adult Social Care and Public Health and the Director of Public Health submitted a report for the Executive's consideration. The purpose of the report was to seek approval for Middlesbrough to be part of a re-procurement of a Tees integrated sexual health service with a view to commence the new service on 1 August 2021 for a period of three years.

There was a statutory duty incumbent on local authorities, Clinical Commissioning Groups and NHS England and NHS Improvement to commission or provide sexual and reproductive health services.

In August 2016, sexual health services were re-commissioned to deliver integrated services across Teesside for 5 years with an option to extend for 2 x 24 month periods. Virgin Care Services Ltd. was the successful bidder. The incumbent provider had rejected the offer of a 12 month extension resulting in the collaborative commissioners moving to procure a new service.

In Tees, open access sexual health services were commissioned by six different commissioning bodies (Hartlepool Borough Council, Middlesbrough Borough Council, Redcar and Cleveland Borough Council, Stockton-on-Tees Borough Council, NHS Tees Valley Clinical Commissioning Group (formerly South Tees Clinical Commissioning Group and Hartlepool and Stockton Clinical Commissioning Group) and NHS England. Services were seamless to patients.

Sexual Health Teesside (SHT) delivered levels 1, 2, 3 and 4 sexual health services ranging from condom distribution (level 1), provision of contraception (level 2), screening and treatment of Sexually Transmitted Infections (level 3) to vasectomy services (level 4). Services were delivered from a range of hub and spoke clinics, outreach facilities and subcontractors included GPs, Pharmacies, Brook, Terence Higgins Trust (THT), Marie Stopes International and Acculabs.

#### **ORDERED**

**That Middlesbrough be part of a re-procurement of a Tees integrated sexual health**

service with a view to commence the new service on 1 August 2021, for a period of three years.

#### **REASON**

**Recent changes in public health outcome performance and COVID-19 had driven the need to change the service model. In order to achieve that the Tees Sexual Health Needs Assessment had been refreshed alongside the collation of views sought from stakeholders. A service performance review and a recent piece of research to understand market appetite had developed a revised service specification.**

**A stakeholder e-consultation had been undertaken in July 2020 and feedback had influenced the content of the final service specification. Ongoing consultation was taking place with service users as part of the contract monitoring process and the current provider had been consulted throughout the process.**

#### 20/68 **ANNUAL UPDATE: SPECIAL EDUCATIONAL NEEDS AND OR DISABILITIES 0-25**

The Executive Member for Communities and Education and the Director of Education, Prevention and Partnerships submitted a report for the Executive's consideration. The purpose of the report was to provide an update on Special Educational Needs and/or Disabilities 0-25 in Middlesbrough, since the local area revisit in July 2019.

In March 2017, Middlesbrough Local Area had been inspected by Ofsted and the Care Quality Commission as part of a new SEND inspection process, for the quality of Special Educational Needs and Disabilities provision for children and young people. The inspection included scrutiny of the contribution of Education, Social Care and Health in ensuring that children and young people with Special Educational Needs and Disabilities made good progress and had their needs met in a timely manner. The outcome of the inspection in 2017 resulted in a Written Statement of Action to address significant concerns.

In July 2019, the same Ofsted and CQC inspection team revisited the local area to inspect the sustained progress since March 2017 and to identify if sufficient progress had been made on each of the four areas for development. The Lead HMI Inspector explained that the inspection team observed sufficient progress in each of the four areas and that Middlesbrough (LA and Health) no longer needed formal monitoring.

An outline of the progress made, since the 2017 Written Statement of Action, was included at paragraph 9 of the submitted report.

#### **ORDERED**

**That the report, providing an update on progress since the 2017 Written Statement of Action and providing oversight of the Local Authority's statutory duties in relation to SEND, be noted.**

#### 20/69 **PLACE PLANNING STRATEGY UPDATE AND ACTION PLAN**

The Executive Member for Communities and Education and the Director of Education, Prevention and Partnerships submitted a report for the Executive's consideration. The purpose of the report was to provide an update on progress made against the Place Planning Strategy 2020-25 and provide a brief update on recent changes to demographic trends which impacted on demand for school places.

