

THE CHAIR AND ALL MEMBERS OF THE COUNCIL

Tuesday 29 June 2021

Dear Member

COUNCIL - WEDNESDAY 7TH JULY, 2021

You are hereby summoned to attend a meeting of the Council of the Borough of Middlesbrough to be held on **Wednesday 7th July, 2021 at 6.00 pm** in the Main Hall in the Town Hall to transact the following business, namely:-

1. Apologies for Absence
2. Declarations of Interest

To receive any declarations of interest.
3. Minutes- Council - 26 May 2021 5 - 12
4. Announcements/Communications

To receive and consider any communications from the Chair, Mayor, Executive Members or Chief Executive (if any).
5. Questions from Members of the Public (if any).
6. Mayor's Statement and Report
7. Revised Executive Scheme of Delegation 13 - 36
8. Executive Member Reports Booklet 37 - 78
9. Report of the Overview and Scrutiny Board 79 - 84
10. Urgent Items

To consider and Deal with any urgent business brought before the Council by the Proper Officer (if any).
11. Members' Question Time
12. Notice of Motions
13. Notice of Urgent Motions (if any)
14. Community Governance Review 85 - 98
15. Update to the Constitution 99 - 108
16. Council Committees and Outside Bodies - Vacancies 109 - 112
17. Appointment of Honorary Recorder of Middlesbrough 113 - 116
18. Stanhope Castle Update 117 - 122
19. Exclusion of Press and Public

To consider passing a Resolution pursuant to Section 100A (4) of the Local Government Act 1972, excluding the Press and Public from the meeting during consideration of the

following item on the grounds that if present there would be disclosure to it of exempt material falling within Paragraph 1 or Part 2 of Schedule 12A of the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

20. **Exempt Report - Review of Political Support**
1, 2

123 - 138

Charlotte Benjamin, Director of Legal and Governance Services

PLEASE NOTE THERE IS RESTRICTED
DISABLED ACCESS TO THE COUNCIL CHAMBER

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

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

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

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

Address: Democratic Services, Middlesbrough Council, Town Hall, Middlesbrough TS1 9FX

Website: www.middlesbrough.gov.uk

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COUNCIL

A meeting of the Council was held on Wednesday 26 May 2021.

PRESENT: Councillors J Hobson, L Garvey (Vice-Chair pro tem), (in the Chair for Agenda Item 1 only) R Arundale, A Bell, C Cooke, B Cooper, D Coupe, D Davison, S Dean, C Dodds, T Furness, A Hellaoui, T Higgins, A High, S Hill, C Hobson, B Hubbard, N Hussain, D Jones, L Lewis, L Mason, T Mawston, D McCabe, C McIntyre, J McTigue, M Nugent, J Platt, E Polano, G Purvis, J Rathmell, D Rooney, J Rostron, R Sands, M Saunders, M Smiles, M Storey, P Storey, J Thompson, Z Uddin, J Walker, S Walker, A Waters, G Wilson and C Wright

OFFICERS: B Carr, C Benjamin, S Bonner, C Breheny, D Johnson, C Lunn, T Parkinson, A Perriman, S Reynolds, K Whitmore and S Lightwing

APOLOGIES FOR ABSENCE: Councillors D Branson, J Goodchild and A Preston (The Mayor)

21/1 ELECTION OF CHAIR OF THE COUNCIL - 2021 - 2022

The Vice-Chair of the Council pro tem invited nominations for the Chair of the Council for the Municipal Year 2021 - 2022.

Nominations were received in respect of Councillor J Hobson and Councillor Rostron. On a vote being taken, Councillor J Hobson received 24 votes and Councillor Rostron received 18 votes.

ORDERED that Councillor J Hobson be elected as the Chair of the Council for the Borough of Middlesbrough to hold office for the Municipal Year 2021 - 2022 pro tem.

The newly elected Chair proceeded to Chair the meeting for the remainder of the agenda items.

21/2 APPOINTMENT OF VICE-CHAIR OF THE COUNCIL - 2021 - 2022

The Chair of the Council invited nominations for the Vice-Chair of the Council for the Municipal Year 2021 - 2022.

Nominations were received in respect of Councillor Bell and Councillor Thompson.

On a vote being taken, Councillor Bell received 25 votes and Councillor Thompson received 18 votes.

ORDERED that Councillor Bell be elected as Vice-Chair of the Council for the Borough of Middlesbrough to hold office for the Municipal Year 2021 - 2022 pro tem.

21/3 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Branson, Goodchild and the Elected Mayor, Andy Preston.

21/4 DECLARATIONS OF INTEREST

There were no declarations of interest received at this point in the meeting.

21/5 MINUTES- COUNCIL - 24 MARCH 2021

The minutes of the Council meeting held on 24 March 2021 were submitted and approved as a correct record.

21/6 **ANNOUNCEMENTS/COMMUNICATIONS**

The Chair advised that he wished to acknowledge the work carried out by Democratic Services in facilitating Virtual meetings for members, during the pandemic.

The Chair reminded Members that, when voting, they leave their hands up until after their voted has been counted.

21/7 **POLITICAL BALANCE - ALLOCATION OF PLACES ON COMMITTEES - 2021 - 2022**

The Monitoring Officer presented a report in respect of Political Balance Allocation of Place 2021/2022, the purpose of which was to recommend the allocation of places on Committees and Sub-Committees for 2021/2022 in accordance with the political balance of the Council.

ORDERED as follows:

1. That the allocation of seats on committees that were subject to the rules relating to political balance be approved as follows:

Conservative - 11 seats

Labour - 68 seats

Middlesbrough Independent Group (MIG) - 49 seats

Middlesbrough Independent Councillors Association (MICA) - 38 seats

2. That the Monitoring Officer be authorised to fill the unallocated seats as indicated in paragraph 17 of the report, and to make any necessary further adjustments to remove or replace members where directed by the relevant group or member.

3. That any committee established prior to the next review be appointed on the basis of the places shown in Table 3 attached to the report.

21/8 **EXECUTIVE SCHEME OF DELEGATION**

As required by the Council's Constitution, a report was submitted setting out membership of the Executive appointed by the Mayor, included at Appendix B of the report. Details of the Executive Scheme of Delegation, were also included at Appendix A of the report, delegating responsibility for certain functions to the Executive, Individual Executive Members, Executive Sub-Committees, joint arrangements and, where appropriate, Officers of the Council.

ORDERED that the report be noted.

21/9 **COUNCIL COMMITTEES - ESTABLISHMENT - TERMS OF REFERENCE - ALLOCATION OF PLACES - MEMBERSHIPS - 2021 - 2022**

Council received a report of the Monitoring Officer, regarding the establishment of committees, sub-committees, boards, panels and working groups for the 2021 - 2022 Municipal Year, or until amended by Council, (whichever was the latter)

Schedule A of the report submitted set out the Executive and Executive Sub-Committees and Advisory Bodies as agreed by the Mayor.

Schedules B and C identified the nominations received from the various groups and individual Councillors for places on the committees to be established by the Council in accordance with Sections 15 and 16 of the Local Government Act 1989 and Local Government (Political Groups and Committees) Regulations 1990.

The report included a list of current vacancies on various committees and nominations were put forward at the meeting by the individual Members' concerned.

The Monitoring Officer advised, that in respect of the Chair of the Chief Officer Appointments Committee, only one nomination for Councillor Mawston had been received. As there were no further nominations received at the meeting, Councillor Mawston was confirmed as Chair of the Chief Officer Appointments Committee.

In respect of the Constitution and Members' Development Committee, the Chair and Vice-Chair of the Council were automatic appointments as the Chair and Vice-Chair of this Committee. The Monitoring Officer advised, that the MICA group would however be required to lose a place, following the appointment of Councillor Bell as Vice-Chair of the Constitution and Members' Development Committee.

1 Spare place: open to Independent Members: 1 nomination: Councillor McTigue: Councillor McTigue was automatically appointed to the spare place on the Constitution and Members' Development Committee.

The Monitoring Officer conducted a vote in respect of the role of Chair/Vice Chair and nominations for spare places, where applicable, in relation to the following committees:

Corporate Affairs and Audit Committee:

Chair: 2 nominations: Councillor Hubbard and Councillor Rooney

Following a vote, Councillor Hubbard was elected as Chair of Corporate Affairs and Audit Committee.

Vice-Chair: 2 nominations: Councillor Platt and Councillor Rooney

Following a vote, Councillor Platt was elected as Vice-Chair of Corporate Affairs and Audit Committee.

Corporate Health and Safety Committee

Chair: Only 1 nomination received: Councillor Branson

As there were no further nominations, Councillor Branson was elected as Chair of Corporate Health and Safety Committee.

Vice-Chair: As there were no nominations received for Vice-Chair, it was decided to **Defer** the appointment to the next meeting of the Council.

2 Spare Places:

1 Spare place open to all Councillors: 1 nomination: Councillor Coupe
Councillor Coupe was appointed to 1 spare place.

1 Spare place open to Independent Members: 1 nomination: Councillor McTigue: Councillor McTigue was automatically appointed to the remaining spare place on the Committee.

Corporate Parenting Board

Chair: 2 nominations: Councillor Davison and Councillor Hellaoui

Following a vote, Councillor Davison was elected as Chair of Corporate Parenting Board.

Vice-Chair: 2 nominations: Councillor Garvey and Councillor Higgins

Following a vote, Councillor Garvey was elected as Vice-Chair of Corporate Parenting Board.

Licensing Committee

Chair: 2 nominations: Councillor Arundale and Councillor J Walker

Following a vote, Councillor Arundale was elected as Chair of Licensing Committee.

Vice-Chair: 2 nominations: Councillor Polano and Councillor J Walker

Following a vote, Councillor Polano was elected as Vice-Chair of Licensing Committee.

2 Spare Places:

1 Spare place open to all Councillors: 1 nomination: Councillor Cooke

Councillor Cooke was appointed to 1 spare place on the Committee

1 Spare place open to Independent Members: 1 nomination: Councillor McTigue: Councillor McTigue was automatically appointed to the remaining spare place on the Committee.

Ad Hoc Scrutiny Panel

Chair: Automatic appointment: Chair of Overview and Scrutiny Board

2 Spare Places:

1 Spare place open to all Councillors: 2 nominations: Councillor Hellaoui and Mawston.

Following a vote, Councillor Mawston was appointed to one of the spare places on the Committee.

1 Spare place: open to Independent Members: 1 nomination: Councillor McTigue: Councillor McTigue was automatically appointed to the remaining spare place on the Committee.

Adult Social Care and Services Scrutiny Panel

Chair: 2 nominations: Councillor Platt and Councillor J Walker

Following a vote, Councillor Platt was elected as Chair of Adult Social Care and Services Scrutiny Panel.

Vice-Chair: 1 nomination: Councillor Wilson

As there were no further nominations, Councillor Wilson was elected as Vice-Chair of Adult Social Care and Services Scrutiny Panel.

Children and Young People's Learning Scrutiny Panel

Chair: 2 nominations: Councillor Hellaoui and Councillor Hill

Following a vote, Councillor Hill was elected as Chair of Children and Young People's Learning Scrutiny Panel.

Vice-Chair: 1 nomination: Councillor Mason

As there were no further nominations, Councillor Mason was elected as Vice-Chair of Children and Young People's Learning Scrutiny Panel.

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

Chair: 2 nominations: Councillor Garvey and Councillor Uddin

Following a vote, Councillor Garvey was elected as Chair of Children and Young People's Social Care and Services Scrutiny Panel.

Vice-Chair: 1 nomination: Councillor Dodds

As there were no further nominations, Councillor Dodds was elected as Vice-Chair of Children and Young People's Social Care and Services Scrutiny Panel.

Culture and Communities Scrutiny Panel

Chair: 2 nominations: Councillor Lewis and Councillor McIntyre

Following a vote, Councillor McIntyre was elected as Chair of Culture and Communities Scrutiny Panel

Vice-Chair: 2 nominations: Councillor Lewis and Councillor Wilson

Following a vote, Councillor Wilson was elected as Vice-Chair of Culture and Communities Scrutiny Panel

Economic Development, Environment and Infrastructure Scrutiny Panel

Chair: 2 nominations: Councillor Furness and Councillor S Walker

Following a vote, Councillor S Walker was elected as Chair of Economic Development, Environment and Infrastructure Scrutiny Panel

Vice-Chair: 1 nomination: Councillor Arundale

As there were no further nominations, Councillor Arundale was elected as Vice-Chair of Economic Development, Environment and Infrastructure Scrutiny Panel

Health Scrutiny Panel

Chair: 2 nominations: Councillor Coupe and Councillor Rooney

Following a vote, Councillor Coupe was elected as Chair of Health Scrutiny Panel

Vice-Chair: 2 nominations: Councillor Davison and Councillor Hellaoui

Following a vote, Councillor Davison was elected as Vice-Chair of Health Scrutiny Panel

Planning and Development Committee

Chair: 2 nominations: Councillor J Hobson and Councillor Rostron

Following a vote, Councillor J Hobson was elected as Chair of Planning and Development Committee

Vice-Chair: 1 nomination: Councillor Coupe

As there were no further nominations, Councillor Coupe was elected as Vice-Chair of Planning and Development Committee

Staff Appeals Committee

Chair: 2 nominations: Councillor Bell and Councillor Dean

Following a vote, Councillor Bell was elected as Chair of Staff Appeals Committee

Vice-Chair: 1 nomination: Councillor Sands

As there were no further nominations, Councillor Sands was elected as Vice-Chair of Staff Appeals Committee

Standards Committee

Chair: 1 nomination: Councillor Mawston

As there were no further nominations, Councillor Mawston was elected as Chair of Standards Committee

Vice-Chair: 1 nomination: Councillor Saunders

As there were no further nominations, Councillor Saunders was elected as Vice-Chair of Standards Committee

Teesside Pension Fund Committee

Chair: 2 nominations: Councillor Coupe and Councillor Furness

Following a vote, Councillor Coupe was elected as Chair of Teesside Pension Fund Committee

Vice-Chair: 2 nominations: Councillor Polano and Councillor Uddin

Following a vote, Councillor Polano was elected as Vice-Chair of Teesside Pension Fund Committee

Works Council

Chair: 1 nomination: Councillor High

As there were no further nominations, Councillor High was elected as Chair of Works Council

1 Spare Place: Open to all councillors: 1 nomination: Councillor Waters:
Councillor Waters was appointed to the spare place on the Committee

Overview and Scrutiny Board

Chair: 2 nominations: Councillor Saunders and Councillor Thompson

Following a vote, Councillor Saunders was elected as Chair of Overview and Scrutiny Board

Vice-Chair: 2 nominations: Councillor Mawston and Councillor M Storey

Following a vote, Councillor Mawston was elected as Vice-Chair of Overview and Scrutiny Board

ORDERED as follows:

1. That the terms of reference of committees, sub committees, boards panels and working groups, as detailed in the schedule to the report, be approved.
2. That subject to the receipt of nominations to vacancies or amendments to places indicated in the schedule to the report, that the places allocated in accordance with the wishes of the political groups and other councillors, be approved.
3. That the membership, size and terms of reference of the Executive and its sub-committees, approved by the Mayor for 2021 onwards, as set out in Schedule A, in the Appendix to the report, be noted.
4. That the vacancies, listed at Paragraph 6 of the report, be filled in accordance with political group and other councillors preferences.

21/10

APPOINTMENTS BY THE COUNCIL AND EXECUTIVE TO JOINT COMMITTEES AND OUTSIDE BODIES - 2021 - 2022

The Monitoring Officer submitted a report regarding the appointment of representatives to joint committees and outside bodies.

ORDERED as follows:-

1. That appointments to the organisations shown in Appendices A (Council nominations), B (Council/Executive nominations) and C (Executive appointments), of the report submitted, for the 2021/2022 Municipal Year be approved, until amended by Council/Executive, (whichever

was the latter).

2. That the following appointments for the 2021-2022 Municipal Year, nominated at the meeting, be approved and noted, until amended by Council/Executive (whichever was the latter).

Appendix A – Council nominations

Durham Darlington Teesside Hambleton Richmondshire and Whitby STP Joint Committee

1 Vacancy: 1 nomination: Councillor D Rooney

Agreed that Councillor Rooney be appointed to the vacancy.

Tees Valley Health Scrutiny Joint Committee

1 MICA Vacancy: No nominations received.

Deferred to the next meeting of the Council

Tees Valley Combined Authority – Overview and Scrutiny Committee

1 Independent Member Vacancy: 1 nomination: Councillor C Hobson

Agreed that Councillor C Hobson be appointed to the vacancy.

Tees Valley Combined Authority – Audit and Governance Committee

1 Independent Member Vacancy: 1 nomination: Councillor Waters

Agreed that Councillor Waters be appointed to the vacancy.

Chemoxy

1 Vacancy (usually Central and North Ormesby Ward Councillors) 1 nomination: Councillor Uddin

Agreed that Councillor Uddin be appointed to the vacancy.

Cleveland Police and Crime Panel

1 Vacancy – MIG member – 1 nomination: Councillor Mawston

Agreed that Councillor Mawston be appointed to the vacancy.

Cleveland Show Society Committee

4 Places: 5 Nominations received: Councillors Bell, Dodds, C Hobson, J Hobson, J Thompson

Following a vote, it was agreed that Councillors Bell, Dodds, C Hobson and J Hobson, be appointed to the vacancies

North East Regional Joint Health Scrutiny Committee

1 Vacancy: 1 nomination: Councillor Hellaoui

Agreed that Councillor Hellaoui be appointed to the vacancy.

Northumbria Regional Flood Defence Committee (will also be required to sit on the Tees Valley Flood Risk Partnership)

1 Vacancy: No Nominations received

Deferred to the next meeting of the Council

Tees Valley Community Foundation – The Endowment Funds Advisory Board

1 Vacancy: No Nominations received

Deferred to the next meeting of the Council

Appendix B – Council/Executive Appointments

Middlesbrough Voluntary Development Agency

1 Vacancy: 1 nomination: Councillor J Thompson

Agreed that Councillor Thompson be appointed to the vacancy.

Appendix C – Executive Appointments

Resources and Finish Task Group (ANEC)

1 Vacancy: No nominations received

Deferred to the next meeting of the Council

Family Placement Panel

1 Vacancy: Further information required regarding appointment.

Deferred to next meeting of Council

Nunthorpe & Marton Playing Fields Association – Management Committee

1 Vacancy: 2 nominations: Councillor J Hobson and Councillor M Smiles

Following a vote, Councillor J Hobson was appointed to the vacancy

Staying Put Advisory Committee

1 Vacancy: 2 nominations: Councillor Cooke and Councillor Davison

Following a vote, Councillor Davison was appointed to the vacancy

Thorntree Community Hub

2 Vacancies: 3 Nominations: Councillors Purvis, Thompson and Wilson

Councillor Rooney queried whether the Outside Body could be approached to see if the Council could have an additional place on the community hub, given that the Ward had three elected members.

The Monitoring Officer advised that the Outside Body would be contacted to ascertain if they would be agreeable to the 3 Ward Councillors sitting on the Thorntree Community Hub.

21/11

UPDATE TO THE CONSTITUTION

The Monitoring Officer advised that, in consultation with the Chair, the report in relation to the Update to the Constitution had been deferred to the next meeting of the Council.

