

EXECUTIVE

Date: Monday 24th May, 2021
Time: 1.00 pm
Venue: Council Chamber

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes - Executive - 13 April 2021 3 - 12
4. Minutes - Executive - 11 May 2021 13 - 14

EXECUTIVE MEMBER FOR COMMUNITIES AND EDUCATION

5. Schools Capital Programme 2021 15 - 28
6. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Friday 14 May 2021

MEMBERSHIP

Mayor A Preston (Chair) and Councillors B Cooper, E Polano and M Smiles

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Chris Lunn / Georgina Moore, 01642 729742 / 01642 729711, chris_lunn@middlesbrough.gov.uk / georgina_moore@middlesbrough.gov.uk

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EXECUTIVE

A meeting of the Executive was held on Tuesday 13 April 2021.

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

PRESENT BY INVITATION: Councillors J Thompson

OFFICERS: M Adams, C Benjamin, S Bonner, S Butcher, R Farnham, G Field, R Horniman, C Lunn, G Moore, T Parkinson, S Reynolds, E Scollay and I Wright

APOLOGIES FOR ABSENCE: A Preston (The Mayor)

20/131 **DECLARATIONS OF INTEREST**

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

20/132 **MINUTES - EXECUTIVE - 16 MARCH 2021**

The minutes of the Executive meeting, held on 16 March 2021, were submitted and approved as a correct record.

20/133 **YOUTH SERVICES UPDATE**

The Deputy Mayor and Lead Member for Children's Social Care and the Executive Director of Children's Services submitted a report for the Executive's consideration. The purpose of the report was to provide information on the outcome of the Youth Services tender and mobilisation activity ongoing to ensure services commenced on 1 April 2021.

On 14 July 2020, the Executive had granted approval for the formal procurement of a Youth Service to be carried out by Middlesbrough Council.

A compliant tender had been carried out and following evaluation, in line with the tender requirements, the Council had awarded the following contracts:

- a) Lot 1 - Universal Youth Work - The Linx
- b) Lot 2 - Targeted Youth Work - The Junction
- c) Lot 3 - Transition Youth Work - Middlesbrough Football Club (MFC)

The contracts commenced on 1 April 2021 and, following contract award, the Council had been working with all three providers on their mobilisation plans.

All providers had confirmed that the work they were carrying out on mobilisation planned to ensure that their services were up and running on the 1 April 2021.

Collaboration between all three suppliers was working positively, ensuring co-ordination of delivery plans and referral criteria with a main focus on avoiding duplication and ensuring the youth offer was comprehensive.

ORDERED

That the content of the report be noted.

REASON

The report was being provided in order to keep the Executive informed of the impact of its decision to tender contracts to deliver those services.

CARE HOME BROKERAGE AND TRUSTED ASSESSOR

The Executive Member for Adult Social Care and Public Health and the Director of Adult Social Care and Health Integration submitted a report for the Executive's consideration. The purpose of the report was to request approval to develop an in-house care home brokerage and trusted assessor service, following the termination of a current contract

Care Home Selection, an independent provider, had been awarded a contract with Middlesbrough Council on 1 July 2019 for the purpose of delivering both a Trusted Assessor and Family Support service at James Cook University Hospital. The service supported family members in choosing an appropriate care home at the point of discharge from hospital for a loved one. The service would terminate on 1 July 2021

The service planned to also reduce any delays in discharge by conducting a trusted assessment on behalf of the care home, to enable the care home to determine whether it could accept the placement. Without the service, a care home would need to arrange to visit the ward and carry out their own assessment, which could often take time to arrange, contributing to delayed hospital discharges.

The purpose of the service was to reduce delays on leaving hospital by being the trusted link for the assessment between the care home and the hospital. That supported the hospital in ensuring there was no bed blocking and patients were supported through the process to their onward journey of care.

The main functions of the service were outlined at paragraph 6 of the submitted report.

OPTIONS

Alternative options were:

- a) **Do nothing - The contract could have been terminated with no replacement service. Care Homes would have therefore been asked to assess patients within the hospital setting themselves and families would have been supported by the Council's hospital social work team. That had been viewed as not a viable option due to a number of factors. Currently assessments were completed with a maximum 24 hours, but performance reporting showed those were usually completed within 4 hours. As a result, Middlesbrough was performing well in terms of minimal delayed hospital discharges. Care homes, due to demand pressures within the home environment, would have been unable to meet that target should they be required to attend the wards themselves. The hospital social work team was already under significant work pressures, and to add additional burden to their workload, in supporting family members to choose care homes, would have been unrealistic.**
- b) **Renegotiate current contract - Whilst performance of the current provider was very good, the unit cost of the contract was high, and it did not offer value for money. Renegotiation of the contract may have reduced the unit price slightly, however, it still would not have provided the flexibility needed, should there be change in service, or workflow. The ability to flex the model at short notice and mid-year was required without needing to consider impact on the budget per assessment.**

The development of an in-house team would enable the service to be flexible without the risk of incurring additional costs. In addition, a 7 day costed model for an in-house service had been developed that would allow for 2 Trusted Assessors, a Co-ordinator, a Placement Assistant with management support which would still deliver savings when compared to the current contract costs. That model would deliver twice the trusted assessment time that the current model provided for offering significant opportunity to manage the current demands.

ORDERED

That development of an in-house care home brokerage and trusted assessor service, following the termination of a current contract, be approved.

REASON

The initial contract term expired on 1 July 2021. The contract arrangement provided for a block number of assessments per quarter, with a spot rate for any assessments needed in excess of the block. Despite the Covid 19 pandemic, the number of assessments had significantly exceeded the block per quarter.