On 21 January 2020, the Executive approved the school Place Planning Strategy. The strategy set out the Council's approach to ensuring the efficient and effective supply of school places over the next five years.

The Strategy identified 16 priorities, which required addressing to ensure that all pupils could have timely access to an age-appropriate school place suitable to their learning needs.

A high-level action plan flowing from those priorities, setting out broad timescales, anticipated costs and funding sources was included at Appendix A of the submitted report. Short-term actions were more developed, while actions towards to end of the planning period allowed more flexibility to develop as trends were confirmed.

The plan also provided an update on progress since the strategy had been approved.

Significant developments included:

- the provision of 151 additional primary school places in the centre of town at two primary schools;
- Outwood Academy Riverside, a new secondary Free school, opened in September and was offering 150 Year 7 places in its first year of operation rising to 210 by year four - total capacity 1,050;
- eight additional places for pupils with Severe Learning Difficulties made available at Priory Woods; and
- a new base for pupils with Autistic Spectrum Disorder opened at Acklam Grange School and admitting its first pupils.

In order to keep the action plan current it had been reviewed to take into consideration changes to the demographic trends underpinning projections of future school roll numbers. In July 2020, the primary and secondary school roll projections were updated to take into account the newest data from school admissions, birth rates and migration trends. Key changes had been identified and were detailed at paragraph 7 of the submitted report.

## **OPTIONS**

**No other options had been considered. The place planning strategy set the priorities to ensure that the Council fulfilled its statutory obligation to provide sufficient school places. The action plan set out the steps to be taken to address those priorities.**

## **ORDERED**

**That the contents of the report, including the update on pupil demand and the appended action plan, be noted.**

## **REASON**

**Middlesbrough Council had a statutory obligation to ensure that there were sufficient school places to meet demand. The Place Planning Strategy action plan would ensure that the Council complied with that duty.**

**The plan would contribute to the social regeneration of Middlesbrough: providing more local school places, ensuring that young people could get the right education, learning experiences and qualifications they needed to achieve their potential.**

20/70

## **MIDDLESBROUGH TOWN CENTRE STRATEGY**

The Executive Member for Regeneration and the Director of Regeneration and Culture submitted a report for the Executive's consideration. The purpose of the report was to seek approval for:

1. the development of a new Town Centre Strategy; and,
2. the principle of strategic alignment of external funding opportunities to aid the delivery of the Town Centre Strategy.

It was more critical than ever that bold, decisive and meaningful action was taken to save the town centre, bringing it back into the heart of the community and completely redefining its function and uses, for the future.

Retail would always form a component of the town centre experience, but there was a need to draw more complementary uses and amenities into the town centre, to make it a thriving hub of activity; creating a new urban community.

To achieve that, Middlesbrough's approach would be to build a new economy based on multiple, diverse uses that would drive business, employment, living and leisure into central Middlesbrough. The policy planned to deliver mutually-sustaining zones and clusters of activity that would create critical mass and provide a new purpose to Middlesbrough's economy. That would include:

- Living: building residential communities in central Middlesbrough;
- Skills and Learning: integrating Middlesbrough's educational services and institutions;
- Working: bringing employment and commercial uses to the centre;
- Health and Wellbeing: providing the facilities and amenities to improve quality of life;
- Civic: bringing together public services in central areas;
- Culture and Leisure: providing entertainment and spaces for people to enjoy; and
- Retail: maintaining a strong retail component in the high street.

The diversification of the town centre would be underpinned by the cross cutting objectives of:

- Transport - delivering excellent transport and connectivity;
- Digital - digitising our town centre and building The Digital City;
- Environment - providing green spaces and public places that promote activity and wellbeing; and
- Welcoming to all - families, children, people with dementia etc. should feel safe and welcome.

The new Town Centre Strategy had broader ambitions and provided a framework for delivery that planned to give businesses and investors certainty. The approach capitalised on a foothold base of those services that were less sensitive to market shocks (public sector) and build a healthier mix of uses that fed into one another.

By targeting investment to central areas, the aim was not to diminish the role and significance of district centres. Indeed, the approach planned to provide economic growth opportunities for all areas as employment, business, commercial, residential and talent was increasingly drawn into the wider Middlesbrough ecosystem.

