

THE CHAIR AND ALL MEMBERS OF THE COUNCIL

Tuesday 18 January 2022

Dear Member

COUNCIL - WEDNESDAY 26TH JANUARY, 2022

You are hereby summoned to attend a meeting of the Council of the Borough of Middlesbrough to be held on **Wednesday 26th January, 2022** at **7.00 pm** in the Main Hall, Town Hall to transact the following business, namely:-

1. Apologies for Absence
2. Declarations of Interest
To receive any declarations of interest.
3. Minutes - Extraordinary Meeting of Council - 17 November 2021 and Ordinary Meeting of Council - 24 November 2021 5 - 20
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). 21 - 22
6. Mayor's Statement and Report
7. Amendment to the Executive Scheme of Delegation 23 - 26
8. Report of the Overview and Scrutiny Board 27 - 34
9. Calculation of Council Tax Base for 2022/23 35 - 42

A recorded vote will be carried out in respect of the above item. [Section 106 of the Local Government Finance Act 1992](#) places a duty to declare an interest on any councillor who is two or more months in arrears with their Council Tax payments if they attend any meeting involved in setting the Council Tax rate for the local authority. They must abstain from any vote involved in the setting of the Council Tax rate until they are no longer in arrears.

10.	Corporate Debt Write Off Policy	43 - 72
11.	Stainton and Thornton Neighbourhood Plan	73 - 190
12.	Urgent Items	
	To consider and Deal with any urgent business brought before the Council by the Proper Officer (if any).	
13.	Members' Question Time	
14.	Notice of Motions	191 - 192
15.	Notice of Urgent Motions (if any)	
16.	Update - Council Constitution	193 - 228
17.	Council Committees - Vacancies	229 - 232



Charlotte Benjamin,
Director of Legal and Governance Services

Inspection of Papers – Documents referred to on this Summons may 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).

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COUNCIL

A meeting of the Council was held on Wednesday 17 November 2021.

PRESENT: Councillors J Hobson (Chair), L Garvey, R Arundale, A Bell (Vice-Chair), D Branson, 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, L Lewis, L Mason, T Mawston, D McCabe, C McIntyre, M Nugent, J Platt, E Polano, G Purvis, J Rathmell, D Rooney, J Rostron, M Saunders, M Smiles, M Storey, J Thompson, Z Uddin, J Walker, G Wilson and C Wright

OFFICERS: C Benjamin, S Bonner, M Brown, B Carr, G Field, A. Glover, A Hoy, D Johnson, S Lightwing, A Pain, T Parkinson, A Perriman, S Reynolds, T Whitehead, K Whitmore and I Wright

APOLOGIES FOR ABSENCE: Councillors D Jones, J McTigue, A Preston (The Mayor), R Sands, P Storey and S Walker

21/70 **DECLARATIONS OF INTEREST**

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

21/71 **SENIOR MANAGEMENT ARRANGEMENTS**

The Director of Legal and Governance Services and the Director of Finance submitted a report in respect of senior management arrangements for Council's consideration. The purpose of the report was for Council to consider whether it wished to change the organisation's senior management arrangements.

Typically a report on senior management arrangements would be brought by the Chief Executive as the Head of Paid Service. However, in view of the potential for conflicts of interest, both the Elected Mayor and the Chief Executive had agreed that this report would be developed by the Director of Legal and Governance Services and the Director of Finance in their respective statutory roles of Monitoring Officer and Chief Finance Officer.

The Local Government Association had provided information on the content of the report including the alternative models.

The Director of Legal and Governance Services clarified that, if members chose to change the senior staff arrangements, it would automatically trigger the voluntary redundancy of the Chief Executive.

If Members opted to change the senior management arrangements, the two potential operating models included within the report for members to choose from, included the Chief Operating Officer model or the option for an Existing Director within the Council to become the Head of Paid Service, in addition to their existing role. The benefits and risks of each model were set out within the report.

Members were advised that if Council supported a change in senior management arrangements and designated an interim Head of Paid Service, the interim Head of Paid Service would provide a report to Council, no later than three months from their designation (the date of the report), setting out in detail the proposed senior management arrangements, including any constitutional changes required as determined by the Monitoring Officer.

The Council would also be required to designate an interim Electoral Registration Officer and Returning Officer, as there was a by-election scheduled for 16 December 2021. Given that the responsibility for elections fell within the remit of Legal and Governance Services, it was proposed that the Director of Legal and Governance Services be designated interim Returning Officer and interim Electoral Registration Officer.

The Director of Finance advised that both internal and external audit had been consulted with regard to the content of the report and their feedback and any financial implications for the

Council, had been included within the report.

The Director of Finance advised that there was an error at paragraph 59 of the report. The report stated that the Chief Executive contributed 12.5% of his salary to the Local Government Pension Scheme, however the actual figure was 11.8%.

The Director of Finance advised that where an employee chose to take voluntary redundancy, there was an automatic uplift to their redundancy payment of 25%. The additional cost of £22k, as a result of the uplift would be outweighed by the cost of £53,314, if the Chief Executive was subject to compulsory redundancy.

The Local Government Pension Scheme regulations required that an employee over the required age and with sufficient service who was made redundant would receive the early payment of their pension. The cost of the early payment of the pension fell to the Council and was estimated to be £420,000, and this was a contractual requirement. This sum would be reimbursed directly into the Teesside Pension Fund; it would not be a direct payment to the Chief Executive.

Paragraph 61 of the report indicated that if the Council chose to move to the Chief Operating Officer model, there would be a saving of £24,467 per annum.

If the Council chose to move to the Chief Operating Officer option and merged the Chief Executive role with an existing Director's post, the savings to the Council would be £187,368 per annum.

If the Council chose to delete the Chief Executive role completely and merge the Head of Paid Service role with an existing Director's post, the savings would be £196,437 per annum, which would include an uplift in salary of £26k for the Director who would take on the role of Head of Paid Service. A potential saving would also be available from a reduction of one Business Support Officer (PA) post, due to the reduction in the overall size of the Leadership Management Team.

The Director of Finance pointed out that none of the savings detailed in the report had been assumed in the Medium Term Financial Plan, so how the savings would be utilised would be a matter for discussion by members.

The Chair invited members to comment on the report. The Chair reminded all members that this was a business meeting of the Council and he requested that members focus their questions and comments on the content and the recommendations contained within the report. He requested that members avoid making any personal comments in relation to any individual mentioned within the report.

The following points were raised during the ensuing discussion of the report:

- Labour group leader indicated that the group would vote in favour of retaining existing senior management arrangements.
- A strong leader was essential, and the Chief Executive role had served the Council well in challenging times.
- Retaining the role of Chief Executive ensured that there was a clear line of accountability, which was essential, particularly while the Council was being monitored by Ofsted.
- The negatives listed at paragraph 26 of the report would not have been relevant in relation to previous Mayors of the Council.
- A strong Chief Executive was essential where there was a strong Mayor in office.
- The Corporate Affairs and Audit Committee had considered a report in relation to issues that had occurred at Liverpool City Council, and for that reason, it was essential not to weaken the role of the Chief Executive.
- Both of the alternative management models would provide the Chief Executive/Head of Paid Service with less reach and authority.
- It would cost the Council money to replace the Chief Executive and the Council would be much weaker if the role of Chief Executive did not exist.

- Challenge was essential and the removal of the role of Chief Executive could potentially make the Council unstable.
- All organisations should review their senior management arrangements from time to time.
- The Chief Executive, the Local Government Association and Senior Officers had all been involved in discussions about the report.
- The Council had a strong strategic leader who worked well with partner organisations.
- The Council had the opportunity of realising £200k in savings.
- The cost of the redundancy payment was astronomical when taking into account that the Council was considering a rise in Council Tax.
- The report could be deferred to a later date as the Government was considering imposing a cap on redundancy payments.
- Reference to meetings that had taken place with the Local Government Association were included within the committee report however there was no appendices to the report in relation to minutes of the meetings that had taken place.
- Risk of silo working within the management team.
- If Council lost its strategic focus it would be bad for the town.
- Need confidence in leadership of the Council.
- Comparison with Leicester was not appropriate because of the difference in size and political arrangements of the two Councils.
- Portfolios were too big for one person to manage.
- The anticipated savings were not guaranteed.
- The Council was only 18 months away from local elections and any decision made in relation to senior management arrangements could be reversed.
- Would have been better to discuss the issue with political groups before bringing the report to Council, which would have saved officer time in preparing the report.
- Any decision to adjourn the meeting would cost more in officer time.
- Current Chief Executive kept staff at all levels informed.
- The Council had employed four different Chief Executives over a relatively short space of time and the current arrangements offered stability.
- Without the Chief Executive post, the Council would not be as efficient.
- It would be a retrograde step without a Chief Executive as there needed to be a barrier between the Mayor and the Chief Executive.
- Revised arrangements would place an unnecessary burden on the Director of Adult Social Care and Health Integration.
- Concerns regarding what the savings would be used for.
- Overload of responsibilities in the portfolios.
- If the Chief Executive role was taken away, the Council would lose a means of carrying out checks and balances.
- The savings were all hypothetical as the role could be brought back at a later date.
- The amount for voluntary redundancy which included the 25% increase was excessive.
- Appreciated the role of the Chief Executive, in particular the handling by the current Chief Executive of issues during the Covid pandemic.
- Would support current senior management arrangements, could not support half a million redundancy package.
- Report was more about an issue between the Mayor and current Chief Executive.
- Report did not detail who would make decision whether the new model was working. The Monitoring Officer advised that it would be Council who made the decision with regard to whether the new model was appropriate.
- Would have been better to discuss with Group Leaders before producing the

report for Council.

- Need to look at the situation from an economic aspect rather than a political aspect.
- Opportunity to make savings.
- Good existing directors who could take on Chief Executive role.
- Opportunity to save tax payers money.
- Query re checks that the Chief Executive could make on the Mayor. The Monitoring Officer explained the role of the three Statutory Officers (the Chief Executive, the Monitoring Officer and the Section 151 Officer), in the decision making process.
- Financial savings should not be main focus of the report.
- Need to focus on the governance of the Council and support existing arrangements.
- Focus should be on vision for the town.

During the discussion a motion to defer the report until the Government produced guidance on capping redundancy payments was proposed. The motion was not seconded.

Prior to the vote being taken, the Monitoring Officer explained that the first item that members would be voting on was whether they wished to change the organisation's senior management arrangements. If Members voted against changing the existing management arrangements, then the remainder of the recommendations would no longer be relevant, and as a consequence, they would not require a vote.

The Monitoring Officer conducted a vote on whether the Council wished to change the existing senior management arrangements, specifically in relation to the role of Chief Executive.

Following a vote, it was **ORDERED** as follows:

That the existing senior management arrangements, specifically in relation to the role of the Chief Executive, be retained.

COUNCIL

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

- PRESENT:** Councillors J Hobson, D Branson, A Bell (Vice-Chair), B Cooper, D Coupe, D Davison, S Dean, TA Grainge, C Dodds, T Furness, 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, M Storey, A Preston (The Mayor), G Purvis, J Rathmell, D Rooney, J Rostron, R Sands, M Saunders, P Storey, J Thompson, J Walker, S Walker, G Wilson and C Wright
- OFFICERS:** C Benjamin, S Bonner, C Breheny, B Carr, D Johnson, A Pain, T Parkinson, K Whitmore and I Wright
- APOLOGIES FOR ABSENCE:** Councillors R Arundale, C Cooke, L Garvey, A Hellaoui, T Higgins, A High, M Smiles and Z Uddin

21/72 **DECLARATIONS OF INTEREST**

Councillor J Walker declared a non-pecuniary interest as she was involved with the Linx project and the organisation was mentioned in the Deputy Mayor and the Executive Member for Culture and Communities' Executive report.

21/73 **MINUTES - COUNCIL - 20 OCTOBER 2021**

Councillor Thompson advised that the minutes did not reflect a question she had asked the Deputy Mayor and Executive Member for Culture and Communities to which she had not received a response. The question was with regard to progress made in relation to a commitment to deliver training to members on racial awareness, as a result of a motion submitted to Council on 14 October 2020. Councillor Thompson requested that this be noted in the minutes of 20 October 2021.

The minutes of the Council meeting held on 20 October 2021, with the inclusion of the amendment set out above, were approved as a correct record.

21/74 **ANNOUNCEMENTS/COMMUNICATIONS**

The Chair invited Councillor Mawston to address members with regard to the Cleveland Show.

Councillor Mawston advised that he had been a member of the Cleveland Show for many years and he was currently the Chair of the Cleveland Show Board.

He stated that a press release was due to be published the following morning from the Cleveland Show's Director informing every one of the permanent closure of the show.

He stated that the Cleveland Show Board wanted to thank Middlesbrough Council, in particular, the Chief Executive, the Director of Environment and Community Services, Middlesbrough Council staff and all of the successive Park Managers including the current one. He advised that the support of all of the above had assisted the show to become a big attraction in Stewart Park. Councillor Mawston also thanked previous and current Council members for their support over the years.

The Cleveland Show had started off as the Stockton Show, based at Ropner Park in 1944. It had relocated to Stewart Park in 1963. Memorable events had included the presence of the Queens coaches in 1971, (the first time on display without a member of the Royal family on board) and the Household Cavalry. In 1977 the winner of the Grand National, Red Rum, had appeared, and in 2018, the equine cast of the Game of Thrones, had been present.

The Cleveland Show was a not for profit, self-funded, volunteer run, organisation. Several years of shows that had been affected by the bad weather had resulted in the Board having to seek sponsorship for the event. Representatives from the show had met with the Mayor and

the Chief Executive and following the meeting it was anticipated that a local business man would be able to raise the £50,000 needed to sponsor the show. The funding did not materialise and following an unsuccessful bid to Tees Valley Combined Authority, the Show Board continued to try and host the show.

Councillor Mawston advised that, following the impact of the Covid pandemic, it was however decided, with sadness, that the show must come to an end. The show would lose its charitable registration in May 2022.

The Mayor stated that the closure of the Cleveland Show was very sad and he thanked all the volunteers.

Councillor McTigue queried whether there was anything that could be done about the closure and whether the closure had been publicised?. Councillor Mawston advised that the Board had tried everything it could to maintain the show and he did not wish to comment any further.

21/75 **QUESTIONS FROM MEMBERS OF THE PUBLIC (IF ANY).**

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

21/76 **MAYOR'S STATEMENT AND REPORT**

The Mayor commented on the following issues:

Covid

The Mayor advised that the Deputy Mayor and Executive Member for Culture and Communities was absent from the meeting as she was suffering with Covid.

The Mayor urged councillors and members of the public to exercise extreme care and to continue to wear face masks. He stated the rates in Middlesbrough were middle of the table. He thanked the NHS, the Public Health Team and other staff for helping to keep the town safe.

Bad Behaviour

The Mayor referred to the current spate of bad behaviour in the Hemlington area and the fact that vulnerable people and the town in general were being let down because of the courts. Young people who were intimidating residents were being arrested by the police and the police were requesting curfews, but it appeared that the courts were not respecting the wishes of the police. The Mayor urged people to report crime as if it wasn't reported, it would not be recorded.

The Mayor referred to a Neighbourhood Watch Scheme that had been set up by A Francis in the Linthorpe Ward and advised that if a Neighbourhood Watch Scheme was run well, crime could be reduced by 25% as a result of a Neighbourhood Watch Scheme.

Trees

The Mayor referred to the fact that Middlesbrough had been awarded 'Tree City of the World' status. He stated that thousands more trees and wild flowers would be planted this year and next year.

The Mayor referred to the fact that people were furious about the fact that Lidl had cut down some trees, in anticipation of a planning application. He thanked Councillor P Storey for making Lidl aware. The Mayor referred to a petition that had been taken down from the Council Website for legal reasons. He advised that he would be happy to help with the main petition if required.

Regeneration

The Mayor welcomed Harrison Scott to the meeting, a participant in the Council's recent initiative called the Big Takeover. The Mayor stated that he wanted young people to obtain quality jobs if they chose to remain in the town. People often had to leave the town to secure

jobs.

Boho X

The Mayor referred to the progress with Boho X and advised that an announcement was due to be made in the next few weeks.

The Mayor advised that he had met Harrison at the Big Takeover. He had also met Phoebe from Trinity School and Ruby from Nunthorpe School as part of the Big Takeover event, which was a fantastic success.

The Mayor advised that the new ambition for Middlesbrough was that no single person in Middlesbrough would ever go hungry. He advised people who were struggling to get in touch with the Council or the White Feather Project and they would make sure that people were fed and were safe and warm.

Councillor Bell stated that in relation to anti-social behaviour in Hemlington, young people who were being arrested were not subject to a curfew. Recent television coverage by Tyne Tees television of the Hemlington area had showed it in a very bad light, but it had failed to highlight the good parts of the Hemlington area. He urged the Mayor to advise the television company that the Council was not happy with the coverage as there was more good parts of Hemlington compared to the bad parts.

The Mayor advised that Hemlington was a beautiful place, but it did have problems in parts of the area and the Mayor advised that he would contact the councillor to discuss it.

Councillor J Walker advised that many of the issues in Hemlington had been under the surface for the last 18 months. Councillor Walker advised that along with the police, Thirteen, the Council Enforcement Team, she had been trying to improve the area, but had been unable to obtain funding and investment to make the area safe.

Councillor Walker listed many instances of anti-social behaviour and advised that people were frightened to report issues because of fear of reprisal. People were being having to be moved out of the area. The Youth Offending Service were defending young people and no curfews or bail conditions were being imposed. Councillor Walker advised that she, members of her family and her car had been attacked. Fear of crime and reprisals needed to be addressed.

The area required additional and better CCTV as a matter of urgency. The area itself, needed more investment. The library in Hemlington was an example of something that was good, but everything had been impacted because of Covid. Councillor Walker advised that it had to be acknowledged that issues existed in the area and needed to be addressed.

The Mayor stated that he agreed with the sentiments expressed by Councillor Bell and Councillor J Walker. He stated that there was always a balance between the law and civil liberties, but in his view, the perpetrators of anti-social behaviour needed to be locked up. The Council had installed cameras but they were getting damaged. As a result, the Council had made a decision to install Belfast cameras, which were much more difficult to damage. There was a waiting list for cameras. The issues should have been addressed many years ago and the courts and the magistrates needed to be tougher. The Mayor urged the councillors to continue fighting for the area to be safe.

Councillor S Walker advised that on a recent walkabout, with Councillor Branson and Councillor Mason and Councillor Cooper, they had noticed many overgrown trees and bushes. It appeared to be a South Middlesbrough issue. On Newham Way, the trees were very overgrown and could cause a safety issue.

The Mayor advised that the Council needed to come up with a proper plan to address the issue. The budgets had been cut and this was the reason why the issue had been allowed to build up.

Councillor M Storey queried whether the Mayor could provide evidence of what difference the introduction of Public Spaces Protection Orders had made? He stated that it was important to strike a balance between the town centre and the rest of the town in terms of addressing anti-social behaviour.

Councillor Storey stated that the Council needed to look at its Tree Policy in relation to the issue of cutting down trees in the Linthorpe area on the College of Art and Design site. The Local Plan which had been rejected, had specified the site for housing development so there was no protection for that site, which was why a supermarket had come forward. Councillor Storey advised that the local people did not want a supermarket on that site, and he urged the Mayor to look again at the site.

In terms of Boho X, Councillor Storey advised that he was pleased to see the progress that had been made. He stated that he was pleased that the Council had decided to go back to the original plans for the site.

Councillor Storey stated that it was good to see the efforts that had been made with regard to making sure that people did not go hungry. It was however a disgrace that people were having to go to food banks, and people needed to speak out about the extreme poverty in the town.

The Mayor advised that when the PSPO was introduced into the Gresham Ward, the area was out of control. The PSPO was a legal order which put signs up to prevent bad behavior. The PSPO was put in place just before the Covid pandemic had arrived so it was difficult to quantify any meaningful data. There had been hundreds of formal recorded warnings issued and a number of people had received fines.

In terms of the Local Plan, it was a framework for what the Council wanted to see with regard to any development in the town, however it would not prevent people from building supermarkets. Cancelling the previous Local Plan had resulted in fewer trees being cut down, as in the case of Mandale Meadow. Mandale Meadow was going to have 55 houses placed on it which would have resulted in the loss of many trees. There would still be houses built on the plot, but not as many as 55.

The Mayor advised that the Council aimed to build over 1000 houses on brownfield sites, and in his view rejecting the Local Plan and redrafting it was the correct thing to do.

Councillor McTigue queried whether Councillor J Walker had contacted the MP for the area in relation to the issues in Hemlington. Councillor Walker advised that she was due to contact him the next day. Councillor McTigue stated that all the Northern MPs should contact the Government to urge them to scrap the Criminal Justice System. People who committed crimes needed to be locked up and harsher sentences needed to be imposed. There needed to be training in prisons. The Criminal Justice System needed to be redrafted.

Councillor Wright wished the Deputy Mayor a speedy recovery. He queried with regard to the situation with the decision for Mandale Meadow.

Councillor Wright stated that it was good to hear about the Neighbourhood Watch initiatives and the introduction of PSPOs, Street Wardens and to hear about issues with the courts, but he queried with regard to whether the Mayor could develop an overall strategy for tackling crime and anti-social behavior across the town.

Councillor Wright welcomed Harrison Scott to the Council meeting. He stated that the Mayor was correct in that aspiration and ambition were central to what Middlesbrough children needed in the future. High quality jobs were achieved through a good quality of education. He queried whether the Mayor had spoken to any of the SEND children in Middlesbrough in terms of their aspirations and ambitions. Councillor Wright also queried with regard to whether the Mayor had resolved the issue of insufficient place planning for children with EHCP's moving forward to the next school year.

The Mayor advised that there was a plan to build on private land, a country park and housing on Mandale Meadow. The current vision involved building a road that would go through Mandale Meadow and the Executive would not actively endorse a road through the Meadow unless this was a financial and legal requirement and it was a requisite of the application. The Executive did not intend to rush into taking the decision about Mandale Meadow.

In terms of Street Wardens, the Mayor advised that they had saved twelve lives and had helped homeless people and helped feed people. The Neighbourhood Watch schemes would be rolled out across the town if they proved to be effective. The police were responsible for

front line tackling crime. The Mayor stated that he supported the Street Wardens, Neighbourhood Watch schemes and PSPO's if it protected victims and helped to deter crime and keep streets safer.

Councillor Rooney welcomed Harrison Scott to the meeting.

Councillor Rooney advised that the Local Plan was a document that informed residents what would be developed in the town, how it would be developed and what the requirements would be of any developer. The plan advised developers with regard to what would be expected of them in terms of development of a piece of land. If the land was classed as white land, it allowed developers to do whatever they wanted in terms of that land. The Council could object but if there was no Local Plan, in terms of the development on Green Lane/Roman Road, it was for 25 dwellings of low level which had been built into the Medium Term Financial Plan and would have brought income into the Council. Because the Council did not have a Local Plan, Lidl could challenge the Council and the likelihood was that they would win and it would cost the Council.

Councillor Rooney suggested that councillors receive a briefing on the Local Plan from the Head of Planning. Councillor Rooney stated that the Mandale Meadow application was contentious. It was not in the original Local Plan but had been planned to be included within the revised plan. The application had originally been for 100 dwellings.

In terms of the road, the Council had held three events and hundreds of people had attended. The feedback from residents had indicated that 80% of residents felt that they had been listened to and were happy with the new proposals. The road had been moved from the original place on the plans nearer to the A19. The application for the country park would achieve benefits to the Council. It was private land that had been developed and sold and the Local Plan would allow the Council to have some control over the application.

The Mayor stated that the Local Plan was unfair as it would allow people to destroy ancient trees and build housing where it was not needed. It was out of date and by rejecting it, the Council had prevented unnecessary building. The new plan would focus on building on brownfield sites and would allow for 1000 new houses to be built. It would be great for the shops and the economy.

21/77

EXECUTIVE MEMBER REPORTS

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

Councillor M Storey queried why there was no report from the Mayor in relation to Children's Services. The Council was currently subject to Ofsted and it was an important area particularly in relation to Children Looked After. The Mayor advised that a report had been prepared, however he had suffered a family bereavement eleven days previously. Without discussion with the Mayor, but with good intent, a decision had been made by officers that the Mayor presenting a report may not be appropriate.

Questions on the Deputy Mayor and Executive Member for Culture and Communities report

Councillor Davison – General Question regarding Paragraph 4 of the report

Councillor Davison stated that she was pleased to see that the wheelchair swing in Stewart Park was to be replaced as it had been broken for over 3 years. Councillor Davison queried whether other parts of the play area in Stewart Park could be looked at in the future?

Councillor J Walker – Safety and Communication

Councillor J Walker wished the Deputy Mayor a speedy recovery.

Councillor J Walker referred to paragraph 29 onwards of the Executive Member report in relation to the fact that in partnership with the Police and Crime Commissioner's Office the Council was set to receive a share of £23.5 million funding allocated to help women and girls

feel safer on the streets. She queried whether the wording should be 'to help women and girls be safer on the streets'. Councillor Walker also queried if all of Middlesbrough would receive a share of the funding as there were women and girls in every ward and whether this would mean that Hemlington would be allocated a share of the funding.

Councillor J Walker referred to the £381,771 Safer Streets Government funding. Councillor Walker noted that a range of initiatives would be introduced, which would be primarily focused in Newport and Central wards and queried whether any funding that was left over could be allocated to the Hemlington Ward to address the problems that the area was experiencing, over the past few years, but in particular over the previous four months. It was quite likely that Hemlington would focus highly on the Active Intelligence Mapping (AIM) system. Councillor Walker also referred to the fact that it mentioned in the report that AIM process was under constant review to drill down on priority areas. Councillor Walker queried whether the Executive Member was involved in the review process and whether it indicated that Hemlington had a very high level of crime and anti-social behaviour incidents.

In relation to the proposed closure of Cass House Road underpass, which attracted the most prolific offenders, Councillor Walker stated that she hoped the consultation process would begin soon.

In relation to the table of crime statistics, which showed a huge increase. Councillor Walker queried whether the statistics would help Hemlington to get the assistance they needed to feel safe. Residents were fearful for their safety, including the youth of the area. Many incidents had been reported and many residents had left the area because of the high level of crime and anti-social behaviour.

With regards to the funding bid that had been submitted to the OPCC via the Proceeds of Crime Act requesting £30,000 for security upgrades at the Viewley Shopping Centre. Councillor Walker stated that the figure was a drop in the ocean compared to the bid for Safer Streets funding of over £500k to keep businesses and residents safe from crime. Councillor Walker also referred to the fact that the dinosaur park had CCTV but Hemlington Ward was still waiting for additional CCTV.

Question on the Executive Member for Education report

Councillor Dean – Schools

Councillor Dean queried with regard to how many schools the Executive Member had visited since taking on the portfolio of Executive Member for Education.

The Executive Member for Education advised that he had visited several schools in this last term, and that he had several more visits planned for the remainder of this term and had more planned for the remainder of the year.

Questions on the Executive Member for Environment, Finance and Governance report

Councillor P Storey – Green Waste Collection

Councillor P Storey stated given the change in climate conditions and the fact that the growing season for gardens was extending could the changing environmental factors be considered in relation to the Green Waste collection times. Councillor Storey also queried whether an additional Green Waste collection could be scheduled for December.

Councillor Cooper requested that people visit the Council website for collection times, but he advised that there was always room for discussion. He advised that it was a fluid situation and they would consider any requests.

Councillor J Thompson – Highways Projects

Councillor Thompson referred to the planned carriageway surfacing works scheduled to be completed prior to April 2022 and queried whether there were any plans to repair speed humps, as there were a number of humps that required repairing in her ward.

The Executive Member advised that engineers were sent out to inspect speed humps to

prioritise them in respect of order of repair. He advised that if the speed humps were broken, they would be repaired, however he was unable to provide a timescale for any such repairs. Councillor Cooper also advised that he would be happy to share an email that he received regarding potholes.

Councillor D Rooney – Green Strategy

Councillor Rooney queried with regard to the role of the proposed Green Champions. The Executive Member advised that at the present time, the Council was looking for volunteers. The role of the Green Champion had yet to be defined, but he would report back, once the role of Green Champion, had been agreed.

Councillor Furness – Medium Term Financial Plan

Councillor Furness advised that there was a report further on in the agenda on the MTFP. Councillor Furness advised that there was a possibility of inflation rising and in his view this was not factored in enough going forward. The National Employers had been offered 1.75% and many services were getting higher rises. For every 1% pay rise it cost the Council £900k but every 1% increase in Council Tax would only bring in £600k. The report had assumed a 2% pay rise and he stated that he was concerned that the Council would not be able to cover the costs.

The Executive Member advised that there was a report on the issue later on in the agenda and he would rather defer the issue to when that report was discussed.

Councillor McTigue – Wild Flowers and Tree Planting

Councillor McTigue commented about the fact that the Council would replace a blue bin free of charge, if it was stolen, but it would charge for the replacement of a black bin. Councillor McTigue stated that where there was proof that the bins had been stolen, residents should not have to pay the £15 replacement fee.

Councillor McTigue stated that she wished to congratulate the Executive Member, his the department and director on the way the town was turning green. The Mayor was keeping his promise to plant trees.

Councillor McTigue advised that she had been given a million seeds to plant in the town. Thirteen Group played a major part in the wild flower planting and made a promise to donate £20k in the next year.

Councillor Cooper stated that the Council had been successful in a bid for funding of £477K for planting of approximately 1,140 standard trees over the next two years. The funding was awarded as a result of an application to the Forestry Commission as part of the Urban Tree Challenge Fund to plant trees across the town centre.

Questions on the Executive Member for Regeneration report.

Councillor P Storey – Selective Landlord Licensing

Councillor Storey queried with regard to when the Selective Landlord Licensing scheme would be extended to the Linthorpe Ward.

The Executive Member for Regeneration advised that the scheme had been very successful in the North Ormesby Ward and it was hoped that it would eventually be rolled out across the whole of the town, however he did not have a timescale for this.

21/78

REPORT OF THE OVERVIEW AND SCRUTINY BOARD

The Chair of the Overview and Scrutiny Board presented a report, the purpose of which was to provide an update on the current position regarding progress made by the Overview and Scrutiny Board and each of the individual Scrutiny Panels.

ORDERED that the report be noted.

21/79 **MEDIUM TERM FINANCIAL PLAN UPDATE**

The Elected Mayor and the Director of Finance submitted a report, the purpose of which was to provide an update to Council of the Council's Medium Term Financial Plan (MTFP) for the period to 2024/25, reflecting and supporting delivery of the Strategic Plan.

The report also set out to Council the proposed budget and Council Tax increase for 2022/23, and noted that these would be subject to public consultation.

The Mayor presented the report.

In response to a query from Councillor Branson with regard to paragraph 85 of the report in relation to a projected £1.8m budget gap in 2023/24 and a projected £4.6m budget gap in 2024/25 and whether the budget gap was likely to increase and if so would it affect services, the Mayor advised that the finance officers had made conservative assumptions with regard to the funding the Council was likely to receive from the Government however, there had been encouraging signs in relation to the future funding from the Government.

ORDERED as follows:

- That the Council notes the updated Medium Term Financial Plan position for 2021-25.
- That the Council notes the proposed budget for 2022/23, and the proposed total Council Tax increase of 2.99% for 2022/23 (comprising of a 1.99% increase in general Council Tax and a 1% Adult Social Care Precept).
- That the Council notes that the proposed budget and the proposed Council Tax increase for 2022/23 are subject to public consultation commencing on 25 November 2021 and ending on 23 January 2022.

21/80 **URGENT ITEMS**

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

21/81 **MEMBERS' QUESTION TIME**

There were no Members Questions on Notice submitted within the specified deadlines for this meeting.

21/82 **NOTICE OF MOTIONS**

Prior to the consideration of Notice of Motion 150, the Monitoring Officer clarified the position with regard to amendments to motions. A recent change to the Council's Constitution had specified that two days' notice must be given of any amendment to a motion. This was an error; the wording should have stated that two days' notice **should** be given of any amendment to a motion. On that basis, the Monitoring Officer advised that any member would be permitted to put forward an amendment to a motion, at the meeting.

Consideration was given to Motion No. 150, moved by Councillor M Storey and seconded by Councillor Branson of which notice had been given in accordance with Council Procedure Rules No. 53-60 as follows:

Middlesbrough Council notes:

- 1 in 10 workers have experienced 'fire and rehire' – told to reapply for their jobs on worse pay, terms and conditions or face the sack, with BME workers facing this at twice the rate of white workers, since March 2020 (TUC research, January 2021). A quarter of all workers have experienced a worsening of their terms and conditions – including a cut to their pay – since the pandemic began.
- That while the prime minister has called the practice unacceptable he has continually refused to take action to outlaw the practice, raising concerns that he will not intervene in this race to the bottom as an escalating number of employers across all sectors using our weak employment protections to force

their staff to accept worse terms and conditions, leaving many having to work longer hours and for lower pay, with what can be devastating consequences for workers and their families.

- Even before the pandemic, 1 in 9 workers – 3.8 million people – were already ‘insecure’ meaning they did not have access to basic rights at work and could be dismissed at will, including those on zero hour contracts and agency workers.

Middlesbrough Council therefore resolves to:

- Ensure local residents are protected against such unscrupulous employers and will write to the Prime Minister demanding he outlaw fire and rehire and act now to keep his promise to local residents to protect their employment terms and conditions.
- Promote the increasing number of progressive local employers prioritising their employees’ standard of living and their wellbeing, work with our anchor institutions and key partners to bring forward plans to ensure all have best practice employment and to work with recognised trade unions on this.
- Write to the TUC to indicate support for the campaign for a ‘New Deal for Working People’.

Councillor Branson seconded the motion and spoke in support of it.

Councillor Branson stated that the purpose of Fire and Rehire was nearly always to worsen working conditions. This could include increasing working hours or reducing holiday entitlement or break times. This practice meant that the working conditions for the people in this country were considerably worse than the rest of Europe. This had resulted in a negative impact on health and safety. The European Treaty had a clear commitment to improving working conditions. However since the country left the European Union, this no longer had an effect. The EU working directive had been scrapped which meant that people were working longer hours, sometimes up to 70 hours a week, which was not safe and resulted in putting the health and safety of people at risk and worsening working conditions.

Councillor Rathmell queried with regard to what protections the councillors were seeking from the authority in terms of protecting local residents employment terms and conditions and would there be a financial burden associated with it. He acknowledged that the motion requested that a letter be sent to the Prime Minister.

Councillor M Storey advised that through the motion, they were hoping to ensure that people would have legislative protection from employers who carried out the practices referred to in the motion. The motion was aimed at tackling unscrupulous employers. Any lobbying on behalf of ending Fire and Rehire would tackle this practice and unscrupulous employers.

Councillor Rathmell queried whether it would be better to include something in the motion that would prevent the Council from working with such employers or whether including such a condition but be too much of a legal constraint on the Council.

Councillor Storey said the second point of the motion mentioned promoting the increasing number of progressive local employers prioritising their employees’ standard of living and their wellbeing, and one of the purposes of the motion was for the Council to encourage good employers.

Councillor Bell stated that although he agreed with all the sentiments expressed within in the motion, he wanted to propose an amendment to the motion. He requested that the last bullet point which stated ‘Write to the TUC to indicate support for the campaign for a ‘New Deal for Working People’, be removed, as he did not know any detail with regard to the New Deal for Working People. Councillor Saunders seconded the amendment to the motion.

Councillor M Storey advised that the papers had been circulated prior to the meeting which provided members with the opportunity to research what the New Deal for Communities was concerned with. There was also information available on the internet which explained what the New Deal for Working People was about and it contained lots of information on the protection of workers. Councillor Storey stated that if the last line was removed he would still support the

motion, although he was disappointed if it was removed.

Councillor Bell advised that he had researched the New Deal for Working People, however, it was only available by post.

The amended motion was as follows:

Middlesbrough Council notes:

- 1 in 10 workers have experienced 'fire and rehire' – told to reapply for their jobs on worse pay, terms and conditions or face the sack, with BME workers facing this at twice the rate of white workers, since March 2020(TUC research, January 2021). A quarter of all workers have experienced a worsening of their terms and conditions – including a cut to their pay – since the pandemic began.
- That while the prime minister has called the practice unacceptable he has continually refused to take action to outlaw the practice, raising concerns that he will not intervene in this race to the bottom as an escalating number of employers across all sectors using our weak employment protections to force their staff to accept worse terms and conditions, leaving many having to work longer hours and for lower pay, with what can be devastating consequences for workers and their families.
- Even before the pandemic, 1 in 9 workers – 3.8 million people – were already 'insecure' meaning they did not have access to basic rights at work and could be dismissed at will, including those on zero hour contracts and agency workers.

Middlesbrough Council therefore resolves to:

- Ensure local residents are protected against such unscrupulous employers and will write to the Prime Minister demanding he outlaw fire and rehire and act now to keep his promise to local residents to protect their employment terms and conditions.
- Promote the increasing number of progressive local employers prioritising their employees' standard of living and their wellbeing, work with our anchor institutions and key partners to bring forward plans to ensure all have best practice employment and to work with recognised trade unions on this.

The amendment to the motion was put to the vote.

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

The amendment became the substantive motion.

The Chair invited Councillor Storey to respond. Councillor M Storey advised that the speech by Councillor Branson was excellent and had included everything that he would have wished to say.

The substantive motion was then put.

On a vote being taken the substantive motion was declared unanimously **CARRIED**.

21/83 **NOTICE OF URGENT MOTIONS (IF ANY)**

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

21/84 **PAPERLESS MEETINGS**

The Chair advised that the report on Paperless Meetings had subsequently been withdrawn from the meeting.

21/85 **UPDATE ON URGENT DECISIONS**

The Director of Legal and Governance Services and the Mayor submitted a report which provided Council with an update with regard to all urgent decisions that had been taken under the urgency rules.

ORDERED that the report be noted

21/86

COUNCIL COMMITTEES AND OUTSIDE BODIES - VACANCIES

Council received a report which sought Members' approval to nominations for appointment, arising from vacancies deferred at the Annual Meeting of Council and resignations from Committees.

The report included a list of current vacancies on various committees and Outside Bodies and nominations were put forward at the meeting by individual members.

ORDERED that the following vacancies allocated in accordance with the wishes of the political groups and other councillors be approved by Council:

Adult Social Care and Health Scrutiny Panel
Councillor Higgins appointed

Chief Officer Appointments Committee
Councillor Davison appointed

Corporate Health and Safety Steering Group
Councillor Mawston appointed

Staff Appeals Committee
Councillor Garvey appointed

Standards Committee
Councillor J Hobson appointed

Teesside Pension Fund Committee
Councillor Wilson appointed

Works Council
Councillor High appointed

Outside Bodies

(ANEC) Resources Task and Finish Group
1 Vacancy

Cleveland Fire Authority
Councillor Mawston appointed

North East Regional Employers' Organisation (NEREO)
1 Vacancy

Tees Valley Audit and Governance Committee
Following a vote, Councillor Hubbard was appointed

**COUNCIL MEETING – 26 JANUARY 2022
 QUESTIONS FROM MEMBERS OF THE PUBLIC
 COUNCIL PROCEDURE RULE NO.40**

QUESTION NO.	QUESTION FROM	QUESTION TO	QUESTION
1/21	Mrs J Slater	The Deputy Mayor and Executive Member for Children’s Services	<p>In referring to Section 17(11) of the Children's Act which states that a child is disabled if the child is blind or deaf, and that any deaf child is a "child in need".</p> <p>As such the local authority holds a duty of care to each Deaf/Hearing Impaired child, some of which can be achieved by supporting said families with British Sign Language courses.</p> <p>At present families are offered free Family Sign Language courses which are basic BSL, however these will only give parents the ability to establish building blocks of communication.....they are not sufficient to enable them to keep pace with their child’s BSL development as they grow older. In addition, parents with only basic BSL will be ill equipped to support the child who does not develop speech or the ability to lip read effectively so that they are able to meet their language development milestones.</p> <p>Many parents who wish to engage more fully with BSL find they are restricted because of the high costs involved for BSL courses.</p> <p>Are there any plans for Middlesbrough Council to provide advanced BSL courses for the parents of deaf/hearing impaired children under their S17(11) duty, as other local authorities have done?”</p>
2/21	Mr A Newton	Executive Member for Environment, Finance and Governance	<p>In regards to the underpass on Trimdon Avenue.</p> <p>Will the money be put forward to allow the lighting be replaced in the Trimdon Avenue underpass? As lots of residents are feeling unsafe.</p>

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Report of:	The Mayor – Andy Preston
Submitted to:	Council – 26 January 2022
Subject:	Amendment to the Executive Scheme of Delegation

Summary

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

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

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

Ward(s) affected
Not applicable

What is the purpose of this report?