Furthermore, the experience of the pandemic had highlighted the need for flexibility of service provision, the Government had introduced different workflows for hospital discharge, such as the requirement for designated settings, those were settings for 3 individuals discharged to residential care whom were Covid positive. Due to that change in workflow, those were different assessments and therefore chargeable under Middlesbrough Council's care home selection contract, that was an unforeseen cost.

Those additional assessment costs resulted in the contract not providing overall value for money.

20/135

CHANGING FUTURES FUNDING OPPORTUNITY

The Executive Member for Adult Social Care and Public Health, the Director of Adult Social Care and Health Integration and the Director of Public Health submitted a report for the Executive's consideration. The purpose of the report was to provide an update on the Changing Futures funding opportunity and to seek approval for a formal submission on a South Tees partnership basis with Middlesbrough Council as the lead organisation.

Following Middlesbrough's award of approx. £4.5m funding for Project ADDER, the Government had announced £46m from the Shared Outcomes Fund for a new programme: Changing Futures - aimed at changing systems to support adults experiencing multiple disadvantage. It was being led by the Ministry of Housing, Communities & Local Government (MHCLG).

The programme planned to work in partnership with up to 15 local areas to test innovative approaches and improve outcomes for people experiencing multiple disadvantage, including a combination of homelessness, substance misuse, mental health issues, domestic abuse and contact with the criminal justice system.

The Expression of Interest (EoI) had been submitted on behalf Middlesbrough and Redcar & Cleveland Councils, along with a variety of partner organisations across a South Tees partnership.

The South Tees (ST) EoI had been successful and ST had been able to claim a development grant of £15k to appoint a bid co-ordinator. The appointed lead was working with all organisations within the ST partnership and co-ordinating the development of a costed delivery plan to ensure the formal bid was submitted on time.

If successful, MHCLG guidance stated that it expected two year grants to total approx. £1.5m - £4.5m per area. However, MHCLG had just extended the length of the programme through until 31/3/24, thanks to a partnership with the National Lottery Fulfilling Lives fund. That planned to ensure additional funding for successful areas, which would be based on the proposed, costed delivery plan submitted. Delivery was expected to commence in June/July 2021.

If successful, ST would seek to apply the Middlesbrough Council corporate 8% management fee to the funding as the grant recipient. It was also within scope to recruit strategic lead capacity with the funding to oversee the programme.

OPTIONS

Retaining the status quo and not accepting the funding would deny Middlesbrough/South Tees the opportunity for significant investment and improvement in services for some of its most complex and vulnerable residents. Addressing those complex vulnerabilities and tackling the underlying social determinants of poor health in the group, including issues such as criminal justice, employment and positive relationships, provided the potential to transform local lives. The negative impact that

those issues had on the wider community, and the area as a whole, could be significantly mitigated by investment at that scale.

ORDERED

- a) That a formal submission on a South Tees partnership basis, with Middlesbrough Council as the lead organisation, be approved;
- b) Subject to the bid's success, that approval be granted to receive the grant funding on behalf of the South Tees partnership and distribute it amongst the partner organisations;
- c) If successful, that delegated authority be given to the Director of Public Health (DPH), as the named lead for the South Tees partnership, in consultation with the relevant Executive Member, to allocate future funding for Changing Futures, up to £150k per intervention/decision and to approve costed delivery plans relating to the programme via the Governance and Steering Board.
- d) That delegated authority be given the Director of Public Health (DPH), as the named lead for the South Tees partnership, to sign the bid on behalf of Middlesbrough Council as lead authority for the partnership.

REASON

Successfully attaining a Changing Futures area status presented an opportunity to attract significant external funding to Middlesbrough and the wider South Tees area, which would benefit a wide range of the area's population, including extremely vulnerable groups. The delegated authority to the DPH requested was being made within the context of creating a South Tees Partnership Governance and Steering Board, should the bid be successful. That group would include key representatives from commissioning/procurement, finance, HR and social care, as well as appropriate partner organisations representation. Decisions regarding delivery plans, interventions, recruitment and procurement processes would be agreed within that group.

The benefits of being Changing Futures programme area included:

- a) The funding could have a significant positive impact on the lives of local people impacted by multiple vulnerabilities.
- b) The timing was extremely welcome given the challenges outlined in the 'Report Background' section of the submitted report and the following, current and critical issues relating to the last two years:
 - highest levels of drug related deaths on record;
 - highest levels of alcohol related deaths on record;
 - unprecedented number of domestic homicide reviews;
 - significant increases in those in temporary accommodation and with acute housing issues; and
 - impact of the COVID-19 pandemic.
- c) It would benefit the integrated service model, which brought together domestic abuse, homelessness and substance misuse services from 1 April 2021, aiming to better address the complex vulnerabilities faced by some residents. Changing Futures status would help South Tees partnership to complement the approach with additional capacity and maximise the benefits of the new model with significant external investment in key areas of specialist support.
- d) The issues associated with multiple vulnerabilities impacted on a wide range of health outcomes and service provision, including demand on children's services, primary and secondary care and adult social care. Improved outcomes would translate to further benefits across key areas of health and social care.
- e) Stakeholder consultation was not formally required in order to approve the receipt of the funding, however, co-production of the interventions with the South Tees partners, VCS, local service user community and 'experts by experience' planned to form a key part of the programme.
- f) Both Changing Futures and Project ADDER supported the recent Middlesbrough Council Health Scrutiny Panel's examination of opioid dependency, which recommended that the topic was to become a long-term, standing agenda item due to its level of impact and complexity. Multiple partner organisations had been invited to the panel over the last year in order to promote a whole-system approach to tackling the 'wicked problem'.