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Report of:	The Mayor – Andy Preston
Submitted to:	Council – 7 July 2021
Subject:	Executive Scheme of Delegation

Summary

Proposed decision(s)
<p>The Mayor is required to report any changes to his Executive Scheme of Delegation to Council.</p> <p>The report on the Mayor’s revised Executive Scheme of Delegation is to be noted.</p>

Report for:	Key decision:	Confidential/Exempt:	Can be called-in:
Information	No	No	No

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
Not applicable	Not applicable	The Mayor is required to report to Full Council any changes to his Executive Scheme of Delegation

Ward(s) affected
Not applicable

What is the purpose of this report?

1. The report sets out to Members, as required by the Constitution, details of the revised Executive Scheme of Delegation for inclusion in the Council’s Scheme of Delegation.

Why is this report necessary?

2. The report is necessary as the Mayor is required to submit a report to Council, following any changes to his Executive Scheme of Delegation. .

What decision(s) are being asked for?

3. That the Mayor's revised Executive Scheme of Delegation be noted.
4. The Mayor is responsible for determining his Scheme of Delegation and this covers the following areas of delegated powers: the Executive collectively, individual Executive Members, officers and joint arrangements. When he considers it appropriate however, the Mayor may still take any decision regardless of whether it has been delegated within his Scheme. The general responsibilities of the Mayor and Executive Members including their portfolios are detailed at Appendix A. The membership of the Mayor's Executive is detailed at Appendix B.
6. The composition of the Executive is as follows:
 - The Elected Mayor (who will also have responsibility for the Adult Social Care and Public Protection and Children's Services Safeguarding portfolios).
 - Deputy Mayor and Executive Member for Culture and Communities
 - Executive Member for Education
 - Executive Member for Environment and Finance and Governance
 - Executive Member for Regeneration

The Executive collectively

7. The Executive (the Mayor, Deputy Mayor and Executive portfolio holders) will be responsible collectively for determining the following matters in respect of all or any functions which fall within the Executive terms of reference: -
 - The delegation of authority to take Executive decisions when there are public meetings of the Executive, convened in accordance with the relevant legislation.
 - Proposals which will be submitted to the Council as part of the annual budget and policy framework together with significant in year departures from the framework.
 - New policies and procedures and changes to existing policies and procedures likely to have a significant impact on service provision or the organisation of the Council.
 - The principles and funding of significant management restructuring involving more than one department.
 - Compulsory redundancies arising directly in connection with proposals falling into the 2 preceding categories.
 - Broad programme allocations together with proposals and overall expenditure levels, for projects with significant corporate implications, including those for which it is proposed to let a contract.
 - Any matters relating to bids for funding, which are financially or strategically significant and have not been provided for within the financial and policy framework.

- Council-wide strategic performance and financial management / monitoring together with associated action.
- Strategic and significant decisions arising from service reviews.
- Key decisions, not delegated to an Executive Committee, Executive Member, officer or joint arrangement.
- Sensitive Council-wide matters which are not key decisions.
- All reports referred to the Executive by the Overview and Scrutiny Board and its Scrutiny Panels.
- Responsibility for issues relating to Corporate Risk Management.
- **All issues that were previously considered by the Executive Sub Committee – Grants to Voluntary Sector (which has been disbanded) including:**
 - To determine the criteria under which grants will be awarded from the Grants to Voluntary Sector budget.
 - That working within the existing frameworks and allocated resources, determine on an annual basis, the allocation of grant aid from the Grants to Voluntary Sector budget.
 - To determine ‘in year’ changes to those allocations should it become necessary.
 - To monitor and evaluate the use of grant aid once allocated.
 - Subject to available resources within the Budget, to determine ‘in year’ one off applications for grant aid.
 - To consider and determine all issues relating to charities, which identify the Council as being Trustee and which are not specifically delegated to another body.
 - To consider and determine policy issues in relation to Grants, Trusts and the Voluntary and Community sector not specifically delegated to another body.
- **All issues previously considered by the Executive Sub Committee for Standing Orders (which has been disbanded) including:**
 - To determine requests to waive standing orders, which fall within the remit of the Executive, relating to contracts. No exemptions can be used if EC procurement procedures apply.

Individual Executive Members

8. Individual portfolio holders will normally be responsible for the following matters in relation to the functions and service areas within the scope of their own portfolio.

- Major variations to existing policies and procedures.
- Approval of departmental service plans.
- Monitoring of service performance information.
- Portfolio service reviews, including, improvement plans, external inspection, reviews and non-strategic corporate matters.
- Policies, plans and strategies, which are not part of the financial and policy framework.
- Key decisions which are portfolio specific.
- Sensitive non-key decisions, which are portfolio specific.
- Matters relating to bids for funding which do not have major financial or strategic significance, or which have either been approved in principle by the Executive or as part of the financial and policy framework.

**Deputy Mayor and Executive Member for Culture and Communities–
Delegated Authority**

9. The Deputy Mayor and Executive Member for Culture and Communities has delegated powers:
- a. To appoint to outside bodies, made by the Executive or jointly with Council.
 - b. To appoint to Executive Advisory Bodies (Excluding membership to the Full Executive)

Executive Sub-Committee for Property

10. When not referred to the Mayor, Executive or Executive Member to determine, the Executive Sub-Committee for Property is delegated the following powers:
- To determine the Council’s corporate property priorities.
 - To approve the allocation of resources from the Small Scheme Allocation budget.
 - To be consulted upon the capital programme.
 - To determine ‘in year’ changes to the new start investment programme and small scheme allocation projects should it become necessary.
 - To consider and determine the acquisition and disposal of assets (including land and buildings), other than equipment, plant and machinery for resale, in accordance with the requirements of Financial Regulations and Contract Standing Orders.
 - To be consulted upon planning brief proposals.

- To establish effective communication channels to cascade the Council's corporate property priorities.

11. The Membership of the Executive Sub-Committee for Property is as follows:

- All Members of the Executive

Decision Making by Joint Bodies

12. The following body will exercise executive functions in accordance with the terms of the agreement currently in operation:

Joint Archives Committee

OFFICER DELEGATED AUTHORITY

13. **Decision Making by Chief Executive**

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

DECISIONS BY OFFICERS

14. Officers have the power to undertake without reference to Council, the Executive, or to any of the Council's committees, matters of day-to-day management and associated activities. Subject to the provisions within the Mayor's scheme of delegation above, officers can take executive non-key decisions. Unless specifically delegated by the Mayor and his Executive, officers do not have the delegated powers to take key decisions.

General responsibilities of the Mayor

As the town's First Citizen, the Mayor promotes Middlesbrough in the sub-region, region and nationally.

Duties and responsibilities of the Mayor include: -

1. Providing strong and visible leadership in relation to the Council, citizens, stakeholders and partners of the Council.
2. Leading on partnerships and strategic matters of significance to Middlesbrough on a local, sub-regional, regional and national basis.
3. Promoting, wherever possible, public engagement in the work of the Council.
4. Leading in promoting the core values and objectives of the Council.
5. Leading on promoting proposals in relation to the Council's Budget and Policy Framework.
6. Leading on the delivery of continuous improvement in Council services.
7. Promoting the highest standards of conduct and ethics within the Council.
8. Making appointments to the Executive, determining portfolios and chairing the Executive.
9. Determining the Executive Scheme of Delegation.
10. Responsibility for the Armed Forces Covenant.
11. Responsibility for Marketing and Communications.
12. Responsibility for the portfolio of Adult Social Care and Public Protection
13. Responsibility and Lead Member for portfolio of Children's Safeguarding

General responsibilities of the Deputy Mayor and Executive Member for Culture and Communities

To support the Mayor in the development and promotion of Council activities, policies and performance and to lead on managing the business of the Council.

Duties and responsibilities of the Deputy Mayor and Executive Member for Culture and Communities -

1. Chairing meetings of the Executive in the absence of the Mayor.
2. If for any reason the Mayor is unable to act, the Deputy Mayor will act in his place until the Mayor is again able to act.
3. Co-ordination and promotion of liaison between the Mayor, Executive and non-Executive Members.
4. Leading on corporate issues in connection with the Council's performance.
5. Leading on corporate external inspection and assessments.
6. Promotion and development of Member accountability especially in relation to Members performance.
7. Ensuring that there is effective liaison and co-ordination between the Executive and Scrutiny.
8. Promotion and development of non-Executive Member involvement in Council policy at the initial stages of policy formulation.
9. To undertake such duties as may be directed by the Mayor.

General responsibilities of Executive Members

1. To be the principal spokesperson on issues relating to their portfolios.

2. To lead on the development and delivery of policies within their portfolio remit.
3. To commission scrutiny, when appropriate, to assist in policy development and attend scrutiny meetings when invited.
4. To report to Council on activities they have undertaken and to be held to account by Councillors and the Mayor.
5. To respond to appropriate questions received in the Council's public question time.
6. To represent the Council on outside bodies.
7. To monitor service performance specific to their portfolio (including the budget).
8. To participate in service reviews and inspections as appropriate.
9. To agree responses to Government and other strategic consultation documents.
10. Promote appropriate non-executive member involvement in portfolio activities
11. In accordance with agreed procedures, to take decisions as authorised under the Executive Scheme of Delegation.
12. To maintain effective working relationships with officers.
13. To attend meetings of the Executive.
14. To promote health issues specific to their portfolio.

Schedule 2: Executive Portfolios

Executive Portfolio:	The Elected Mayor of Middlesbrough and Executive Member for Adult Social Care and Public Protection and Lead Executive Member for Children’s Safeguarding
Portfolio Holder:	Andy Preston
Lead Officer:	The Chief Executive

SCOPE OF PORTFOLIO

The Mayor has overall Executive responsibility for all Policy Framework documents, although individual Executive Members take the lead for those documents which may come under their respective portfolios. The Mayor has overall responsibility for delivering the Mayor’s Priorities and associated initiatives.

Service areas and Functions

The Mayor has overall responsibility for executive functions together with those general responsibilities detailed above. Service responsibilities have been delegated to the Executive Councillors.

The Mayor is the Council’s representative to the Combined Authority and will sit in the Tees Valley Combined Authority.

The Mayor (or whoever he decides to nominate) to exercise the Council’s rights as a shareholder in BCCP Limited on behalf of the Teesside Pension Fund.

The Mayor exercises the Council’s rights as shareholder in MHomes (Middlesbrough) Limited.

The Mayor will also have responsibility for Marketing and Communications.

The Mayor also has responsibility for the Armed Forces Covenant.

The Mayor also has responsibility for the portfolio of Adult Social Care and Public Protection.

The Mayor has responsibility for the portfolio of Children’s Safeguarding.

The Mayor is the first citizen of the town and will promote the town as a whole and act as a focal point for the community. He will also take precedence with regard to any civic duties but these may be delegated to the Chair/Vice-Chair of the Council.

Executive Portfolio:	The Mayor (in respect of his portfolio of Children's Safeguarding)
Portfolio Holder:	Andy Preston
Lead Officer:	Chief Executive, Director of Children's Services
SCOPE OF PORTFOLIO	
<p>The Mayor will be the Lead Member for Children's Safeguarding, ensuring that our children are protected, to safeguard their welfare and wherever possible, seek to enable or provide a safe environment that reduces dependency on services, including the most disadvantaged and vulnerable and their families and carers.</p> <p>Policy Framework</p> <ul style="list-style-type: none"> • NHS Commissioning and Delivery Plans • Statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services • General principles of UN convention on the rights of the child • Children Act 1989 • Section 19 of the Children Act 2004 • National Standards for Youth Justice Services • Children Act 2004 • Ofsted policy Framework <p>Other Plans and Strategies</p> <ul style="list-style-type: none"> • Children's Services Improvement Plan • Corporate Parenting Strategy • Middlesbrough Safeguarding Children Board Business Plan • Looked After Children Strategy • MSCB Business Plan • Children and Young People's Plan • Children's Services Partnership • Statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services • Youth Employment Strategy <p>Service Functions</p> <ul style="list-style-type: none"> • Children's assessment and care planning teams • Looked after children / Children's homes • Children with disabilities • Fostering services • Adoption services • Leaving care services • Independent review • Quality improvement • Advisory Service • Early Help / Family Casework / Partnership Early Help/Early Help Hub • Participation (Youth Voice/Parliament) • School Readiness (including Children's Centres) • Work Readiness (NEET) 	

Partnerships

- Risk and Resilience/ Vulnerable Exploited Missing and Trafficked Groups
- Multi agency safeguarding arrangements / Local Safeguarding Children's Board
- Strategic and operational partnerships to improve outcomes for young people (e.g. Children's Trust)
- Children's Safeguarding Strategic Leaders Group

Executive Portfolio:	The Mayor (in respect of his portfolio of Adult Social Care and Public Protection)
Portfolio Holder:	Andy Preston
Lead Officer:	<ul style="list-style-type: none"> • Director of Adult Social Care and Health Integration • Director of Public Health and Public Protection
SCOPE OF PORTFOLIO	
<p>The Mayor will take the lead on the delivery of the Mayor's Priorities with regard to ensuring vulnerable adults are protected and pushing forward on the dementia-friendly agenda.</p> <ul style="list-style-type: none"> • People with disabilities (adults) • Elderly and frail people • People with Learning Disabilities and Mental Health conditions (adults) • Adults with Social Care needs • Carer Support • Public Health • Health Service Quality • Health Protection • Health Improvement • Public Protection • Welfare Reform <p>Policy Framework</p> <ul style="list-style-type: none"> • Think Local Act Personal, The Direction for Social Care Services • Health and Social Care Reform. • Health and Well Being Strategy • NHS Commissioning and Delivery Plans – Local, Regional and National • Public Health England Plans – Local, Regional and National • Statement of Principle Gambling (2005 Act) • Licensing Authority Policy Statement 2003 Act <p>Other Plans and Strategies</p> <ul style="list-style-type: none"> • Supporting People Strategy • Better Care, Higher Standards • Prevention Strategy • National Health Service Plan • Older Peoples' Strategy • Physical Disabilities Strategy • Social Services' Equalities Plan • Social Services' Care Service Plan • Mental Health Strategy • Mental Health Champion • Learning Disabilities Strategy • No Secrets, Protection of Vulnerable Adults from Abuse • Joint Strategic Needs Assessment • NHS Health Check programme • Middlesbrough Health and Wellbeing Strategy • Public health advice to NHS commissioners 	

- Comprehensive sexual health services
- Health protection - incidents, outbreaks, emergencies and hazards
- Tobacco control and smoking cessation services
- Alcohol and drug misuse prevention, early intervention and treatment services
- Obesity and physical activity - lifestyle and weight management services
- Workplace health
- Public mental health and suicide prevention
- Oral health promotion and dental public health
- Accidental injury prevention
- Prevention and early diagnosis of cancer and long term conditions
- Preventing seasonal mortality
- Public health intelligence – JSNA and DPH annual report
- Annual Public Health Report
- NHS Health Check programme
- Environmental Health
- Environmental Health and Trading Standards
- Trading Standards (including Metrology)
- Licensing (Inc. Taxi Licensing)
- Homelessness Strategy

Service Functions

- Health and Social Care Integration
- STP
- BCF
- BHP
- Specialist & Lifelong services
- Older people
- Adult Social Services
- Social Services Performance and Modernisation
- Social Services' Partnerships
- Older Persons' Champion
- Healthy Living Agenda
- Integrated Health Improvement Team
- Strategic and Corporate Public Health Issues
- Cross cutting Strategic NHS Issues
- Public Health Statutory Function
- Sport and Leisure
- Integrated Health Improvement Team
- Strategic and Corporate Public Health Issues
- Cross cutting Strategic NHS Issues
- Public Health Statutory Function
- Food Safety Service Plan Health Safety Service Plan
- Food health and safety
- Commissioned Services for Vulnerable Adults
- Travellers
- Homelessness
- Taxis Licensing Executive Issues

In circumstances where it is considered that an Executive Member would have a prejudicial interest the matter will be referred to the Deputy Mayor.

Executive Portfolio:	Deputy Mayor and Executive Member for Culture and Communities
Portfolio Holder:	Councillor Mieka Smiles
Lead Officer:	Director of Regeneration and Culture/Director of Environment and Community Services

SCOPE OF PORTFOLIO

The Deputy Mayor and Executive Member for Culture and Communities, particularly in relation to the role of Deputy Mayor will support the Mayor in the development and promotion of Council activities, policies and performance and to lead on managing the business of the Council. The Deputy Mayor will Chair meetings of the Executive in the absence of the Mayor. If for any reason the Mayor is unable to act, the Deputy Mayor will act in his place until the Mayor is again able to act. A list of general responsibilities in relation to the role of Deputy Mayor is included at Page 6 of the report.

In relation to the responsibilities for Culture and Communities, the Deputy Mayor and Executive Member for Culture and Communities has responsibility for strengthening the town's cultural sector and creating safer communities, in accordance with the Mayor's Priorities. The Deputy Mayor and Executive Member for Culture and Communities will also have responsibility for:

- Services to support vulnerable people
- Community Safety and Community Development
- Empowering communities and individuals to access opportunities
- Supporting people into employment
- Cultural Strategy
- Migration and Asylum Seekers
- Welfare Rights
- Corporate Equality and Diversity Policy

Policy Framework – Communities

- Voluntary Sector
- Strategic Approach to Addressing Poverty
- Community Safety including Law and Order Issues
- Community Development
- Community Hub Development
- Civil Contingencies Act 2004
- Crime and Policing Act 2014
- Human Rights Act

- Cultural Strategy

Service Functions – Communities

- Myplace
- Community Hubs
- Libraries and Archives
- Community Safety
- Street Wardens
- Neighbourhood Safety
- Migration and Asylum Seekers
- Volunteering
- Welfare Reform
- Diversity (including Asylum Seekers / Refugees and Community Cohesion)
- Neighbourhood Working
- Events Management
- Town Hall and Theatre
- Museums

In circumstances where it is considered that an Executive Member would have a prejudicial interest the matter will be referred to the Deputy Mayor.

Executive Portfolio:	Executive Member for Education
Portfolio Holder:	Councillor Stephen Hill
Lead Officer:	Executive Director of Children's Services/Director of Education, Prevention and Partnerships

SCOPE OF PORTFOLIO

The Executive Member for Education has responsibility to ensure that all children are provided with the opportunity to realise their educational attainment potential.

The Executive Member will also oversee the provision of educational statutory services to address the needs of all children and young people and adults who are in need of services (including youth justice).