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

Why does this report require a Member decision?

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

Report Background

3. On 13 December 2021, members received an email advising of the following changes to the Executive Scheme of Delegation:

4. In order to provide a cohesive voice and a clear and unambiguous line of political accountability for children's well-being and education both Executive portfolios will be merged into one.
5. The Mayor will relinquish responsibility for Children's Services and Councillor Smiles will take on this responsibility in addition to her role as Deputy Mayor. Councillor Hill will take on the portfolio of Culture and Communities. Councillor Smiles' portfolio is now the Deputy Mayor and Executive Member for the Children's Services. Integrating education and children's social care services under a single member provides both a strategic and professional framework within which the safety and the educational, social and emotional needs of children and young people are considered together.
6. Councillor Hill's portfolio is now the Executive Member for Culture and Communities.
7. The Mayor also created two additional Executive Member portfolios, as follows:
8. **Executive Member for Neighbourhood Safety** – Councillor Tony Grainge has been appointed to this role. The portfolio is as follows:
9. The Executive Member for Neighbourhood Safety will have responsibility for coordinating council responses to ASB and crime, spearheading work to improve the interaction with the police to support the police in their duty to prevent crime and the fear of crime, liaison with wardens and other departments. The portfolio holder will explore new ways to make residents feel safe and report incidents.
10. The portfolio holder will also take responsibility for making sure that communities maintain and grow a sense of neighbourliness and that residential and business property owners who bring an area down by neglect are appropriately challenged and pushed to improve.
11. In circumstances where it is considered that an Executive Member would have a prejudicial interest the matter will be referred to the Deputy Mayor.
12. **Executive Member for Young Adults and Political Engagement** – Councillor Luke Mason has been appointed to this role. The portfolio is as follows:
13. The portfolio holder will take responsibility for making sure Middlesbrough offers the careers, opportunities and amenities that will make young adults (16-25 years old) want to stay here and thrive and others want to move here.
14. The portfolio holder will also take responsibility for making sure that the council engages with young adults and all groups, encouraging increased levels of democratic engagement.
15. In circumstances where it is considered that an Executive Member would have a prejudicial interest the matter will be referred to the Deputy Mayor.
16. **The Mayor**
17. The Mayor will retain responsibility for Adult Social Care and Public Protection.
18. The General responsibilities of the Deputy Mayor have also been amended as follows:

19. General responsibilities of the Deputy Mayor

20. To support the Mayor in the development and promotion of Council activities, policies and performance and to lead on monitoring performance of the Council against the Strategic Plan.

21. Duties and responsibilities of the Deputy Mayor -

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. Ensuring a cohesive voice and acting as the lead member for children's well-being and education including involvement in internal / external inspections and assessments
7. Promotion and development of Member accountability especially in relation to Members performance.
8. Ensuring that there is effective liaison and co-ordination between the Executive and Scrutiny.
9. Promotion and development of non-Executive Member involvement in Council policy at the initial stages of policy formulation.
10. Acting as the lead member and Chair Works Council establishing regular consultation between elected members of the Council and the recognised trades unions on issues affecting the Council at a strategic level.
11. To undertake any projects or duties as may be directed by the Mayor.

The Deputy Mayor 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)

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

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

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

Other potential decisions and why these have not been recommended

24. No other options were considered.

Impact(s) of recommended decision(s)

Legal

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

Financial

26. There are no financial implications arising from this report

Policy Framework

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

Equality and Diversity

28. Not applicable

Risk

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

Actions to be taken to implement the decision(s)

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

Background papers

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

MIDDLESBROUGH COUNCIL



COUNCIL

Report title	Scrutiny Progress Report
Chief Executive or Director	Director of Legal and Governance Services
Date	26 January 2022

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 7 December 2021 and 18 January 2022.

At the 7 December 2021 meeting the Board considered / received information in respect of the following:

- Executive Forward Work Programme;
- Executive Member Update: Deputy Mayor and Executive Member for Culture and Communities
- Chief Executive's Update;
- Scrutiny Chairs Updates;
- Revenue and Capital Budget - Projected Outturn position as at Quarter Two 2021/22.

At the 18 January 2022 meeting the Board considered / received information in respect of the following:

- Executive Forward Work Programme;
- Chief Executive's Update;
- Scrutiny Chairs Updates;
- The Adult Social Care and Services Scrutiny Panel - Final Report – The Recruitment and Retention of Staff within Adult Social Care;
- Medium Term Financial Plan / Budget Consultation;
- Corporate Performance Report – Quarter 2.

SCRUTINY PANEL UPDATES

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

Adult Social Care and Services Scrutiny Panel

The Adult Social Care and Services Scrutiny Panel met on 8 December 2021 and 5 January 2022.

At the 8 December 2021 meeting, the panel considered its draft final report in respect of 'The Recruitment and Retention of Staff within Adult Social Care'. Following agreement, the report will next be considered by the Overview and Scrutiny Board on 18 January 2022. The Director of Adult Social Care and Health Integration was also in attendance at the meeting to provide an update regarding the Integration of Health and Social Care.

At the 5 January 2022 meeting, the panel received an update from the Independent Chair of the Teeswide Safeguarding Adults Board (TSAB), which covered the Board's Annual Report 2020/2021 and its Strategic Business Plan 2021/2022. The Director of Adult Social Care and Health Integration was in attendance to provide supporting information in respect of the TSAB update, as well as an update regarding the Integration of Health and Social Care. The panel also held a general discussion on the topic of social housing.

Children and Young People's Learning Scrutiny Panel

The Scrutiny Panel continues to gather evidence in respect of its current review of Special Educational Needs and Disabilities (SEND).

At the meeting held on 13 December 2021, the Scrutiny Panel received a record of the points discussed with Parents4Change, following an informal meeting with the Chair and Vice-Chair on 23 November 2021. Parents4Change is a parent forum group, which offers help and support to parents and carers of children and young people with disabilities and special educational needs. The information received demonstrated how the forum enables the local area to identify problems and implement solutions, ensuring families are well supported in Middlesbrough.

In addition, the Council's Strategic Lead for the Inclusion and Specialist Support Service was in attendance to provide:

- details of how children and young people with special educational needs and/or disabilities and their families are fully involved in discussions and decision-making about the services and the support they receive through meaningful and ongoing co-production; and
- case studies that demonstrated how the views, wishes and feelings of the child/young person and their parents have impacted on the delivery of services and support.

The Scrutiny Panel last met on 17 January 2022. At the meeting, the Scrutiny Panel received evidence from Middlesbrough College's Vice Principal for Students and Communications, including:

Identifying SEN

- An overview of how the college identifies where a student may be having difficulty, which may be because of SEN.

SEND Support

- An overview of the support that the college provides to those students who have, or may have, SEND.

Partnership Working

- Information on how the college works with the Local Authority to:
 - meet the needs of students and ensure a successful transition into college life; and
 - ensure appropriate support is in place to enable students with SEND to achieve the best possible outcomes in adult life.
- Case studies demonstrating the impact of partnership working.

The Scrutiny Panel also continues to receive regular updates on education and COVID-19 recovery.

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

The Children and Young People's Social Care and Services Scrutiny Panel met on 22 November and 13 December 2021.

At the 22 November meeting, as part of the Panel's current review, 'Locality Working from a Children's Services Perspective', a number of Officers from Children's Social Care were in attendance: Executive Director of Children's Services, Director of Children's Care, Head of Prevention, Early Help Team Manager, Social Care Team Manager; and the Newport Neighbourhood Manager. The Panel was provided with further details around the work being undertaken by Early Help and Social Care services within the locality pilot areas which prompted discussion and questions from the Panel.

At the 13 December meeting, representatives from several services/organisations working within the locality pilot model were in attendance to discuss their roles within the locality model and to provide feedback on the multi-agency locality approach. Representatives from Public Protection and Public Health spoke about their wider involvement across Newport and North Ormesby and representatives from Newport Primary School and Newport Neighbourhood Police spoke specifically in relation to the Newport locality.

The Panel's next meeting is scheduled for 25 January 2022 when representatives linked to the North Ormesby locality will be in attendance.

Culture and Communities Scrutiny Panel

The Culture and Communities Panel met on 16 December 2021 and continued their review on Tough enough? Enforcement in Middlesbrough and its impact on crime and anti-social behaviour.

As part of the current review, the Head of Stronger Communities provided an overview of the current crime and anti-social behaviour levels in Middlesbrough and discussed partnership working across the town.

The panel also were joined by Chief Inspector Daryll Tomlinson, Cleveland Police, who provided a presentation with regards to Neighbourhood Policing in Middlesbrough.

The next meeting of the Panel will take place on Thursday 10 February 2022.

Economic Development, Environment and Infrastructure Scrutiny Panel

The Economic Development Infrastructure and Environment Scrutiny Panel met on 12 January 2022.

The Panel received an update on the regeneration of Captain Cook Square Shopping Centre from the Director of Regeneration for information. This was a topic from the Panel's Work Programme 2021-2022. Information was also shared on the Council's very recent acquisition of the Cleveland Centre.

As part of the current review into Middlesbrough Council's Green Strategy, the Head of Economic Growth and the Transport and Infrastructure Manager attended the meeting and provided information in relation to Middlesbrough Council's Equity and Local Economy and Sustainable Transport Action Groups.

The next meeting of the Panel is scheduled for 9 February 2022 and the Panel is scheduled to receive an update on Bus Services from the Tees Valley Combined Authority, and will also continue gathering evidence for the Green Strategy review.

Health Scrutiny Panel

At the Panel's meeting of the 6th December Members received an update of progress regarding Opioid dependency and the actions arising from the Panel's report into the issue.

Representatives from Public Health and Foundations Practice informed the Panel there was a significantly higher rate of deaths relating to drug misuse in the North East than there was in other English Regions. Based on 2018-20 figures Hartlepool and Middlesbrough had two of the highest rates for drug misuse or poisoning deaths, with only Blackpool showing higher figures.

The provisional data for alcohol related deaths also showed there had been a significant increase in deaths with specific alcohol causes in 2020 from 2019. Indeed, while the data remains to be validated it is possible there may have been an increase of 66% in alcohol related deaths in 2020 which equated to approximately 100 people. Although there were many complex factors to explain this increase government data showed that alcohol consumption had undoubtedly increased since the covid-19 pandemic.

The Panel also received an update on the Heroin Assisted Treatment (HAT) pilot programme from representatives of the specialist GP practice, Foundations. Members were made aware that Foundations offered specialist support those suffering from problems with substance misuse. The Panel also heard that HAT was the first programme of its kind in the UK.

The majority of drug users in the town used heroin with one treatment method being Methadone maintenance. However, Members were also made aware that five to ten percent with an addiction to heroin failed to benefit from that treatment. With approximately 1,000 people in receipt of such treatment this equates to approximately 100 people unable to benefit from methadone treatment.

After operating for two years, the HAT has been shown to have a positive outcome for individuals, including psychological and social well-being element as well as having a community impact. In essence the service acts as wrap-around service for users.

Members were also made aware that Public Health ensured there was a fully integrated system-wide approach to all system like the HAT.

Members were also made aware that significant investment from Government had been recently announced that would greatly contribute to projects such as the HAT and Project ADDER (Addiction, Diversion, Disruption, Enforcement and Recovery). For example, over £300 million would be invested over three years for enforcement actions and £780 million for treatment and recovery and project ADDER would have funding extended until 2025.

The Panel also received an update on Covid-19 rates and heard that Middlesbrough's Covid-19 rates was 316 per 100,000 meaning Middlesbrough 135th in the league

tables. Ultimately, while rates were high in the town, they were not as high as other places. Members also heard that hospital rates were declining with numbers being approximately 50 which was down from 70. However, the hospital system continued to be strained.

Members also heard that while data was still formative, the Omicron variant posed a significant and was more infectious than both the Alpha and Delta variant.

At the Panel's meeting of the 11 January 2022 Members received the South Tees NHS Trust's bi-annual performance update and heard that while Covid-19 remained a significant preoccupation for the Health Service, patients had continued to be treated safely. The panel heard that 46,000 patients had required overnight stays whereas 79,000 patients had been able to return home after receiving their treatment. The Panel also heard that patient feedback had been positive with results having improved on previous years. In the face of the Omicron variant the Trust was grateful to the community for helping to protect everyone.

95% of staff at the Trust had also received at least two doses of the vaccine with the remaining 5% of staff being small amounts in real terms. Work was continuing to ensure staff had received their vaccine.

Winter pressures were acute for the Trust and while it was coping well, the pressures were nevertheless taking its toll on staff and resources. The Trust stressed that the community helping to protect itself from Covid-19 was paramount and that to alleviate pressures on the system there were other means of accessing health care other than emergency services. The Panel expressed their thanks to all involved in the Health Service for their continued commitment.

The Panel also received information from the Secretary of the Cleveland Local Medical Council in pursuance of its review into health inequalities from the perspective of GPs during which the Panel were made aware of the challenges faced by GPs in this regard.

Latest Covid-19 statistics showed that Middlesbrough now topped the league tables for number of infections. While weekly infection rates had increased by 47% the Panel was also informed that the previous week had seen the rate increase by 246%. Therefore, while the rate of infection was increasing there were signs it was beginning to slow. The highest rate of infections by age were within the 20-59 age brackets which was having an impact on frontline services as this is the working population. In terms of hospital admissions there had been an increase from 36 inpatients just before Christmas to 144 inpatients across the Trust, although the number of patients in critical care remained stable at 6. Vaccination take up rates remained a challenge however Members were encouraged by the success of so-called pop-up vaccine centres and suggested that this initiative be continued.

Tees Valley Joint Health Scrutiny Committee

The Tees Valley Joint Health Scrutiny Committee met on 10 December 2022 and considered the following:

- Local NHS / Public Health response to Covid-19;
- TVCCG - Update - Learning Disabilities Respite Review / Breast Diagnostic Services;

- TVJHSC Visit to Lotus Ward - Acklam Road Hospital - 9 December 2021;
- North East Ambulance Service (NEAS) Performance Update.

Tees Valley Combined Authority Overview and Scrutiny Committee

The Tees Valley Combined Authority Overview and Scrutiny Committee met on 13 January 2022 and considered the following:

- Chief Executive's Update;
- Finance and Resources Sub Committee Budget Consultation Report;
- Investment Plan Delivery Update;
- Delegated Decisions;
- Constitution Review.

SCRUTINY REPORTS SUBMITTED TO EXECUTIVE

Since the last update to Council the Final Report of the Culture and Communities Scrutiny Panel - Cultural Events in Middlesbrough: Their Impact and Future has been submitted to Executive and deferred.

The Final Report of the Economic Development, Environment and Infrastructure Scrutiny Panel - Middlesbrough Regeneration Post COVID-19 has also been submitted to Executive and deferred.

The reports listed above will both be considered by Executive at its next meeting, scheduled to be held on 14 February 2022.

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:

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MIDDLESBROUGH COUNCIL

Report of:	Ian Wright - Director of Finance Councillor Barrie Cooper – Executive Member for Environment and Finance & Governance
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Submitted to:	Council, 26 January 2022
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Subject:	Calculation of Council Tax Base for 2022/2023
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Summary

Proposed decision(s)
That the Council notes the contents of the report.
That the Council approves the council tax base for 2022/2023 as 35,228 .
That the Council approves 2,168 and 1,240 as the council tax bases for the parishes of Nunthorpe and Stainton & Thornton respectively for 2022/2023.
That the Council agrees to notify the Police and Crime Commissioner, the Cleveland Fire Authority and the Parish Councils of the 2022/2023 council tax base.

Report for:	Key decision:	Confidential:	Is the report urgent?
Decision	Yes – over the financial threshold (£150,000) and affects more than two wards	No	No

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
The council tax base calculation contributes to the delivery of the 2021-24 Strategic Plan, and is a component of the Council's budget setting.		

Ward(s) affected
All wards, with specific council tax base calculations relating to the areas covering Nunthorpe and Stainton & Thornton parishes.

What is the purpose of this report?

1. To set the council tax base for the financial year 2022/2023 by the statutory deadline of 31 January 2022.

Why does this report require a Member decision?

2. The Council has a legal obligation to calculate a council tax base each financial year. The calculation of the council tax base is a part of the Council's budget strategy which forms part of the Council's Policy Framework, and as such must be agreed by Full Council.

Report Background

3. The starting point for the calculation of the 2022/2023 tax base is the number of dwellings on the Valuation List, provided by the Government's Valuation Office. The figures are also adjusted for exempt dwellings and for dwellings subject to disabled reduction.
4. The number of chargeable dwellings in each band is further adjusted for discounts, exemptions, premiums and council tax support.
5. The resultant figure (line 1 of Appendix A) is the total equivalent number of dwellings which are then converted using ratios (in line 2) into the number of Band D equivalents (line 3), specified in the 1992 Act. For 2022/2023, the equivalent number of Band D properties is calculated at **36,467.7**.
6. The council tax base is finally determined by multiplying the sum of the Band D equivalents by the Authority's estimated collection rate, which has been assumed at 96.6% for 2022/2023. This is the estimate of the percentage of the 2022/2023 Council Tax set which will be collected in total, and not the expected in year collection rate in 2022/2023. The rate used is re-considered each year and the rate of 96.6% used for 2022/2023 remains the same assumed collection rate as that which was used for 2021/2022, to reflect the continuing effects of Covid-19. The resulting council tax base for 2022/2023 for the whole of Middlesbrough (Appendix A) is **35,228**, rounded to a whole number.
7. Since 2013/14 the Council's Housing Growth Strategy has delivered an increase in the Council Tax Base of 5,057 Band D Equivalent properties, an increase in Middlesbrough Council's Tax Base of approximately 16.8%. The cumulative effect is approximately £9.1 million and reduces the need to make further annual savings within Council services by this amount.
8. The regulations also require a council tax base to be calculated for parishes, and similar calculations have been made for the parishes of Nunthorpe (Appendix B) and Stainton & Thornton (Appendix C). The council tax bases for 2022/2023 are **2,168** and **1,240** respectively, rounded to whole numbers.
9. The billing authority must notify the major precepting authorities (Cleveland Police and Crime Commissioner and Cleveland Fire Authority) of its council tax base within seven days of making the calculation, or no later than 31st January 2022.

What decision(s) are being asked for?

10. That the Council notes the contents of the report.
11. That the Council approves the council tax base for 2022/2023 as **35,228**.
12. That the Council approves **2,168** and **1,240** as the council tax bases for the parishes of Nunthorpe and Stainton & Thornton respectively for 2022/2023.
13. That the Council agrees to notify the Police and Crime Commissioner, the Cleveland Fire Authority and the Parish Councils of the 2022/2023 council tax base.

Why is this being recommended?

14. The recommendations are supported by the following reasons: -
 - a) The Local Government Finance Act 1992 requires a billing authority to calculate its council tax base for each financial year.
 - b) The method of calculation is specified in the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, which requires the calculation to be approved before 31st January in the year proceeding the relevant financial year.

Other potential decisions and why these have not been recommended

15. Not applicable to this report, as the Council has no option but to calculate a council tax base as it is a statutory requirement.

Impact(s) of recommended decision(s)

Legal

16. It is a statutory requirement under the Local Government Finance Act 1992 for billing authorities to calculate a council tax base.

Financial

17. A comparison with the 2021/2022 council tax base is summarised in the table below:

	2021/2022	2022/2023	% Increase / (Decrease)
Total Number of Dwellings after Discounts	43,236.5	44,151.7	2.1
Band D Equivalent	35,697.9	36,467.7	2.2
Council Tax Base	34,484	35,228	2.2

18. The table above demonstrates that there is an increase of 915 (2.1%) in the actual number of dwellings after discounts for council tax base purposes. This is a result of

new house building over the period. The net increase in the council tax base is 744 (2.2%) band D equivalent properties, assuming the same collection rate for 2022/2023 as for 2021/2022. The growth in the council tax base is estimated to have reduced the need for budget reductions by approximately £1,308,000 in 2022/2023 and on an ongoing basis, based on the 2021/2022 Basic Council Tax.

Policy Framework

19. The calculation of the council tax base is a part of the Council's budget strategy which forms part of the Council's Policy Framework, and as such must be agreed by Full Council.

Equality and Diversity

20. Not applicable to this report.

Risk

21. The report ensures that the Council's meets its statutory duty to calculate a council tax base for each financial year.

Actions to be taken to implement the decision(s)

22. Following approval by Council, the Police and Crime Commissioner, the Cleveland Fire Authority and the Parish Councils will be notified of the 2022/2023 council tax base before the statutory deadline of 31 January 2022.

Appendices

- Appendix A – Calculation of the 2022/2023 Council Tax Base for Middlesbrough area (including parishes)
- Appendix B – Calculation of the 2022/2023 Council Tax Base for Nunthorpe Parish Council (included at Appendix A)
- Appendix C – Calculation of the 2022/2023 Council Tax Base for Stainton & Thornton Parish Council (included at Appendix A)

Background papers

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

Contact: Ian Wright – Director of Finance.
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**CALCULATION OF THE 2022/2023 COUNCIL TAX BASE FOR MIDDLESBROUGH AREA
(INCLUDING PARISHES)**

	COUNCIL TAX BAND									
	A (with disabled relief)	A	B	C	D	E	F	G	H	TOTAL
		£0-£40,000	£40,001-£52,000	£52,001-£68,000	£68,001-£88,000	£88,001-£120,000	£120,001-£160,000	£160,001-£320,000	£320,001 and over	
Total number of dwellings after discounts	28.6	18,472.7	8,011.7	9,092.8	4,770.2	2,374.6	876.0	495.9	29.3	44,151.7
Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
Number of band D equivalents	15.9	12,315.1	6,231.3	8,082.5	4,770.2	2,902.3	1,265.3	826.6	58.5	36,467.7

Assumed collection rate of 96.6%

0.966

Council tax base for 2022/2023 (rounded to a whole number)

35,228

**CALCULATION OF 2022/2023 COUNCIL TAX BASE FOR NUNTHORPE PARISH COUNCIL
(INCLUDED AT APPENDIX A)**

	COUNCIL TAX BAND									
	A (with disabled relief)	A	B	C	D	E	F	G	H	TOTAL
		£0-£40,000	£40,001-£52,000	£52,001-£68,000	£68,001-£88,000	£88,001-£120,000	£120,001-£160,000	£160,001-£320,000	£320,001 and over	
Total number of dwellings after discounts	0.0	9.9	78.9	348.2	700.6	321.1	195.4	282.9	10.0	1,946.9
Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
Number of band D equivalents	0.0	6.6	61.4	309.5	700.6	392.4	282.2	471.5	20.0	2,244.2

Assumed collection rate of 96.6%

0.966

Council tax base for 2022/2023 (rounded to a whole number)

2,168

**CALCULATION OF 2022/2023 COUNCIL TAX BASE FOR STANTON & THORNTON PARISH COUNCIL
(INCLUDED AT APPENDIX A)**

	COUNCIL TAX BAND									
	A (with disabled relief)	A	B	C	D	E	F	G	H	TOTAL
		£0-£40,000	£40,001-£52,000	£52,001-£68,000	£68,001-£88,000	£88,001-£120,000	£120,001-£160,000	£160,001-£320,000	£320,001 and over	
Total number of dwellings after discounts	0.0	25.2	95.5	325.7	372.7	229.7	117.7	47.6	0.0	1,214.0
Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
Number of band D equivalents	0.0	16.8	74.3	289.5	372.7	280.7	169.9	79.3	0.0	1,283.2

Assumed collection rate of 96.6%

0.966

Council tax base for 2022/2023 (rounded to a whole number)

1,240

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Report of:	<i>Director of Finance – Ian Wright Executive Member for Environment, Finance and Governance – Cllr Barrie Cooper</i>
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Submitted to:	Full Council – 26 January 2022
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Subject:	<i>Corporate Debt Write Off Policy</i>
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Summary

Proposed decision(s)

<p>That Full Council:</p> <ul style="list-style-type: none"> a) Approve the Corporate Debt Write Off Policy b) Amends the Budget Policy Framework and the officer scheme of delegation c) Provides delegated authority to the Section 151 Officer to approve any future modifications to the policy.

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

Contribution to delivery of the 2020-23 Strategic Plan

People	Place	Business
<i>Provide a corporate approach to the writing off of bad and irrecoverable debts whilst seeking to maximise the opportunity for collection thereby minimising the need for write off. The policy also establishes a disciplined approach across the Authority for the writing off of those debts that are not</i>	NA	<i>To improve the financial performance of the Council with regards to writing debt off, the efficient collecting of income and debt, and its bad debt provision.</i>

recoverable		
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Ward(s) affected
<i>All wards are affected by the decision to introduce a corporate debt policy.</i>

What is the purpose of this report?

1. The purpose of this new policy is to provide a corporate approach to the writing off of bad and irrecoverable debts in a fair and timely manner, whilst seeking to maximise the opportunity for collection thereby minimising the need for write off.
2. All service areas must follow this policy to allow the Council to operate a consistent approach to debt write off, whilst having due regard to the customer's ability to pay.
3. Whilst some parts of debt write off are governed by particular legislative requirements such as Council Tax, Business Rates, Adult Social Care Debt, etc, wherever possible the overall principle of debt write off should be efficient and effective, always giving consideration to the financial impact on the Council when debt is written off.
4. This policy will underpin any specific recovery strategies and will be applied across all directorates.
5. This new policy will also support cross directorate communication where a shared customer base exists. It is envisaged that the approach will work within Data Protection legislation, and should be considered at a corporate level to reduce multiple officer engagements across directorates with the same resident and or business base.

Why does this report require a Member decision?

6. The introduction of a Corporate Debt Write Off policy is part of the Council's strategic direction, and as such requires executive consideration followed by Full Council approval.

Report Background

7. The Council has a statutory duty to collect outstanding debt and does so in accordance with the Local Government Finance Act 1992 and the Council's Financial Procedure rules. The introduction of this policy is to support this duty but also to provide that our debt write off approach / methods are consistent, fair and efficient across all of its services.
8. This policy is the 3rd of 4 policies being developed which bring together a significant number of supporting arrangements which will not only compliment but enhance the Council's social regeneration plans.
 - Vulnerability Policy (Executive Approval on 16.6.2020)
 - Corporate Debt Management Policy – (Single Executive Approval on 10.08.21)
 - Corporate Welfare Policy – (In Design)
9. This policy sets out a framework for a consistent approach to write off by delegating debt levels to various managers / heads of service where the aim is to enable cases which fit specific criteria (contained within the policy) to be written off, which will in turn enable the more efficient collection of outstanding debt.

10. This policy also seeks to address other matters such as credit balance write offs and the reinstatement of previously written off debt.

Debt Write Off Policy

11. This policy applies to all debts owed / due to the Council.

12. The general principles adopted in this policy are as follows:

- To ensure a professional, consistent and timely approach to debt write off across all of the Council's functions,
- Where Data Protection legislation permits, promote a coordinated approach towards sharing debtor information internally and managing multiple debts owed to the Council,
- To ensure that debts are managed in accordance with legislative provisions and best practice,
- Ensure that any steps taken to recover debt / income are in line with the Council's corporate policies on surveillance and data protection, and to ensure compliance with RIPA and GDPR legislation.

13. This policy links into the Council's Vulnerability Policy and the Stop the Knock approach and looks to ensure that supporting arrangements are in place for debtors where their vulnerability affects their ability to pay a debt owed to the Council. Those considered to be vulnerable with an 'unrecoverable' debt will be linked into the Social Inclusion arrangements contained in the recently adopted Debt Management Policy.

14. The policy applies to debts and income due to the Council for the following, however this list is not exhaustive:

- Council Tax,
- Business Rates,
- Overpaid Housing Benefit,
- Rents, service charges and insurance,
- Sundry Debts (incl. licensing, fees, statutory notices, subscriptions, etc.),
- Recovery of enforcement costs,
- Adult Social Care,
- Charging for discretionary services or any money due to the Council under terms of an agreement to pay for goods, services or property.
- Fines (includes car parking, public space protection order, environmental, etc.).

15. This policy provides a comprehensive approach that allows for the automatic write off of debt by Heads of Service through a "pre-request for write off" process, where the debt meets pre-determined criteria which makes the debt unrecoverable. This criteria (whilst not exhaustive) covers debt which is uneconomical to recover, unenforceable, and those debtors that have been untraceable for a period of over 6 months, amongst others.

16. Specific delegations of authority are contained within the policy, within the pre-request process (see above), and the amounts that can be written off following submission for suitability which varies depending on the type of debt.

17. The policy also ensures that where specific legislation requires that a debt should be written off (i.e. Housing Benefit regulations for official error cases where the claimant could not have known they were being overpaid), these debts can be processed without delay by the manager responsible for the service

18. This policy also extends to the reinstatement of previously written off debt and credit balances at a corporate level.
19. Consideration to the use of third party collection services (which should not be confused with bailiff / enforcement services), where debts are considered uneconomical to recover should be given to maximise cash opportunities to the Council.

What decision(s) are being asked for?

20. That Full Council:

- Approve the Corporate Debt Write Off Policy
- Amends the Budget Policy Framework and the officer scheme of delegation
- Provides delegated authority to the Section 151 Officer to approve any future modifications to the policy.

Why is this being recommended?

21. This policy will allow Middlesbrough Council to provide a comprehensive framework for debt write off which is consistent across service areas / various types of debt.
22. It also establishes a disciplined approach across the Council for the writing off of those debts that are recoverable

Other potential decisions and why these have not been recommended

Impact(s) of recommended decision(s)

23. An impact assessment has been completed and is attached at Appendix B which demonstrates that there were no concerns that the policy could have a disproportionate impact on individuals or groups because they hold one or more protected characteristics. The policy sets out how it will be adjusted for those identified as being vulnerable and reinforces links to social inclusion and ability to pay as set out in the Council's Corporate Debt Management Policy.

Legal

24. The Financial Procedure Rules at paragraph 21.5 sets out the following:

The authority to approve the write off of debts raised from the 1 April 2016 is delegated to Directors. Write off of debts raised prior to the 1 April 2016 requires the approval of the Chief Finance Officer. The Chief Finance Officer is authorised to approve the write off of debts in respect of the following:

- Council Tax;
- National Non Domestic Rates;
- Community Charge; and

- Sundry Debt (Commercial Rents, Payroll, Housing Advances, Overs and Shorts of Cash, Returned Payments, Small Balances and Unclaimed Credit Accounts).

At Paragraph 15 of this report it is intended to delegate this to Heads of Services in some instances, as such the Financial Procedure Rules will require an amendment or an appropriate scheme of delegation revised to incorporate the required amendments to delegate to Heads of Service. The Financial Procedure Rules, in light of the Limitations Act 1980, will require amendment in any event in respect of the **“Write off of debts raised prior to the 1 April 2016”** as these types of debts would be Statute Barred from 1 April 2022.

25. Furthermore, consideration of the Limitations Act 1980 must accord with the Policy and the most relevant parts of the Limitation Act are as follows:

s.5

Time limit for actions founded on simple contract.

An action founded on simple contract shall not be brought after the expiration of six years from the date on which the cause of action accrued.

s.9

Time limit for actions for sums recoverable by statute.

(1)An action to recover any sum recoverable by virtue of any enactment shall not be brought after the expiration of six years from the date on which the cause of action accrued.

(Subject to some exceptions)

s.19

Time limit for actions to recover rent.

No action shall be brought, and the power conferred by section 72(1) of the Tribunals, Courts and Enforcement Act 2007 shall not be exercisable, to recover arrears of rent, or damages in respect of arrears of rent, after the expiration of six years from the date on which the arrears became due.

s.24

Time limit for actions to enforce judgments.

(1)An action shall not be brought upon any judgment after the expiration of six years from the date on which the judgment became enforceable.

(2)No arrears of interest in respect of any judgment debt shall be recovered after the expiration of six years from the date on which the interest became due.

The above parts of the Limitation Act are the most commonly used, however it is worthy of note that limitations in other actions vary, including but not limited to: s.20 recovering monies secured by mortgage or charge, s.21 trust property and claims against a personal estate of a deceased person.

Financial

26. The proposal is cost neutral; however it is hoped that this will lead to an increase in cash collection across the organisation. By writing off debt in a timely and consistent manner, resources can be focussed upon those debts that are collectable and outside of the scope of this write off policy

Policy Framework

27. The proposed policy will not vary the current policy framework.

Equality and Diversity

28. The corporate debt management policy should be read in conjunction with any equality and diversity policies.

Risk

29. This policy will impact positively on the following risks.

- 08-059 Incorrect assumptions in the MTFP;
- 08-075 Reduction in Council Tax Collection;

Actions to be taken to implement the decision(s)

30. The Council will publish the policy on its website by 01 February 2022,

31. As part of the Council's combined approach to Debt Collection, briefing will be given to the managers of all teams affected by this policy (who will subsequently brief their staff) to ensure a consistent and coordinated approach to the collection of debt and income.

32. Amend the Budget Policy Framework once the policy has been to full council.

Appendices

- Corporate Debt Write Off Policy - Appendix A
- Impact Assessment - Appendix B

Background papers

33. There are no background papers associated with this report

Contact: Ian Wright – Director of Finance.

Email: ian_wright@middlesbrough.gov.uk.

Corporate Debt Write Off Policy

Live from: February 2022

Live until: February 2025

Title	Corporate Debt Write Off Policy		
Creator	Author(s)	Mark Symmonds (Support Services Manager)	
	Approved by	Janette Savage	
	Department	Residents and Business Support	
	Service area	Finance	
	Head of Service	Janette Savage	
	Director	Ian Wright	
Date	Created	11 May 2021	
	Submitted	20 October 2021	
	Approved	TBC	
	Updating Frequency	3 years	
Status	Version: 0.10		
Contributor(s)	Head of Resident & Business Support.		
Subject	Debt Write Off		
Type	Policy		
	Vital Record		EIR
Coverage	Middlesbrough Council		
Language	English		
Document Control			
Version	Date	Revision History	Reviser
0.1	14.04.21	First draft	M Symmonds
0.2	27.05.21	Revision	Janette Savage
0.3	25.06.21	Revision	Janette Savage
0.4	29.06.21	Revision	A.M. Johnstone, L Smith, S Harrington, A Cooper, J Richardson, Sue B, Lynne S.
0.5	16.07.21	Revision	Janette S, Mark S
0.6	21.07.21	Revision	Janette Savage, Martin Barker, Sue Blakey
0.7	02.08.21	Revision	Janette Savage
0.8	09.08.21	Revision	Janette Savage, Andrew Humble
0.9	11.08.21	Revision	AH, JS, Ian Wright, Louise Grabham (LG), Justin Weston (JW)
0.10	25.08.21	Revision	Mark S, LG, JW
0.11	07.09.21	Revision & Final	Janette Savage
Distribution List			
Version	Date	Name/Service area	Action
0.11			
Contact:	Mark_Symmonds@middlesbrough.gov.uk		

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Summary

This policy is the 3rd of 4 policies (Vulnerability Policy, Debt Management Policy and the Welfare Policy) which combine the Council's approach to debt write off, and is aligned with the requirements of the Local Government Finance Act 1992 (as amended).

It sets out how the Council will consider writing off debt, the process for doing so, and facilitates a fair and consistent approach across all Council services.

NB: This policy does not extend to any elements that relate to the pension fund.

Context

This policy is designed to complement and enhance the Council's social regeneration plans.

Purpose

The purpose of this new policy is to provide a corporate approach to the writing off of bad and irrecoverable debts whilst seeking to maximise the opportunity for collection thereby minimising the need for write off. The policy also establishes a disciplined approach across the Council for the writing off of those debts that are not recoverable. It establishes clear guidance for all Council Officers on the recording, reporting, recovery and monitoring of the Council's debt and income.

Section 151 of the Local Government Act 1972 requires that local authorities make arrangements for the proper administration of their financial affairs. Part of these arrangements includes establishing a Policy for the writing off of irrecoverable debts. These arrangements are underpinned by Part 7 of the Council's constitution.

This policy also supports the Corporate Debt Policy.

Every effort will be made to recover the debt as per the Corporate Debt Policy before write off is considered. Service Areas will work together, where appropriate to do so share data, to make informed decisions about debt recovery and write off.

This policy supports the decision process for debts that may have become uneconomical to pursue or are unrecoverable.

It must be noted that a debt may be written off but can be reinstated if deemed recoverable at a future date and is appropriate to do so.

The policy will be reviewed as required to ensure processes remain fair and in line with legislation and best practice.

The policy may be extended to include other forms of revenue and income collected by the Council.

Objective

The Council's debt write off policy has the following objectives:

- to promote a consistent and fair approach to the writing off of debt across the Council, encouraging working together and the sharing of information,
- Enable debts to be written off in a timely and efficient manner,
- Provide a framework that sets the criteria for writing off debt.

Outcome

The outcomes expected from this policy are:

- To minimise the level of write off necessary (as part of the corporate debt strategy),
- To ensure cases recommended for write off are done so within 2 months of the recommendation,
- Minimise the level of resources provided for bad and doubtful debts,
- Standardise the write off process across all income and debt areas,
- Avoid the use of subjective judgement and criteria when considering cases for write off, by providing clear objective criteria and procedures
- Introduce effective performance management arrangements,
- Help focus resources on potentially recoverable debts (by disciplined writing off of irrecoverable debts),
- Deliver a clear message that it expects people to pay the amounts properly due by treating write offs as an exception (not the rule).

Definitions

Debts are defined as a sum of money that is owed to the Council by a resident, business, customer or service user. For the purpose of this document, the use of the term debt extends to include charges and fees.

Debtor is defined as a person, organisation or entity that owes a debt to the Council.

Demand notices are defined in Part V of The Council Tax (Administration and Enforcement) Regulations 1992, as the notice required to be served each financial year by the local authority 14 days prior, in order to collect Council Tax.

Income is defined as any monies payable to the Council excluding monies payable to the pension fund. For the purpose of this document, the use of the term income extends to include charges and fees.

Insolvency means the debtor cannot afford to pay back their debts. There are several insolvency solutions available - Bankruptcy, Individual voluntary arrangement, Liquidation, Company Voluntary Arrangement etc. These insolvency solutions are legally binding, and the Council must adhere to the rules and guidance around these. Once the Council have been made aware of an insolvency, any Council debts included in the insolvency should be written off.

Invoices are a request for payment for goods, services, property and associated fees / charges, or amounts due to the Council for payment within a specified period.

Timely is defined as prompt, or carried out within any pre-defined set parameters or key performance indicators. For the purpose of this policy, timely in regards to write offs means within 2 months.

Uneconomical to pursue / collect is defined as the amount owed is too small to pursue, giving consideration to the cost of collection. In many cases the cost of collection is greater than the value of the debt.

Scope

This policy applies to all employees (both permanent and temporary), contractors and consultants of the Council who are given the authority to manage and collect debt and income which is owed to the Council, or will be due to be owed to the Council at a later date.

For the avoidance of doubt this policy document applies to all debts and income of the Council.

Legislative and regulatory framework

Key elements of the legislative and regulatory framework for debt management are set out below.

Local Government Acts 1992 (as amended)	Establishes requirements to manage the Council's financial affairs and the appointment of a section 151 officer.
Council Tax (Administration and Enforcement) Regulations 1992	Make provision for the administration and enforcement of Council Tax.
Non-Domestic Rating (Collection and Enforcement)(Local Lists) Regulations 1989	Make provision for the collection and enforcement of non-domestic rates.
Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) Regulations 2020	Establishes a debt respite scheme and establishes a breathing space moratorium and a mental health crisis moratorium.