- g) In addition to the funding, being a Changing Futures programme area would ensure that South Tees benefitted from:**
- **having direct links with the MHCLG and other key, government departments with local findings/outcomes influencing national decisions;**
 - **being part of a network with other Changing Futures areas to gather and share best practice; and**
 - **being provided with additional, specialist support from other organisations involved in the Changing Futures national programme, including Making Every Adult Matter (MEAM).**

20/136

COMMUNITY ASSET TRANSFERS

The Executive Member for Finance and Governance and the Director of Finance submitted a report for the Executive's consideration. The purpose of the report was to seek approval to explore community asset transfer for four Council buildings by recommending that the Council invited expressions of interest for the four buildings, and progressed the process outlined in the community asset transfer policy.

A number of community asset transfers had already been carried out successfully offering opportunities for localised social regeneration, improved access to educational activities and growing small businesses.

Brambles Farm Community Centre, The International Centre, Langridge Initiative Centre and 22 Holylake Rd all had tenants currently occupying the buildings with non-commercial arrangements in place, however, the Council still had a financial pressure to invest in maintenance and remedial work.

There had been little interest in securing a commercial tenant for those buildings. In part that was due to the complexities of the building and in part also due to their respective locations meaning them ill-suited to attracting business investment.

Those currently occupying the buildings were also limited in seeking access to funding opportunities to enhance the buildings due to the nature of their current agreements and as a result, the buildings, though occupied, continued to deteriorate attracting anti-social behaviour and community concerns. The buildings also required increased reactive maintenance and the Council had responsibility for the rates.

All four current occupiers had now approached the Council to seek to remedy that by enquiring as to opportunities to community asset transfer the buildings.

OPTIONS

- a) **Continue with current arrangements - That may have resulted in continued costs to the Council. It would also have reduced the capacity of any potential occupiers to draw down funding opportunities and inevitably lead to further structural deterioration.**
- b) **Demolish buildings - That would have incurred capital costs, and the buildings currently had occupation from community and voluntary sector organisations.**
- c) **Sell the buildings - An Asset Disposal business case may have proved challenging. The market value, given the buildings location, may have been challenging with bids coming in under their current worth. It would have also reduced the Council's influence to determine the future direction of the building and therefore disposing of a building that could potentially have both a greater physical and social regeneration impact.**

ORDERED

- a) **That progression of the community asset transfer policy be approved for potential execution of community asset transfer leases for Brambles Farm Community Centre CC, Langridge Initiative Centre, The International Centre and 22 Holylake, subject to appropriate expressions of interest and submission of appropriate business cases.**
- b) **That a future report be presented to the Executive, outlining the outcome of the**

financial appraisal and recommendations for approval for each community asset transfer based on its own merits following due diligence where appropriate.

- c) That the Community Asset Transfer Policy be refreshed alongside the Community Governance Review process, currently being progressed.

REASONS

Community asset transfers presented opportunities to facilitate social regeneration as well as local community access to education, health and recreational activities across Middlesbrough.

There had been little interest in securing commercial tenants for the buildings. In part that was due to the complexities of the building and in part also due to their respective locations, meaning them ill-suited to attracting business investment.

A building left unused attracted a significant amount of criminal damage and impacted upon Council budgets due to the requirements to maintain general up keep and rates.

A community asset transfer demonstrated a key business imperative to reduce Council expenditure.

Discussions with local stakeholders, such as the local business owners and residents living in close vicinity, had shown that they want to see the buildings used more for the community.

Transfer to community interest companies and charities would allow for potential investment and physical enhancements to the building supporting the 2020-23 Strategic Plan in terms of physical regeneration in all four deprived wards in Middlesbrough.

20/137

COMMUNITY BENEFIT ARISING FROM ASSET DISPOSAL

The Executive Member for Finance and Governance and the Director of Finance submitted a report for the Executive's consideration. The purpose of the report was to seek approval for revisions to the asset disposal policy. The amendments outlined a community benefit clause that stated in the event that an asset was disposed of above the projected market value, 3% of the value would be made available for local community use.

In some circumstances an asset that was disposed through open market may attract above market value, as such, amendments had subsequently been made to the asset disposal policy to allow local communities to benefit, should such circumstances arise.

Those amendments included:

- 3% of the disposal price being made available to the ward for community use; and
- the funding being maintained within the Finance Directorate and spend within the community being agreed by the Director of Finance, Executive Member for Finance and Governance and the relevant ward councillors. That planned to ensure any capital receipt expenditure would meet accounting requirements.

OPTIONS

Do nothing - The asset disposal policy could have remained unchanged, and any assets disposed of above market value would have had a positive impact in terms of an enhanced capital receipt. However, the Local Authority was committed to locality working and that was an opportunity to stimulate investment at ward level.

ORDERED

That an amendment to the asset disposal policy be approved, to facilitate local communities benefiting whereby a Council owned asset was disposed of within their respective locality above market value.

REASON

To ensure that the Council continued to have an asset disposal process which was responsive, fit for purpose and allowed the Council to clearly demonstrate Value for Money in relation to the disposal of Council owned assets, but also a policy that reflected support to local communities.

20/138 **TENDER PIPELINE APPROVAL 2021/22**

The Executive Member for Finance and Governance and the Director of Finance submitted a report for the Executive's consideration. The purpose of the report was to request approval of Middlesbrough Council's tender pipeline for 2021/22 and agree delegation of award to the relevant Director, in consultation with their Executive Member.

A tender pipeline for April 2021 to 31 March 2022 had been developed as part of the Council's work programme. In order to strengthen governance over procurement, it was requested that the Executive agreed the intended procurement activity and delegated authority for contract award to the relevant Director, in consultation with their Executive Member.

Whilst a tender pipeline had never previously been presented, the Specialist Commissioning and Procurement Senior Manager wanted to further strengthen internal governance arrangements.

The tender pipeline would be a live record which would be maintained by the Commissioning and Procurement Team and available for the supplier market to view on the Council's website.

