

CORPORATE AFFAIRS AND AUDIT COMMITTEE

Date: Thursday 28th April, 2022
Time: 3.30 pm
Venue: Council Chamber

AGENDA

1. Welcome and Evacuation Procedure
2. Apologies for Absence
3. Declarations of Interest
To receive any declarations of interest.
4. Minutes - Corporate Affairs and Audit Committee 3 - 14
 - a) 31 March 2022
 - b) 6 April 2022
5. Draft Annual Internal Audit Work Programme for 2022/2023 15 - 32
6. Elections Bill 33 - 40
7. Update - Council's Decision Making Process 41 - 86
8. Estates Strategy - Assets Disposal Update 87 - 110
9. 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
Wednesday 20 April 2022

MEMBERSHIP

Councillors B Hubbard (Chair), J Platt (Vice-Chair), T Higgins, C Hobson, T Mawston,
D Rooney and C Wright

Assistance in accessing information

**Should you have any queries on accessing the Agenda and associated information
please contact Susan Lightwing, 01642 729712,
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CORPORATE AFFAIRS AND AUDIT COMMITTEE

A meeting of the Corporate Affairs and Audit Committee was held on Thursday 31 March 2022.

- PRESENT:** Councillors B Hubbard (Chair), J Platt (Vice-Chair) and D Rooney
- ALSO IN ATTENDANCE:** P Jeffrey (Internal Auditor) (Veritau), S Reid (External Auditor) (Ernst Young) and M Rutter (External Auditor) (Ernst Young)
- OFFICERS:** J Armstrong, C Benjamin, A Johnstone, J McNally, P Stephens, J Weston and I Wright
- APOLOGIES FOR ABSENCE:** were submitted on behalf of Councillors T Higgins, C Hobson, T Mawston and C Wright

21/41 **WELCOME AND EVACUATION PROCEDURE**

The Chair welcomed all present and read out the Evacuation Procedure.

21/42 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Cllr Brian Hubbard	Non Pecuniary	Member of Teesside Pension Fund
Cllr Denise Rooney	Non Pecuniary	Member of Teesside Pension Fund

21/43 **MINUTES - CORPORATE AFFAIRS AND AUDIT COMMITTEE - 9 DECEMBER 2021**

The minutes of the Corporate Affairs meeting held on 9 December 2021 were submitted and approved as a correct record.

21/44 **ANNUAL REPORT OF THE SENIOR INFORMATION RISK OWNER (SIRO)**

A report of the Head of Strategy, Information and Governance was presented to advise the Corporate Affairs and Audit Committee of arrangements in place to ensure the proper governance of information within the Council, progress made within the 2021 calendar year, risks and issues arising, and priorities for 2022.

The report provided assurance to the Committee that information governance (IG) policy and practice within the Council was in line with legal obligations, and consistent with the principles of good governance.

The last annual report to this Committee (29 April 2021) set out eight key priorities to reduce information risk for the 2021 calendar year and beyond. During this period the COVID-19 pandemic persisted, and again associated restrictions resulted in some delays to planned activity, as relevant employees were either re-directed to emergency response or otherwise unable to progress work, for example, due to the unavailability of the workplace.

As such, work on these, and other priorities identified during 2021 and set out within this report, would complete during 2022. Nevertheless, good progress was made in many areas during the year, as summarised in the submitted report, including:

- Cyber security posture.
- ICO consensual audit.
- Information Governance Framework.
- Statutory Information Requests.
- Physical access.
- Historic paper records.
- Surveillance Policy.

- Alignment of major ICT projects and information governance requirements.
- Information Strategy progress.
- Changes to information asset registers.
- Information security.
- Cyber security.
- Records management.
- Data protection.
- Surveillance.
- Information Requests.
- Assessment of information risk.

Key priorities for 2022 to address the issues and risks outlined in the report were as follows:

- review the Council's approach to cyber security and continuity/ recovery plans in line with changes to National Cyber Security Centre guidance and the Government's National Cyber Strategy for 2022-2030, focusing on zero-day, internet-facing application and supply chain attacks, particularly in view of the ongoing situation in Ukraine.
- continue to improve the Council's responsiveness to information requests through use of enhanced 365 tools and increased resourcing of the central team.
- continue to improve the Council's surveillance practice by implementing in full the provisions of the Surveillance Policy.
- develop an Integrated Operations Strategy for the Council, fully aligning all existing operational strategies including the Information and ICT strategies.
- launch the Council's revised Information Governance Framework to staff, focusing in particular on those with specific roles in the framework – IAOs, system owners and Information Asset Assistants.
- ensure that the move to and operation of Fountain Court is undertaken in line with the Council's Premises Security and Access policy to avoid loss of or unauthorised access to information.
- ensure that key ICT projects for 2022 including the migration from the Council's existing EDRMS to Microsoft SharePoint and the review of the Council's website are fully aligned with the Information Governance Framework and progress the aims of the Council's Information Strategy.

The Committee were advised that the Annual CCTV report would be presented to the Committee when completed.

Key messages would continue to be communicated to staff via re-induction, staff training, Information Asset Owners and other means in order to ensure improved information risk management.

AGREED that the report was received and noted.

21/45

COMPLAINTS 2018-2021 AND LESSONS LEARNED

A report of the Director of Legal and Governance Services (Monitoring Officer) was presented to summarise complaints received from the Council's customers in the period 2018-21, alongside their outcomes and the lessons learned by the Council.

The Committee were advised that the report going forward would be an annual report.

The report provided the necessary information to enable the Committee to discharge this responsibility, setting out:

- a summary of the complaints procedures used by the Council;
- key statistics on local complaint volumes and outcomes between 2018-2021.

- a summary of complaints escalated to the LGSCO during these years.
- lessons learned from consideration of complaints received.
- resulting actions to be taken in the future.

AGREED that the information provided was received and noted.

21/46

ANNUAL REVIEW OF THE LOCAL CODE OF CORPORATE GOVERNANCE

A report of the Director of Legal and Governance Services (Monitoring Officer) was presented to report the outcome of the annual review of the Council's Local Code of Corporate Governance (LCCG).

The current LCCG, a copy of which was attached at Appendix 1 to the submitted report, was modelled on the CIPFA/SOLACE guidance 'Delivering Good Governance' (2016).

An annual review schedule was put in place to ensure that changes to this guidance were reflected within the LCCG. There had been no changes to the guidance since the current LCCG was adopted by Council in 2017. As such, no changes to LCCG were proposed from this year's review.

AGREED as follows that:

1. the report was received and noted.
2. Middlesbrough Council's current Local Code of Corporate Governance was retained.

21/47

HEALTH AND SAFETY: ANNUAL ASSURANCE REPORT 2021

A report of the Director of Legal and Governance Services (Monitoring Officer) was presented to outline the Council's approach to health and safety management. The report summarised activity in the past year and planned activity for 2022, in order to provide the Committee with assurance that the Council had robust arrangements in place, as required by the Health and Safety Act 1974.

The Council's Health and Safety Policy:

- defined the Council's legal duty.
- outlined the requirements of the health and safety management system.
- detailed specific roles and responsibilities of members, managers, employees and the health and safety unit.

The policy set out the framework for managing health and safety within the Council based on the cycle of 'Plan, Do, Check, Act'.

A health and safety action plan was developed in 2021/22. Progress on this plan was reported to Risk Management Group on a quarterly basis and details were provided in the submitted report. Highlights included:

- My compliance
- Roof Work procedure
- DSE procedure
- Communication/Consultation procedure
- Corporate Health and Safety Committee becoming a steering group
- Development of a Potentially Violent Persons procedure
- Covid 19 risk assessments
- Detailed premises health and safety audits
- Face to face Fire Warden courses

During 2022/23, further work would be undertaken to build on progress made within the previous action plan as part of the Council's commitment to continual improvement in health and safety management.

The health and safety unit would continue to develop the My Compliance, digitising remaining manual processes and developing a business intelligence through which management could monitor 'real time' health and safety performance.

The single Potentially Violent Persons Register would be launched and the COSHH procedure would be reviewed and uploaded onto the intranet.

Detailed health and safety plans for each type of premises would be produced, incorporating both premises and service area health and safety requirements. Work would also start on service area specific health and safety plans for high-risk service areas. Health and safety audits would ascertain compliance with the revised plans with the aim of improving compliance and safety standards throughout the Council.

The health and safety unit would continue to support the organisation in dealing with the COVID-19 pandemic and the return to the office, including relocation to Fountain Court in summer 2022.

The health and safety training on Middlesbrough Learns and other bespoke face-to-face training would be reviewed and revised where appropriate to reflect new and updated corporate procedures. Leadership and Management Team would attend an accredited one day IOSH Leading Safety Course.

AGREED that the information provided was received and noted.

21/48

INTERNAL AUDIT CONSULTATION REPORT

A report of the Head of Internal Audit, Veritau, was presented to seek the views of Members on risk areas that should be considered a priority for audit in 2022/23, to help inform the preparation of the annual internal audit work programme.

Internal audit work programmes covered a range of risk areas to ensure that overall, the work undertaken would enable the service to meet the requirements of the standards to provide an overall opinion on the framework of governance, risk management, and control operating at the Council. Veritau had defined eleven key areas where assurance was required during the course of the year in order to provide that opinion, as follows:

- Strategic planning
- Organisational governance
- Financial governance
- Risk management
- Information governance
- Performance management and data quality
- Procurement and contract management
- People management
- Asset management
- Programme and project management
- ICT governance

A table was included at Figure 1 of the submitted report that set out some initial ideas on areas for consideration for audit in 2022/23. These were included to prompt discussion and were not intended to be a definitive or complete list of areas that could be reviewed. Planning would also take into account risks arising from current external factors and emerging issues. For example the Covid-19 pandemic, which had had a significant and sustained effect, and the developing energy crisis.

Following discussions members felt that the following areas should be considered for audit in 2022/23:

- Councils Corporate Governance Framework
- Strategic Planning
- Ethics and organisational culture
- High Street Recovery Fund including the Future High Street Fund
- Local Plan Strategy
- Leisure Services SLM performance report
- Planning department including how the department deals with any developers Terms of Reference and how do they deal with complaints ensuring they are dealt with in a

timely manner.

The Chair requested that the report be circulated to all Members of the committee for comment to ensure that all Members had provided a contribution to the areas considered for audit. A deadline of 2 weeks for responses to be received was agreed.

AGREED that the information provided was received and noted.

21/49 **INTERNAL AUDIT AND COUNTER FRAUD PROGRESS REPORT**

A report of the Head of Internal Audit, Veritau, was presented to provide Members with an update on progress with the delivery of internal audit and counter fraud work and on reports issued and other work completed since the last update report to the Committee.

A copy of the internal audit progress report was attached at Annex 1 to the submitted report. It reported on progress against the internal audit work programme. This included a summary of current work in progress, internal audit priorities for the year, completed work, and follow-up of previously agreed audit actions.

A copy of the counter fraud progress report was attached at Annex 2 to the submitted report. It reported on progress against the counter fraud work programme. A range of work was detailed including activity to promote awareness of fraud, work with external agencies, and information on the level of fraud reported to date.

AGREED that the information provided was received and noted.

21/50 **STATEMENT OF ACCOUNTS (FINANCIAL ELEMENT)**

A report of the Director of Finance (Section 151 Officer) was presented to give Members of the Corporate Affairs and Audit Committee an update on the status of the external audit of the 2020/21 Statement of Accounts.

As the financial statements element of the audit was reaching completion, a revised set of accounts were available. The report identified key revisions to the accounts as part of the audit process. Although Members were not requested to approve the audited accounts at this stage, it was important that they were informed of progress, any issues raised by the external auditor and any relevant changes in the financial statements and position of the Council.

The audit of the statement of accounts for 2020/21 was now substantially complete and would be finalised once EY issued their opinion on the accounts. The statutory deadline for completing the 2020/21 audit of the statement of accounts was 30 September 2021. The main reasons for the length of the current external audit and the reasons why it was not yet complete were set out in the paragraphs 14 to 20 of the submitted report.

Work on the financial statements part of the audit was now complete and as such, a set of revised accounts and notes were attached in Appendix 1 to the submitted report. Details of the changes made due to the audit were outlined in paragraphs 21 to 38 of the submitted report.

AGREED as follows that the:

1. information provided was received and noted.
2. position on the audit of the Statement of Accounts for 2020/2021 for the Council was noted.

21/51 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED**

The Chair expressed thanks to Paul Stephens on behalf of the Committee for the support he had provided and wished him well in his future employment.

CORPORATE AFFAIRS AND AUDIT COMMITTEE

A meeting of the Corporate Affairs and Audit Committee was held on Wednesday 6 April 2022.

PRESENT: Councillors B Hubbard (Chair), J Platt (Vice-Chair), C Hobson, D Rooney, C Wright and M Storey (as substitute for T Higgins)

ALSO IN ATTENDANCE: A Preston (The Mayor), Councillors D Coupe and J McTigue
P Jeffrey (Internal Auditor) (Veritau), M Rutter (External Auditor) (Ernst Young) and R Smith (Internal Auditor) (Veritau)

OFFICERS: C Benjamin, D Johnson, A Johnstone, S Lightwing A Pain, J Weston and I Wright

APOLOGIES FOR ABSENCE: Councillors T Higgins and T Mawston

21/52 **WELCOME AND EVACUATION PROCEDURE**

The Chair welcomed all present and read out the Evacuation Procedure.

21/53 **DECLARATIONS OF INTEREST**

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

21/54 **BOHO X - DRAFT FINDINGS AND PROPOSED MANAGEMENT RESPONSE**

A report of the Director of Legal and Governance Services (Monitoring Officer) was presented to set out the draft findings from the internal audit on the project management of Boho X and the proposed management response. The report set out proposed actions to improve programme and project governance across the Council in the light of the findings of the audit, subject to further comment from the Committee.

The Chair reminded Committee Members that the aim of presenting the report to Committee was for Members to recommend ways to strengthen policy and procedures. Any questions that strayed into areas that were more appropriate for Standards Committee would not be permitted. The Monitoring Officer added that this was an opportunity for the Committee to consider the findings of internal audit review and investigation, monitor the implementation of recommendations and ensure that effective systems were in place that would underpin and ensure high standards. The Committee was requested to note the findings of the draft internal audit report on the project management of Boho X and the proposed management responses and consider whether it wished to make further comment on the issues raised by the audit and the proposed actions.

Following discussions with the Chair and Vice Chair of Corporate Affairs and Audit Committee, and direction from the Committee at its meeting on 15 October 2020, the Director of Finance and Director of Legal and Governance Services commissioned an internal audit review of project management of the Boho X project. Group Leaders were also consulted on the scope of the audit.

The plan for the Boho X building had seen one significant change since the start of the project. It was agreed by the Executive in March 2020 that Boho X would be a 20 storey office development with 100,000 square feet of floor space (plan A). In August 2020 the design of Boho X was reviewed and the downsizing of the building to six storey, 60,000 square feet development was subsequently initiated (plan B). The project was the responsibility of the Regeneration and Culture Directorate. The original sponsor was the then Executive Director of Growth and Place, moving to the Head of Economic Growth on the former's compulsory redundancy. The Council expected to let Boho X in its entirety for ten years in the near future.

The purpose of the audit was to provide assurance to management that procedures and controls within the system ensured that:

- The project had used and met the requirements of the established Project Management Framework in operation at the Council.
- Meetings and communications directing the design and development of the project were carried out in line with proper procedures and fully recorded.
- Decisions relating to the project had been taken, recorded, published and communicated in line with the Council's Constitution (including the Scheme of Delegation).
- Key information relating to the project was available and had been retained to support decisions.
- There were appropriate project governance arrangements in place including processes for managing project risk.

The auditor's key findings were that:

- The project was not always managed in line with the Council's Constitution, in that the Mayor of Middlesbrough held meetings with third party contractors on project direction without officers present, and without these being documented – while this arrangement was agreed by the former Executive Director of Growth and Place via email, it was not in their gift to do so and was contrary to the Constitution and the Programme and Project Management Framework (PPMF).
- As the above meetings were not documented, there was not a clear record of discussions and there appeared to have been a perception by the third party contractor that the Mayor was making decisions and formal instructions for the project, while the Mayor did not perceive that he made those formal decisions. This may have led to decisions and design changes being made without appropriate input or transparency or being communicated efficiently.
- Change control notices were not submitted, reviewed and authorised in line with the Council's PPMF as a result – key design changes were recorded in the (third party contractor) BCEGI decision log following meetings as being agreed the Mayor. They were not formally referred to the Project Sponsor and Directorate Portfolio Board as they should have been – instead there was an agreement that these would be relayed via the former Executive Director of Growth and Place, although no email evidence was available to support this had occurred.
- Changes recorded in the BCEGI decision log included those items that BCEGI perceived as being authorised by the Mayor, and there was no officer involvement in these decisions, which resulted in changes to the project design and cost – as such, notwithstanding the agreement and direction of the former Executive Director of Growth and Place, decisions were not in line with the Council's constitution or PPMF.
- Seven design changes outlined in the BCEGI change log between June and August 2020 (in which period there were no internal project board meetings) represented the change from plan A to plan B, and were perceived by BCEGI as authorised by the Mayor and recorded as such in their log – there was no evidence that these changes were attributable to COVID-19 as identified public communications and as such the decision-making on the change was not transparent. The Project Board minutes for September 2020 also recorded that the Mayor had instructed changes to the project.
- Decisions relating to securing funding for Boho X and awarding key contractors had been taken, recorded, published and communicated appropriately, there was a clear record available of the abortive costs as a result of the design changes and an appropriate procurement process was followed for key contractors.
- An appropriate project risk register was in place that was reviewed and managed by the project manager, but not reviewed and managed within the internal project working group board meetings, and as such project risks might not have been overseen appropriately and mitigated to an acceptable level.
- There did not appear to be an effective culture of challenge in place across the project – while the Mayor acted outside of their expected roles and responsibilities, the process was agreed by the Executive Director of Growth and Place at the outset.
- There was no evidence that the Mayor was advised that he could be perceived as exceeding his constitutional role in relation to the BOHO X project identified during the investigation. Standard Member training would not have included training on governance arrangements for operational project delivery as there was no role for

Members. Induction training did include information on the Officer/Member relationship and the split of responsibilities, which had been provided to the Mayor.

Significant gaps, weaknesses or non-compliance were identified by the auditor, leading to an overall opinion of the controls in place at the time of the audit as providing only limited assurance.

It was vital that the management response to this audit addressed the culture that allowed these arrangements to be put in place and persist, as well as necessary procedural changes.

The Mayor had been advised by the Monitoring Officer not to meet with third party contractors or potential tenants on this or any other project without officers being present, and when attending with an officer, to be clear that it was the officers that were leading the discussion and only they had the authority to execute decisions.

The Director of Regeneration would now sponsor the Boho X project so that leadership of the Council's biggest project was re-established at Chief Officer level.

The project's controls had been reviewed by the PMO and were now compliant with the Constitution and the PPMF.

Appendix 1 to the submitted report summarised the additional actions proposed by management to address these. These focused on ensuring that the issues identified in this audit were not present in other projects within the Directorate and strengthened the PPMF to address the issues raised, with associated training for Members and officers.