Traffic Management Act 2004	Provide for the enforcement of parking, loading and waiting restrictions and processing of penalty charge notices.
Transport Act 2000	Provide for the enforcement of bus lane contraventions.
Data Protection Act 2018	Controls the lawful passing of personal data from one part of the Council to another.
The Housing Benefit General Regulations 1987 and 1992	Sets out the legislation that governs the payment of Housing Benefit, including Housing Benefit overpayments and their associated recovery
Social Security Contributions and Benefits Act 1992	The primary legislation for most benefits in the UK
Social Security Administration Act 1992	The primary legislation for most benefits in the UK
Taking Control of Goods Regulations 2013	Provides the legislation for the taking control of goods in the UK, including the use of enforcement agents
County Courts Act 1984,	Establishes a single county court and its jurisdiction
Civil Procedure Rules 1998	Establishes the rules of Civil Procedure used by various courts in the UK
Charging Orders Act 1979	An Act to make provision for imposing charges to secure payment of money due, or to become due, under judgments or orders of court; to provide for restraining and prohibiting dealings with, and the making of payments in respect of, certain securities; and for connected purposes.
Insolvency Act 1986	Consolidates enactments relating to company insolvency and winding up, and bankruptcy of individuals
Equality Act 2010.	Is an amalgamation of previous anti-discrimination laws. It is a law which protects from discrimination of unfair treatment on the basis of certain personal characteristics such as age
General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA2018)	The GDPR/DPA2018 place a duty on the Council to comply with the data protection principles relating to processing of personal data: (1)(a) Lawfulness, fairness and transparency; (1)(b) Purpose limitation; (1)(c) Data minimisation; (1)(d) Accuracy; (1)(e) Storage limitation;

	(1)(f) Integrity and confidentiality (security); (2) Accountability (including the rights of data subjects).
Freedom of Information Act (FOIA) 2000	Under the FOIA, the Council has a duty to make information available to the public upon request, unless specific exemption(s) apply. It is also obliged to proactively and routinely publish information that has been frequently requested in the past in its Publication Scheme. Information requests frequently include requests for information held in emails.
Local Government Acts 1972, 1985, 1988 and 1992, Lord Chancellor's Code of Practice on Records Management (S46 Freedom of Information Act)	Establishes requirements to manage records and information, and gives implied authority to share certain kinds of information with partners.
Care Act 2014 and Statutory Guidance Annex D	The Act by which the local authority is able to charge for social care support and the rules imposed on the local authority with regard to recovery of such debt.
Family Law Act 1996	An Act of Parliament governing divorce and marriage.
Safeguarding Vulnerable Groups Act 2006	An Act to make provision in connection with the protection of children and vulnerable adults.
Modern Slavery Act 2015	An Act designed to combat modern slavery in the UK.
Tribunal Courts and Enforcement Act 2007	An act which makes provision for tribunals and inquiries, particularly relating to the enforcement of judgments and debts.
Taking Control of Goods Regulations 2014	Make provision for recovery of fees and disbursements from debtors to enforcement agents in relation to the procedure for taking control of goods.
Landlord and Tenant Act 1954	Contractual obligations under lease agreements for the payment of rent and other property charges.
Land and Property Act 1925	
Miscellaneous Provisions Act 1986	
Regulation of Investigatory Powers Act 2000 (RIPA)	Governs the use of covert surveillance by public bodies.

Roles and responsibilities

Director of Finance / Chief Financial Officer	Under Part 7 of the Council's Constitution, the Chief Financial Officer (Section 151 Officer) is responsible for regulating and controlling the finances of the Council and hence that person will be responsible for the proper administration of the Council's financial affairs. Income relating to all types of debt should be handled in accordance with the Council's Financial Procedure Rules (contained within Section 21 – Debt Collection relating to the responsibilities for Directors, Director of Finance (Section 151 Officer), and Heads of Service.
Head of Service – Residents and Business Services	Overall responsibility for the delivery of the Revenues and Benefits Service and the Policy Owner.
Other Heads of Service	Where appropriate, Heads of Service have responsibility for the raising and recording of debts and income in relation to Services they manage.
Service Delivery Manager / Strategic Business Managers / Support Services Manager.	Where appropriate, responsibility for overseeing day-to-day compliance with this policy and the standards set out within it by their staff and other personnel they manage or commission.
All staff, contractors, consultants, interns and any other interim or third parties	Responsible for compliance with this policy.
Data Protection Officer	Responsible for provision of advice and guidance to the Council on its obligations in relation to data protection.
Valuation and Estates Team	Responsible for the day to day management / compliance / requirements of all leasehold properties in relation to rent and service charges.

Supporting policies, procedures and standards

The following policies, procedures and standards will be implemented across the Council to ensure that the Council's debts are managed effectively and securely.

Corporate Debt Management Policy	This provides a framework for the consistent management of all debt and income across the Council
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Welfare Support	This provides a framework (e.g. a number of policies – S13a, Crisis Support, Food poverty, etc.) for a joined up approach to a holistic welfare advice and support service for all relevant residents who owe a debt.
Data Protection Policy	This summarises the Data Protection Policy position of Middlesbrough Council and how it will comply with legislation, and associated codes of practice and official guidance in relation to the processing of personal data.
Records Retention Schedule	This defines how long different records should be retained to comply with legal, regulatory or other requirements and the proper arrangements for archiving and destruction.
Records Management Policy and supporting procedures	This provides a framework for ensuring that the Council’s records are well kept and that the systems used to hold them are fit-for-purpose.
Information Security and Infrastructure Security Technical Policies	These set out policies and standards for the management and maintenance of the security of Council infrastructure and applications.
Vital Records Standards	This sets out how vital records will be identified and the steps to be taken to ensure their protection and preservation.
Vulnerability Policy	Intended for use by Middlesbrough Council employees when engaging with residents/customers where payment of a collectable debt is being considered.
Stop the Knock approach	A solution designed as a ‘helping hand’ to support customers who are experiencing difficulties in meeting payment obligations.

Debts to which this policy applies

For the avoidance of doubt this policy document applies to all debts and income due to the Council including but not limited to the list below, and include any other debts across the Council:

- Council Tax,
- Business Rates,
- Overpaid Housing Benefit,

- Subscription Debt (Commercial Rents, service charges and insurance),
- Sundry Debts (incl. licensing, fees, statutory notices, subscriptions, etc.),
- Recovery of enforcement costs,
- Adult Social Care,
- Charging for discretionary services or any money due to the Council under terms of an agreement to pay for goods, services or property.
- Fines (includes car parking, public space protection order, environmental, etc.).

General principles

The general principles adopted in this policy are as follows:

- To ensure a professional, consistent and timely approach to debt write off across all of the Council's functions,
- Where Data Protection legislation allows, promote a coordinated approach towards sharing debtor information internally and managing multiple debts owed to the Council,
- To ensure that debts are managed in accordance with legislative provisions and best practice,
- Ensure that any steps taken to recover debt / income are in line with the Council's corporate policies on surveillance and data protection, and to ensure compliance with RIPA and GDPR legislation.

Delivering the policy

Writing off of debt should be undertaken in accordance with the Council's Financial Procedure Rules (contained within Section 21.5 – Debt Collection).

Adult Social Care debt write offs must be carried out in accordance with Annex D of the Statutory Guidance to the Care Act 2014.

Delivering the policy involves a number of processes which are explained in more detail below:

- Ensuring a consistent approach,
- Pre-request for write off,
- Request for write off,
- Writing debts off,

- Reinstating written off debt,
- Evasion and fraud,
- Credit balance write offs,
- Bad debt provision,
- Dealing with historical debts.

Ensuring a consistent approach

In line with this policy, the Council will have a consistent approach across all directorates in responding to debt write offs. Proposal for write offs should be considered at every appropriate stage in line with the framework.

Pre-request for write off

All debts of the Council will be acted on in accordance with its Financial Rules. If the debt remains unpaid, after exhausting all appropriate recovery methods, the debt should be considered for write off. All requests to write off debts must be approved by either those identified as delegated officers and / or the Director of Finance (Section 151 Officer).

The Service Area will take reasonable steps to contact the debtor to discuss the matter before making any final decisions on recovery actions, of which, write off may be considered as an option based on the circumstances of the debtor. As a result of these discussions, or in the view of the service area, if the debt is considered uneconomical to pursue or considered unrecoverable then the service area may propose the debt for write off.

Unrecoverable debts may be where (this list is illustrative and not exhaustive):

1. The debt arose from a local authority error that the debtor could not reasonably have been aware of,
2. Debtor is deceased and there are insufficient funds in the Estate to discharge the outstanding debt,
3. Cumulative debts under £50, where no payment has been received within six months of sending the final demand,
4. The debt is unenforceable as the debtor is serving a custodial sentence of 12 months or more, and the likelihood of securing payment is minimal,
5. The debtor has been untraceable for 6 months or more, however should the debtor be traced the Council reserves the right to reinstate the debt,
6. The debtor is believed to be living overseas and legislation does not permit debt pursuance,
7. The debt is statute barred in line with the appropriate legislation,

8. All debts where a Debt Collection Agent advises they are unable to recover the outstanding debt and all options are exhausted,
9. Any debt where Legal Services have advised that the debt is not recoverable or that legal action is unlikely to be cost effective,
10. The debt is uneconomical to collect where the cost of collection outweighs the value of the debt recovered,
11. Bankruptcy or liquidation,
12. Company Voluntary arrangement / administration order,
13. The debtor is likely to suffer serious financial difficulty as a result of recovery action, or the debtor is believed to be vulnerable or is suffering hardship. In this case, the debt should be considered in line with the Social Inclusion section of the Corporate Debt Management Policy <https://middlesbrough-council-middlesbrough.opendata.arcgis.com/documents/corporate-debt-management-policy-2021/>
14. Where the debtor has multiple debts with the Council, and following a financial review it is determined based on the priority of debt as outlined in the Corporate Debt Management Policy <https://middlesbrough-council-middlesbrough.opendata.arcgis.com/documents/corporate-debt-management-policy-2021/> that the debtor has insufficient means to discharge all the debts owed to the Council, appropriate consideration should be given to writing off all or part of the 'other' debts if this would support the debtor meeting future payment obligations and avoid a worsening debt position. This of course is subject to the debtor entering into and maintaining a payment arrangement for debts still due. Nb. Evidence is required to demonstrate that the debtor is unable to settle their liability. Should the debtor fail to meet the agreed payment arrangement, consideration should be given to reversing the write off.
15. No likelihood of settlement with written confirmation of Insolvency** from the Official Receiver or Administrator,
16. All appropriate recovery action has been exhausted with no other remedy available for collection,
17. The debt is remitted by court.

Write off is a formal process and when authorised, ceases all debt recovery action for that specific debt, albeit recovery action may continue for other debts connected to the debtor.

Where authorised, a request for write off does not mean the debt cannot be reinstated in future, where appropriate. The write off will be removed and action will continue giving weight to the statute of limitations, and the corporate debt management policy.

** - Any debts which form part of the proof of debt sent by the Council to the to the insolvency practitioner are written off if they meet all the terms of the

insolvency agreement. The insolvency practitioner may make payments in the form of dividends to Middlesbrough Council which will be offset against the debt and the amount written off will be reduced accordingly.

Request for write off

As per the Accounts and Audit Regulations 2003 (as amended), debts should only be written off with approval of the responsible finance officer (Section 151), or such members of staff, where this function has been delegated in line with the current Financial Regulations and Financial Delegations.

Write off proposals and subsequent decision papers will be retained for the current year plus six years as per the Council's Record Retention Policy.

Once appropriate authorisation has been received and final authorisation for the write off obtained from the Director of Finance (Section 151 Officer) or delegated officers, the debt will be removed from the relevant accounting system and charged against the appropriate cost centre/fund.

Write offs of Housing Benefit caused by an Official Error where the debt has been determined as unrecoverable can only be made in conjunction with the relevant Housing Benefit legislation and guidance. See link - [Benefit overpayment recovery guide - GOV.UK \(www.gov.uk\)](#)

Any write off relating to Adult Social Care debt is governed by the Care and Support Statutory Guidance Annex D, in addition to the above process. Guidance relating to this can be found at [Care and support statutory guidance - GOV.UK \(www.gov.uk\)](#).

Writing debts off (framework)

The writing off of debt should be administered in accordance with the Council's Financial Procedure Rules (contained within Section 21.5).

All write offs should be done in conjunction with the Finance Business Partner to consider the full financial effects of this action.

Irrespective of the amount to be written off, the following list of exceptions is delegated to Heads of Service to authorise write offs. Note: additional evidence is required under the following categories (outlined below).

The Scheme of Delegation is as follows:

Notwithstanding the list of exceptions below, all appropriate remedies for collection of debt must be completely exhausted before progressing to write off.

List of exceptions

- Debtor is deceased and there are insufficient or no funds in the Estate to clear the amount outstanding. A letter from a solicitor or executor is required confirming this,
- The debtor is serving a custodial sentence of 12 months or more. A letter is required from an official body such as court, solicitor, probation, prison, etc.). The debt to be written off is only for the period that the debtor is in prison.
- The debtor is believed to be living overseas and the legislation does not permit debt pursuance. Evidence to confirm this position is required,
- Bankruptcy or liquidation of the debtor. Appropriate bankruptcy or liquidation number and documents should be provided,
- Company Voluntary arrangement / administration order. Appropriate documents should be provided,
- Written confirmation of Insolvency has been provided from the Official Receiver or Administrator,
- The debt is remitted by court. A statement to confirm the decision of the court is needed.

Council Tax

Authorisation to write off (noting the exceptions) is delegated to the following:

- Debts that are 3 years or over irrespective of the write off reason, and where 100% of the debt has been provided for through the bad debt provision, write off approval will be delegated to either of the following Heads of Service (and including the Director of Finance):
 - Head of Resident & Business Support,
 - Head of Finance & Investment,
 - Head of Financial Planning & Support.
- For debts less than 3 years:
 - Heads of Service are authorised to write off the equivalent of up to 1 year's charge up to a maximum of £4,500,
 - Chief Finance Officer £4,500.01 to £10,000,
 - Executive £10,000.01 and above.

Business Rates

Authorisation to write off (noting the exceptions) is delegated to the following:

- Debts that are 3 years or over irrespective of the write off reason, and where 100% of the debt has been provided for through the bad debt provision, write off approval will be delegated to either of the following Heads of Service (and including the Director of Finance).
 - Head of Residents & Business Support,
 - Head of Finance & Investment,
 - Head of Financial Planning & Support.

- For debts less than 3 years:
 - Heads of service are authorised to write off the equivalent of up to 1 year's charge (up to a cap of £100,000),
 - Chief Finance Officer £100,000.01 to £149,999.99,
 - Executive £150,000.00 and above.

The write off amounts for Council Tax and Business Rates (above) will increase in line with the yearly increases with these charges.

Subscription Debt

Authorisation to write off (noting the exceptions) is delegated to the following:

- Heads of service up to and including £50,000,
- Chief Finance Officer £50,000.01 to £149,999.
- Executive £150,000.00 and above.

Sundry Debts (including Housing Benefit Overpayments) and others

Irrespective of the amount, any Housing Benefit overpayments which are classed as unrecoverable due to Local Authority Error where 100% subsidy is provided for this overpayment (as per the Housing Benefit regulations), delegation to write off is extended to the Strategic Business Manager.

Authorisation to write off (noting the exceptions) is delegated to the following:

- Heads of service up to and including £50,000,
- Chief Finance Officer £ 50,000.01 to £149,999.
- Executive £150,000.00 and above.

Once appropriate authorisation has been provided for the debt to be written off the debt will be removed from the relevant accounting system and charged against the appropriate bad debt provision.

An approved write off form has been designed. The e-form is aligned to the policy and must be used when submitted debts for write off. A link will be made available to officers who undertaken this process.

Reinstating written off debt

Service Areas must be aware of an individual's circumstances during all financial related dealings and this includes being aware of any current and written off debt(s) that the debtor may have.

Giving weight to the write off reason, should the debtor's circumstances change and the write off is no longer considered appropriate, then the debt write off can be reversed and the debt will be pursued through the Corporate Debt Recovery process.

Evasion and fraud

Likewise, if evasion or fraud is detected, any write off can be reversed and the debt will be pursued through the Corporate Debt Recovery process, noting further legal action may be taken if there is suspected Fraud.

Credit balance write offs

Where accounts are closed and there is a credit balance on an account the amount must be checked against other debts owed to the Council, and where appropriate to do so will be offset against them. Where the credits can be repaid, they will be repaid by BACS / cheque where the address is known.

Where forwarding addresses are not known to the Council, attempts should be made to identify the address of where the credit can be forwarded. If no such address can be found, the credit balance will be removed from the account. Should an address be found at a later date, the credit can be reinstated, offset against another debt or if not debt exists, refunded.

Dealing with historical debts

Historical debts will be dealt with outside of this policy. A separate procedure will be designed for this which will be subject to separate approval.

Insufficient evidence to enforce debts

Where there is insufficient evidence to create a debt then these amounts should not be raised at the outset by either the service or finance staff. It is always important to consider this at the inception of raising a debt and whether the funds can or cannot be successfully recovered.

If a debt is raised and then subsequently with the passage of time, the debt becomes not credible either on the challenge of the debtor or because there is insufficient evidence to support the debt, then this debt should be removed from the finance system by way of a credit note. This will effectively remove the debt from the Council's aged debt portfolio and reduce it to nil.

It is important that where any debts fall into this area that they follow the credit note process, and not the debt write off route. Debts that should not have been raised or cannot be supported should not be written off.

Nb... Any debts raised which fall into the recovery process which later require a credit note will be subject to the completion of a lesson learned form, outlining why the debt was raised, why it is not being pursued and the steps which have been put in place to avoid a reoccurrence.

Use of third party collection services

Where appropriate to do so, and prior to the submission for write off, debts of £150 or more should be considered for referral to the Council's appointed collection agent who will undertake further checks to determine if the debt can be traced and / or collected. Debts of between £50 and £150 which would normally be considered uneconomical to collect, will be forwarded for third party collection, reducing the internal cost of collecting smaller debt.

- Trace and collect – where a forwarding address cannot be determined, further checks will be made with third parties to determine if address information can be found. This is a further check, prior to write off, to support the write off recommendation,
- Collection of debts where all internal remedies to collect have been exhausted. The debt will be passed top a third party collection agent, who will attempt to secure payment in line with the contractual arrangements in place. This would not be an enforcement agent / bailiff.

Suspended Collection – Debts of £10,000 or more

Debts should be raised accurately and timely, and as such where non-payment occurs collection methods can be progressed quickly. Where debts have been suspended from recovery action for greater than 6 months, cases will be presented to the Section 151 officer where the debt exceeds £10,000 with a summary of why action is not progressing. This action should conclude with an outcome of either progressing the debt for collection, or a provision should be made within the bad debt as collection is unlikely outlining the rationale as to why the debt will not be pursued.

Bad debt provision

The Director of Finance (Section 151 Officer) in conjunction with Heads of Service must ensure there is adequate provision for bad debts, in accordance with 'CIPFA Code of Practice on Local Authority Accounting in United Kingdom – A Statement of Recommended Practice'.

Debts where a bad debt provision has been assigned should be appropriately reviewed on a timely basis with effective recovery methods applied. Where debts are not recoverable, suitable evidence should be provided to progress the case / debt to write off.

A separate bad debt provision is held for each service area so that any increase required in the provision will be charged to the service area concerned. Conversely, if the debt for which a bad debt provision is paid then the provision for that debt will be credited back to the relevant service area.

Monitoring and review arrangements

The implementation and effectiveness of this policy and its supporting procedures will be checked and monitored by the Head of Service and associated management team.

The policy for the first 12 months will be subject to quarterly review, followed by a full review every 3 years.

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Template for Impact Assessment Level 1: Initial screening assessment

Subject of assessment:	Corporate Debt Write Off Policy			
Coverage:	Cross cutting			
This is a decision relating to:	<input checked="" type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Function
	<input checked="" type="checkbox"/> Process/procedure	<input checked="" type="checkbox"/> Programme	<input type="checkbox"/> Project	<input checked="" type="checkbox"/> Review
	<input checked="" type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input type="checkbox"/>	Revision of an existing approach:	<input checked="" type="checkbox"/>
It is driven by:	Legislation:	<input checked="" type="checkbox"/>	Local or corporate requirements:	<input checked="" type="checkbox"/>
Description:	<ul style="list-style-type: none"> ○ Key aims, objectives and activities ○ The policy sets out how the Council will consider write off of debt where it fits the various criteria for write off, and facilitates a fair and consistent approach to the write off of debt across all Council services. In order to maximise all debt and income for the provision of services, Middlesbrough Council will collect all debt owing to it promptly, effectively and efficiently, while ensuring fair treatment to all debtors. ○ Statutory drivers (set out exact reference) ○ Implementation of the Policy will reinforce the Council's plans to meet its legal duty under the Local Government Finance Act 1992 to manage the Council's financial affairs. It will also enable the Council to meet other statutory duties detailed in the legislation covering the recovery of unpaid Council Tax, Non Domestic Rates, Adult Social Care debt, Car Parking fines, etc., whilst taking into account new legislation such as the Debt Respite Scheme Regulations 2020. ○ Differences from any previous approach ○ The policy has been put in place to try and provide a coordinated and consistent approach to debt write off across the council, improve speed and efficiency of collection, whilst being mindful of and providing support to vulnerable groups and their ability to pay. ○ Key stakeholders and intended beneficiaries (internal and external as appropriate) ○ The key stakeholders include customers of council services, businesses, staff, local partners and national government. ○ Intended outcomes. ○ To set out general principles for debt write off across all services provided by Middlesbrough Council. 			
Live date:	October 2021			
Lifespan:	3 years. This is the first iteration of the policy. It will be reviewed quarterly during the first year, and then annually thereafter.			
Date of next review:	January 2022			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<p>Human Rights</p> <p>Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>This proposed policy is designed to ensure that the Council operates a more consistent and joined approach to debt write off, and considers the whole view of a customer’s debt and financial situation / personal circumstances before considering write off. A policy will result in a more prompt and efficient process of write off, increased signposting and support for those who are having difficulties repaying their debt, and also links in with the Council’s debt management policy, vulnerability policy and the Stop the Knock approach. There are no concerns that the policy could infringe qualified or absolute human rights.</p> <p>Evidence used to inform this assessment includes analysis of the various debt write off processes across the council, and engagement to date with senior officers who have been involved in the development of the policy and supporting detailed delivery plans.</p>

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

Screening questions	Response			Evidence
<p>Equality</p> <p>Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Public Sector Equality Duty (PSED) requires that when exercising its functions the Council must have due regard to the need to:-</p> <ul style="list-style-type: none"> eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>In having due regard to the need to advance equality of opportunity, the Council must consider, as part of a single equality duty:</p> <ul style="list-style-type: none"> removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it; and encouraging people who share a protected characteristic to participate in public life or in any other activity in which participation is low. <p>The proposed policy looks to provide consistency and efficiency in the council’s approach, whilst being mindful of a debtor / service user’s ability to pay and their vulnerability (if applicable). Supporting systems are in place to help where this is identified such as Stop the Knock, and payments which can be made from various council support funds. It also links directly to the Council’s Corporate Debt Management policy which supports Social Inclusion and a customer’s ability to pay.</p> <p>The policy joins up with recent Government legislation (Breathing Space / Debt Respite) where a person is in debt and requires a breathing space moratorium or a mental health crisis moratorium</p> <p>It is potentially relevant to all the protected characteristics. The aim of the policy is to address inequalities in outcomes experienced by people / service users / debtors of the council when they owe a debt to the council for a charge or a service.</p> <p>This method of working is designed to understand the individual needs of debtors / service users and address those needs in a joined up and holistic way. This will result in a more tailored service response, improving outcomes and the better identification of equality and fairness issues that may need to be addressed. There are no concerns that the policy could have a disproportionate adverse impact on individuals or groups because they hold one or more protected characteristics. The application of a case by case approach to vulnerability will support work to provide nuanced approaches.</p> <p>Evidence used to inform this assessment includes analysis of the various debt write off processes currently in place across the council and engagement to date with senior officers who have been involved in the development of the policy and supporting detailed delivery plans. It also links to the plan to combine all debt recovery and charging services across the council under one Service Head - Business and Residents Services.</p>

Screening questions	Response			Evidence
<p>Community cohesion</p> <p>Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed policy should provide a coordinated , joined up and consistent approach to write off, including a single view of debt for each and every person to whom it interacts with, whilst taking into consideration any vulnerabilities and ability to pay.</p> <p>Where there may be any different needs because of a protected characteristic or geography, this joined up approach will help to develop follow up actions focussed on addressing those unequal impacts. There are no concerns that the policy could have an adverse impact on community cohesion.</p> <p>Evidence used to inform this assessment includes analysis of the various debt write off processes currently in place across the council and engagement to date with senior officers who have been involved in the development of the policy and supporting detailed delivery plans.</p>
<p>Next steps:</p> <p>➡ If the answer to all of the above screening questions is No then the process is completed.</p> <p>➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.</p>				

Assessment completed by:	Mark Symmonds	Head of Service:	Janette Savage
Date:	07/09/2021	Date:	07/09/2021

Report of:	Director of Regeneration and Culture, Richard Horniman Executive Member for Regeneration, Cllr Eric Polano
Submitted to:	Full Council 26 th January 2022
Subject:	Approval of the Stainton & Thornton Neighbourhood Plan, incorporating the Recommendations of the Independent Examiner.

Summary

Proposed decision(s)
To approve the Stainton & Thornton Neighbourhood Plan, incorporating the recommendations of the Independent Examiner's Report.

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

Contribution to delivery of the 2020-23 Strategic Plan		
People	Place	Business
<i>Neighbourhood Plans are required to be compatible with a Council's own strategic policies in the promotion or improvement of the social, economic and environmental well-being of the area.</i>	<i>Neighbourhood Plans are required to plan positively and not promote less development than set out in a Council's development plan or undermine its strategic policies.</i>	<i>Neighbourhood Planning ensures close working with local communities to support them in preparing their Neighbourhood Plans, in order that they are aligned with the strategic needs and priorities of the wider area.</i>

Ward(s) affected
This report affects part of the Stainton & Thornton Ward. The Ward Member has been consulted on the Neighbourhood Plan and the Independent Examiner's Report.

What is the purpose of this report?

1. To approve the Stainton & Thornton Neighbourhood Plan, incorporating the recommendations of the Independent Examiner's Report, to enable the draft Plan to progress to the referendum stage of the Neighbourhood Planning process.

Why does this report require a Member decision?

2. When adopted, the Stainton & Thornton Neighbourhood Plan will form part of the Council's Policy Framework. Prior to its adoption, the Council needs to make a decision to approve the Plan, taking into account the recommendations of the Independent Examiner, so that a referendum can take place.
3. The decision to approve Neighbourhood Plans is a non-Executive function, and must be made the Borough Council, in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Council's constitution.

Report Background

4. Under the Planning and Compulsory Purchase Act 2004, and Neighbourhood Planning (General) Regulations 2012, parish councils and designated neighbourhood forums can prepare Neighbourhood Plans, that put in place a vision and general planning policies for the development, and use of land in their designated neighbourhood. Neighbourhood Plans form part of the Statutory Development Plan, against which future planning applications within the designated Neighbourhood Area will be determined.
5. A Neighbourhood Plan should be aligned with the strategic needs and priorities of the wider area and must be in general conformity with the National Planning Policy Framework (NPPF), and the strategic policies of a Council's Local Plan. In addition, Neighbourhood Plans are required to plan positively and not promote less development than set out in the Development Plan, or undermine its strategic policies.
6. In March 2017, the Council approved the designation of the parished area of Stainton & Thornton as a Neighbourhood Area, to enable the Parish Council to prepare a Neighbourhood Plan for the designated area. Those areas that fall outside of the parish boundary, but form part of the wider Stainton and Thornton Ward boundary, are not included in the designated Neighbourhood Area, or subject to the policies of the Neighbourhood Plan.
7. The Parish Council submitted its draft Neighbourhood Plan, to the Council for examination in June 2021. The Independent Examination into the draft Plan was undertaken in September 2021. The Examiner's Report (see Appendix 1) was issued on the 14 December 2021, and recommended that the draft Plan should proceed to referendum stage of the Neighbourhood Planning process, subject to some amendments being made.

Next Steps

8. Once the Examiner's amendments have been incorporated into the draft Plan, and approved, a decision statement will be published on the Council's website. The draft Plan can then progress to the next stage in the Neighbourhood Planning process,

which is the referendum stage. The referendum is arranged by the Council, and is conducted under current national electoral and referendum guidelines. The referendum only takes place in the area that the draft Neighbourhood Plan covers, in this case the parished area of Stainton & Thornton. If more than 50% of those voting in the referendum vote 'yes', the draft Plan must be adopted by the Council, and will become part of the statutory development plan alongside the Local Plan.

9. Once a local planning authority has issued a decision statement detailing its intention to send the draft Plan to referendum, the draft Plan can be given significant weight in decision-making process. Following the successful outcome of the referendum, the draft Plan can then proceed to the adoption stage, and become a material planning consideration in the determination of future planning applications within the designated Neighbourhood Area.

What decision(s) are being asked for?

10. To approve the Stainton & Thornton Neighbourhood Plan, incorporating the recommendations of the Independent Examiner's Report.

Why is this being recommended?

11. To enable the Stainton & Thornton Neighbourhood Plan to proceed to the referendum stage in the Neighbourhood Planning process.

Other potential decisions and why these have not been recommended

12. Under the Regulations, a local authority can pursue a different course of action, by making its own modifications to the Neighbourhood Plan. If it does, the local authority must give clear reasons for doing so, and for departing from the Independent Examiner's recommendations. A further six-week public consultation event would then need to take place. There are also exceptional circumstances where the Secretary of State may be asked to intervene, e.g. where a local authority fails to submit the draft Neighbourhood Plan for referendum or departs from an Independent Examiner's recommendations.
13. Given that the Independent Examiner's Report and recommendations are well balanced and provide the necessary flexibility, it is not proposed to depart from the recommendations.

Impact(s) of recommended decision(s)

Legal

14. The legal framework for preparing Neighbourhood Plans is set out in the Planning & Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012. The Stainton & Thornton Neighbourhood Plan has been prepared in accordance with the legislation.
15. The Regulations require that the local authority make a decision on the Examiner's recommendations within five weeks from the day following receipt of their Report, unless the local authority and the relevant body agree an alternative date. As it will not be possible to meet this five week deadline (due to internal procedural processes), it has been agreed with Stainton & Thornton Parish Council that the

decision statement on the Examiner's report and recommendations will be issued as soon as possible after the Plan is approved by the Council.

16. A referendum will be arranged on the Neighbourhood Plan as soon as is practicable following the decision to approve the draft Plan. Once the Council issues a decision statement detailing its intention to send the Neighbourhood Plan to referendum, the Plan can be given significant weight in the decision-making of future planning applications within the designated Neighbourhood Area until the referendum can take place.
17. The Stainton & Thornton Neighbourhood Plan will become part of the statutory development if more than 50% of those voting in the referendum are in support of the Plan. The outcome of the referendum, and the adoption of the Plan, will be subject to a future report to Council.

Financial

18. The approval of the Plan will result in a referendum taking place, as required under the legislation. It is estimated that the total cost of doing this will be in the region of £15,000 - £20,000.
19. The costs associated with the preparation of the Stainton & Thornton Neighbourhood Plan, including the Independent Examiner's fees and the referendum, are currently being met from established service budgets. The Government does, however, provide grant funding to local planning authorities to assist with these costs. The Council will be eligible for grant funding of £20,000 once there has been a successful referendum outcome and the Neighbourhood Plan has been adopted.

Policy Framework

20. The decision to approve the Stainton & Thornton Neighbourhood Plan does not, in itself, alter the Council's Policy Framework. However, it will result in a referendum, and if more than 50% of eligible voters support the Plan, it will ultimately result in its adoption. Upon adoption, the policy framework will change as the Plan becomes part of the statutory Development Plan.

Equality and Diversity

21. The draft Stainton & Thornton Neighbourhood Plan and the Independent Examiner's Report and Recommendations, have been subject to an initial Impact Assessment (IA), which accompanies this report (see Appendix 3). This identifies that a full IA is not necessary.

Risk

22. Under the Regulations, where a local authority fails to submit the draft Neighbourhood Plan for referendum or departs from an Independent Examiner's recommendations without providing clear reasons for doing so, the Secretary of State may be asked to intervene.
23. The relevant risks this decision would influence are cited below, with an explanation as to why they are relevant and how it would affect each risk

Risk No	Risk Description	Impact on the risk
O8-055	If the Council doesn't respond effectively and efficiently to legislative changes it could be in breach of statutory duties in relation to service delivery and fail to make the most of opportunities.	By undertaking this work the Council is ensuring compliance with the regulations and this will have a positive impact on this risk.

Actions to be taken to implement the decision(s)

24. Once the Stainton & Thornton Neighbourhood Plan is approved, the recommendations of the Independent Examiner will be incorporated into the Plan. In accordance with the regulations, a decision statement will be issued and placed on the Council's website to publicise the approval of the Plan. A referendum will be arranged for the designated Neighbourhood Area.
25. The adoption of the Stainton & Thornton Neighbourhood Plan will depend on the outcome of the referendum, and be subject to a future report to the Borough Council.

Appendices

- Appendix 1 – The Independent Examiner's Report and Recommendations.
- Appendix 2 – The submitted Stainton & Thornton Draft Neighbourhood Plan, showing the Examiner's Recommendations.
- Appendix 3 – Initial Impact Assessment (IA).

Background papers

None.

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Intelligent Plans
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Report on Stainton & Thornton Neighbourhood Plan 2021-2036

An Examination undertaken for Middlesbrough Council with the support of the Stainton and Thornton Parish Council on the June 2021 submission version of the Plan.

Independent Examiner: Patrick T Whitehead DipTP (Nott) MRTPI

Date of Report: 14 December 2021

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Main Findings - Executive Summary

From my examination of the Stainton & Thornton Neighbourhood Plan (the Plan/STNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Stainton and Thornton Parish Council;
- The Plan has been prepared for an area properly designated – the Stainton and Thornton Parish area, Figure 1 in the Plan;
- The Plan specifies the period to which it is to take effect – 2021-2036; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Stainton & Thornton Neighbourhood Plan 2021-2036

- 1.1 Stainton and Thornton Parish lies within, but on the edge of the urban area of the Borough of Middlesbrough, located south-east of the junction between the A19 and A174. The Parish consists of two villages, Stainton and Thornton, with a combined population of around 2,080 according to estimates for 2015.¹ This is an increase from 1,240 in the 2011 Census, reflecting the amount of new development taking place within the Parish. New developments surround the two settlements but they, nevertheless, retain distinct 'village' characters and are separated by a small, but significant area of open countryside. The core areas of the two villages have been designated as a Conservation Area. The area to the south of the Parish is largely open countryside.
- 1.2 The relatively rapid development of Stainton and Thornton Parish led to a Neighbourhood Plan Group being formed under the auspices of the Stainton and Thornton Parish Council (STPC) with the object of ensuring "*..that future development within the Parish is of the type, style and position to be carried out in accordance with the wishes and desires of the residents*".² Residents were notified of the development of the

¹ Tees Valley Combined Authority (TVCA) estimate for 2015.

² Draft Neighbourhood Plan, June 2021, Page 2, Foreword.

Neighbourhood Plan in the Stainton and Thornton Community Council Newsletter, dated June 2017. Posters were displayed and the Plan Group has provided regular updates throughout the development of the Plan.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Stainton & Thornton Neighbourhood Plan by MBC, with the agreement of STPC.
- 1.4 I am a chartered town planner and former government Planning Inspector, with more than 20 years experience inspecting and examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.

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- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan for the area;
 - Be compatible with and not breach European Union (EU) obligations (under retained EU law);³ and
 - Meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.⁴

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Middlesbrough Borough Council, not including documents relating to excluded minerals and waste development, comprises the Housing Local Plan 2014 (HLP); the Middlesbrough Core Strategy 2008 (MCS), which looks forward to 2023; the Saved 1999 Local Plan Policies, which includes saved policies on green space, countryside and built environment; and the Regeneration

³ The existing body of environmental regulation is retained in UK law.

⁴ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Development Plan Document 2009 (RDPD). MBC is presently preparing a new, emerging local plan which will set out a vision for the future development of Middlesbrough in relation to housing, the economy, community facilities and infrastructure, up to 2037. When adopted, this will replace existing planning policy documents, and provide a basis for determining planning applications within Middlesbrough. Although the Local Development Scheme (LDS) indicates that this emerging local plan is expected to reach the adoption stage by March 2022, the STNP, paragraph 2.3, indicates that draft documentation has recently been withdrawn.⁵

- 2.2 Planning Practice Guidance (PPG) indicates that it is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. It also advises that the reasoning and evidence informing emerging local plans can be relevant to neighbourhood plans. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the local planning authority and qualifying body should discuss and aim to agree the relationship between their emerging policies and the adopted development plan.⁶ However, in this instance the absence of up-to-date documentation means that I have no basis on which to have regard to the emerging local plan.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The PPG offers guidance on how this policy should be implemented. The NPPF was first published in March 2012, and most recently updated on 20 July 2021. All references in this report are to the July 2021 NPPF and its accompanying PPG. Alongside the updated NPPF, the Government has published the final version of the National Design Guide (NDG) and National Model Design Code (NMDC).

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including:
- the draft Stainton & Thornton Neighbourhood Plan 2021-2036, June 2021;
 - The map at Figure 1 of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, undated;
 - the Basic Conditions Statement, undated;
 - the Strategic Environmental Assessment Screening Opinion prepared by STPC, undated;
 - Habitats Screening Report, February 2021;
 - all the representations that have been made in accordance with the Regulation 16 consultation; and

⁵ [Planning policy | Middlesbrough Council](#)

⁶ PPG Reference ID: 41-009-20190509.

- the responses from STPC and MBC to my letters of 17 and 22 September.⁷

Site Visit

2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 21 September 2021 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.6 This examination has been dealt with by written representations. There were no requests for an appearance amongst the Regulation 16 representations and the responses clearly articulated objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum. As a consequence, I concluded that hearing sessions would be unnecessary.

Modifications

2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The STNP has been prepared and submitted for examination by STPC, which is a qualifying body for an area that was designated by MBC on 7 March 2017.
- 3.2 It is the only neighbourhood plan for the Stainton and Thornton Neighbourhood Plan Area and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

3.3 The Plan specifies the period to which it is to take effect in paragraph 1.1, which is from 2021 to 2036. In the interests of clarity, this should be stated prominently on the front cover and I recommend accordingly (**PM13**).

⁷ View at: <https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy/neighbourhood-planning/stainton-and-thornton-neighbourhood-plan>

Neighbourhood Plan Preparation and Consultation

- 3.4 The application to designate Stainton and Thornton as a Neighbourhood Plan Area received approval on 7 March 2017 from MBC, following a consultation period from 20 January until 20 February 2017. Two public resident surveys were carried out to establish the wishes and desires of the residents, following which the Neighbourhood Plan Group was formed under the auspices of the Parish Council tasked with preparation of the Neighbourhood Plan.
- 3.5 First notification of the proposal to develop a neighbourhood plan was sent out with the Stainton and Thornton Community Council Newsletter, dated June 2017. There followed a short initial survey and a further more comprehensive survey in October 2017 to establish local residents' views and aspirations, together with a shorter questionnaire given to children at the village Gala Day.
- 3.6 A formal Regulation 14 Consultation ran from 12 October to 23 November 2020. In addition to the document being available online with copies available through the Parish Council, a consultation letter and response form were hand delivered to local residents and businesses. Letters were also sent to all relevant statutory bodies. Responses were received from the statutory bodies, developers, and a number of local residents, these latter mostly supporting the draft Plan. Modifications were made in response to points raised by respondents.
- 3.7 The Regulation 16 Consultation was undertaken by MBC from 5 July to 16 August 2021. However, because of the ongoing COVID-19 pandemic restrictions, some engagement procedures were modified to comply with the public health guidelines, with most of the consultation being undertaken online. The schedule shows the responses received, including 6 from statutory consultees and 5 from local residents.
- 3.8 With all these points in mind I am satisfied that a thorough, transparent and inclusive consultation process has been followed for the Plan, having due regard to the advice in the PPG about plan preparation and engagement and in accordance with the legal requirements.

Development and Use of Land

- 3.9 Subject to my recommended modifications to Policies ST7 (**PM8**) and ST8 (**PM9**), the Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.10 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.11 Stainton and Thornton Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.⁸

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by STPC, which found that it was unnecessary to undertake SEA. The statutory consultees have not raised objections⁹ and, having read the SEA Screening Opinion,¹⁰ I support this conclusion.
- 4.2 The Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. There are three sites of European significance within 15km proximity of the Plan area but the effect of the Plan on these sites is not considered to be significant.¹¹ Natural England agrees with the conclusions of the screening assessment, that the Plan will not adversely affect the integrity of any European or International site,¹² and from my independent assessment of this matter I have no reason to disagree.

Main Issues

- 4.3 I have approached the assessment of compliance with the Basic Conditions of the Stainton & Thornton Neighbourhood Plan as two main matters:

Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies; and

Issue 2: The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.

- 4.4 As part of that assessment, I shall consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG that a neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when

⁸ Basic Conditions Statement, Paragraph 4.

⁹ Letters submitted by STPC 23 September 2021.

¹⁰ Screening Assessment, undated.

¹¹ HRA Screening Report. Section 6.