## OPTIONS

**In transforming the economic potential of central Middlesbrough, the following options had been considered:**

- **Do nothing - By not acting, Middlesbrough would have overseen an inevitable erosion of the retail sector in central Middlesbrough. Through a policy of managed decline, the town centre would slowly hollow out, losing employment and investment opportunities.**
- **Deliver a Town Centre Strategy that focussed on single sector uses - Covid-19 had exacerbated the need for diversification and the range of services that were required to deliver sustainable change. Whilst adapting to single sector such as housing or leisure would have had some impact in reversing decline, it would not have had the same scale, or sustainability of impact, which would have come from a multifunctional approach.**

## ORDERED

1. **That the development of a new Town Centre Strategy for Middlesbrough, which acknowledged the impacts of Covid-19 and provided a new framework for the comprehensive transformation of the function and uses of the town centre, be approved; and**
2. **That the principle of the strategic alignment of any external funding opportunities that may be forthcoming (Towns Fund and Future High Street**

Fund), to aid the delivery of the objectives of a revised Town Centre Strategy, be approved.

## REASONS

**The trend of decline in traditional town centre models was irreversible and accelerating. A programme to transform central Middlesbrough into a multifunctional economic hub provided the greatest propensity for driving economic growth and recovery; delivering greater opportunities for the residents of Middlesbrough.**

**A single, cohesive framework, provided certainty to invest and articulated an ambition that was deliverable and where each component was mutually-supportive. It laid the foundations for new communities and central amenities that would inspire Middlesbrough's population and significantly improve the perceptions of the town.**

**The approach accorded with the Mayoral set out in the Strategic Plan 2020-23, which included:**

- 1. tackling crime and anti-social behaviour head on;**
- 2. ensuring Middlesbrough was an absolute leader on environmental issues;**
- 3. transforming Middlesbrough's town centre with new buildings that inspire awe;**
- 4. building more town centre homes and protecting green spaces;**
- 5. making Middlesbrough look and feel amazing;**
- 6. winning investment and creating jobs; and**
- 7. creating positive perceptions of the town on a national basis.**

20/71

## REVENUE AND CAPITAL BUDGET – PROJECTED OUTTURN POSITION AS AT QUARTER TWO 2020/2021

The Executive Member of Finance and Governance and the Director of Finance submitted a report for the Executive's consideration. The purpose of the report was to provide information on the Council's financial position at Quarter Two 2020/21, including the projected effect of Covid-19 on the Council's finances.

As reported in the 2020/21 Quarter One Projected Outturn reports to Executive on 18 August 2020 and to Council on 2 September 2020 and the Medium Term Financial Plan Update to Executive on 29 September 2020, the Covid-19 pandemic was having a significant impact on the Council's financial position. Covid-19 financial pressures were being monitored separately from the normal non-Covid-19 financial position, and those were reported in paragraphs 41 to 67 of the submitted report.

The 2020/21 Revenue budget for the Council was £116,397,000. A revised senior management structure within the Council was implemented during Quarter One and the financial position was reported against that new structure. The Council's outturn position for 2020/21 for non-Covid-19 elements was projected to be an underspend of £9,000 (-0.01%). The split by Directorate was shown in the table at paragraph 7 of the submitted report.

That when added to the estimated Covid-19 pressures of £4.414m, detailed in paragraphs 41 to 67, resulted in a total projected outturn pressure at year end 2020/21 of £4.405m. That was a small reduction to the total projected outturn pressure of £4.435m reported at Quarter One. The overspend in 2020/21 would be covered by the General Fund Reserve as approved by Council on 2 September 2020.

The detail of the variances was set out in paragraphs 10 to 39 of the submitted report. At Quarter Two, 33 areas were projected to be spent +/- £150,000 of the agreed budget.

As previously reported to the Executive, a number of controls had been implemented in 2019/20 to minimise overspending across the Council in-year and those had remained in place for 2020/21.