In addition to the response to this audit, other actions would be undertaken to strengthen governance across the Council. These would be outlined in the forthcoming Annual Governance Statement to be considered by the Committee as part of the Statement of Accounts in April 2022. Relevant to this audit would be consideration of the robustness and subsequent tracking of the implementation of delegated authorities agreed for major projects.

Members asked questions in relation to the rationale for the review of the Boho X project, additional costs incurred, how costs were signed off, the lack of internal project board meetings, promotion of, and communications in relation to the project, and the risk register.

The internal auditor confirmed that the senior management review was not included in the terms of reference for the audit and therefore not considered.

The Monitoring Officer confirmed that BCEGI and Logic Architecture were the two contractors involved in the project.

AGREED as follows:

1. the findings of the draft internal audit report on the project management of Boho X and the proposed management response were noted.
2. the internal auditor would provide further details to the Committee in relation to the Project Board Meeting held in September 2020 referenced at paragraph 17, bullet point 5 of the report.
3. a draft of the final Audit Report would be shared with Members of the Committee and Group Leaders for comment once the detailed actions in response to the findings had been populated.
4. details of the Monitoring Officer's formal response to Members and the Leadership and Management Team, to reiterate guidance on the Constitution and PPMF would be provided to the Committee.

21/55

PERFORMANCE AND RISK ANNUAL ASSURANCE REPORT

A report of the Director of Legal and Governance Services (Monitoring Officer) was presented to outline the Council's approach to performance and risk management, to summarise activity in the past year and planned activity for 2022, and to provide the Committee with assurance that the Council had robust arrangements in place for these disciplines.

The Council's approach to these disciplines was articulated within the following policies:

- Performance Management Policy.
- Programme and Project Management Policy.
- Risk and Opportunity Management Policy.

In February 2020, revised versions of these policies were approved by the Executive to maximise their impact on the Council's strategic aims and priorities, as set out within the Strategic Plan. It was noted at the meeting that the date of approval of the Strategic Plan by Executive was 27 May 2021 and not 11 May 2021 as stated in the submitted report. The revisions better aligned and integrated the process underpinning these policies and improved their relationship with financial management procedures, and aimed to better exploit the solutions provided by the Council's digital and information strategies to promote real-time and more effective management. These policies were further embedded during 2021.

Details of the arrangements in place to manage performance and risk management within the Council, progress in the past year, and plans to further strengthen arrangements were provided in paragraphs 5 to 38 of the submitted report.

The following areas were highlighted at the meeting:

- Significant work was undertaken in the year to improve Directorate and strategic performance management, with the implementation of a monthly performance review cycle using an integrated performance dashboard drawn from a range of feeder systems which recorded different aspects of corporate performance. Screenshots from this dashboard were included at Appendix 1 to the submitted report for reference.
- A performance cycle had been put in place and embedded in a dynamic way to present information to senior managers throughout the organisation on the state of Executive actions, Directorate priorities, the Council's portfolio of programmes and projects, compliance indicators eg completion of audit actions Directorate and strategic risk registers.
- While COVID-19 had continued to be disruptive in terms of planned performance, a number of significant achievements have been made in line with the Council's Strategic Plan Workplan, and these had been reported to the Executive and Overview and Scrutiny Board on a quarterly basis.
- Over the past year there had again been a strong focus on improving the use of performance data within Children's Services and embedding a strong performance management culture within the service, which have been recognised and commended by the Government-appointed Commissioner and the Department for Education.
- The PPMF had been strengthened and updated in response to the audit of the Boho X Project. The current portfolio around wider compliance had been reviewed.
- During 2020 the Council's risk appetite was refreshed reviewed and revised to bring it in line with the Council's current financial standing so that risks are being captured and scored in line with this. All risk management documentation was also reviewed and updated to reflect these changes. On review, no changes were made to the Council's risk appetite during 2021.
- The key improvement activity undertaken during 2021/22 was a whole scale review of risk mitigations within the Council's risk registers by Heads of Service, with changes made where appropriate to ensure that positive action is being taken where appropriate to reduce risk where the current score is higher than the target score. This led to further work to amend the Council's risk system to state more clearly the treatment currently being applied to each risk.
- The corporate Risk Management Group continued to meet on a quarterly basis to monitor the implementation of the risk management improvement plan and to identify new and emerging risks to the organisation, reporting to the newly established Corporate Governance Board by exception.

In response to the Boho X audit, the PMO reviewed the Council's portfolio in detail and this

work identified issues with the recording and management of controls within several projects that had now been amended. It was also noted that some projects had proceeded to delivery stage apparently without prior approval of a business case by the appropriate body of the Council, as required by the PPM Policy. However, in all three cases an equivalent process to ensure value for money had been undertaken, for example, financial assessment signed off by the Section 151 Officer. Those Officers who did not follow the correct process had been advised.

AGREED that:

1. the information provided was received and noted.
2. details of the three specific projects that had proceeded to delivery stage without completing the business case pro forma would be forwarded to the Members of the Corporate Affairs and Audit Committee for information.

21/56

BUSINESS CONTINUITY ANNUAL ASSURANCE REPORT

A report of the Director of Legal and Governance Services (Monitoring Officer) was presented to outline the Council's approach to business continuity management, including testing and summarise activity in the past year and planned activity for 2022, in order to provide the Committee with assurance that the Council had robust arrangements in place, as required by the Civil Contingencies Act 2004.

The Council did not publish its business continuity plans as they outlined sensitive information around its critical functions and their recovery that could be misused. They also contained personal information relating to employees who had agreed to share personal contact details to enable the Council to get in touch with them quickly in the event of an incident.

The Council had the following plans in place to respond to the variety of events that could occur:

- Corporate Business Continuity Plan.
- Supporting Departmental Business Continuity plans.
- Relocation Plan.
- ICT Disaster Recovery Plan.
- Fuel Plan.
- Coronavirus Pandemic Plan.
- Flu Pandemic Plan.

The Council tested its plans at least once every twelve months, or produced a lessons learned report if a live incident had occurred during the past year. As such, due to COVID-19 a test was not undertaken in 2021. The opportunity had also been taken to identify lessons learned from the recent lockdown of several council buildings in response to a reported threat.

In a normal planning cycle, business continuity plans were updated every six months, and reviewed on an annual basis (May and November) with the scale of the review, dependent on the level of organisational change that had occurred in the intervening period. In some years this meant that only minor updates were required, in others fundamental reviews would be required to reflect changes to the Council's structure or other significant developments, for example, where services had been outsourced, or brought back in house.

A Business Continuity Improvement Plan was developed in 2021/22, covering training, documentation, communication, equipment and location arrangements. Progress on this plan was reported to Risk Management Group on a quarterly basis.

During 2022/23, further work would be undertaken to build on progress made within the previous improvement plan as part of the Council's commitment to continual improvement in business continuity planning.

AGREED that the information provided was received and noted.

21/57

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

The Chair reminded Committee Members to forward any further suggestions for Annual

06 April 2022

Internal Audit Work Programme 2022/2023 to the Monitoring Officer or Democratic Services Officer by Friday 8 April 2022.

NOTED

Report of:	Head of Internal Audit, Veritau
Submitted to:	Corporate Affairs and Audit Committee, 28 April 2022
Subject:	Internal audit and counter fraud work programme 2022/23

Summary

Proposed decision(s)
<p>That the Committee:</p> <ul style="list-style-type: none"> • approves the internal audit and counter fraud work programme for 2022/23

Report for:	Key decision:	Confidential:
Information	No	No

Contribution to delivery of the 2020-23 Strategic Plan		
People	Place	Business
Internal audit work contributes towards achieving the Council's priorities by identifying any potential control issues which may obstruct that achievement. The prevention and detection of fraud as well as the recovery of losses helps the Council to ensure the effective use of public funds for the benefit of residents and to achieve its strategic goals.	Internal Audit assists management in delivering their priorities by working to an annual programme of work that includes assignments linked to corporate risks and priorities, and which seeks to add value by assessing the quality of controls in place to enable delivery, ensure value for money and achieve better outcomes for local people.	Delivering balanced budgets, maintaining front line services, and addressing budget shortfalls are priorities for the Council. Ensuring appropriate controls are in place and preventing fraud from occurring and recovering loss helps the Council achieve these aims.

Ward(s) affected
None.

What is the purpose of this report?

1. To seek Members' approval for the planned programme of internal audit and counter fraud work to be undertaken in 2022/23.

Why does this report require a Member decision?

2. Internal audit professional standards require that an annual audit plan is produced based on an assessment of risk. The plan is required to be approved by this committee as part of its responsibility for overseeing the work of internal audit.

Report Background

3. Internal audit provides independent and objective assurance and advice about the Council's operations. It helps the organisation to achieve overall objectives by bringing a systematic, disciplined approach to the evaluation and improvement of the effectiveness of risk management, control and governance processes.
4. The work of internal audit is governed by the Accounts and Audit Regulations 2015 and relevant professional standards. These include the Public Sector Internal Audit Standards (PSIAS), CIPFA guidance on the application of those standards in Local Government and the CIPFA Statement on the role of the Head of Internal Audit.
5. The purpose of this report is to present an internal audit and counter fraud work programme for 2022/23 to the committee for approval.

Internal Audit work programme

6. Appendix 1 sets out proposed internal audit work for 2022/23. The planned work is based on an initial assessment of risk undertaken. The identification of risks included in the assessment has been informed in a number of ways. This includes review of the organisational risk management processes, sector-wide risk information, understanding the Council's strategies and objectives, other known risk areas (for example areas of concern highlighted by management), the results of recent audit work and other changes in Council services and systems.
7. The proposed areas of coverage have been subject to consultation with the Corporate Affairs and Audit Committee and Directorate Management Teams.
8. To meet professional aims and objectives, good practice for internal audit requires us to adopt flexible planning processes. This helps to ensure that internal audit work undertaken during the year is adapted on an ongoing basis to reflect changing and emerging risks within the Council.
9. Therefore as in previous years, the programme is a high-level document with an allocation of days for key areas of assurance. The detailed audits to be included within these areas will be agreed with officers in the coming months. The programme is also flexible and will be updated as the Council's priorities or risks change during the year.
10. We will also regularly discuss the scope and timings of work with officers and management to help ensure that we provide assurance in the right areas and at the right time. Further meetings will be held throughout the year to plan and confirm the scope and timings of audit work. We will also provide regular updates to the

Corporate Affairs and Audit Committee on the coverage, scope and findings of our work.

11. Total days allocated to internal audit assurance in 2022/23 are 555.

Counter Fraud work programme

12. Proposed areas of counter fraud work in 2022/23 are set out in Appendix 2. No estimate of time is made for each area as this will depend on the levels of suspected fraud reported to the team. The priorities for the work programme are set annually in the Council's Counter Fraud Strategy Action Plan and annual Fraud Risk Assessment.

13. Total days allocated to counter fraud work in 2021/22 are 150.

What decision(s) are being asked for?

14. That the committee:

- approves the internal audit and counter fraud work programmes for 2022/23

Why is this being recommended?

15. Internal audit professional standards require that an annual work programme is produced based on an assessment of risk. This work programme has been produced following consultation with officers and members.

Other potential decisions and why these have not been recommended

16. This report is for approval. There are no other options available.

Impact(s) of recommended decision(s)

Legal

17. There are no specific risks.

Financial

18. There are no specific risks.

Policy Framework

19. There are no specific risks.

Equality and Diversity

20. There are no specific risks.

Risk

21. The Council will be non-compliant with the Public Sector Internal Audit Standards if the internal audit work programme is not approved by the committee, and it may be subject to increased scrutiny and challenge.

Actions to be taken to implement the decision(s)

22. n/a

Appendices

Appendix 1 – internal audit work programme 2022/23

Appendix 2 – counter fraud work programme 2022/23

Background papers

No background papers were used in the preparation of this report

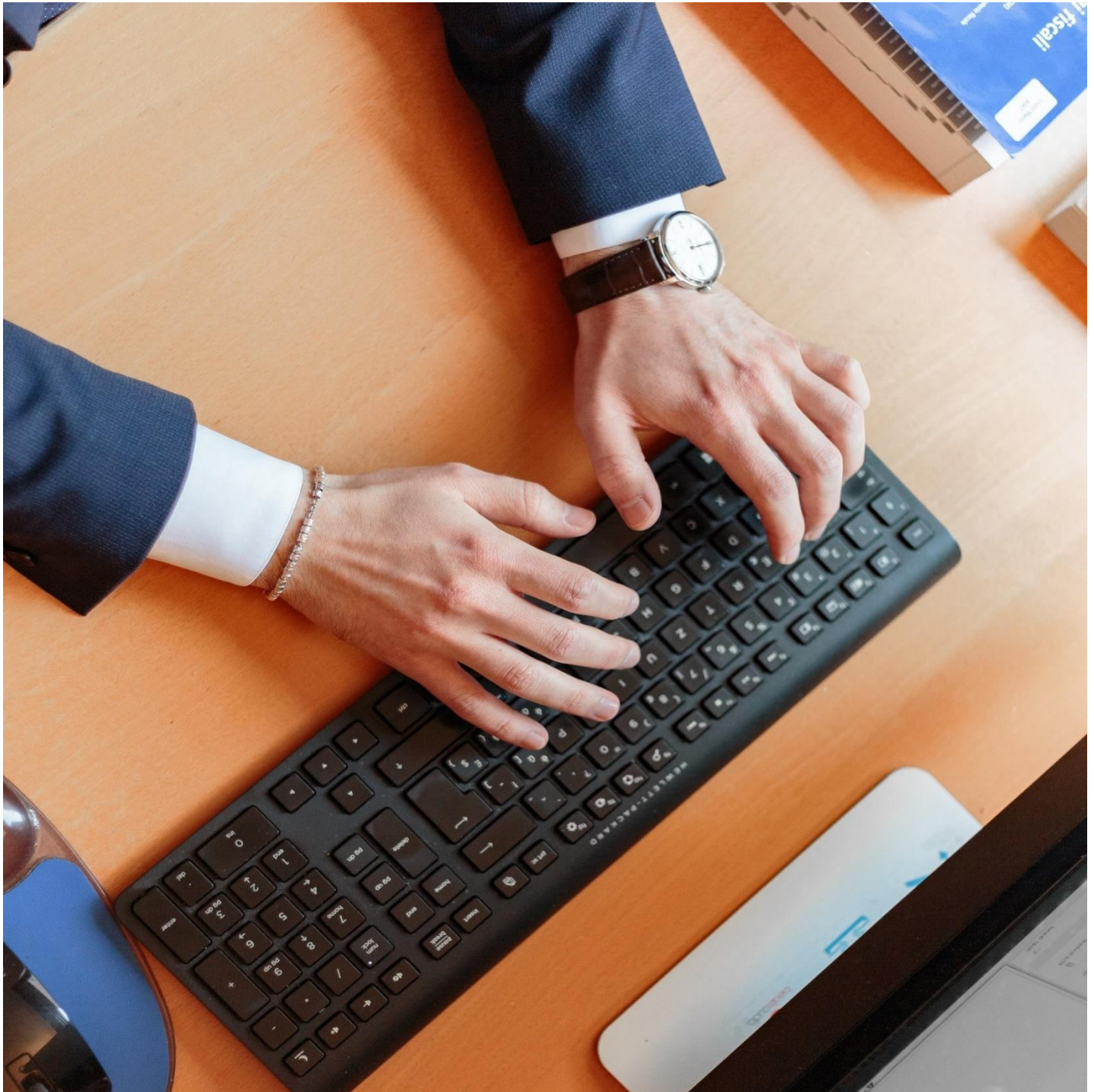
Contact: Phil Jeffrey
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INTERNAL AUDIT WORK PROGRAMME 2022/23

Date: 28 April 2022

Annex 1



CONTENTS



Introduction

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Approach

3



2022/23 Internal
Audit work

4



Appendix A: Draft
work programme

6



Max Thomas
Head of Internal Audit



Phil Jeffrey
Assistant Director Audit Assurance

INTRODUCTION

- 1 This document sets out the proposed 2022/23 programme of work for internal audit, provided by Veritau for Middlesbrough Council.
- 2 The work of internal audit is governed by the Public Sector Internal Audit Standards and the Council's audit charter. In accordance with those standards, internal audit work must be risk based and take into account the requirement to produce an evidence based annual internal audit opinion. Planned work should be reviewed and adjusted in response to changes in the business, risks, operations, programmes, systems and internal controls.
- 3 The Head of Internal Audit's annual opinion is based on an objective assessment of the effectiveness of the framework of risk management, governance and internal control. Our planned audit work includes coverage of all three areas to develop a wider understanding of the assurance framework of the Council.
- 4 Responsibility for effective risk management, governance and internal control arrangements remains with the Council. The Head of Internal Audit cannot be expected to prevent or detect all weaknesses or failures in internal control nor can audit work cover all areas of risk across the organisation.

APPROACH

- 5 To meet professional aims and objectives, good practice for internal audit requires us to adopt flexible planning processes. This flexibility remains particularly important in 2022/23 as there is a significant amount of uncertainty for the Council arising from the environment in which it operates and as it recovers from the Covid-19 pandemic. The flexibility will also help to ensure audit work undertaken during the year is adapted on an ongoing basis to reflect changing risks within the Council.
- 6 The work programme for 2022/23 represents a summary of the overall areas we currently think will be the highest priority for work during the next year, based on our current assessment of risk. This assessment involves giving careful consideration to:
 - systems where the volume and value of transactions processed are significant, or the impact if risks materialise is very high, making the continued operation of regular controls essential
 - areas of known concern, where a review of risks and controls will add value to operations
 - areas of significant change which may include providing direct support / challenge to projects, reviewing project management arrangements, or consideration of the impact of those changes on the control environment, for example where reductions in resources may result in fewer controls.

- 7 The identification of risks has been informed in a number of ways; including review of the organisational risk management processes, understanding the Council's strategies and objectives, other known risk areas (for example areas of concern highlighted by management), discussions with senior officers and directorate management teams, the results of recent audit work and other changes in the Council's services and systems.
- 8 Internal audit work covers a range of risk areas to ensure that overall, the work undertaken will enable us to meet the requirement to provide an overall opinion on the Council's framework of risk management, governance and internal control.
- 9 We have defined 11 areas where we require assurance during the course of the year to help provide that opinion, as follows.
 - Strategic planning
 - Organisational governance
 - Financial governance
 - Risk management
 - Information governance
 - Performance management and data quality
 - Procurement and contract management
 - People management
 - Asset management
 - Programme and project management
 - ICT governance
- 10 The requirement for providing assurance across these areas is taken into account when identifying and prioritising work.
- 11 The proposed areas of coverage have been subject to consultation with the Corporate Affairs and Audit Committee and is subject to ongoing consultation and discussion with directors and senior officers.
- 12 The overall programme and relative priorities for work within the programme will be updated throughout the year. Actual work to be started will be based on the most immediate priorities at any point. We will regularly consult with officers on the priority, scope and timing of work to help ensure that we provide assurance in the right areas at the right time. We will also provide regular updates on the scope and findings of work to the Corporate Affairs and Audit Committee throughout 2022/23.



2022/23 INTERNAL AUDIT WORK

- 13 The plan is based on a total commitment of 555 days. Further detail on the potential areas of coverage is included in appendix A.
- 14 The programme is designed to ensure that limited audit resources are prioritised towards those areas which are considered to carry the most risk or which contribute the most to the achievement of the Council's strategic priorities and objectives.