Quality education is the key to good life chances for all. The Executive Member is responsible for the following:

- Access to Education
- Achievement
- Vulnerable learners and SEN
- School Readiness (including Children's Centres)
- Work Readiness
- School partnerships
- Adult and Community Learning
- Youth Offending

Policy Framework – Education

- National Curriculum
- Assessment & Accountability Framework 2020/21
- Children & Families Act 2014 – SEND Reforms
- Ofsted Framework
- School Finance Regulations 2013
- Education Act 2011
- Academies Act 2010
- Education and Skills Act 2008
- Education and Inspection Act 2006
- Children Act 2004(relevant to portfolio)

- Education Act 2002
- Crime and Disorder Act 1998
- School Standards & Framework Act 1998 as amended
- Education Act 1996 as amended
- Statutory Framework for Early Years Foundation Stage
- Apprenticeships, Skills, Children and Learning Act 2009
- Early Years Foundation Statutory framework
- Crime and Disorder Act 1998

Other Plans and Strategies - Education

- Children and Young People's Plan
- Education and Priorities Strategy
- School Effectiveness Strategy
- 14-25 Strategy
- Vulnerable Learners Strategy
- Children's Services Improvement Plan
- Capital Strategy & Asset Management Plan (Schools)
- Scheme for Financing Schools
- Adult Learning Plan
- Youth Employment Strategy
- Special Educational Needs and Disability Reforms
- School Improvement Strategy
- Healthy Child Programme (5 – 19) (including School Nursing service)
- School Improvement Strategy
- Youth Justice Plan
- SEND Strategy
- Inclusion Strategy

Service Functions – Education

- Advisory Service
- Special Educational Needs & Pupil Support
- Parent Partnership/Choice Advice
- Cleveland Unit nursery and child assessment centre

- Reduce first time entrants to criminal justice system (young people)
- Reduce reoffending (young people)
- Education Psychology
- Peripatetic Sensory Impairment Service (lead for joint arrangement)
- Pupil Referral Units
- Home & Hospital Education Service
- Virtual School for Looked After Children
- Ethnic Minority Achievement Service
- Traveller Education Service (lead for joint arrangement)
- Attendance & Child Employment Licensing
- School Admissions
- Governor Development Service
- School Business Relationship Management
- School Place Planning/School Organisation
- Capital Programme management (Schools)
- Middlesbrough Achievement Partnership support
- Community Learning and Employability
- Promote educational excellence for all children and young people
- Tackle underperformance
- Education of vulnerable children
- Special educational needs
- Strategic School place planning
- Liaison with education partners
- Skills Development
- School organisation
- Place planning
- Admissions
- Attendance
- Attainment
- SEN
- Cleveland Unit

- Sensory impairment
- Complimentary Education
- Adult and community learning

In circumstances where it is considered that an Executive Member would have a prejudicial interest the matter will be referred to the Deputy Mayor.

Executive Portfolio:	Executive Member for Environment and Finance and Governance
Portfolio Holder:	Councillor Barrie Cooper
Lead Officer:	In respect of portfolio of Environment - Director of Regeneration and Culture/Director of Environment and Community Services

SCOPE OF PORTFOLIO

The Executive Member for Environment and Finance and Governance in respect of the portfolio of Environment, has the responsibility for ensuring a safer environment for Middlesbrough – ensuring Middlesbrough is cleaner and more resilient to a changing climate. The Executive Member for Environment and Finance and Governance will have responsibility for:

- Highways Maintenance
- Public buildings
- Parks and Open Spaces
- Commercial Services
- Environmental Sustainability
- Strategic lead health and Safety
- Winter maintenance
- Asset Management
- People Transport Services

Policy Framework

- Relevant Environment and Waste Policies and Strategies
- One Planet Living and Assisted Energy Strategies

Other Plans and Strategies

- Environment Service Plan (where relevant to the portfolio)
- Carbon Reduction and Climate Adaptation (CRACA) Plan
- Waste Management Plan
- Environment Service Plan (where relevant to portfolio)
- Trading Standards (Inc. Metrology)

Service Functions

- Bereavement Services
- Climate Change and Environmental Sustainability
- Architects and Design Services
- Streetscene (Includes: waste management and refuse collection, street cleansing, public toilets, fleet management and open spaces)
- Highways Maintenance
- Asset Management
- Fleet Management
- Integrated Transport Unit
- Winter Maintenance
- School catering
- Cleaning Services
- Environmental Enforcement
- Community Councils
- Direct commercial services

- Emergency Planning

In circumstances where it is considered that an Executive Member would have a prejudicial interest the matter will be referred to the Deputy Mayor.

Executive Portfolio:	Executive Member for Environment and Finance and Governance
Portfolio Holder:	Councillor Barrie Cooper
Lead Officer:	In respect of the portfolio of Finance and Governance - Director of Finance, Director of Legal and Governance Services
SCOPE OF PORTFOLIO	
<p>The Executive Member for Environment and Finance and Governance, in respect of the portfolio of Finance and Governance, has the responsibility of ensuring that the Council operates efficiently, openly and fairly. The Executive Member for Finance and Governance has oversight of budgetary issues. Areas falling within this portfolio are:</p> <ul style="list-style-type: none"> • Human Resources/payroll • Legal Services • Democratic/Member Services • ICT • Business Continuity and Risk Management • Customer Services and Complaints and Compliments • Information Governance • Performance Management • Project and Programme Management • Financial Management • Procurement • Investment Strategy • Valuation and Estates • Teesside Pension Fund (as administering authority) • Business Rates • Housing Benefits • Council Tax • Borrowing Investments and Cash Management • Insurance • Information Security • Adult Commissioning • Social Care Commissioning <p>Policy Framework</p> <ul style="list-style-type: none"> • Strategic Plan (Overview) • Council's Budget Strategy • Capital Strategy • Medium Term Financial Plan • Pay Policy Statement <p>Other Plans and Strategies</p> <ul style="list-style-type: none"> • Corporate Equality and Diversity Policy • People Strategy • Digital Strategy • Corporate Risk Management Strategy • Strategic Risk Register 	

- Corporate Business Continuity Plan
- Annual Audit and Inspection Letter
- Treasury Management
- Member Development Strategy
- Procurement Strategy
- Information Governance Strategy
- ICT Strategy
- Estates Strategy
- Customer Strategy

Functions at Head of Service Level

- Financial Governance
- Financial Planning
- Teesside Pension Fund
- Strategy Information and Governance
- Legal Services
- Democratic Services including Registrars and Coroners Services
- Revenues and Benefits
- Human Resources
- ICT

Other Roles

- Responsibility (jointly with Deputy Mayor for Digital City Business Trading Ltd including appointment of suitable Directors to act on the Council's behalf.
- Liaison with Internal and External Audit as necessary
- Representation at NEREO/NEPC
- Representation at NEPO
- Corporate governance/decision making

In circumstances where it is considered that an Executive Member would have a prejudicial interest the matter will be referred to the Deputy Mayor.

Executive Portfolio:	Executive Member for Regeneration
Portfolio Holder:	Councillor Eric Polano
Lead Officer:	Director of Regeneration and Culture

SCOPE OF PORTFOLIO

The Executive Member for Regeneration will have responsibility for delivering the Mayor's Priorities with regard to ensuring a fair access to high-quality homes, fair access to secure, well-paid jobs and meaningful training, strengthening and diversifying our local economy, and strengthening our transport links.

The Executive Member for Regeneration will be responsible for Council policy on:

- Transportation
- Inward investment
- Economic development
- Housing development
- Planning and Building Control

Policy Framework

- The Local Plan
- Local Transport Plan

Other Plans and Strategies

- Investment Prospectus
- Regeneration service plan
- Policies and strategies for housing activity
- Development briefs and master plans
- Public rights of way
- Surface water management
- Selective Landlord Licensing

Service Functions

- Economic Growth
- Capital Projects
- Housing Growth
- Development Control
- Planning Policy
- Building Control
- Transport
- Infrastructure

In circumstances where it is considered that an Executive Member would have a prejudicial interest the matter will be referred to the Deputy Mayor.

THE MAYOR'S EXECUTIVE:

Portfolio	Name	Address	Ward
Executive Member for Culture and Communities	Councillor Mieka Smiles	66 Mallowdale Nunthorpe Middlesbrough TS7 0RG	NUNTHORPE
Executive Member for Education	Councillor Stephen Hill	10 Cleveland Close Ormesby Middlesbrough TS7 9BX	PARK END AND BECKFIELD
Executive Member for Environment and Finance and Governance	Councillor Barrie Cooper	68 Hesleden Avenue Acklam Middlesbrough TS5 8RQ	NEWPORT
Executive Member for Regeneration	Councillor Eric Polano	2 Muston Close Acklam Middlesbrough TS5 7JR	ACKLAM



**Executive Member Reports
and additional Executive
decision information**

Council Meeting: 7 July 2021

DEMOCRATIC SERVICES

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INTRODUCTION

This document contains Executive Member reports relevant to the Council meeting to be held on **7 July 2021**.

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

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

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

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

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

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

Contact details

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

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EXECUTIVE MEMBER REPORTS AND ADDITIONAL INFORMATION

COUNCIL MEETING: 7 JULY 2021

CONTENTS

SECTION 1 - Executive Member Reports

<ul style="list-style-type: none"> The Elected Mayor (who also has responsibility for the Adult Social Care and Public Protection and Children’s Services Safeguarding portfolios) <i>Andy Preston</i>
<ul style="list-style-type: none"> Deputy Mayor and Executive Member for Culture and Communities <i>Councillor M Smiles</i>
<ul style="list-style-type: none"> Executive Member for Education <i>Councillor S Hill</i>
<ul style="list-style-type: none"> Executive Member for Environment, Finance and Governance <i>Councillor B Cooper</i>
<ul style="list-style-type: none"> Executive Member for Regeneration <i>Councillor E Polano</i>

SECTION 2 – Table of Executive decisions taken and that have been through the Call-In period, since the last booklet, published on 16 March 2021.

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

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

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EXECUTIVE MEMBER REPORT TO COUNCIL 7 JULY 2021

CHILDREN'S SERVICES

1. Ofsted Focused Visit

- Ofsted notified Children's Services of their intention to carry out a focused visit on 26th and 27th May. Although the preparation period was intense it went smoothly. The team undertaking the 'virtual' visit consisted of the lead inspector who was also the lead for our previous monitoring visit and our original ILACS inspection, three social care HMIs and one education HMI. Focused visits look across the whole service with particular regard to performance during the pandemic and supporting vulnerable children. Initial feedback was broadly positive and areas for improvement had already been identified in our self-evaluation document. The letter will be published on 15th July.

2. Commissioner's Visit

- Our Commissioner, Peter Dwyer will make his third visit to Children's Services in the week beginning 12th July 2021. He will assess progress by looking at performance information, carrying out interviews with senior managers and holding focus groups with front line managers and staff. As usual Pete's report will be presented to the Minister for Children and Families. Pete will be joined in the focus groups by Stuart Smith our Improvement Adviser.

3. Early Help Strategy (2021 – 24)

- This strategy and the accompanying action plan were signed off at the Partnership and Prevention Board in May. The board will oversee the implementation and delivery of the strategy reporting on progress to the Children's Trust Board.

4. South Tees Safeguarding Children Partnership (STSCP) Vulnerable Adolescent Strategy

- This strategy was launched on 15th June. Its purpose is to provide guidelines for the recognition, assessment and response to neglect for staff working with adolescents across South Tees.

5. Supervision Policy

- This policy sets out the importance of supervision in achieving our mission, upholding Middlesbrough's Council's values and embedding our practice model. It is a commitment to Middlesbrough's children, as good supervision will lead to improved outcomes for children and families. In addition staff professional development will be promoted and their wellbeing supported.

6. Pathways to Success Learning and Development Plan: (Pathways - Care Leavers Service)

- This plan was developed in conjunction with partner agencies. It focuses on supporting staff to reconnect with their values, why they want to work in Children's Services, and what 'good' looks like for Care Leavers. Progress will be evaluated by our practice leads.

7. Corporate Reference Group (CRG)

- This cross departmental group is now chaired by the Chief Executive. He has revised its approach and it has now planned out the contributions that all other directorates can make to the Children's Services improvement agenda.

8. School Attendance of Vulnerable Children: (Children allocated to social workers)

- The impact of the new Attendance Project is still anecdotal but schools are broadly positive and awareness of attendance issues has improved. An Attendance Officer now works to resolve attendance issues relating to children subject to child protection plans and children in need. A working group involving Head Teachers and Attendance Leads has been established as has a task and finish group involving key Local Authority stakeholders.

9. Learning and Development Offer

- This covers a wide range of training opportunities to support employees to gain the skills and knowledge necessary to meet the demands of their roles. It is aligned with our Practice Model and Practice standards and is for staff in all roles and at all levels in Children's Services.

10. Recruitment

- Children's Services is working hard to recruit permanent social workers as part of our Workforce Development Strategy.

ADULT SOCIAL CARE, PUBLIC PROTECTION AND PUBLIC HEALTH

1. Vaccine Inequalities

- There are a number of emerging issues influencing the continual adaptation of our vaccine inequalities approach. Currently these include:

- Further to the recent confirmation of increased transmissibility of variant B.1.617.2 (Delta, or Indian variant).
- Emerging evidence showing likelihood of strong protection by vaccination from all known variants though reduced protection from a single dose.
- The likelihood of further variants and associated modelling suggesting that with current vaccination coverage outbreaks of highly transmissible variants will still lead to significant levels of hospitalisation.
- Receipt of regular data on vaccine uptake locally which show significant variation at ward level and based on socioeconomic status and ethnicity.
- Feedback from communities on the difficulties and barriers associated with booking and securing appointment through the NHS website.
- Based on this a number of further approaches are being taken to increase uptake in Middlesbrough, in partnership with Primary Care Networks:
 - Use of contact tracers to undertake follow up calls to unvaccinated people, targeting specific areas of low uptake, and offer assistance in removal of barriers to vaccination.
 - Provision of “drop-in” access alongside appointment access through Mellissa bus (1,029 vaccines were delivered over 5 days with plans to offer more remote sessions in the future and a trial of drop in provision through North Ormesby Health Clinic).
 - Taking “a making every contact count” approach across the health social care and VCS workforce, in particular those engaged with those groups where vaccine uptake is low. All frontline workers should aim to undertake a brief intervention on vaccine uptake during interaction whenever appropriate including.
 - Engagement of churches in particular to support engagement of the younger black communities.
 - GP follow up visits for care home workers not currently vaccinated.
 - Development of systems to “call up” individuals at short notice to reduce vaccine wastage.

2. Long COVID Programme (Re-Start)

- Public Health South Tees launched a unique, physical activity-led Long-COVID prevention and recovery programme in May. The ‘Re-Start’ programme is the first of its kind in the region and aims to support the estimated 13.7% (ONS, 2021) of people who continue to suffer adverse physical and/or mental health symptoms for over 4 weeks following a positive COVID test. By combining tailored lifestyle rehabilitation with social and economic support, the programme aims to play a key part in supporting Middlesbrough’s COVID recovery – helping to address inequalities in both the direct and indirect impacts COVID in the Borough.

3. You’ve Got This – Sport England South Tees Local Delivery Pilot Update

- ‘You’ve Got This’ (YGT) is the Sport England Local Delivery Pilot across South Tees, taking a whole system approach to increasing physical activity and with the vision of ‘an active life as a way of life’.

- The pilot is focused on two key themes: Communities of Place and Communities of Interest. Communities of Place cover four focus wards, where work is with the whole community. These are North Ormesby and Brambles & Thorntree in Middlesbrough. The other two wards are Grangetown and South Bank in Redcar and Cleveland. Communities of Interest include groups where increasing physical activity can help improve medical conditions and quality of life. These include:
- As with many areas of work, progress has been impacted by the pandemic. However, two examples of the impact of YGT are within prehabilitation (supporting people to become fitter before surgery), led by James Cook University Hospital and through the pilot beginning to contribute to the Council's locality work in North Ormesby (to identify how physical activity can support tackling issues such as drug use, anti-social behaviour, crime, and environmental problems).

4. North Ormesby Selective Landlord Licensing (SLL) Scheme

- The area of North Ormesby has been re-designated for Selective Landlord Licensing from 14th June 2021. The scheme will continue to improve social and economic conditions of the area. All privately rented properties in the area will need a licence from the Council to operate. The scheme requires licence holders and managers to be "fit and proper persons" and that they have satisfactory management arrangements in place, including for dealing with anti-social behaviour. The licence will be valid for five years. Failing to apply for a licence is an offence punishable on conviction to an unlimited fine.
- Properties in the scheme will be visited by officers from the Public Protection Service to check that licensing conditions are being satisfied and that living conditions meet with national standards under the Housing Health and Safety Rating system (HHSRS). A multi-disciplinary team approach will ensure that landlords and tenants are helped and supported with any issues they may be facing such as unemployment; anti-social behaviour; independent living skills; tenancy management; health issues; parenting skills; and substance misuse.

5. Covid19 measures

- The Public Protection Service's Covid Response Team continues to contact Middlesbrough residents who test positive for Covid19 and from 14th June the team's role extended to contacting the close-contacts of people who have tested positive. The aim of this is to provide infection control advice and support during their self-isolation period. Links between cases and workplaces or other places visited continue to be investigated to ensure effective control measures are in place to reduce transmission of the disease.

6. Project ADDER

- Project ADDER is the Government investment programme to tackle issues relating to drugs. It is delivering £4.5m dedicated funding across two and a half years, shared between Middlesbrough's Public Health Team and

Cleveland Police. This will enable dedicated enforcement, diversionary and treatment/recovery activities to be undertaken across the town.

- Lead officers from each organisation are co-ordinating the programme locally, whilst linking with national leads from Public Health England, the Home Office, other government departments and ministers, Police chiefs and the additional ADDER delivery areas. Early successes and outcomes include:
- Operation Endeavour, which started in mid-May with the help of Project ADDER, has helped to tackle serious and organised crime, including arrests, seizures of drugs, cash and weapons, and assisting vulnerable people;
- The development of two exciting capital schemes that will provide high quality accommodation for those in recovery and now abstinent from drugs. These are secondary/move-on premises from our in-house rehab primary accommodation flats at Recovery Connections and Middlesbrough's first Oxford House – an independent, mutually supportive and sober living environment;
- Increasing the number of people engaged into support for drug-related issues.

7. Making Every Adult Matter (MEAM) Update

- MEAM is a national approach focussed on addressing the support needs of individuals with multiple disadvantage. The approach is formed by a coalition of national charities including Clinks, Homeless Link, Mind and associate member Collective Voice. MEAM supports local areas to coordinate statutory and voluntary agencies to better meet the needs of those experiencing multiple disadvantage.
- MEAM work began in Middlesbrough in December 2021 with the appointment of our MEAM Co-ordinator. Following on from a pre-existing needs assessment the focus of work initially will be to further develop the coordinated multi-agency response to women affected by violence and multiple disadvantage.
- To date we have successfully developed an operational partnership with a range of front line and managerial staff from statutory and third sector organisations. The next step is the launch of the casework element of MEAM. This will be known as the Guiding Light Project and will see our MEAM Co-ordinator and a Social Worker commence one to one work with a small cohort of individuals with particularly complex needs.

8. Rough Sleeper Initiative

- The last bi-monthly rough sleeper count (May 21) identified 2 individuals (a reduction from 11 the previous year), both were offered temporary accommodation but declined, the team continue to work with them and carry out regular welfare checks.
- Middlesbrough Council has secured an allocation of £123,000 for 2021/22 to continue to fund outreach workers and our tenancy sustainment officer, who supports rough sleepers once accommodation has been secured for them.

- We have developed and supported a bid from North Star Housing to purchase and repair six empty properties to accommodate rough sleepers for periods of up to three years with support. Once ready for more independent living they will then be allocated social or private rented sector accommodation. Total award from Homes England/MHCLG is £332,804 capital and revenue. North Star are contributing in excess of £400,000.
- Partnership working with Thirteen Group has resulted in 5 properties being made available for homeless individuals currently in temporary accommodation. Thirteen will provide support to make sure the tenancies are sustained and will help with independent living skills etc. before supporting residents to move into social housing once they are ready.
- The number of people in temporary accommodation is reducing. The COVID period 'everyone in' policy meant that we briefly had just over 100 people in temporary accommodation. Hard work from our homelessness team members has reduced that to 65 currently and the number continues to reduce as more settled accommodation is found for individuals.

EXECUTIVE MEMBER REPORT TO COUNCIL 7 JULY 2021

Culture

1. We are set to launch our Middlesbrough Lottery that will raise funds for cultural events and a range of other good causes and charities across the town. Tickets go on sale July 27 and can be purchased from the website that will soon go live at www.middlesbroughlottery.co.uk

I believe it's a fantastic way to help some fantastic causes raise much-needed funds following a difficult year.