In the event that new tenders were added during the year, then individual Executive reports would be presented.

ORDERED

That the tender pipeline for 2021/22 be approved, including the delegation of responsibility for award to the relevant Director in consultation with their Executive Member.

REASON

To further strengthen governance arrangements for procurement activity undertaken by the Council.

20/139 **BOHO RESIDENTIAL SITE - MARKETING AND DISPOSAL**

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

- a) the commencement of a process to market and dispose of the Council's freehold interest in land at Middlehaven, in order to facilitate the Boho Residential development; and,
- b) the principle to allocate grant funding of up to £2m from the Towns Fund, where an appraisal had confirmed that there was a funding gap that would otherwise make the scheme unviable, subject to confirmation of compliance with Subsidy Control rules.

The Boho Residential site was approximately 1.25 acres and was shown on the plan attached as Appendix 1 of the submitted report. The area comprised the eastern area of a Council owned car park, which was surrounded by a perimeter fence with gated access, and was adjacent to the site of Boho X.

The vision for the proposed scheme was to create an aesthetically pleasing development of up to 90 residential units. Marketing particulars would be produced, which planned to provide guidelines on the key layout principles, type and quality of development that the Council would be seeking to achieve on the site. Historic England had already identified that future development in the area should show greater regard for the historic grid iron pattern of the area.

The land had been valued by Valuation and Estates at £220k per acre, giving a land value of

£275k. An Asset Disposal Business Case was attached at Appendix 2 to the submitted report.

The anticipated capital receipt from the sale of the site could not be considered in isolation. The wider socio-economic benefits to the town also needed to be considered. The development would complement Boho X and would support the implementation of the DigitalCity masterplan by providing high-quality homes for potential employees.

ORDERED

- a) **That the commencement of a process to market and dispose of the Council's freehold interest in land at Middlehaven be approved, in order to facilitate the Boho Residential development.**
- b) **That the principle to allocate grant funding of up to £2m from the Towns Fund be approved, where an appraisal had confirmed that there was a funding gap that would otherwise make the scheme unviable, subject to confirmation of compliance with Subsidy Control rules.**

REASON

The Elected Mayor of Middlesbrough had an ambition to attract an additional four thousand people to live in the town centre in the next ten years. The Mayor's ambition accorded with the priorities for Place, set out in the Strategic Plan 2020-23, which stated that the Council would:

- a) **develop Middlehaven as a residential, leisure and commercial centre of national significance; and**
- b) **build more town centre homes to boost businesses and increase vibrancy, while reducing the need to build on green space.**

The establishment of a viable and vibrant Urban Living concept would also give confidence to occupiers, developers and investors that the town centre was a safe, comfortable and well managed place in which to enjoy living, learning/working and leisure time.

The development would also complement Boho X and would support the implementation of the DigitalCity masterplan by providing high-quality homes for employees.

20/140

FUTURE HIGH STREETS FUND - TOWN CENTRE PROPERTY AND ASSET MANAGEMENT (PART A)

The Executive Member for Regeneration, the Executive Member for Finance and Governance, the Director of Regeneration and Culture and the Director of Finance submitted a report for the Executive's consideration. The purpose of the report was to set out the framework for the delivery of the recently allocated £14.1m from the Future High Streets Fund (FHSF). A significant proportion of that was proposed to be spent within the Council owned asset, the Captain Cook Square shopping centre. The report also set out the operational parameters against which officers were delegated to manage and let the asset and the formal approval to deliver the FHSF interventions, in line with the strategic business case and funding criteria as set out in the successful bid.

Middlesbrough Council had successfully secured £14.1m from the FHSF. The funding had been awarded specifically for the purposes set out in the bid and would be recoverable if not used for that explicit purpose. That included:

- a) £3.5m for residential property;
- b) £1.05m for transport adaptations and improving safety/security of town centre areas;
- c) £270,352 for cultural animation and experiences;
- d) £250k for businesses adaptations for Covid mitigations; and
- e) £9.1m for the transformation of Captain Cook Square for leisure uses, incentives, decant compensation, remodelling units, contribution to fit out and adapting public spaces.

The £9.1m dedicated to Captain Cook Square required input from both Council officers and the managing agent. The most appropriate funding structure would be identified to ensure that all works and financial incentives were procurement compliant, subsidy control regime (former

state aid) compliant and were delivered to the conditions of funding set out by HMGovt.

The Council had purchased the Captain Cook Shopping Centre as part of a strategic case to support the town centre economy and to provide significant commitment to FHSF programme, demonstrating a coherent policy to intervene in, and enhance, a struggling market. That was pre Covid, in the wake of Covid, town centre issues, alongside the unfortunate number of distressed retailers, had amplified and exacerbated the problems facing retail, leading to a greater and more urgent case for intervention.

The announcements prior to Christmas, and in the recent budget, provided much needed and anticipated news, that the Council had been successful in levering in desperately required Government capital. The proposals within the report both maximised the contribution and allowed that to be used to lever in additional private finance, which minimised the Council's risk.

By investing C. £9.1m of awarded FHSF monies in Captain Cook Square, the Council could:

- a) rebalance the town centre economy, making it more sustainable for the future;
- b) drive additional footfall into central Middlesbrough, creating benefits for all tenanted businesses;
- c) create a more sustainable retail market by reducing supply (currently there were four shopping centres in the town centre) would positively impact on demand;
- d) increase the reputational and visitor appeal for Middlesbrough;
- e) create and sustain new employment opportunities;
- f) create additional appeal in supporting the new urban living market;
- g) repurpose C. 400k sqft of retail floorspace to address oversupply, protect asset values and encourage renewal investment by property owners; and
- h) inject a new vibrancy and impetus into the town centre economy.