- 15 Functionally, the indicative programme will be structured into a number of sections, as set out below. In assessing what work is included in each section, consideration is given to the priorities listed at paragraph 6 and the areas set out in paragraph 9.
- **Strategic / corporate & cross cutting** – to provide assurance on areas which, by virtue of their importance to good governance and stewardship, are fundamental to the ongoing success of the Council.
 - **Technical / projects** – to provide assurance on those areas of a technical nature and where project management is involved. These areas are key to the Council as the risks involved could detrimentally affect the delivery of services.
 - **Financial systems** – to provide assurance on the key areas of financial risk. This helps provide assurance to the Council that risks of loss or error are minimised.
 - **Service areas** – to provide assurance on key systems and processes within individual service areas. These areas face risks which are individually significant but which could also have the potential to impact more widely on the operations or reputation of the Council if they were to materialise.
 - **Other assurance areas** – an allocation of time to allow for continuous audit planning and information gathering, unexpected work, and the follow up of work we have already carried out, ensuring that agreed actions have been implemented by management.
 - **Client support, advice & liaison** – work we carry out to support the Council in its functions. This includes the time spent providing support and advice, and liaising with staff.
- 16 It is important to emphasise two important aspects of the programme. Firstly, the audit areas included in this draft programme and indicative days assigned to each of the areas in appendix A are not fixed. Work will be kept under review to ensure that audit resources continue to be deployed in the areas of greatest risk and importance to the Council. This is to ensure the audit process continues to add value.
- 17 Secondly, it will not be possible to deliver all of the audits listed in the programme. The programme has been over planned, to build in flexibility from the outset while providing an indication of the priorities for work at the time of assessment. This will enable us to respond quickly by commencing work in other areas of importance to the Council when risks and priorities change during the year.

APPENDIX A: Draft Internal Audit Work Programme 2022/23

Area	Indicative Days	Potential activity
Strategic risks / Corporate & cross cutting	150	Budgeting and savings plans Financial planning and resilience Strategic planning Local Plan strategy and development Risk management Performance management and data quality Partnerships Procurement and contract management Workforce planning HR – absence management, staff wellbeing, recruitment and retention, hybrid working arrangements, training and development Corporate complaints Information governance and data protection – information security checks, information security breaches / incident management Insurance arrangements Governance and decision making including the corporate governance framework Democratic services and elections Ethics and culture Environment and climate change – strategy, energy reduction

Area	Indicative Days	Potential activity
		Health and safety Business continuity / incident response Covid-19 response
Technical / projects	50	ICT strategy and governance ICT risk management ICT change management ICT firewalls security ICT patch management Cyber security Overall project management arrangements and/or specific support and review of key projects
Financial systems	70	Main accounting system Ordering and Creditors Debtors Payroll Council tax and NNDR Benefits Treasury management VAT accounting

Area	Indicative Days	Potential activity
Service areas	140	Social care referrals and assessments (adults and children) Preparedness for regulatory and legislative changes Recruitment and retention Liberty Protection Safeguards Domestic abuse Direct payments Public health Environmental health Homelessness Special Educational Needs Maintained schools themed audits Exclusion (schools) policies and strategies Contracts and commissioning with external providers Recruitment of foster carers Home to school transport Highways and fleet management Transporter Bridge (follow-up) Planning Economic development Town Hall strategic management

Area	Indicative Days	Potential activity
		Waste management Air quality
Other assurance work	95	Follow-up of previously agreed management actions Assurance mapping Grant certification including Covid-related grants Contingency
Client support, advice and liaison	50	Committee preparation and attendance Client liaison, support and advice on control, governance and risk related issues Attendance at Directorate Management Teams and other officer groups including Risk Management Group and Corporate Governance Group External audit liaison
TOTAL	555	

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COUNTER FRAUD WORK PROGRAMME 2022/23



Date: 28 April 2022

Annex 2





Jonathan Dodsworth
Assistant Director - Counter Fraud



Max Thomas
Head of Internal Audit

INTRODUCTION

- 1 Veritau undertakes counter fraud work on behalf of Middlesbrough Council. This document summarises the agreed areas of counter fraud work for 2022/23.
- 2 A total of 150 days of counter fraud work has been agreed for 2022/23. This work will comprise reactive investigations which are determined by referrals received from officers and the public about suspected fraud. Other work will be undertaken in accordance with priorities determined by the Counter Fraud Risk Assessment and Counter Fraud Strategy Action Plan (last presented to the Corporate Affairs & Audit Committee in September 2021).

2022/23 COUNTER FRAUD SUMMARY

- 3 A summary of planned areas of work is set out in the table below.

Area	Scope
Counter Fraud General	Monitoring changes to regulations and guidance, reviewing counter fraud risks, and support to the council with maintenance of the counter fraud framework. Updates on significant fraud trends and counter fraud activities will be provided to the Corporate Affairs & Audit Committee during the year.

Area	Scope
Proactive Work	This includes: <ul style="list-style-type: none"> • raising awareness of counter fraud issues and procedures for reporting suspected fraud - for example through training and provision of updates on fraud related issues • targeted proactive counter fraud work - for example through local and regional data matching exercises • support and advice on cases which may be appropriate for investigation and advice on appropriate measures to deter and prevent fraud.
Reactive Investigations	Investigation of suspected fraud affecting the council. This includes feedback on any changes needed to procedures to prevent fraud reoccurring.
National Fraud Initiative (NFI)	Coordinating submission of data to the Cabinet Office for the National Fraud Initiative (NFI) data matching programme and investigation of subsequent matches.

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MIDDLESBROUGH COUNCIL	
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Report of:	Tony Parkinson - Returning Officer & Electoral Registration Officer
Submitted to:	Corporate Affairs and Audit Committee
Date:	28 April 2022
Title:	Elections Bill
Report for:	Information
Status:	Public
Strategic priority:	All
Key decision:	Not applicable
Urgent:	Not applicable

Executive summary	
<p>The government is proposing changes to the UK electoral system through the Election Bill that is currently in its final stages. This report identifies the key proposed changes that the Bill introduces along with the possible impact on the voting public, candidates and electoral administrators.</p> <p>The proposed legislation contains measures that affect:</p> <ul style="list-style-type: none"> • elections and the way we vote • campaigning and the rules on campaign spending and funding • parliamentary oversight of the Electoral Commission <p>The changes in the Bill would apply to UK Parliament elections, Police and Crime Commissioner elections, and local ward elections in England including the Elected Mayor and the Tees Valley Combined Authority elected Mayor.</p> <p>The Bill seeks to improve the security, accessibility and transparency of elections and campaigning.</p> <p>These changes in legislation will also have resource implications for local Electoral Services Teams / Returning Officers and add additional pressures on service delivery at the time of an election.</p>	

Purpose

1. This report is to inform the Committee of proposed changes to the electoral system that may be introduced as part of the Elections Bill that is currently being considered by Parliament. The report also identifies the possible implications for the voting public, candidates and electoral administrators

Background and relevant information

2. On Monday 5 July 2021, the UK Government introduced the Elections Bill to the House of Commons. The bill introduces new legislation that proposes changes to the UK electoral system. The legislation, entitled the Elections Bill, contains measures that affect:
 - elections and the way we vote
 - campaigning and the rules on campaign spending and funding
 - parliamentary oversight of the Electoral Commission.
3. The changes in the Bill would apply to UK Parliamentary elections, Police and Crime Commissioner elections in England and Wales, and all local elections in England including Mayoral elections.
4. The Bill seeks to improve the security, accessibility and transparency of elections and campaigning. The changes it introduces will need to be well planned, with implementation phased and properly funded to ensure that electoral administrators, and others involved in running elections, can implement the measures as intended.
5. As devolution leads to different rules for different parts of the UK, it will be important to ensure that the entirety of the system continues to work well and that everyone can understand what rules are in place at different elections.
6. Once the Bill is passed into law – and there are new rules for elections, voting and campaigning – the government will work with voters, local councils, political parties, campaigners and representative bodies, to ensure everyone involved in elections understands and is prepared for the changes.
7. The Bill is currently at committee stage in the House of Commons and is expected to receive Royal Assent in May 2022.

What is Being Proposed?

Voter Identification

8. Electors will have to show photo ID before voting. If they cannot provide one of the required forms of ID as set out in legislation, they will be able to apply for a free Voter Card from their Electoral Registration Officer.
9. The voter card application process is expected to commence from December 2022.
10. Voter Identification expected to be in place at elections from May 2023

Current research is suggesting that around 2% of people may require identification issued by the ERO – for Middlesbrough Council this translates to approximately 1954 people. However, the figure could be much higher than this as Middlesbrough also has a high student population and they may use this route as method for gaining free official identification. There is also nothing preventing a person who already has an acceptable form of photo ID applying for voter card.

11. The deadline to apply for a voter card is expected to be 5pm on the day prior to polling day, this will present challenges in getting late applicants ID to them prior to voting the next day.

Absent Vote Applications

12. Political parties and campaigners will be banned from handling postal votes. There will also be a limit on the number of postal votes a person can hand in at polling stations (limit will be set out in secondary legislation) it is expected that the new postal vote handling rules will be in place for May 2023 polls.
13. Postal voters will need to make a fresh application every three years. Currently, electors are required to refresh their signature every 5 years, it is expected that this process will be transitional, starting from January 2024.
14. The application process for absent voters will include a process for verifying identity, in a similar way to individual registration.
15. Electors will be allowed to act as proxy for no more than four people, of which no more than two can be 'domestic' electors (i.e. not overseas or service electors). Postal vote application and new proxy limit expected for May 2024 polls.
16. Electors will be able to apply for an absent vote online (as well as by paper). Both online and paper applications will include a process for verifying the applicant's identity, which will be similar to the current process for individual electoral registration applications.

Proxy Vote Applications

17. If someone is unable to get to their polling station, they can ask someone they trust to vote on their behalf. This is called a proxy vote and the person casting the vote is referred to as a proxy.
18. The UK Government is proposing to limit the number of people for whom someone may act as a proxy.
19. Currently, a person can act as a proxy for an unlimited number of close relatives and two other people. Under the new rules, voters would be limited to acting as a proxy for two people, regardless of their relationship. Anyone voting on behalf of UK voters who live overseas could act as a proxy for up to four people.

Changes to the rights of EU Citizens to vote

20. The UK Government is proposing changes to the rights of EU citizens to vote and stand in elections in England and Northern Ireland.
21. Under the proposed changes, EU citizens who were living in the UK before the end of the EU Withdrawal Agreement Implementation Period (up until 1 January 2021) would keep their right to vote and stand in elections.
22. EU citizens who have arrived in the UK since 1 January 2021 would have these rights, where the UK Government has negotiated agreements with EU Members States to allow its citizens living in the UK to vote, in return for the same right for UK citizens living in that country
23. So far these agreements have been made with:
 - i. Spain
 - ii. Portugal
 - iii. Luxembourg
 - iv. Poland
24. It is expected to be in place at elections from spring 2024 and therefore electoral team will need to review existing EU electors, and process applications in line with new eligibility criteria (from June 2023). As yet the government guidance is still in development and we are awaiting more detail.

Voter accessibility

25. The UK Government is proposing to make it easier for people with disabilities to vote and Returning Officers will have a general responsibility to take all reasonable steps to support voters with disabilities.
26. The proposals would enable voters with disabilities to choose anyone who is over 18 to accompany them in the polling station, to help them vote. Currently, someone can only act as a companion if they are either an immediate family member who is over 18, or if they have the right to vote at the same election.
27. The proposals also cover the support given in polling stations to voters with disabilities.
28. Returning Officers are currently only required to provide specific forms of support to voters with disabilities at polling stations, such as a sample large print ballot paper for people with sight loss. The list of support they must provide is set out in law.
29. These new proposals would replace this list, instead requiring Returning Officers to take all reasonable steps to provide support to people with disabilities at polling stations and therefore the elections team should engage with other council departments and key stakeholders who are best placed to inform on what practical steps can be taken.
30. The new responsibilities are expected to be in place at elections taking place from May 2023.

Preventing Undue Influence

31. Proposals are to simplify and clarify the offence of undue influence. Someone is guilty of undue influence if they use, or threaten to use, force or violence to make someone vote a certain way, or not vote at all.
32. The proposed changes would make it simpler for the police to take action when allegations of undue influence are made.
33. The proposals would apply to all campaign activity, including printed materials, and would extend to anyone who seeks to intimidate a voter either inside or outside a polling station.

Overseas voting

34. The UK Government is proposing the removal of the 15 year limit on voting rights for British citizens living overseas.
35. This would mean that any British citizen living abroad who has previously lived in, or been registered to vote in the UK would have the right to vote at UK Parliamentary elections.
36. The proposals also extend the registration period for overseas voters. Currently overseas voters are required to register to vote every year. The changes would require them to register every three years, and to refresh their application to vote by post or proxy at the same time.
37. Anyone who is registered to vote in the UK can make donations to political parties and campaigners. Extending voting rights to more British citizens living overseas would allow these new voters to donate to political parties and campaigners.
38. While it is estimated the number of people who qualify as overseas electors could triple, we would not expect every newly enfranchised elector to apply and so it is difficult to predict what the impact on the service would be at this time.
39. This is expected to be in place before parliamentary elections due in spring 2024.

Changes to Mayoral and PCC voting system

40. The Bill changes the voting system used for electing Police and Crime Commissioners (PCCs), the Mayor of London and combined authority mayors from the Supplementary Vote system to Simple Majority Voting, also known as First Past the Post.
41. To ensure consistency in the voting system used for electing all directly-elected mayors and PCC's in England, and deliver manifesto commitments, the voting system for electing local authority mayors in England is also changed to First Past the Post.
42. Subject to the bill being passed It is proposed that many of the changes will be implemented in time for the May 2023 elections. The Department for Levelling Up, Housing and Communities (DLUHC) are still developing the policy, primary and

secondary legislation, and more detail will be shared with Returning Officers when it is available.

What decision(s) are being recommended?

43. That the Corporate Affairs and Audit Committee note the information contained in the report

Rationale for the recommended decision(s)

44. The bill has yet to have gained royal assent

Other potential decision(s) and why these have not been recommended

45. Not applicable

Impact(s) of the recommended decision(s)

Legal

46. The Government have introduced the Elections Bill to the House of Commons. The bill introduces new legislation that proposes changes to the UK electoral system.

47. The Electoral Commission (EC) will provide further guidance to Electoral Registration Officers, Returning Officers candidates and agents in due course. They will collate and analyse data to assess the impact of the legislative changes.

Strategic priorities and risks

48. Whilst the implications and guidance is not yet fully clear, it is recognised that changes on this scale will add additional levels of complexity with additional duties to Returning Officers and the election teams which will put additional strain on the finite election resources currently available.

49. The Local Government Association, the Electoral Commission and the Association of Electoral Administrators have also noted the serious capacity and resilience implications for councils, including the risk that identity checks and the possible refusal of votes may make election staff recruitment even harder than it is already and have raised these issues at a national level.

50. The Returning Officer and the electoral services team will need to put processes in place to manage new burdens of at polling stations i.e. consider suitability of current stations, handling possible queues if checks take longer, processes and training for staff on checking voters' ID and potential introduction of new equipment for voters with disabilities

51. Locally we will work with The Association of Electoral Administrators (AEA) and our regional counterparts to consider the possible impact and mitigations that may be required to build capacity, maintain the capability of staff in the registration and elections system, and ensure the resilience of electoral processes

52. There is also clearly a need to ensure that electors are aware of new requirements well in advance of polling day in addition to candidates and agents.

Human Rights, Equality and Data Protection

53. The bill aims to provide greater accessibility for those people with disabilities and therefore this will positively impact on some voters. There may also be some additional data protection implications depending on the level of new data the authority may be expected to collect in order to create voter IDs. However this is not yet fully understood.

Financial

54. It is recognised by the government that there may be significant financial implications as part of the Bill.

55. The majority of changes will result in a new financial burden being placed on the local authority. The Electoral Services team are currently assessing the possible impact of costs on Middlesbrough, however this will not be fully understood until further national guidance is issued to understand the additional processes that the authority will have to undertake and an election takes place.

56. The Government has acknowledged that where changes in the Bill will result in a new burden on local authorities, these costs will be initially covered in line with new burdens principles. However, at this stage we do not know what that funding will look like or how local authorities will be reimbursed.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
N/A		

Appendices

1	
2	
3	

Background papers

Body	Report title	Date
Local Government Association	The Elections Bill Local Government Association	27/07/21

Contact: Sylvia Reynolds
Email: sylvia_reynolds@middlesbrough.gov.uk

MIDDLESBROUGH COUNCIL	
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Report of:	Executive Member for Environment, Finance and Governance and Director of Legal and Governance Services
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Submitted to:	Corporate Affairs and Audit Committee
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Date:	28 April 2022
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Title:	Update – Council’s Decision Making process
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Report for:	Information
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Status:	Public
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Strategic priority:	All
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Key decision:	No
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Why:	Not applicable
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Urgent:	No
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Why:	Not applicable
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Executive summary	
The report provides an update in respect of the Council’s decision making process. It also highlights information in relation to any awareness/training that has been carried out in relation to the Decision Making process.	

Purpose

1. To provide members with an update in relation to the Council’s decision making process.

Background and relevant information

2. The report is necessary so that members are regularly updated in respect of the decision making process and are assured the appropriate decision making processes are in place.
3. The Corporate Affairs and Audit Committee previously requested information in relation to:

- Details of current policies/guidance in place in respect of the Decision Making Process;
- Information on the number of member delegated decisions and their type (key/non key);
- Information on the number of officer delegated decisions taken; and
- Information on the activities of the governance team (communications, training/ awareness raising).

Update

Council Constitution

4. The Council's 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.
5. The Constitution is divided into 18 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the Constitution.
6. The Council's Constitution is a living document and is currently subject to review. The changes to the Constitution usually fall within three broad areas, which can be described as follows:-
 - Alterations made as a result of decisions of either the Council or the Executive.
 - Alterations made under the delegated powers given to the Monitoring Officer to deal with changes required as a result of legislative changes.
 - Alterations to improve the working of the Council or, to attempt to resolve ambiguities or amend typographical or drafting errors.
7. Any changes to the Constitution, other than those delegated to the Monitoring Officer, are first considered by the Constitution and Members Development Committee prior to being submitted to the full Council meeting for approval

Current policies/guidance in place in respect of the Decision Making Process

8. Article 12 of the Constitution identifies the decision making principles of the Council and provides information in relation to what is a key decision and circumstances when they are not deemed key.
9. Council Procedure Rules – identify procedures for elected members in conducting meetings
10. Executive Procedure Rules – Identify functions which are the responsibility of the Executive and that may be exercised by the Elected Mayor. The Elected Mayor may also delegate authority to exercise those functions to the extent they wish.