¹² Letter from Natural England dated 3 March 2021.

determining planning applications. It should be concise, precise and supported by appropriate evidence.¹³

Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies

- 4.5 The Plan sets out a vision, stating that *“The Parish will develop appropriately, but also retain its rural village character, along with green spaces both within, and surrounding, the parish. It will maintain its community spirit and historical connections and remain distinct in its character from the urban town of Middlesbrough”*. The vision was shared with the community, with 94% agreeing with the statement. Following this, the Neighbourhood Plan Group established a set of sustainable development principles¹⁴ to ensure that the Plan contributes to achieving the economic, social and environmental aspects of sustainable development.¹⁵
- 4.6 The approach in the MCS is accepted as not being successful in delivering the housing required for Middlesbrough and the HLP was based on a scenario of a stable population requiring a building rate of 410 dwellings per annum. This results in a housing requirement for a minimum of 6,970 dwellings over a plan period to 2029.¹⁶ The HLP allocated land for a minimum of 1,230 dwellings at Hemlington Grange (Policy H23) and 326 dwellings at Stainton (Policy H27 – Rose Cottage Farm), a total of at least 1,556 dwellings.
- 4.7 In the event, Rose Cottage Farm has been completed, producing a total of 314 dwellings, whilst planning permissions and the subsequent replacement of a care home with further housing has led to a projected total for Hemlington Grange of between 1,385 and 1,410 dwellings. This gives 1,699 to 1,724 dwellings across both sites. Paragraph 2.2 in the STNP suggests a total of 1,708 dwellings across both sites. From the above, it is clear that sufficient land has been allocated to meet the net housing requirement proposed in the HLP for the period to 2029 and that, as a consequence, there is no necessity for additional allocations within this neighbourhood plan. Paragraph 1.1 of the STNP advises that the Plan will be reviewed every five years to ensure compliance with national and local planning requirements.
- 4.8 The basis for the Neighbourhood Plan arose from strong views concerning the impact of the new developments proposed by the HLP on the Parish, including those on the character and identity of the Parish and the countryside, and on the local road network. The guarantee of future sustainability was also a matter of concern. In terms of any further new developments, the Plan sets down a series of policies which attempt to

¹³ PPG Reference ID: 41-041-20140306.

¹⁴ Draft Plan: Section 7, Plan Vision and Objectives, page 11.

¹⁵ NPPF: Paragraph 8.

¹⁶ HLP: Table 1, Adjusted Housing Requirement.

ensure that the identified impacts are minimised and that important community and heritage assets of the neighbourhood are safeguarded. Most important to the local community, the Plan seeks to protect green spaces and the natural environment which were identified as the local community's top priority. The Plan also sets down a series of sustainable development principles (section 7) which underpin the overall approach.

- 4.9 As noted previously, a new local plan is in preparation and this will set out a vision for future development up to 2037 but for the reasons stated in paragraph 2.2, above, there is no basis on which the STNP has been able to take account of the emerging local plan. There has been concern raised that the STNP Plan period does not align with the strategic policies set down in the HLP which runs to 2029 and that, as a consequence, there is no strategic steer beyond this date. However, the PPG¹⁷ makes it clear that neighbourhood plans can be brought forward before an up-to-date local plan is in place. I am satisfied that there is a satisfactory and collaborative working relationship between STPC and MBC which will ensure that conflict between the STNP and the emerging local plan will be minimised. It is also stated that the Plan will subject to review every 5 years.¹⁸
- 4.10 I have noted representations on behalf of those promoting sites for allocation for housing developments beyond those proposed in the HLP. Since, as previously stated, the present allocations are intended to fulfil the housing requirement to 2029, and the scope of the Neighbourhood Plan is to provide non-strategic policies, it is appropriate that the allocation of further sites is a matter for the emerging local plan. However, I have taken account of the general points regarding flexibility within the Plan's policies in my assessment of individual policies.
- 4.11 The planning context for the Plan is set out in Section 2 of the STNP. However, there is no mention of the national framework to which the STNP must have regard. This is an omission which should be addressed through the inclusion of a new paragraph following paragraph 2.3, as provided by proposed modification **PM1**. However, paragraph 1.6 indicates that the Plan must be in general compliance with the NPPF and it is clear from specific references within the document that the STPC has had regard to the national policy and advice in the framing of policies. In particular, I am satisfied that the three overarching objectives for achieving sustainable development¹⁹ have underpinned the development of the STNP.
- 4.12 In respect of Issue 1, therefore, I consider that the Plan's vision and objectives should contribute to the achievement of sustainable development, having regard to the recently updated national policy and guidance. I also consider that the STNP, as a whole and subject to my

¹⁷ PPG Reference ID: 41-009-20190509.

¹⁸ Foreword and paragraph 1.1 of the STNP.

¹⁹ NPPF, Paragraph 8.

detailed analysis (and associated PMs) dealing with Issue 2, is in general conformity with the strategic policies contained in the MCS and the HLP. For these reasons, and subject to the proposed modifications being made, I conclude that the Plan has had regard to national policy and guidance, including the achievement of sustainable development, and is in general conformity with the adopted strategic local planning policies, thus meeting the Basic Conditions.

- 4.13 Having regard to the need for policies to be clear and unambiguous, concise, precise and supported by appropriate evidence, a number of the policies include material which should properly form part of the justification for the policy. As a general point, there is also a degree of overlap between policies with the same requirement being included in more than one policy. Since the Plan should be read as a whole, such duplication is unnecessary and creates ambiguity. During my consideration of each policy, below, I have sought to reduce the extent of duplication and exclude statements of justification to ensure clear and concise policies. This will ensure due regard is had to the guidance in the PPG.

Issue 2: - The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services

Policy ST1 – Green Infrastructure

- 4.14 Retention of the green infrastructure is a significant local issue addressed by the Plan, identified in the first sentence of the vision along with retention of the rural village character. The first three policies are therefore directed towards aspects of protection for the green infrastructure. In general terms, therefore, the approach provided by Policy ST1 takes account of Government guidance in the NPPF²⁰ and is also in general conformity with the HLP Policy CS20. This emphasis does lead to duplication and overlap with other green infrastructure policies and, to a lesser extent, with other parts of the Plan. This is not helpful to the Plan's users and their understanding of the requirements and issues to be addressed by developers. The Development Plan should be read as a whole and the NPPF, paragraph 16, makes it clear that the Plan should "serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area". This applies to policies within a neighbourhood plan as well as those in other plans comprising the Development Plan.
- 4.15 The first statement of Policy ST1 indicates a requirement for new developments to contribute towards the protection and enhancement of green infrastructure. It also continues to deal with new provision, including spaces and linkages. However, these matters (criteria 2 and 3) are better dealt with in more detail in Policy ST3 - Criterion 7, for example – and Policy ST7 so far as rights of way are concerned. The final

²⁰ NPPF, Paragraphs 179 and 180.

statement in Policy ST1 deals with developments proposing 'a net loss' (a term not defined in the Plan) which would be supported only in certain circumstances. This is an unnecessary complication of the policy, particularly as the first policy statement indicates support for proposals that contribute towards the protection or enhancement of green infrastructure. An addition to the final sentence of the policy would ensure that account has been taken of the updated NPPF.²¹

- 4.16 Appropriate amendments to Policy ST1 are provided by proposed modification **PM2** to ensure the Basic Conditions are met.

Policy ST2 – Local Green Spaces

- 4.17 The NPPF (paragraph 101 in the July 2021 version) allows for the designation and protection of land as Local Green Space (LGS) where it is of particular importance to the community. Paragraph 102 provides three criteria to be met in order for the designation to be used, whilst paragraph 103 states that "*policies for managing development within a Local Green Space should be consistent with those for Green Belts*".
- 4.18 The Plan has followed the process for designation and included at Appendix 4 detailed assessments of nine locations for designation and protection. I have looked at each of these during my site visit. Whilst most of these fulfil the requirements for designation, I am concerned that one of the locations does not appear to fully meet the criteria provided by the NPPF.
- 4.19 Thornton Plantation (LGS8) appears to be a privately owned and managed wood which, although not an extensive tract of land, has no permitted access for the public. However, PPG Reference ID: 37-017-20140306 is clear that land can be considered for designation even if there is no public access, but in this instance the assessment in Appendix 4 concludes that it has no recreational value and there is no evidence that it holds a particular local significance or is special to the local community. It cannot, therefore, be said to be demonstrably special to the local community. As a result, I do not consider the Plantation meets the criteria of designation.
- 4.20 I have noted concerns raised in the representations regarding the LGS designation of Stainton Low Wood (LGS6). The site is woodland which I understand to be owned and managed by the Woodland Trust and I believe is well used by locals. Having visited the site and read the documentation I am satisfied that it meets the requirements for designation.
- 4.21 The churchyard to St Peter and St Paul's Church (LGS7) clearly already benefits from protection as consecrated ground as well as forming the setting of a Grade II* listed building. Nevertheless, it is an historic focus of village life and makes a significant contribution to the character of the

²¹ NPPF, Paragraph 98.

village core. As such, the designation as LGS is appropriate. The remaining areas to be designated as LGS are grouped within two locations: firstly, LGS 1, 2 and 4, which are linked open spaces forming a continuous belt of recreational land adjacent to Stainton Way, and LGS 3, 5, and 9 (along with LGS7 discussed above) together provide a distinct separation between the two settlements of Stainton and Thornton as well as providing a locally much loved area of recreation. Individually, all of these areas in my judgement meet the criteria for designation as LGS.

- 4.22 Turning to the policy, it is important to bear in mind the guidance in NPPF, paragraph 103, which requires the policy to be consistent with Green Belt policy. It is important, therefore, that the policy makes this clear, and that development will not be permitted except in very special circumstances. Having made this clear, the criteria a) and b) are unnecessary and introduce an element of confusion.
- 4.23 Similar confusion arises from the criteria for measuring the appropriateness of development, 1) and 2), which attempt to reframe national Green Belt policy (notably NPPF, Paragraph 149). The first sentence of the paragraph that follows seeks to introduce, without supporting evidence, the concept of permission being possible in the event of 'no net loss'. The final two sentences of that paragraph refer to the provision of new green space provision in relation to new developments but this is not relevant to a policy concerned with the protection of designated LGS.
- 4.24 As a consequence, amendments to the policy are necessary in order to properly reflect national policies and advice in the NPPF, and to be in general conformity with the local plan strategy which includes a need to enhance the quality of existing open space by maintaining "*all open space where it makes a positive contribution*" (MCS: paragraph 11.6 of the justification for MCS Policy CS20). The proposed modification **PM3** provides an amended text to Policy ST2 to ensure that it meets the Basic Conditions.
- 4.25 For clarity, the Parish Council may wish to amend the order and numbering of the sites included in the policy with the order and numbering of the sites in Appendix 4.

Policy ST3 – Natural Environment

- 4.26 Following on from my general comments regarding Policy ST1, it is important to ensure that the intention behind Policy ST3 is clearly distinct in its purpose. The first part of the policy provides a set of criteria to be met by proposals in order to gain the support of the local community. As a general point, the policy would be more effective if the support were not qualified by the word "*only*".
- 4.27 Turning to the criteria, 3 and 8 – relating respectively to rights of way and trees - are duplications of policies elsewhere in the Plan and should be

deleted. The protection of valued views and vistas provided by Criterion 2 mirrors in its entirety the protection for the same views and vistas protected by Policy ST4. The latter is a more appropriate location for the criterion and so Criterion 2 should be deleted. Some amendments are necessary in respect of the remaining criteria in order to ensure clarity of purpose and to avoid unnecessarily detailed measures of control, for example regarding the nature of treatment for water courses. In order to ensure the policy has had regard to the latest Government advice and guidance, a new criterion should include reference to the NDG and the NMDC as shown in the proposed modification.

- 4.28 The reference to the importance of maintaining “green buffer zones” responds to an objective stated on page 17 “to ensure green spaces between us and neighbouring developments to maintain our parish character”. This is a significant overlap with the strategic intention expressed in the MCS to maintain “green wedges” defined as “large tracts of mainly undeveloped land” (paragraph 11.4) and forming part of a network of green infrastructure to be delivered through Policy CS20. The existing Green Wedge Allocation is shown on Figure 4 in the STNP. No defined “green buffer zones” are shown on Figure 4 and STPC, in its response to my question (dated 30 September 2021), indicated that “it is very difficult to define these”. As a result of the lack of clarity regarding the extent of the green buffer zones and the degree of overlap with the strategic function of Policy CS20, this part of Policy ST3 does not meet the Basic Conditions and should be deleted.
- 4.29 The final part of the policy seeks to ensure biodiversity net gain for all developments but requires greater clarity and a more precise statement of policy if the requirement that “a decision maker can apply it consistently and with confidence when determining planning applications”²² is to be achieved.
- 4.30 Necessary amendments to ensure the policy meets the Basic Conditions are provided by proposed modification **PM4**.

Policy ST4 – Heritage Assets

- 4.31 Although the Basic Conditions Statement advises that there is no specific MBC policy relating to heritage assets, MCS Policy CS5, requires development proposals to take account of Conservation Areas and buildings of special historic or architectural interest (criteria h) and i)). However, in general terms, Policy ST4 seeks to ensure proposals do take account of heritage assets in a similar vein to the strategic policy. It also has had regard to national advice contained in Section 16 of the updated NPPF.

²² PPG Reference ID: 41-041-20140306.

- 4.32 In order to take full account of the recent publication of the NDG and the NMDC so far as the cultural heritage is concerned I consider it necessary to insert a new criterion making specific mention of these publications.
- 4.33 The key views, subject of Criterion 1, require identification in order that protection can be sought through the policy. The supporting text on page 22 of the STNP refers to the views being detailed in the Conservation Area Character Appraisal (CACA) and refers to the map on page 67 of the document. The CACA, paragraph 8.02 highlights the importance of views into and out of the CA and are identified on the map (which is located on page 27 of the Appraisal). However, so far as I can establish, this does not relate to all 5 views listed in the STNP (the night sky views, numbered 6, cannot be protected by planning policy in this instance). As a consequence a map must be included in the Plan to identify the views to be protected, and referenced in the criterion.
- 4.34 The text of each criterion requires some amendments to ensure clarity and precision and to ensure they can be applied consistently and with confidence.
- 4.35 Appropriate amendments to the policy are included in the proposed modification **PM5** to ensure the Basic Conditions are met.

Policy ST5 – Community Assets

- 4.36 The sentiments of Policy ST5 are clear and heartfelt, supported by a community that values those assets and has concerns about their loss (STNP, Section 10, policy justification).
- 4.37 The thrust of the policy is to ensure that any development proposals provide support for the community assets and not result in their loss. The message could be expressed more clearly for the purpose of the appropriate application of the policy to development proposals.
- 4.38 The first issue lies in the identification of community assets since these include assets which provide facilities and services used by the community, those which are commercial enterprises and those which are not clearly defined. Having identified the assets, the policy intends that development should support their retention and enhancement. Of course, all development is likely to provide a measure of support, however small, for local facilities simply by providing an increase in the local population. MCS Policy CS6 includes community facilities (paragraph 5.22) amongst those matters for which developer contributions will be sought. However, beyond this, 'support' suggests measures imposed upon developments to provide continuing support of an unspecified nature. This cannot be justified in planning terms since it appears to introduce a degree of unjustified burden upon all developments. For this reason, the first part of the policy lacks clarity of intent and should be deleted. The identification of local community assets should not be included as part of the policy statement but provided for information in an appendix.

- 4.39 The remainder of the policy provides a basis for assessing the impact of development proposals on the provision and maintenance of community assets. In the final paragraph, it is not the Parish Council, through the Neighbourhood Plan, which permits or refuses development – that is the responsibility of MBC. Accordingly “*permitted*” should be replaced with “*supported*”. The use of “normally” should be avoided in policy wording for reasons of clarity and precision. Finally, the increase in provision “*commensurate to any proposed growth in population*” is not quantifiable in this context and should be omitted.
- 4.40 Although in broad terms Policy ST5 is in conformity with the MCS so far as CS6 is concerned, and has regard to national advice in the NPPF (paragraphs 34 and 93), from my analysis, some amendments are required to Policy ST5 to ensure the Basic Conditions are met. The proposed modifications in **PM6** will ensure this is the case.

Policy ST6 – Traffic/Parking/Public Transport and Roads

- 4.41 There are a number of issues with Policy ST6 relating to the level of detail which would be difficult to enforce in practice, and the nature of the matters covered. Items 2 and 3 are covered in detail in the Tees Valley Highway Design Guide (also known as the Design Guide & Specification (DGS)) adopted by participating authorities within Tees Valley area, and further design guidance is provided by the NDG and the NMDC. As a consequence the policy should make reference to these documents rather than repeating information and items 2 and 3 should be deleted.
- 4.42 Having made reference to the guidance available, much of the detail contained in the first paragraph is unnecessary and could result in confusion over the application of standards and guidance. The proposed modifications include amendments to the text of the first paragraph to ensure clarity.
- 4.43 Item 4 of the policy relates to the use of Section 106 obligations for road improvements. However, not all highway works are covered by the use of such agreements, and those which are will be subject to Policy ST11 and MCS Policy CS6. Accordingly, the paragraph should be deleted.
- 4.44 The final sentence of the policy stipulates a requirement that all developments be served by sustainable transport links. However, this requirement may not be applicable in all circumstances and so it should be qualified by “*where possible and appropriate*”. The inclusion of transport provision subsidies cannot be included as a requirement of planning permission, although there are instances where it may be secured by a Section 106 agreement. In this latter case, it would be subject to the provisions of Policy ST11.
- 4.45 The policy title is unnecessarily complex and clarity would be improved through a simplification. All of the necessary amendments to meet the

requirements of the Basic Conditions are incorporate in the proposed modification **PM7**.

Policy ST7 – Infrastructure and Right of Way

- 4.46 This policy is problematic for a number of reasons. The title refers to infrastructure, and to rights of way. However, its real purpose appears to ensure the provision of routes for pedestrians, riders (horse) and cyclists. In other words, it is about movement other than by car or public transport.
- 4.47 The statements requiring provision *'before building starts'*; *'infrastructure should be incorporated in and built prior to occupation of any dwelling'* and *'occupation in advance of the completion of the infrastructure must be clearly justified'* are too onerous and would not be enforceable against developers. The usual development process relies on the provision of infrastructure as development proceeds in a phased manner and, in financial terms, it is impractical to expect developers to fund provision in advance of building.
- 4.48 The term *'better infrastructure'* is not defined and so could not be imposed on proposals. The 10 numbered points are expressions of intent or aspirations that do not have the precision or clarity to be enforced against developments. As such, they should be clearly separated from a statement of policy²³, for example, by including the list as an appendix.
- 4.49 For similar reasons, the 'bullet point' items are not a defined list of requirements that can be attached to planning permission for individual development proposals. The items comprise specific proposals for improvements which the community would wish to see implemented, or Parish projects and aspirations – for example to resist an increase in traffic and to upgrade pavements. The grant of individual planning permissions cannot be directly linked to the provision of these facilities, or to solving particular perceived problems. As a result their provision or creation cannot be enforced against individual developers. They should also be separated from the statement of policy as wider community aspirations, clearly identifiable as such, and not forming part of the statutory development plan.
- 4.50 The core statement of policy is contained in the second and third from last paragraphs. However, these paragraphs have problems in policy terms. The first of the two paragraphs requires developments to align green infrastructure to a "green link" network. Although there is a reference to such a network in the first paragraph of the policy justification, there is no defined network or identified green links within the Plan, or in the reference material. It would not be possible, therefore, to "require" developers to align their proposals with the green links. The "broad location" of the green link network is also not defined so it would not be

²³ PPG Reference ID: 41-004-20190509.

possible to identify proposals as being within or outside the network. The requirement to include safe pedestrian and cycle routes within development proposals is included as Criterion 8 (incorporation of appropriate pathways and cycleways) of Policy ST9.

- 4.51 The final statement of policy, regarding surface water and sewage, largely duplicates criterion 10 of Policy ST9 and does not relate well to the remainder of the policy which is almost wholly devoted to safe provision for walkers and cyclists.
- 4.52 The Government has made it clear that neighbourhood plan policies should address the development and use of land²⁴, should be concise, precise and supported by appropriate evidence, and should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications²⁵. Regrettably as a consequence of my analysis above, my conclusion is that Policy ST7 does not meet these requirements and should be deleted in its entirety together with the policy justification, as shown in proposed modification **PM8**.

Policy ST8 – Services/Schools/Shops/Unicorn Centre/Larchfield

- 4.53 There are two parts to Policy ST8: the first and third paragraphs are concerned with new developments and their potential to address local shortcomings in service provision; the second and fourth paragraphs relate to support and protection for existing facilities. The policy would benefit from re-structuring to assist potential users. It would also help if the policy title were to be simplified to ensure clarity.
- 4.54 The NPPF, paragraph 84(d), provides a basis for the policy in national guidance by stating that policies and decisions should enable “*the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship*”. At the local strategic level, MCS Policy CS4 requires all development to contribute to achieving sustainable principles, including by ensuring “*everyone has access to the health, education, jobs, shops, leisure and other community and cultural facilities that they need in their daily lives*”.
- 4.55 Whilst the policy addresses the generality of these matters, some aspects of the policy require attention. The second and third sentences of the second paragraph should be deleted: the second sentence pre-empts strategic planning decisions on future developments on the basis they may encroach on the ability of these resources to deliver services. This is not possible since planning is concerned with land use in the public interest and the protection of private interests is not a material

²⁴ PPG Reference ID: 41-004-20190509.

²⁵ PPG Reference ID: 41-041-20140306.

consideration.²⁶ The third sentence seeks to influence the management of surrounding areas. However the management of activities which may affect a neighbouring use is not generally a matter to be dealt with through the planning system.

- 4.56 Turning to new developments, the provisions and requirements included in paragraphs one and three overlap to a significant extent. As a result there is a lack of clarity concerning what exactly developers are being asked to do. Additionally, those proposing development cannot be required to address existing shortfalls in provision, and relevance to the development to be permitted is a prerequisite for the imposition of planning conditions or where a planning obligation is sought. It follows that the text for the first and third paragraphs requires careful and simplified wording. Clarity would also be helped by the use of sub-headings to distinguish between policy relating to existing provision and the provision of services and facilities through new developments, and by a simplified main heading.
- 4.57 A suggested revised text for the policy is provided by proposed modification **PM9** to ensure the policy is in accord with national advice and meets the Basic Conditions in all respects.

Policy ST9 – Design Principles and Policy ST10 – New Developments on Greenfield Sites

- 4.58 There are two design policies in the Plan which I propose to consider together. Both policies provide criteria to be met by new developments. The policy justification appears in a brief paragraph on page 38, preceding Policy ST10. This provides the sole clarification that Policy ST9 would be applied to small developments, of 10 or less dwellings and infill developments, whilst Policy ST10 would apply to greenfield developments aimed at fulfilling any future – as yet undetermined – need.
- 4.59 The consequence of providing two design policies is a degree of complexity and a lack of clarity, contrary to the requirement that there should be “..sufficient clarity that a decision maker can apply it (i.e. the policy) consistently and with confidence when determining planning applications”.²⁷ There is also a significant amount of overlap between the criteria of the policies; for example, both seek to prevent the coalition of settlements (ST9, criterion 7 and ST10, criterion 12) and both require the provision of green open space (ST9, criterion 7 and ST10, criterion 6). Both policies also require a mix of housing types (criterion 2 in both policies) and include an affordable housing requirement (criterion 3 in both policies).
- 4.60 In their present form the two policies do not give a clear guide to those proposing new developments. Clarity would be achieved by providing a

²⁶ PPG Reference ID: 21b-008-20140306.

²⁷ PPG Reference ID: 41-041-20140306.

single design policy with a set of criteria to be met by all proposals for new residential developments, including those for smaller and infill developments, together with additional criteria to be met where major new greenfield developments are proposed. To achieve this, the proposed modifications provided by **PM10** show a reframed Policy ST9, the first part of which includes criteria to be applied to all proposals, with the second part applying only to major new greenfield proposals. The new policy would require a revised heading with two sub-headings to distinguish the different levels of proposal to which the criteria would apply.

- 4.61 The reference in the justification to Policy ST10 refers to 10 or less homes. This should be amended to "*less than 10 homes*" to accord with the Government's definition of "major developments" being for 10 or more homes in the NPPF.²⁸ The sub-title to part one of the policy should include this clarification as shown in the proposed modification.
- 4.62 In relation to both policies MBC has offered a fairly detailed assessment of some criteria and the following comments include responses, where appropriate, in addition to amendments resulting from my analysis of the policies. For Part 1 of the proposed new policy these are, as follows:
- In the absence of local design guidance a new criterion should be included making reference to the National Design Guide and National Model Design Code.
 - Justification for Criterion 2 should not be included in the policy statement, and reference to enhancement of the character should be avoided as it is too onerous.
 - There should not be reference to housing needs of residents since neither this, nor the requirement for 10% bungalows has been supported by evidence.
 - Policy H12 in the LHP makes it clear that the provision of affordable housing on site should not be provided on sites of under 30 dwellings, so Criterion 3 is not applicable to small developments and should be deleted.
 - A requirement for Building for Life principles may not always be applicable so Criterion 4 should be prefaced by "*where appropriate*".
 - Criterion 5 requires amendment for reasons of clarity.
 - Criterion 6 is a duplication of Criterion 2 of Policy ST4 and should be deleted.
 - There is a great deal of confusion regarding Criterion 7 which appears to make a number of different demands, not all of which are quantifiable or can be enforced against developments. Significant revision to the text is necessary for clarity and applicability.
 - Criteria 10 and 11 should be deleted since the requirements are a duplication of those included in other policies or criteria.

²⁸ NPPF. Annex 2: Glossary.

- 4.63 For Part 2 of the proposed new policy, criteria have been imported from Policy ST10, lettered to prevent confusion with criteria provided by Part 1, with appropriate revision as follows:
- Criterion 12 (new b)) has been imported in a simplified form to provide a clear statement that only those proposals which would assist in meeting MBC's housing need would be supported.
 - Criterion 2 (new c)) has been simplified to provide a more flexible statement, particularly in respect of meeting both needs and aspirations.
 - Criterion 4 should be deleted as it is potentially in conflict with the requirements of Criterion (c) and contrary to national advice that "*planning policies and decisions should promote an effective use of land*".²⁹
 - New criterion e) provides a simple requirement that developments should not result in the coalescence of urban areas in the spirit of criteria 9 and 12 but in a more readily comprehensible form.
 - Criteria 7 and 8 are unrealistic in terms of implementation as they provide insufficient guidance to ensure they can be applied with consistency. Criterion 7 appears to seek links to routes beyond the Plan boundary, whilst Criterion 8 does not specify how the items would be assessed for retention.
 - Criterion 10 indicates a broad requirement for addressing any significant impacts resulting from increased traffic on specified parts of the highway network. It is not immediately clear how these matters would be addressed except through the imposition of conditions on any permission, or through the negotiation of planning obligations. These are matters to be addressed in the context of specific applications for planning permission, including through the use of transport assessments (NPPF, Paragraph 113) and it is difficult to see how the criterion would assist the process. It should be deleted.
 - Criterion 11 relates to risk of flooding which is adequately addressed by MCS, Policy CS4, and includes reference to sustainable drainage which is dealt with by Policy ST12. The criterion is an unnecessary duplication.
- 4.64 As detailed above, the numerous amendments necessary to policies ST9 and ST10 result in a reframed Policy ST9, as shown in proposed modification **PM10**. This will ensure the Basic Conditions are met.
- 4.65 The section of the Plan headed "Landscape and Heritage Assessment (MBC Local Plan Review 2016)" does not sit comfortably as part of the justification for the design policies. Rather, it is a distraction from the reasoning behind the policy statement. Its inclusion in the Plan as an appendix would be preferable and the Parish Council may wish to give consideration to this course of action.

²⁹ NPPF, Paragraph 119.

Policy ST11 – Planning Obligations

- 4.66 The strategic policy for developer contributions is MCS Policy CS6, which sets down general matters which will determine the nature and scale of contributions. This is in line with national guidance in the NPPF.³⁰ In its present form Policy ST11 does not have sufficient regard to national advice and some amendments are necessary in this respect.
- 4.67 It is the local planning authority's responsibility to determine the nature and extent of contributions and developers cannot be required to discuss these matters with the local community. However, the NPPF makes it clear (paragraph 40) that applicants should be encouraged to engage with the local community prior to submitting applications. It follows that the first sentence requires amended text to make this clear.
- 4.68 The second paragraph of the policy seeks to determine the nature of the contributions to be sought. Again, it is the responsibility of MBC to negotiate these matters and the purpose of the Neighbourhood Plan policy is to inform on the local community's concerns and aspirations regarding these matters. Accordingly the approach set down in the paragraph requires some amendments to ensure general conformity with the MCS policy. It is unnecessary for the paragraph to repeat the advice in the NPPF regarding the requirements for an obligation and there is a need to simplify some of the text to ensure clarity of intent.
- 4.69 The penultimate paragraph also requires amendment since it is not the purpose of neighbourhood plan policy to determine developer contributions. It is also necessary to clarify the purpose of the local priorities listed in Appendix 9 since this will only be relevant if the particular proposal can be shown to have an adverse impact on those identified priorities. The final sentence of the policy should be deleted since the NP cannot require developers to provide an open book viability assessment and the matter is, in any event, fully provided for by paragraph 58 of the NPPF.
- 4.70 In order to meet the Basic Conditions proposed modifications are shown in **PM11**.

Policy ST12 – Renewable Energy & Energy Efficiency

- 4.71 Large scale energy developments involving wind and solar power generation schemes generally fall within the scope of strategic planning policies³¹ rather than being the subject of neighbourhood planning. However, there is no reason why a neighbourhood plan should not encourage developers to engage with the local community prior to making a planning application³², and set down issues which would be of particular

³⁰ NPPF, Paragraphs 34 and 57–58.

³¹ NPPF, Paragraph 20.

³² NPPF, Paragraph 40.

concern.³³ However, the text of the first part of Policy ST12 does require re-ordering and some amendments to ensure the policy takes account of the national advice.

- 4.72 It is also necessary to limit the issues which the developer would be expected to address in order to gain the local community's support, by concentrating on those suggested in the NPPF and in local strategic planning policy. In respect of the latter, there is no specific local strategic planning policy relating to renewable energy generation, although MCS Policy DC1 provides general criteria for all development proposals whilst Policy CS4 provides sustainable development principles which all developments are required to meet.
- 4.73 The second part of the policy addresses energy efficiency in new developments. For major developments a series of measures for inclusion in any new major housing development are set out. A more general paragraph relating to small scale housing is also provided. In the context of these measures, the NPPF, paragraph 154, indicates that new development should be planned in ways that *"can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards"*. In respect of vehicle charging points, the advice at paragraph 106 is that policies should take into account *"the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles"*. So far as local strategic planning policy is concerned, MCS Policy DC1 provides criteria for general development which concentrates on the effects of development on levels of pollution and an emphasis on the use of sustainable construction.
- 4.74 Taking the above points into consideration, there is no basis or support for the requirements concerning the provision of water butts or the avoidance of flat roof construction. However, the Government has indicated³⁴ that *"major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate"*. This is a broader indication of policy than making reference solely to permeable driveways and road surfaces. As a consequence, the final criterion should be revised to take account of national advice.
- 4.75 The clarity of the policy would be enhanced by the inclusion of sub-headings to identify the two parts. All of the above points are addressed by proposed modifications in **PM12** in order to ensure the policy has taken account of national guidance and therefore meets the Basic Conditions.

³³ NPPF, Paragraph 155(a) and 157.

³⁴ NPPF, Paragraph 168.

Factual and Minor Amendments and Updates

- 4.76 I have not identified any typographical errors in the text of the STNP that would affect the Basic Conditions. Minor amendments to the text can be made consequential to the recommended modifications, alongside any other minor non-material changes or updates, including updated references to the revised NPPF (for example, the reference on page 14 should refer to paragraph 102) in agreement between MBC and STPC.³⁵ For consistency and clarity reasons, all of the policy titles should be in upper case text.
- 4.77 Paragraph numbers have been used for Sections 1 to 5 but appear to have been abandoned thereafter. This makes reference to particular parts of the Plan difficult and may cause misunderstanding in its use. As a general point, therefore, STPC may wish to consider utilising paragraph numbers for easy reference by the Plan's users.
- 4.78 Whilst a policies map is not a requirement of neighbourhood plans, reference is made to their use in the PPG, for example at Paragraph: 098 Reference ID: 41-098-20190509. In the case of the STNP a policies map would be helpful by illustrating the locational aspects of policies. Accordingly, STPC is encouraged to incorporate a policies map in the final version of the Neighbourhood Plan.

5. Conclusions

Summary

- 5.1 The Stainton & Thornton Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Stainton & Thornton Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the

³⁵ PPG Reference ID: 41-106-20190509.

boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 Stainton and Thornton has a particular character involving two distinct villages which, together, have been designated as a Conservation Area. The impact of extensive new developments has been significant and has caused concerns within the community. At the same time the emerging local plan has not progressed to a draft form. This has created a complex situation and has set the Parish Council a particularly onerous task of devising policies which are intended to deal with the different challenges. The Council is to be commended for the manner in which it has faced up to and completed this difficult task, and sought to collaborate with the Borough Council in an effective manner. The resulting Plan should provide appropriate policy responses to complement the local strategic planning framework, and the emerging local plan and assist with decision making for development proposals.

Patrick T Whitehead DipTP(Nott) MRTPI

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 6	<p>Insert a new paragraph following paragraph 2.3, as follows, and renumber consequent paragraphs:</p> <p>"The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. The NPPF was first published in March 2012, and most recently updated on 20 July 2021. This Plan has had regard to the July 2021 NPPF and its accompanying PPG. Alongside the updated NPPF, the Government has published the final version of the National Design Guide (NDG) and National Model Design Code (NMDC) which has also been taken into account".</p>
PM2	Page 18	<p>Policy ST1</p> <p><i>"Development proposals <u>will be expected to supported if they contribute towards the protection, or enhancement and provision of new green infrastructure spaces and linkages. In particular, support will be given to proposals that further enhance:</u></i></p> <p><i>1. The quality, accessibility and usage of green spaces, public open spaces and areas of sport/play provision;</i></p> <p><i>2. Existing public rights of way within the parish, as set out in Appendix 8 and seek opportunities to create new public rights of way to create linkages into the wider countryside locally;</i></p> <p><i>3. The preservation of local habitats.</i></p> <p><i>Green infrastructure and development proposals that seek to improve the connectivity between green spaces, <u>can</u></i></p>

		<p><u>deliver wider benefits for nature and support efforts to address climate change will be supported. in order to enhance the green infrastructure of the parish. Where possible, new routes should comply with the requirements listed in Policy ST7 Infrastructure and Rights of Way: Developments that propose a 'net' loss of existing Green Infrastructure will only be supported where it has been demonstrated that an appropriate alternative scheme will both benefit the community and the local environment without having any detrimental impact on the green infrastructure provision in the parish."</u></p>
PM3	Page 19	<p>Policy ST2</p> <p>The text of the policy should be amended as follows:</p> <p><i>"The following sites, as shown on in Figure 4, are designated as Local Green Spaces:</i></p> <ol style="list-style-type: none"> <i>1) Maelor's Wood</i> <i>2) High Rifts Field</i> <i>3) Kell Gate Green</i> <i>4) The Spinney</i> <i>5) The Quarry</i> <i>6) Stainton Low Wood</i> <i>7) St Peter & Paul's churchyard</i> <i>8) Thornton Plantation</i> <i>9) The Pony Fields</i> <p><u>The management of development within a Local Green Space will be consistent with the Green Belt policy in section 13 of the NPPF. Development within these areas will not be permitted other than in very special circumstances. unless: a) It is considered appropriate to its function as a local green space within the parish; or b) There are mitigating circumstances that demonstrate that development on Local Green Space clearly outweighs other considerations.</u></p>

		<p>The remaining text of the policy from “Development considered appropriate....” should be deleted.</p> <p>Figure 4 should be amended by deleting reference to Thornton Plantation.</p>
PM4	Page 21	<p>Policy ST3</p> <p>The policy should be amended as follows:</p> <p><i>“Development proposals will only be supported where:</i></p> <p><i><u>1) They have taken account of guidance in the National Design Guide and the National Model Design Code.</u></i></p> <p><i>± 2) They do not adversely affect the distinctive local character of the open landscapes of the parish.</i></p> <p><i>2) They do not harm the following valued public views and vistas (identified on Figure xx), in particular:</i></p> <p><i>a. The views from Thornton Road, overlooking Kell Gate Green towards the Church.</i></p> <p><i>b. From the top of Stainton Quarry to Thornton which overlooks part of the quarry and open fields.</i></p> <p><i>c. Kell Gate Green and the view over the bridge and stream to the oak tree.</i></p> <p><i>d. Views of Thornton plantation from Seamer Road</i></p> <p><i>e. Meldyke Place including the Memorial Hall and Methodist Chapel</i></p> <p><i>3) They protect and where possible enhance footpaths and public rights of way.</i></p> <p><i>4 3) They contain measures that will help to mitigate the impacts of, and adapt to, climate change.</i></p> <p><i>5 4) They protect and enhance wildlife areas and contain measures to sustain and improve biodiversity. —Net gain sites?</i></p> <p><i>6 5) There are no adverse impacts on the watercourse and/or ponds, habitats</i></p>

	<p>and wildlife or the quality of the water. and where possible should enhance this natural environment; watercourses should run through any proposed development rather than creating culverts. To prevent disturbance, d</p> <p><u>Developments which bound watercourse should provide an appropriate buffer zone to minimise impacts on wildlife.</u></p> <p>7) <u>They P</u> provide habitat linkages and permeability for wildlife through effective incorporation of green spaces and wildlife corridors (including watercourses), use of native planting and habitat features such as ponds and areas of meadow are encouraged.</p> <p>8) Any trees removed for the purpose of the development are as a minimum replaced; the planting of additional trees as part of managed landscaping schemes within new developments is encouraged. Any damaged \diseased trees felled should be replaced with a suitable new planting.</p> <p>Green buffer zones must be maintained to clearly separate built areas within the parish and adjoining areas, this is essential to prevent coalescence of settlements and maintain the rural / semi-rural character of the parish.</p> <p>Biodiversity and wildlife corridors: Biodiversity net gain is <u>should</u> will be supported on all developments.</p> <p>Verges, hedges, tree corridors and watercourses throughout the parish should be maintained and enhanced; any d <u>Development</u> which detrimentally impacts on <u>v</u> verges, hedges, tree corridors and watercourses these will <u>only not</u> be supported unless suitable alternative in exceptional circumstances where fully justified and offsetting for any loss is provided <u>provision is made elsewhere within the</u></p>
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		<p>parish. The creation of new wildlife corridors is encouraged and will be supported. where they:</p> <p>1) Create a buffer between existing housing and proposed development; 2) Create access to more green space and woodland; 3) Mitigate the loss of green infrastructure by new housing development.</p> <p>Any proposed loss will only be supported where mitigation is in place ensuring enhancement of biodiversity in an identified alternative location."</p>
PM5	Pages 24 and 25	<p>Policy ST4</p> <p>The policy should be amended as follows;</p> <p>"Any p Proposals which affects a heritage asset or its setting must demonstrate how the impact of the development avoids or minimises any conflict with the significance of the asset. Proposals will be supported where this has been appropriately assessed and the outcome sustains and enhances the heritage asset. Where a proposal would result in any <u>less than substantial</u> harm to a heritage asset this must be appropriately justified and balanced against identified public benefits.</p> <p>Any proposal affecting the Stainton and Thornton Conservation Area (see map Appendix 6) including in its setting should demonstrate how it would sustain or enhance the <u>its</u> character or appearance of the Conservation Area, including as defined in the Conservation Area Character Appraisal.</p> <p>Proposals in the Conservation Area and its setting should pay special attention to <u>the following</u>:</p>

	<p><u>1. They have regard to the guidance contained in the National Design Guide and the National Model Design Code.</u></p> <p><u>2. Key views with into and out of the conservation area (identified in Figure X) - proposed development including householder development and new dwellings should seek to protect or enhance existing views. Trees within these views are important to the character of the area and as such should, where possible, be protected.</u></p> <p><u>32. The impact of new design; - all new development including householder development and new dwellings should, where possible, carefully consider the make use of vernacular materials, designs and scaling, reflecting those present within the conservation area.</u></p> <p><u>43. Appropriate boundaries; -new Boundaries of new developments should contribute positively to the conservation area. boundary treatments should provide enclosure, H and historic walls and hedges should be retained, The removal and alterations of boundaries which negatively impact on the character of the conservation area will not be supported.</u></p> <p><u>54. Densities - the density of proposals should take account of the impact on character of the heritage asset, low density of the built environment should be reflected in any development within the conservation area and its setting.</u></p> <p><u>Archaeological features within the parish should be protected and whenever possible, enhanced, to allow further knowledge to be sought of such sites. Where development impacts on archaeology, appropriate investigation and recording should be undertaken.</u></p> <p><u>The Neighbourhood Plan values the heritage assets in the parish and supports the recognition of these</u></p>
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		<i>through designated or non-designated listing as appropriate."</i>
PM6	Page 27	<p>Policy ST5</p> <p>The policy should be amended as follows:</p> <p><i>"In order to promote a thriving village for all, development should support the retention and enhancement of community facilities for community uses and provision of services. Identified Community Facilities are:</i></p> <ul style="list-style-type: none"> <i>• St Peter & St Paul's Church</i> <i>• Stainton Methodist Church</i> <i>• Stainton Memorial Hall</i> <i>• The Stainton Inn</i> <i>• The Gables</i> <i>• The Sporting Lodge (particularly the Old Poste House and sporting facilities)</i> <i>• Small businesses on Hemlington Road</i> <i>• Larchfields Community</i> <i>• The Unicorn Centre</i> <i>• Playground (Rose Cottage, Phase 3)</i> <p><i>Development proposals to sustain or extend the viable use of existing community facilities and the development of new facilities will normally be supported if they comply with other policies in this Neighbourhood Plan.</i></p> <p><i>Development <u>leading directly to that will result in the loss or significant reduction in the scale and value of a community facility or do not increase community facility provision commensurate to any proposed growth in population;</u> will not normally be permitted <u>supported</u> unless:</i></p> <ol style="list-style-type: none"> <i>1. It is essential to meet utility infrastructure needs and there is no viable alternative, or</i> <i>2. Alternative facilities of equal or better accessibility, size and suitability are provided, or</i>