ORDERED

- a) **That the information contained in Part A of the report be noted.**
- b) **That the decision be taken once all the financial or exempt information contained in Part B of the report had been considered.**

20/141 **EXCLUSION OF THE PRESS AND PUBLIC**

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

20/142 **EXEMPT - FUTURE HIGH STREETS FUND, TOWN CENTRE PROPERTY AND ASSET MANAGEMENT (PART B)**

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

ORDERED

That the recommendations of the report be approved.

REASONS

The decision was supported by the following reason:

For reasons outlined in the report.

The decision(s) will come into force after five working days following the day the decision(s) was published unless the decision becomes subject to the call in procedures. The report entitled 'Changing Futures Funding Opportunity' was added as an urgent item and, following agreement from the Chair of the Overview and Scrutiny Board, will be exempt from call in procedures.

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EXECUTIVE

A meeting of the Executive was held on Tuesday 11 May 2021.

PRESENT: Mayor A Preston (Chair) and Councillor M Smiles

PRESENT BY INVITATION: Councillor D Coupe

ALSO IN ATTENDANCE: Councillors B Cooper, C Dodds, L Garvey, J Hobson and T Mawston

OFFICERS: M Adams, C Benjamin, S Blood, R Brown, G Cooper, G Field, R Horniman, T Parkinson and I Wright

APOLOGIES FOR ABSENCE: Councillors D Davison, A High, C Hobson, D McCabe and A Waters

INQUORATE MEETING

A formal notice had been issued to all concerned of a meeting of the Executive to be held on 11 May 2021.

At the appointed time of 1.00 pm the following were present:

Executive Members:
Mayor A Preston
Councillor M Smiles

Part 3, Paragraph 16, of the Council's Constitution stated that the quorum at a meeting of a Council Committee or Sub Committee would be the greater of three or one quarter of the whole of the membership. If at the start of the meeting there was not a quorum present and, if after a period of five minutes there was still not a quorum, the meeting would be abandoned. The business would be considered at the next ordinary meeting of the Committee, or at an Extraordinary meeting convened for that purpose.

As three Members were required to achieve a quorum, the Mayor declared that there was not a quorum present, and adjourned the meeting, with the remaining business to be considered at a future meeting.

20/143 **MINUTES - EXECUTIVE - 13 APRIL 2021**

Item deferred.

20/144 **STRATEGIC PLAN 2021-24: APPROACH TO DELIVERY**

Item deferred.

20/145 **REVISED FEE STRUCTURE FOR NEWHAM GRANGE FARM**

Item deferred.

20/146 **SCHOOLS CAPITAL PROGRAMME 2021**

Item deferred.

20/147 **TEESSIDE ARCHIVES**

Item deferred.

20/148 **GREEN STRATEGY**

Item deferred.

20/149 **TREE POLICY (AMENDED FEBRUARY 2021)**

Item deferred.

20/150 **ADOPTION OF STAINSBY COUNTRY PARK AND MASTERPLAN**

Item deferred.

20/151 **JOINT DEVELOPMENT PRIORITIES**

Item deferred.

20/152 **LOCAL AUTHORITY DELIVERY 2 (LAD2) GRANT APPLICATION AND SCHEME DELIVERY**

Item deferred.

20/153 **MIDDLESBROUGH DEVELOPMENT COMPANY (MDC): FINANCE**

Item deferred.

20/154 **TOWNS FUND AND FUTURE HIGH STREETS FUND**

Item deferred.

20/155 **FINAL REPORT OF THE ECONOMIC DEVELOPMENT, ENVIRONMENT AND INFRASTRUCTURE SCRUTINY PANEL - PEST CONTROL SERVICES - SERVICE RESPONSE**

Item deferred.

20/156 **FINAL REPORT OF THE HEALTH SCRUTINY PANEL - OPIOID DEPENDENCY - WHAT HAPPENS NEXT? - SERVICE RESPONSE**

Item deferred.

MIDDLESBROUGH COUNCIL



Report of:	Councillor Mieka Smiles - Executive Member for Communities and Education Rob Brown - Director of Education, Prevention and Partnerships
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Submitted to:	Executive - 24 May 2021
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Subject:	Schools Capital Programme 2021
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Summary

Proposed decision(s)
That Executive approves the new schemes included in Appendix 1 be added to the Schools Capital Programme for delivery in 2020/21 and 2021/22.

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

Contribution to delivery of the 2020-23 Strategic Plan

People	Place	Business
Ensuring that Middlesbrough has the very best schools. The report will ensure that all pupils can access an appropriate school place and provide a safe and welcoming environment in which they can learn and achieve.	The report recommends investment in improving learning environments and providing new school places, supporting the delivery of new homes and a growing school-age population.	

Ward(s) affected
The capital programme covers schools widely distributed across the town. There are no specific ward implications. Ward members will be consulted on individual building schemes where appropriate as part of the normal process of securing planning permission.

What is the purpose of this report?

1. To seek approval of new schemes to be added to the schools capital programme for delivery in the academic years 2020/21 and 2021/22.

Why does this report require a Member decision?