As part of the MTFP report to Executive on 2 September 2020, the Executive approved a revised capital budget for 2020/21 of £55,019,000. Following a further review and the inclusion of new additional schemes and increases to existing schemes (as detailed in paragraphs 77 to 79 of the submitted report) it was currently predicted at Quarter Two that the Council would spend £50,363,000 at year-end. The underspend was mainly due to delays on major schemes resulting from the Covid-19 pandemic.

The revised Investment Strategy to 2022/23 was included at Appendix 2 of the submitted report for approval.

#### **ORDERED**

1. **That the 2020/21 revenue budget Quarter Two total projected outturn of £4.405m, representing a £9,000 (-0.01%) underspend on non-Covid-19 elements, and the estimated financial effect of Covid-19 in 2020/21 of £4.414m, and the proposed actions to address this, be noted.**
2. **That the proposed use of the General Fund Reserve, as approved by Council on 2 September 2020, to fund the total projected overspend in 2020/21, be noted.**
3. **That the proposed revenue budget virements, over £150,000 (Appendix 1) be approved.**
4. **That the 2020/21 capital budget Quarter Two predicted outturn of £50.363m, against a budget of £55.019m, driven in the main by delays resulting from Covid-19 be noted and the proposed revised Investment Strategy to 2022/23 at Appendix 2 be approved.**

#### **REASON**

**To enable the effective management of finances, in line with the Council's Local Code of Corporate Governance, the Scheme of Delegation and agreed corporate financial regulations.**

20/72

#### **NUNTHORPE GRANGE FARM: DISPOSAL – CHURCH LANE [PART A]**

The Executive Member for Finance and Governance, the Executive Member for Regeneration, the Director of Finance and the Director of Regeneration and Culture submitted a report for the Executive's consideration. The purpose of the report was to provide information on the proposal to dispose of the Council's freehold interest in land at Nunthorpe Grange Farm.

The subject parcel of land currently formed part of a much larger, now defunct, agricultural holding situated at Nunthorpe Grange Farm next to the former farm house, yard and buildings - with Guisborough Road (A1043) located immediately to the northern boundary of the subject parcel of land, and Church Lane to the south.

Shown edged on the plan attached as Appendix A of the submitted report, the subject parcel of land measured @ 5.954 Acres (2.410 Hectares). Rectangular in shape, and situated outside of the Local Plan Framework development boundary, the site comprised an open and vacant area of paddock grazing land, which sloped gently and had both boundary hedgerow and tree cover.

It was proposed that access to the subject parcel of land would be taken via a new highways roundabout junction to be constructed on Guisborough Road (A1043). The design of the new arrangement (referenced in Appendix B of the submitted report) planned to allow the Council to bring forward the subject site, serve any future requirement to access the land situated north of Guisborough Road (A1043) and potentially facilitate delivery of a park and ride scheme proposal on land to the east of the subject site.

An Asset Disposal Business Case confirming the status of the subject land, as surplus to operational Council requirements, was attached as Appendix D to Part B of the report.

#### **OPTIONS**



**Re-use for operational purposes - No Council operational service requirement had been identified.**

**Other uses - Although the site was capable of being used for other purposes, it was situated outside of the Local Plan Framework development boundary and certain types of development would have been restricted in planning terms. The future use of the site for the purposes of religious worship, as being proposed by the Buyer, was preferred.**

**Do nothing - The property would have remained in its present state. Whilst the subject land would have been retained for potential Council use in the future, the liability and responsibility for maintaining and holding the property would have remained with the Council in the interim.**

#### **ORDERED**

1. **That the information contained in Part A of the report be noted; and**
2. **That the decision be taken once all the financial or exempt information contained in Part B of the report had been considered.**

#### **REASONS**

**In order to meet the Council's requirements to generate capital receipts, increase annually recurring revenue streams and to bring the subject parcel of land into a far more beneficial use in the future.**

**The disposal of the subject parcel of land as proposed planned to generate a substantial capital receipt that the Council had allocated to fund/part-fund planned highways junction works on the adjacent Guisborough Road (A1043) as per Appendix B.**

**The disposal as proposed supported delivery of the Council's Medium Term Financial Plan.**

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#### **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

#### **Overview and Scrutiny Board Call-In Referral of Council - Future Office Accommodation Update, made by Executive on 27 October 2020.**

The Mayor had granted approval for an additional report to be considered at the meeting.