11. The Forward Work plan is the vehicle for ensuring openness and transparency when key decisions are to be taken and for advising members and the public of decisions to be made by the Executive.
12. There is also an Executive decision making action tracker that allows actions arising from Executive decisions to be monitored for completion and assesses any risk associated with actions not being completed within the agreed timescales.
13. Overview and Scrutiny Procedure Rules – Sets out the functions of the Overview and Scrutiny Board and acts as the vehicle for hearing called in decisions.
14. The Officer Scheme of Delegation identifies powers delegated to officers, this is currently being updated.
15. Guidance for recording Officer Delegated decisions is contained on the Council's Intranet and decisions made within these parameters are published on the Council Website and an email notification is sent to all members
16. Financial Procedure Rules – The financial policies of the Council are set out in these regulations. They apply to every member and officer of the Authority and anyone acting on its behalf.
17. Separate financial regulations are to be issued in accordance with the Fair Funding Scheme which will apply to Governing Bodies, Head Teachers and staff of schools with delegated budgets. These will be appended to the Fair Funding Scheme document.
18. These regulations identify the financial responsibilities of:
 - The full Council;
 - The Executive;
 - Scrutiny committees;
 - Members;
 - The Head of Paid Service;
 - Monitoring Officer;
 - Chief Finance Officer; and
 - Executive Directors and Assistant Directors (in these regulations jointly referred to as “Other Chief Officers”).
19. The Council also has an Asset Disposal Policy which provides rules and guidance on the disposal of Council assets.

Information on the activities of the governance team (communications, training/ awareness raising)

Training

20. Staff – Online materials are available on the intranet and the Middlesbrough Learns e-learning training portal. Members are also required to complete the mandatory General Data Protection Regulation (GDPR) training on the Middlesbrough Learns e-learning portal. It was agreed at the Constitution and Members' Development Committee on 10 February 2022, that all members should receive the GDPR training at least once during

their term of office, but further training would be delivered if there were any subsequent updates to the regulations.

21. A training programme has been implemented, in order to assist in mitigating some of the actions outlined in the Children's Improvement Plan. A list of training and briefing sessions held during the period 1 January 2021 and 31 December 2021 is attached at **Appendix C**.
22. Every Member who currently Chairs a Committee has now received the appropriate training to assist them in carrying out the duties required to be able to Chair a meeting effectively.
23. Work is ongoing with the Local Government Association to improve member/officer relations. In order to develop the relationship, a number of joint training sessions, facilitated by the LGA, have been held between Executive Members and the Leadership Management Team.
24. Given the increase in Standards complaints, a Micro session was held on 23 September 2021, for all Members, on Declaration/Register of Interests. In addition, training was provided for all Members on 27 September 2021, in relation to the requirements of the Members Code of Conduct, following the approval of a revised Members' Code of Conduct at Council on 28 July 2021
25. The Modern.Gov Committee Management System provides the opportunity for members in the form of the Modern.Gov App, to view, annotate and download meeting papers. Councillors are also able to identify the committees that they are interested in and receive automatic updates when new information is published for them. Training on the Modern.Gov App (covering access, registration and use of the App), was delivered to members early in 2021 via several methods;
 - i. One to One training (delivered by political assistants where available)
 - ii. Virtual via WebEx (no more than 5 participants in each session)
 - iii. Physical training session (no more than 5 participants in each session).

Information on the number of officer delegated decisions

Gold Command Decisions

26. Under the Civil Contingencies Act 2004 the Council has a legal duty (alongside other local partners) to plan for and deliver both a response to an emergency incident and the recovery from it. The Coronavirus Act 2020 created a number of new, and revised other, local authority powers and duties (principally regarding education, social care, volunteering, and death management) in order to better enable the response to the COVID-19 pandemic.
27. On 16 March, as a result of the Covid-19 pandemic, the Council invoked its Major Incident Plan with the response structure of the Gold, Silver and Bronze Command. Due to the nature of the event, the Council's business continuity decision structure was aligned with this structure.

28. The purpose of the Gold Command is to set strategy for the response and controls resources. The Chief Executive is Gold Commander and the group is comprised of the Leadership Team and the Head of Marketing and Communications, alongside the Mayor and Deputy Mayor of Middlesbrough.

29. The Council's Scheme of Delegation gives the Executive collective responsibility for corporate strategic performance and financial management / monitoring, together with associated action. A list of decisions taken by the Gold command group during the pandemic is attached at **Appendix D** to the report.

Officer Delegated Decisions

30. The Officer Delegated Decision form was amended to ensure that officers include details of the specific delegation that allows them to take that decision. Democratic Services are then able to check the Officers Scheme of Delegation or the Council Constitution to ensure that the correct delegation is in place.

31. When an Officer Delegated decision is submitted via the Modern Gov Committee Management system, Democratic Services check the information entered on to the system to make sure that it has been entered correctly, the appropriate delegation is in place, check that there are no issues regarding confidentiality/release of exempt information and that a copy of the decision form is attached, prior to publishing the form.

Decisions made

32. A report containing details of Officer Delegated Decisions taken during the period 1 January 2021 - 31 December 2021 is attached at **Appendix A**.

Information on the number of member delegated decisions and their type (key/non key)

33. A report containing details of Executive decisions taken during the period 1 January 2021 - 31 December 2021 is attached at **Appendix B**.

Scrutiny and challenge

34. From 1 January 2021 – 31 December 2021 there have been 104 Executive decisions. In the corresponding period, the Council did not receive any requests for call-in, in respect of any of the decisions taken during that period.

Decisions made

35. **SPECIAL URGENT DECISIONS TAKEN IN THE PERIOD 1 JANUARY 2021 – 31 DECEMBER 2021**

Date	25 March 2021
Decision Maker	Executive Member for Regeneration

Decision	Installation of Stainton Way Toucan Crossing
Reason for Urgency	There is no safe crossing connection for children attending the Kings Academy, coupled with a road traffic accident towards the end of 2020 and any delay may result in another road traffic accident.

36. URGENT DECISIONS TAKEN IN THE PERIOD 1 JANUARY 2021 – 31 DECEMBER 2021

The following urgent decisions, with the agreement of the Chair of Overview and Scrutiny Board, were taken:

Date:	19/01/2021
Decision Maker	Executive
Decision	CONFIDENTIAL: Project Community Champions - Information contained in the report was embargoed by the Government.
Reason for Urgency	Urgent - decision needs to be implemented immediately to enable year one funding to be spent.
Date	19/01/2021
Decision Maker	Executive
Decision	CONFIDENTIAL: Project Adder - Information contained in the report was embargoed by the Government.
Reason for Urgency	The Government has allocated funding – a decision which was communicated to the council by email on 13 January 2021, the purpose of which has been embargoed by the Government for the time being. Concerning urgency, the MOU must be returned to MHCLG by 21 January 2021.
Date:	13/04/2021
Decision Maker	Executive
Decision	Changing Futures Funding Opportunity
Reason for Urgency	The submission deadline is 6th May 21 and there is a substantial amount of work to be done across the South Tees partnership (i.e. multiple organisations) in order to develop the costed delivery plan and final bid. If the decision was to be subject to call-in, any delay could result in missing the deadline for the submission of the bid.
Date	27/05/2021

Decision Maker	Executive
Decision	Project: Prevention and Promotion Fund for Better Mental Health and Wellbeing 2021-22
Reason for Urgency	The short turnaround time to submit the expression of interest means that an urgent decision is required to help us progress. Delay in decision making would mean that Middlesbrough Council will not be given the grant and we will not be able to implement intervention to address the additional impact of covid-19 on public mental health and wellbeing particularly amongst vulnerable groups – children and young people, minority ethnic groups, single parents and people who live in the most deprived wards of the borough.
Date	07/09/2021
Decision Maker	Executive
Decision	Audit to Excellence Service
Reason for Urgency	An audit report must be presented to the Multi-Agency Strategic Improvement Board on a quarterly basis. It is part of our improvement programme and the improvement plan is tightly monitored and must be delivered with pace. As noted above, audits are a barometer for practice improvement. This means that there cannot be any break in delivering the Audit to Excellence Programme or any deviation from this model – hence the urgent need for this decision.
Date	22/12/2021
Decision Maker	Director of Adult Social Care and Health Integration
Decision	Community Champions Fund – national funding investment in Middlesbrough.
Reason for Urgency	New Memorandum of Understanding had to be signed and returned by 28 December 2021 to enable funding to be released.

What decision(s) are being recommended?

37. That the Corporate Affairs and Audit Committee:

- Notes the information provided with regard to the Council's decision making process.

Rationale for the recommended decision(s)

38. The Corporate Affairs and Audit Committee requires assurance that the appropriate decision making processes are in place

Other potential decision(s) and why these have not been recommended

39. Do Nothing. If this option was selected the Corporate Affairs and Audit Committee would not have any evidence to demonstrate that appropriate decision making processes are in place.

Impact(s) of the recommended decision(s)

Legal

40. The 2000 Local Government Act requires all local councils to have a constitution. The constitution provides a basis and framework for the councillors and officers to work within to ensure lawful decision making.

Strategic priorities and risks

41. 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
O8-054	Failure to adhere to Local Code of Corporate Governance and deliver governance improvements outlined in the Annual Governance Statement.	By providing evidence of the decisions taken and the training that has been undertaken, then Council is demonstrating that good governance is in place and so this would have a positive impact on this 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.	The Council are obliged to comply with any new legislation or guidance. The Constitution is a live document which is updated continually to reflect any changes in legislation or guidance. The continual update of the Constitution has a positive impact on the Council fulfilling its statutory duties.

Human Rights, Equality and Data Protection

42. Not applicable

Financial

43. There are no financial implications or impact on any budgets or the Medium Term Financial Plan (MTFP) arising from the content of this report.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
There are no Actions arising from this report.	N/A	N/A

Appendices

1	Appendix A - Copy of report containing details of Officer Delegated Decisions taken during the period 1 January 2021 - 31 December 2021.
2	Appendix B - Copy of report containing details of Executive decisions taken during the period 1 January 2021 - 31 December 2021.
3	Appendix C - List of training and briefing sessions held during the period 1 January 2021 - 31 December 2021.
4	Appendix D - List of decisions taken by the Gold command group during the period 1 January 2021 - 31 December 2021.

Background papers

Body	Report title	Date

Contact: Charlotte Benjamin

Email: charlotte_benjamin@middlesbrough.gov.uk

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OFFICER DELEGATED DECISION INFORMATION

DECISIONS TAKEN FROM 1 JANUARY 2021 – 31 DECEMBER 2021

Date of Decision	Date of Issue	Subject of Decision
12/01/2021	14/01/2021	Changes to the Additional Restrictions Grant Discretionary Payments Scheme
22/01/2021	27/01/2021	Discretionary supplier relief to Home to School Transport Taxi Drivers
26/01/2021	26/05/2021	Community Protection Notices – level of Fixed Penalty Notice charge
25/02/2021	28/02/2021	Changes to the Additional Restrictions Grant Discretionary Payments Scheme
04/02/2021	26/02/2021	Contract Extension
15/02/2021	24/02/2021	Plot 9 Yard Expansion - Contractual Variation
08/03/2021	12/03/2021	PPE Support - Transfer of uncommitted funds to Financial Assistance, Advice and Support Payment
08/03/2021	12/03/2021	Self-Isolation Scheme
12/03/2021	12/03/2021	Winter Grant Payment and Financial Assistance and Advice Payment
18/03/2021	24/03/2021	Changes to the Additional Restrictions Grant Discretionary Payments Scheme
26/03/2021	31/03/2021	Test and Trace Discretionary Payment Scheme
30/03/2021	31/03/2021	Financial Assistance Advice and Support Payment
27/04/2021	04/05/2021	Changes to the Additional Restrictions Grant Discretionary Payments Scheme
11/05/2021	14/05/2021	CSI Capital Funding

17/05/2021	20/05/2021	Changes to the Additional Restrictions Grant Discretionary Payments Scheme
18/05/2021	19/05/2021	Winter Grant Payment
18/05//2021	20/05/2021	Non-Domestic Rates Discretionary Reliefs
02/06/2021	16/06/2021	Licensing Applications
02/07/2021	11/08/2021	To appoint a preferred contractor for the construction of Boho X
09/07/2021	12/07/2021	Covid Local Grant Support
22/07/2021	11/08/2021	To provide Galliford Try with a Letter of Intent (LOI) from Middlesbrough Council that will allow them to appoint their consultant team and key subcontractors.
02/08/2021	02/08/2021	Various licence applications/permissions/consents
12/08/2021	23/08/2021	Active Travel Hub Provision Continuation
18/08/2021	06/09/2021	Virement of £50,000 of Future High Street Funds
01/09/2021	10/09/2021	Various licence applications/permissions/consents
08/09/2021	13/09/2021	Response to the submitted Stainton & Thornton Neighbourhood Plan
01/10/2021	06/10/2021	Various licence applications/permissions/consents
18/10/2021	22/10/2021	Additional Restrictions Grant (ARG August 21)
01/11/2021	01/11/2021	Various licence applications/permissions/consents
05/11/2021	09/11/2021	Household Support Fund Grant
16/11/2021	21/02/2022	3% Community Benefit award following disposal of asset above market value

01/12/2021	14/12/2021	Various licence applications/permissions/consents
22/12/2021	22/12/2021	Community Champions Fund - national funding investment in Middlesbrough.

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EXECUTIVE MEMBER REPORTS AND ADDITIONAL DECISION INFORMATION

DECISIONS TAKEN FROM 1 JANUARY 2021 – 31 DECEMBER 2021

DATE	DECISION MAKER	ISSUE	PURPOSE OF REPORT	KEY DECISION
19/01/21	Executive	Economic Development, Environment and Infrastructure Scrutiny Panel – Response - Review of Teesside Crematorium	That the Action Plan, developed in response to the scrutiny panel's recommendations, be approved	No
19/01/21	Executive	Local Cycling and Walking Implementation Plan (LCWIP)	To provide information on the proposals to reallocate road space along the Linthorpe Road corridor (between Borough Road and Ayresome Street) to create protected cycle lanes in both directions	Yes
19/01/21	Executive	Local Council Tax Support 2021/22	That Executive approves the Council Tax Support (CTS) scheme for 2021/2022 and authorises the report to be considered at the full Council meeting of 24 February 2021.	Yes
19/01/21	Executive	Land adjacent the former Middlesbrough Warehouse Site Part A and Part B report	To provide information on the proposal to dispose of the Council's freehold interest in land adjacent the former Middlesbrough Warehouse Site.	Yes
19/01/21	Executive	CONFIDENTIAL – Project Funding	Project Adder - Information contained in the report was embargoed by the Government.	Yes
19/01/21	Executive	CONFIDENTIAL – Project Funding	Community Champions - Information contained in the report was embargoed by the Government.	Yes
02/02/21	The Mayor	Extension of It Provision in Schools for Virtual Learning	To support an initiative to ensure Middlesbrough's children and young people have access to IT hardware and internet connection to enable remote virtual learning.	Yes
02/02/21	The Mayor	Middlesbrough Council Support for Tees Valley Bid for Freeport Status	To endorse the submission of a Tees Valley Combined Authority (TVCA) led bid to the Government by 5th February 2021 for a Freeport in the Tees Valley sub-region.	Yes

09/02/21	Executive	Advice of Monitoring Officer – Call-in of Executive Decision – Nunthorpe Farm Disposal	To provide details of the advice that had been given to the Overview and Scrutiny Board, on 29 January 2021, at its Call-in meeting regarding the Executive decision that had been taken in respect of Nunthorpe Grange Farm.	No
09/02/21	Executive	Overview and Scrutiny Board – Call in Referral	To refer the Executive’s decision of 24 November 2020 (Nunthorpe Grange Farm - Disposal - Church Lane) back for reconsideration	No
16/02/21	Executive	Strategic Plan 2021-2024	That the Executive endorses the proposed Strategic Plan for 2021-24.	No
16/02/21	Executive	Strategic Plan 2020-23 - Progress at Quarter Three 2020/21	That the Executive notes progress made in implementing the Council’s Strategic Plan 2020-23 in Quarter Three 2020-21 and the ongoing and likely future impact of COVID-19 on strategic objectives where they are known at this stage. That in light of the above, the Executive notes the Council’s updated Strategic Risk Register at Appendix 1.	No
16/02/21	Executive	Revenue Budget, Council Tax, Medium Term Financial Plan and Capital Strategy 2021/22e	That the Executive endorses the proposed budget strategy for 2021/22 as set out in paragraphs 35 to 70, and endorses the proposed budget efficiency savings for 2021/22 (Appendix 1). That the Executive endorses the budget requirement for 2021/22 to be set at £116,492,035 as detailed in Appendix 2. Having taken into account the matters set out in Section 32 of the Local Government Act 1992 and the items set out within the report, that the Executive endorses that the basic amount of Council Tax (Band D) for 2021/22 be £1,757.67 being a 1.99% increase in general Council Tax and an annual precept of 0.76% for Adult Social Care which has been continued by the Government to contribute towards the shortfall of funding for adult social care. In total this represents an increase of 2.75% in the basic amount of Council Tax for the whole of the Borough. That the Executive endorses the actual amount of Council Tax (Band D) for areas without parish precepts (excluding Fire and Police) be set at £1,757.11. That the Executive endorses the actual amount of Council Tax (Band D) for areas with parish precepts (excluding Fire and Police) be set at :- Nunthorpe Parish £1,761.41 Stainton and Thornton Parish £1,766.42 That the Executive endorses the amounts of Council Tax for each	Yes

			<p>category of dwelling be set in accordance with table 4 of Appendix 4 within the report.</p> <p>That the Executive notes the refreshed Medium Term Financial Plan position for 2021-24 set out in this report in paragraphs 90 to 119.</p> <p>That the Executive endorses the updated Investment Strategy for the period to 2023/24 as Page 39 Agenda Item 6 outlined in paragraphs 120 to 124 and detailed in Appendix 5.</p> <p>That the Executive endorses the Capital Strategy Report (Prudential indicators, Investment Strategy and Minimum Revenue Provision) 2021/22 as outlined in paragraphs 125 to 136 and detailed in Appendix 6, and endorses the Authorised Limit for external borrowing of £315 million for the Council for 2021/22 as set out in paragraph 135.</p>	
16/02/21	Executive	Revenue and Capital Budget – Projected Outturn position as at Quarter Three 2020/21.	<p>That the Executive notes the 2020/21 revenue budget Quarter Three total projected outturn of £2.796m, representing a £294,000 (-0.25%) underspend on non-Covid-19 elements, and the estimated financial effect of Covid-19 in 2020/21 of £3.090m, and the proposed actions to address this.</p> <p>The Executive notes the proposed use of the General Fund Reserve, as approved by Council on 2 September 2020, to fund the total projected overspend in 2020/21.</p> <p>That Executive approves the proposed revenue budget virements over £150,000 (Appendix 1).</p> <p>That the Executive notes the 2020/21 capital budget Quarter Three predicted outturn of £45.195m against a budget of £50.363m, and approves the proposed revised Investment Strategy to 2022/23 at Appendix 2.</p>	Yes
16/02/21	Executive	Gresham Housing Phase 2 – Long Term Lease	That Executive approves the disposal of Phase 2 of the Gresham Housing Site to Thirteen Housing Group on a 999 year lease at nil consideration for the reasons set out in the business case.	Yes
16/02/21	Executive	Middlesbrough Council Local Implementation Plan (LIP)	That the Executive approves the draft LIP to proceed to public consultation.	Yes
16/02/21	Executive	Re-designation of North Ormesby Selective Landlord Licensing - Consultation Responses and Approval to Proceed with the Re_designation	That Executive consider the results of the consultation and the statutory tests referred to in this report and approve the re-designation of Selective Landlord Licensing for the proposed area of North Ormesby (Appendix A).	Yes