2. The report concerns capital investment in school infrastructure in excess of £150k.

Report Background

3. Middlesbrough Council shares responsibility with governing bodies for the maintenance of 12 community and foundation school buildings across the town:
 - Responsibility for general maintenance, repairs and minor capital works is devolved to schools;
 - The Council is responsible for major capital schemes such as the replacement of substantial parts of buildings, the provision of new buildings and other high-value, strategic schemes that would be unaffordable by schools on their own.
4. The Council is also responsible for ensuring there are sufficient school places across the town to be able to meet demand. Investment can be in both locally maintained schools and Academies.
5. The schools capital programme, maintained and delivered by the Assets Team within Corporate Property, sets out all of the centrally funded school capital works being undertaken to discharge these duties. It is a multi-year, rolling programme of capital improvements to school buildings.
6. Schemes are selected to address maintenance, sufficiency and other strategic priorities. Schemes are prioritised to address those elements of schools with the most urgent need or to secure value for money as part of a larger programme of work.
7. Appendix 1 sets out the programme proposed for delivery during the 2020/21 academic year running into 2021/22. It includes schemes aimed at improving the condition of schools - roof works, fire alarms, improvements to heating systems, and structural works – and investment to provide more school places.
8. The following new schemes and investments, included at Appendix 1, are proposed to be added to the programme for 2021:
 - **The Kings Academy (Ofsted – Good)** - £2,393k to provide an eight classroom extension, toilet facilities and internal re-modelling of rooms. The scheme will provide accommodation to make permanent a temporary 121 place increase in the school's capacity, avoiding the need for the school to reduce its offer of places at a time when demand is high. A further 128 places will also be delivered to meet a projected shortage of places in September 2022 and 2023 and provide additional flexibility to accommodate demand from planned housing development. The scheme will be delivered by the Emmanuel Schools Foundation.
 - **Nunthorpe Primary Schools** - £750k of Section 106 housing developer contribution to be allocated equally to primary schools in Nunthorpe to fund enlargement schemes. This contribution to Chandler's Ridge (no Ofsted rating), St Bernadette's (Ofsted – Good) and The Avenue (no Ofsted rating) will ensure there are sufficient places to be able to cope with demand from Grey Towers Village with the provision of 6 classrooms and associated facilities. Each scheme

will be led and delivered by the schools and their trusts. In addition to the Council's allocation the schools will provide supplementary funding of £150k, £35k and £40k respectively towards their schemes.

- **Priory Woods School (Ofsted – Outstanding)** - £350k to investigate and repair the boiler and heating distribution network. The school recently had to close for a short period to remedy an issue with the system after a history of problems. This is preventative work to avoid the system failing or creating more significant problems in the future. It is anticipated that the school will contribute £100k towards the scheme.
- **Whinney Banks Primary School (Ofsted – Good)** - £100k is proposed to be set aside to investigate and remediate structural problems on the clock tower. This is preventative work to avoid more significant work in the future and will ensure the safety of staff and pupils. The school is required to contribute £15k towards the scheme.
- **The Cleveland Unit Child Development Centre (Ofsted - Outstanding)** for children with special educational needs and/or disabilities is temporarily based at the Hemlington Initiative Centre, having relocated from James Cook University Hospital to free up space during the pandemic. £150k is proposed to be used to refurbish accommodation at Stainsby Nursery, co-located with Whinney Banks Primary School, to provide a permanent location.
- **Redcar & Cleveland Special Free School (no Ofsted rating)** – A £61k contribution towards the new special school in Grangetown, Redcar and Cleveland. Middlesbrough Council is one of four partner Local Authorities jointly commissioning places at the school, and led on the initial bid to the Department for Education (DfE). The contribution is a quarter share of the charge levied by the DfE towards site abnormal costs, covering remediation of site contamination and localised works to meet the conditions of planning approval.

9. In addition to the schemes at Appendix 1, a number of previously approved schemes, with residual works outstanding, will be completed. Emergency works will also be undertaken if/when they occur and other schemes of moderate value where they are time sensitive e.g. preventative schemes to avoid higher costs later on, or schemes that address Health and Safety concerns and ensure compliance.

What decision(s) are being asked for?

10. That Executive approves the new schemes included in Appendix 1 be added to the schools capital programme for delivery in 2020/21 and 2021/22.

Why is this being recommended?

11. To ensure that that the grant funding available is spent in a timely manner on improving teaching and learning environments and outcomes for young people.
12. To deliver the Council's statutory obligation to ensure there are sufficient school places to meet demand, in particular at secondary age or as a result of housing development, and to meet suitability and condition requirements.
13. There is no obligation for the Council to consult over these schemes. Schools named in the programme have been engaged on a tentative basis to ensure that, where a school contribution to the cost of schemes is required, this can be agreed.

14. The Schools Capital Programme has not been examined by the Overview and Scrutiny Board or by a Scrutiny Panel.

Other potential decisions and why these have not been recommended

15. The Executive could choose not to approve the schemes for inclusion in the Schools Capital Programme. In the short term this could lead to elements of the buildings identified failing, resulting in lost teaching and learning time, inappropriate learning environments, Health and Safety risks, and a shortage of school places.
16. In the longer-term, such an approach would lead to the gradual decline of the condition of the schools, children being out of school unnecessarily and escalating costs for both the schools and the Council.

Impact(s) of recommended decision(s)

Legal

17. The decision would assist the Council in meeting its statutory duty, under Section 14 of the Education Act 1996, to ensure there are sufficient school places to meet demand.
18. The decision would assist the Council in meeting its statutory duty under Section 22 of the School Standards and Framework Act 1998 as amended by the Education Act 2002 and the Education and Inspections Act 2006 to maintain schools in its area.

Financial

School Condition Allocation (SCA)

19. Capital maintenance schemes are funded from the Council's annual Schools Condition Allocation (SCA). This is formulaic capital grant funding received from the Department for Education (DfE) to maintain the buildings of schools it has responsibility for.
20. New maintenance schemes with a total value of £450k have been identified to be added to the programme for delivery in the 2020/21 academic year. Schools are required to contribute to capital maintenance schemes from Devolved Formula Capital or revenue budget shares, reducing the Council's commitment to £335k.
21. The DfE have not yet announced local authority SCA allocations for the 2021/22 financial year but, on the basis of the DfE's allocation formula, this is estimated to be at least £471k. Without the 2021/22 allocation there are sufficient funds in the SCA block budget of £459k to cover the cost of the schemes, leaving a balance of £104k.