		<p>3. It can be clearly demonstrated that the operation of the asset or its ongoing delivery is no longer of value to the community, or</p> <p>4. It is no longer economically viable for its current use and has been marketed at an independently agreed price by a property professional for at least a year as a community use or other suitable employment or service trade uses and it is verified that no interest in acquisition has been expressed.”</p>
PM7	Page 28	<p>Policy ST6</p> <p>The text of the policy should be amended as follows:</p> <p><u>Policy ST6: ACCESS AND TRAFFIC/PARKING/PUBLIC TRANSPORT AND ROADS</u></p> <p><u>“1. Whilst t The Tees Valley Highway Middlesbrough Council’s Design Guide and Specification, together with advice provided by the National Design Guide and National Model Design Code, should be used for determining the design of highways and accesses to new developments, and as a starting point for discussions regarding the level of car parking provision. specific</u> <u>Consideration must should be given to the rural nature of Stainton and Thornton and measures should be actively pursued to ensure –€ car parking should does not visually dominate developments nor actively promote car use. but likewise developments should ensure that car parking can be managed within the site boundary. Areas of the parishes such as Strait Lane are historic and suffer from existing issues with on-street parking, often due to the lack of off-street parking for existing properties. Such on-street parking hinders through traffic and obstructs public transport services to the detriment of service</u></p>

		<p>reliability and journey time. Development proposals should ensure that parking is not displaced exacerbating such issues and that adequate provision is made for all needs including visitors/casual callers.</p> <p>2. Where a garage is included in the design of the house, the garage must be built to a minimum size to ensure a modern medium sized car can adequately fit. A single garage should have minimum internal dimensions of 6m x 3m and a double garage minimum dimension of 6m x 5.5m.</p> <p>3. Managed areas of on-street parking, where appropriate, should be incorporated into development proposals and be supported with build outs/carriageway narrowing using soft landscaping to reduce their visual impact on the streetscene."</p> <p>4. Road improvements deemed necessary to meet the above objectives should come in the form of a 106 agreement for any new development within the parish. All new residential and commercial developments should, where possible and appropriate, be served by sustainable transport links, this should including e bus routes, cycle routes, and footpaths. and transport provision subsidies."</p>
PM8	Pages 30 and 31	<p>Policy ST7</p> <p>The policy and its policy justification should be deleted in their entirety. Subsequent policies will require renumbering.</p>
PM9	Page 32	<p>Policy ST8</p> <p>The text of the policy should be amended as follows:</p> <p><u>"Policy ST8: SERVICES AND COMMUNITY FACILITIES /SCHOOLS/SHOPS/UNICORN CENTRE/LARCHFIELD</u></p> <p><u>Retention of existing facilities:</u></p>

		<p>The Neighbourhood Plan will promote the inclusion of services, shops, schools and play facilities within the controlled growth on the allocated sites in accordance with the Middlesbrough Council Local Plan and the National Planning Policy Framework.</p> <p>The Unicorn and The Larchfield Centres will continue to be supported as part of the village community. These are valuable resources that contribute significantly to supporting vulnerable people and no development should be permitted which will encroach on their ability to continue delivering services from these sites. Surrounding areas around these two facilities must be managed with care and sensitivity and particular attention on noise, traffic and vistas be a priority. The retention and development of fitness facilities at the Sporting Lodge site will also be supported.</p> <p><u>Provision of services and facilities through new developments:</u></p> <p>Residential development should help Developers will be encouraged to address the lack of any identified shortfall in retail facilities, doctors, pharmacies, post office, schools, medical and child care facilities, and be as part of the overall plan for the area development. Any development will only be supported where it is deemed that the school place requirement has been addressed, accessible through safe and sustainable routes Support will only be given to those proposals that include appropriate provision. "</p>
PM10	Page 34	<p>Policies ST9 and ST10</p> <p>The policies should be deleted and replaced with a reframed single Policy ST9 as follows:</p> <p>"Policy ST9: Design Principles For New Residential Developments</p> <p><u>PART 1</u></p>

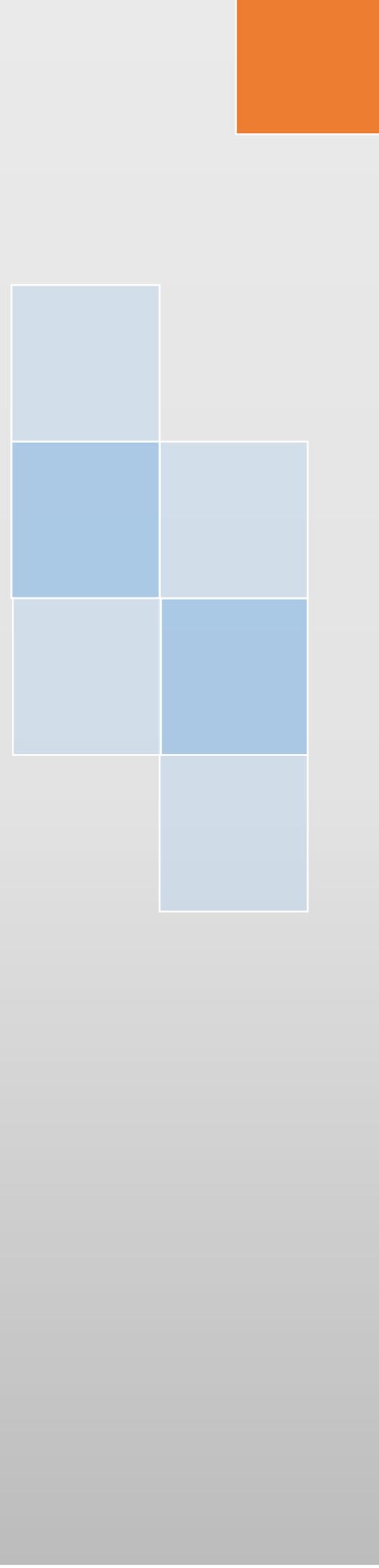
	<p>All new developments (including those of less than 10 homes and infill developments) should: -</p> <ol style="list-style-type: none"> 1. Take account of design guidance in the National Design Guide and the National Model Design Code. 2. Reflect the character of the villages or rural area, respecting the scale, density, proportion, form and materials. 3. Include a mix of housing to meet the identified housing needs. 4. Where appropriate, incorporate Building for Life principles throughout the design process. 5. Be of two-storeys or less, unless there is a clear design justification for developments in excess of two storeys. 6. Avoid contributing to the coalescence of Stainton and Thornton with other areas of greater Middlesbrough and surrounding urban areas. 7. Be accessed safely from the highway and incorporate appropriate pathways, cycle ways and sufficient parking spaces. 8. Include green space within the development site. <p><u>PART 2</u></p> <p>In addition to meeting the above criteria, major new residential developments on green field sites should:</p> <ol style="list-style-type: none"> a) Seek to create distinct new communities designed to instill a sense of place, containing a community centre, shops and other local services on a scale that meets the needs of the new community.
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		<p>b) Assist in meeting Middlesbrough Council's housing need.</p> <p>c) Incorporate a diverse housing mix with a variety of house types, sizes and tenures to meet local housing needs and aspirations, including flexible lifetime homes and bungalows.</p> <p>d) Include affordable housing in line with local plan policy requirements.</p> <p>e) Include a strong landscape buffer where the development adjoins the countryside to reduce the visual impact of the development and create a continuous habitat for wildlife linked into existing natural areas and wildlife habitats.</p> <p>f) Include landscaped open spaces, roads and footpaths, incorporating children's play areas, throughout the development linked to the peripheral landscape buffer to provide green routes through the housing areas that enhance the quality of the development and provide wildlife habitats.</p> <p>As part of any future major development of the parish, the development of community, retail, sports and leisure facilities would be supported at an appropriate scale. The Neighbourhood Plan also supports the enhancement of local infrastructure where appropriate.</p> <p>The Neighbourhood Plan also supports the production of a village design guide in accordance with guidance in the National Model Design Code.</p> <p>Subsequent policies will require renumbering.</p>
PM11	Page 40	<p>Policy ST11</p> <p>The text of the policy should be amended as follows:</p>

		<p><i>"Developers should <u>are encouraged to discuss their proposals</u> ed-projects with the community at an early opportunity in-project development to ensure early consultation on planning obligations and community infrastructure.</i></p> <p><i><u>Developers will be expected to address the impacts of proposals on contributions towards improved community and green infrastructure will be sought where it is shown that the obligation is necessary to make the development acceptable in planning terms, is that are directly related to the development. and is fairly and reasonably related in scale and type to the development. Projects should be delivered in close vicinity to the site and within the Neighbourhood Plan area. In relation to habitat creation, it may be appropriate to consider off site provision within the local vicinity of the site, where a development cannot mitigate harm (or a biodiversity net loss) to protected species and/or habitat within the development layout.</u></i></p> <p><i>Developer contributions will be determined <u>considered on a site by site basis and, where appropriate, due consideration should be given developers will be encouraged to take account of the local</u> to priorities listed in Appendix 9.</i></p> <p><i><u>Where a developer deems a scheme's viability may be affected, they will be expected to submit an open book viability assessment to justify any reduction in planning obligations".</u></i></p>
PM12	Page 41	<p>Policy ST12</p> <p>The text of the policy should be amended as follows:</p> <p><i><u>"Renewable energy developments:</u></i></p> <p><i><u>Developers of £ large scale wind and solar energy developments will only be supported where encouraged to engage</u></i></p>

	<p><u>with the local community prior to the submission of applications has been actively involved through meaningful consultation in the development of proposals.</u></p> <p><u>Wind and solar energy developments will be supported provided the following issues are addressed in a satisfactory manner should consider and satisfactorily address the following criteria:</u></p> <ul style="list-style-type: none"> ● <u>The impact on the amenity of residents, including visual intrusion, noise, glare and traffic;</u> ● <u>Siting and scale in relation to take into account the appearance, topography, landscape and character of the area as identified in existing and any future landscape and visual impact assessments;</u> ● <u>Impact on species, habitats and biodiversity;</u> ● <u>Impact, and on heritage assets;</u> ● <u>Impact on rights of way.</u> <p><u>Energy efficiency in new developments:</u></p> <p><u>The following should be considered for inclusion in any new major housing development in the parish:</u></p> <ol style="list-style-type: none"> <u>1. Solar panels</u> <u>2. Electric vehicle charge points</u> <u>3. Sustainable Drainage Systems (SuDS), where appropriate</u> <u>3. Provide water butts in each garden to store rainwater for ponds and gardens, thus saving money and protecting water supplies.</u> <u>4. Flat roofs to be avoided where at all possible and where unavoidable to be planted with succulents or other recommended appropriate species for Green Roofs, thereby reducing water run-off into drains and preventing flooding.</u> <u>5. Permeable driveways and road surfaces to allow drainage.</u> <p><u>The inclusion of renewable and energy efficiency systems are encouraged on</u></p>
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		<i>small scale housing development and extensions to existing dwellings.”</i>
PM13	Front cover	Insert after Draft Neighbourhood Plan “2021-2036” .



Stainton & Thornton

NEIGHBOURHOOD PLAN

PREPARED BY THE STAINTON & THORNTON NEIGHBOURHOOD
PLAN GROUP ON BEHALF OF THE STAINTON & THORNTON
COMMUNITY

Please note:

Due to technical issues it has not been possible to include the following Examiner recommendation:

- **PM5, para 4.33 - inclusion of a Key Views map, referenced in Policy ST4: Heritage Assets.**

The above issues will be resolved in time for the Referendum.

2021 -2036



FOREWORD – Alan Liddle (Chair of the Parish Council & Neighbourhood Plan Group)

The Stainton and Thornton Neighbourhood Plan sets out the vision, objectives and policies to ensure that the Parish of Stainton and Thornton maintains its character over the period 2021-2036.

Stainton and Thornton Parish is a largely rural/agricultural community of roughly 458.9 hectares to the south west of the Middlesbrough with its roots dating back to the Domesday Book. The Parish church of St. Peter and St. Paul, in the centre of the village, is where Captain James Cook's parents were married.

Ten years ago, most of the area was open agricultural land with only 9.1% of the area being built on. Since then the Rose Cottage Estate has been built, increasing the built proportion to 12.8%. At the opposite side of the village, but still within the Parish is Hemlington Grange, a 61.9-hectare site formerly owned by Middlesbrough Borough Council (MBC) but has now been sold for development for housing and a Business Park. Construction has already begun with over 150 of the projected 1290 houses built and occupied along with the completed construction of the new Community Safety Hub. When this whole site has been completed, the built area of the Parish will exceed 26%. The projected number of dwellings in the parish in 2024 is 2306 (*According to the Electoral Services Department of MBC*), compared to 626 in 2010.

To ensure that future development within the Parish is of the type, style and position to be carried out in accordance with the wishes and desires of the residents and following two public resident surveys, the Neighbourhood Plan Group under the auspices of the Parish Council was formed to construct this Neighbourhood Plan.

The aim of the plan is to work with the Local Planning Authority (LPA) to ensure that our green spaces are protected and enhanced, the community is connected to the surrounding area by improving footpaths and roads, while still maintaining the village feel, by keeping a strategic gap with nearby settlements and improving the overall amenity of the villages.

The whole process of Stainton and Thornton's Neighbourhood Plan has been working towards protecting the qualities of the villages. Since the outbreak of the COVID-19 pandemic there has been time for reflection and the working party's commitment to nurturing and protecting green spaces to the good of the physical and mental health of the existing and future residents of Stainton and Thornton has never been more relevant.

The importance of good quality green spaces to enjoy locally and a series of well thought out footpaths and cycleways allowing access to these and neighbouring areas is an integral part of our plan. Having a good quality housing design capability allows for the flexibility to adapt to the possibility of working from home, alongside the provision of good broadband.

The Neighbourhood Plan sets down a series of planning policies that, once adopted will form part of the Statutory Development Plan.

It is intended that the policies will be reviewed every 5 years to monitor the cumulative effects of the policies and, if necessary, make changes to keep them up to date and relevant. This will be undertaken in conjunction with the LPA, Middlesbrough Borough Council.

I would like to thank all members of the Neighbourhood Plan Group for all their hard work, time and effort into constructing this plan.

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FOREWORD BY MR ALAN LIDDLE – CHAIR

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- | | | |
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REFERENCES

ACKNOWLEDGEMENTS

APPENDICES

1. INTRODUCTION

- 1.1 The Stainton & Thornton Neighbourhood Plan covers the period from 2021 - 2036 and will be reviewed every 5 years to ensure compliance with National and Local Planning requirements and to reflect the changing needs of the local community.
- 1.2 The Stainton & Thornton Neighbourhood Plan has been compiled by a working group of the Parish Council working closely with residents, partners and Middlesbrough Council.
- 1.3 As a parish area, the Neighbourhood Plan boundary is consistent with the Stainton and Thornton Parish boundary. The Council's Executive approved this on the 7th March 2017 following a consultation period from 20th January 2017 until 20th February 2017. Following a meeting of Stainton and Thornton Parish and Community Councils on 14th March 2017 the Stainton and Thornton Neighbourhood Plan Group was established.
- 1.4 This plan has been prepared with the engagement of the local community, full details of which are set out in the Supporting Community Involvement document. The Parish Council led the Neighbourhood Plan Group to develop a Neighbourhood Plan to give the local community more of a say in how the area should be developed in the future.
- 1.5 What is a Neighbourhood Plan? The 2011 Localism Act introduced neighbourhood planning. Neighbourhood Plans allow local communities to have a say in developing how their community will grow over a 15 year period. The plan allows the community to choose where it wants new homes to be built, to have their say on what these new buildings should look like whilst at the same time protecting the landscape and character of the area.
- 1.6 This Neighbourhood Plan must be in general compliance with Middlesbrough Council Local Plan Policies, The National Planning Policy Framework, EU Obligations and Human Rights requirements. The Neighbourhood Plan, once adopted, forms part of the Middlesbrough Council Development Framework. Its policies work alongside the Middlesbrough Council Development Plan. This means that the Borough Council and Parish Council will use it in the consideration of development proposals within the Stainton and Thornton Parish area, to ensure that we plan for a sustainable future for our community, whilst preserving the character of the area.

2. PLANNING CONTEXT

- 2.1 At the time of preparing the Neighbourhood Plan, Middlesbrough Borough Council have a range of adopted Development Planning Documents, the most recent being the 2014 Housing Local Plan. The Council is presently looking to develop a new local plan that will replace the existing array of documents. This is currently being prepared; the local authority previously consulted on a version of the Preferred Options and Publication Documents in 2018 and 2019, following political changes the Local Plan has been put back with further consultation expected later in 2021. The Neighbourhood Plan Group will continue to respond to all proposals (full details of the response are available in the Community Engagement Document).
- 2.2 The new Local Plan will set out strategic policies for the Borough as a whole and will determine how much development should be planned for over the next 15 years or so. The strategy previously has been to promote the regeneration of the older parts of the town centre and make provision for additional housing allocations on the southern edge of the urban area. This has led to the allocation of Rose Cottage Farm and Hemlington Grange in the 2014 Housing Local Plan; 1708 homes across these two sites, both of which are in the Neighbourhood Plan Boundary.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. The NPPF was first published in March 2012, and most recently updated on 20 July 2021. This Plan has had regard to the July 2021 NPPF and its accompanying PPG. Alongside the updated NPPF, the Government has published the final version of the National Design Guide (NDG) and National Model Design Code (NMDC) which has also been taken into account.
- 2.4 The recently withdrawn draft documentation as part of the review of the Local Plan suggested that further residential development is required and further sites on the southern edge of the urban area were identified. This was a considerable concern of the Neighbourhood Plan Group given the levels of strategic growth identified by the 2014 Housing Local Plan and justification methodology for further growth. The 2014 Housing Local Plan is the relevant strategic planning document at the time of preparation of this document.
- 2.5 Very strong views were expressed from all communities in the development consultations on the Neighbourhood Plan about the importance of maintaining the character and identities of the parish and safeguarding the countryside gaps between the urban area and the villages within the parish. Concerns were also expressed about the potential impact of the traffic from any major new developments on the local road network through the parish and about ensuring that the strategic highway network was improved to accommodate the additional traffic. This is in addition to concerns about safeguarding and enhancing community and green infrastructure to guarantee that future development is sustainable. The Neighbourhood Plan area has key assets that the community wants to protect; these include the green spaces within the village, community buildings and the green linkages to the wider area.
- 2.6 The Neighbourhood Plan has sought to address these concerns and includes policies that seek to ensure that any development sites on the urban edge are selected and designed so that they do not impact on the character of, or result in increased traffic flows through the parish and the wider Neighbourhood Plan area. The retention of 'green gaps' between the parish and future development is vital so coalescence doesn't impact on the identity of the villages. Improvements to the highway network are required to serve the developments, and importantly all new developments are well designed to create distinct communities integrated into existing and new

facilities and should have good internal landscaping and a strong landscape buffer on the countryside fringe.

2.7 The map below shows the impact of development on the Parish of Stainton and Thornton.

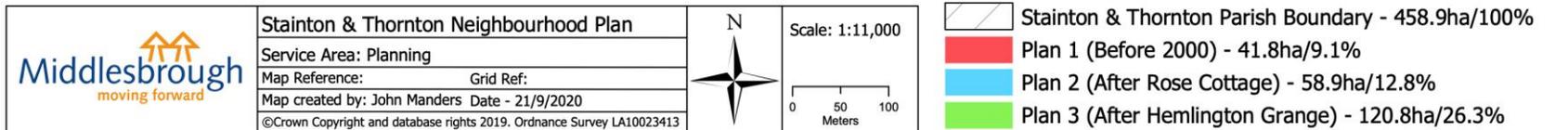
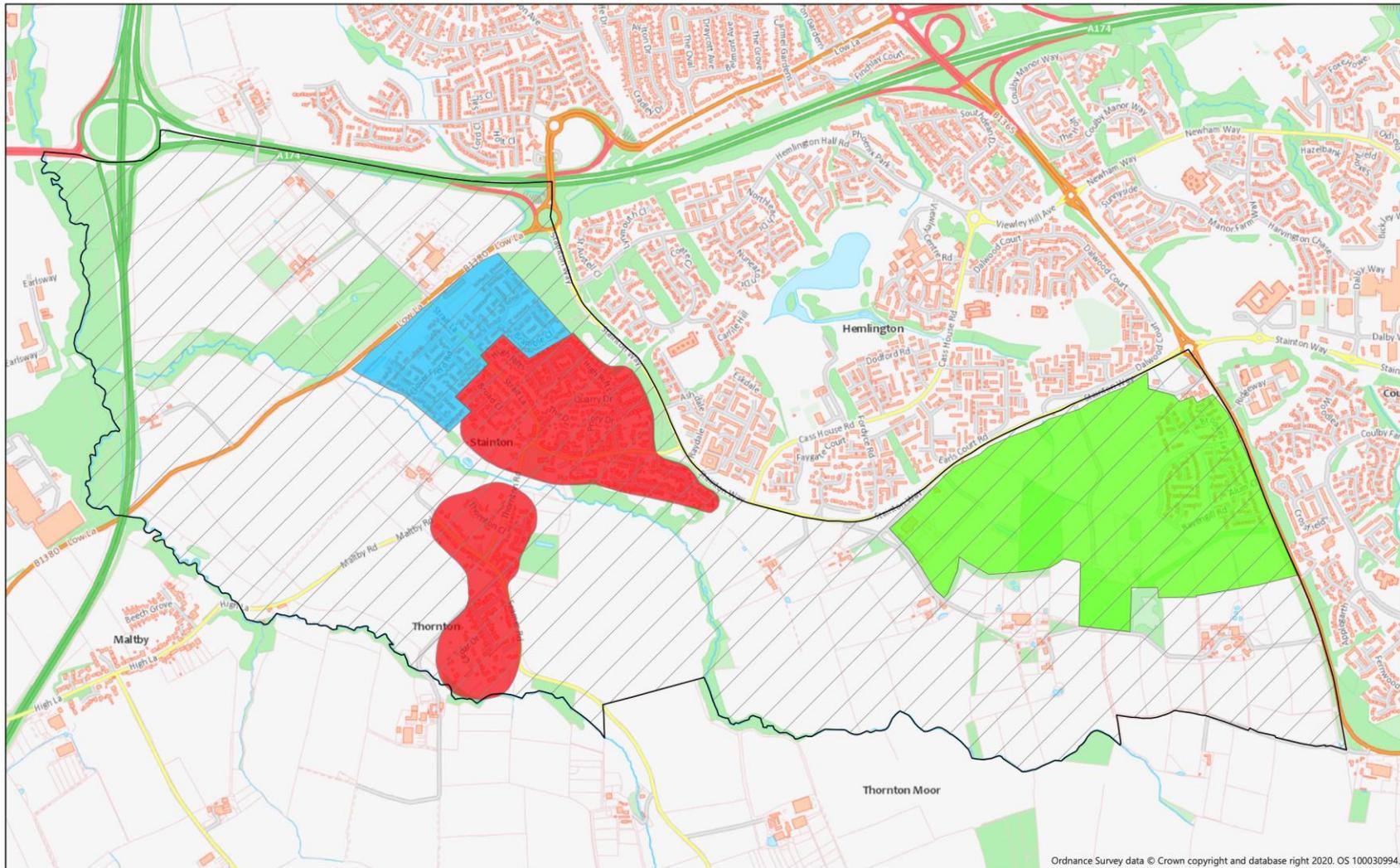


Figure 2: Housing expansion showing Percentage of Developed Land in the Parish.

3. AREA CONTEXT: ABOUT STAINTON & THORNTON

- 3.1 Stainton and Thornton parish is located to the south of the Middlesbrough planning area. The area is 490 hectares, which represents 9.10% of the total area of the borough of Middlesbrough. The Parish adjoins Hemlington and Coulby Newham; both peripheral urban areas of Middlesbrough. The A19 and A174 form the western and northern boundaries respectively.
- 3.2 The character of the area is that of a parish on the rural periphery of the urban area. It originally comprised of two villages, Stainton and Thornton in addition to a large area of agricultural farmland. Significant increases in housing have occurred over the past ten years and are continuing at a rapid pace, particularly on the Hemlington Grange site.
- 3.3 The huge increase in the size and nature due to development across Stainton and Thornton Parish is attributable to the large developments on former green field sites of Rose Cottage and Hemlington Grange – where the housing mix is predominantly of 3 – 5 bedroomed properties.
- 3.4 Details of the parish's Demographics, Housing, Education and Connectivity are in Appendix 1.

4. ETHOS & CHARACTER OF STAINTON & THORNTON

- 4.1 The character of the area is defined by its unique environmental, physical and historical attributes, which are valued by the communities living there. There is a strong will to protect and enhance the parish to ensure that what makes the parish special is the same for future generations.
- 4.2 For the purposes of the Neighbourhood Plan the area of Stainton & Thornton Parish (our adopted area) has been broken down into four distinct sections, full character descriptions are detailed in Appendix 2.

5. CONSULTATION PROCESS

- 5.1 A short two-page survey was initially delivered to every household in the area in order to engage with all residents and get their views on a shared vision for Stainton & Thornton e.g. their likes and dislikes on living in the parish and their vision for the parish in 15 years' time. A shorter questionnaire was also given to children at the village Gala Day and their opinions have also been used to shape policy
- 5.2 A further 13-page survey was carried out in October 2017 to cover a range of further issues e.g. Sustainable Development, Housing & Development, Site and Design, Infrastructure, Footpaths, Heritage & Natural Environment, protecting Stainton & Thornton Assets, Transport and what improvements they would like to see in the future. These were collated and given to the steering group to work with.
- 5.3 The draft Neighbourhood Plan was subjected to extensive consultation within the area and with key stakeholders. It is a plan for the future of Stainton & Thornton over the next 15 years. All respondents' views have been analysed using Survey Monkey and where appropriate have been taken into account. For various reasons it has not been possible to incorporate everyone's wishes. Copies of this draft plan are available on the Stainton & Thornton website and Facebook page and hard copies were distributed in various places around the area.

- 5.4 First notification regarding the development of 'The Neighbourhood Plan' was sent out in the Stainton & Thornton Community Council Newsletter dated June 2017. Posters were displayed in village noticeboards prior to the survey being distributed. Regular updates have been provided throughout the plan development to the Parish Council.
- 5.5 Regular Neighbourhood Planning meetings followed, all minuted as listed in Appendix 3.

6. ISSUES

6.1 Following the extensive consultation undertaken with residents the following areas were focused on resulting in the headline issues listed below:

- Sustainable Development – benefits and concerns
- Housing and Development – types of housing
- Where should housing go?
- Site and Design Criteria
- Infrastructure and Facilities
- Transport, Parking
- Footpaths, Cycle Routes and Bridleways
- Heritage and Natural Environment
- Stainton & Thornton Assets
- Renewable Energy

Key Issues:

- The continuous housing development in Stainton & Thornton and the impact on Village status and identity.
- Is the right type of housing being developed?
- Both villages have heritage assets and are partially covered by a conservation area. There are valued green spaces, large and small, throughout the parish – How can development be designed and landscaped to enhance the villages historic and natural assets?
- Open gaps / green spaces need to be preserved between any new future developments to retain the green countryside around the parish.
- How can future development and expansion bring enhancements and services to the existing parish? Can expansion bring employment?
- What measures are in place to safeguard and enhance historic assets?
- With limited community facilities i.e. shops, village halls, schools, doctors, clinics – what steps can be taken to ensure development improves these facilities?
- Does the parish have enough green spaces/play areas/woodland/habitat creation, should more be planned?
- Can pathways/bridleways/road systems giving better access to the parish and beyond for pedestrians, horse riders and cyclists as well as drivers, be improved?
- Public Transport – How can the needs of non-car users be met?
- Can the existing road infrastructure cope with the expanding parish?
- How can renewable energy be incorporated in the development of new properties?
- The need to use Developer Contributions to enhance the immediate area of development.

7. PLAN VISION AND OBJECTIVES

VISION

- 7.1 During the meetings of the Neighbourhood Plan group and following the first Community Survey, work was undertaken to establish a 'vision' for Stainton & Thornton. The 'vision' was shared with the community in the second survey. The results from the survey showed that 94% of residents agreed with the following vision:

“The Parish will develop appropriately, but also retain its rural village character, along with green spaces both within, and surrounding, the parish. It will maintain its community spirit and historical connections and remain distinct in its character from the urban town of Middlesbrough.”

OBJECTIVES

- 7.2 The steering group has established a set of objectives for the plan period 2021 - 2036. Both the first short survey and answers and comments from the more details second survey and the children's survey were used in conjunction with available evidence, additional data and statistics to develop the objectives of the plan. Objectives were used to address identified residents priorities. These objectives have been used to define the plan's policies.

ASPIRATIONS

- 7.3 Discussions and consideration of various options that would comply with national and local priorities were undertaken to develop a plan that would deliver the aspirations of what residents want for the Parish.

SUSTAINABLE DEVELOPMENT PRINCIPLES

- 7.4 The Stainton & Thornton Neighbourhood Plan will contribute to achieving the economic, social and environmental aspects of sustainable development by:-
- contributing to a strong and competitive economy by supporting the incremental changes that will sustain and enhance Stainton & Thornton as a place to live, and maintain its economic viability and vitality;
 - planning positively for housing growth to meet the needs of present and future generations and to ensure that any development in and around Stainton & Thornton is supported by additional infrastructure, where necessary, in order to make it more sustainable;
 - supporting the provision of a mix of housing types and sizes that can meet the needs of a wide range of people, especially older people and single person households and thereby promoting a healthy and inclusive community;
 - supporting new development where it relates well to the local area and which helps provide good connectivity with the rest of the borough and encourages the use of sustainable transport;
 - promoting policies to protect and enhance open space, heritage and environmental assets as well as biodiversity, which contribute to the sense of community and quality of life in the area;
 - promoting policies which encourage the use of sustainable transport, for the health and well-being of the community; and
 - promote the installation of renewable energy equipment within the new builds to encourage a healthy and sustainable community.

POLICIES AND POLICY JUSTIFICATION

7.5 A systematic approach was undertaken to evaluate each priority area to draft appropriate, attainable policies. Research and surveys have defined that policies should cover the following areas:

- **Green Infrastructure, Green Spaces and Natural Environment**
- **Heritage Assets**
- **Community Assets**
- **Access and Parking**
- **Services and Community Facilities**
- **Design Principles**
- **Developer Contributions and Planning Obligations**
- **Renewable Energy Developments**

8. GREEN INFRASTRUCTURE, LOCAL GREEN SPACES AND NATURAL ENVIRONMENT

POLICY JUSTIFICATION

8.1 Green Infrastructure (GI) incorporates all types of open spaces, water bodies and other environmental features, in both urban and rural areas. This includes parks and gardens, allotments and playing fields, cemeteries and churchyards, woodlands, rivers and wetlands. Strategically planned, appropriately located, well designed and managed green infrastructure performs many different functions which in turn deliver multiple environmental, social, health and economic benefits for local communities.

8.2 Benefits of a well-planned and managed GI include:

- Greater sense of place and pride in the local area
- Increased biodiversity by providing habitats for wildlife
- Health and wellbeing benefits through places for outdoor relaxation, play, recreation and exercise
- Encourages active and sustainable travel by providing cycle and walking routes
- Reduced crime, fear of crime and antisocial behaviour.
- Mitigates for the effects of climate change, e.g. flood alleviation, carbon storage, cooling urban heat islands
- Increased local food and renewable energy production
- Improved image: helping to attract businesses and inward investment

Landscape and Heritage Assessment (MBC Local Plan Review 2016)

8.3 This work was undertaken as part of the evidence base for the MBC Local Plan review, which was halted in July 2019. The Neighbourhood Plan group consider the assessment of green spaces as relevant for the development of the Neighbourhood Plan and have therefore retained reference to it in this document.

8.4 The study provided a holistic assessment of the different values placed on landscapes within Middlesbrough.

8.5 It was agreed that overall value would be assessed under four key themes:

- Landscape – being the value attached to features and characteristics;
- Visual amenity – the value attached to views and scenery;
- Historic environment – the value attached to its component assets: archaeological remains; historic structures; and historic landscape features; and
- Green infrastructure (GI) - the value placed on the functions and networks provided by green space.

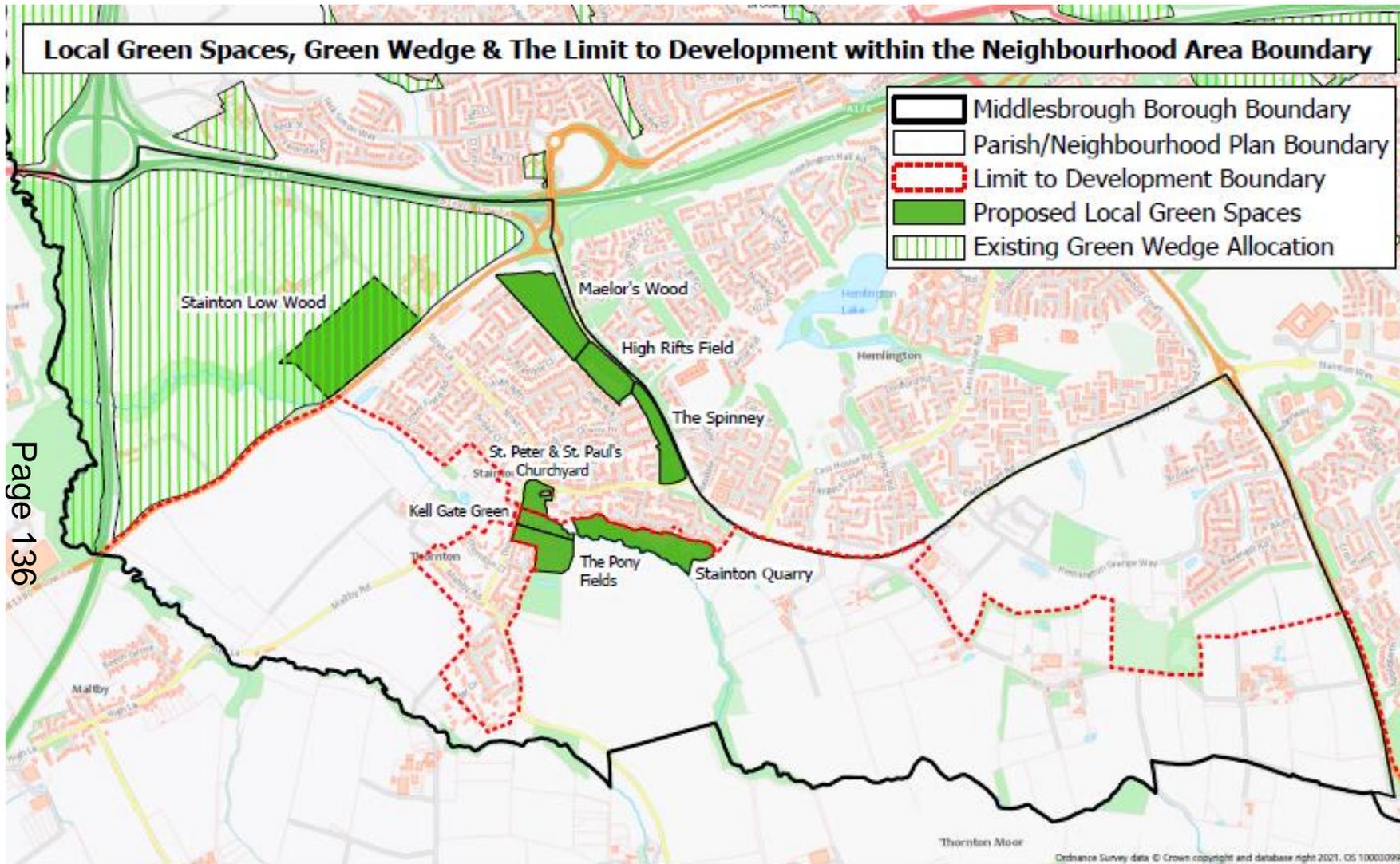
8.6 Land within Stainton and Thornton Parish and the assessment of these areas is detailed in Section 16 of this assessment.

Brown Field Sites: Ensure the protection of existing green spaces

8.7 Developments should respect the current nature of the landscape of the parish and, in line with paragraph 117 of the Government's National Planning Policy Framework, new homes should be

strategically planned to ensure as much previously developed land within Middlesbrough is allocated prior to the designation of green field sites.

- 8.8 The CPRE (Campaign to Protect Rural England) are keen to see much of the housing we need built on brownfield rather than greenfield land. Their research, using council data, demonstrates that there is enough space for more than a million homes in England. CPRE claim that more than two-thirds of these homes are deliverable within the next five years, and that many of these sites are in areas with a high need for housing.
- 8.9 This is an approach the Neighbourhood Plan supports, given the ongoing development pressure on farmland in the parish.
- 8.10 **Local Green Spaces** can be designated as part of the Neighbourhood Plan provided they meet criteria described in Paragraph 102 of the revised National Planning Policy Framework (NPPF), which are set out below:
- Where the green space is in reasonably close proximity to the community it serves;
 - Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - Where the green area concerned is local in character and is not an extensive tract of land.
- 8.11 Appendix 4 details an assessment of the local green spaces that have been identified within the parish.



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	Service Area: Planning			Scale: 1:10,500
	Map Reference:	Grid Ref:		
	Map created by: J Manders	Date - 14/1/22		
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Figure 3: Local Green Spaces, Green Wedge and the Limit to Development within the Neighbourhood Area boundary.

FARMLAND

- 8.12 Nearly three quarters of the parish is characterised as rural, with a number of working farms and active liveries, the prominent land use is for arable crops and grazing. These farms extend across the local authority boundaries into neighbouring North Yorkshire and Stockton Borough, provide businesses, employments and leisure facilities actively supporting the local rural economy.
- 8.13 Over the last 10 years there has been a considerable reduction in farmland within the parish, with high pressure for residential development.
- 8.14 The Unicorn Centre and Larchfield Community Centre occupy land in the far south east of our area. It is in all our interests to ensure that this land remains in current use for the health, wellbeing and community spirit of our Parish.
- 8.15 Farmland also provides vital habitats and encourages biodiversity especially along the field perimeters and hedgerows.

WATER COURSES

- 8.16 Becks and streams, and the habitats alongside, are important in our semi-rural environment. It is important to retain these watercourses in a natural state. Even if housing developments are close, we wish to retain open water rather than have culverts. Not at all watercourses are currently in a natural state, it is an ambition of the plan that water quality should be enhanced where possible and the water quality status of a waterbody is not deteriorated following development. This is in reference to the Water Framework Directive (WFD)
- 8.17 There was an overwhelming response from the local community through consultation in relation to the Natural Environment, 82.4% of residents felt it was very important and a further 14.29% considered it important. Our parish has a number of green areas that our questionnaires and research shows are of high importance to residents. The percentage of questionnaire respondents who consider these assets to be important to our community is given below:-
- | | |
|---------------------|-----|
| Maelor's Wood | 79% |
| High Rifts Field | 83% |
| Kell Gate Green | 80% |
| The Spinney | 80% |
| Stainton Quarry | 80% |
| Stainton Low Wood | 84% |
| Rural Rights of Way | 76% |

- 8.18 The identified issues in relation to the green spaces and green infrastructure are:
- Keep existing green spaces, they allow children some space to play, promote healthy exercise and wellbeing and health of residents
 - Lack of children's play areas identified, particularly from the Children's Survey
 - Trees are the lungs of our Parish they improve air quality and make people feel better
 - Sympathetic management of existing green spaces and infrastructure
 - Protect habitats and biodiversity for wildlife and flora
 - Connecting existing footpaths and green wedges and corridors and cycle ways
 - Encroachment of new developments
 - Lack of green spaces within new developments due to density of build
 - Green spaces to allow for natural soak of water and prevent areas of flooding

- Green Wedge and agricultural land around the Parish to be maintained to retain separate identity
- Maintain views

8.19 From these identified issues to the aspirations of this Neighbourhood Plan are:

- To protect existing green assets of the Parish from future development, except where there is a proven documented and overwhelming need and demand that cannot be met on previously developed land.
- Provide outside areas with play and sport equipment for children in the Parish.
- Protect and enhance biodiversity and develop wildlife corridors.
- Maintain and enhance current woodlands and maintain, protect, and where necessary, replace trees in the Parish, to maintain its semi-rural feel.
- More residents working with other organisations to maintain our green spaces and infrastructure.
- Conserve and maintain existing footpaths and cycle ways and develop a cohesive joined up network that also includes bridleways for the many horse and cycle users in the Parish.
- Maintain green buffer zones between developments to maintain the character of our Parish and the village settlements within it.