16/02/21	Executive	Final Report of the Adult Social Care and Services Scrutiny Panel - Physical Activity for Older People (aged 65 plus) - Service Response	That the Executive approves the response, and accompanying action plan, to the Adult Social Care and Services Scrutiny Panel final report on physical activity for older people (aged 65 plus).	No
26/02/21	Executive	Improving Alleyways by Tackling Crime and Anti-Social Behaviour	That Executive agrees to: a. Additional capital funding of £400,000 cost of CCTV required. b. Note the new approach to dealing with fly tipping in Middlesbrough.	Yes
26/02/21	Executive	Future Development of Middlehaven	That Executive approves: a. the appointment of BCEGI via NEPRO3 Framework as the Council's strategic partner at Middlehaven; b. the development of a masterplan to be brought back to Executive for endorsement; c. reallocation of £3.9m of TVCA and Council resources freed up from the Boho X budget into the wider development of Middlehaven, with a further £1.5m returned to the Council's Capital Programme; d. ringfencing the income generated from Boho X to supporting the wider development of Middlehaven; e. accepting the Brownfield Housing Fund offer of £7.9m from TVCA, subject to final sign off by the Director of Finance; f. commencing the infrastructure works identified through the Brownfield Housing Fund; g. committing up to £538,000 from the former Boho X funding to the stabilisation of the Captain Cook Pub.	Yes
16/03/21	Executive	Children's Services Improvement Programme: Overview of Progress November 2020 - February 2021	That Executive approves the overview of the strategic and operational work undertaken between November 2020 and February 2021 in line with the Children's Services Improvement Action Plan 2020/21.	Yes
16/03/21	Executive	The Corporate Parenting Strategy	That Executive ratifies and supports the Corporate Parenting Strategy.	No
16/03/21	Executive	Acceptance of the Holiday Activities Fund 2021 Grant	That the Executive approves that: <ul style="list-style-type: none"> Delegated authority is granted to the Director of Public Health to accept the Holiday Activities Fund 2021 grant. The Director of Public Health in consultation with the Director of Education, Prevention and Partnership, Executive member for Adult Social Care and Public Health and Executive Member for Communities and Education, receives delegated authority to sign off future implementation plans and allocate funding up to £150,000 per provider to deliver the Holiday Activities Fund programme. 	Yes

16/03/21	Executive	Teessaurus Park Improvements	That Executive approves funding of £250,000 for the proposed improvements to Teessaurus Park.	Yes
16/03/21	Executive	Improve Recycling Rates and Participation across Middlesbrough	That Executive approve the proposal for an Education and Communications plan to increase recycling across Middlesbrough.	Yes
16/03/21	Executive	Voluntary Registration of Land at The Avenue, Nunthorpe as a Village Green	That Executive approves an application seeking the voluntary registration of land at The Avenue, Nunthorpe as a Village Green.	No
16/03/21	Executive	Council Future Office Accommodation - Preferred Option (PART A) & (PART B)	The following is asked of the Executive: a) That the information contained in Part A of the report be noted; and b) That the decision be taken once all the financial or exempt information contained in Part B of the report has been considered.	Yes
23/03/2021	Executive Member for Regeneration	Tees Advanced Manufacturing Park – New Site Development Options	That the recommendations in the report be approved	Yes
25/03/2021	Executive Member for Regeneration	Stainton Way Toucan Crossing	That the proposals to install a Toucan Crossing on Stainton way. Be approved	
06/04/21	Joint Archives Committee	Budget Report	That the Committee notes the position of the 2020-2021 budget. That the Committee approves the budget for 2021-2022	No
03/04/21	Executive	Youth Services Update	That Executive note the content of this report.	No
09/04/21	Executive	Care Home Brokerage and Trusted Assessor	That Executive approves the development of an in-house care home brokerage and trusted assessor service following the termination of a current contract.	Yes
13/04/21	Executive	Changing Futures Funding Opportunity	That Executive approves: <ul style="list-style-type: none"> • A formal submission on a South Tees partnership basis with Middlesbrough Council as the lead organisation; • Subject to the bid's success, approval to receive the grant funding on behalf of the South Tees partnership and distribute it amongst the partner organisations; • That the Director of Public Health (DPH), as the named lead for the South Tees partnership, in consultation with the relevant Executive Member, receives delegated authority 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 that will be formed if we are successful. • That the Director of Public Health (DPH), as the named lead for the South Tees partnership, receives delegated authority to sign the bid on behalf of Middlesbrough Council as lead authority for the Partnership 	Yes

13/04/21	Executive	Community Asset Transfers	That the Executive approves: <ul style="list-style-type: none"> • Progression of the community asset transfer policy 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. • A future report will be presented to Executive outlining the outcome of the financial appraisal and recommendations for approval for each community asset transfer based on its own merits following appropriate due diligence where appropriate. • The Community Asset Transfer Policy will be refreshed alongside the Community Governance Review process, which is currently being progressed. 	Yes
13/04/21	Executive	Community Benefit Arising from Asset Disposal	That Executive approves an amendment to the Asset Disposal Policy to facilitate local communities benefiting whereby a council owned asset is disposed within their locality above market value.	Yes
13/04/21	Executive	Tender Pipeline Approval 2021/22	That Executive approves the tender pipeline for 2021/22 including the delegation of responsibility for award to the relevant Director in consultation with their Executive Member.	Yes
13/04/21	Executive	Boho Residential Site – Marketing and Disposal	That Executive approves: <p>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;</p> <p>and,</p> <p>b) the principle to allocate grant funding of up to £2m from the Towns Fund, where an appraisal has confirmed that there is a funding gap that would otherwise make the scheme unviable, subject to confirmation of compliance with Subsidy Control rules.</p>	Yes
13/04/21	Executive	Future High Streets Fund – Town Centre Property and Asset Management (PART A) and (PART B)	The following is asked of the Executive: <p>a) That the information contained in Part A of the report be noted; and</p> <p>b) That the decision be taken once all the financial or exempt information contained in Part B of the report has been considered.</p>	Yes
24/05/21	Executive	Schools Capital Programme 2021	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.	Yes
27/05/21	Executive	Strategic Plan 2021-24: Approach to Delivery	That the Executive approves the Strategic Plan workplan and associated outcomes, to assure achievement of the Council’s strategic priorities for the 2021-24 period. That Executive approves the inclusion of all Recovery works and	No

			activities within the Strategic Plan 2021-24 workplan. That Executive agrees the delegation of approval for minor amendments to in-quarter timescales to the Chief Executive	
27/05/21	Executive	Revised Fee Structure for Newham Grange Farm	That Executive approves the change in, and additional, fees and charges identified for Newham Grange Farm. To increase as per the attached appendix 1, fees over the next 3 years	No
27/05/21	Executive	Teesside Archives	That the Executive: a) approves the transfer of Teesside Archives stock to commercial storage; b) approves the relocation of Teesside Archives staff to the Dorman Museum; c) approves up to £325,000 from any subsequent sale of Exchange House to be used for relocation of Teesside Archives (subject to confirmation from the three other Custodian authorities); and, d) approves the pursuit of external funding for the longer term development of new archive storage attached to the Dorman Museum.	Yes
27/05/21	Executive	Green Strategy	1. That Executive approves the adoption of the Green Strategy following the public consultation. 2. That Executive approves the Year One Action Plan.	Yes
27/05/21	Executive	Tree Policy (amended February 2021)	That Executive approve the adoption of the amended Tree Policy (amended February 2021)	Yes
27/05/21	Executive	Joint Development Priorities	That the Executive: a) approve the entering into a collaborative joint venture with Jomast Developments Ltd (Jomast), for the purposes of exploring development opportunities, and external funding, for key town centre assets – as set out in appendix A; and, b) notes the recent progress made in regenerating and occupying commercial space on Albert Road North.	No
27/05/21	Executive	Local Authority Delivery 2 (LAD2) Grant Application and Scheme Delivery	That Executive approves the acceptance of the Local Authority Delivery 2 funding award and the procurement of EON as our delivery partner if the application is successful.	Yes
27/05/21	Executive	Final Report of the Economic Development, Environment and Infrastructure Scrutiny Panel – Pest Control Services – Service Response	That Executive approves the service response to scrutiny – Pest Control.	No
27/05/21	Executive	Final Report of the Health Scrutiny Panel – Opioid Dependency – What Happens Next? – Service Response	That the Executive approves the service response, and accompanying action plan to Health Scrutiny Review: Opioid Dependency: What happens next?.	No
27/05/21	Executive	Project: Prevention and Promotion Fund for Better Mental Health and Wellbeing 2021-22	To seek approval for the receipt of national investment via an Expression of Interest submission to support Public Mental Health Interventions and to request delegated powers for the Director of Public Health, in the future delivery of interventions to the value of £273,214.00.	Yes

27/05/21	Executive	Middlesbrough Development Company (MDC): Finance	<p>That Executive approves:</p> <p>a) additional funding of up to £1,200,000 to MDC to facilitate the delivery of the Tollesby development. The funding will be provided from £700,000 of Section 106 contributions and £500,000 of Council resources, with the latter being provided in the form of a commercial loan (subject to sign off from the Council's Section 151 Officer). Both amounts sit within the current approved Investment Strategy allocation to MDC so there will be no additional requirements in this regard; and,</p> <p>b) delegated authority to the Council's Section 151 Officer to approve the transfer of residual funds held within MDC accounts to the Tollesby project, subject to MDC Board approval</p>	Yes
27/05/21	Executive	Towns Fund and Future High Streets Fund	<p>That Executive:</p> <p>a) approve the funding offer for Middlesbrough Council's funding bid for the investment of the Future High Street Fund (FHSF) allocation, which equates to a total of £14.1m, as detailed within Appendix A;</p> <p>b) endorse Middlesbrough's Town Deal funding programme totalling £21.9m, as determined by Middlesbrough's Town Deal Board, as detailed in Appendix B;</p> <p>c) approve Middlesbrough Council taking responsibility as the accountable body for the Towns Fund;</p> <p>d) delegate the Director of Regeneration and Culture and the Director of Finance are delegated approval to vire allocations beneath the £14.1m FHSF allocation, insofar as the objects of the programme and the outputs are consistent with the objectives of the bid, and subject to grant conditions and change control processes; and,</p> <p>e) notes the Towns Fund and Future High Streets Fund delivery objectives as aligned with the Town Centre Strategy and the Council's Strategic Plan.</p>	Yes
15/06/21	Executive	Domestic Abuse New Burden Funding – Provision of Support within Domestic Abuse Safe Accommodation Services for 2021-2022	<p>That Executive approves:</p> <p>i. Domestic Abuse Needs Assessment is undertaken so we can commission and ensure provision of support for victims and children in safe accommodation which enables Middlesbrough Council to meet new statutory duties and report back to central government confirming we have met the obligations</p> <p>ii. The terms and conditions outlined in the Memorandum of Understanding and that delegated authority is granted to the Director of Adult Social Care and Health Integration to sign this on behalf of the Council</p> <p>iii. That the Director of Adult Social Care and Health Integration, in consultation with the Executive member for Adult Social Care and</p>	Yes

			Public Health, receives delegated authority to allocate the £394,865 funding as per commissioning intentions/ decision identified by Needs Assessment.	
15/06/21	Executive	Strategic Plan 2020-23 – Progress at Year-End 2020/21	<p>That the Executive notes progress in implementing the Council's Strategic Plan 2020-23 at Year-End 2020/21 and the ongoing impact of COVID-19.</p> <ul style="list-style-type: none"> • That the Executive approves the proposed changes and amendments to COVID-19 Recovery Action Plans following Lockdown 3 (Appendix 1). • That in light of the position outlined in the report, the Executive notes the Council's updated Strategic Risk Register at Appendix 2. • That the Executive notes that future quarterly updates will report progress on the revised Strategic Plan for 2021-24, approved by Council in February 2021, and that COVID-19 Recovery activity will be subsumed with the workplan underpinning the revised Strategic Plan, approved by the Executive on 27 May 2021. 	No
15/06/21	Executive	Update on the Holiday Activities Fund 2021	Report is for information only.	No
15/06/21	Executive	Revenue and Capital Budget – Year-End Outturn Position 2020/21	<p>That the Executive approves the transfer to Reserves as detailed in the report and summarised in paragraph 123 of the report.</p> <ul style="list-style-type: none"> • That the Executive notes the 2020/21 revenue budget final year-end outturn of a £355,000 (-0.3%) underspend on non-Covid-19 elements (subject to above approval of transfers to reserves), and the financial effect of Covid-19 in 2020/21 of £416,000. • That the Executive approves the transfer of the £355,000 underspend on non-Covid_19 elements to the General Fund Reserve. • That the Executive notes the use of the General Fund Reserve, as approved by Council on 2 September 2020, to fund the £416,000 Covid-19 overspend in 2020/21. • That the Executive approve the transfer of the remaining £4.512m funding set aside in the General Fund Reserve to a separate Reserve, to cover potential costs arising from the Covid-19 recovery in 2021/22 and future years. • That the Executive notes the 2020/21 capital budget final outturn of £42.078m against a revised budget of £45.195m, and approves the revised Investment Strategy to 2023/24 at Appendix 1 	Yes
15/06/21	Executive	Ridgeway Connections Scheme: Public Consultation Exercise	<p>That Executive:</p> <p>a) the responses received during the public consultation exercise are</p>	No

			noted; b) the objections to the proposed scheme are considered and mitigations noted; and, c) the proposed scheme is agreed and progresses to implementation during the 2021/22 financial year.t.	
28/06/21 Following legal advice and further discussion with regards to the masterplan, the Mayor decided to adjourn the meeting until further information could be provided.	Executive	Adoption of Stainsby Country Park and Masterplan	That Executive: 1. adopts the Stainsby Country Park and Masterplan, to enable the Council to control development proposals brought forward by private sector landowners and developers in the area; and 2. delegates authority to the Director for Regeneration, in consultation with the Executive Member for Regeneration, to make any subsequent minor amendments to the Stainsby Country Park and Masterplan.	Yes
03/07/21	Executive Member for Regeneration	Withdrawal of the Development Brief for Hemlington North	That Executive withdraws the development brief for Hemlington North	No
13/07/21	Executive Member for Regeneration	2021/22 Transport and Infrastructure Capital Programme	That Executive approves the proposals to allocate funding to deliver infrastructure as identified within the report	Yes
13/07/21	Executive	Community Safety Plan 2020-2022	That Executive notes and agrees the annually revised delivery plan that aims to deliver on the priorities within the Community Safety Plan 2020-2022 as agreed by the Community Safety Partnership (CSP).	Yes
13/07/21	Executive	Green and Blue Infrastructure Strategy 2021 – 2037	That Executive adopts the Green and Blue Infrastructure Strategy 2021 – 2037.	Yes
13/07/21	Executive	Final Report of the Culture and Communities Scrutiny Panel – Community Cohesion – Service Response	That the Executive a. Notes the content of the Scrutiny Report and the recommendations of the Scrutiny Panel (attached as appendix A) b. Approves the Service Response – Action Plan (attached as appendix B).	No
13/07/21	Executive	ECS Installation of Town Wide Lighting Scheme	It is recommended that Executive: Approves capital funding for the delivery of this Strategic Priority Installation of a Town wide lighting scheme highlighting key buildings and landmarks to improve the physical appearance of the town.	Yes

13/07/21	Executive	Middlesbrough Council Long-Term Financial Sustainability	<ul style="list-style-type: none"> • That the Executive notes the contents of the report. • That the Executive notes the key points of the CIPFA Financial Management Code (FM Code) and the initial self-assessment of compliance with the Code, the associated actions arising to ensure full compliance, and the next steps. • That Executive notes the results of the analysis of the CIPFA Financial Resilience Index 2021. 	No
13/07/21	Executive	Land at St David's Way – Disposal [Part A] and (PART B)	That Executive: a) that the information contained in Part A of the report be noted; and b) that the decision be taken once all the financial or exempt information contained in Part B of the report has been considered.	Yes
27/07/21	Deputy Mayor and Executive Member for Culture and Communities	Equality and Inclusion Report – 2019 and 2020	That the Executive Member notes the findings and progress outlined in the Equality and Inclusion Report spanning 2019 and 2020 (Appendix 1) and approves the proposed actions set out within the report to promote continuous improvement	No
10/08/21	Executive	Engagement Policy 2021-22	That the Executive approves the proposed Engagement Policy for 2021-22	No
10/08/21	Executive Member for Environment, Finance and Governance	Corporate Debt Management Policy	That the Corporate Debt Management Policy be approved	Yes
10/08/21	Executive	Nunthorpe Grange Farmhouse, Yard & Barns – Disposal	That Executive approves the proposal to proceed with the disposal of the Council's freehold interest in Nunthorpe Grange Farmhouse, Yard & Barns.	Yes
17/08/21	The Mayor and Executive Member for Adult Social Care and Public Protection	The South Tees Carers Strategy and the model for future commissioning	That Executive approves the new model for the future commissioning of a South Tees Carers Offer, the South Tees Carers Strategy and Action Plan and the collaborative procurement led by Redcar & Cleveland Borough Council.	Yes
17/08/21	Executive Member for Regeneration	Bus Shelter Maintenance and Advertising Contract	The Executive Member for Regeneration approves the publication of a VEAT notice (Voluntary Ex-Ante Transparency Notice, which can be published when a contracting authority has chosen a particular route to market) of the Council's intention to award a five year contract in respect of Bus Shelter Maintenance and Advertising; with Clear Channel.	
07/09/21	Executive	Children's Services Improvement Programme: Overview of Progress	That Executive notes the overview of the strategic and operational work undertaken between February 2021 and July 2021 in line with	No

		February 2021 – July 2021.	the Children's Services Improvement Action Plan 2020/21 and 2021/22.	
07/09/21	Executive	Corporate Performance Update: Quarter One 2021/22	<ul style="list-style-type: none"> • That the Executive approves the proposed amendments to Executive actions outlined at Appendix 1. • That the Executive notes progress in implementing the Strategic Plan 2021-24 at Quarter One 2021/22 and approves the revised deadlines for the action at paragraph 23. • That in light of the position outlined in the report, the Executive notes the Council's updated Strategic Risk Register at Appendix 2. • That the Executive notes progress in implementing 2021/22 Directorate priorities, which are set out at Appendix 3. 	No
07/09/21	Executive	Revenue and Capital Budget – Projected Outturn Position as at Quarter One 2021/22	<ul style="list-style-type: none"> • That the Executive notes the 2021/22 revenue budget Quarter One total projected outturn of £3.753m, representing a £1.717m (1.5%) overspend on non-Covid-19 elements, and the estimated financial effect of Covid-19 in 2021/22 of £2.036m, and the proposed actions to address this. • That the Executive notes the proposed use of the following Reserves to fund the total projected overspend of £3.753m in 2021/22 : <ul style="list-style-type: none"> - Social Care Demand Reserve (£0.5m) - Children's Services Demand Reserve (£0.732m) - Covid Recovery Reserve (£2.521m) • That the Executive approves the proposed revenue budget virements over £150,000 (Appendix 1). • That the Executive notes the 2021/22 capital budget Quarter One predicted outturn of £82.029m against a budget of £93.716m, and approves the proposed revised Investment Strategy to 2023/24 at Appendix 2. 	Yes
07/09/21	Executive	Supplier Incentive Programme	That Executive approves: <ul style="list-style-type: none"> i) the Council reverting back to the Statutory payment term of 30 days ii) the procurement and implementation of a Supplier Incentive Programme ('SIP') with Oxygen Finance Ltd ('Oxygen') via the NEPO 521 Early Payment Services Framework iii) utilising the E-Invoicing format to ensure compliance with Public Contract Regulations 2015 (PCR) 	Yes
07/09/21	Executive	Final Report of the Ad Hoc Scrutiny Panel – Members' Communications – Service Response	That the Executive <ul style="list-style-type: none"> a. Notes the content of the Scrutiny Report and the recommendations of the Scrutiny Panel (attached as Appendix A) b. Approves the Service Response – Action Plan (attached as 	No