2. Middlesbrough Council was successful with the bid to Arts Council England and secured over £300,000 from the Cultural Recovery Fund. The fund has supported Middlesbrough Town Hall, Middlesbrough Theatre, Middlesbrough Mela and Middlesbrough museums.
3. Middlesbrough Mela was successful with its bid to Tees Valley Recovery Fund, securing £24,000. Mini Melas will take place on August 8, 14 and 15.
4. Middlesbrough Town Hall has taken another step closer to normality and begun to deliver a range of socially distanced gigs and events. The government restrictions in place significantly alter the audience numbers allowed within the venue and the operational procedures in place.
5. The Town Hall will continue to be fully hired each week day by the Ministry of Justice up until the end of June when the Middlesbrough Nightingale Court will close. From July onwards the Town Hall will begin to take further steps back to normality.
6. Middlesbrough Theatre's open air season has been booked and returns to the Town Hall Courtyard this summer with performances of The Great Gatsby, Romeo and Juliet, Pride and Prejudice and for the little ones David Walliams' Mr Stink. The season continues its outdoor tour with a stop at Newham Grange Farm.
7. Captain Cook Birthplace Museum is due to reopen in July for the first time since 2019. The museum will reopen with a new exhibition To Boldly Go which is a touring exhibition co-commissioned by Middlesbrough Museums and its NPO partners.
8. Umar Butt the new Museum Community Co-producer continues to develop his work in connecting communities. He is currently developing a community

photography exhibition which will be displayed as part of an outdoor exhibition within Albert Park this summer.

9. Plans to develop the Teesside Archives service alongside the Dorman Museum to improve access to the collections of both services, expand gallery space and provide an on-site store that complies with up-to-date standards, are now being developed. The first step of this journey is to rehome the archives 'front of house' to the Dorman.

In the short-term the archive collection will be stored off-site, so how users access the collection will change. A reading room will be provided within the Dorman Museum available for use by all researchers.

10. May 2021 saw the opening of the new discovery centre in the farm after significant capital investment in the building.
11. Planning for the first Orange Pip Market since Covid restrictions have lifted is underway for the event on the 31st July.

Parks

12. We delivered a well-received Holiday Hunger Programme at the parks in Easter and are currently programming a host of activity in Albert Park to see a full summer of fun programme.

Communities

13. Our Amazing Alleys project continues to go from strength to strength. Three more alley improvement initiatives in Camden Street, Willows Road and Leinster Road are now complete. A number of other alley improvements are in progress. We are planning to use the publicity regarding the completed projects to attract yet more interest.
14. Heads of terms have been received for the Locality Working Hub at the Cooperative building on Linthorpe Road.
15. Community activity and engagement has increased dramatically since easing of covid restrictions with a monthly community litter pick and weekly recycling litter pick taking place. A recycling initiative - which covers over 1700 properties in Newport - is scheduled to improve recycling rates and reduce waste in back alleys.
16. Planter projects at two local schools Newport and Ayresome are underway. Newport School will adopt two on street planters on St Pauls Road for community greening and we are also developing a flag mural project with the school.

We are working with Ayresome School to wild flower the Ayresome Garden entrance and we are looking to develop mural work at the school entrance to brighten the area and engage young people in the ward.

Community safety

1. Additional CCTV installs have taken place on Portman Street and in Tennyson Street Alley.
2. School patrols have been taking place daily and utilise the CCTV enforcement car and traditional foot patrol. Schools where parking issues are prevalent have had enforcement patrols each morning.
3. From 01/04/2021 - 31/05/2021 the Neighbourhood Safety Wardens have dealt with 2669 service requests. I have included just a few examples of this fantastic work below:

- Wardens were patrolling Brinewells Green and surrounding area when they were approached by a resident who said she was concerned about her 11 year old son who was getting involved with older boys who were causing issues with ASB and setting fires in the area. Wardens talked with her son and encouraged him to think twice about getting involved with the older youths. Wardens asked what he was interested in. He said boxing and football and was invited to a football session in North Ormesby.

He seemed like a good boy but has faced challenges in recent years with his brother and his grandad both passing away. Our team will make sure to check up on how he is.

- Neighbourhood Safety Wardens organise and join in weekly football sessions in North Ormesby to divert children and young people away from antisocial behaviour and to engage them in positive activities.
- In response to complaints from Acklam residents re. dangerous parking on Hall Drive, wardens issued PCNs and warnings

4. There has been a substantial increase in reports of motorbike nuisance around the Middlebeck Close area. Operation Endurance will be running in the area on three separate dates over the next three months. NSOs will be joining police on these days in the hope to seize any illegal motorbikes in the ward.

Residents have also reported an increase in groups gathering in this area, drinking and being rowdy. We have had discussions with the youth worker at The Junction Foundation who will be starting outreach in the area in the near future to ensure this area is covered.

5. The Neighbour Safety Team and Cleveland Police have been involved in Operation Endurance. Leaflets were delivered in key hotspot areas including Hemlington, Ladgate and East Middlesbrough encouraging residents who are suffering from motorbike nuisance to report it through 101 or Crime Stoppers. The Operation was a great success and officers seized three off-road motorbikes. An 18-year-old male was reported for summons for alleged driving offences and his bike also seized in the Thorntree area.
6. The Environmental Wardens continue to be extremely busy and are receiving high volumes of service requests within the borough. In March we launched a new initiative to deal with environmental crime. From this Middlesbrough Council Environmental Flying Squad was created. The team now have four Area Care

Operatives based within the team. We now respond to all service requests relating to environmental related issues and investigate and clear waste all in one swoop. We have recently appointed two further officers to join the team so we can increase and improve our response times and increase positive outcomes when dealing with environmental related issues.

The team have dealt with 1180 service requests between April 1 and May 31. Within this total 118 of these service requests related to reports of abandoned vehicles, 948 requests for dumped material/fly tipping and approximately 100 service requests relating to stray dogs and dog related issues such as fouling.

I can confirm that the team have now obtained in excess of 80 pieces of evidence within fly tips right across the borough and are on with taking positive action.

EXECUTIVE MEMBER REPORT TO COUNCIL
7th July 2021

1. Youth Offending

Following the success of last year's event, the Youth Offending Service will be holding a virtual annual 'open day' in September, which will reflect on the work of the service over the last 12 months. An invite to this year's event has been extended to all Councillors and Executive Members from across both local authority areas, and offers the opportunity to gain insight in to the operational work of the local YOS.

2. SEND

The SEN Assessment Team complete Education, Health and Care Plans within a 20-week statutory process. Each year the SEN2 Data is published nationally which shares key information regarding a number of SEN data sets. Within this year's published data, it states that in 2020, **58.0%** of new EHC plans were issued within 20 weeks. Middlesbrough was at **99%** and as a result was second highest in the North East and ranked ninth nationally (excluding exceptions). This is a huge achievement considering that the service has worked through COVID, implemented new ways of working with families and assessment processes.

3. Achievement Service

The Achievement Service has reviewed its relationship with schools and focussed on providing greater interface and support for schools.

The service is now providing the following:

- Ensuring that strategic coherence is in place which enables schools to collaborate and develop purposeful partnerships to improve the quality of teaching and learning
- Building capacity across the education system so there is a willing, skilled and ambitious workforce to lead a sector-led model of school improvement
- Championing the needs of vulnerable children and young people so there is an inclusive learning system for all
- Ensuring a sufficient supply of good education places including early education and child care and sufficient local provision for pupils with enhanced learning needs

87% of 2 year olds are now attending a pre-school setting. This ranks Middlesbrough 11th out of 152 other LAs.

4. Community Learning - Steps towards Cleaning Employability Programme

This on-going programme is in partnership with the Council's cleaning team has so far resulted in 14 job offers and 35 residents have completed 50 Futures work experience, placement, obtained a new qualification(s), a work related reference and been offered a guaranteed interview with Middlesbrough Council, along with interview coaching and support. Unsuccessful applicants are being supported by Key Workers from MCL's Routes to Work team until they find suitable employment with the Council or elsewhere. Approximately 20 more residents are enrolled to complete the programme over the next 2-3 weeks and the programme will continue as long as there is demand for cleaning and domestic roles within

the Council. We are hoping to put similar arrangements in place for all other low/entry level roles and support any unsuccessful applicants to other or all other council vacancies

5. Community Learning - MCL Pop-up Events in Middlesbrough

As lockdown restrictions eased, Middlesbrough Community Learning set up three weeks of pop-up employability, education, training and volunteering events in Middlesbrough town centre, to engage vulnerable residents who we had been unable to engage online during the pandemic. Socially distanced and Covid-secure stalls were set up in the bus station, Cleveland Centre and Dundas Centre to provide information advice and guidance on a range of council services, including; courses, education, employment support, apprenticeships and volunteering and 50 Futures. The events have proven to be successful, especially from a resident engagement, health and wellbeing perspective.



Councillor Barrie Cooper

**EXECUTIVE MEMBER REPORT TO COUNCIL
Wednesday 7 July 2021**

DECISIONS

1. Executive/Delegated decisions made since last Council –

The Middlesbrough Council Green Strategy has been approved.

The Middlesbrough Council Tree Policy 2021 has been approved.

2. The following papers went to Executive on 13th April:

Tender Pipeline Approval 2021/22.

Community Benefit from Asset Disposal.

Community Asset Transfers.

The following papers went to Executive on 15th June:

Strategic Plan 2020-23 Progress at Year End 2020-21.

Revenue and Capital Budget – Year End Outturn Position 2020/21

STRATEGIC

3. Street works: discussions are ongoing with City Fibre to manage the planned 38 month project to install a fibre to home network across Middlesbrough as part of a works programme to create a third national fibre network. The national scope of the project is to connect 8m premises, which is 30% of UK households with investment planned at £4bn. Middlesbrough is included in the 3rd wave of the project with major works planned to start in May 2021 with the plan to provide fibre connectivity to 83,000 homes.
4. Traffic Signals/UTMC - The new UTMC and UTC system development is progressing well with Siemens carrying out the works to have the new system in place soon. TCF funding is available to expand our UTMC assets across the Tees Valley, with the UTMC manager currently working with Fore Consulting to develop an asset plan for hardware type and location (VMS, CCTV, ANPR, Air Quality, Traffic Counting, Weather monitoring etc.)
5. Highways Projects –the planned highways team are underway with the 2020/21 works programme and are working towards having the entire scheme works complete prior to April 2022. We are currently out

to tender for the carriageway resurfacing programme of works and expect to appoint a main contractor within the next 4 weeks, with all of the planned carriageway surfacing works being completed prior to April 2022.

PERFORMANCE

6. Progress against Strategic Plan and Directorate priorities.
7. Progress against approved savings plans.
8. Key activity states (need to be determined) e.g., Children Looked after, Residential care placements, reablement hours, Inward Investment enquiries, etc.

INVOLVEMENT AND PROMOTION

9. The 'Keep Boro Tidy' is our brand new campaign for Middlesbrough residents, businesses, and community groups. We are asking Middlesbrough residents to get involved with litter-picks and/or spruce up small parts of public spaces. The campaign commenced on 28th May to coincide with the start of the 'Keep Britain Tidy's Great British Spring Clean 2021' event (from 28 May to 13 June), and will continue on an ongoing basis. Additionally a number of planned Litter Picks are being arranged for the Middlesbrough Parks.
10. Media engagements.
11. Consultation updates.
12. Waste Services have undertaken a number of alley deep cleans across North Ormesby. This has involved removing all the waste, bulky items, mechanically sweeping the alleys and carrying Pest Control inspections of the alleys. Following this, colleagues in the Environmental Enforcement, Locality Working and Neighbourhood Safety have carried out inspections and door knocking to engage with residents.
13. The Urban meadow preparation and sowing of over 42,000m² is complete and will start to yield floral displays within the next 6 weeks. The floral displays should last throughout the summer months.
14. The Urban Tree Challenge Fund (UTCFF) Tree planting scheme is now complete resulting in the planting of 1200 trees throughout various sites over the last 20 months.

ICT

15. A review is underway of the Council's current website which will include the CMS (Content Management System), UX (user experience), UI (user interface). The review will also encompass requirements from service areas for the website and how they see their customers interacting with them. A detailed engagement plan and communication plan will be developed with the aim of gathering the views from all service areas and the Council's customers (citizens, businesses, visitors). There is an interdependency of the website with the MyMiddlesbrough Portal and this will also be included in the review.

16. ICT Services have now commenced the migration to the Microsoft 365 cloud based service. The project will deliver more resilient communication services combined with familiar office tools currently in use by ICT users across the Council. The project will also deliver Teams, a new platform that will improve collaboration, messaging, presence services and video conferencing for all users. The migration of email has already commenced and in July the deployment of Teams will begin.
17. ICT is constantly looking to update and improve the security posture of the Council. Ransomware threats are becoming more numerous and ever more complex and ICT must endeavour to mitigate these risks where possible. Our Architecture Team have recently introduced Geo-location blocking. As the name suggests, our systems are now activity blocking internet traffic from other countries know to harbour malicious threat actors or state sponsored terrorists. This new feature will be developed further over time and applied to more countries to match these emerging threats.

Human Resources

18. Plans are under way to develop longer-term future ways of workings. Both employees and managers were surveyed to gather information on their experiences of working at home including the impact on productivity, relationships and wellbeing.
19. Car Lease Schemes are a popular employee benefit supporting recruitment and retention. The Council is introducing a scheme based on 100% electric vehicles which complements the council's wider Green agenda whilst offering employees a lower cost alternative to buying an electric vehicle through salary sacrifice. Using salary sacrifice can provide savings on tax, national insurance and pension contributions for both the employee and the employer. Employees will be provided with comprehensive information on the potential impact for them before they sign up to the scheme. An implementation plan is being developed with a view to a scheme going live in the coming months.
20. The Staff Survey on appraisals results showed an overwhelming preference to move away from a one off annual event and greater use regular meetings to set objectives and monitor performance. Resources are now available including guidance, templates and an e-Learning module to supplement the ongoing process.

Commissioning and Procurement

21. The Commissioning Team are now back visiting services and proactively working with care homes undertaking audits and working with the homes to ensure service quality and compliance remains a key focus alongside monitoring compliance with infection prevention and control management. All visits are undertaken having due regard to Covid 19 risk factors and staff ensure they undertake a covid test prior to visiting any services. Experience to date has been our presence and support to services has been welcomed.
22. Staff continue to operate the PPE distribution hub, offering PPE to numerous services and individuals including carers, childcare providers, education, domestic violence support services, homeless provision etc. The distribution hub is currently based at Captain Cooks square but will shortly be re-locating to allow for the planned regeneration of the square. The team is currently working on the re-location plans.
23. In support of the Children's directorate to drive forward and see the impact of the improvement journey in Children's Services there is at present still a requirement to secure external placements, the commissioning team source the external placements. The team continue to work in close partnership with the operational service to find those placements, however, weekly costs remain a challenge in a very limited and market led sector. In order to bring some challenge and transparency into this market we commissioning CareCubed which is an electronic system which will allow us to

work with suppliers in order to breakdown the weekly fee in detail and provide evidence of value for money being achieved including outcome delivery for the children and young people. This is an exciting opportunity and we are currently in dialogue with Sunderland Council/Together for Children to do this in collaboration. Whilst fee reductions may be a bi product of this work the main aim is to strengthen our negotiating position and have evidence that outcomes are being achieves and fee rates are value for money.

Councillor Eric Polano

**EXECUTIVE MEMBER REPORT TO COUNCIL
Wednesday 7th July 2021**

DECISIONS

Linthorpe Road Cycleway Scheme

1. Linthorpe Road Cycleway scheme has reached final design, and is to be circulated to stakeholders to highlight the additions/alterations following the consultation exercise. This has seen the retention of Amber Street Car park, an additional nine car parking spaces on the corridor/ five newly created on Wilton Street, five marked disabled bays on side streets, an additional pair of bus stops, two additional informal crossing points, Granville Road junction safety/re-alignment improvements. Anticipating commencing construction in September 21, pending procurement of a suitable contractor to undertake the work.

Local Transport Plan Capital

2. LTP/Capital programme allocation has been submitted for approval to Executive on 13th July – this will gain approval to allocate £3m of funding from DfT/TVCA to address a number of maintenance and safety/access improvement schemes.

Stainton Way, Hemlington – Proposed Toucan Crossing

3. A new toucan crossing on Stainton Way was approved by the Executive Member for Regeneration at a Special Meeting held on 25th March. A toucan crossing is a traffic signal controlled facility that allows pedestrians and cyclists to cross busy roads safely.

The new crossing is being introduced in response to concerns raised by local residents, Ward Councillors and The Kings' Academy regarding pedestrian safety on the section of Stainton Way to the west of the B1365 Gables Roundabout, particularly at school start and finish times. The cost of the proposed scheme will be met from funding earmarked for the provision of sustainable transport links connecting the fast-growing Hemlington Grange development with the surrounding communities.

The crossing will be located approximately 60 metres to the west of the B1365 Hemlington Lane (Gables) Roundabout, and will provide a safe crossing facility for pedestrians and cyclists travelling between Hemlington Grange, Hemlington, The Kings' Academy and Coulby Newham. The crossing will also allow passengers to access the existing bus stops on either side of Stainton Way safely. Shared footpath/cycleways will be provided on each side of the crossing to link it to the existing pedestrian and cycle routes serving the surrounding area.

Public consultation on the scheme is currently underway, with a closing date for responses of 25th June. Subject to the outcome of the consultation exercise, it is proposed to construct the new crossing over the summer and to bring it into operation by the start of the new academic year in September.

STRATEGIC

Strategic Business Grants

4. Gold Briefing and Officer Delegation (original policy decision via Revenues and Benefits Exec Member)
Support Covid Recovery, People/Place/Business
Key activity - business support and recovery
Promotion through press channels/business networks

A Strategic Business Grant programme has been developed to utilise the remaining Additional Restrictions Funds which are designed to support Middlesbrough's business and local economy following the effects of the covid restrictions. £3.6m has been spent to date from the Additional Restriction Funds to support business from a range of sectors that were unable to access other support schemes. Eligible businesses included home-based businesses, sole traders, traders and supply chain.

The funds are time limited, with a newly imposed spend deadline of 30 June 2021 in place, therefore to maximize the funding for Middlesbrough's economy, the strategic grant scheme was carefully devised to support significant business growth in key sectors and key regeneration areas of the town. The scheme aims to create jobs, attract investment and support the priorities of the Council to strengthen the town's economy and went live on 27 May.

Strategic grants of upto £50K will enable the remaining funds of c£800K to be spent effectively and efficiently utilizing a strict criteria to fully maximize growth, jobs and investment potential. To date the 12 applications have been received with 7 approved.

Once budget completion is achieved by the end of June this will trigger a further £670K for Middlesbrough to take us through to March 2022. This will continue to be utilized to support the business community with a new round of recovery grants aimed at all sectors including start ups.

Middlesbrough Rail Station

5. Work has just been completed on the long-awaited platform extension at Middlesbrough Rail Station. The Council has worked tirelessly in collaboration with TVCA, Network Rail and the DfT to realise this long-standing ambition. The extension to platform 2, enables the previously agreed direct London service to use the station from December 2021. The creation of the platform has enabled driver training to commence over the summer months.

The London service will enable more people to connect with both economic and leisure activities based in the capital and vice versa. It will open up greater inward investment opportunities for businesses based in the town, as well as to attract new businesses into Middlesbrough from outside of the region to due improved connectivity.