8.20 To develop the policy the following objectives were identified:

- Ensure the protection of existing green spaces and infrastructure
- Prevent over development spoiling walks, views, cycle ways and bridleways
- Create more areas for children to play and get outdoor exercise and keep play areas commensurate with any increase in housing
- Maintain and enhance biodiversity
- Preserve existing woodlands and increase woodland
- Maintain and protect the semi-rural aspects of our parish
- Maintain and enhance public rights of way, footpaths, and cycle ways
- Ensure green spaces between us and neighbouring developments to maintain our parish character
- Insist new developments include areas of green space suitable for recreation
- Reduce the risk of flooding by maintaining sufficient soak away areas of grass, trees and ponds
- Encourage more residents to join volunteer groups to protect and enhance green spaces

8.21 The top priority for the local community is to ensure the protection of the green spaces and green infrastructure in the parish that currently exists and where possible to enhance this. Therefore this Neighbourhood Plan seeks to ensure the protection of existing green spaces and infrastructure by:-

- Encouraging appropriate and effective management of the countryside and natural outdoor environment in and around Stainton and Thornton and the agricultural spaces surrounding our Parish
- To enhance the quality of the landscape
- Improve local biodiversity, including through striving to achieve biodiversity net gain in all developments¹.
- Maintain and extend health and wellbeing and the quality of life benefits that green spaces provide for residents of the area. This encompasses all the green areas within Stainton and Thornton Parish.

¹ 'Net Gain' Policy Statement from the Department for Environment, Food & Rural Affairs July 2019.

- 8.22 This Neighbourhood Plan designates important open spaces in the parish as Local Green Spaces in accordance with the criteria of the NPPF.
- 8.23 The justification for designating the Local Green Spaces is detailed comprehensively in the Green Space Allocations – Appendix 4.

POLICY ST1: GREEN INFRASTRUCTURE

Development proposals will be supported if they contribute towards the protection or enhancement of green infrastructure. In particular, support will be given to proposals that further enhance the quality, accessibility and usage of green spaces, public open spaces and areas of sport/play provision.

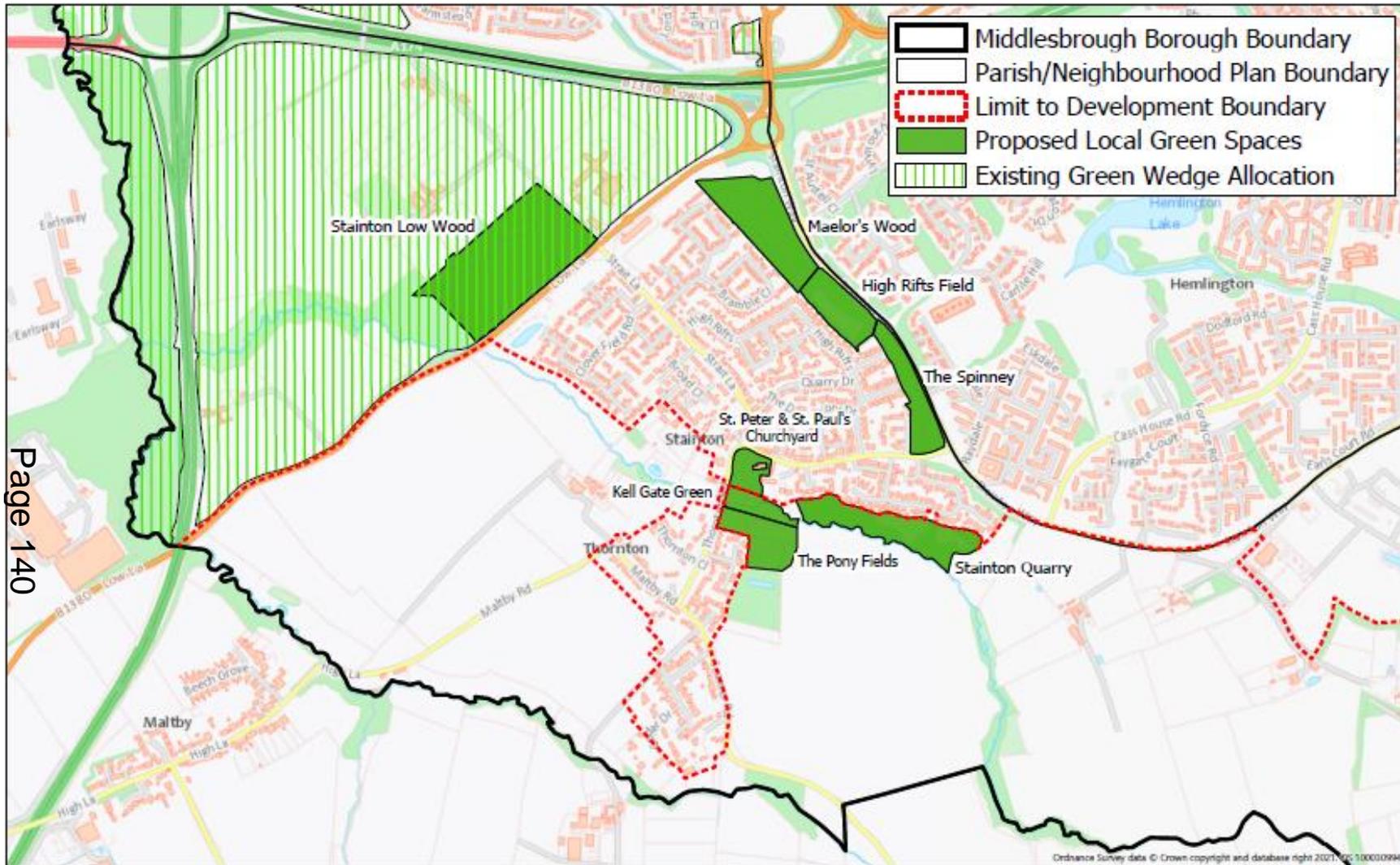
Green infrastructure and development proposals that seek to improve the connectivity between green spaces, can deliver wider benefits for nature and support efforts to address climate change will be supported.

POLICY ST2: LOCAL GREEN SPACES

The following sites, as shown in Figure 4, are designated as Local Green Spaces:

- 1) Maelor's Wood
- 2) High Rifts Field
- 3) Kell Gate Green
- 4) The Spinney
- 5) The Quarry
- 6) Stainton Low Wood
- 7) St Peter & Paul's Churchyard
- 8) The Pony Fields

The management of development within a Local Green Space will be consistent with the Green Belt policy in section 13 of the NPPF. Development will not be permitted other than in very special circumstances.



	Policy ST2 - Proposed Local Green Spaces			Scale: 1:8,000
	Service Area: Planning			
	Map Reference:	Grid Ref:		
	Map created by: J Manders	Date - 14/1/22		
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Figure 4: Location of Policy ST2 Local Green Spaces

POLICY ST3: NATURAL ENVIRONMENT

Development proposals will be supported where:

- 1) They have taken account of guidance in the National Design Guide and the National Model Design Code.
- 2) They do not adversely affect the distinctive local character of the open landscapes of the parish.
- 3) They contain measures that will help to mitigate the impacts of, and adapt to, climate change.
- 4) They protect and enhance wildlife areas and contain measures to sustain and improve biodiversity.
- 5) There are no adverse impacts on the watercourse and/or ponds, habitats and wildlife or the quality of the water. Developments which bound watercourse should provide an appropriate buffer zone to minimise impacts on wildlife.
- 6) They provide habitat linkages and permeability for wildlife through effective incorporation of green spaces and wildlife corridors (including watercourses), use of native planting and habitat features such as ponds and areas of meadow.

Biodiversity and wildlife corridors:

Biodiversity net gain will be supported on all developments. Development which detrimentally impacts on verges, hedges, tree corridors and watercourses will not be supported unless suitable alternative provision is made elsewhere. The creation of new wildlife corridors is encouraged and will be supported.

9. HERITAGE ASSETS

POLICY JUSTIFICATION

9.1 Heritage is a **source of identity**; a source of **character and distinctiveness**, therefore key to understanding the character of the parish, is being aware of the heritage of the area.

Heritage Assets in Stainton & Thornton

9.2 The parish has a long history, which is summarised in Appendix 5; this has influenced the historical development of the villages. The parish has always been predominantly rural with farms, many of which have heritage assets within them and the two village settlements. The earliest buildings in each of the villages are integral to the original village form characterised by rows of farmsteads. The villages of Stainton and Thornton have always been geographically close but separated by a band of fields, which remains fundamental to the historical character of the two villages.

9.3 Both villages have seen various stages for development, practically to the north of Stainton through large scale housing additions in the 1960s with High Rifts, 1970s with Cedarwood Glade and Rose Cottage farm in the last 5 years. These have had an impact on the historical rural character of the parish.

9.4 Preserving and enhancing the heritage of the parish is an important priority for residents. As development pressure remains, it is key that all development proposals appropriately assess their impact on heritage assets.

9.5 The core of the two villages was designated as a conservation area in 1988 (see map in Appendix 6), recognising the importance of the historic environment and ensuring additional protection to the heritage asset.

9.6 The most recent Conservation Area Appraisal (which includes a management plan) was undertaken in 2008. Whilst this document is more than a decade old it provides a comprehensive assessment of the strengths, weaknesses, opportunities and threats to the conservation area. Given the fairly limited change to the context of the conservation area over this timeframe and the quality of the heritage asset, this document is considered up to date. There are a number of recommendations detailed in the management plan section of the document and the Neighbourhood Plan group is supportive of implementation of actions to preserve and enhance the quality of the Conservation Area.

9.7 Local list descriptions of those premises in the parish are attached as Appendix 7.

9.8 Important to the character of the area and the historic environment are views within and into the conservation area, these views are important to define the character of the Neighbourhood Plan area, particularly around the historic core of the settlement. These should be protected and considered through future development to prevent degradation of the historic asset and character of the village. Views are detailed in the Conservation Area Character Appraisal (ref map on page 67 of document), however of particular importance are the following views:

1. Thornton Road to Church. Overlooks Kell Gate Green.
2. Top of Stainton Quarry to Thornton. Overlooks part of Quarry. Open fields.
3. Meldyke Place, including the Memorial Hall and Methodist Chapel.
4. Kell Gate Green, showing the oak tree, bridge and stream.
5. Views from Seamer Road to Thornton Wood

6. Night sky views, particularly to the south and west, are worthy of consideration and the international space station may, on occasion, be tracked from west to east.

9.9 The Residents' Survey asked how important the Heritage and Natural Environment was to the identity and character of the Parish and, when considering new development, residents assigned importance as follows:

Conservation Area	96%
Archaeological sites	80%
Green Space & Corridors	99%
Landscape	97%
Views/Vistas	93%
Historic/Lister Buildings	93%
Wildlife/biodiversity	96%
Woodland/Protected Trees	97%

9.10 Our historic environment is very important to us and has been central to the development of this plan:

- Keeping the semi-rural identity and historic character of the Parish.
- Protect and enhance the conservation area.
- Protect and enhance our heritage assets including listed and locally listed buildings.
- Landscape, views and vistas should be maintained and enhanced in and within the setting of heritage assets.
- Archaeology should be identified, recorded and managed appropriately. The Historic Environment Record is held by Middlesbrough Council.



Stainton House, Grade II Listed property, with development within its setting.

9.11 The historic environment is recognised as a key asset within the Neighbourhood Plan area, the oldest parts of Stainton and Thornton villages are included within the Stainton and Thornton Conservation area. The role of the conservation area is important in ensuring the historic character

of these areas is enhanced and protected. The following aspirations have been set out to ensure there is a future of the historic environment in the parish:

- Enhance the historic environment and engage in the heritage of the parish.
- Parish retains historic semi-rural historic character by retention of surrounding fields.
- Appropriate planning and Listed Building enforcement action should be taken to sustain and enhance the area's heritage assets.
- Consider extending the conservation area to include other buildings of interest within the parish or identification of non-designated heritage assets for the local list.
- Any future developments to respect heritage and character of original villages.
- Maintain and promote history and archaeology of the parish.
- Maintain historic woodlands trees and hedgerows around parish and improve public access to them.
- Higher levels of control and enforcement for conservation areas.

9.12 The following objectives were identified:

- Ensuring there is a gap between developments to protect the village status and prevent urban sprawl.
- Maintain rural land around village to maintain separate identity and character of parish.
- Prevent further erosion of parish character.
- Highest levels of control to maintain important conservation areas in parish.
- Protect and enhance the historic and listed buildings within the parish.
- Preserve and enhance landscape, views and vistas as part of village heritage.
- Promote and preserve history and archaeology within the parish.
- Maintain historic woodlands trees and hedgerows within the parish.

POLICY ST4: HERITAGE ASSETS

Proposals which affects a heritage asset or its setting must demonstrate how the impact of the development avoids or minimises any conflict with the significance of the asset. Proposals will be supported where this has been appropriately assessed and the outcome sustains and enhances the heritage asset. Where a proposal would result in less than substantial harm to a heritage asset this must be appropriately justified and balanced against identified public benefits.

Any proposal affecting the Stainton and Thornton Conservation Area (see map Appendix 6) including its setting should demonstrate how it would sustain or enhance its character or appearance as defined in the Conservation Area Character Appraisal.

Proposals in the Conservation Area and its setting should pay special attention to the following:

1. They have regard to the guidance contained in the National Design Guide and the National Model Design Code.
2. Key views into and out of the conservation area (**identified in Figure X**) - proposed development should seek to protect or enhance existing views. Trees within views should, where possible, be protected.
3. The impact of design - all new development should, where possible, make use of vernacular materials, designs and scaling, reflecting those present within the conservation area.
4. Appropriate boundaries - new boundary treatments should provide enclosure, and historic walls and hedges should be retained. The removal and alteration of boundaries which negatively impact on the character of the conservation area will not be supported.

5. Densities – the density of proposals should take account of the character of the heritage asset and its setting.

Archaeological features within the parish should be protected and whenever possible, enhanced. Where development impacts on archaeology, appropriate investigation and recording should be undertaken.

The Neighbourhood Plan values the heritage assets in the parish and supports the recognition of these through designated or non-designated listing as appropriate.

9.13 The Neighbourhood Plan supports consideration of the introduction of an Article 4 direction through a future review of the Stainton and Thornton Conservation Area. This would protect and enhance the conservation area from the use of inappropriate materials and alterations facilitated through permitted development rights.

10. COMMUNITY ASSETS

POLICY JUSTIFICATION

10.1 In order to promote a thriving parish for all, development should support the retention and enhancement of community facilities for community uses and provision of services. Residents were asked how important to both their household and to the community the following identified community facilities were:

	Household	Community
Stainton Memorial Hall	50%	82%
Kell Gate Green	57%	80%
St Peter & Paul's Church	35%	86%
Stainton Methodist Church	29%	87%
Stainton Inn	47%	82%
Shops	55%	75%
Rights of Way	56%	76%
Maelor's Wood	54%	79%
Conservation Area	50%	80%
Pop Up Post Office	44%	81%
Stainton Quarry	52%	80%
Sporting Lodge	28%	87%
Unicorn Centre	6%	99%
Larchfield	11%	95%
The Gables	20%	93%
Stainton Low Wood	40%	84%
High Rifts Field	41%	83%

10.2 There is a real recognition by the community of the value that community assets have for the local community, they have a vital role in contributing towards the wellbeing of the population as well as the strong community spirit that is present in the parish. Losing these assets and not being able to meet the needs of the population as it grows and the parish develops is a key concern. Therefore the protection and enhancement of Stainton and Thornton's Community Assets is a priority area for the Neighbourhood Plan.

10.3 The key objectives are:

- Maintain and protect our current community assets', these are land, buildings and landscapes that are important to the community.
- Address the lack of key assets needed for a sustainable village community.
- Extend the capacity/capability of current assets to meet increasing village population.
- Promote use of community assets.
- The plan seeks to ensure that there are adequate medical, educational and recreational facilities within easy reach for our residents and to secure the long-term future of community facilities that make the parish special.
- Meet the community needs of all residents regardless of age, gender and ability.
- Increase community's social wellbeing.
- Ensure that there are accessible facilities for all age groups.

POLICY ST5: COMMUNITY ASSETS

Development proposals to sustain or extend the viable use of existing community facilities and the development of new facilities will be supported if they comply with other policies in this Neighbourhood Plan.

Development leading directly to the loss or significant reduction in the scale and value of a community facility will not normally be supported unless:

1. It is essential to meet utility infrastructure needs and there is no viable alternative, or
2. Alternative facilities of equal or better accessibility, size and suitability are provided, or
3. It can be clearly demonstrated that the operation of the asset or its ongoing delivery is no longer of value to the community, or
4. It is no longer economically viable for its current use and has been marketed at an independently agreed price by a property professional for at least a year as a community use or other suitable employment or service trade uses and it is verified that no interest in acquisition has been expressed.

11. ACCESS AND PARKING

POLICY JUSTIFICATION

- 11.1 Traffic, parking and public transport options can have a significant impact on the local environment and perception of quality of place. The effective design and management of our parish will improve the quality of our local environment. Key issues are:
- Parking in the residential and public spaces of the parish is inadequate for residents and visitors.
 - Public transport fails to connect the parish to some of the surrounding areas.
 - With few shops and services available within the parish, the need for transport is a high priority.
 - Increased traffic in the parish is of great concern and further development increases the number of vehicles in and through the parish.
 - The speed of the traffic in and through the parish is a cause for concern.
- 11.2 The survey results showed that residents feel strongly about such issues, 42% of residents strongly agree with a further 36% agreeing that there is a parking problem in Stainton and Thornton. Due to the limited bus services within the parish there is a high prevalence of car use as the primary mode of transport. 91% of residents completing the survey report that their car was their main mode of transport.
- 11.3 It is the aim of the Neighbourhood Plan to ensure that any future development contributes positively to ensure that such issues are not exacerbated further. This includes:
- To ensure the provision of bus services through the parish for the duration of the plan.
 - To improve the standard and quality of both Stainton Way and Low Lane and to create some form of traffic control measure to allow safe access and exit to the village.
 - Ensure that any new development has adequate parking and storage provision.

POLICY ST6: ACCESS AND PARKING

The Middlesbrough Council's Design Guide and Specification together with advice provided by the National Model Design Code should be used for determining the design of highways and accesses to new developments, and car parking provision. Consideration should be given to the rural nature of Stainton and Thornton and measures should be actively pursued to ensure car parking does not visually dominate developments nor actively promote car use.

All new developments should, where possible and appropriate, be served by sustainable transport links, including bus routes, cycle routes, and footpaths.

12. SERVICES AND COMMUNITY FACILITIES

POLICY JUSTIFICATION

- 12.1 Over recent years the parish has lost the permanent post office and village shop, there is a need to ensure that further services are not lost. The local community has voiced their concern about the lack of local facilities and services together with limited public transport systems, which can restrict them in securing their daily needs. This has resulted in an over-reliance on private vehicle use within the parish. Of particular concern is the lack of school, medical and playground facilities within the parish, especially given the development pressure that the parish is under.
- 12.2 A growing population is putting further pressure on already stretched services. Therefore, it is essential that any development will not add more pressure on these services, but seeks to enhance and protect the services available within the parish. Services and amenities of the Unicorn Centre, Larchfield and the Sporting Lodge are valuable as key health and wellbeing assets within the parish.

POLICY ST7: SERVICES AND COMMUNITY FACILITIES

Retention of existing facilities:

The Unicorn and The Larchfield Centres will continue to be supported as part of the village community. The retention and development of fitness facilities at the Sporting Lodge site will also be supported.

Provision of services and facilities through new developments:

Developers will be encouraged to address any identified shortfall in retail facilities, schools, medical and child care facilities, as part of the development. Support will only be given to those proposals that include appropriate provision.

13. DESIGN PRINCIPLES

POLICY JUSTIFICATION

- 13.1 Within the Neighbourhood Plan area there are a number of housing sites currently being developed. To ensure that these developments (and any future development) enhance the character of the area it is essential that their design reflect the character of the area.
- 13.2 The parish has been subject to significant residential development over a number of years and there is concern that the rate and type of development is impacting the character of the area. There are a number of issues detailed below. The policies of the Neighbourhood Plan aim to enhance the quality of development in the area to ensure that character of the parish is maintained.
- 13.3 Key issues are:
- Concern that the village character is being eroded by an over dominance of generically designed mass housing developments, which has a bearing on the sense of community.
 - The building of new properties on Green Field Sites is causing a loss of countryside and green spaces.
 - The wrong types of houses are being built.
 - The creation of taller buildings is not in character of the parish.
 - The lack of accommodation for older people and those with additional needs i.e. bungalows.
 - The housing density is impacting negatively on the open spaces in and around the parish.
 - Larger houses have a high impact on the infrastructure on the parish.
- 13.4 The community seeks to ensure that:
- The development of the village offers a range of housing types, which enhances the housing offer available in the Neighbourhood Plan area.
 - The design of housing sites and dwellings is of a high standard, taking into consideration the character of the local area.
 - New developments have integrated green spaces and appropriate facilities for the size of development.
 - Housing development on the allocated site provides an integrated mixture of housing, which does not exceed two storeys in height and includes bungalows.
 - New housing and/or housing extensions reflect the established vernacular of the area in terms of building styles and materials. The building of apartments (above 2 storeys) and buildings of three storeys and above will be strongly opposed.
 - Any new development will be linked in to the existing roads, cycleways, bridleways and footpaths to enable better access and integration.
 - Are built to the highest possible energy efficiency standard, incorporating renewable energy measures, such as solar panels, where appropriate.
- 13.5 Residents felt that overdevelopment puts pressure on already stretched infrastructure and compromises the integrity of the village status. Height restrictions on new builds will help protect valued views and vistas and the building of more, much needed bungalows to encourage the growing, ageing population to live independent lives.

POLICY ST8: DESIGN PRINCIPLES FOR NEW RESIDENTIAL DEVELOPMENTS

PART 1

All new developments (including those of less than 10 homes and infill developments) should: -

1. Take account of design guidance in the National Design Guide and the National Model Design Code.
2. Reflect the character of the villages or rural area, respecting the scale, density, proportion, form and materials.
3. Include a mix of housing to meet the identified housing needs.
4. Where appropriate, incorporate Building for Life principles throughout the design process.
5. Be of two-storeys or less, unless there is a clear design justification for developments in excess of two storeys.
6. Avoid contributing to the coalescence of Stainton and Thornton with other areas of greater Middlesbrough and surrounding urban areas.
7. Be accessed safely from the highway and incorporate appropriate pathways, cycle ways and sufficient parking spaces.
8. Include green space within the development site.

PART 2

In addition to meeting the above criteria, major new residential developments on green field sites should:

- a) Seek to create distinct new communities designed to instill a sense of place, containing a community centre, shops and other local services on a scale that meets the needs of the new community.
- b) Assist in meeting Middlesbrough Council's housing need.
- c) Incorporate a diverse housing mix with a variety of house types, sizes and tenures to meet local housing needs and aspirations, including flexible lifetime homes and bungalows.
- d) Include affordable housing in line with local plan policy requirements.
- e) Include a strong landscape buffer where the development adjoins the countryside to reduce the visual impact of the development and create a continuous habitat for wildlife linked into existing natural areas and wildlife habitats.
- f) Include landscaped open spaces, roads and footpaths, incorporating children's play areas, throughout the development linked to the peripheral landscape buffer to provide green routes

through the housing areas that enhance the quality of the development and provide wildlife habitats.

As part of any future major development of the parish, the development of community, retail, sports and leisure facilities would be supported at an appropriate scale. The Neighbourhood Plan also supports the enhancement of local infrastructure where appropriate.

The Neighbourhood Plan also supports the production of a village design guide in accordance with guidance in the National Model Design Code.



Good design of terraced housing, addressing site with distinct design and positive boundary treatment.



Although some nice design features the massing and scale of this building too large.



Green infrastructure, play and the retention of existing and planning of new trees within new development sites.



14. DEVELOPER CONTRIBUTIONS AND PLANNING OBLIGATIONS

POLICY JUSTIFICATION

- 14.1 There is a need for improvement in services, infrastructure and facilities in the Parish of Stainton and Thornton. Increased development equates to increased demand in infrastructure and depleted services as well as pressure on the environment. It is crucial that any future development is considered carefully with regard to the impact on the community and its services and where appropriate planning obligations are sought to ensure that a development is acceptable in planning terms.
- 14.2 This section brings together the issues identified through the policies in this Neighbourhood Plan, through consultation the key areas of concern are:
- Better broadband
 - Facilities, land for recreation, for Young People
 - Safer Cycle Routes
 - Safer Pedestrian Routes
 - Protect and Enhance Green Spaces
 - Improve road infrastructure
 - Improve flooding defences
 - Improve Road management systems
 - Promote Renewable Energy systems.
- 14.3 This has been refined to provide a list of projects, which will improve and enhance the community infrastructure within the parish available for all residents to utilise. This is not an exhaustive list and further projects may come forward through the Parish Council.

POLICY ST9: PLANNING OBLIGATIONS

Developers are encouraged to discuss their proposals with the community at an early opportunity to ensure early consultation on planning obligations and community infrastructure.

Developers will be expected to address the impacts of proposals on community and green infrastructure that are directly related to the development. In relation to habitat creation, it may be appropriate to consider off site provision, where a development cannot mitigate harm within the development layout.

Developer contributions will be considered on a site by site basis and, where appropriate, developers will be encouraged to take account of the local priorities listed in Appendix 9.

15. RENEWABLE ENERGY DEVELOPMENTS

POLICY JUSTIFICATION

- 15.1 Due to the semi-rural nature of the parish there is scope for the potential generation of wind and solar energy. Through the preparation of this plan there has been mixed levels of support for this kind of development, with particular concern about the impact on the landscape, environment and a biodiversity in the vicinity of any potential sites.
- 15.2 It is an aspiration of the plan to champion energy saving and efficient systems and promote a cleaner and environmentally friendly area of Middlesbrough, therefore the Neighbourhood Plan will attempt to support the development of Wind and Solar energy in the parish. It is essential that any proposals engage with the community prior to planning applications being made.
- 15.3 On a smaller scale the Neighbourhood Plan will encourage developments both in new housing and in extensions to be built to the highest energy standards. Renewable and energy efficient systems to be installed at the building stage and not added retrospectively, water butts as water saving devices will be installed in all gardens and electric charging points to be installed. Also supported are environmentally friendly alternatives to traditional ways of heating and lighting homes.

POLICY ST10 RENEWABLE ENERGY DEVELOPMENTS

Developers of large scale wind and solar energy developments will be encouraged to engage with the local community prior to the submission of applications.

Wind and solar energy developments will be supported provided the following issues are addressed in a satisfactory manner:

- the amenity of residents, including visual intrusion, noise, glare and traffic;
- siting and scale in relation to the appearance, topography, landscape and character of the area;
- impact on species, habitats and biodiversity, and on heritage assets.

Energy efficiency in new developments:

The following should be considered for inclusion in any new major housing development:

1. Solar panels
2. Electric vehicle charge points
3. Sustainable Drainage Systems (SuDS), where appropriate.

The inclusion of renewable and energy efficiency systems are encouraged on small-scale housing development and extensions to existing dwellings.

REFERENCES:

The following documentation has been used to provide background and/or helped to formulate the policies within this Neighbourhood Plan:

- Tees Valley Nature Partnership research on Green Infrastructure and Natural Health & Wellbeing
- Basic facts about Stainton and Thornton 2015 election ward
- ONS England Mid-Year Population Estimates (Ward Level)
- Census 2011 Detailed Statistics (Ward Level)
- NOMIS local Area Reports (Small Areas)
- DCLG English Indices of Deprivation 2015
- CPRE Campaign to Protect Rural England
- Teesmouth Bird Club – Local Wildlife Sites in Middlesbrough
- Stainton & Thornton Heritage Book
- Tees Valley Wildlife Information
- Tees Valley Structure Plan
- DEFRA’s Policy paper on Environmental Targets
- TVRCC Information
- MBC Local Plan
- MBC Open Space Assessment
- MBC Green Space Assessment
- MBC Strategic Information on Site Allocations and Assessments
- MBC Strategic Housing Assessment
- MBC Landscape and Heritage Assessment 2016
- MBC Local List of buildings with special architectural or historic interest (April 2011)
- MBC Preferred Options Document 2018
- Stainton and Thornton Conservation Area Appraisal and Management Plan 2008
- NPPF (National Planning Policy Framework)
- Guidance for Outdoor Sport and Play (2015), Fields in Trust

ACKNOWLEDGEMENTS

This document has been developed and produced by Stainton & Thornton Neighbourhood Plan Group. The Team would like to thank everyone involved in the preparation of the Neighbourhood Plan.

APPENDICES

- 1. Area Context**
- 2. Ethos and Character**
- 3. Plan Group Meetings**
- 4. Local Green Space Assessment**
- 5. Historical Context**
- 6. Heritage assets in the Conservation Area**
- 7. Middlesbrough Local List**
- 8. Footpaths: Overview and future route enhancements**
- 9. Community Projects**
- 10. Local Community Assets**

Appendix 1: Area Context

Demographics

According to the Tees Valley Combined Authority (TVCA) estimates for mid 2015, the ward area of Stainton and Thornton had a total of 2080 residents made up of the following age groups:-

	Total	0-15 years	16-64 years	65+ years
Stainton & Thornton	2080	300	1270	500
Middlesbrough	139500	28600	88800	22100
Tees Valley	667500	128600	415900	122900
National	57885400	10960400	36588700	10336300

The mean age of the Stainton and Thornton 2015 election Ward population is 44 years, compared to a mean of age of 38 years for residents in the whole of Middlesbrough. Recent trends show an increase in the proportion of residents over retirement age and a lower proportion of school age children. This reflects national trends for people to live longer. However, this trend is not reflected in planning policy for the types of homes being built. There are not over 32% of smaller homes built for pensioners or single occupancy on the new developments in the parish area, or in Middlesbrough as a whole. A more sustainable planning policy that reflects trends is required. Household composition from the 2011 census shows significant numbers of pensioners and single non-pensioner occupancy rates as the percentage of total population, given below.

Household Composition

	Pensioners	Single Non-Pensioner	Total
	%	%	%
Middlesbrough	19.6	12.7	32.3
Tees Valley	21.2	13.1	34.3
National	20.6	12.4	33.0

In addition to these stats the census shows that in 2011 8.52% of Middlesbrough's population, aged 16-64 were 'limited a lot by a health problem or disability'. The Tees Valley Combined Authority's (TVCA) Local Industrial Strategy July 2019, Evidence Report lists as one of its four Grand Challenges 'Ageing Society: harnessing the power of innovation to help meet the needs of an ageing society.'

Housing

	Owner Occupied	Social Rent	Private Rent
	%	%	%
Stainton & Thornton	70	21	8
Middlesbrough	58	25	15

There is a higher proportion of home ownership in the Plan area compared to national, regional and Middlesbrough figures with 70% of homes owned outright or with a mortgage compared to 64% nationally. There are a higher proportion of Band B properties than in the rest of Middlesbrough.

Economic Activity & Education

The plan area has a low rate of people who are claiming unemployment benefit.

According to NOMIS the figures for employment and unemployment in Middlesbrough for the period from April 2018 until March 2019 are:-

Economically Active

	Middlesbrough (numbers)	Middlesbrough (%)	North East (%)	GB (%)
Economically active	62,900	70.3	75.5	78.7
In employment	57,900	64.6	71.1	75.4
Employees	51,200	57.2	62.4	64.4
Self-employed	6,600	7.2	8.5	10.7
Unemployed	4,500	7.2	5.7	4.1

Economically Inactivity

	Middlesbrough (level)	Middlesbrough (%)	North East (%)	GB (%)
Total No of people	26,200	29.7	24.5	21.3
Students	6,900	26.2	25.1	26.8
Looking after family/home	8,000	30.5	21.3	23.6
Long term sick	5,000	19.2	27.5	22.9
Retired	2,900	11.2	9.5	11.3

With such high levels of economically inactive residents in Middlesbrough, it becomes increasingly important to ensure that their surroundings offer green spaces for outdoor activity and improvement of physical and mental health.

Education

These education details are from the ONS population survey and show educational qualifications from Jan 2018 – Dec 2018.

Numbers and % are for those aged 16-64. The % is a proportion of resident population of area aged 16-64

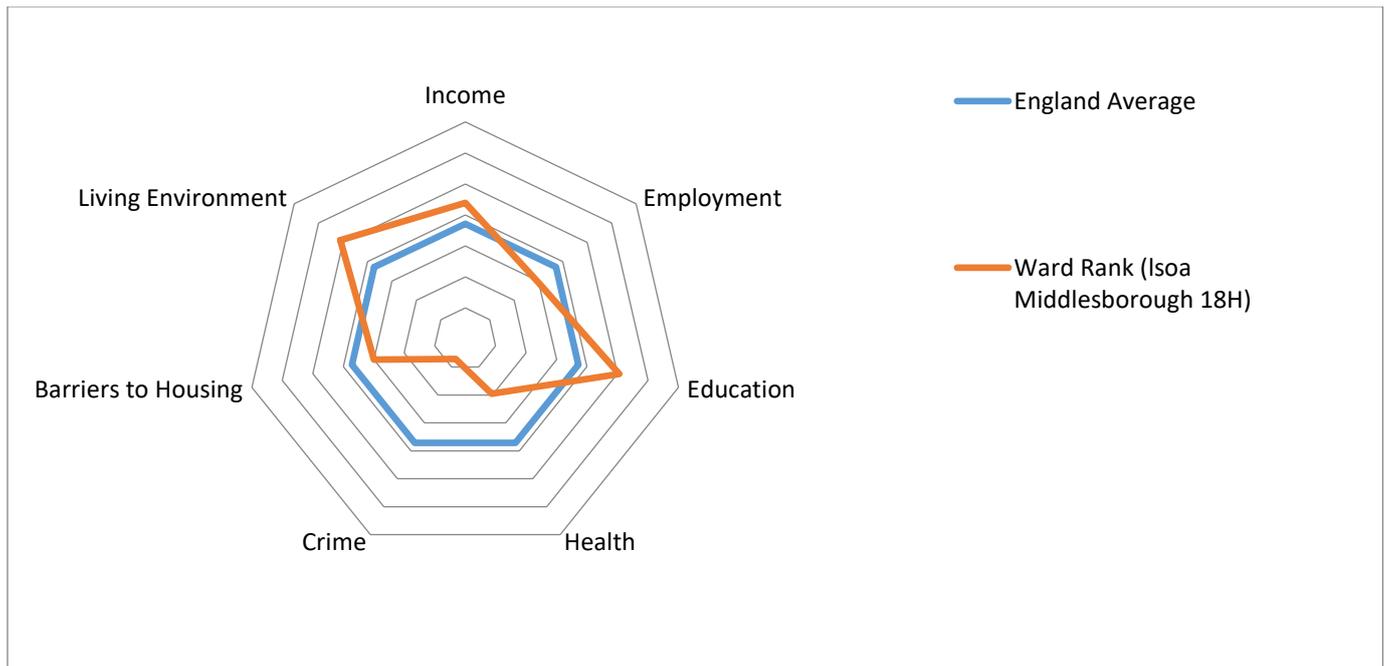
	Middlesbrough (level)	Middlesbrough (%)	North East (%)	Great Britain (%)
NVQ4 and above	24,100	27.4	31.1	39.3
NVQ3 and above	40,400	45.9	51.9	57.8
NVQ2 and above	56,000	63.5	73.0	74.9
NVQ1 and above	65,600	74.5	84.7	85.4
Other qualifications	7,500	8.5	5.8	6.8
No qualifications	15,000	17.0	9.5	7.8

The TVCA Industrial Report states that the area has high levels of self-containment (87% of Tees Valley residents work in the area). This highlights the importance of effective internal transport infrastructure in order to connect the population with learning, employment and leisure opportunities.

Our plan very much aims to improve links to neighbouring communities for work, leisure and amenities. particularly the opportunities for increasing the green infrastructure.

Index of Multiple Deprivations

Where the red line is inside the blue line the ward is more deprived than the England average, where it is outside the blue line it is less deprived than the England average.



Source: IMD 2015 England Rank

When assessed against IMD indicators to Neighbourhood Plan area is above the national average in income, living environment and education, slightly lower in terms of barriers to housing and employment. Health is lower than the national average, which may be consistent with the needs of an aging population. Crime is highlighted to be an issue – *The Community Council, which meets bi-monthly, receives reports from Cleveland Police Department regarding the number of crimes in the Parish. The Residents of Stainton and Thornton are concerned over the increase in crime and anti-social behaviour. It is generally felt that the impact of the growing population and the coalescence of neighbouring communities causes an increase in crime figures. Road offences have been noted as a particular problem as speeding traffic through the village increases.*

According to the UK Governments Department of Work and Pensions, the number of households claiming Universal Credit is as follows:-

	June 2018	May 2019
Middlesbrough	1465	6069
Darlington	985	3949
Hartlepool	6623	7553
Redcar & Cleveland	1266	3684
Stockton	1602	6779
TOTAL	11941	28034

Connectivity

The area has good road transport links provided by the A174 to Teesport and A19 to North Yorkshire to the south and the Tees Valley, Newcastle and Durham to the north meaning that there is a wide range of employment opportunities available to residents.

However, with a limited bus service and footpath and cycling routes that are in need of improving sustainable transport options are currently limited. There are bus services to nearby Hemlington and to Middlesbrough. The nearest shopping centre is at Coulby Newham: there is no direct bus service. To reach local market towns such as Stokesley and Yarm by bus is very complicated.

Survey results show that 91% of Residents use their car as their main source of transport. When asked what other forms of transport they would like to use more, 68% would like to use the bus more, 24% bike and 41% would like to walk. Public transport, better cycle routes and safer pedestrian pathways are vital improvements needed in the community.

Improvements are also needed to improve broadband speeds within the NP catchment area to facilitate more working from home – thus reducing traffic congestion and pollution.

Appendix 2: Ethos and Character

THORNTON

Thornton lies between Stainton Beck to the north and Maltby Beck and the borough boundary to the south. Low Lane marks the northwest boundary. It consists of a mixture of old and new dwellings and extensive arable and grazing farmland. There are no places of worship, schools, shops or pubs in Thornton. There is no bus service.

Immediately after crossing Kell Gate Bridge, the entrance to Kell Gate Green is on the left.

Climbing Thornton Road, there is an excellent view of Stainton church over Kell Gate Green. This helps to create an immediate feeling of a rural village. To the left, and particularly to the right around "Red Walls", are the remains of the walls of Thornton Hall kitchen garden. Thornton Hall was behind what was Thornton Nursery Garden (closed in 1980s) where the modern houses of Thornton Vale now stand. The Pennyman family owned much of the land in Thornton from the 17th Century and they lived at Thornton Hall until Ormesby Hall was completed. Thornton Hall fell into disrepair, it burned down and was later



demolished in 1742. Bricks were used to build cottages on the estate and some doors and windows were built into the farmhouse at Low Farm. The plantation and pond remain behind Thornton Vale. A giant cedar tree was in Thornton Wood: 13' 4" around the trunk, it was over 100ft high. It was blown down in a gale on 16th



February 1962.

Passing the garage on the right, which used to be the smithy, fine old properties and interesting gardens lead to the entrance to Thornton Close and shortly after is "the pump" which marks the location of an earlier drinking water pump.



The T junction provides a great deal of interest. Well-maintained flower borders and grassed areas make this a very popular stop for passing cyclists.



Across the junction are 18th Century cottages. Built in 1728, Ivy Cottage, Rose Cottage and Aitkenvale housed Wharfe's Bakery, "A Washerwoman" and a Tinker/ Itinerant Trader. Behind these

dwellings is "The Cottage" lying at right angles to the road and built in 1680. Opposite the cottages the phone box has been recently removed.

Nearby is a row of properties set well back from the road and approached through well-maintained gardens.

Travelling along Maltby Road (which continues Cycle Route 65) the entrance to Upper Farm is passed on the right on the bend. The land belonging to this farm extends 137 acres to the north and west. On the other side of the road the field is farmed by farmers based at Thornton Grange (which lies just outside the Middlesbrough boundary).