			Appendix B)	
07/09/21	Executive	Commissioning a bespoke service called 'Audit to Excellence' to continue to lead a comprehensive audit programme, including developing audit expertise across children's services. This is an essential element of Middlesbrough Children's Services improvement programme.	'That Executive approves the content of this report and agrees that the required commissioning can take place	Yes
07/09/21	Executive	Middlesbrough Development Company (MDC): Empty Homes Partnership	That Executive approves: a) the provision of up to £1,000,000 to MDC to establish a partnership to invest in the refurbishment of empty and poor quality properties within the key target areas of Middlesbrough. The funding will be provided in the form of a commercial loan (subject to sign off from the Council's Section 151 Officer) and will be taken from the approved Investment Strategy allocation to MDC; and, b) delegated authority for the Director of Finance and the Director of Regeneration and Culture to agree the terms of the loan to MDC and c) MDC are given approval that where appropriate, MDC can acquire properties directly, prior to the establishment of a partnership.	Yes
01/09/21	Executive	Future Development of Middlehaven	That Executive approves: a) the planned approach to the development of Middlehaven; b) the granting of an option agreement to BCEGI to facilitate the development of St Hilda's; and, c) any variation to the final terms of the agreement (from those set out in this report) to be delegated to the Director of Regeneration and Culture and the Council's Section 151 Officer	Yes
21/09/21	Executive	EXEMPT – Middlesbrough College	That the recommendations of the report be approved.	Yes
05/10/21	The Mayor and Executive Member for Adult Social Care and Public Protection	To seek approval for the Statement of Principles for the penalty charge structure associated with the enforcement of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015	Approval of the proposed Statement of Principles for the penalty charge structure for the enforcement of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015, in accordance with the Financial and Contractual Procedure Rules.	Yes
05/10/21	Executive	Youth Service: Overview of Progress, April 2021 – June 2021 (Quarter One)	That Executive notes the overview of progress made by the new Youth Service which was given approval to be established by Executive in June 2020.	Yes
05/10/21	Executive	Community Environmental Initiatives – To support community	That Executive approve the proposal for the ask of £150,000 revenue (£50,000 per annum over three years) to support Community	Yes

		environmental initiatives to aid improved local environmental standards	involvement in wide reaching Environmental Initiatives, to improve local environmental standards across their communities and across Middlesbrough	
05/10/21	Executive	Council Tax Reduction Scheme 2022/23	That Executive approve the commencement of consultation on a maximum Council Tax Reduction Scheme of 90% with the following : <ul style="list-style-type: none"> with Major Preceptors on the proposed changes to the working age Council Tax Reduction (CTR) scheme with effect from 1st April 2022 (as required by the Local Government Finance Act 1992); and with the public on the proposed changes to the working age Council Tax Reduction (CTR) scheme with effect from 1st April 2022 (as required by the Local Government Finance Act 1992 	Yes
05/10/21	Executive	Fountain Court Refurbishment and Fit-Out Budget	That Executive considers the building refurbishment and fit-out costs highlighted in the report and approves: <p>a) An additional £4.138m being allocated to the Fountain Court project, giving a total budget of £7m to refurbish and fit-out the building, enabling Council staff to relocate there in 2022.</p>	Yes
05/10/21	Executive	Middlesbrough Development Company (MDC): Business Plan Update	That Executive notes the contents of the MDC Business Plan Update, attached as Appendix 1 to this report.	No
05/10/21	Executive	Centre Square Investment Opportunity – Part A and Part B	The following is asked of the Executive: <p>a) that the information contained in Part A of the report be noted; and</p> <p>b) that the decision be taken once all the financial or exempt information contained in Part B of the report has been considered.</p>	Yes
13/10/21	Executive Member for Regeneration	Tackling Eyesore Sites	That the Executive approves investment of up to £1million to tackle eyesore land and property in Middlesbrough, including the possible acquisition of sites if the approved business case recommends it.	Yes
27/10/21	Joint Archives Committee	Joint Archives Budget	That the Committee notes the position of the 2021-2022 budget.	No
27/10/21	Joint Archives Committee	Joint Archives Update	That Members note the update	No
09/11/21	Executive	Middlesbrough's Ambition for Children: A Whole Town Strategy	That Executive endorses the Middlesbrough Children Matter (MCM) approach and priorities, and that those priorities form part of a town-wide children's strategy which outlines Middlesbrough's ambition for all children within the town, directly linked to our (MCM) vision and mission.	Yes
09/11/21	Executive	Annual Update: Special Educational Needs and / or Disabilities 0-25	Report was for information	No
09/11/21	Executive	Middlehaven – Outwood Academy Riverside	That Executive approves the sale of the subject land to the DfE for the sum of £1,211,596 (plus fees) to enable the construction of a new secondary school to be used as the permanent location for Outwood	Yes

			Academy Riverside. That capital funds up to the sale value of the land plus a further sum of up to £1.7m be utilised to assist the DfE in remediating the site, subject to the DfE providing robust evidence of the costs.	
09/11/21	Executive	ECS Built Asset Capital Investment	It is recommended that Executive: a) Approves capital funding for works to The Town Hall, Municipal Buildings, Resolution House, and Central Library to ensure the ongoing condition of these assets for future operational and community use.	Yes
09/11/21	Executive	Revenue and Capital Budget – Projected Outturn position as at Quarter Two 2021/22	That the Executive notes the 2021/22 revenue budget Quarter Two total projected outturn of £4.155m, representing a £2.605m (2.2%) overspend on non-Covid-19 elements, and the estimated financial effect of Covid-19 in 2021/22 of £1.550m, and the proposed actions to address this. <input type="checkbox"/> That the Executive notes the proposed use of the following Reserves to fund the total projected overspend of £4.155m in 2021/22 : - Social Care Demand Reserve (£0.5m) - Children’s Services Demand Reserve (£0.732m) - Covid Recovery Reserve (£2.923m) <input type="checkbox"/> That the Executive notes the 2021/22 capital budget Quarter Two predicted outturn of £64.814m against a budget of £82.029m, and approves the proposed revised Investment Strategy to 2023/24 at Appendix 1.	Yes
09/11/21	Executive	Medium Term Financial Plan Update	That the Executive notes the updated Medium Term Financial Plan position for 2021-25. <input type="checkbox"/> That the Executive endorses 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). <input type="checkbox"/> That this report is presented to Council on 24 November 2021, allowing consultation on the budget and the proposed Council Tax increase to commence, with any required changes arising from the discussion of the report at the Executive delegated to the Executive Member for Finance and Governance, as advised by the Director of Finance	Yes
09/11/21	Executive	Final Report of the Children and Young People’s Learning Scrutiny Panel – Behaviour, Discipline and Bullying in Schools – Service Response	That Executive approves the department’s response and accompanying action plan to the Children and Young People’s Learning Scrutiny Panels final report on addressing Behaviour, Discipline and Bullying in School.	No
09/11/21	Executive	EXEMPT – Strategic Town Centre Property Acquisition	That the recommendations of the report be approved.	Yes

17/11/21	The Mayor and Executive Member for Adult Social Care and Public Protection	Health Determinants Research Collaboration bid	That the Executive approves that: Delegated authority is granted to the Director of Public Health to submit a bid to the National Institute of Health Research to look to secure a Health Determinants Research Collaboration function.	Yes
07/12/21	Executive	Corporate Performance Update: Quarter Two 2021/22	That the Executive approves the proposed amendments to Executive actions outlined at Appendix 1. <input type="checkbox"/> That the Executive notes progress in implementing the Strategic Plan 2021-24 at Quarter One 2021/22 (Appendix 2) and approves the revised deadlines for the action at paragraph 20. <input type="checkbox"/> That in light of the position outlined in the report, the Executive notes the Council's updated Strategic Risk Register at Appendix 3. <input type="checkbox"/> That the Executive notes progress in implementing 2021/22 Directorate priorities, which are set out at Appendix 4	No
07/12/21	Executive	Annual Update: Standing Advisory Council on Religious Education (SACRE)	Report was for information only	No
07/12/21	Executive	Virtual School Peer Review	That Executive endorses the Virtual School peer review.	No
07/12/21	Executive	Calculation of Council Tax Base for 2022/2023	That the Executive notes the contents of the report. That the Executive endorses the council tax base for 2022/2023 as 35,228. That the Executive endorses 2,168 and 1,240 as the council tax bases for the parishes of Nunthorpe and Stainton & Thornton respectively for 2022/2023. That the report is presented to Council on 22nd December 2021, and that following approval the Police and Crime Commissioner, the Cleveland Fire Authority and the Parish Councils are notified of the 2022/2023 council tax base	No
07/12/21	Executive	Corporate Debt Write Off Policy	That Executive: a) Note and endorses the Corporate Debt Write Off Policy b) Refers the policy to full council to amend the Budget Policy Framework and the officer scheme of delegation c) That delegated authority be provided to the Section 151 Officer to approve any future modifications to the policy.	Yes
07/12/21	Executive	International Centre - Transfer of Freehold	That Executive approves the proposal to transfer the Council's freehold interest of the International Centre to a community organisation to enable submission of significant bidding opportunity to bid for investment to develop the centre into a valuable community asset.	Yes

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DECISIONS MADE AT THE GOLD COMMAND MEETING DURING THE PANDEMIC TO SUPPORT OPERATIONAL AND STRATEGIC MANAGEMENT – 1 JANUARY
2021 – 31 DECEMBER 2021

Date of Meeting	Summary of decision recorded	Responsible Officers
07/01/21	Decision taken to suspend all Recovery sub-group meetings, to be reviewed post-Lockdown.	C Benjamin
14/01/21	Approval for Pallister Park car park to be utilised as a walk-in Lateral Flow Testing site.	M Adams
21/01/21	Paper brought to Gold for discussion on supplier relief; specifically ITU school transport and the taxi drivers taking children to school, proposing that 75% of contract payments shall be paid until 31/03/2021, with a maximum total cost of 35k to be incurred, charged to COVID and requiring Delegated Officer Decision to vary supplier contract for a limited period.	G Field
28/01/21	Approval for PPE hub to be relocated from TAMP to Peacocks retail unit in Captain Cook Square	I Wright
04/02/21	Approval for taxi driver support using the Additional Restrictions Grant.	I Wright
11/02/21	Approval of the local approach to enhanced Tier 3 contact tracing, costed at £440k.	E Mireku
11/02/21	Approval of financial support for care leavers, at a maximum of £520 per care leaver, assessed on an individual needs basis.	S Butcher
25/02/21	Decisions in relation to employees classified as CEV wishing to return to work, to be agreed via appropriate Director and HR, with decision back via Gold for information purposes	C Benjamin
04/03/21	Proposal shared to provide re-utilise £230k uncommitted discretionary COVID funds for PPE / self-isolation to support discretionary housing payment fund, provision of food packages and priority council tax accounts that meet CT obligations.	I Wright
04/03/21	Agreed to end payments to casual staff by 30/06/21, in line with Lockdown end.	C Benjamin
04/03/21	Approval for staff requests to purchase additional leave for 2021/22.	C Benjamin
11/03/21	Further Additional Restrictions Grant funding to be allocated by 31/03/21, providing single payments of £500 to taxi drivers to cover costs of COVID impact / licensing fees, to a total of £500k.	I Wright

DECISIONS MADE AT THE GOLD COMMAND MEETING DURING THE PANDEMIC TO SUPPORT OPERATIONAL AND STRATEGIC MANAGEMENT – 1 JANUARY
2021 – 31 DECEMBER 2021

22/04/21	Approval of the continued operation of the PPE distribution hub in Peacocks retail unit at Captain Cooks Square until 31/03/22.	I Wright
29/04/21	Staff COVID testing approach agreed, recommending encouragement of voluntary testing across the whole workforce (particularly those that engage with communities), with home test kits, twice a week.	C Benjamin
06/05/21	ARG grant allocation awards of either £25k or £50k, to support those businesses that contribute towards Middlesbrough's regeneration and Recovery plans within the following priority key sectors for Middlesbrough of digital, culture, professional business services, engineering / advanced manufacturing, professional business services and leisure.	I Wright
13/05/21	Attendance at cremations (in largest chapel) to be extended to 60 people, maximum. Burials will see any cap on gatherings lifted, completely.	G Field
27/05/21	Ward walks with Councillors to be reinstated, adhering to all social distancing requirements and risk assessments.	G Field
15/07/21	Approach to communication of Step 4 Health and Safety arrangements and associated risk assessments agreed.	C Benjamin
15/07/21	Non-decision making committee meetings will continue to take place virtually. All decision-making meetings must continue face to face / in person unless legislation dictates otherwise.	C Benjamin
22/07/21	Approach to returning to work from self-isolation for critical workers agreed as requiring completion of standardised risk assessment as to whether individuals can return to the workplace, to be signed off by DPH with any decisions made in regards to allowing individuals not to self-isolate to protect services, to be signed off at Director level.	M Adams E Scollay
22/07/21	Upcoming MBC events were approved to take place, providing that opportunities to reinforce testing / vaccinations pre and post events, as well as encouraging safe practice (masks / social distancing) are maximised, alongside exploration into availability of vaccination bus on-site.	R Horniman M Adams
05/08/21	Decision taken for staff exemption from self-isolation (pending negative COVID tests) for the purposes of business continuity and child safeguarding, with all relevant risk assessments and protocol reviewed and amended, accordingly.	R Farnham
27/09/21	Service decision taken to reopen Bus Station express Lounge from 01/10/2021, retaining 10pm closure time.	G Field
07/10/21	Approach on proposed approach to social distancing and face coverings to minimise transmission of COVID-19 in the workplace approved for implementation in-line with reoccupation timescales and phasing.	C Benjamin

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MEMBER DEVELOPMENT PROGRAMME 2021/22 – LIVE DOCUMENT

Member Development and Training opportunities are generally open to all Members to attend. 'Required' events are ran on an annual basis aimed specifically at committee members (and substitutes), to ensure any regulatory requirements are adhered to, although other relevant optional modules may occur throughout the year. Ad hoc 1-1 training will be delivered where changes to committees change throughout.

REQUIRED TRAINING

TOPIC	Link Skills Framework	REASON	Attendees	Notes	Total Attendance
Planning & Development Committee	Regulating and Monitoring	Required Training	Planning & Development Committee Members & subs	COMPLETED - 27 May 2021	16
Licensing Committee – Taxis	Regulating and Monitoring Political Understanding	Required Training	Licensing Committee Members & subs	COMPLETED - 14 June 2021	21
Teesside Pension Fund	Regulatory and Monitoring	Required Training	Teesside Pension Fund Members & subs	COMPLETED - 17 June 2021	11
Corporate Affairs and Audit Committee	Regulating and Monitoring Scrutiny and challenge Political Understanding	Required Training	Corporate Affairs and Audit Committee Members & subs	COMPLETED - 24 June 2021	18
Staff Appeals Training	Regulatory and Monitoring	Required Training	Staff Appeals Committee Members & subs	COMPLETED - 29 June 2021	8
Standards Committee	Regulating and Monitoring Political Understanding	Required Training	Standards Committee Members & subs	Date TBA	-

TOPIC	Link Skills Framework	REASON	Attendees	Notes	Total Attendance
Chairing Skills Advanced	Regulatory and Monitoring Political Understanding Partnership working	Required Training Skills Framework	Chairs & Vice Chairs	COMPLETED 1 February 2022	10
Chairing Skills Introduction	Regulatory and Monitoring Political Understanding Partnership working	Required Training Skills Framework	Chairs & Vice Chairs	30 June 2022	
Member/ officer / Protocol- Micro session	Regulatory and Monitoring Political Understanding Partnership working	Required Training	All Members	Date TBA	-
Decision Making Processes of the Council – Micro Session		Required Training Skills Framework	Senior Members	Date TBA	-
Questions & Comments Micro session		Required Training Skills Framework	All Members	Date TBA	-
Media Skills		Required Training Skills Framework	Senior Members	FEB 22	-
GDPR	Regulatory and Monitoring Political Understanding	Required Training Skills Framework	All Members	E LEARNING	

SENIOR MEMBER TRAINING

TOPIC	Link Skills Framework	REASON	Attendees	Notes	Total Attendance
Communication and Media Political Leadership Masterclass	Communication & Local Leadership	Executive Members Training	Mayor /Executive Members	COMPLETED- 9 July 2021 26 November 2021 Virtual	3
Leadership Essentials – Finance	Regulatory and Monitoring Political Understanding	Skills Framework	Executive Member for Finance	COMPLETED- 18-19 September 2021 14-15 October 2021 6-7 November 2021	
Leadership Essentials – Children’s Services	Regulatory and Monitoring Political Understanding	Skills Framework	Executive Member for Children’s and Children’s Scrutiny Panel Chairs Chair of Corporate Parenting Board	COMPLETED- 21-22 October 2021 20-21 November 2021 – Virtual 13-14 January 22 – Virtual	2
Leadership Essentials Audit Committee	Regulatory and Monitoring Local Leadership, Challenge Political Understanding	Skills Framework	Audit Committee Chair and Executive Member for Finance	19-20 January 2022 19-20 February 2022	-

TOPIC	Link Skills Framework	REASON	Attendees	Notes	Total Attendance
Leadership Essentials Being an Effective Cabinet Member	Regulatory and Monitoring Local Leadership, Challenge Political Understanding	Skills Framework	Executive Members	COMPLETED- 15-16 July 2021 14-15 October 2021 26-27 February 2022	2
Border to Coast Annual Conference.	Regulatory and Monitoring	Skills Framework	Chair/Members of Teesside Pension Fund	COMPLETED- 29 September – 1 st October, Leeds	3
Strategic thinking, planning and Implementation	Regulatory and Monitoring Local Leadership, Challenge Political Understanding	Skills Framework	Executive Members	COMPLETED 07 January 2021 delivered by EQV	4

TOPIC	Link Skills Framework	REASON	Attendees	Notes	Total Attendance
Border to Coast Chairs Funding Conference	Regulatory and Monitoring	Skills Framework	Chair of Teesside Pension Fund Committee	COMPLETED- 22 November 2021, Leeds	1
Conducting and Chairing Successful Meetings	Regulatory and Monitoring Local Leadership, Challenge Political Understanding	Skills Framework	Executive Members Chair of OSB Chair Children's Scrutiny x2, Chair Corporate Parenting	COMPLETED 14 January 2022 delivered by EQV	4
Leadership Essentials – Political Leadership – A Whole Council Approach to Children's Services	Regulatory and Monitoring Local Leadership, Challenge Political Understanding	Skills Framework	Executive Members Chair of OSB, Chair Children's Scrutiny	COMPLETED - 10 February 2022	1
Speed Reading on Electronic Devices	Regulatory and Monitoring Local Leadership, Challenge Political Understanding	Skills Framework	Executive Members	COMPLETED – 13 January 2022 delivered by EQV	5