This is the first step in the wider Rail Station development, which will see development of the former undercroft space, located below the southern entrance; enabling the creation of a new gateway to the town centre, along with an improved public realm space on Zetland Road and customer waiting facilities at platform level within the Station concourse.



PERFORMANCE

Towns Fund

6. All documentation required by MHCLG was submitted on 24 May 2021. The subsequent process to access funding involves each project submitting a business case that is then approved by the Town Deal Board. A summary of this business case then goes to MHCLG to release the resource the project requires.

The first project to go through this process was the Knowledge Economy – Middlesbrough College Expansion project. The application was approved at the Town Deal Board on 21 May 2021. The Towns Fund resource will contribute to the £13m expansion of the college campus to cater for its growing student population and provide enhanced facilities.

Future High Street Fund

7. As with the Towns Fund, all documentation required by MHCLG has been submitted. Internally projects have been developed and project plans are in place to commence delivery as soon as the funder provides the final approval and details of how the resource will be drawn down.

Future High Street Grant Programme

8. A grant scheme to support viable town centre based businesses with their recovery plans following impact from Covid-19 restrictions will launch in June. The grant will aim to stimulate business growth and support Middlesbrough's FHSF outcomes.

Eligible sectors include hospitality, leisure, personal care, non - essential retail sectors. Business owners must be responsible for their commercial rates or significant rental value and provide evidence of either Rateable Value or Rental Agreement. Commercial property owners with vacant properties that can demonstrate ownership of the property and a grant will improve the viability of the unit to support the FHSF outcomes will also be considered.

A one off £10,000 grant is available to cover improvements such as:

- External property improvements
- redesign of internal/external space to accommodate Covid19 changes (relevant planning/licences must be evidenced)
- E-commerce upgrades
- Marketing materials/signage
- Updated systems e.g. Point of Sale/Booking systems
- New equipment/furniture

Town Centre Footfall Update

9. With the gradual lifting of government restrictions in recent months, increased levels of footfall have been welcomed across the Town Centre. Despite peaking in the first week of reopening, the week commencing 12th April, the Town Centre has sustained considerably healthy numbers in the weeks since, performing well against both regional and national wide data.

The week commencing 12th April, which brought the reopening of non-essential retail, saw footfall figures surge to almost pre-covid levels, reflecting consumer confidence and shoppers eager to return to their favourite Town Centre stores. Data showed a weekly footfall count of 243,540, which was at 95% of pre-covid levels. These figures also reflected a 204.1% increase on the previous week, outperforming regional (118.8%) and national (102.6%) averages. Additionally, these figures vastly exceeded those recorded in the first week of reopening after the first lockdown on the week commencing 15th June 2020, in which only 155,583 visits were recorded to the town centre.

As anticipated, the figures have decreased slightly in the weeks since, however healthy levels of footfall have been sustained throughout this period. The weeks since the reopening of non-essential retail and subsequent reopening of the hospitality sector have seen an weekly average of 210,568 visitors to the town centre, with most recent weekly figures (w/c 24th May) at 219,101.

Footfall Figures 2021 vrs Pre-covid

W/C 9 th March 2020 (Pre-Covid)	W/C 15 th June 2020	W/C 5 th April 2021	W/C 12 th April 2021	W/C 17 th May 2021	W/C 24 th May 2021
257,147	155,583	80,082	243,540	198,977	219,101

TeesAMP Update Phase 1 - 181,764 sq. ft. / 15 no. units

Occupancy

- 142,582 sq. ft. has been leased (78.5% of available space).
- Heads of Terms agreed or in advanced negotiations in respect of the 3 no. remaining units.
- Expectation is site will be fully tenanted August 2021.
- The 2017 Executive approved business case included an assessment by Cushman and Wakefield in respect of expected occupancy levels (as tabulated).
- Practical completion was June 2020; therefore at end of year 1, occupancy is 38.5% above realistic expectations and approximately 18 months ahead of target.
- Tenants include: Parallo Firth-Vickers Engineering, Cupral Ltd., Press-On Vinyl, Sulzer-Chemtech and Durata.
- Heads of Terms or leases pending: Flexitallic and Cupral Ltd. (second building).

	Optimistic	Realistic
On PC	25%	15%
End Yr 1	50%	40%
End Yr 2	90%	70%
End Yr 3	90%	90%

- Executive approval (23rd March 2021) for £745k plot sales to Cleveland Property Investments Ltd., securing:-
 - inward investment of c. £4m at Plot 23, creating 20-25 jobs within a specialist training centre; and
 - £5m+ of CPIL private capital for a further 11 light industrial units / 60,000 sq. ft. at 'AD Site'.

Income / Financial Performance

- £793k income per annum from secured tenants, after incentives (rent-free, fit-out contributions)
- £1m per annum anticipated when the remaining leases complete.
- Total capital input is £13.398m, borrowed over 35 years with 2% interest (£536k payable annually).
- Projecting £464k revenue surplus at full occupancy.

INVOLVEMENT AND PROMOTION

10. Middlesbrough Council Road Safety Staff have played a key role in developing recent Cleveland wide road safety campaigns aimed at encouraging motorcyclist safety and highlighting the issues around using second hand child car seats:

The Cleveland Road Safety Partnership got behind a national campaign aimed at improving road safety for motorcyclists.

Co-ordinated by the National Fire Chiefs Council (NFCC), Think bike week launched on 23rd April and set out to highlight key safety messages, including the importance of bike maintenance and wearing the correct gear. Riders were encouraged to 'brush up' their riding skills at a time when many will be returning to riding after a significant break.

The partnership's ongoing aim is to raise awareness among both motorcyclists and drivers – with two key messages:

- Drivers: lookout for motorcyclists, especially at junctions
- Motorcyclists: manage your risk by reducing your speed and attend advanced training

Statistics show that motorcyclists are overrepresented in road traffic collisions and in Cleveland, there were five motorcyclist fatalities and 52 injuries during 2020. Andrew Corcoran, chair of Cleveland's Strategic Road Safety Partnership, said: "Despite accounting for only around 1% of traffic in Cleveland, motorcyclists account for 23% of fatalities on our local highway network. "In the last five years there have been 284 motorcyclists injured, including 12 killed and 140 seriously injured. The main reasons for motorcyclist collisions are 'failure to look' either from the motorcyclist or the other road user, and speed, in the fatal collisions."

The campaign received National recognition appearing on RSGB website: [Think Bike Week gets underway with local support \(roadsafetygb.org.uk\)](https://roadsafetygb.org.uk)

Ahead of Child Safety Week, Cleveland Strategic Road Safety Partnership is advising parents to think twice about buying a used car seat.

Cleveland Strategic Road Safety Partnership, says second-hand car seats could be putting children at risk. Andrew Corcoran, chair of the Cleveland Strategic Road Safety Partnership, said: "Your child's safety is paramount and it is important to be alert to the dangers posed by unsafe or poorly secured child seats and restraints. A previously damaged seat might not show visible signs leaving it weakened and unable to protect your child properly in the event of a crash. It could also have missing or worn parts that aren't visible."

For those for whom a second hand car seat is the only option, the advice from the partnership is to:

- Not buy anything that looks as if it may have been involved in an accident
- Check that nothing is missing – including the instructions
- Buy from family or friends because you'll know the history of the seat
- Seek professional advice on suitability and fitting from a trusted retailer
- Remember that safety standards are updated regularly and older seats may no longer be of the required standard

The partnership also advises that when parents dispose of damaged or old seats, to remove the seat covers and cut off the straps so they can't be reused.

This campaign also appeared on RSGB National website at: [Second-hand car seats 'putting children at risk' \(roadsafetygb.org.uk\)](https://roadsafetygb.org.uk)

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EXECUTIVE MEMBER REPORTS AND ADDITIONAL INFORMATION

SECTION 2 – DECISIONS TAKEN

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DATE	DECISION MAKER	ISSUE	PURPOSE OF REPORT	KEY DECISION
16 Mar 2021	Executive	Voluntary Registration of Land at The Avenue, Nunthorpe as a Village Green / Nunthorpe Village Green	That Executive approves an application seeking the voluntary registration of land at The Avenue, Nunthorpe as a Village Green.	No
16 Mar 2021	Executive	EXEMPT Council Future Office Accommodation - Preferred Option - Part B	That Executive considers the building options that have been explored for the future accommodation of Council Staff and approves: a) a departure from Centre North East being considered the preferred option due to changing circumstances; b) Fountains Court being the preferred option for the future accommodation of staff; and, c) the purchase of Fountains Court.	Yes
16 Mar 2021	Executive	Recycling and Education Report	A report on developing a Waste & Recycling Education / Awareness programme across Middlesbrough to increase recycling.	Yes
16 Mar 2021	Executive	Acceptance of the Holiday Activities Fund 2021 grant	That the Executive approves the acceptance of the Holiday Activities Fund 2021 grant.	Yes

DATE	DECISION MAKER	ISSUE	PURPOSE OF REPORT	KEY DECISION
16 Mar 2021	Executive	Teessaurus Park Improvement	That Executive approve the proposal to further develop and improve Teessaurus Park.	Yes
13 Apr 2021	Executive	Community Asset Transfers	That the Executive approves the recommendation to seek expression of interests for future potential execution of community asset transfer leases for Brambles Farm Community Centre CC, Langridge Initiative Centre, The International Centre and 22 Holylake, seeking more detail from the four organisations that have already expressed an interest and allowing for a further six weeks to enable other parties to submit their own expressions of interest in the four locations.	Yes
13 Apr 2021	Executive	Community Benefit From Land Sales Policy	The purpose of the report was to seek approval for revisions to the asset disposal policy. The amendments outlined a community benefit clause that stated in the event that an asset was disposed of above the projected market value, 3% of the value would be made available for local community use.	No
13 Apr 2021	Executive	Community Asset Transfers	To Seek expressions of interest from the Community & voluntary Sector for the potential execution of community asset transfer of 5 named properties.	Yes
13 Apr 2021	Executive	Changing Futures Funding Bid	To provide an update on the Changing Futures funding opportunity and to seek approval for a formal submission on a South Tees partnership basis, subject to subsequent full Executive approval.	Yes
13 Apr 2021	Executive	EXEMPT - Future High Streets Fund and Town Centre Asset Management Part A and Part B	To approve spends of 14.1 million of future high streets fund. To set out the accompanying asset management arrangements	Yes

DATE	DECISION MAKER	ISSUE	PURPOSE OF REPORT	KEY DECISION
13 Apr 2021	Executive	Community Benefit from Asset Disposal	To approve an amendment to the asset disposal policy to facilitate the local communities benefiting whereby an asset is disposed within their locality above market value.	Yes
13 Apr 2021	Executive	Care Home brokerage & Trusted Assessor	To consider the development of an in-house care home brokerage and trusted assessor service following termination of a current contract	Yes
13 Apr 2021	Executive	Tender Pipeline Approval 2021/22	To approve Middlesbrough Council's tender pipeline for 2021/22 and agree delegation of award to the relevant Director.	Yes
13 Apr 2021	Executive	Boho Residential Towers - Site Disposal	That Executive approves the proposal to proceed with the disposal of the Council's freehold interest in land at Middleshaven in order to facilitate the development of the Boho Residential Towers.	Yes
11 May 2021	Executive	Schools Capital Programme 2021	The report updates the rolling programme of capital investment in the town's schools and seeks approval of new schemes to be added to the programme for delivery in the academic years 2021/22 and 2022/223	Yes
11 May 2021	Executive	Strategic Plan 2021-24: approach to delivery	To endorse the proposed milestone plans to ensure achievement of the Council's strategic priorities for the 2021-24 period.	No
24 May 2021	Executive	Schools Capital Programme 2021	The report updates the rolling programme of capital investment in the town's schools and seeks approval of new schemes to be added to the programme for delivery in the academic years 2021/22 and 2022/223	No
27 May 2021	Executive	Prevention and Promotion Fund for Better Mental Health and Wellbeing 2021-22	That Executive approves: The progression of an Expression of Interest to receive funding from PHE – Prevention and Promotion Fund for Better Mental Health for the period of June 2021 to March 2022. That the Director of Public Health and Director of Finance, receives	Yes

DATE	DECISION MAKER	ISSUE	PURPOSE OF REPORT	KEY DECISION
			delegated authority to allocate available grant for Middlesbrough of £273,214.00	
27 May 2021	Executive	Health Scrutiny Panel - Service Response - Opioid Dependency - What Happens Next?	The report provides the response, and accompanying action plan, to Health Scrutiny Review: Opioid Dependency: What happens next? There is a requirement for the Executive to formally consider the final reports of the Council's scrutiny panels and agree departmental service responses and accompanying action plans.	No
27 May 2021	Executive	Local Authority Delivery 2 Grant Funding Application	Executive approval is needed if the grant funding application is successful we will need to enter in to a contract with an external organisation to deliver an energy efficiency scheme.	Yes
27 May 2021	Executive	Joint Development Priorities	Executive approval to work in collaboration with Jomast LTD and to explore development opportunities for key central Middlesbrough properties.	No
27 May 2021	Executive	Towns Fund and Future High Streets Fund	Seek executive endorsement of the approved towns fund and future high streets fund grant offers.	Yes
27 May 2021	Executive	Teesside Archives	To consider the short term future of Teesside Archives.	Yes
27 May 2021	Executive	Tree Policy	That Executive approve the adoption of the amended Tree Policy (amended February 2021)	Yes
27 May 2021	Executive	Revised fee structure for Newham Grange Farm	That Executive approves the change in, and additional, fees and charges identified for Newham Grange Farm.	No

DATE	DECISION MAKER	ISSUE	PURPOSE OF REPORT	KEY DECISION
27 May 2021	Executive	The Economic Development, Environment and Infrastructure Scrutiny Panel - Pest Control Services	The aim of the investigation was to consider whether the pest control services currently offered by Middlesbrough Council are fit for purpose and to assess whether further income could be achieved by expanding the service.	Yes
27 May 2021	Executive	MDC Tollesby	Confirming the financial arrangement for the development at Tollesby by the Middlesbrough Development Company.	Yes
27 May 2021	Executive	Green Strategy	That Executive approve the adoption of the Green Strategy, following the public consultation.	Yes
15 Jun 2021	Executive	Revenue and Capital Budget - Year End Outturn Position 2020/21	To advise the Executive of the Council's financial position at year end 2020/21, including the effect of Covid-19 on the Council's finances. To approve the use of and transfer to reserves. To approve the proposed revised Investment Strategy to 2023/24.	Yes
15 Jun 2021	Executive	Domestic Abuse Bill	<p>That Executive approves: Domestic Abuse Needs Assessment is undertaken so we can commission and ensure provision of support for victims and children in safe accommodation which enables Middlesbrough Council to meet new statutory duties and report back to central government confirming we have met the obligations</p> <p>The terms and conditions outlined in the Memorandum of Understanding and that delegated authority is granted to the Director of Adult Social Care and Health Integration to sign this on behalf of the Council</p> <p>That the Director of Adult Social Care and Health Integration, in consultation with the Executive member for Adult Social Care and Public Health, receives delegated authority to allocate the £394,865 funding as per commissioning intentions/ decision identified by Needs</p>	Yes

DATE	DECISION MAKER	ISSUE	PURPOSE OF REPORT	KEY DECISION
			Assessment.	
15 Jun 2021	Executive	Ridgeway Connections Scheme: Public Consultation Exercise	It is recommended that: The responses received during the public consultation exercise are noted; The objections to the proposed scheme are considered and mitigations noted; and, The proposed scheme is agreed and progresses to implementation during the 2021/22 financial year.	No
15 Jun 2021	Executive	Strategic Plan 2020-23 - Progress at Year End 2020-21	<i>Report outlining performance against the Strategic Plan at Year-End</i>	No



SECTION 3 – DECISIONS TO BE TAKEN UP UNTIL THE COUNCIL MEETING

There are no decisions relevant to this report.

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SECTION 4 – DECISIONS TO BE TAKEN FOLLOWING THE COUNCIL MEETING

DATE	PROPOSED DECISION MAKER	ISSUE	PURPOSE OF REPORT	KEY DECISION
13 Jul 2021	Executive	2021/22 Transport and Infrastructure Capital Programme	That Executive approves the proposals to allocate funding to deliver infrastructure as identified within the report.	Yes
13 Jul 2021	Executive	Community Safety Plan 2020-2022	That Executive approves the Community Safety Plan 2020-2022 as agreed by the Community Safety Partnership on 23rd October 2020.	Yes
13 Jul 2021	Executive	Surveillance Policy	Surveillance Policy sets the governance framework for decisions to undertake covert directed surveillance where there is a legitimate reason to do so.	No
13 Jul 2021	Executive	Culture and Communities Scrutiny Panel - Final Report - Community Cohesion and Integration	The aim of the investigation was to examine community cohesion in Middlesbrough and what work was being undertaken by the Council and its partners to support and develop this.	Yes
13 Jul 2021	Executive	PSPO	Supports the proposals to extend the existing town wide PSPO (previously known as gating orders) for a further 3 years.	Yes
13 Jul 2021	Executive	Hemlington Grange Development Infrastructure	To update members on the infrastructure delivered linked to the Hemlington Grange development site and seek executive approval for	Yes

DATE	PROPOSED DECISION MAKER	ISSUE	PURPOSE OF REPORT	KEY DECISION
			a revised delivery programme.	
13 Jul 2021	Executive	Community Engagement Policy		No
13 Jul 2021	Executive	Annual Equality and Inclusion Report		No
13 Jul 2021	Executive	Early Payment Scheme	This will be a report to Executive in order to agree to call off the NEPO Early Payment Framework to award a contract to Oxygen Finance in order to implement an early payment scheme. In implementing this contract it will result in policy changes for the Council which will be clearly detailed in the report for approval. The ultimate aim is to pay suppliers as early as possible and where appropriate receive a payment for doing this.	No
13 Jul 2021	Executive	MDC Empty Homes Partnership	To confirm the financial arrangements to enable Middlesbrough Development Company to enter into a partnership with The Ethical Housing Company to invest in the refurbishment of empty and poor quality properties in the TS1 and TS3 areas.	Yes
13 Jul 2021	Executive	Land at St David's Way - Proposed Freehold Disposal [PART A]	Proposal to dispose of Council owned land for the purpose of residential development.	Yes
13 Jul 2021	Executive	EXEMPT - Land at St David's Way - Proposed Freehold Disposal [PART B]	Proposal to dispose of Council owned land for the purpose of residential development.	Yes
13 Jul 2021	Executive	CIPFA Financial Resilience / Management Code	To provide Executive with an assessment of the results of the CIPFA Financial Resilience Index 2021, and also to provide Executive with details of the CIPFA Financial Management Code and an assessment of compliance and the next steps.	No

DATE	PROPOSED DECISION MAKER	ISSUE	PURPOSE OF REPORT	KEY DECISION
13 Jul 2021	Executive	Nunthorpe Grange Farmhouse, Yard & Barns - Proposed Freehold Disposal	Proposal to dispose of Council owned property	Yes
13 Jul 2021	Executive	Green and Blue Infrastructure Strategy 2021 - 2037	To adopt the Green and Blue Infrastructure Strategy 2021 - 2037. The strategy is designed to identify and prioritise the actions required to strengthen Middlesbrough's network of green and blue features up until 2037, and will be a key evidence document in the preparation of the Local Plan.	Yes
13 Jul 2021	Executive	ECS Installation of Town Wide Lighting Scheme	Decision required on agreeing to allocate Capital Funding.	Yes
13 Jul 2021	Executive	ECS Capital Infrastructure Investment	Decision required on agreeing to allocate Capital Funding.	Yes
13 Jul 2021	Executive	Corporate Debt Management Policy	The purpose of this new policy is to provide clear guidance on the recording, reporting, recovering and monitoring of the Council's debt and income.	Yes
13 Jul 2021	Executive	Middlehaven Option Agreement	The granting of an option agreement development of Middlehaven and in line with an agreed masterplan.	Yes
13 Jul 2021	Executive	The South Tees Carers Strategy and the model for future commissioning	That Executive approves the model for the commissioning of the South Tees Carers offer and that Executive approves the South Tees Carers Strategy and action plan.	Yes
7 Sep 2021	Executive	ECS Capital Infrastructure Investment	Executive approval is required for the ECS Capital Asset Strategy.	Yes

DATE	PROPOSED DECISION MAKER	ISSUE	PURPOSE OF REPORT	KEY DECISION
7 Sep 2021	Executive	Strategic Plan 2021-24 – Progress at Quarter One 2021/22	Report outlining performance against the Strategic Plan at Quarter One 2021/22	No
7 Sep 2021	Executive	Supplier Incentive Programme	Proposal to commission an early payment scheme system for payment of invoices earlier than the standard 30 days and bring associated change in practice and anticipated efficiencies in process.	Yes
7 Sep 2021	Executive	Process to Administer Grant Funding	<p>This report seeks support for implementing a Policy for the Council receiving and managing grant funding received from the Government and other third parties.</p> <p>It also requests approval for the delegation to officers of decisions relating to the distribution and expenditure of any such funding in consultation with the Section 151 Officer. Where there is an element of discretion with regard to the allocation of funding, that officers have delegated authority to make amendments to the scheme and the criteria for receiving grants, in consultation with the Section 151 Officer.</p>	Yes
14 Sep 2021	Executive	Proposed School Cleaning Price Increase 20/21	That Executive considers the proposed school cleaning price increase for financial year 2020/2021 and approves the proposed recommendations.	Yes
9 Nov 2021	Executive	Strategic Plan 2021-24 – Progress at Quarter Two 2021/22	Report outlining performance against the Strategic Plan at Quarter Two 2021/22	No
14 Feb 2022	Executive	Strategic Plan 2021-24 – Progress at Quarter Three 2021/22	Report outlining performance against the Strategic Plan at Quarter Three 2021/22	No

MIDDLESBROUGH COUNCIL	
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COUNCIL

Report title	Scrutiny Progress Report
Chief Executive or Director	Director of Legal and Governance Services
Date	7 July 2021

Summary

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

Report for:	Key decision:	Confidential/Exempt:	Is the report urgent?
To be noted	No	No	Non-urgent report

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
N/A	N/A	Members will be able to keep abreast of the work carried out through the Scrutiny Process
Ward(s) affected		
No wards in Middlesbrough are directly affected.		