Back to the junction the road south heads towards Seamer, with a large arable field belonging to the Pennyman Estate on the left. A variety of houses line the right hand side of the road. Behind them is Cedar Drive.

STAINTON VILLAGE

This area lies south of Low Lane, with Stainton Beck to the west and south. Stainton Way defines the eastern boundary. The church and shops are located on Hemlington Road with the pub just round the corner on Meldyke Lane. There is only one small formal play area for the whole of the parish. However, "High Rifts Field", next to Maelor's Wood close to Stainton Way, and open land forming part of Stainton Quarry (accessed from Cedarwood Glade) are available for informal play.



Until recently, access to Stainton from Low Lane was by the narrow Strait Lane, with hawthorn hedges on either side, a pavement on the left side and grazing horses in the fields at Rose Cottage Farm. To the right were fields of wheat. Now, opposite The Sporting Lodge, the 3

storey Montpellier Manor Care Home has recently been constructed. Accessed from Strait Lane.

All phases of Rose Cottage are complete, Rose Cottage Phase 3 extends from Strait Lane westward to Stainton Beck.





Travelling up Strait Lane, High Rifts is on the left: this road consists of bungalows where the varied and beautifully kept gardens are a joy to see.

Back on Strait Lane, there is a narrow green on the right, between the road and several bungalows. This green has a variety of trees. Houses are on the left. At the top of the lane is a property called "The Orchard", where there used to be a smaller dwelling situated in an orchard which is now Rowan Grove, a cul-de-sac with 9 properties. Some of the old orchard trees, including pears and a walnut, survive alongside the property boundaries to the west. Further along, on the right, is Victoria House, standing across from the Stainton pub: this was the residence of the Quarry owner and served as such for 3 generations. It had a full household staff and gardeners. Kelgate Terrace is next- a row of cottages of different designs.

The Stainton Inn opened in 1897, replacing the Blacksmiths Arms. It is a Grade II listed building.

Meldyke Lane is where the village green was originally: there was a drinking water pump which was operated by a large wheel, surrounded by white railings. Piped water was brought to the village in 1920 – 1921. A little



further along is a narrow grass island on which stand two mature horse chestnut trees: these trees were planted on 22nd August 1911 to commemorate the coronation of King George V. there was a smithy close to the chapel. The Methodist chapel was built in 1840. It was closed in 1939 and then leased to North Riding Council who used it for storing blankets. It re-

opened in 1948 and was refurbished and rededicated in 1997. In November 2016 the chapel carried out its first christening in almost 150 years, when Jacob Henderson-Thynne was baptised.



The old shool house was established on Meldyke Lane in 1844. In 1876 a new school, with the capacity to accommodate 102 children, was built over the way. The National School building was used as a Sunday school and as a school dinner hall. The school closed in 1971 and, after briefly serving as a youth club and centre for adult education, is now owned by private businesses. The headmaster's house next door is now a private residence. The old school building was sold to the parish council and it became the Memorial Hall, a Grade II listed building. The Hall is now run by Trustees on behalf of The Charities Commission and hosts a variety of activities for the residents and extended communities.



Meldyke Lane is a part of the section of the National Cycle Route 65 linking Maltby with Middlesbrough which was opened on National Bike day on 10th June 1998 by the mayor. Travelling along Meldyke Lane, the small group of bungalows at Meldyke Place is reached. Beyond that is Quarry Drive, which leads to High Rifts and Fawcett Avenue. In the latter, the bungalows were designed and built so that the sun was caught in each room at some time of the day. Some had the initial letter of the original owner on the front gable.

Cedarwood Glade is built on land which was originally the quarry. Nearby Riverslea House, dating from the 1860s and originally used as an office block for Pearson's and then by other companies became a nursing home which was demolished to make for the development now known as Cobblestone Close.



Heading along Hemlington Road towards the church, there are 18th and 19th century cottages of various sizes and design. The house on the right, with the steps, was once a farmhouse, a pub (Bay Horse), fish and chip shop, and café before becoming a private residence.

Just after Glebe Gardens on the left is Marwood Wynd. As well as 2 new large properties which enjoy views towards Thornton and a terrace of modern houses, this is where to find Stainton House, which was built in

1803 as a vicarage.

After Church Close on the right was where the post office was located. This closed in 2011 and is now a private residence. A telephone box was installed nearby in 1939 (only 7 years after electricity arrived in the village and street lamps were installed) but was removed several years ago. Next is a hairdresser and, where the village shop used to be until 2009, a brow bar. In the terrace beyond there used to be a blacksmith, a cobbler and, at the end where there are double gates, a butcher and abattoir: a small grocery

and sweets shop followed on the site and traded until 1980. Now partly renovated, plans to convert to private accommodation have been approved.

Over the road, an 18th Century way marker is built into the churchyard wall. Now eroded, it is difficult to read but the fingers point to Guisborough and Stokesley.

Heading down Thornton Road, number 23 is "Hillside", which was once called "Upper Bank House", built in the early 1900s. It was used as the vicarage until the house next door was completed in 1935. With 5 bedrooms and 3 family rooms this is much more modest than the earlier vicarage at Stainton House. From 2014 this is the residence and office of the Bishop of Whitby. Across the road, steps provide access to the churchyard and church: this was where a drinking water pump was to be found. Between the vicarage and the beck is a paddock which is used for the care of, and exercising of, ponies.



Kell Gate Bridge marks the boundary between Stainton and Thornton.

STAINTON NORTH

This area has the A19 to the west, A174 to the north and Low Lane (B1380) to the south. It consists of mixed farmland, residential properties, a hotel with leisure facilities and community woodland.

Plum Tree Farm lies in the western corner and a public footpath leads from Low Lane, past the farm, to stop at the A19 boundary. The land is both arable and grassland.

In the middle of this area is Stainton Vale Farm and farm cottage: they respectively date from the mid-18th Century and late 18th Century and the farm is a listed building. It provides livery for horses and advertises a farm shop. RTS Joinery and Shop fitting occupy some of the property.



A surfaced lane leads from Low Lane, passing between the Potting Shed and Stainton Vale to reach a bridge, which passes over the A174 to the several properties at Stainsby Hall Farm.

British Telecom occupy the area between the track and the Post House/Sporting Lodge. Both are accessed from Low Lane. The latter is a residential hotel with swimming pool and gymnasium attached. A local farmer uses an



adjacent field, at the eastern end of the area.



Stainton Low Wood, maintained by the Woodland Trust, consists of mixed woodland and open areas. Several paths provide links through the wood between Low Lane and the bridge near Stainsby Hall Farm. The clearings and woodland edges have some of the best and varied wildflower grassland in the area.



HEMLINGTON

This area has the B1365 to the east and Stainton Way to the north. The western boundary



runs from near the Stainton Way/ Cass House Road junction to Stainton Beck. The beck and borough boundary mark the southern limit of the area to the B1365 close to Cherry Hill Garden Centre. Hemlington village once occupied the northeast corner of the area. One cottage was a public house in the 19th Century. It is reported that the landlord had his licence taken away. After a ban of 110 years the licence was restored and the pub is now called The Gables. Nearby is Cygnet Newham House, which is used as a medical facility.



Middlesbrough Council bought Bell View Farm and Hemlington Grange Farm in the late 19th century and Hemlington Hospital was built on the site in 1895 as an isolation hospital (infectious control) – hence its rural location. In World War I thousands of soldiers from the front line were treated for injuries. The hospital was closed and demolished in December 1989. This land is now being used to for residential housing, Hemlington Grange.

At the west end of the site the new Cleveland Police and Community Safety Hub has been recently constructed. Next to that new build is the dormer bungalow “Whimsey Nook” which has been built following approval in November 2014 to “demolish and erect”.

To the south of Hemlington Grange lies the Larchfield Community, accessed from the B1365. Established in 1986 it provides around 25 residential and 50 day facilities for people with learning difficulties, working on the 160 acres bio-dynamically farmed farm, the garden, bakery or the shop and cafe.

Close by is which



the Unicorn opened in



Centre, 1998. This



is a purpose-built riding for the disabled facility offering riding therapy and training opportunities for over 200 disabled adults and children each week, helped by 100 local volunteers.

Grange Farm occupies land in the northwest corner of the area.



Across the track and public footpath from there lies "Gracelands", a barn conversion and farmhouse with 5 bedrooms. Wellfield House is next door.

Stainton Grange and the garden walls are listed buildings. A previous owner was Sir William Claud Fawcett (1868-1935) who married Adeline Brentnall, daughter of the village schoolmaster Frederick Henry Brentnall, in 1901. Their son, William Fawcett (1902-1941), was a writer on horses, hunting and racing. Holme Farm is also in this area, providing residential facilities.

Appendix 3: Neighbourhood Plan Group Meetings

25.04.17	13.11.17	03.08.18	05.02.19	03.12.19
05.05.17	05.12.17	07.08.18	19.02.19	21.01.20
23.05.17	16.01.18	21.08.18	19.03.19	18.02.20
30.05.17	30.01.18	04.09.18	02.04.19	25.08.20
22.06.17	27.02.18	02.10.18	23.04.19	22.09.20
04.07.17	22.03.18	23.10.18	29.05.19	02.02.21*
25.07.17	01.05.18	06.11.18	25.06.19	10.02.21
22.08.17	29.05.18	27.11.18	20.18.19	16.02.21
05.09.17	26.06.18	18.12.18	03.08.19	09.03.21
19.09.17	17.07.18	22.01.19	19.11.19	16.03.21

**Due to lockdown restrictions, zoom meetings have continued from February 2021 and will continue until the Neighbourhood Plan is ready to be presented for inspection.*

(a) Reports have appeared in Stainton & Thornton Community Council Newsletters as follows:

June 2017 initial Survey & Headline on Newsletter	November 2018 Newsletter
July 2017 Headline and update	March 2019 Newsletter
Sept. 2017 Headline and update	
Dec. 2017 Headline and update	
March 2018 Newsletter	
July 2018 Newsletter	

(b) David Coupe: Stainton & Thornton Parish Councillor's Facebook page i.e. Stainton and Thornton Community

(c) Other means of Communication:

Village Noticeboards: Posters of meetings and updates	Chairman's bi-monthly report at Community Council meetings.
Village Gala Day – stall and child surveys	Meet The Neighbour Event 19.03.18
Polling Day Meet and Greet	Preferred Options Open Event 11-18.05.18
Discussions opportunities at weekly Saturday Coffee Mornings	Pre-submission Consultation letter delivered to every household October 2020

Progress of the Neighbourhood Plan is always discussed as an agenda item at Parish Council Meetings, all meetings are minuted which are available of the Stainton and Thornton Parish Council website.

Appendix 4: Local Green Space Assessment

Stainton Low Wood – **LGS1** - this is a woodland area with public access, which incorporates wildflower meadows. There are public Rights of Way towards Thornaby through the area.

Maelor's Wood – **LGS2** - this is a commemorative woodland with significant community value, the woodland incorporates mown paths and woodland sculptures forming a key green infrastructure and amenity route which services the parish.

High Rifts Field – **LGS3** - This is open grassland, which provides space for play and is used as a community recreation area, this is the only such facility in the parish.

The Spinney – **LGS4** - Woodland with a seasonal pond.

Stainton Quarry – **LGS5** - this area has significant historical interest for the development of the village. The area incorporates well utilised woodland and green areas, providing a key green infrastructure link between Thornton and Stainton. It is considered that this may be a suitable location to incorporate play equipment for the use of the parish community in the future. It is a local nature reserve.

Kell Gate Green – **LGS6** - This is a well utilised green space which has been used for community events such as the annual gala day, it is regarded by the community to have the value of a village green.

St Peter & St Peter churchyard – **LGS7** - Includes view to Thornton. Mostly mown grass but excellent spring flowers on south facing terraces. History, including marriage of Captain James Cook. Offers tranquillity.

The Pony Fields – **LGS8** - provide a small green space between Thornton and Stainton. One grazing field to the east of Thornton Road is adjacent to Kell Gate Green and is part of a pleasant view towards the church. Two further fields, on the west of the road straddle the beck and are used for general equine care.

Note: part of the woodland between the A19 and Teesside Industrial Estate, along Stainsby Beck, lies within the Stainton and Thornton Parish. There is no formal access to the east side of the beck but a right of way (footpath), which lies in Stockton Borough Council, follows the west side of the beck before turning to follow the north edge of the industrial estate. This area does not currently fully satisfy the requirements of a Local Green Space.

LGS 1: Stainton Low Wood

Site and Location Situated between Low Lane and Stainton Vale Farm. Owned and managed by the Woodland Trust.

Public Access As well as a public right of way, there are several informal paths through the woodland. There is no car parking facility.

Criteria for designation as a LGS

Reasonable proximity to a local community

The wood lies immediately across Low Lane from the village of Stainton, with access points from that road. It is therefore considered to be in reasonable proximity to a local community.

An Extensive Tract of Land

The wood is enclosed by Low Lane to the south, a fenced track (and right of way) to the east, fields to the north and west, creating a well-defined compact parcel of land. It is not, therefore, considered to be an extensive tract of land.

Landscape Character and Views

There are several paths through the mixed woodland and these incorporate some wildflower meadows. At one point there are views across fields to Stainton Vale Farm.

Heritage Significance

The rights of way through, and adjacent to, this woodland lead to the ancient village of Stainsby to the north.

Wildlife significance

In summer, the meadows and "rides" are rich in wildflowers, including a variety of orchids. Moths and butterflies abound. As well as insects and birds, small mammals such as hedgehogs, grey squirrels and rodents live here. Larger mammals, such as foxes and roe deer, have been noted.

Recreational Value

The area is used by local dog walkers, nature photographers, joggers and walkers taking advantage of circular walks around the periphery of Stainton Vale Farm.

LGS 2: Maelor's Wood

Site and Location Situated between Stainton Way and the estate known locally as Rose Cottage Farm. Owned by MBC and managed by local volunteers.

Public Access Although there are no public rights of way, there are several informal paths through the woodland with access from Low Lane, Stainton Way, Rose Cottage estate and the cycle route to the east. There is limited car parking available on Low Lane.

Criteria for designation as a LGS

Reasonable proximity to a local community

The wood lies next to Rose Cottage in the village of Stainton, with access points from that estate. It is therefore considered to be in reasonable proximity to a local community.

An Extensive Tract of Land

The wood is enclosed by Low Lane to the north, Stainton Way to the east, housing to the west, creating a well-defined compact parcel of land. It is not, therefore, considered to be an extensive tract of land.

Landscape Character and Views

There are several paths through the mixed woodland and these incorporate some wildflower meadow. Several wooden sculptures can be found.

Heritage Significance

The wood is named after Maelor Williams, a highly respected Middlesbrough ward councillor in Stainton and Thornton for many years. It was due to him that the wood was planted several years ago.

Wildlife significance

Autumn fruits are in abundance here! Crab apples, hazel nuts, blackberries etc. are enjoyed by local residents and by small mammals and birds.

Recreational Value

The area is used by local dog walkers, joggers and walkers taking advantage of circular walks around the periphery of Stainton.

LGS 3: High Rifts Field

Site and Location Situated between Maelor's Wood and Cycle Route 65, with Stainton Way to the east and dwellings in High Rifts to the west. Owned by MBC and managed by MBC (grass cutting) and local volunteers.

Public Access There is no public right of way, but there is easy access from Maelor's Wood and from the cycle way.

Criteria for designation as a LGS

Reasonable proximity to a local community

The field lies next to dwellings on High Rifts in Stainton. It is therefore considered to be in reasonable proximity to a local community.

An Extensive Tract of Land

The field is enclosed dwellings on one side, Stainton Way and the cycle way creating a well-defined compact parcel of land. It is not, therefore, considered to be an extensive tract of land.

Landscape Character and Views

This an open space of grassland, with a band of trees to one side and shrubs (including several very productive blackberries) on the other. There is a small wildlife pond at the northern end.

Heritage Significance

There is no Heritage Significance.

Wildlife significance

The mown grass area is not ideal for wildlife but the peripheral shrubs and trees offer sustenance and shelter for a range of birds, mammals and insects. Larger mammals, such as foxes and roe deer, have been noted.

Recreational Value

The area is used by local dog walkers, joggers and walkers taking advantage of circular walks around the periphery of Stainton. It is also used for informal ball games.

LGS 4: The Spinney

Site and Location Situated between Hemlington Road and the Cycleway 65, running parallel to Stainton Way.

Public Access A paved way crosses The Spinney, leading from Vernon Court over Stainton Way towards Hemlington Lake. A paved way leads from this path to Hemlington Road and an informal path leads in the opposite direction towards High Rifts Field.

Criteria for designation as a LGS

Reasonable proximity to a local community

The wood lies between Stainton Way and dwellings in Vernon Court and in Whinstone and Roseberry Drives. It is therefore considered to be in reasonable proximity to a local community.

An Extensive Tract of Land

The narrow strip of woodland is enclosed by dwellings on one side and Stainton Way on the other, creating a well-defined compact parcel of land. It is not, therefore, considered to be an extensive tract of land.

Landscape Character and Views

Apart from the path from Vernon Court to Stainton Way, there is only one path through the woodland. This provides a popular link from High Rifts Field to Hemlington Road, and then on to Cedarwood Glade and Stainton Quarry beyond.

Heritage Significance

There is no heritage significance.

Wildlife significance

The trees and understory provide habitats for birds and mammals.

Recreational Value

The paths through The Spinney are used as a means of reaching further destinations, such as Hemlington Lake, or part of circuit including Maelor's Wood, The Quarry and Kell Gate Green.

LGS 5: Stainton Quarry

Site and Location Situated between Cedar Wood Glade and Stainton Beck. Owned by MBC and managed by local volunteers.

Public Access Although there is no public right of way through the site, there are several informal paths. Access, with information boards, is from Cedar Wood Glade and from the bridge which crosses Stainton Beck near Kell Gate Green.

Criteria for designation as a LGS

Reasonable proximity to a local community

This nature reserve lies immediately adjacent to Cedarwood Glade in Stainton, with an access point from that road. It is therefore considered to be in reasonable proximity to a local community.

An Extensive Tract of Land

The reserve is enclosed by dwellings to the north, a fenced field to the east and a small beck, and fields beyond, to the south, creating a well-defined compact parcel of land. It is not, therefore, considered to be an extensive tract of land.

Landscape Character and Views

There are several paths through the site and these incorporate some wildflower meadows as well as mown grass. At one point there are views across fields to Thornton.

Heritage Significance

This is the site of Stainton Quarry. It is now a Nature Reserve.

Wildlife significance

With the proximity to open fields, visiting foxes and roe deer have been noted. The mix of trees, shrubs and grassland provide habitats for a variety of birds, insects and mammals. The Woodland Trust lead nature walks through the site at different times of the year.

Recreational Value

The area is used by local dog walkers, joggers and walkers taking advantage of circular walks around the periphery of Stainton. The lower section, near the orchard, provides an area of peace and quiet. The upper "field" is flat, and offers an area for ball games.

LGS 6: Kell Gate Green

Site and Location Situated next to Thornton Road and the church yard, straddling Stainton Beck. Owned by Ormesby Estates, leased to the Parish Council and managed by local volunteers.

Public Access There is no public right of way through the site but kissing gates at either end allow access from Thornton Road and from the path leading from the Quarry.

Criteria for designation as a LGS

Reasonable proximity to a local community

Kell Gate Green straddles Stainton Beck and is, therefore, partly in Thornton and partly in Stainton. The access point on Thornton Road is useful for residents of both villages, with dwellings within easy walking distance. It is therefore considered to be in reasonable proximity to a local community.

An Extensive Tract of Land

The site is enclosed by fields to the south and east, Thornton Road to the west, and the churchyard to the north, creating a well-defined compact parcel of land. It is not, therefore, considered to be an extensive tract of land.

Landscape Character and Views

The winding beck is crossed by an interesting old bridge, leading to a wet area fed by a spring (hence the Nordic "Kell") and a magnificent oak tree which is surrounded by a circular seat.

Heritage Significance

This area may have formed part of a pleasure garden attached to the nearby Thornton Hall.

Wildlife significance

Hedges and trees are home to several insects and birds. The wet area, which has an occasional pond, offers amphibians and other aquatic species. There is an information board.

Recreational Value

The area is used by local walkers and runners, often heading for the Quarry. With a choice of seats it is also a place to rest and enjoy peace.

LGS 7: St Peter & St Paul Churchyard

Site and Location Situated on the corner of Thornton Road and Hemlington Road

Public Access There is easy access from Hemlington Road and a steep, cobbled path from Thornton Road.

Criteria for designation as a LGS

Reasonable proximity to a local community

The church and grounds occupy a central position in the village It is therefore considered to be in reasonable proximity to a local community.

An Extensive Tract of Land

The churchyard is enclosed by Thornton Road, Hemlington Road, Kell Gate Green to the south and dwellings to the east. It is not, therefore, considered to be an extensive tract of land.

Landscape Character and Views

The churchyard is mostly mown grass but there are excellent spring flowers on the south facing terraces. The area near the main church door offers good views across the beck towards Thornton. This is a tranquil location.

Heritage Significance

The church has a rich history, described elsewhere, and, with the extensive burial grounds, is central to the heritage of the village.

Wildlife significance

The trees and, particularly, the prolific ivy, are home to a wide range of wildlife.

Recreational Value

Churchyards are not used for recreation but, especially on the south side of the church, this is an excellent area for quiet contemplation.

LGS 8: The Pony Fields

Site and Location Situated on both sides of Thornton Road.

Public Access A public right of way leads through one of the fields from Thornton Road westwards past Red Walls towards Maltby Road.

Criteria for designation as a LGS

Reasonable proximity to a local community

The fields lie between Thornton and Stainton. It is therefore considered to be in reasonable proximity to a local community.

An Extensive Tract of Land

The fields are bounded by dwellings to the south, Kell Gate Green to the north and fields on the other sides. It is not, therefore, considered to be an extensive tract of land.

Landscape Character and Views

This open land divides the two villages, giving each village its own identity. The views from Thornton Road towards the church, with grazing ponies in the foreground, are considered to be some of the best in the area.

Heritage Significance

One field lies on land previously occupied by Thornton Hall. On the other side of the road the field is Glebe land.

Wildlife significance

The extensive grazing limits wildlife

Recreational Value

Children like to see and talk to the ponies in the fields and some children enjoy riding the ponies along our local roads.

Appendix 5: HISTORICAL CONTEXT – STAINTON & THORNTON

A History of Stainton and Thornton

The villages of Stainton and Thornton have a rich, varied history dating back over a millennia. Both villages are of Anglo Saxon origin, we know this because the names of both villages end in ‘ton’ which was one of the ways Anglo Saxon’s traditionally ended their place names.

Stainton was the ecclesiastical centre of a large estate in the Saxon period. The site of the original church is not known, but it was probably in the region where St Peter and Pauls currently is. The discovery of a fine Saxon jewel of the 7th century in the graveyard, confirms the importance of the site.



The importance of Stainton in the Anglo-Saxon period is confirmed by pieces of stonework which are now built into the fabric of the church. Previously they were part of freestanding crosses and grave markers commemorating important nobles. Stainton and Thornton became part of the Danelaw with the Scandinavian invasion. However, local Anglo Saxons were able to retain their identity and co-exist with their new neighbours.

Both Stainton and Thornton are mentioned in the Domesday Book as ownership was passed from the

Anglo Saxon Earl Siward, to the Norman Hugh ‘son of Norman’.

Eventually Robert de Brus, an Anglo-Norman Baron was given many Manors in Yorkshire by Henry I, of which Stainton and Thornton were included. Robert de Brus’ descendants eventually became Kings of Scotland (Robert the Bruce).

The subsequent history of the villages is fragmentary but in later times much of the village belonged to the Pennyman’s of Ormesby, to whom there are memorial wall plaques in the village church. The Pennyman’s were loyal to the crown during the

English Civil War. This loyalty was repaid after the Restoration of Charles II when James Pennyman was made a Baron of Ormesby (encompassing Stainton and Thornton) in 1664.

During the seventeenth and eighteenth centuries the Pennyman family owned Thornton Hall until around 1742, after which it was demolished. Although a few remnants still remain at Thornton Low Farm. The Pennyman’s owned many properties in Thornton and they were used to house agricultural workers who worked on their land.

The parents of the world famous navigator, explorer and cartographer Captain James Cook, (James Cook and Grace Pace) were married in the Stainton parish church on 10th October 1725, and the parish register survives.

Historical Development of Stainton & Thornton

See, also, Section 3 Area Context

A whinstone quarry was operated from the late 18th century until the 1930s. Whinstone was a valuable resource which was used in the construction of the many cobbled streets and alleyways of Middlesbrough. In July 1914 the quarry suffered its only known fatality when Edward Lamb (aged 67) working as a stonebreaker, was hit on the head by an empty tub after previously been warned to keep clear.



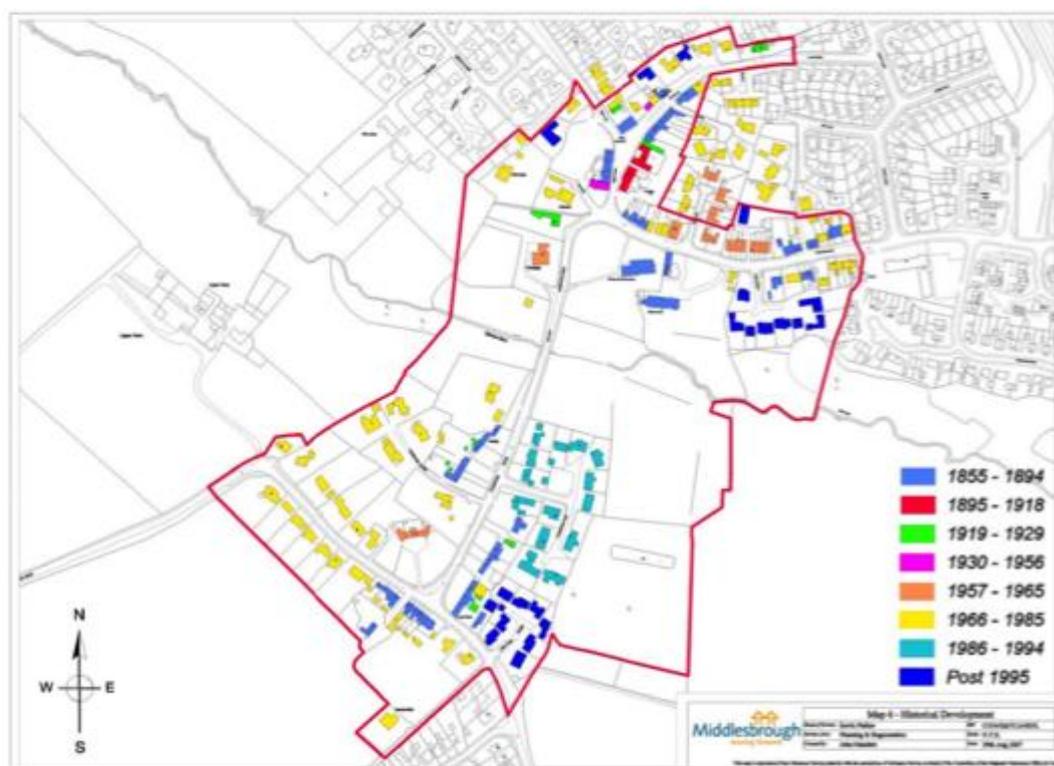
Stainton quarry in 1975 showing the quarry face.

The medieval settlement at Stainton was laid out along the road to the east of the church. It comprised two rows of properties with the farm buildings at the front of each. The line of these medieval properties can still be seen in the shape of former 18th century farmsteads stretching along the road. Settlement has also developed around the crossroads at Stainton although the origins of this are uncertain.

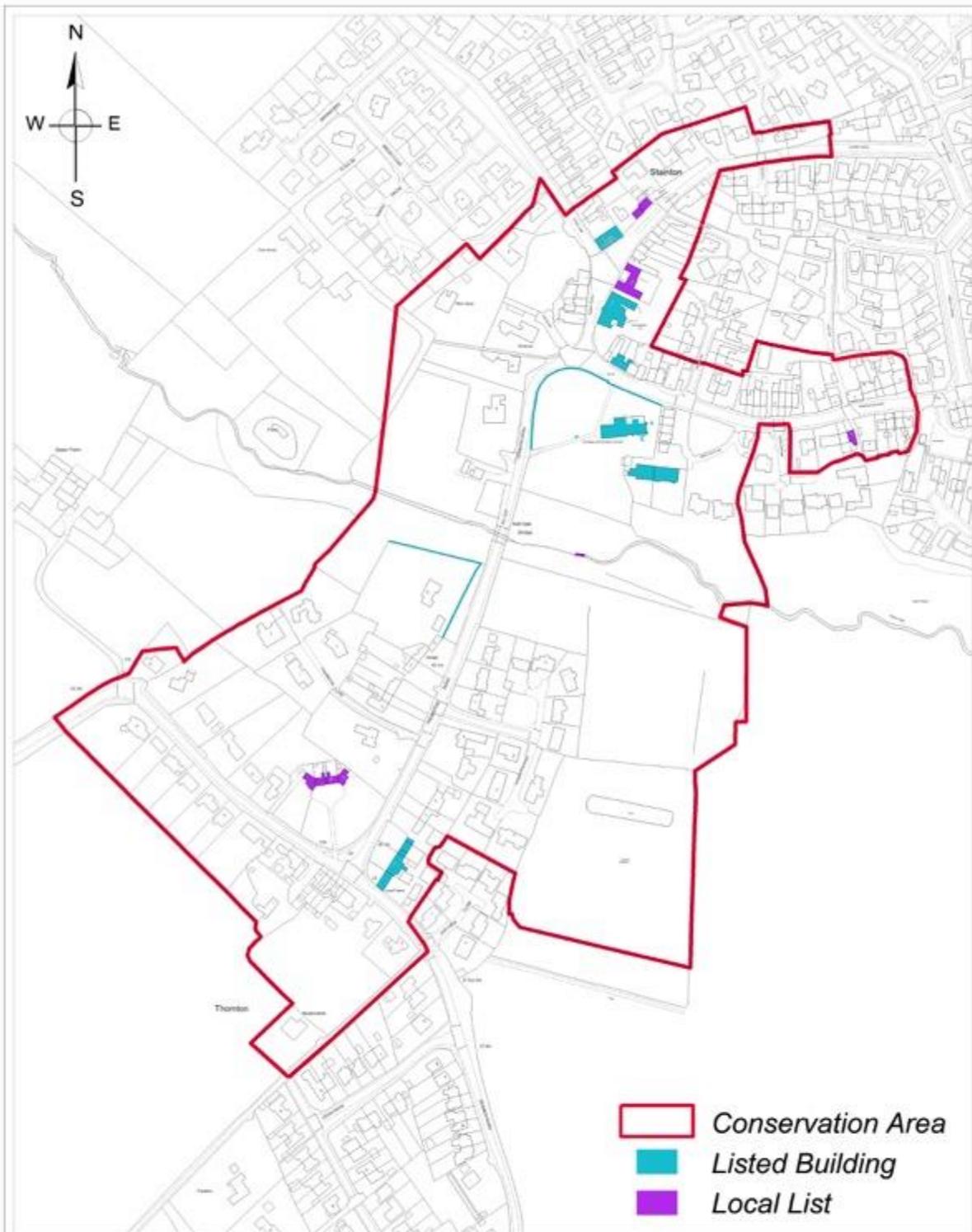
The basic shape of Thornton is the same as that of Stainton with two rows of farmsteads. It is however different in once having possessed a village green which has now been enclosed as front gardens. This was a trend of the early 19th century and is seen in a number of villages in the Tees Valley.

See following map illustrates the historical development of Stainton and Thornton.

See following map illustrates the historical development of Stainton and Thornton.



The villages of Stainton and Thornton are unique because they have such a vast, varied history. The Anglo Saxons, Vikings, Normans, the English Civil War, both the agricultural and industrial revolutions all played a part in shaping these two small villages in North Yorkshire. It is imperative that their individuality is not lost.



- Conservation Area
- Listed Building
- Local List



Stainton & Thornton Conservation Area	
Head of Service Paul Clarke	Ref: GIS/SAT/CALBLL
Service Area: Planning	Scale: 1:2500@A3
Created by: John Manders	Date: 12th February 2019

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Appendix 7: Middlesbrough Local List

In April 2011 MBC produced Middlesbrough Local List which contained a list of buildings, structures, parks and open spaces of special local architectural or historic interest. Below are four buildings listed in the report.

Building ID: D1.1 Methodist Chapel and adjoining smithy, Meldyke Lane, Stainton Architect: unknown Date: 1840 Current use: religious Conservation Area: Stainton and Thornton.

Statement of Significance Preaching commenced here in 1838, and this traditional small village chapel was built in 1840. It is the oldest Methodist building still in use on Teesside. The building was closed throughout the early 20th Century and reopened in 1948. The chapel was re-dedicated in 1997 following refurbishment. The building is simple in form with a symmetrical frontage, with features including a date plaque above the front door, three over three sliding sashes. The walls are rendered. The adjoining smithy building, of hand-made brick with a pantile roof, has been included for group value.

Building ID: D1.2 Stainton School, 6-8 Meldyke Lane Architect: unknown Date: 1876 Current use: office and residential Conservation Area: Stainton and Thornton.

Statement of Significance Originally known as St. Peter's school, it was renamed Stainton County Primary School until it was closed when the larger Viewley Hill School in Hemlington opened in 1971. The building was erected by the Stainton, Thornton and Maltby School Board, and is currently in use as offices and residential accommodation. The school building to the right has a gable end on Meldyke Lane, with timber barge boards, shallow arches and a bull's eye window under a Gothic relieving arch. The School Master's House to the left has a half hipped gable with a clay finial, two over two sash windows in arched openings with brick lintels and stone sills. Situated alongside the Grade II listed Stainton Public House it is of great value to Stainton village and the wider Stainton and Thornton Conservation Area.

Building ID: D1.3 14 Hemlington Road Architect: unknown Date: c.1800 Current use: residential Conservation Area: Stainton and Thornton.

Statement of Significance A diminutive end terrace cottage with double pitch clay pan tile roof. The building exhibits Yorkshire horizontal sliding sash windows, a traditional design of window which is now rare in Middlesbrough. The building is a unique vestige of the linear plan village layout of this part of Stainton and is remarkably untouched example in this area.

Building ID: D1.4 1 Thornton Road, and 2-8 Maltby Road Architect: unknown Date: c. 1930 Current use: residential Conservation Area: Stainton and Thornton.

Statement of Significance. A splendid terrace of four cottages, in a butterfly plan form well suited to the corner plot between Maltby Road and Thornton Road. The collection of buildings and their large front gardens are of significant townscape value in the Stainton and Thornton Conservation Area. They are known locally as 'Pennyman's Folly' due to the unusually large front gardens. The buildings are typical of the Pennyman Estate of which they are a part, of bright red brick with a pantile roof, and sliding sash windows. The gardens are extensive and provide a pleasant green space in this part of Thornton village.

Appendix 8: Overview of current Parish Footpaths and future route enhancements

Introduction

Many of the footpaths within the parish boundary are not connected to each other and many just come to an abrupt end. Linking the footpaths is essential to enhance the current network and provide valuable green infrastructure that would promote healthy exercise and reduce the use of cars. Enhancements of the current provision are suggested below.

There are several stables in the area, yet no public bridleways. Where possible, new bridleways should be developed from nearby stables to link up with suitable rights of way to provide safe riding further afield (e.g. Hemlington Lake).

Current Rights of Way (Footpaths)

MID/012/1 leads from Low Lane past Plum Tree Farm to a dead end at the A19. This path is considered to be of no value in its current format - an alternative would provide a new walkway alongside Low Lane west, under the A19 bridge to join the PROW (in Stockton Borough Council) which heads north along the west side of Stainsby Beck.

MID/010 heads north from Low Lane past Stainton Vale Farm to eventually link with MID/011. An interesting path, which passes Stainton Low Wood and links well with paths to north and south.

MID/011 follows the track from Low Lane, along the bridge over the A174 and then alongside the A19 northwards. Beyond the A174 there is the medieval village of Stainsby and, ultimately, Thornaby. It may provide pedestrian access to the proposed Country Park between the A19 and Brookfield. A long-term proposal may be to remove all stiles and convert the footpath to a bridleway linking Stainton and Thornaby.

MID/013 from Maltby Road to Low Lane links well with MID/010 but is currently underused. **A new multi-use pavement from Strait Lane, past MID/14, to the northernmost end of MID/13 would encourage increased use of these rights of way and offer a choice of short circular walks.**

MID/014 from road junction near Stainton Inn, via Five Acres, to Low Lane. Good link to Stainton Low Wood.

MID/017 leads from Maltby Road to Kell Gate Bridge. This short walk is more direct than the road route and links well with other rural walks.

MID/016 leads from Seamer Road along the farm track towards Thornton Grange. It provides links to paths beyond Maltby Beck which lead to Maltby and Hilton.

MID/015 is a pleasant walk from Maltby Road to the track near Thornton Grange.

MID/020 leaves Stainton Way near Grange Farm and heads south to the beck, after which paths lead past Thornton Moor to Coldpool and beyond. **To reach the start of this route we currently need to walk on the grass verge alongside Stainton Way. We recommend that a multi-use pavement from Hemlington Road to the new Community Hub be installed.**

MID/021 leads from Stainton Way towards Holme Farm. It follows the hedge southwards to reach the beck, joining MID/027. **Access to the start will be improved by the pavement described above.**

MID/025 travels east from the Unicorn Centre, through farm buildings (Larchfield Community) to join MID/026 at a path junction and then MID/027 at the beck.

MID/026 links 025 and the road near Cherry Hill nursery. From there a public right of way leads across fields to Newby.

MID/027 follows the north bank of the beck between MID/021 and MID/025. Beyond the bridge, a footpath leads to the village of Newby.

Proposed Improvements

See MID/013, MID/020 and MID021 above.

A right of way is needed along the south bank of Stainton Beck from Kell Gate Green to meet the path from Grange Farm, and to continue through Fox Covert to the bridge where it will join paths to Newby and Larchfield. This would provide a key green infrastructure route within and extending beyond the parish. Part of the path would lie in the Hambleton DC\North Yorkshire CC, so cooperation with district neighbours would be required. It offers the only genuinely rural walk, of reasonable distance, without a long walk along a tarmac road.

A fully paved walkway from Jack Simon Way, over the A174 bridge, crossing the Low Lane/A174 slip road and then continuing to the Sporting Lodge, is considered a useful addition to pedestrian routes in, or adjacent to, the parish.

A pavement currently runs from Strait Lane along the southern edge of Low Lane to the roundabout and then along Stainton Way to a crossing near Hemlington Hall Road. This pavement should be extended as a multi-use surface to join the path coming out of Maelor's Wood, thus providing a link from Cycle Route 65 to the Sporting Lodge and beyond.

APPENDIX 9: Stainton and Thornton Parish Environmental and Community Improvement Priorities

Many community facilities in the parish are managed privately, and therefore contributions from developers should be directed to the relevant organisation.

Consultation should take place with the Parish Council to get an updated position on priorities for the community.