Strategic schemes Funded through Section 106

22. Funding for the Nunthorpe primary school enlargement schemes has been secured through a S106 Agreement with the developer of Grey Towers Village. Payments to the schools will be dependent on the funding being received by the Council from the developer. The first payment to schools, totalling £350k, is anticipated to be made in the 2021/22 financial year using funds already received. The Council is expecting to receive the balance of £400k in 2023 and pay this to the schools in the same year. The whole of the £750k contribution will be used on the schemes.

Strategic Schemes funded through Basic Need

23. Sufficiency schemes are funded from the Council's Basic Need allocation. This is capital grant received from the Department for Education to provide new school places, allocated on the basis of demonstrated need.
24. The enlargement scheme at King's Academy, part of the relocation of The Cleveland Unit and contribution to the new special free school in Redcar & Cleveland will be funded through Basic Need capital grant, as each scheme provides new places or re-provides existing places. The total commitment to these schemes is £2,504k.
25. After funding these schemes there will be a balance of £5,871k Basic Need funding in the 2021/22 financial year to pay for future schemes as they are identified and agreed with schools. A further grant of £1,645k has been confirmed for 2022/23. No allocations beyond this have been announced but it is expected that, as allocations are based on demand, these are likely to be of low or zero value.

High Needs Provision Capital

26. High Needs Provision Capital is provided by the DfE to deliver new places and improve existing provision for pupils with Special Educational Needs and Disabilities or who require alternative provision.
27. The DfE have recently announced that Middlesbrough will receive £1,160k in the 2021/22 financial year. This is a significant uplift on previous years' allocations. A small amount of £100k will be used to part-fund the relocation of The Cleveland Unit with the balance from Basic Need as above. Due to the timing of the announcement, no further schemes have been identified from this funding but work has started to identify priorities for investment based on an analysis of identified need.
28. The costs identified in the appendix and main body of the report are indicative until such a time as full feasibility studies can be undertaken and are subject to change until schemes have returned from tender. All of the schemes in Appendix 1 will be treated as a programme of works, with savings in schemes being used to offset increased costs in others and the programme being managed within the overall funding envelope.
29. Where there is a significant deviation from the estimates in individual schemes these will be revisited and appropriate action taken, which could include reducing the scope of works, re-tendering, or postponing of the scheme. Where there is a significant effect on the cost of the programme, which would result in a key decision being required, this would be brought back to Executive for decision.

Policy Framework

30. The recommendations do not affect any part of the Council's Policy Framework.

Equality and Diversity

31. A Level 1 (Initial Screening) Impact Assessment (IA) accompanies this report at Appendix 2.
32. The impact assessment identified that the proposal would have a positive impact on the local community and would not represent a concern to equal rights, disability discrimination or the impingement of human rights.

33. The decision being sought aims to positively affect educational outcomes for young people aged 5-16, improving their learning environment or removing the need for these children to travel to schools outside of the town to access appropriate education.

Risk

34. 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.

Register No	Description of risk	Explanation as to why they are relevant and how it would affect each risk
O4-012	If the department fails to meet statutory responsibilities , due to lack of resources or staff knowledge, then this will lead to reduced effectiveness and increased costs.	The Schools Capital Programme will ensure that the Council complies with its statutory duty to supply sufficient school places to meet demand.
O4-023	Insufficient primary school places in Middlesbrough continues and the Council will need to consider further capital projects to extend school sites in Middlesbrough Primary Schools.	The proposed primary school enlargements will have a positive impact on mitigating this risk.
O4-026	There may be insufficient year 7 school places available to meet demand over the next 5 years which could result in Middlesbrough children not being able to attend school in the town, leading to a failure to fulfil our statutory obligations, and placing a financial burden for funding additional places. It could also damage our reputation and lead to dissatisfied parents.	The proposed secondary school enlargement will have a positive impact on mitigating this risk.
O4-010	The lack of sufficient services and placements locally to meet the needs of children and young people with SEND 0-25 will result in significant pressures on the High Needs budget as the Council has to source services from outside the area.	Securing a permanent location for the Cleveland Unit will have a positive impact on mitigating this risk.
O7-026	If the Council fails to comply with the Health and Safety at Work Act 1974 , other legislation and good practice, then avoidable deaths and accidents may occur, resulting in charges under the Corporate Manslaughter and Corporate Homicide Act 2007; and HSE prosecutions with corresponding financial and reputational loss.	The Schools Capital Programme prioritises schemes to ensure that the schools are structurally sound, ensuring the safety of pupils and staff and having a positive impact on the risk.

Actions to be taken to implement the decision(s)

35. Following approval of the schemes, officers in Corporate Property's Assets Team will commence the delivery of the schemes to the specified timescales. This includes the detailed design, commissioning and completion of all works.
36. Funding agreements will be put in place for Academies that are proposing to undertake their own sufficiency/enlargement schemes.
37. The Capital Investment Strategy will be adjusted to include the new schemes identified in the report.