What is the purpose of this report?

1. To update the position in respect of the Council’s Overview and Scrutiny Board and scrutiny panels.

Why is this report necessary?

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

What decision(s) are being asked for?

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

OVERVIEW AND SCRUTINY BOARD

The Overview and Scrutiny Board met on 11 March 2021 and 8 April 2021.

At the 11 March 2021 meeting, the Board considered / received information in respect of the following:

- Executive Forward Work Programme;
- Executive Member Update: The Mayor;
- Middlesbrough Council's Response to COVID-19;
- Final Report - Economic Development, Environment and Infrastructure Scrutiny Panel - Pest Control Services (findings and recommendations were endorsed for referral to the Executive);
- Final Report - Health Scrutiny Panel - Opioid Dependency: What Happens Next? (findings and recommendations were endorsed for referral to the Executive);
- Overview and Scrutiny Board Call-in Outcome: Nunthorpe Grange Farm Disposal; and
- Scrutiny Chairs Updates.

At the 8 April 2021 meeting, the Board considered / received information in respect of the following:

- Executive Forward Work Programme;
- Middlesbrough Council's Response to COVID-19;
- Executive Member Update: Executive Member for Communities and Education;
- Strategic Plan 2020-23 - Progress at Quarter Three 2020-21;
- Revenue and Capital Budget - Projected Outturn Position as at Quarter Three 2020/21; and
- Scrutiny Chairs Updates.

SCRUTINY PANEL UPDATES

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

Ad Hoc Scrutiny Panel

The Panel met on 27 January 2021 at which Members were provided with an overview of Council communications and how this related to elected Members. The Panel heard that the Marketing and Communications team were developing a Communications strategy that was more aligned with the Council's strategic objectives.

The Panel also heard that Member engagement with Council communications could be beneficial for Middlesbrough as they act as brand ambassadors. However, the Panel also discussed that, in some cases, Members were not using Council communications in the most effective way. A report for the Panel is currently being drafted.

Adult Social Care and Services Scrutiny Panel

At the meeting on 14 April 2021, the Panel received a verbal update from the Director of Adult Social Care and Health integration regarding an overview of 2021. The

Director gave information on the challenges faced during the year which was predominantly Covid 19 focused and provided some insight to the year ahead.

Children and Young People's Learning Scrutiny Panel

The Scrutiny Panel met on 22 March and 19 April 2021 to continue gathering evidence in respect of its current review of Behaviour, Discipline and Bullying in Schools.

On 22 March, the Panel considered written evidence from Acklam Grange School, Kings Academy, Park End Primary School, Outwood Academy Acklam and Unity City Academy. The information submitted highlighted:

- the challenges faced by schools in dealing with poor behaviour;
- the causes of pupil behaviour problems e.g. unmet educational or other needs;
- the types of sanctions used by schools that can impact on a pupil's educational outcomes and life chances; and
- the successful and proactive strategies and solutions used to promote positive behaviour, manage poor behaviour and prevent and tackle bullying.

On 19 April, the Head of North Ormesby Primary Academy presented information on the successful and proactive strategies and solutions used to prevent and tackle bullying. In addition, as part of the update on Education and Covid-19 Recovery, the Head of Access to Education and Alternative Provision provided information on the Vulnerable Children's Attendance Project.

The Panel's first meeting of the 2021/2022 Municipal Year is scheduled to take place on 28 June 2021.

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

The Scrutiny Panel met on 22 March and 19 April 2021.

On 22 March, the Policy and Participation Manager from Become Charity – the national charity for children in care and young care leavers – attended the meeting to provide an overview of the work undertaken by Become, particularly in relation to tackling the stigma and negative perceptions faced by care experienced children and young people and care leavers.

The Service Manager from Adoption Tees Valley was also in attendance and provided Members with information regarding how Adoption Tees Valley worked with the five Local Authority partners, particularly Middlesbrough; the key pressures and challenges for the service; and the positive work that was taking place. The Panel was also provided with a copy of ATV's Bi-annual Report.

At its meeting on 19 April 2021, the Principal Social Worker, was in attendance to provide the Panel with a briefing in relation to the Independent Review of Children's Social Care, which included the scope and aims of the review and how Members could contribute should they wish to do so.

The Panel also considered a briefing note recapping the evidence received at each of its meetings in respect of its current review, together with the Terms of Reference, and was asked how it wished to proceed.

The Executive Director of Children's Services provided a verbal update on Covid recovery in Children's Services at both meetings and on 19 April 2021, it was agreed that this item would be presented to future Scrutiny Panel meetings by exception.

The Panel's first meeting of the 2021/2022 Municipal Year is provisionally scheduled to take place on 5 July 2021 at 4.00pm.

Culture and Communities Scrutiny Panel

The Panel's meeting scheduled for March 18 2021 had to be cancelled due to the unavailability of required guests.

At the Panel's meeting of the 15 April 2021 members received an update regarding the Regulation of Investigatory Powers Act (RIPA) and on Cleveland Police's Operation Phoenix. With regards to RIPA; Members were informed about the policy background and operational activity of RIPA as well as future policy developments. Members were advised that when those policy developments were realised a further update would be provided.

In respect of Operation Phoenix the Panel was provided with the background and development of the operation between 2019 and 2021. Members heard that the operation's key results included £500k of illegal drugs being recovered, 304 arrests and 124 vehicles being seized. Due to its successes, the operation has been extended until November 2021.

The Panel also received, and approved, draft terms of reference for its next review into the Neighbourhood Warden Service which would begin in the next municipal year.

Economic Development, Environment and Infrastructure Scrutiny Panel

The Economic Development, Environment and Infrastructure (EDEI) Scrutiny Panel met on 24 March and 21 April 2021.

As part of the current review of Middlesbrough Regeneration Post Covid-19, the Panel received two presentations at the March meeting:

The Council's Transport and Infrastructure Manager and Infrastructure Programme Manager provided an overview of the Middlesbrough Local Implementation Plan (LIP) and the plans for public consultation.

The Head of Economic Growth updated the Panel on Middlesbrough Council's successful bids for the High Streets Fund and Towns Fund.

At the April meeting, the Panel continued its current review with presentations in relation to Waltham Forest Council's Liveable Neighbourhoods Programme and the Middlehaven Masterplan.

Health Scrutiny Panel

The Health Scrutiny Panel met on 23 March 2021, 20 April and 22 June 2021. At the March meeting the Panel discussed the recently published CFGS paper on scrutiny's perspective on the Government's Health and Care White Paper, established its terms

of reference for its current review on the topic of Inclusive growth – alignment of town regeneration and health goals – ‘Health for Wealth’ and received a regional health scrutiny update.

At the April meeting the Panel discussed the findings of the recently published CQC report in respect of Tees, Esk & Wear Valley NHS Foundation Trust and the progress made by the Trust since the inspection. The Panel also received an update from the Director of Public Health (South Tees) and the Director of Commissioning and Medical Director at Tees Valley CCG on the local Public Health / NHS response to COVID.

At the 22 June 2021 meeting the panel received an update in respect of COVID-19 from the Director of Public Health (South Tees), a presentation in relation to the various services commissioned / delivered by Public Health (South Tees) and considered its work programme for 2021/22.

Tees Valley Health Scrutiny Joint Committee

The Committee met on 22 June 2021 and considered the following:-

- Protocol for the Tees Valley Health Scrutiny Joint Committee
- Tees, Esk and Wear Valleys NHS Foundation Trust - Quality Accounts 2020/21

SCRUTINY REPORTS SUBMITTED TO EXECUTIVE

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

16 February 2021 – Final Report - Adult Social Care and Services Scrutiny Panel - Physical Activity for Older People (aged 65 plus) – Service Response

27 May 2021 – Final Report - Economic Development, Environment and Infrastructure Scrutiny Panel - Pest Control Services – Service Response

27 May 2021 - Final Report - Health Scrutiny Panel - Opioid Dependency: What Happens Next? – Service Response

Other potential decisions and why these have not been recommended

5. No other options were considered.

Impact(s) of recommended decision(s)

Legal

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

Financial

7. There are no financial implications arising from this report.

The Mayor’s Vision for Middlesbrough

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

Policy Framework

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

Wards

10. The report does not impact on wards.

Risk

11. Not applicable.

Equality and Diversity

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

Actions to be taken to implement the decision(s)

13. Not applicable.

Background papers

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

**COUNCILLOR M SAUNDERS
CHAIR OF OVERVIEW AND SCRUTINY BOARD**

Contact Officer:

Caroline Breheny

Democratic Services

Telephone: 01642 729752 (direct line)

Email: caroline_breheny@middlesbrough.gov.uk

Report of:	Tony Parkinson Chief Executive and Returning Officer Councillor Barrie Cooper - Executive Member for Environment, Finance and Governance
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Submitted to:	Full Council - 7 July 2021
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Subject:	Community Governance Review
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Summary

Proposed decision(s)
<p>The Council is asked to:</p> <ol style="list-style-type: none"> 1. Agree that a Community Governance Review be undertaken across the whole of the Council’s area under the terms of Chapter 3 of Part 4 of the Local Government and Public Involvement and Health (LGPIH) Act 2007; 2. Approve the timetable for the review outlined in Appendix A; 3. Delegate to Corporate Affairs and Audit Committee, consideration and agreement of a Terms of Reference for the review and any consultation responses to the review with final recommendations referred back to Council for approval.

Report for:	Key decision:	Confidential:	Is the report urgent?
<i>Decision</i>	<i>No</i>	No	No

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
Recommendations made in a Community Governance Review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.		

Ward(s) affected
All Wards

What is the purpose of this report?

1. This report seeks agreement from Council to conduct a 'Community Governance Review' for the whole of the Council's area to include Parish and Community Councils.

Why does this report require a Member decision?

2. Councils are required to have regard to guidance issued by the Secretary of State and the Boundary Commission. Guidance suggests that it is good practice for a principal council to consider conducting a Community Governance Review every 10-15 years. It is now over fifteen years since a review was last undertaken in Middlesbrough.
3. A request has been made by Nunthorpe Parish Council to reconsider its current boundaries and therefore it is considered timely to conduct a review of the whole of the Council's area and that any decisions to make changes to parish arrangements would be implemented at the next full parish elections in 2023.

Report Background

What is a Community Governance Review?

4. A Community Governance Review is a review of the whole part or part of the district area to consider one or more of the following:
 - a) Creating, merging, altering or abolishing parishes;
 - b) The naming of parishes and the style of new parishes;
 - c) The electoral arrangements for parishes (the ordinary year of election; council size;
 - d) the number of councillors to be elected to the council, and parish wardings) and
 - e) Grouping parishes under a common parish council or de-grouping parishes.
5. The LGPIH Act devolved the power to take decisions relating to creating, merging or abolishing parishes, the naming of parishes, the electoral arrangements for parishes and grouping arrangements for parishes from the Secretary of State and the Electoral Commission to principal councils.
6. The purpose of a Community Governance Review is to secure an arrangement which will bring about improved community engagement, better local democracy and will result in more effective and convenient delivery of local services.
7. With effect from February 2008, principal councils have had the responsibility for undertaking Community Governance Reviews (formerly known as a parish reviews) and have been able to decide whether to give effect to recommendations made in those reviews.
8. The principal council must consult the local government electors for the area under review and any other person or body (including a local authority) who appears to have an interest in the review.
9. Councils are required to have regard to guidance issued by the Secretary of State and the Boundary Commission
10. Whilst the legislation and guidance relates to Parish and Town Council the proposal is to extend the consultation to seek feedback on the town's Community Council's which

are supported by the Council via a small grant. This will enable the Council to assess the level and routes for community engagement at a grass roots level.

Criteria for undertaking a review

11. Section 93 of the Act requires principal councils to ensure that community governance within the area under review will be:
 - reflective of the identities and interests of the community in that area; and
 - effective and convenient
12. When considering the criteria identified in the Act, principal councils should take into account a number of influential factors, including:
 - the impact of community governance arrangements on community cohesion; and
 - the size, population and boundaries of a local community or parish.
13. In considering the criteria, the impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient.

Review Requirements

14. There are a number of requirements relating to the conduct of the review which must be observed. These are:
 - Terms of Reference must be drawn up for the review. These must identify the focus for the review and the area under review;
 - Consultation must take place with local people, representative groups active in the area and any people/groups that could be reasonably expected to have an interest in the review;
 - The Council must take account of the representations received;
 - The review must be completed within 12 months of the Council publishing the Terms of Reference.

Consultation

15. To ensure that interested persons or groups have the opportunity to input and respond to the review the following actions will be undertaken:
 - Display notices at a number of council buildings
 - Information on the Council website
 - Article in Middlesbrough News
 - Members Briefings
 - Letter to parish councils/meetings within Middlesbrough including information that they may use to publicise the review within their parishes (This information could then be publicised through parish magazines/newsletters/intranet, notice boards or website)
 - Letter to other known community groups within Middlesbrough (using the Council's stakeholder database)
 - Letter to MPs representing constituencies within Middlesbrough and local constituency offices of registered political parties
 - Social network sites
 - Online Community Consultation meetings.

Timetable and Terms of Reference

16. The review is concluded when the Council publishes its recommendations and this must be within 12 months of the Council publishing the Terms of Reference. The proposed timetable is set out in Appendix A

What decision(s) are being asked for?

17. The Council is asked to:

- I. Agree that a Community Governance Review be undertaken across the whole of the Council's area under the terms of Chapter 3 of Part 4 of the Local Government and Public Involvement and Health (LGPIH) Act 2007;
- II. Approve the timetable for the review outlined in Appendix A;
- III. Delegate to Corporate Affairs and Audit Committee, consideration and agreement of a Terms of Reference for the review and any consultation responses to the review with final recommendations referred back to Council for approval.

Why is this being recommended?

18. Local Government Boundary Commission for England recommend that a local authority conducts a full Community Governance Review every 10-15 years

Other potential decisions and why these have not been recommended

Impact(s) of recommended decision(s)

19. Conducting a review will allow the Council to meet its responsibilities in reviewing Parish Council, strengthen community and engagement and representation whilst promoting the Council's Public Engagement Policy.

Legal

20. Community Governance Reviews operate under the following legislative framework:

- Local Government & Public Involvement in Health Act 2007 (Section 81 of the Act requires the Council to publish its Terms of Reference);
- Guidance on Community Governance Reviews, issued in accordance with Section 100 of the Local Government & Public Involvement in Health Act 2007 jointly by Department for Communities and Local Government and the Local Government Boundary Commission for England in March 2010;
- Local Government Act 1972 (as amended);
- Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI 2008/625); and
- Local Government Finance (New Parishes) Regulations 2008 (SI 2008 626).

21. The manner in which this framework applies to this review is explained in the text of the report.

Financial

22. The consultation costs are not expected to exceed £5000 and will need to be borne by the budget for Electoral Registration which may cause a small budgetary pressure.

Policy Framework

Equality and Diversity

23. There are no direct equalities implications that have been identified as relevant to this report. However, achieving a more even distribution of electoral representation in every parish will provide an opportunity for fairer representation.

Risk

24. Councils are expected to carry out Community Governance Reviews every 10-15 years. There are no further scheduled elections in 2021/22 and therefore staff resources are available to complete the review by June 2022 with a view to implementing any changes from May 2023 elections.

25. The Council will be mindful of Government guidelines and policy and take this into consideration throughout the review

26. To mitigate against the potential for judicial review, the Council will ensure that all decisions are evidence based.

Actions to be taken to implement the decision(s)

27. A draft Terms of Reference will be developed and presented to the Corporate Affairs and Audit Committee before the public consultation begins.

Appendices

APPENDIX A - Community Governance Review – Timetable

Background papers

Body	Report title	Date
Local Government Boundary Commission for England	Guidance on Community Governance Reviews	March 2010

Contact: Sylvia Reynolds - Head of Democratic Services Email:

Contact's email address. sylvia_reynolds@middlesbrough.gov.uk

APPENDIX A

Stage	Action	Timescale	Dates
Council	Agreement		7 July 2021
Commencement	Terms of reference published Stakeholders notified with clear definition of remit of review		1 August 2021
Preliminary Stage	Local briefings and meetings (members/parish councils)	2 Months	August & September 2021
Stage One	Initial submissions invited from stakeholders on future arrangements under terms of reference	2 Months	October & November 2021
Stage Two	Consideration of submissions received Draft recommendations prepared Draft recommendations to be considered by Council	3 Months	December 2021 - February 2022
Stage 3	Draft recommendations published for consultation Stakeholders notified	2 Months	March 2022 – April 2022
Stage 4	Consideration of submissions received Final recommendations prepared Final recommendations published concluding the review Final recommendations considered by Council and decision made on arrangements with resolution to make a Reorganisation Order Reorganisation Order made	3 Months	May 2022 – July 2022
	Orders come into effect at next elections		May 2023

Given that there may still be restrictions on what activity can take place after 21 June 2021, it proposed to hold online consultation meetings as part of the Preliminary Stage with parish councils to outline the Council's proposals affecting their particular parish.