TOPIC	Link Skills Framework	REASON	Attendees	Notes	Total Attendance
Objection Handling and Managing Conflict	Regulatory and Monitoring Local Leadership, Challenge Political Understanding	Skills Framework	Executive Members	COMPLETED 10 March 2022 delivered by EQV	4
Confident Public Speaking	Local Leadership,	Skills Framework	Executive Members, Chairs/Vice Chairs	COMPLETED 9 January 2022	9
Communication & Interpersonal Skills	Local Leadership,	Skills Framework	Executive Members, Chairs/Vice Chairs	COMPLETED 24 February 2022	6
Financial Planning	Local Leadership	Skills Framework	Executive Members	TBA	-
Risk Management	Local Leadership	Skills Framework	Executive Members	TBA	-

SCRUTINY TRAINING

TOPIC	Link Skills Framework	REASON	Attendees	Notes	Total Attendance
Scrutiny Workshop	Scrutiny and challenge Political understanding Partnership working	Skills Framework	Chairs and Vice Chairs	COMPLETED - 15 June 2021	19
Scrutiny Questioning Skills	Scrutiny and challenge Political understanding Partnership working	Skills Framework	All Scrutiny Members	COMPLETED - 6 July 2021	
Scrutiny Chairing Skills	Scrutiny and challenge Political understanding Partnership working	Skills Framework	Chairs and Vice Chairs	COMPLETED- 18 November 2021	

GENERAL MEMBER TRAINING

TOPIC	Link Skills Framework	REASON	Attendees	Notes	Total Attendance
Social Media Training	Communication Local Leadership	Skills Framework	All Members	COMPLETED - 17 May 2021	7
Motions – Micro session	Regulatory and Monitoring Political Understanding	Skills Framework	All Members	COMPLETED - 19 August 2021	9
Gifts & Hospitality– Micro session	Regulatory and Monitoring Political Understanding	Skills Framework	All Members	COMPLETED- 23 August 2021	

Interests – Micro session	Regulatory and Monitoring Political Understanding	Skills Framework	All Members	COMPLETED- 23 September 2021	7
Member & Officer Development Session – Codes of Conduct	Regulating and Monitoring Political Understanding Leadership	Skills Framework	All Members	COMPLETED- 27 September 2021	21
Personal Safety for Councillors		Member Training	All Members	COMPLETED 11 November 2021	11
Speed Reading on electronic devices	Regulatory and Monitoring	Skills Framework	All Members	COMPLETED January 13 2022	5
Anti Racism Training			All Members	COMPLETED 14 th & 22 March 2022	28
Member Development Framework – Diversity and Ethics	Leadership	Skills Framework	All Members	Date TBA - Delivery of training to Members on Diversity and Ethics	-

MEMBER BRIEFING SESSIONS

TOPIC	Link Skills Framework	REASON	Attendees	Notes	Total Attendance
PCC & TVCA Election Update	Regulatory and Monitoring	Skills Framework	All Members	COMPLETED 14 th April 2021	19
City Fibre Briefing	Regulatory and Monitoring	Skills Framework	All Members	COMPLETED - 10 th & 14 th May 2021	7
Dementia Awareness	Regulatory and Monitoring	Skills Framework	All Members	COMPLETED - 16 June 2021	16
Parliamentary Boundary Review	Regulatory and Monitoring	Skills Framework	All Members	COMPLETED - 30 th June 2021	19
Our Values	Regulatory and Monitoring	Skills Framework	All Members	COMPLETED - 6 July 2021 & 14 July 2021	21
New Middlesbrough Council Website	Regulatory and Monitoring	Skills Framework	All Members	COMPLETED- 22 nd September 2021	11
Flexible Use of Capital Receipts Strategy	Regulatory and Monitoring	Skills Framework	All Members	COMPLETED 13 October 2021	11
Budget	Regulatory and Monitoring	Skills Framework	All Members	COMPLETED 22 November 2021	12
Budget	Regulatory and Monitoring	Skills Framework	All Members	COMPLETED 16 February 2022	17

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MIDDLESBROUGH COUNCIL



Report of:	Ian Wright, Director of Finance Cllr Barrie Cooper, Executive Member for Finance & Governance
Submitted to:	Corporate Affairs & Audit Committee [28 April 2022]
Subject:	Estates Strategy – Asset Disposals Update

Summary

Proposed decision(s)
That the Corporate Affairs & Audit Committee notes the continuing implementation of the Council’s Estates Strategy and progress with the disposal of assets during financial year 2021/2022. That the Corporate Affairs & Audit Committee recommend to Executive that the Asset Disposal Policy be amended to ensure that the 3% community benefit contribution is directed to benefits whereby expenditure is limited to local authority direct or procured provision only.

Report for:	Key decision:	Confidential:	Is the report urgent?
Update	Yes – impacts upon all wards	No	No

Contribution to delivery of the 2018-22 Strategic Plan		
People	Place	Business
Implementation of the policy enables the Council to put in place protocol designed to regulate the process of asset disposal – from which the Council can stimulate economic activity for the benefit of people living and working within the Borough.	Implementation of Asset Disposal Policy will help ensure balanced decisions are taken by the Council – where judgement is required to consider providing facilities that enhance the reputation of Middlesbrough and create opportunities for its people.	The Council’s Estates Strategy provides a decision making framework from which the Council can work effectively to support both physical and social regeneration across the Borough.

Ward(s) affected
All Wards

What is the purpose of this report?

1. To provide an update on the implementation of the Council's Estates Strategy, report on asset disposals during the financial year 2021/2022 and update standing Asset Disposal Policy.

Why does this report require a Member decision?

2. The implementation of Asset Disposal Policy forms part of the Council's Estates Strategy and has the potential to impact upon all wards.

Report Background

3. Middlesbrough Council holds a significant asset portfolio that is used to deliver services, support businesses and contribute to the well-being of the Town.
4. The acquisition and disposal of assets is essential to enable the Council to update its asset portfolio to meet the changing needs of Middlesbrough.
5. A significant level of audit trail clarity is needed as an asset moves through either the acquisition, or the disposal process.
6. Asset disposals are an essential part of the delivery of the Council's Estates Strategy, which is intended to support the Mayor's priorities around people, place & business in addition to delivering the Council's Strategic Priorities of:
 - Physical regeneration
 - Social regeneration
 - Business imperatives
7. In accordance with the standing Asset Disposal Policy operated by the Council during the financial year 2021/2022, any proposed disposals or transactions with a value over £150,000 were considered and decided by Executive Committee. According to value, any proposed transactions below that threshold were decided by either the Director of Finance, or by the Valuation & Estates Manager.
8. During the same period, the Director of Finance and the Valuation & Estates Manager have met on a monthly basis, in order to monitor the progress with and implementation of the Council's Estates Strategy.

Asset Disposals

9. The disposal of Local Authority assets is governed by the General Disposal Consent (2003) under the Local Government Act 1972. This consent gives Councils the power to dispose of assets for market value, or for less than the market value for the following reasons;
 - The promotion or improvement of Economic well-being
 - The promotion or improvement of Social well-being
 - The promotion or improvement of Environmental well-being
10. This power to dispose of assets at an undervalue has not been utilised during the financial year 2021/2022. Should the Council take any decisions to dispose of its assets under these powers, it will be reported in subsequent disposal updates.

11. In the financial year 2021/2022, the following asset disposals were recorded as having been approved:

Delegated Responsibility	No. of Approvals	Capital Receipt	Valuation
Valuation & Estates Manager	9	£299,340	£334,502
Director of Finance	2	£210,000	£98,001
Executive Committee	6	£3,543,336	£3,612,500
Total	17	£4,052,676	£4,045,003

12. Further detail in respect of the individual asset disposal transactions recorded as having legally completed & reached financial close is set out in Appendix 1.
13. The variance in value between a number of the Capital Receipts and Valuations set out within Paragraph 11 & Appendix 1 has been caused by a number of factors – including the strict financial approach adopted by the Council in respect to abnormal cost deductions being different to that adopted by Buyers, fluctuation in market values, the occurrence of unplanned windfall disposal opportunities and the accounting basis under which the Council classifies surplus highway land within its Estate Portfolio.
14. In order to mitigate the financial and business planning implications of such variance, the Council adopts a structured cyclical approach to the revaluation of its assets in order to better understand, monitor and adjust the value of its Estate Portfolio.

Implementation of the Estates Strategy

15. In response to comments made by the Council's External Auditors in previous years, further work to satisfactorily embed the Asset Disposal Policy was carried out during the financial year 2021/22 in order to ensure compliance.
16. On 13th April 2021, Executive approved the release of 3% of the value of any asset disposed of above market value as a financial contribution to be made available for the benefit of the ward in which the subject asset was based.
17. Policy was amended to reflect this change, and as a result a process was introduced which determined that once the 3% community benefit contribution was triggered, the respective Ward Councillors in which the subject asset was based, would be invited to submit their proposals to the Director of Finance and the Executive Member for Finance & Governance would then consider, and agree, the ward expenditure.
18. Since inception, two disposals have triggered this process, namely the disposal of Middlesbrough Warehousing in North Ormesby and Nunthorpe Grange Farmhouse.
19. The Asset Disposal Policy was not explicit in regard to the works that the 3% contribution could be spent on within the designated wards, however there was an assumption that this would be works that the local authority would progress / carry out.

In the case of North Ormesby, the community benefit contribution assisted a third party organisation that provides significant community support.

20. Initially, the 3% community benefit contribution was intended to support the delivery of the following types of enhancements within local community areas:

- Enhanced physical environment – physical decoration, planters, resurfacing & play equipment.
- Expanded community facilities – additional street furniture, litter bins & dog waste bins.
- Improved security measures – additional lighting & security equipment.

21. The enhancements set out above are illustrative, but not exhaustive.

22. Should the original intention to contribute to such local enhancements be progressed, the Asset Disposal Policy attached at Appendix 2 would need to be further amended to reflect this. Suggested wording for inclusion within the policy would be:

- In the eventuality that an asset achieves a price in excess of the projected market value, 3% of the capital receipt will be made available for local community use for the ward in which the asset was located.
- The funding will be retained by the Finance Directorate, only direct local authority, or expenditure procured by the local authority in line with procurement rules will be spent within wards and agreement for use will be determined by the Director of Finance in consultation with the following parties:
 - Executive Member – Finance and Governance
 - Ward member(s) in which asset was situated

In the event of the expenditure being deemed a key decision then the expenditure would be determined by Executive in line with normal decision making procedures.

What decision(s) are being asked for?

23. That the Corporate Affairs & Audit Committee notes the continuing implementation of the Council's Estates Strategy and progress with the disposal of assets during financial year 2021/2022.

24. That the Corporate Affairs & Audit Committee recommends to Executive that the Asset Disposal Policy be amended to ensure that the 3% community benefit expenditure is directed to benefits whereby expenditure is limited to local authority direct or procured provision only.

Why is this being recommended?

25. In the interests of appropriate governance, it is desirable for Members of the Corporate Affairs & Audit Committee to be brought up to date on all asset disposals decided by the Council.

Impact(s) of recommended decision(s)

Legal

26. The disposal of assets is governed by the Council's standing orders and government legislation.
27. Implementation of the Asset Disposal Policy does not create any specific legal issues, although the process actions and any subsequent steps to implement the policy would need to be undertaken within the Council's legal framework.

Financial

28. With the exception of the retention by the Council of contributions equating to 3% of qualifying above market asset disposals, there are no direct financial implications to report.
29. The disposal of Council assets will continue to be progressed in accordance with the delegation of responsibilities outlined within the Asset Disposal Policy.

Ward

30. Implementation of the Estate Strategy & the Asset Disposal Policy will potentially impact on all wards over the duration of the policy.
31. Members will be consulted on subsequent proposals made in respect of specific asset acquisitions & disposals within their ward boundaries, as part of the normal planning process.

Policy Framework

32. The proposal does not require any change to the Council's existing policy framework.
33. The decision aligns to the Mayor's priorities around people, place & business, by putting in place a process that ensures the Council works as effectively as possible in support of physical and social regeneration.

Equality and Diversity

34. A Level 1 (Initial Screening) Impact Assessment (IA) will be carried out on individual asset disposals, if deemed appropriate.

Risk

35. Implementation of the Asset Disposal Policy will help address risk and remove potential for challenge by the adoption of a robust and responsive, fit for purpose decision making framework.

Actions to be taken to implement the decision(s)

36. That Corporate Affairs & Audit Committee recommend to Executive that the Asset Disposal Policy be amended in line with paragraph 22 to ensure that the 3% community benefit contribution is directed to benefits whereby expenditure is limited to local authority direct or procured provision only.
37. Further update reports will be brought forward in due course.

Appendices

Appendix 1 – Asset Disposals 2021/2022

Appendix 2 – Asset Disposal Policy

Background papers

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

Body	Report title	Date
N/A	N/A	N/A

Contact: David Velemir, Valuation & Estates Manager

Email: david_velemir@middlesbrough.gov.uk

Appendix 1 – Asset Disposals 2021/2022

Delegated Responsibility	Transaction	Capital Receipt	Valuation
Valuation & Estates Manager	Land at 150 Marton Road	£1	£1
	Land Adj Sandy Flatts Court	£500	£500
	Land Adj 68 Baldoon Sands	£500	£500
	Land R/O 54 Blairgowrie	£1,500	£1,500
	Land R/O 4 Keighley Avenue	£2,000	£2,000
	Land R/O 6 Keighley Avenue	£2,000	£2,000
	Land R/O 8 Keighley Avenue	£2,850	£2,850
	Land R/O 20 Kedlestone Park	£5,500	£5,500
	Land R/O 53 Larkspur Road	<u>£6,000</u>	<u>£6,000</u>
	£20,851	£20,851	
Director of Finance	Brewsdale Road 30/31	£71,500	£33,600
	Land at Dalby Way	£105,000	£1
	Land at Kedward Avenue	£106,150	£1
	Cannon Street West Land	<u>£105,000</u>	<u>£98,000</u>
	£387,650	£131,602	
Executive Committee	Land at Stokesley Road	£175,648	£300,000
	Land Adj Middlesbrough WH	£305,000	£95,000
	Land at Kirkham Row	£392,000	£392,000
	Plot 21, Tees AMP	£400,000	£400,000
	Nunthorpe Grange FH	£692,835	£460,000
	Land at Natures World	£727,600	£211,488
	Land at Marton Avenue	<u>£3,150,000</u>	<u>£1,400,000</u>
	£5,843,083	£3,258,488	

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Asset Disposal Policy

Live from: April 2022

Live until: April 2025

Title	Asset Disposal Policy		
Creator	Author(s)	David Velemir	
	Approved by	Content to be approved by Executive Committee	
	Department	Finance	
	Service area	Valuation & Estates	
	Head of Service	David Velemir	
	Director	Ian Wright	
Date	Created	January 2022	
	Submitted	April 2022	
	Approved		
	Updating Frequency	Every three years or as case law/legislation require changes	
Status	Version: 1.5		
Contributor(s)	David Velemir, Louise Grabham, Ian Wright, David Jamison, Andrew Perriman, Valuation & Estates Team		
	Legislation	Best Value Statutory Guidance, General Disposal Consent (2003), Local Government Act 1972.	
Subject	Asset Disposals		
Type	Policy		
	Vital Record		EIR
Coverage	Middlesbrough Council		
Language	English		

Document Control

Version	Date	Revision History	Reviser
1.0	December 2016	Policy content agreed within a report to Executive Sub-Committee for Property	Ian Wright
1.1	October 2017	Policy content transferred into a policy format – no change to content – signed off by Estates Strategy Board	Ian Wright / Ann-Marie Johnstone
1.2	January 2019	Additional guidance around what constitutes pipeline and active Disposals	Ian Wright
1.3	January 2020	Policy content to be agreed within a report to Executive Committee	David Velemir
1.4	April 2021	Policy content to be agreed within a report to Executive Committee	Louise Grabham
1.5	April 2022	Policy content to be agreed within a report to Executive Committee	David Velemir

Distribution List

Version	Date	Name/Service area	Action
1.0	December 2016	LMT, Asset Management, Economic Development, Finance, Legal and Valuation & Estates Teams	Disseminate
1.1	October 2017	LMT, Asset Management, Economic Development, Finance, Legal and Valuation & Estates Teams	Disseminate
1.2	January 2019	LMT, Asset Management, Economic Development, Finance, Legal and Valuation & Estates Teams	Disseminate
1.3	March 2020	Asset Management, Economic Development, Finance, Highways, Legal and Valuation & Estates Teams	Disseminate
1.4	April 2021	Asset Management, Economic Development, Finance, Highways, Legal and Valuation & Estates Teams	Disseminate

1.5	April 2022	Asset Management, Economic Development, Finance, Highways, Legal and Valuation & Estates Teams	Disseminate
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Scope and purpose

1. The acquisition and disposal of assets is essential to enable the Council to update its asset portfolio to meet the changing needs of Middlesbrough.
2. Ensuring that the Council's assets are disposed of properly and in the best interests of the town is a key duty of the Council.
3. The purpose of this policy is to set out how the Council will manage disposal of its assets. It provides a framework for decisions to be considered in the light of the responsibility to support communities and stimulate economic activity in Middlesbrough.
4. This policy applies to all property assets owned by the Council. Where approval to dispose of property has been granted under previous policy, steps will only be taken to retrofit application of this policy to 'live' disposal cases.

Equality and Diversity

5. This policy will provide:
 - A clear framework for the disposal of assets
 - A process that will support effective management of the Council's property assets.

Drivers and enablers

6. Asset disposals are an essential part of the delivery of the Council's Estates Strategy, which is intended to support the Mayor's priorities around people, place & business in addition to delivering the Council's Strategic Priorities of:
 - Physical Regeneration
 - Social Regeneration
 - Business Regeneration
7. The policy has been put in place to set out how the Council will manage its property portfolio. The Council's Estates Strategy allows groups its property assets under five categories to ensure they are being effectively managed (properties can move across these groups and may be applicable to more than one group because of the nature of the asset). The five categories are:
 - To generate revenue streams
 - To generate capital receipts
 - To stimulate economic activity
 - To support communities
 - To deliver operational services
8. This policy applies where a business case for disposal of an asset is approved by the Head of Asset Management, as it is no longer required by the organisation for operational purposes and disposal is recommended based on consideration of the Estates Strategy aims.

9. In the interests of completeness there is also a record of assets defined as pipeline disposals – these assets do not yet have an approved asset disposal business case, as they are at an early stage of consideration for disposal and no decision has been made that the Council has a desire to dispose. Once it is clear that the Council no longer requires an asset and wishes to pursue disposal, a business case will be approved by the Head of Asset Management and these disposals will then be classified as active disposals and follow this policy.
10. The disposal of Local Authority assets is governed by the General Disposal Consent (2003) under the Local Government Act 1972. This consent gives Councils the power to dispose of assets for market value or for less than the market value for the following reasons;

Asset Disposal Triggers

11. The Council's property assets will be kept under active management and be assessed with those properties being brought forward for disposal. This process will be overseen by the Council's Asset Management Team. Reasons for disposal could include:
 - Operational assets that are no longer required for the provision of services and/or a drain on the Council's resources
 - Commercial assets that are poorly performing in terms of income generation
 - Properties that have been identified as having the potential to support the voluntary sector in its work within the Town
 - Properties that could have a demonstrable effect on economic and/or social regeneration within the Town
12. This list is not exhaustive and there may be other issues that trigger the rationale for disposal. The trigger(s) for disposal will be fully set out in the Asset Disposal Business Case (ADBC) (attached at Appendix 1). This will be completed in order to establish the preferred use for the asset.