Identified Priorities:

- Superfast Broadband
- Woodland Play facilities throughout Kell Gate Green and Quarry
- Multifunctional path (foot/cycle) along Low Lane
- Improve rights of way as detailed in Appendix 8
- A new multi-purpose community open space
- Environmental improvements to green spaces
- Enhanced meeting spaces for residents

APPENDIX 10: Local Community Assets

Identified Local Community Assets are:

- St Peter & Paul's Church
- Stainton Methodist Church
- Stainton Memorial Hall
- The Stainton Inn
- The Gables
- The Sporting Lodge (particularly the Old Poste House and sporting facilities)
- Small businesses on Hemlington Road
- Larchfields Community
- The Unicorn Centre
- Playground (Rose Cottage, Phase 3)

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Equality Impact Assessment

Subject of assessment:	Stainton & Thornton Draft Neighbourhood Plan – Independent Examiner’s Report & Recommendations			
Coverage:	Stainton & Thornton designated Neighbourhood Area.			
This is a decision relating to:	<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input checked="" type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input type="checkbox"/>	Revision of an existing approach:	<input type="checkbox"/>
It is driven by:	Legislation:	<input checked="" type="checkbox"/>	Local or corporate requirements:	<input type="checkbox"/>
Description:	<p>Key aims, objectives and activities</p> <p>To enable town councils, parish councils and designated neighbourhood forums to prepare Neighbourhood Plans, that puts in place a vision and general planning polices for the development, and use of land in their designated neighbourhood area.</p> <p>Statutory drivers</p> <p>Neighbourhood Planning forms part of the statutory process under the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012 (as amended).</p> <p>Differences from any previous approach</p> <p>This is to approve the draft Stainton & Thornton Neighbourhood Plan, incorporating the recommendations of the Independent Examiner’s Report, in order to progress the draft Plan to the next stage in the Neighbourhood Planning process, in accordance with the above Regulations.</p> <p>Key stakeholders and intended beneficiaries (internal and external as appropriate)</p> <p>The key stakeholders are local communities.</p> <p>Intended outcomes.</p> <p>To allow local communities to shape new development and improving the social, economic and environmental well-being of their neighbourhood.</p>			
Live date:	Upon approval			
Lifespan:	N/A			
Date of next review:	N/A			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
Human Rights Could the decision impact negatively on individual Human Rights as enshrined in UK legislation? *	☒	☐	☐	The recommendations set-out in the attached Council report accord with procedural guidelines of the Neighbourhood Planning (General) Regulations 2012, to assist Local Authorities in the adoption of Neighbourhood Plans, submitted by and in consultation with local communities, and therefore will not have any implications on human rights.
Equality Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups? *	☒	☐	☐	The recommendations set-out in the attached Executive report accord with procedural guidelines of the Neighbourhood Planning (General) Regulations 2012, to assist Local Authorities in the adoption of Neighbourhood Plans, submitted by and in consultation with local communities, and therefore will not have any implications on equality.
Community cohesion Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town? *	☒	☐	☐	The recommendations set-out in the attached Executive report accord with procedural guidelines of the Neighbourhood Planning (General) Regulations 2012, to assist Local Authorities in the adoption of Neighbourhood Plans, submitted by and in consultation with local communities, and therefore will not have any implications on community cohesion.
Next steps: ➤ If the answer to all of the above screening questions is No then the process is completed. ➤ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.				

Assessment completed by:	Charlton Gibben	Head of Service:	Paul Clarke
Date:	01/01/2022	Date:	01/01/2022

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

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**COUNCIL MEETING – 26 JANUARY 2022
NOTICE OF MOTION**

COUNCIL PROCEDURE RULE NOS. 53-60

MOTION NO.	PROPOSER	SECONDER	MOTION
151	Councillor M Storey	Councillor Rooney	<p>Middlesbrough Council expresses its support in marking February as LGBT+ History Month. The Council notes the historic struggles of members of the Lesbian, Gay, Bisexual and Transgender community and their contribution to Middlesbrough, and the UK.</p> <p>Despite much progress, members of the LGBT+ community are at a greater risk of violence, poor mental health outcomes and homelessness.</p> <p>The Council reaffirms its aim to be an inclusive and supportive employer to all our staff. The Council resolves to work with LGBT staff members, Council management and trade unions to review and implement policies which ensure LGBT staff members are supported, championed and equipped to deliver for the people of Middlesbrough.</p>

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Report of:	Director of Legal and Governance Services and Monitoring Officer - Charlotte Benjamin
Submitted to:	Council – 26 January 2022
Subject	Update - Council Constitution

Summary

Proposed decision(s)
<p>That Council approves the following:</p> <ul style="list-style-type: none"> (a) The proposed changes to the Constitution as detailed in the report and notes that the Monitoring Officer will, under delegated powers, amend the Constitution accordingly. (b) The Social Media Framework: Policy and Guidelines for Elected Members for inclusion within the Members Handbook. (c) That the Monitoring Officer, under delegated powers be authorised to amend the Constitution and make any necessary minor textual changes or further adjustments to comply with any subsequent legislative changes, changes to reflect decisions taken by Council and/or Executive and changes which are of typographical/drafting error nature.

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

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

		the Council to choose.
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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. This report details proposed amendments to the Constitution.

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. Article 4 – The Full Council, paragraph 4.2 (a) of the Constitution specifies that only Council will have responsibility for adopting, amending and changing the Constitution, apart from the specific delegations to the Monitoring Officer to make any necessary minor textual changes or further adjustments to comply with any subsequent legislative changes, changes to reflect decisions taken by Council and/or Executive and changes which are of typographical/drafting error nature.

Background

4. A phased review of the Constitution is underway to ensure that the Constitution is fully up to date. Some topics were prioritised last year and since then amendments have been made on various topics such as motions, votes of no confidence, voting on appointments, and the Member Code of Conduct has now been refreshed following approval by Council
5. This report seeks the approval of the proposed changes to the Constitution as detailed below and notes that the Monitoring Officer, under delegated powers has authorisation to amend the Constitution in the circumstances outlined in paragraph 3 above.
6. The changes to the Constitution generally 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

7. The following amendments to the Contract Procedure Rules, Financial Thresholds are proposed under paragraph (b) above.

	WORKS		SUPPLY OF GOODS, MATERIALS & SERVICES		LIGHT TOUCH		CONSULTANCY	
	Current	1 st Jan 22	Current	1 st Jan 22	Current	1 st Jan 22	Current	1 st Jan 22
Direct Award	Up to £10,000		Up to £10,000		Up to £10,000		Up to £10,000	
Quotation	£10,001 - £1,000,000		£10,001 - £189,330 (inc. of VAT) £177,897.50 (net of VAT)	£10,001 - £213,477 (inc. of VAT) £177,897.50 (net of VAT)	£10,001 - £633,540 (inc. of VAT) £552,950 (net of VAT)	£10,001 - £633,540 (inc. of VAT) £552,950 (net of VAT)	£10,001 - £189,330 (inc. of VAT) £177,897.50 (net of VAT)	£10,001 - £213,477 (inc. of VAT) £177,897.50 (net of VAT)
Tender	£1,000,001 - £4,733,250	£1,000,001 - £5,336,937 (inc. of VAT) £4,447,447.50 (net of VAT)	n/a		n/a		n/a	
Tender (Public Contract Regulations 2015)	£4,733,250 and above	£5,336,937 (inc. of VAT) £4,447,447.50 (net of VAT) and above	£189,330 and above	£213,477 (inc. of VAT) £177,897.50 (net of VAT)	£633,540 and above	£633,540 (inc. of VAT) £552,950 (net of VAT)	£189,330 and above	£213,477 (inc. of VAT) £177,897.50 (net of VAT)

8. The following amendments are proposed under paragraph (c)

1. Council Procedure Rules

Change of the word **must** to **should** in paragraph 76 of Council Procedure Rules

Amendment to Ordinary Motion

An amendment to an ordinary motion **should** be submitted, in writing, 2 clear working days before the meeting and must be relevant to the motion and will either be:

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others; or
- (d) to insert or add words, as long as the effect of (b) to (d) is not to negate the motion, or introduce a new proposal.

2. Officer Employment Procedure Rules

Change of wording for the Appointment of Head of Paid Service to provide for the appointment to be made by Full Council or by recommendation from the Chief Officer Appointments Committee.

Page 8 – Paragraph 3 Appointment of Head of Paid Service (a) The appointment of the Head of Paid Service will be made directly by Full Council, or by an Appointment Committee. The Appointment Committee will be made up of 7 members nominated annually by the Council and will include the Elected Mayor, Deputy Mayor and the relevant portfolio holder.

The appointment of the Head of Paid Service will be approved by the full Council following the recommendations of the Appointment Committee. (b) The full Council may only approve the appointment of the Head of Paid Service where no well-founded objection has been received from any member of the Executive, within three days of notification of the recommended candidate.

3. Councillor Calls for Action

Insert Procedure and Guidance for Councillor Calls for Action into the Constitution. (Appendix 1)

4. Political Balance Procedure Rules

Insert Political Balance Procedure Rules. (Appendix 2)

STANDARDS COMMITTEE TERMS OF REFERENCE

9. At the meeting of the Standards Committee held on 19 July 2021, it was suggested that the Annual Corporate Complaints Report should be submitted to the Corporate Affairs and Audit Committee rather than the Standards Committee. This would enable separation of powers and responsibilities of the two Committees and the type of complaints and would align with the Council's Strategic Priorities. In accordance with the above it is proposed that the reference to the Standards Committee in Article 9 of the Constitution, be amended as follows:

Article 9 – Standards Committee

9.1 Standards Committee

The Council will establish a Standards Committee, appointed under the Localism Act 2011.

9.2 **Composition**

(a) **Membership**

The Standards Committee will be composed of at least:

- Nine councillors (politically balanced);
- two parish council members

(b) **Parish Members**

At least one parish member must be present when matters relating to those parish councils or their members are being considered;

(c) **Chairing the Committee**

The Chair must be elected from the Standards Committee.

The Standards Committee may exercise the following functions:

- overview of the whistle blowing policy;
- to ensure individual oversight of key issues that relate to ethics in Local Government.

Terms of reference

1. To make reports or recommendations to the Council in relation to:

- the approval by the Council of local codes of conduct for Members and officers, codes of practice, standing orders and protocols, taking account of national models and guidance or case tribunals.
- the implementation of local codes of conduct etc., and the dissemination throughout the Authority of information and guidance on their operation.
- consideration of any reports relating to the conduct of Members or officers which may be referred to it by the Council's Chair, Monitoring Officer or by the Chief Finance Officer under section 114 of the Local Government Finance Act 1988 in consultation with the Monitoring Officer, including issues relating to Members' and officers' interests and the maintenance and management of any relevant registers of interests.
- consideration of relevant reports referred by the Monitoring Officer and Chief Finance Officer and make recommendations thereon to the Council as necessary.

2. Grant dispensations to Councillors, Co-opted Members and Parish Council Members from the requirements relating to declarations of interest as set out in Section 32 of the Localism Act 2011.
3. The determination, following an investigation, of allegations of breaches of Members' Codes of Conduct within such statutory provisions or guidance as may exist. At
4. Discharge of all of the above functions required by the Localism Act 2011 in relation to Parish Councils.

Social Media Framework: Policy and Guidelines for Elected Members

10. At the meeting of the Constitution and Members' Development Committee held on 10 December 2021, Members considered a Social Media Framework: Policy and Guidelines for Elected Members (Appendix 3). If approved, it was proposed that the document be included in the Members' Handbook.

What decision(s) are being asked for?

11. That Council approve the following:

- (a) The proposed changes to the Constitution as detailed in the report and notes that the Monitoring Officer will, under delegated powers, amend the Constitution accordingly.
- (b) The Social Media Framework: Policy and Guidelines for Elected Members for inclusion within the Members Handbook.
- (c) That the Monitoring Officer, under delegated powers be authorised to amend the Constitution and make any necessary minor textual changes or further adjustments to comply with any subsequent legislative changes, changes to reflect decisions taken by Council and/or Executive and changes which are of typographical/drafting error nature.

Other potential decisions and why these have not been recommended

11. That no action be taken in respect of the proposed amendments. This would result in the Constitution becoming out of date and not compliant/compatible with appropriate legislation or standard procedures.

Impact(s) of recommended decision(s)

Legal

12. As per Section 37(1) of the Local Government Act 2000, a local authority which are operating executive arrangements or alternative arrangements must prepare and keep up to date a document (referred to in the section as their constitution) which contains prescribed information.

The changes suggested within this report are therefore in compliance with the above by way of keeping the constitution up to date.

Financial

13. The report details changes to the Financial Procedure Rules Contract Procedure Rules Financial Thresholds. There are no budgetary implications.

Policy Framework

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

Equality and Diversity

15. There are no equality or diversity impacts.

Risk

16. 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)

17. The Monitoring Officer will ensure that the changes outlined within the report are made to the Constitution.

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MIDDLESBROUGH COUNCIL

Councillor Calls For Action

**Procedures and Guidance
for Councillors**

SECTION 1: WHAT ARE COUNCILLOR CALLS FOR ACTION?

INTRODUCTION

- 1.1 Councillor Calls for Action (CCfA) were introduced under Section 119 of the Local Government & Public Involvement in Health Act 2007.
- 1.2 The Department of Communities and Local Government has issued guidance that is not intended to be prescriptive, but is intended to give Councils a steer as to how CCfA should be implemented. However, the main thrust of the guidance is that CCfA should be seen as a means of 'last resort' where local issues have arisen and other methods of resolution have been exhausted.
- 1.3 CCfA is a legitimate process to resolve issues. The purpose of CCfA is not to address vexatious, persistent, unreasonable or discriminatory matters or to achieve actions for political reasons. The key points are:
 - Initiation of CCfA rests with the local Councillor
 - It will be up to individual Councillors to determine which issues to present as a CCfA
 - There will be **no** right of appeal by constituents via the Council's Executive.
 - The CCfA may cover any local government matter relating to any function of the Authority or matters affecting a Councillor's ward and constituents.
 - Whilst a Councillor may refer the matter for consideration to scrutiny, it will be the decision of the Overview and Scrutiny Board (OSB) to determine if the issue is to be addressed.
 - CCfA can include any issue, including Crime and Disorder.
- 1.4 If a Councillor Call for Action is considered by Scrutiny, whether by a Scrutiny Panel or OSB, their only power is to refer the matter, if appropriate, to the Executive for its consideration.

IDENTIFYING A COUNCILLOR CALL FOR ACTION (CCfA)

- 1.5 This Guidance is intended to provide a framework and clarity on how to identify issues that might be subject of a CCfA, and the process to follow.
- 1.6 A Councillor Call for Action:
- puts ward Councillors at the centre of the process for resolving issues **of local concern**;
 - focuses **on neighbourhood and locality issues**, specifically the quality of public service provision at a local level;
 - should represent **genuine local community concern** (based on a Councillor's judgement);
 - should only be referred to Scrutiny as a **last resort** when the ward Councillor has been unable to resolve the issue.
- 1.7 Scrutiny reviews resulting from a CCfA are undertaken by Scrutiny Panels.
- 1.8 Locality based scrutiny reviews will normally be a 'short and sharp' review – it is important that this is a responsive process which delivers tangible outcomes.
- 1.9 The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 specifies that Councillor Calls for Action are NOT appropriate for dealing with:
- Individual complaints concerning personal grievances or commercial issues;
 - Any matter which is vexatious, discriminatory;
 - Councillors' day-to-day casework;
 - Matters subject to call-in;
 - Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:
 - Matters that relate to individual 'quasi judicial' decisions (e.g. planning or licensing) or to Council Tax and National Non Domestic Rates as these are subject to their own statutory appeals procedures.

CHECKLISTS

The initial issue Checklist

1 Are the concerns to do with the quality of public service provision at a local level?

Councillor Calls for Action are intended to address issues of broad concern in the community relating to Council services. But they can also address broader issues relating to other public services. These might include matters such as anti-social behaviour, community safety, health services and issues relating to local schools.

2 Are the concerns individual complaints?

Councillor Calls for Action are not appropriate for dealing with individual complaints. If the matter relates to a complaint, advice can be given about how this may be best brought to the Council's attention and dealt with.

3 Do the concerns relate to individual 'quasi judicial' decisions (e.g. Planning or Licensing) or to Council Tax or Non-Domestic Rates?

Councillor Calls for Action are not appropriate for dealing with these matters as they are subject to other appeals processes.

However, patterns of issues may be appropriate to consider as a concern under CCfA – for example, community concerns about the proliferation of licensed premises in a local neighbourhood.

The Local Community Concern Checklist

4 Is the focus of concern on a neighbourhood or locality issue?

Councillor Calls for Action focus on neighbourhood or locality issues. They provide a mechanism for ward Councillor/s to help resolve issues of concern in their wards.

If the concern is of a more general nature – for example, about policy or town-wide issues – a request for Scrutiny can still be made in the usual way.

5 Is the issue a genuine local concern?

You will need to be sure that the concerns in your ward are genuine and widely held, and not just an individual constituent's point of view or 'hobby horse'.

Establishing the views of other members of the community will be essential in clarifying this.

The ‘Championing a Request’ Checklist

6 Resolving an issue.

The core purpose of the CCfA is to assist in the resolution of local problems and concerns. Before you agree to championing a CCfA consider other appropriate courses of action such as complaints procedures, Members’ One-Stops or petitions.

7 When an apology, explanation or an assurance about a particular problem is enough to satisfy a community concern.

Where a Councillor raises an issue an apology, an explanation, or an assurance that an action will not be repeated might be given. If that addresses the concerns identified, and further actions such as changes to service provision are not required, then referral to Scrutiny would not be appropriate.

8 If the above are not appropriate or have been tried and not succeeded.

If other actions such as complaints, Members’ One-Stops or petitions have been tried without success, then you might wish to consider CCfA. Pursuing a CCfA will require you to:

- raise the issue with any local interest groups;
- facilitate an informal discussion meeting to consider residents’ views – ensuring that ALL points of view are recorded and reported;
- raise the issue at Community Council, cluster group etc;
- discuss the issue with the appropriate Executive Member;
- contact the Service for the appropriate service area

Before you start down this route, you should first register with the Scrutiny team your intent to action a CCfA.

The ‘Reality’ Checklist

9 Be selective

Only agree to take on issues that have wide support: don’t forget that for every group of residents that support a particular scheme, there will probably be another group that oppose it. Don’t set yourself impossible objectives - don’t set yourself up to fail.

Councillor Calls for Action are not a pathway to additional funding. If the Council has already decided not to take a particular course of action it might well be that the funding is not available. Use the One-Stop to get information BEFORE committing yourself to a particular course of action.

SECTION 2: HOW TO PROGRESS A CCfA

- 2.1 Democratic Services can advise on how to progress Councillor Calls for Action at any point, but preferably before you start the process.
- 2.2 CCfA is about helping Councillors to resolve issues and problems on behalf of their residents, and giving ward Members the opportunity to respond to local need. CCfA is not merely a Scrutiny Process: Scrutiny is the final step in a longer process. Hearing by OSB only comes into play when all other methods of resolution by the Member concerned have been exhausted.
- 2.3 Before starting with a CCfA, consider all the other avenues that might be appropriate. These might include:
- submitting a One-Stop
 - advising (or assisting) resident(s) to use the Complaints Procedure
 - advising on a petition
 - Call-In of Executive decisions (where appropriate)
- 2.5 Before a CCfA can be sent to Scrutiny for consideration, all actions in the chart below should have been taken, or at least considered.

STEP 1: REGISTERING YOUR CCfA WITH DEMOCRATIC SERVICES	
Actions to be taken	Notes / Guidance
Ensure that other appropriate avenues (see above) have been exhausted.	e.g. consider One-Stops, Complaints, Petition
Define the issue. Set out, in writing , what the issue isthis will avoid misinterpretation at a later stage.	Be very specific, and focus down in order to concentrate on the essence of the matter.
Contact the Principal Democratic Services Officer to register your intent to pursue a CCfA.	See Section 3 below

STEP 2: ESTABLISHING THAT YOUR CCfA IS A COMMUNITY ISSUE	
Actions to be taken	Notes / Guidance
Obtain community views	Consider calling a public meeting or undertaking a survey. If a public meeting is held, ensure that you have someone taking minutes that reflect all opinions/views.
Contact any relevant special interest or single interest groups in the area	For example, there might be Residents' Groups, or 'single interest' groups (e.g. playing field committees); 'Friends of' groups or users' groups (e.g. that have interest in Parks, Cemeteries, etc).
Get the matter raised at the Community Council	Obtain the relevant minutes

STEP 3: TAKING UP THE ISSUE WITHIN THE COUNCIL	
Actions to be taken	Notes / Guidance
Raise the matter with the relevant Executive Member	Democratic Services can advise on the full extent of Executive Members' portfolios. If the potential CCfA relates to an outside organisation (eg Health, bus companies, social housing) then the matter MUST be raised with the Executive Member. Ward Members should NOT make direct contact with external agencies, as approaches will need co-ordinating.
Write to the Service Director.	Once all of the above steps have been taken, you should write to the Service Director explaining the issue, what you have done so far, and the desired outcome.

STEP 4: INITIATING THE CCfA FOR CONSIDERATION BY SCRUTINY	
Actions to be taken	Notes / Guidance
Contact the Scrutiny Support Team. See Section 3 below.	Before a matter can be taken to Scrutiny, you will be required to demonstrate that all of the above steps have been either undertaken, or at least considered. If they have not been undertaken, you will be asked to indicate the reasons.

Prepare a report to Overview & Scrutiny Board	You will need to write a report to OSB demonstrating that other avenues have been tried, and if not, why they were not thought to be appropriate. Your report will need to be based on the evidence you have gathered at Step 2 above, and outline the responses that you have been given at Step 3 above.
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SECTION 3: REGISTERING A CCfA WITH DEMOCRATIC SERVICES

- 3.1 To register a CCfA as outlined in Step 1 in the preceding Section, you should contact the Democratic Services Team. Registering your intent to pursue a CCfA is indicating that you are committing yourself to the process outlined in Section 2, above.
- 3.2 At the time of registering the CCfA you will be required to provide the information set out below:
- Name of councillor who registering the concern
 - Date of register
 - Any other councillors supporting the CCfA
 - Details of the matter that Scrutiny is being asked to consider
 - Details of actions already taken by you (and other Members supporting the CCfA) to resolve the concern
 - Officers, services and partner agencies involved
 - Clarification regarding the resolution desired
 - Update if progress has been made

SECTION 4 – SCRUTINY CONSIDERATION OF YOUR CCfA

- 4.1 If the required actions listed in Section 2 above (How to Progress a CCfA) have been completed, and the matter is still unresolved, then you can request that the matter is referred to the next available meeting of the Overview & Scrutiny Board (OSB) for consideration.

The Legislation

- 4.2 The relevant sections of the Local Government & Public Involvement in Health Act 2007 that introduce Councillor Calls for Action enables Councillors to refer a matter to a Scrutiny Committee.
- 4.3 The Act only requires that the matter is placed on the agenda, and that it is discussed. The Act does not require that a scrutiny is undertaken with regard to the matter, or that the Scrutiny Committee takes any further actions (such as referring the matter elsewhere for consideration).

- 4.4 However, if the Scrutiny Committee decides not to exercise any of its powers in relation to the matter, it must notify the Member who proposed the CCfA of:
 (a) its decision, and
 (b) the reasons for it.
- 4.5 If the Scrutiny Committee decides not to exercise any of its powers in relation to the CCfA there is no right of appeal against that decision. Also, there is no right of appeal by constituents to the Council's Executive
- 4.6 The Scrutiny Committee must provide the Member who proposed the CCfA with a copy of any report or recommendations which it makes to the Council, or to the Executive, in relation to the matter.

Have all required steps been taken?

- 4.7 At the point that you request your CCfA to be heard by OSB, a Democratic Services Officer will complete a pro-forma setting out the details as follows:

		YES/ NO	EVIDENCE- please provide
1	Has there been proper consideration of other appropriate actions eg One-Stops, Complaints, Petitions		List actions
2	Has the issue been clearly defined?		Insert the matter for consideration as CCfA
3	Community views obtained – and supportive of the CCfA?		List all. Take copies of minutes etc
4	Relevant groups contacted for support? (eg single issue groups etc)		List all. Take copies of minutes etc
5	Is the Community Council supportive of the CCfA? If not, why not?		Take copy of minutes
6	Has the Executive Member been contacted?		Copy letters, e-mails, etc
7	Has the Service Director been written to?		Copy letters / e-mails
8	Have you prepared a report to OSB setting out the issue, the actions taken to address the issue, the outcomes so far, and the actions required to resolve the matter?		Attach report. Check format, content. Advise accordingly

- 4.8 If all of the steps detailed in this Guidance have been completed, then your CCfA will be placed on the agenda of the next available OSB. Officers do not have the power to screen out any CCfA where all the preparatory steps have been completed.

Scrutiny Actions - OSB

- 4.9 The Overview & Scrutiny Board will reject a CCfA if:
- The issue is currently going through the Council Complaints procedure;
 - Ward Councillors have not explored the issue fully and exhausted all avenues as set out in this Guidance;
 - The Scrutiny process could not add any value to the work undertaken by the ward Councillor(s);
 - Matter has already been subject to call-in.
 - The matter has been considered by Scrutiny or the Executive within the previous 6 months, and there are no changes in circumstances that require fresh consideration;
- 4.10 When the OSB accepts as valid a CCfA, it can take a number of actions when giving initial consideration to your CCfA. Essentially, OSB can:
- Decide to take no action. In this case, OSB must give you reasons for that decision.
 - Refer your CCfA to the Ad Hoc Scrutiny Panel for consideration.
- 4.11 The legislation requires that when the decision is to refer a CCfA that relates to crime and disorder matters to a Scrutiny Panel for consideration, then it must be remitted to the Panel that deals with such matters.
- 4.12 In respect to CCfA, the term 'crime and disorder' is defined as matters relating to:
- i) crime and disorder (including forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
 - (ii) the misuse of drugs, alcohol and other substances that affects the electoral area represented by the Member, or the people who live or work in that area
- 4.13 All other matters subject to CCfA will be referred to the Ad Hoc Scrutiny Panel, unless OSB agrees that there are exceptional circumstances which require the matter to be referred to another Scrutiny Panel (for example where another Panel is already giving consideration to a similar matter).

Scrutiny Actions - Panels

- 4.14 It will be the decision of the Scrutiny Panel, taking account of any guidance from OSB, as to the nature and duration of the Scrutiny investigation in respect of a CCfA.
- 4.15 As indicated above, even if your CCfA is considered by OSB or a Scrutiny Panel, their only power is to refer the matter, if appropriate, to the Executive or to the Council for consideration of Scrutiny recommendations.
- 4.16 If the Executive or the Council decide not to take any actions to resolve the matters raised by the CCfA, that is the end of the matter. Scrutiny cannot, at that point, take the matter any further.

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POLITICAL BALANCE PROCEDURE RULES

1. The Local Government and Housing Act 1989 established the principle of the proportional allocation of committee and sub-committee seats. The Council is also required under the Act to keep under review the representation of the different political groups on bodies appointed by the Council.
2. Where there are non-aligned councillors regulation 16 of the Local Government (Committees and Political Groups) regulations 1990 modifies the above and requires proportional allocation of seats to those members and introduces the requirement to have regard to the wishes of political groups in the allocation of members to their allocated seats.
3. It is open to the Council when carrying out a review to adopt some arrangement other than that prescribed by the Act and the Regulations.
4. Notice of such a proposal would have to be given in the Summons, and a decision would need to be made with no one voting against it. The remainder of this report assumes that the Council will not want an alternative arrangement to that prescribed by law.
5. In the main the annual meeting [after each ordinary election of councillors], is when the council:
 - a) resolves what committees shall be appointed, and what shall be the terms of reference of each of those committees, and of how many voting members each committee shall consist;
 - (b) resolve that non-voting members, shall also be appointed to any such committee;
 - (c) resolve what limitations shall be placed on the powers of any such committee to arrange for the discharge by a sub-committee of any functions which they may discharge.

Proportionality Principles

6. The Act sets out four principles which must be followed so far as reasonably practicable.

They are:

- (a) Preventing domination by a single group: All the seats on a committee should not be allocated to the same political group.
- (b) Ensuring a majority group enjoys a majority on all committees: If one political group has a majority in the full Council, that political group should have a majority on each committee.
- (c) Aggregating all committee places and allocating fair shares: Subject to the above two principles, the total number of seats on all the committees of the

Authority allocated to each political group should be in the same proportion as that political group's seats on the full Council.

(d) Ensuring as far as practicable fairness on each committee: Subject to the above three principles, the number of seats on each committee of the Authority allocated to each political group should be in the same proportion as that political group's seats on the full Council.

7. The Council's overriding duty to comply with (a) and (b) above takes precedence over achieving a mathematically balanced distribution of Committee seats as described in (c) and (d) and that – committee places reflect as closely as possible a groups proportion of seats on committees.
8. The Mayor is a member of the Council for the purposes of the LGA 1972 however that does not seem to be the case for the LG&HA 1989. As a result, the appointment of the Mayor to any non-executive committee is within the gift of the Council, but outside the political balance rules. Therefore the Mayor is considered as part of the Terms of Reference as an added member.

Application of Principles

9. The Council must review the establishment of its committees in accordance with the principles laid down in the Act. Immediately this is done, each political group should state the names of the councillors it wishes to take its allocated places on committees, and when those wishes are known, the Council is under a duty to make the appointment of those councillors as soon as practicable.
10. It is a legal requirement however that the Council formally approves the appointment of councillors to committees and therefore it is essential that each political group notifies the Principal Democratic Services Officer of their nominated councillors to serve on committees, preferably before the Council meeting.

Councillors not in a Political Group

11. In the case of councillors who are not members of a political group, a proportion of seats on committees equal to the proportion of Council members who do not belong to a political group has to be reserved, with appointments to these seats being made by the Council at its discretion.

Method to Calculate Places

12. The principles in paragraph 6 are applied as below:
 - I. Calculate the total number of seats with votes on all the committees subject to Political Balance.

- II. Calculate the proportion that each political group forms of the total membership of the Authority. Reserve an appropriate number of seats for ungrouped members.
- III. Apply those proportions to the total number of ordinary seats to give the aggregate entitlement of each group; the requirement to apply the proportions “so far as reasonably practicable” are met by rounding down fractional entitlements of less than half, and rounding up entitlements of a half or more; if this results in a greater aggregate than the number of seats available, the fractional entitlement(s) closest to a half should be rounded in the other direction until entitlements balance the available seats.
- IV. Apply the proportions to the number of councillors on each committee to give provisional entitlement to seats on that committee.
- V. Finally, adjust the seats on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement, whilst preserving the results reached at steps (iv) and (v) (thus applying principle (c) in paragraph 6). Where calculations identify additional seats (not allocated) the largest group followed by the next largest group etc., will have their choice of which committee places they wish to take their allocation from in the un-allocated/independent /vacant columns.
- VI. Unallocated spaces will be available to any independent members (who are not members of a group) – where more than one independent member is nominated for a seat then the seat is allocated at the discretion of Full Council.

Review of allocation of seats to political groups

- 13. The authority is under a duty to review the representation of different political groups at the annual general meeting or as soon as practicable after this date.
- 14. Subsequent reviews may only be conducted where a request in writing is provided by a group leader to the proper officer and where one month has passed since the last review.
- 15. As per the Local Government (Committees and Political Groups) regulations 1990 appointments are made in accordance with the wishes of a political group, then, so long as that person’s seat continues to be allocated to that group, the authority or committee which made the appointment shall act in accordance with the wishes of that group in determining whether and when to terminate the appointment.
- 16. If a group fails to express its wishes within a period of three weeks of being notified of the allocation or vacancy, the Council may make such appointment as it thinks fit.

17. The rules of political balance do not apply to the Licensing Sub Committees, the Health and Wellbeing Board, however the Council have previously determined that as far as possible, political balance is sought.
18. The Executive is exempt from the proportionality rules.

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Appendix 3

**Social Media Framework: Policy and Guidelines for
Elected Members**

January 2022

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INTRODUCTION

- 1.1 Social media is a form of electronic, interactive communication that enables users to create, publish and share content. Users are able to participate in social networking through the sharing of information, opinions, knowledge and interests. It is accessible 24/7 on a global platform.
- 1.2 From the perspective of Local Government, social media affords the opportunity to increase contact with residents and engage with 'hard to reach' groups. It provides an immediate and direct connection for increased interactivity with all stakeholders. Through enhanced openness and transparency, it helps build a sense of community by encouraging involvement in local democracy and decision making, which can help to increase resident satisfaction levels and ultimately improve service provision.
- 1.3 For the purpose of this policy, the term 'social media' covers sites and applications including, but not limited to, Facebook, Twitter, Instagram, LinkedIn, blogs, discussion forums, and any sites which may be developed subsequently to it. It also includes comments and discussion in respect of online newspaper articles and local media / news outputs.
- 1.4 Middlesbrough Council acknowledges the use of social media as an effective communications tool, but it should complement other official channels and not replace them. It must also be used effectively and sensibly so as to avoid reputational and credibility damage to the Council, present security risks, or breach the Data Protection Act.

PURPOSE

- 2.1 This policy applies to all Elected Members and relates to all social media use, irrespective of whether this be inside or outside of official capacities.
- 2.2 The following are examples of potential risks that Elected Members could face when using social media:
 - Damage to both the reputation of the Council and the respective Member;
 - Disclosure of confidential information / data breaches;
 - Breach of the Members' Code of Conduct through inappropriate use;
 - Safeguarding risks through the release of images or personal details;
 - Civil or criminal action relating to breaches of legislation (for example: publishing or forwarding untrue statements about a person that is damaging to their reputation may result in defamation action, for which the user would be personally liable);
 - Bullying, harassment, intimidation or witch-hunting; and

- Social engineering or “phishing” attacks, virus or other malware (malicious software) infection from infected sources.
- 2.3 In light of these potential risks, this policy has been created to provide guidance on the use of social media to ensure it remains lawful and effective, and does not compromise the Council’s information, computer systems / networks or stakeholders. Users must ensure that they use social media sensibly and responsibly and in line with Council policy.
- 2.4 This policy should be read in conjunction with the following:
- Data Protection Policy;
 - Middlesbrough Council Social Media Policy - this covers the use of social media sites by Council employees, Elected Members and by partners or third parties (including contractors) on behalf of the Council;
 - The Members’ Code of Conduct; and
 - The Members’ Handbook.

USE OF SOCIAL MEDIA AND ELECTED MEMBERS’ RESPONSIBILITIES

- 3.1 Elected Members are able to establish and utilise their own social media accounts. However, it is important to note that those doing so retain full personal responsibility for all published content.
- 3.2 The Members’ Code of Conduct and relevant legislation continues to apply online and when using social media. If making any reference to your role as an Elected Member, you are perceived to be acting in your ‘official capacity’ and therefore any conduct may fall within the code.
- 3.3 Users must be confident, both in terms of a willingness to participate in social media as it does bring many advantages, but also confident in the nature of the information that is being published. Elected Members need to give careful consideration to the information being published as it is very difficult to retract and control once released into the public domain, and should also be aware that information can be taken out of context and ‘shared’ further. As a rule of thumb, users should ask themselves whether they would be confident in conveying the information face-to-face or in a public meeting setting. If not, do not publish it on online or on social media.
- 3.4 Stringent use of privacy settings will help prevent social media being accessed by the press or public, but there is no guarantee that posts or actions will remain totally private. Always read the terms of service for the social media site being utilised and ensure that privacy and access settings are fully agreeable before proceeding with sign-up.

- 3.5 In instances where Elected Members wish to separate their private lives from their official capacities, it is recommended that individual accounts or pages (in the case of Facebook, for example) be established. This will help prevent members of the public from accessing personal profile data.
- 3.6 In any biography, the account should state that the views are those of the respective Elected Member and may not represent the views of the Council.
- 3.7 The Council's logo or any other Council related material must only be used in an official capacity.
- 3.8 The Council will not promote Elected Members' social media accounts.

CONDUCT

- 4.1 Elected Members must treat others with courtesy and respect, avoid personal attacks and not make disrespectful, offensive or rude comments. Conduct must not differ from what is considered acceptable in the workplace. Consideration must be shown for others' views and privacy and published material must comply with the Equality Act 2010 and associated legislation; material must not be considered sexist, racist, ageist, homophobic or anti-faith.
- 4.2 Social media must not be used to publish content which may result in action for defamation, discrimination, breaches of copyright, data protection or other claims for damages. This includes but is not limited to, material of an illegal, sexual or offensive nature that would bring the Council into disrepute.
- 4.3 Use of social media must not breach the Council's misconduct, equal opportunities or bullying and harassment policies.
- 4.4 Examples of good practice and 'hints and tips' are attached at the appendices section of this document.

SAFETY

- 5.1 When establishing accounts on social media sites, it is important to use a secure password. This should be more than eight characters and include a mixture of letters and numbers. Password information should never be released to anyone.
- 5.2 Elected Members must not disclose personal details of other individuals, such as home addresses and telephone numbers. Ensure that you handle any personal or sensitive information in line with the Council's Data protection policy and use caution when sharing information.
- 5.3 Maintain awareness of your own safety when placing information on the internet and do not publish information which could leave you vulnerable. Any Elected Member receiving threats, abuse or harassment via their use

of social media should report it directly to their political group leader, Democratic Services and / or the police.

- 5.4 For any concerns relating to such matters as safeguarding and crime and anti-social behaviour, avoid commenting or opening up dialogue online. Rather, report matters directly to the police or appropriate Council department (see useful contacts).

INFORMATION AND DATA PROTECTION

- 6.1 In respect of social media, Elected Members are governed by the Members' Code of Conduct and relevant legislation.
- 6.2 When processing personal data in their role as a Ward Councillor, individual Elected Members are 'data controllers' and are solely responsible for their own compliance with the UK General Data Protection Regulation 2016, Data Protection Act 2018, and any other applicable data protection legislation.
- 6.3 When intending to process personal data in their capacity as an Executive or Committee Member, Elected Members must seek advice from the Marketing and Communications Team.
- 6.4 Any reference made to the Local Authority's residents, for example: use of their image to promote initiatives in the ward, must comply with the data protection legislation.
- 6.5 Social media sites are often in the public domain and it is important that Elected Members are confident in the nature of the information being published / shared. Even where Members use data from or in the public domain, they must still comply with the data protection legislation.
- 6.6 Elected Members must not publish, share or report on meetings which are private or internal, or publish or share any exempt Committee reports or private papers.
- 6.7 Copyright laws continue to apply online. Elected Members must not use images to which they do not hold the copyright and any information shared should be attributed to the source.
- 6.8 The use of third party social media sites cannot be controlled by the Council. However, where complaints are received as to the appropriateness of social media posts, information will be gathered and retained by the Council in line with standards procedures. This information will be held for the period of time necessary to complete any related investigation.

FAILURE TO COMPLY WITH THIS POLICY

- 7.1 Breaches of this policy may result in a formal complaint being made to the Monitoring Officer to be dealt with under the Council's Standards Procedures. If you feel that Members are breaching this policy, this needs to be reported as a breach of the Members' Code of Contact to the Head of Democratic Services.
- 7.2 Other violations of this policy, such as breaching the data protection legislation, could lead to fines being issued and possible criminal or civil action being taken against the Council or the individual(s) involved.
- 7.3 The Council reserves the right to request the removal of any content that is deemed to be in breach of the Members' Code of Conduct.

USEFUL CONTACTS

- 8.1 If you need any advice or further assistance with social media, please contact the following:
 - Communications Team: marketing@middlesbrough.gov.uk
- 8.2 For Data Protection enquiries:
 - Data Protection Officer: dataprotection@middlesbrough.gov.uk

APPENDICES

Appendix 1 – LGA Digital Engagement for Elected Members (Good Practice Guidance)

Rules of engagement

Welcome to my page, which aims to communicate my activities as a councillor.

If you wish to be a part of this online community, you must agree to abide by this code of digital engagement, which is designed to keep everyone safe.

RULE 1
Debate and disagreement are welcome on this page, but only if expressed with courtesy, respect and politeness.

RULE 2
Posts should not contain abuse, harassment, intimidation or threats of any form.

RULE 3
Posts should not contain any form of discrimination – including racism, sexism, ageism, ableism, homophobia, transphobia or religious intolerance.

RULE 4
Posts should not spread false or unverified information.

RULE 5
For transparency reasons, users should not post anonymously.

If any of these rules are broken, page admins reserve the right to delete posts, block users and report content to the police if necessary.

It may not be possible to respond to all queries on this page due to time constraints - if you have specific enquiries or casework, please send directly to my official email.



For more information on the LGA's work on handling abuse on social media and digital citizenship visit: www.local.gov.uk/civility-public-life

REF 43.4

Source: https://www.local.gov.uk/sites/default/files/images/43.4%20Engagement_Cllr.png

Appendix 2 – Principles of Social Media Use (Good Practice Guidance)

- **Be professional** - remember that you are an ambassador for the Council - ensure your content is consistent with how you would be expected, as an Elected Member, to present yourself to colleagues, partners and users of Council services.
- **Be responsible** - be honest at all times and seek guidance when you are unclear as to the correct course of action. Do not act in a manner that would bring the Council into disrepute.
- **Be credible** - be accurate, fair and thorough and behave with full transparency.
- **Be current and timely** - make sure your content is up to date. Provide a good response to feedback in a timely manner.
- **Obey the law** - be aware that libel, defamation, copyright and data protection laws apply.
- **Be safe** - never give out personal details like your home address or phone number.

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MIDDLESBROUGH COUNCIL

Report of:	The Monitoring Officer
Submitted to:	Council – 26 January 2022
Subject:	Council Committees - Vacancies

Summary

Proposed decision(s)
To seek Members' approval to nominations for appointment, arising from vacancies as a result of 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.

Why does this report require a Member decision?

2. Following the Annual Meeting 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. Following the Annual Meeting of the Council held on 26 May 2021, 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, 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 C

Children and Young People's Learning Scrutiny Panel

1 Vacancy – Open to Conservative Councillors initially

Vice Chair of Children and Young People's Learning Scrutiny Panel

Must be a member of Children and Young People's Learning Scrutiny Panel

Corporate Health and Safety Steering Group

1 Vacancy – Open to all Councillors

Culture and Communities Scrutiny Panel

1 Vacancy – Open to Conservative Councillors initially

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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