Report of:	Tony Parkinson - Chief Executive and Returning Officer Councillor Barrie Cooper Executive Member for Environment, Finance and Governance
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Submitted to:	<i>Full Council 7 July 2021</i>
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Subject:	Community Governance Review
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Summary

Proposed decision(s)
<p>The Council is asked to:</p> <ol style="list-style-type: none"> 1. Agree that a Community Governance Review be undertaken across the whole of the Council’s area under the terms of Chapter 3 of Part 4 of the Local Government and Public Involvement and Health (LGPIH) Act 2007; 2. Approve the timetable for the review outlined in Appendix A; 3. Council delegate to Corporate Affairs and Audit Committee, consideration and agreement of a Terms of Reference for the review and any consultation responses to the review with final recommendations referred back to Council for approval.

Report for:	Key decision:	Confidential:	Is the report urgent? ¹
<i>Decision</i>		No	No

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
<p>Recommendations made in a community governance review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.’</p>		

Ward(s) affected
All Wards

What is the purpose of this report?

1. This report seeks agreement from Council to conduct a 'Community Governance Review' for the whole of the Council's area to include Parish and Community Councils.

Why does this report require a Member decision?

2. Councils are required to have regard to guidance issued by the Secretary of State and the Boundary Commission. Guidance suggests that it is good practice for a principal council to consider conducting a Community Governance Review every 10-15 years. It is now over fifteen years since a review was last undertaken in Middlesbrough.
3. A request has been made by Nunthorpe Parish Council to reconsider its current boundaries and therefore it is considered timely to conduct a review of the whole of the Council's area and that any decisions to make changes to parish arrangements would be implemented at the next full parish elections in 2023.
4. Community Councils operate on a less formal footing i.e. they are not democratically elected like Parish Councils are, however, they play an equally strong part in representing communities and acting as another mechanism for the Council to consult with communities at a very local level. Therefore we propose to include Community Councils in the Community Governance Review consultation.

Report Background

What is a Community Governance Review?

5. A Community Governance Review is a review of the whole part or part of the district area to consider one or more of the following:
 - a) Creating, merging, altering or abolishing parishes;
 - b) The naming of parishes and the style of new parishes;
 - c) The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish wardings) and
 - d) Grouping parishes under a common parish council or de-grouping parishes.
6. The LGPIH Act devolved the power to take decisions relating to creating, merging or abolishing parishes, the naming of parishes, the electoral arrangements for parishes and grouping arrangements for parishes from the Secretary of State and the Electoral Commission to principal councils.
7. The purpose of a community governance review is to secure an arrangement which will bring about improved community engagement, better local democracy and will result in more effective and convenient delivery of local services.
8. With effect from February 2008, principal councils have had the responsibility for undertaking community governance reviews (formerly known as a parish reviews) and have been able to decide whether to give effect to recommendations made in those reviews.

9. The principal council must consult the local government electors for the area under review and any other person or body (including a local authority) who appears to have an interest in the review.
10. Councils are required to have regard to guidance issued by the Secretary of State and the Boundary Commission
11. Whilst the legislation and guidance relates to Parish and Town Council the proposal is to extend the consultation to seek feedback on the town's Community Council's which are supported by the Council via a small grant. This will enable the Council to assess the level and routes for community engagement at a grass routes level.

Criteria for undertaking a review

12. Section 93 of the Act requires principal councils to ensure that community governance within the area under review will be:
 - reflective of the identities and interests of the community in that area; and
 - effective and convenient
13. When considering the criteria identified in the Act, principal councils should take into account a number of influential factors, including:
 - the impact of community governance arrangements on community cohesion; and
 - the size, population and boundaries of a local community or parish.
14. In considering the criteria, the impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient.

Review Requirements

15. There are a number of requirements relating to the conduct of the review which must be observed. These are:
 - Terms of Reference must be drawn up for the review. These must identify the focus for the review and the area under review;
 - Consultation must take place with local people, representative groups active in the area and any people/groups that could be reasonably expected to have an interest in the review;
 - The Council must take account of the representations received;
 - The review must be completed within 12 months of the Council publishing the Terms of Reference.

Consultation

16. To ensure that interested persons or groups have the opportunity to input and respond to the review the following actions will be undertaken:
 - Display notices at a number of council buildings
 - Information on the Council website
 - Article in Middlesbrough News
 - Members Briefings

- Letter to parish and community councils including information that they may use in order to publicise the review within their parishes (This information could then be publicised through their magazines/newsletters/intranet, notice boards or website)
- Letter to other known community groups within Middlesbrough (using the Council's stakeholder database)
- Letter to MPs representing constituencies within Middlesbrough and local constituency offices of registered political parties
- Social network sites
- Online Community Consultation meetings.

Timetable and Terms of Reference

17. The review is concluded when the Council publishes its recommendations and this must be within 12 months of the Council publishing the Terms of Reference. The proposed timetable is set out in Appendix A

What decision(s) are being asked for?

18. The Council is asked to:

- I. Agree that a Community Governance Review be undertaken across the whole of the Council's area under the terms of Chapter 3 of Part 4 of the Local Government and Public Involvement and Health (LGPIH) Act 2007;
- II. Approve the timetable for the review outlined in Appendix A;
- III. Council delegate to Corporate Affairs and Audit Committee, consideration and agreement of a Terms of Reference for the review and any consultation responses to the review with final recommendations referred back to Council for approval.

Why is this being recommended?

19. Local Government Boundary Commission for England recommend that a local authority conducts a full Community Governance Review every 10-15 years

Other potential decisions and why these have not been recommended

20. Not conducting a review may leave some parts of a local community disenfranchised from their neighbours and result in some areas not being represented at a grass roots level.

Impact(s) of recommended decision(s)

21. Conducting a review will allow the Council to meet its responsibilities in reviewing Parish Council, strengthen community and engagement and representation whilst promoting the Council's Public Engagement Policy.

Legal

22. Community Governance Reviews operate under the following legislative framework:

- Local Government & Public Involvement in Health Act 2007 (Section 81 of the Act requires the Council to publish its Terms of Reference);
- Guidance on community governance reviews, issued in accordance with Section 100 of the Local Government & Public Involvement in Health Act 2007 jointly by Department for Communities and Local Government and the Local Government Boundary Commission for England in March 2010;
- Local Government Act 1972 (as amended);
- Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI 2008/625); and
- Local Government Finance (New Parishes) Regulations 2008 (SI 2008 626).

23. The manner in which this framework applies to this review is explained in the text of the report.

Financial

24. The consultation costs are not expected to exceed £5000 and will need to be borne by the budget for Electoral Registration which may cause a small budgetary pressure.

Policy Framework

N/A

Equality and Diversity

25. There are no direct equalities implications that have been identified as relevant to this report. However, achieving a more even distribution of electoral representation in every parish will provide an opportunity for fairer representation.

Risk

26. Councils are expected to carry out community governance reviews every 10-15 years. There are no further scheduled elections in 2021/22 and therefore staff resources are available to complete the review by June 2022 with a view to implementing any changes from May 2023 elections.

27. The Council will be mindful of Government guidelines and policy and take this into consideration throughout the review

28. To mitigate against the potential for judicial review, the Council will ensure that all decisions are evidence based.

Actions to be taken to implement the decision(s)

29. A draft Terms of Reference will be developed and presented to Corporate Affairs and Audit Committee before the public consultation begins.

Appendices

[APPENDIX A - Community Governance Review – Timetable](#)

Background papers

Body	Report title	Date
Local Government Boundary Commission for England	Guidance on community governance reviews	March 2010

Contact: Sylvia Reynolds - Head of Democratic Services

Contact's email address. sylvia_reynolds@middlesbrough.gov.uk

APPENDIX A

Stage	Action	Timescale	Dates
Council	Agreement		7 July 2021
Commencement	Terms of reference published Stakeholders notified with clear definition of remit of review		30 September 2021
Preliminary Stage	Local briefings and meetings (members/parish councils)	2 Month	September & November 2021
Stage One	Initial submissions invited from stakeholders on future arrangements under terms of reference	2 Months	November & December 2021
Stage Two	Consideration of submissions received Draft recommendations prepared Draft recommendations to be considered by Corporate Affairs and Audit Committee	• 3 Months	January 2021 - February 2022
Stage 3	Draft recommendations published for consultation Stakeholders notified	Two Months	March 2022 – April 2022
Stage 4	Consideration of submissions received Final recommendations prepared Final recommendations published concluding the review Final recommendations considered by Council and decision made on arrangements with resolution to make a Reorganisation Order Reorganisation Order made	Three Months	May 2022 – July 2022
	Orders come into effect at next elections		May 2023

Given that there may still be restrictions on what activity can take place after 21 June 2021, it proposed to hold online consultation meetings as part of the Preliminary Stage with parish councils to outline the Council's proposals affecting their particular parish.

Report of:	Director of Legal and Governance Services and Monitoring Officer - Charlotte Benjamin
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Submitted to:	Council – 7 July 2021
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Subject	Update - Council Constitution
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Summary

Proposed decision(s)
To consider proposals to update the Constitution, included at Paragraph 23 of the report - as endorsed by the Constitution and Members Development Committee on 26 February 2021

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

Contribution to delivery of the 2020-23 Strategic Plan		
People	Place	Business
Not applicable	Not applicable	Ensure decision making practices remain relevant and / or can improve openness and transparency.

Ward(s) affected
Not applicable

What is the purpose of this report?

1. The Council’s Constitution is subject to continual review together with any associated documents e.g. Scheme of Delegation, Procedure Rules and protocols to ensure that decisions taken by the Council are lawful and reflect changes in legislation and Council priorities.

Why does this report require a Member decision?

2. The Constitution is a live document, which from time to time requires adjustment to reflect how the Council operates. Occasionally amendments are needed to reflect changes in policy and legislation whilst others deal with inconsistencies and presentational issues that have no effect on the agreed procedural rules. Other

minor amendments are required to deal with the results of new legislation and do not require a change in Council processes.

3. A phased review of the Constitution is underway to ensure that the Constitution is fully up to date. Some topics have been prioritised for review and the committee will be asked to consider proposals before these are considered for approval by full Council.
4. The changes to the Constitution fall within three broad areas, which can be described as follows:-
 - a. Alterations made as a result of decisions of either the Council or the Executive.
 - b. Alterations made under the delegated powers given to the Monitoring Officer to deal with changes required as a result of legislative changes.
 - c. Alterations to improve the working of the Council or, to attempt to resolve ambiguities or amend typographical or drafting errors.
5. Detailed below are the proposed amendments for consideration by the Council.

Proposed alterations to be made as a result of decisions of either the Council or the Executive.

Motions of No Confidence

6. Council recommended that the item in relation to motions of no confidence (20/10/2020) should be referred back to the committee for further consideration. The Constitution is currently silent on motions of no confidence it is therefore it is proposed to add a new section to the Constitution (see Appendix 1).

Proposed alterations to be made under the delegated powers given to the Monitoring Officer to deal with changes required as a result of legislative changes

7. There were no proposed amendments to be made under delegated powers given to the Monitoring Officer to deal with changes required as a result of legislative changes

Proposed alterations to be made to improve the working of the Council or, to attempt to resolve ambiguities or amend typographical or drafting errors.

8. The following ambiguity with regard to voting on appointments was clarified by the Monitoring Officer:

Voting on appointments at committees

9. Council recommended that the Constitution and Members' Development Committee consider the legal position as to whether Executive members could participate in voting at the Council AGM with regard to Scrutiny/Audit Committee appointments and that a report on the outcome be brought back to Full Council

10. Appointments of Chairs and places on committees are generally made at the Annual Meeting of the Council (see Council Procedure rules excerpt **Appendix 2**).
11. In order to clarify who can take part in voting on the above appointment 'Knowles on Local Authority Meetings - a manual of law and practice', identifies;

Elements of a lawful decision;

1.38 To be lawful a decision of a local authority, if taken by the **full council** or by a committee, must:

- comply with the cardinal principle of being reached by the required **majority of Councillors present and voting** at a properly constituted meeting;;
- be one that the council is empowered or obliged to take, otherwise it is *ultra vires*;
- not offend against Wednesbury reasonableness, which in itself has several facets to consider, including that of bias or predetermination.
- if taken under delegated power, it must furthermore come within the scope of that power.

A decision cannot ordinarily be impugned because of the lack of qualification of a councillor. Ordinarily, too, a decision cannot be challenged because of the motive of a councillor or councillors who voted in favour of the proposition or just because a councillor has not directed their mind in the meeting itself to the arguments for and against or to other relevant considerations.

1.39 There is a general principle governing the manner in which an authority shall reach a decision. This is that, save where other prescriptions apply in particular circumstances:

'... all questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.'

1.40 This means that every decision that falls to be taken by a local authority (unless it is one that an officer or individual member, including an elected mayor, has been empowered to make) can lawfully be reached only by the full council at a properly constituted council meeting or by a committee or sub-committee acting under delegated powers, and then only upon the affirmative vote of a majority of the members present and actually voting.

Therefore, an authority of 100 members may properly be committed to a course of action at a council meeting at which no more than the prescribed quorum is present (say 25 council members, which represents the quorum in the case of a principal council of that membership), of whom only three trouble to put up their hand in favour when a vote is taken and two vote against: or –a more extreme example – if one member votes in favour and everyone else abstains.

12. Having contacted other Tees Valley local authorities, all of the authorities that were contacted advised that the appointments to Chairs and positions on Committees were determined by the whole of the membership of the Council.
13. The guidance contained in 'Knowles on Local Authority Meetings – a manual of law and practice' makes it clear that a decision made by Full Council, should be reached by the required majority of councillors present and voting at a properly constituted meeting.
14. The Local Government Act 1972, s.2B provides that the Mayor is to be treated as a member of the council when voting at meetings, and therefore the guidance above also applies to the elected Mayor.
15. However, the Mayor is not recognised as a Councillor for the allocation of Political Balance and therefore can only be allocated seats on committees as an ex officio member (a member of a body who holds the role as a result of their status or another position that they hold).
16. The guidance thereby indicates that the Executive can take part in voting on all Committee appointments including in respect of Scrutiny Chairs.

Motions

17. It is felt from an operational perspective that improvements could be made to some processes in relation to motions that may help Members' and Service Directors understand the possible impact of motions before submitting them and identify who will be responsible for ensuring actions can be tracked and monitored.
18. Propose that the time for submitting motions with notice to be extended to 9 clear working days. Motions will need to be submitted by 5pm prior to the 9th clear working day. This will allow time for discussions / consultation with the Monitoring Officer / Deputy Monitoring Officer / 151 Officer or Service Director where appropriate and allow time for alterations where required.
19. It is proposed that when submitting a Motion, a Motions Form (**Appendix 3**) be submitted to ensure that all the necessary information is included which will enable appropriate consideration by the Chair of the Council and the Monitoring Officer. The form will also identify who is responsible for any actions arising from the agreement of the Motion and will facilitate Motions to be tracked to ensure that any actions are carried out and within the required timescale.
20. Any amendments to ordinary Motions must be submitted 2 working days prior to the meeting to allow time for discussions/consultation with the Monitoring Officer / Deputy Monitoring Officer/ 151 officer or Service Director where appropriate, to ascertain if the amendment is lawful or valid. This will allow the Chair to read any proposed amendments out at the meeting, therefore providing members with clarity with regard to the amendment to the Motion and clarity on what they are voting on.
21. Any amendment must be relevant to the Motion and should not substantially alter the Motion in such a way as to negate the Motion or to introduce a new proposal.

Motions to amend the Council Budget

22. In terms of proposed amendments to the Council Budget, it was proposed that any amendment must be submitted in writing, at least 3 working days prior to the meeting to allow time for the Section 151 Officer to review the amendment to determine whether the proposal is lawful and to enable him to determine what effect the amendment would have on the budget that has been proposed.

What decision(s) are being asked for?

23. That the Council approve the following proposals to update the Constitution :
- I. Motions of No confidence (Appendix A) be added to the Constitution
 - II. Note that all Members of Council to vote on appointment of Committee Chairs and members
 - III. Change the timescale for submitting a Motion from 7 working days to 9 working days for Notice of Motions
 - IV. Agree the proposals to introduce the use a Notice of Motion form to gather additional information
 - V. Agree the proposal to submit amendments to ordinary motions, in writing, 2 working days before the Council meeting.
 - VI. Agree the proposal to submit amendments to the Council Budget, in writing, 3 working days before the Council meeting.

Other potential decisions and why these have not been recommended

24. Not applicable

Impact(s) of recommended decision(s)

Legal

25. No impact.

Financial

26. No impact.

Policy Framework

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

Equality and Diversity

28. Not applicable.

Risk

29. If the Council does not have adequate governance processes in place to ensure that it complies with all relevant legislation, it could result in a breach in governance

requirements leading to (depending on the seriousness of the breach) fines, reputational damage, government intervention alongside failure to deliver organisational priorities.

Actions to be taken to implement the decision(s)

30. Monitoring Officer to make any changes to the Constitution.

Background Papers

Knowles on Local Authority Meetings (8th Edition)
Council Minutes – 14 October 2020

MOTIONS OF NO CONFIDENCE

1. Motions of no confidence in a Chair of a committee /scrutiny panel may be moved in a committee meeting as an interim measure. However, the Council appoint Committee Chairs, therefore a confidence motion relating to a Chair of Committee must be approved by Full Council as a non-delegated item, with a recommendation that a new Chair be appointed by Council.
2. A confidence motion may only be brought following consultation with the Monitoring Officer / Deputy Monitoring Officer.

Raising a No Confidence Motion

Committee and Scrutiny Chairs

3. Any member of a committee, Overview and Scrutiny Board or any Scrutiny Panel shall be entitled to give notice to the Monitoring Officer or the Head of Democratic Services that they wish an item relevant to the Committee's function to be included on the agenda for the next available meeting (7 clear working days' notice prior to the appropriate committee). The request must contain detailed reason for the motion.
4. The Monitoring Officer will ensure it is included on the next available agenda as the first item for consideration. Where it is not feasible to give the required notice, then a Member of that Committee after consultation with the Monitoring Officer may move that an urgent agenda item is considered at the meeting. Under the law, only the Chair can admit urgent items of business - failure of the Chair to admit a confidence motion in respect of him/herself may be submitted as a Notice of Motion to Council.
5. For consideration of such a motion, the Chair shall cease to be Chair of the Committee for that item and shall be an Ordinary Member of the Committee. The Monitoring Officer, or their representative, will act as Chair of the Committee during consideration of the motion.
6. Where a Member wishes to bring a confidence motion against the Chair of a Committee of which they are **not a Member**, it should be brought as a notice of motion to the Council under the Council's Procedure Rules.
7. The motion, after debate, shall be carried if it is agreed by a simple majority of the **Members** present and voting. The Chair shall immediately stand down and the remainder of the meeting shall be chaired by the Vice-Chair or, in his/her absence, or if he/she was acting as the Chair and the subject of the vote, by a Member elected for that purpose by the meeting.

8. Following a successful vote of no confidence in the Chair, he/she shall not officiate at any subsequent meeting of the Committee prior to the next meeting of the Full Council.
9. If the Council does not confirm the vote by a simple majority of the Members present and voting, the Member remains as Chair of the Committee.
10. Only 1 vote of no confidence can be considered in any 12 month rolling period.