The purpose of the report was to provide recommendations following the OSB Call-In of 20 November 2020 and its decision to refer the decision of 27 October 2020 (Council - Future Office Accommodation Update) back to the Executive.

The OSB had stated that the decision taken on the 27 October 2020 by Executive needed to be reconsidered due to the reasons cited during the Call-In meeting of 20 November 2020.

The Board was of the view that the original report to Executive had not contained the sufficient level of detail required to make an informed decision, and therefore as part of its referral, OSB proposed the following recommendations to assist the Executive:

1. **That the report be revised to include further clarity, for example, about where the funds cited would be spent; and**
2. **That additional contextual information be provided, as this would be beneficial to explain the background of the original proposal and subsequent decision.**

The Mayor explained the reasons for the decision and advised that all of the relevant information had been shared at the Call-in meeting. Therefore, it was commented that nothing would have been gained from revisiting the decision and delaying its implementation.

**ORDERED**

1. That the recommendations proposed by the Overview and Scrutiny Board be noted, but not agreed.
2. That the recommendations agreed at the Executive meeting, held on 27 October 2020, be implemented with immediate effect.

**REASONS**

Following a Call-In meeting of Overview and Scrutiny Board on 20 November 2020, it had been decided that the Executive decision (Council - Future Office Accommodation Update) should be referred back to the Executive for further consideration.

As per the Council's Scrutiny Call-In protocol, the Executive was required to have regard of any recommendations made as part of a Call-In meeting.

**20/74 EXCLUSION OF THE PRESS AND PUBLIC**

The resolution to exclude the press and the public was agreed.

**20/75 EXEMPT – NUNTHORPE GRANGE FARM: DISPOSAL – CHURCH LANE [PART B]**

The Executive Member for Finance and Governance, the Executive Member for Regeneration, the Director of Finance and the Director of Regeneration and Culture submitted a report for the Executive's consideration.

**ORDERED**

1. That the recommendations of the report be approved.
2. That a proportion of the capital receipt (i.e. £43,500) generated by the disposal of the land be allocated to Nunthorpe and Marton East wards, for community use.
3. That a land-related covenant be applied, imposing restrictions on future use of the land.
4. That, in respect of the disposal of Council assets, a report be submitted to a future meeting of the Executive to ensure that when a negotiated sum exceeded the asset value, a proportion of the capital receipt generated would be allocated to the relevant ward/s, for community use.

**REASONS**

The decision was supported by the following reason:

For reasons outlined in the report.

The decision(s) will come into force after five working days following the day the decision(s) was published unless the decision becomes subject to the call in procedures. The report entitled 'Re-procurement of Tees Integrated Sexual Health Service' was added as an urgent item and, following agreement from the Chair of the Overview and Scrutiny Board, will be exempt from call in procedures.

## Procedure for Call-in Requests at OSB

1. Once a valid call-in request has been received, a meeting of the Overview and Scrutiny Board must be held to consider the matter.
2. The procedure shall be as follows:

### **Agenda:**

The agenda for the meeting shall include a report, or a set of reports, which will include the following:

- (a) The procedure to be followed, including an explanation of the courses of action open to the committee.
  - (b) Details of the call-in request and any additional written material the members making the call-in wish to submit for consideration.
  - (c) Details of the decision, which shall include:
    - A copy of the original report or other papers considered by the Executive (or other decision maker) when the decision was made.
    - A copy of the minutes of the meeting where the decision was made.
  - (d) A copy of any written information provided by the decision maker, in response to the points raised in the call-in request.
3. Procedure to be followed in the meeting:
    - 3.1. Once the Chair has opened the meeting, a note will be taken of the members present at the meeting. Any member who arrives after the call-in signatories have started their presentation may not vote on the call-in, although they may take part in the discussion. If there is a very low turnout, or if the Chair has been made aware that other members are on their way but have been delayed, they may, at their discretion, delay the start of the meeting to allow time for members to arrive.
    - 3.2. It should be noted that no party whip should be applied to call-in meetings and any member who has been subject to a party whip in respect of the matters being considered must declare it in accordance with Paragraph 15 of the Scrutiny Procedure Rules.
    - 3.3. The Chair will outline the Procedure to be followed.
    - 3.4. The Proposer – the first named member who called-in the decision will then be asked to explain why the decision has been called-in and what should be reviewed. The members making the call-in shall be allowed up to 15 minutes in total to present their case. It shall be up to them to determine how they wish to use their time, they may ask one speaker to speak or share the time among several speakers/witnesses as they see fit. (Maximum 15 minutes).