Overview of the asset disposal process

13. The approval process can be broken down into six stages:
 - Stage 1 – Completion of the ADBC and seek decision to market for disposal
 - Stage 2 – Approval given to market the asset for disposal
 - Stage 3 – Marketing of the asset
 - Stage 4 – Approval of sale/decision not to sell based on the outcome of the marketing exercise
 - Stage 5 – Legal Services instructed
 - Stage 6 – Completion of sale
14. These stages are set out in detail in the flow chart attached to this policy at Appendix 2 and the detailed procedure note attached at Appendix 3.

Approval processes

15. The Head of Asset Management will provide initial approval of any Asset Disposal Business Case, to provide assurance that the asset is no longer required by the Council for operational purposes.
16. The approval to market, and final approval to dispose/not sell, will be taken by the following, depending on the estimated value of the asset by the:
 - Valuation & Estates Manager – meets the non-key decision test and up to £50,000.
 - Director of Finance – meets the non-key test and up to £150,000.
 - Executive Committee – meets the key decision test (one element of this is that it is over £150,000).
17. In the eventuality that an asset achieves a price in excess of the projected market value, 3% of the capital receipt will be made available for local community use for the ward in which the asset is located. The funding will be retained by the Finance Directorate, only direct local authority, or local authority procured expenditure will be spent within wards and agreement for use will be determined in consultation with the following parties:
 - Director of Finance
 - Executive Member – Finance and Governance
 - Ward member in which asset was situated
18. A Community Benefit Form [CB1] & Practice Guidance note is attached at Appendix 4 setting out the process by which contributions can be made available.

Overview of the asset disposal process

19. This policy will be reviewed every three years, unless case law, legislation or changes in best practice require it to be reviewed sooner.

Appendix 1

Asset Disposal Business Case

Asset Disposal Business Case

Name of Asset:	
Asset Register Number:	
Current Use:	
Valuation at Current Use (Asset Register)	
Reason for Disposal:	
Latest Valuation (Proposed Disposal)	

Asset disposal stream (Please Select):

Generate Capital Receipt	
Stimulate Economic Activity	
Support Communities	

(In the event of more than one stream being relevant, please rank in order of importance – 1, 2 & 3)

Officer requesting disposal (Responsible Service Manager):

Name:	
Position:	

Could the asset be disposed of for an alternative use that may give a higher capital receipt to the Council:

Yes		No	
-----	--	----	--

(To be completed by the Valuation & Estates Team)

If yes, please outline the potential use:

--

Estimated Value at Alternative Use	
------------------------------------	--

Is the Council proposing to dispose of the asset at an undervalue:

Yes		No	
-----	--	----	--

(To be completed by the Valuation & Estates Team)

If yes, please outline the reasons why, and how, the proposed disposal will secure, promote or improve economic & social well-being:

--

Key factors to be considered when assessing potential disposals:

1.	
2.	
3.	
4.	

Any additional financial factors to be considered other than immediate capital receipt:

--

Asset not needed by the Council – approved to proceed:

Head of Asset Management	Yes	No	Date

Preferred method of marketing:

Formal/Informal Offers	
Private Treaty	
Auction	
Community Asset Transfer Process	

(To be completed by the Valuation & Estates Team prior to marketing)

Method for final approval:

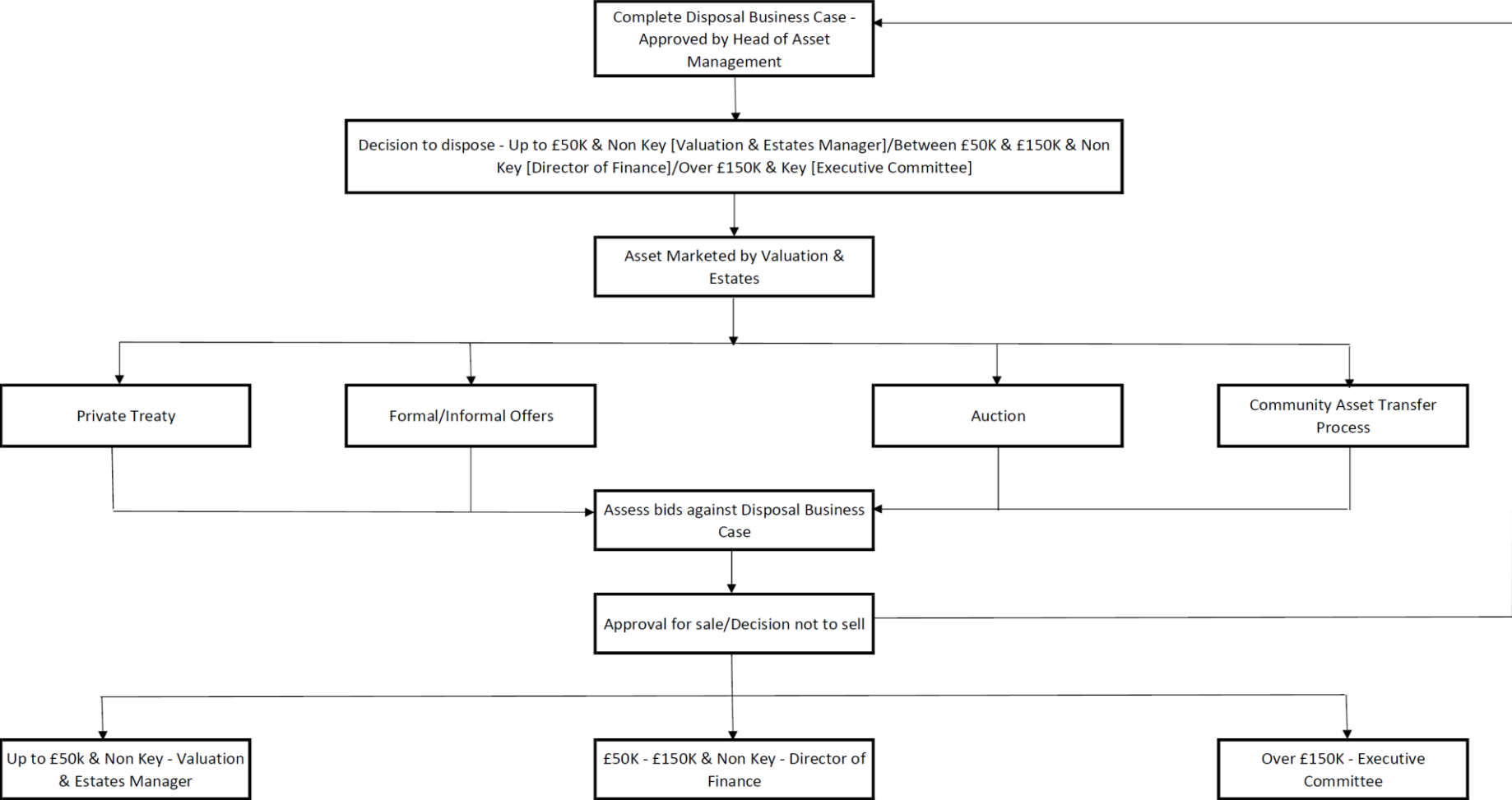
Estimated Value	Approval Required	Authorised	Date
Up to £50,000	Valuation & Estates Manager		
Between £50,000 and £150,000	Director of Finance		
More than £150,000	Executive Committee		

(To be completed by the Valuation & Estates Team prior to marketing)

Appendix 2

Asset Disposal Process Flow Chart

Asset Disposal Process



Appendix 3

Detailed procedure note

This note should be read alongside the content of the Asset Disposal Business Case template form. It sets out actions that should be taken at each of the six stages of the asset disposal process:

- Stage 1 – Completion of the ADBC and seek decision to market for disposal
- Stage 2 – Approval given to market the asset for disposal
- Stage 3 – Marketing of the asset
- Stage 4 – Approval of sale/decision not to sell based on the outcome of the marketing exercise
- Stage 5 – Legal Services instructed
- Stage 6 – Completion of sale

Stage 1 – Completion of the ADBC

1. The completion of the Asset Disposal Business Case is the commencement of the asset disposal process under this policy. This represents the point where the Council decides that it wishes to actively consider disposal of an asset, prior to this point, consideration of the position of assets may still be monitored but will not be covered by this policy
2. Identification that the most appropriate way to manage an asset is to dispose of it, may come from a number of sources within the Council as part and parcel of day to day asset management. The source and rationale should be clearly recorded within the Asset Disposal Business Case 'reason for disposal' section. All ADBC's will be completed by the Officer requesting disposal in collaboration with the Valuations and Estates Team.
3. The primary reason for disposal should be indicated, whether it is to:
 - Generate capital receipts.
 - Stimulate economic activity.
 - Support communities.
4. The rationale for selecting the reason should be fully set out in the ADBC in this section.
5. It is important to note that because the completed ADBC is approved by Head of Asset Management, that person will not commission any requests for disposals to avoid a potential conflict of interests, although Officers within that service may do so.
6. The ADBC will identify whether an asset could be disposed of for an alternative use that may give greater benefit to the Council. The purpose of this free text section is to identify whether there are other uses that would generate a greater level of income than either the current use or the proposed use, if one has been suggested by the Officer requesting disposal. To give an example that illustrates the thinking required for this section, a building valued by the Council at £10,000 may have attracted interest from a potential buyer who has offered £15,000 – but, as a cleared site, the asset might generate £100,000 in capital, plus housing that would attract new homes bonus payments and increase the Council Tax

base of the Town. This last figure, with information on the additional benefits that could be derived, should be entered into the estimated value at alternative use in this example.

7. The next section of the ADBC will set out the key factors that should be considered when assessing disposals. Depending upon the asset, this might include:
 - Any regeneration plans for the area
 - The market value of the property
 - Any other outcomes required from the disposal that may include the potential social value offered by any sale, such as job creation and community benefits.
8. Again, this list is not exhaustive as it is impossible to anticipate every scenario that may result in an asset disposal.
9. In order for the Council to make properly informed decisions around disposal, the market value of the existing use of each asset must be sought at the point of the decision to dispose. Where appropriate, a professional valuation should be procured by the Valuation & Estates Team in order to properly consider the potential of alternative uses for a site/property that might provide an improved return for the Council than the existing, or identified, use.
10. A valuation is required because the valuation of an asset on the Council's balance sheet is likely to be different to its market value. For accounting purposes the valuation used for the balance sheet is usually based upon the replacement cost to the Council of the asset rather than what might be achieved if it is sold on the open market. Therefore an open market valuation is required before the disposal process commences.
11. At this stage it is also important for the Council to assess if some investment in the property, for example around ground investigations or planning consents, would be likely to increase the potential income that could be generated by the disposal.
12. As set out above, the Council is not bound to make decisions around disposals based upon purely financial criteria – it is however essential that the financial position is clearly set out, so that the opportunity cost of delivering other factors can be properly understood.
13. If the Council clearly understands the market value of an asset, with no constraints on the use a purchaser may make of the asset, then it will be able to assess how much potential capital receipt would need to be sacrificed in order to achieve a desired social, economic or environmental outcome.
14. Subject to compliance with the requirements of statutory legislation, the Council is then able to conclude that the reduction in capital receipt is worthwhile in order to obtain the economic, social or environmental value offered by the prescribed use.
15. It is also important that future revenue streams such as Council Tax, New Homes Bonus and Business Rates are properly factored into the equation when assessing the potential benefit to the Council of a transaction. Any assessment of a disposal must take into account the medium to long term and pick up these issues alongside the capital receipt and any short or long term liabilities.
16. The Disposal Business Case will be authorised in the first instance by the Head of Asset Management, to ensure that the disposal of the asset is in line with the Council's overall Estates Strategy.

Stage 2 – Approval given to market the asset for disposal

17. The disposal will then be approved as follows, depending on the estimated value of the asset by the:
 - Valuation & Estates Manager – meets the non-key decision test and up to £50,000.
 - Director of Finance – meets the non-key test and up to £150,000.
 - Executive Committee – meets the key decision test (one element of this is that it is over £150,000).
18. Where approval is via an Officer decision, this must be recorded and published following the Officer delegated decision making process. Democratic Services Officers can provide guidance on completion of this process.
19. Where a meeting of the Executive Committee is required, the Executive report process should be followed. Again, advice on this is available on the intranet, and from Democratic Services Officers.
20. Regardless of the approval route, the proposal to recommend marketing for disposal should be accompanied by sufficient information to provide assurance that the proposal is compliant with the Asset Disposal Policy.

Stage 3 – Marketing of the asset

21. The ADBC will identify the preferred method of Marketing as one of the following:
 - Formal/informal offers
 - Private treaty
 - Auction
 - Community Asset Transfer process

Stage 4 – Approval of sale/decision not to sell based on the outcome of the marketing exercise

22. The delegation of responsibilities for the approval of sales/decision not to sell are outlined below, and are based on the estimated value of the asset, not the sale offer(s) received;
 - Valuation & Estates Manager – meets the non key decision test and up to £50,000.
 - Director of Finance – meets the non key decision test and up to £150,000.
 - Executive Committee – meets the key decision test (one element of this is that it is over £150,000).

23. Any proposed sale that is less than the asset value for current use determined in the Disposal Business Case must be approved by the Director of Finance in their role as S151 Officer and the Director of Legal and Governance Services as Monitoring Officer prior to any of the authorisations taking place. This will apply to any proposed sale:
- **For Assets valued up to £50,000**
Above £10,000 variance from asset value
 - **For Assets valued between £50,000 and £150,000**
Above 20% variance from asset value
 - **For Assets valued above £150,000**
Above 20% variance from asset value or £150,000 variance from asset value
24. In addition to any requests for wayleaves, easements, licences or associated deeds, all new leases, associated renewals, variations and rent reviews are to be signed off by the Valuation & Estates Manager.

Stage 5 – Instruct Legal

Once appropriate approvals are secured, instructions to proceed in line with those respective approvals should be issued in writing to Legal Services. Fees will be demanded as standard by the Council in all disposal transactions – upon completion, purchasers will be required to pay the Council's reasonable legal fees (equivalent to 1.50% of the purchase price) and surveyors fees (equivalent to 2.00% of the purchase price). These fees will be subject to capped minimum payments of £1,500 (legal) & £2,000 (surveyors) and the authority to depart from this standard approach will be at the discretion of the Valuation & Estates Manager.

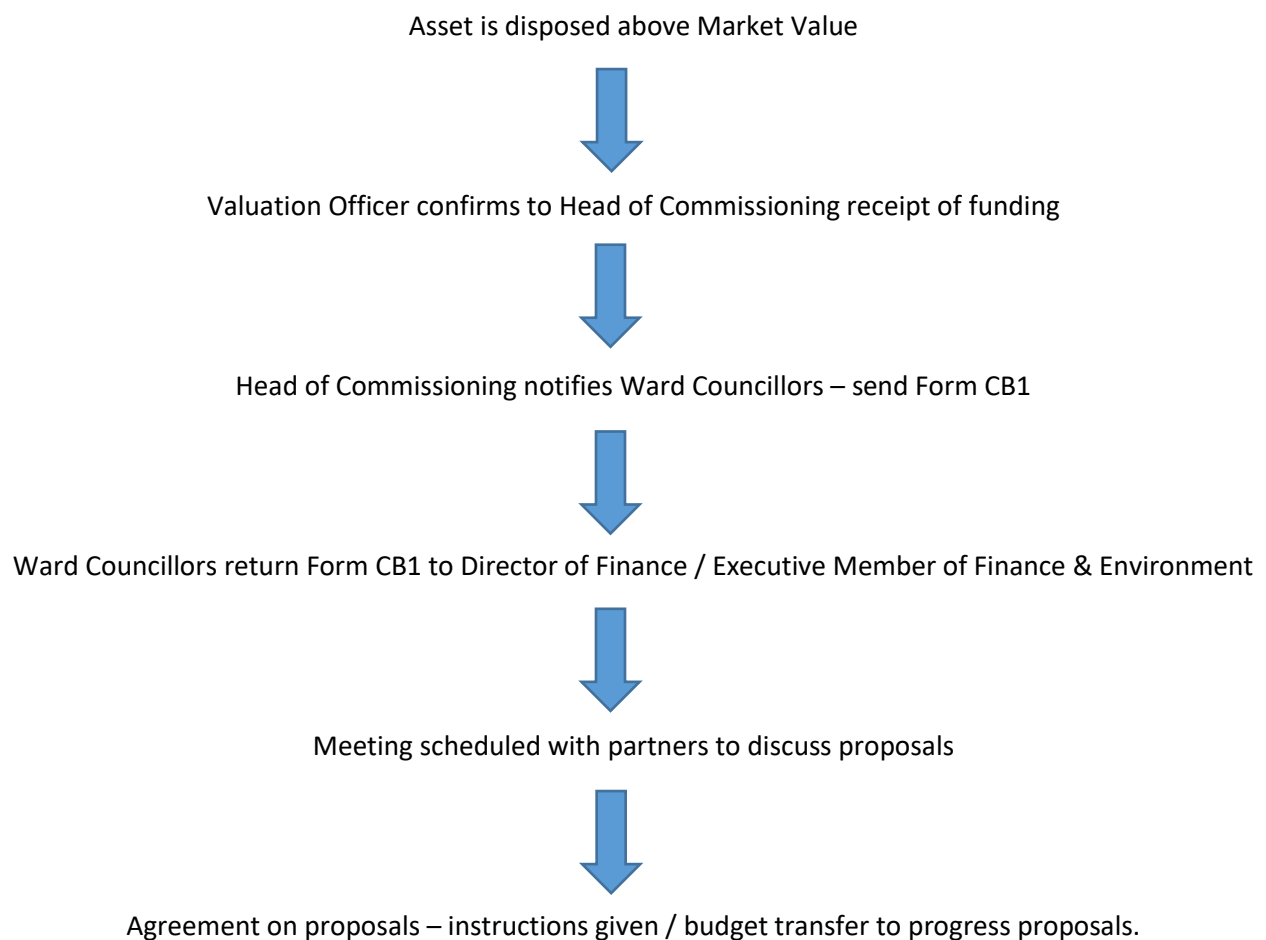
Stage 6 – Completion of Sale

25. Once contracts for sale of the asset have been exchanged, the asset will be classified as a completed disposal – if the sale does not proceed, the asset will be reclassified as a legacy disposal, and go back to stage 3 of this policy process.

Appendix 4

Community Benefit Form [CB1] Practice Guidance

Community Benefit Practice Guidance



Community Benefit Form [CB1]

Proposal Title:		
Date:		
Available Funding		
Proposals: <i>(Please outline detail of proposals including locations, costs, community benefit)</i>		
Proposal Submitted by:		
Date		
Approved	Y / N	
Approval Signatures/ Date :		

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