Mayor and Executive

11. A confidence motion against an Executive Member may be brought at Council under the Council's Procedure Rules but the Executive Member can only be removed by the elected Mayor
12. A confidence motion against the Elected Mayor may be brought at Council under the Council's Procedure Rules, however by law the Mayor remains in office until resignation, disqualification or the appointment of a successor, so the Mayor cannot be dismissed by Council by a vote of no confidence.
13. Only 1 vote of no confidence can be considered in any 12 month rolling period.

Chair of the Council

1. A confidence motion against the Chair of Council may be brought at Council under the Council's Procedure Rules, however under the Local Government Act 1972 the Chair/ Vice Chair remains in office until resignation, disqualification or the appointment of a successor, so the Chair cannot be removed from office by Council by a vote of no confidence.
2. Only 1 vote of no confidence can be considered in any 12 month rolling period.

No Confidence Motions at Council

3. Members must give notice to the Monitoring Officer or the Head of Democratic Services that they wish put a motion to Full Council (9 clear working days' notice prior to of the appropriate Council Meeting).
4. The Council shall consider whether to confirm the vote of no confidence. If by a simple majority of the **Members** present and voting, they decide to confirm the vote, the office of Chair of the relevant Committee shall be declared vacant and the Council shall elect a new Chair.

Procedure

Where motions of confidence are moved, the rules of debate will not strictly be applied and in accordance with the rules of natural justice, the defendant (Chair or Mayor, Executive Member) will have the right to speak last, though the mover will have the right to respond.

APPENDIX 2

CHAIRING

1. The Council will appoint chairs and vice-chairs of the Council and all committees and scrutiny panels at its Annual Meeting.
2. Where there is a vacancy for Chair, the Vice Chair will act as Chair until the council fills the vacancy *at the next general full council meeting*.
3. Written notice of the resignation of a Chair or Vice Chair will be effective on receipt by the Monitoring Officer.
4. In the absence of the Chair and Vice-chair at a meeting, the committee will appoint a chair for that meeting or part of that meeting, as appropriate. The person presiding at the meeting may exercise any power or duty of the Chair.
5. Chairs and (where required) Vice Chair of sub-committees of main committee/s will be appointed by the parent committee.
6. The Council may at any time remove a Chair or Vice Chair of a committee.
7. A joint meeting should appoint a member to chair the meeting?
8. No member of the Executive will chair any meeting of the Council, Overview and Scrutiny Board; a Scrutiny Panel or the Corporate Affairs and Audit Committee.

DATE MOTION SUBMITTED	
PROPOSER	
SECONDER	
DATE OF COUNCIL MEETING	
RESPONSIBLE EXECUTIVE MEMBER	
SUBJECT OF MOTION	
ACTION REQUIRED TO IMPLEMENT THE MOTION	
IS THERE ANY FINANCIAL/LLEGAL/SERVICE IMPACT (CHECK WITH MO/S151/SERVICE DIRECTOR BEFORE SUBMITTING THE MOTION)	
PERSON/PEOPLE RESPONSIBLE FOR ACTION	
DEADLINE DATE FOR ACTION	

Report of:	The Monitoring Officer
Submitted to:	Council – 7 July 2021
Subject:	Council Committees and Outside Bodies - Vacancies

Summary

Proposed decision(s)
To seek Members' approval to nominations for appointment, arising from vacancies deferred at the Annual Meeting of Council and resignations from Committees.

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

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
Not applicable	Not applicable	Not applicable

Ward(s) affected
Not applicable

What is the purpose of this report?

1. That Members consider nominations for appointment to the vacancies on Committees and Outside Bodies.

Why does this report require a Member decision?

2. Following the Annual Meeting of the Council, places on some Committees and Outside Bodies remained vacant and there have been some resignations from Committees. The report is necessary so that those vacancies that remain, can be filled.

What decision(s) are being asked for?

3. At the Annual Meeting of the Council held on 26 May 2021, places on some Committees remained vacant and there have been some resignations from Committees. Members are now asked to consider nominations for appointment to the vacancies.

4. That, subject to receipt of nominations to the following vacancies or amendments to places, Council approves (a) the places allocated in accordance with the wishes of the political groups and other councillors and fills the following vacancies:

Committees

Schedule B

Live Well South Tees Board

2 Vacancies: Open to all Councillors

Schedule C

Constitution and Members' Development Committee

1 Vacancy: Open to all Councillors: 1 nomination: Councillor Coupe

Children and Young People's Learning Scrutiny Panel

Following the resignation of Councillor Hill there is a vacancy for the Chair of Children and Young People's Learning Scrutiny Panel:

Chair: Nominations required: Open to all Councillors on Children and Young People's Learning Scrutiny Panel

Licensing Committee

1 Vacancy: Open to all Councillors: Any nominations

Outside Bodies

Appendix A – Appointments by Council

River Tees Port Health Authority

1 Vacancy – Open to all Councillors

Tees Valley Health Scrutiny Committee

1 Vacancy: Originally a MICA place.

If no nominations – open to all Councillors: 1 nomination from Councillor Coupe

Northumbria Regional Flood Defence Committee (will also be required to sit on the Tees Valley Flood Risk Partnership

1 Vacancy – Open to all Councillors

Tees Valley Community Foundation – The Endowment Funds Advisory Board

1 Vacancy – Open to all Councillors

Appendix C – Appointments by Executive

(ANEC) Resources Task and Finish Group

1 Vacancy – Open to all Councillors

Family Placement Panel

1 Vacancy – Open to all Councillors

Tennis World

2 Vacancies – Open to all Councillors

Other potential decisions and why these have not been recommended

7. Not applicable

Impact(s) of recommended decision(s)

Legal

8. No impact.

Financial

9. No impact.

Policy Framework

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

Equality and Diversity

11. Not applicable.

Risk

12. Not applicable

Actions to be taken to implement the decision(s)

13. Appoint Members to Committees in accordance with their preference.

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Report of:	Director of Legal And Governance Services – Charlotte Benjamin Executive Member for Environment, Finance and Governance - Councillor Barrie Cooper
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Submitted to:	Council – 7 July 2021
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Subject:	Appointment of Honorary Recorder of Middlesbrough
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Summary

Proposed decision(s)
Council is asked to approve the following recommendation:- <ul style="list-style-type: none"> The appointment of His Honour Judge Paul Watson QC as Honorary Recorder of Middlesbrough, with immediate effect and for the duration of his tenure of the post of Senior Circuit Judge at Teesside Combined Court Centre.

Report for:	Key decision:	Confidential:	Is the report urgent?
Decision	N/A	No	N/A

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
N/A	N/A	Creating positive perceptions of our town on a national basis by building relationships, and working with the judiciary.

Ward(s) affected
N/A

What is the purpose of this report?

- To seek a decision in regards to the appointment of an Honorary Recorder of Middlesbrough.

Why does this report require a Council decision?

2. The power to appoint an Honorary Recorder is given to full Council by way of Section 54 of the Courts Act 1971.

Report Background

3. An Honorary Recorder is an unpaid, ceremonial office created to maintain and develop close links between councils and the judiciary, and to encourage an understanding of the judicial system among the community. The functions of Honorary Recorder include attending ceremonial and civic functions, and inviting Members of the Council to attend judicial events. The Lord Chief Justice is keen for Councils to use the power available to them to make such an appointment.
4. The role of Honorary Recorder is normally reserved to Senior Circuit Judges or Resident Judges. The usual approach is for the position to be attached to a specific judge, continuing for as long as they remain the Senior Circuit or Resident Judge for the area.
5. HHJ Peter J Fox QC held the role of Honorary Recorder of Middlesbrough between 2002 and 2012, followed by HHJ Simon N Bourne-Arton QC until his retirement as Senior Circuit Judge in September 2019.
6. On 3rd February 2020 HHJ Paul Watson QC was appointed as Senior Circuit Judge, Resident Judge based at Teesside Combined Court.
7. The appointment of Honorary Recorders is in the sole gift of local authorities, however, the Lord Chief Justice's Guidelines for the appointment of Honorary Recorders requests that Councils consult the Senior Presiding Judge for England and Wales prior to making an appointment.
8. The Head of Legal Services (People) wrote to Lady Justice Thirlwall on behalf of the Council and she has confirmed that she was 'delighted to agree' to the Council's proposal to appoint HHJ Paul Watson QC to the role of Honorary Recorder for Middlesbrough.

What decision(s) are being asked for?

9. That Council approves the appointment of HHJ Paul Watson QC as Honorary Recorder of Middlesbrough with immediate effect, for the duration of his tenure of the post of Senior Circuit Judge at Teesside Combined Court Centre

Why is this being recommended?

10. To appoint an Honorary Recorder for Middlesbrough to formalise the relationship between the judiciary and the Council.

Other potential decisions and why these have not been recommended

11. The Council could decide not to appoint an Honorary Recorder, however, the town would not benefit from the positive outcomes detailed in the body of the report.

Impact(s) of recommended decision(s)

Legal

12. Section 54 of the Courts Act 1971 gives the Council power to appoint an Honorary Recorder for Middlesbrough. The appointment does not require the approval of the Lord Chancellor or Lord Chief Justice.

Financial

13. The role of Honorary Recorder is an unpaid position, therefore there are no financial implications associated with making an appointment.

Policy Framework

14. This will not affect the policy framework.

Equality and Diversity

15. N/A

Risk

16. There are no risks associated with appointing an Honorary Recorder. Making an appointment provides an opportunity for strengthening the relationship between the judiciary and the Council.

Actions to be taken to implement the decision(s)

17. None.

Appendices

18. N/A

Background papers

19. N/A

Contact: Ann-Marie Wilson – Head of Legal Services (People)

Email: annmarie_wilson@middlesbrough.gov.uk

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MIDDLESBROUGH COUNCIL

Report of:	Andy Preston – Elected Mayor of Middlesbrough Charlotte Benjamin – Director of Legal & Governance Services Ian Wright – Director of Finance
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Submitted to:	Council, 7 th July 2021
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Subject:	Castle School, Stanhope – Position Update
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Summary

Proposed decision(s)
<p>That the Council notes the current position and approach in relation to legacy claims being made against the Council for historical abuse at the former Stanhope Castle School, including regular updates to the Stanhope Survivors Group.</p> <p>That the Council delegates responsibility for the ongoing management of any legal claims in respect of Stanhope Castle to the Director of Legal & Governance Services and the Director of Finance.</p>

Report for:	Key decision:	Confidential:	Is the report urgent?¹
Noting	No	Not applicable	No.

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
No specific impact.	No specific impact.	Although there is no direct impact on any of the targets in the current strategic plan, the ongoing management of claims in relation to historical abuse can have both a financial and reputational impact on the Council's standing.

Ward(s) affected
General impact on the Council. No specific wards affected.

What is the purpose of this report?

1. To brief Members of the Council on the current position in relation to legal claims being made against the Council by a group of survivors of alleged sexual and physical abuse. These were children at The Castle School, Stanhope ('the School') in the current County Durham when the alleged abuse took place.

Why does this report require a Member decision?

2. Although a member decision is not required, members of the Council have asked for recurring updates in relation to the legal claims being made and the support being given to survivors of the alleged abuse.

Report Background

3. The School was established in 1941 as an approved school under the control of the Home Office. In 1973, following the abolition of approved schools, it became a community home and transferred to Teesside County Borough Council. When that was abolished in 1974, responsibility for the school transferred to Cleveland County Council. The school closed in 1981. When Cleveland County was abolished in 1996, its liabilities – including in respect of the School – were transferred to the four successor unitary authorities and administered by Middlesbrough Council on behalf of the four authorities.
4. The School was in a very rural location and quite isolated from other communities and educational facilities. Most students at the school were boarders as a result. Since the school closed there have been many reports made by former pupils, that they were physically and/or sexually abused by staff at the school during the time they were there.

Middlesbrough Borough Council Responsibilities

5. Whilst the Council itself had no role in running the School, it is responsible for administering the legacy of claims that have subsequently emerged from that Institution. This is from two perspectives:
 - As a unitary local authority, the Council has a number of statutory duties under the Children Act 1989 and the Children Act 2004, including education, children's social services and the safeguarding and promotion of children's welfare. At the time that the School was open the Council was responsible for the welfare of children from our area.
 - The Council also has responsibility on behalf of the four unitary authorities for managing the residual insurance affairs of previous authorities. From Dec 1941 to March 1973 whilst the school was run by the home office no insurance cover exists. All liabilities were transferred uninsured to predecessor authorities. Mutual Municipal Insurance (MMI) insured both Teesside Borough Council and Cleveland County Council (from April 1973 to March 1996) for public liability claims. MMI stopped underwriting new insurance policies in the early 1990's and is now in administration as its historic claims are dealt with and finally settled.

Claims made against the Council

6. To date 33 civil claims have been made against the Council in respect of alleged physical and sexual abuse suffered at Stanhope Castle. The majority of the claims proceeded in two tranches. The first tranche was brought in the early 2000s and focused on alleged physical abuse only. Those claims were handled by MMI and were eventually settled in 2010 for sums ranging between £1,000 and £10,000 each in order to bring these claims to a close. This was on the basis of there being evidence of physical abuse having taken place at the School. The second tranche included claims for sexual abuse in addition to physical abuse. The sexual abuse claims commenced in around 2014 and included uninsured claims and MMI-insured claims. Those claims never progressed beyond the stage of pre-action correspondence, primarily due to a lack of corroborating evidence (including criminal convictions) and difficulties in respect of Limitation.

Limitation

7. The Limitation Act 1980 imposes time limits, known as limitation periods, within which claimants must bring their claims. The purpose of limitation periods is to strike a balance between the rights of claimants to bring claims and the interests of defendants in not having to defend historic cases when, for example, it may be difficult to establish what happened due to the passage of time. This is a key defence in these type of cases.

IICSA

8. The School was one of a number of Case Studies investigated as part of a recent report by the Independent Inquiry into Child Sexual Abuse. This considered the problems that victims of abuse face when bringing legal proceedings against responsible individuals and organisations. The council's former Chief Finance Officer gave evidence to the IICSA inquiry regarding the Council's position on these claims. The IICSA inquiry made a number of suggestions to the Ministry of Justice around how Child Sexual Abuse claims are dealt with in the legal system and the Council will await the government response to these and then reconsider the position.

Current Position

9. In addition, the IICSA enquiry concluded that although some victims of abuse were interested in financial compensation, most wanted acknowledgement of 'what they had been through' and an apology from whoever is responsible. IICSA suggested that a redress scheme be put in place for any local authority who had claims of this nature, which would allow them to acknowledge the abuse, offer an apology and to compensate claimants in financial terms in full and final settlement of any claims, to avoid the need for any litigation.
10. After the IICSA inquiry, the Group wrote to the Mayor asking for a public apology and for the Council to set up a redress scheme to deal with any claimants that had been abused. This was not taken forward given the financial risk of setting up this type of scheme, where the Council could not be satisfied of an evidential basis to establish whether claimants had either been resident at the school or had been abused in any way. The Mayor advised that Stanhope survivors should continue to pursue their

claims through the civil courts. No further claims (new or resurrected) have been made since the IICSA report was published in late 2019.

11. In order to be as supportive and transparent as possible, the Mayor and senior officers of the Council have met virtually with the current survivors group before this report is published. The meeting will be to brief the Group on the contents of this report before it is made public and also to update them on the current strategy of the Council in relation to any historic abuse claims. A verbal update on the key issues from this update will be given to Members at the Council meeting.

What decision(s) are being asked for?

12. That the Council notes the current position and approach in relation to legacy claims being made against the Council for historical abuse at the former Castle School Stanhope, including regular updates to the Stanhope Survivors Group.
13. That the Council delegates responsibility for the ongoing management of these claims in respect of Castle School Stanhope to the Director of Legal & Governance Services and the Director of Finance.

Why is this being recommended?

14. A regular report to the Council on the ongoing position and approach is considered the best way to keep all Members updated on this subject.
15. As the individual claims and correspondence being received by council officers can be complex and over a lengthy period. The most appropriate approach is for delegated responsibility to be given to the Council's Monitoring Officer and Section 151 Officer to deal with any specific issues on these claims, including any settlement amounts required. Any developments can then be given to Members in the next update.

Other potential decisions and why these have not been recommended

16. The above actions are considered the most effective way of dealing with these matters. No other options are deemed appropriate or effective.

Impact(s) of recommended decision(s)

17. This approach will ensure that both Members and the Survivors Group are updated on developments in relation to information requirements and legacy claims on a regular basis by the Council.

Legal

18. Most legal claims to date have been handled by external solicitors on the Council's behalf due to their specialist nature. The first tranche of physical abuse claims settled in 2011 on the basis that some evidence of this abuse was evident from historical information retained by the Council. The second tranche of physical and sexual abuse cases, mainly received from 2014 onwards, have not progressed beyond pre-action correspondence due to a lack of supporting evidence.

The Director of Legal and Governance Services is in contact with our external solicitors on these issues and will monitor progress on the physical and sexual abuse claims that are currently inactive. If any major developments arise these will be discussed with other relevant officers in the Council and Members will be updated at the earliest opportunity.

Financial

19. The financial cost to the Council of claims settled to date on Stanhope Castle has been minor. As these legacy claims all relate to the previous Cleveland County Council, any cost is split between the four successor authorities in their relevant local government reorganisation percentages and therefore the burden is shared. Updates are given to the other authorities via the Tees Valley Strategic Resources Group when appropriate.
20. If any of the outstanding physical/sexual abuse cases progress to Court and are settled in the claimants favour then the costs could be significant based on the length of time since the abuse was committed. These costs are by their nature extremely speculative and difficult to predict. Given the likelihood of success is deemed to be very low at present, no specific provisions are held in the Council's accounts for these amounts. Any amounts could be catered for from general reserves.
21. One of the options suggested by the IICSA inquiry was to establish a financial redress scheme to deal with any claimants that had been abused. This would compensate individuals based on a pre agreed amount if attendance at the school could be proved. As indicated earlier, the financial risk to the Council of operating this type of scheme could be severe given that the length of time the establishment was operational and the difficulty in proving whether abuse did or did not occur. As a result the Council would prefer these claims to progress through the Civil Courts and any financial settlements if successful would be determined by the Court. These amounts would be provided for through the Council's medium term financial planning process as and when they occur.
22. The risk to Middlesbrough Council of setting up a redress scheme is increased as a result of the shared liability with the other three successor authorities to Cleveland County Council. Should Middlesbrough act unilaterally then there would be no obligation on the other Councils to follow suit, this could leave Middlesbrough in the position of bearing the full cost of claims without redress to our insurers.

Policy Framework

23. As the contents of the report relate to historical issues and legacy claims from its predecessor authority, these and any actions/delegations required must be dealt with by full Council under the Constitution.

Equality and Diversity

24. There are no direct equality or diversity issues to be addressed as part of this report.

Risk

25. The risks contained in this report relating to historical abuse at Stanhope Castle (primarily legal, financial and reputational) are included within the Council's strategic register and updated on a quarterly basis by the relevant Head of Service. Any major

changes to the risk rating applicable to this area will be highlighted to CMT and then to Executive as part of the regular monitoring arrangements for the Council.

Actions to be taken to implement the decision(s)

26. The actions recommended in this report will ensure that the current strategy in managing any legacy issues is openly endorsed by the Council and clearly communicated to all relevant stakeholders. This will be done on a regular basis, as will any correspondence with the Stanhope Survivors Group.

Appendices

27. There are no appendices to this report.

Background papers

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

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