- 3.5. The Executive Member and the service department will have the opportunity to ask factual questions of the Member who called in the decision(s) and the witnesses (Maximum 5 minutes).
- 3.6. The relevant Executive Member will explain the background to the decision(s). The Executive Member must speak first (unless the decision that has been called in was made by an officer under delegation), The Executive member may then call on officers to deal with matters of detail. (Maximum 15 minutes).
- 3.7. The Proposer – the first named Member who called in the decision(s) will have the opportunity to ask factual questions (Maximum 5 minutes).
- 3.8. Members of the Overview and Scrutiny Board (OSB) will have the opportunity to question all parties. Requests to speak should be made through the Chair. It shall be up to the Chair to decide whether to allow people to speak and how many speakers will be allowed.
- 3.9. Following questioning, both parties may make closing submissions (5 minutes each), commencing with the Executive Member, then the Member submitting the call in. After closing submissions, no further representations will be heard.
- 3.10. The Chair should then clearly indicate that the floor is open for debate and invite members to discuss and examine the main issues. Members may ask further questions of the members making the call-in or the decision makers, or any other people present at the meeting, during the debate. The members making the call-in and the decision maker will not normally speak during the debate, except to answer questions.
- 3.11. When the Chair considers that the matter has been debated for a reasonable length of time, the Chair will invite the committee members to vote on whether the decision should be referred back and what the reasons for this are. The committee may also agree any comments or recommendations it would like the decision maker (or Council) to consider.
- 3.12. Following the completion of discussions on the Call-in request, the Overview and Scrutiny Board has a number of courses of action available:
  - i. To refer the decision back to the Executive/Executive Sub-Committee/Executive Member/Officer for reconsideration. In that case, OSB should set out in writing the nature of its concerns about the decisions.
  - ii. To determine that it is satisfied with the decision making process that was followed and the decision that was taken by the Executive/Executive Sub-Committee/Executive Member/Officer. In that event, no further action would be necessary and the Executive decision could be implemented immediately

- iii. Request that the decision be deferred (adjourned) until the Overview and Scrutiny Board has received and considered any additional information/evidence required to make a decision with regard to the Call-In from other witnesses not present at the committee. (The Committee need to clearly identify the relevant issues that need to be given further consideration and whether there are any specific time constraints or other implications affecting the proposed implementation of the decision.)
- iv. Take no action in relation to the Called-In decision but consider whether issues arising from the Call-In need to be added to the Work Programme of any existing or new Overview and Scrutiny Standing Panel/OSB. (*The Committee need to clearly identify the issues to be added to the Work Programme.*)
- v. If, but only if (having taking the advice of the Monitoring Officer and/or the Chief Finance Officer), the Committee determines that the decision is wholly or partly outside the Budget and Policy Framework refer the matter, with any recommendations, to the Council after following the procedure in Rule 8 of the Budget and Policy Framework Procedure Rules. Only in this case is there a continuing bar on implementing the decision.

3.13. The Chair will confirm the OSB's decision.

- ii) If members vote not to refer the decision back at this stage, the call-in is ended. The matter will not be referred back and the original decision may be implemented.
- iii) Even though members have decided not to refer the decision back for reconsideration they may still decide to refer issues of concern arising from the call-in to the Executive, officers, a committee, or Council, or any other body they consider appropriate, for consideration.
- iv) If members vote in favour of referring the matter for reconsideration, the decision will normally be referred directly back to the decision maker.
- v) A written report, detailing OSB's decision and the reasons for it, will be prepared and made available to all Council Members by e mail.
- vi) Where OSB refers a decision back to the decision maker, it shall be reconsidered by the decision maker within 10 working days.

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