Appendices

Appendix 1 – Draft Schools Capital Programme – academic years 2020/21 and 2021/22
Appendix 2 – Equality Impact Assessment

Background papers

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

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**Schools Capital Programme 2021
Academic Delivery Year 2020/2021**

Project information			Estimated scheme value		Funding				Notes
School / Establishment	Project	Description	Estimated scheme value (awaiting feasibility)	Estimated total	School funding (agreed amount or minimum 15%)	Childrens Services Capital	Other	Total funding available for the project	Notes
SUFFICIENCY									
Kings Academy		school enlargement scheme	2,393,259.91			2,393,259.91		2,393,259.91	Basic Need funding
Chandlers Ridge Pr Academy		school enlargement scheme	400,000.00		150,000.00		250,000.00	400,000.00	S106 funding
St Bernadette's Pr Academy		school enlargement scheme	285,000.00		35,000.00		250,000.00	285,000.00	S106 funding
The Avenue Pr Academy		school enlargement scheme	290,000.00		40,000.00		250,000.00	290,000.00	S106 funding
Redcar & Cleveland		contribution to Special Free School	61,250.00			61,250.00		61,250.00	Basic Need funding
				3,144,509.91					
SUITABILITY									
				0.00					
SEN									
WMCC		relocation of Cleveland Unit	150,000.00			150,000.00		150,000.00	Basic Need funding
				150,000.00					
CONDITION									
roof work									
Newport Primary	Condition	roof work	260,000.00		39,000.00	221,000.00	0.00	260,000.00	survey / feasibility required
Park End Primary	Condition	roof work	95,000.00		14,250.00	80,750.00	0.00	95,000.00	survey / feasibility required
Whinney Banks Primary	Condition	roof work	85,000.00		12,750.00	72,250.00	0.00	85,000.00	survey / feasibility required
				440,000.00					
mechanical									
Acklam Whin Primary	Condition	works to heating system	15,000.00		2,250.00	12,750.00	0.00	15,000.00	survey / feasibility required
Breckon Hill Primary	Condition	works to distribution pipework	75,000.00		11,250.00	63,750.00	0.00	75,000.00	survey / feasibility required
Newham Bridge Primary	Condition	works to heating system	30,000.00		4,500.00	25,500.00	0.00	30,000.00	survey / feasibility required
Priory Woods School	Condition	boiler / plant / distribution review	20,000.00		3,000.00	17,000.00	0.00	20,000.00	survey / feasibility required
Priory Woods School	Condition	boiler / plant / distribution	330,000.00		97,000.00	233,000.00	0.00	330,000.00	survey / feasibility required
				470,000.00					
external envelope / structure									
Newport Primary	Condition	external walls / structure	25,000.00		3,750.00	21,250.00	0.00	25,000.00	survey / feasibility required
Whinney Banks Primary	Condition	clock tower review	20,000.00		3,000.00	17,000.00	0.00	20,000.00	survey / feasibility required
Whinney Banks Primary	Condition	clock tower	80,000.00		12,000.00	68,000.00	0.00	80,000.00	survey / feasibility required
				125,000.00					
fire alarm system									
Newham Bridge Primary	Condition	fire alarm	55,000.00		8,250.00	46,750.00	0.00	55,000.00	survey / feasibility required
				55,000.00					
electrical									
Acklam Whin Primary	Condition	switch gear	30,000.00		4,500.00	25,500.00	0.00	30,000.00	survey / feasibility required
				30,000.00					
windows / doors									
				0.00					
land drainage									
				0.00					
misc									
				0.00					

4,414,509.91	4,414,509.91	440,500.00	3,509,009.91	750,000.00	4,699,509.91
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Template for Impact Assessment Level 1: Initial screening assessment

Subject of assessment:	Schools Capital Programme 2021			
Coverage:	Service specific to Children’s Services			
This is a decision relating to:	<input type="checkbox"/> Strategy	<input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input checked="" 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 type="checkbox"/>	Local or corporate requirements:	<input checked="" type="checkbox"/>
Description:	<ul style="list-style-type: none"> • Key aims, objectives and activities – to improve the learning environment in schools maintained by the Council and create additional school places to meet increased pupil demand. • Statutory drivers – the Council has a statutory duty to secure sufficient school places to meet demand, under the Education Act 1996 and a duty to maintain its schools under Section 22 of the School Standards and Framework Act 1998. • Differences from any previous approach – The Schools Capital Programme is a rolling programme of improvement works and investments in schools. New schemes are regularly added. • Key stakeholders and intended beneficiaries – <ul style="list-style-type: none"> • Pupils and Parents of Pupils; • Local schools and Academy trusts; • Intended outcomes – <ul style="list-style-type: none"> • The establishment of additional primary and secondary school places in Middlesbrough; • Meet the needs and preferences of pupils to receive an education in a Middlesbrough; • Ensure that locally maintained schools continue to be safe and welcoming environments in which to learn; • Compliance with Health and Safety requirements for employers and building owners 			
Live date:	The programme will be delivered over the academic years 2020/21 and 2021/22			
Lifespan:	The Schools Capital Programme is reviewed annually or more regularly where needs require.			
Date of next review:	March 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>There is no evidence to suggest that the decision would negatively impact upon any individual's human rights. The decision does facilitate these rights including:</p> <ul style="list-style-type: none"> the right to an education. <p>The programme will positively impact on this right, increasing education provision in the local area.</p> <p>Evidence used to inform this assessment includes analysis of projected demand and the local provision of places, alongside feedback from schools and parents in Middlesbrough.</p>
<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>As this proposal relates to school-age children it is relevant to the equality duties and the protected characteristic of age. The proposal would have a positive impact on this group, increasing the availability of school places within the town, ensuring that more appropriate placements can be made and reducing the number of children required to travel greater distances to placements outside the borough, or be without an educational placement.</p> <p>Evidence used to inform this assessment includes analysis of projected demand and the local provision of places, alongside feedback from schools and parents in Middlesbrough.</p>

Screening questions	Response	Evidence
Community cohesion Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	No negative impact is anticipated. The proposal would impact positively on community cohesion, increasing the availability of school places in the town and removing the need for pupils to have to travel to other schools outside the town, or be without a school place. Evidence used to inform this assessment includes analysis of projected demand and the local provision of places, alongside feedback from schools and parents in Middlesbrough.

Assessment completed by:	Gary Maddison	Head of Service:	Rob Brown
Date:	17 March 2021	Date:	17 March 2021

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