

EXECUTIVE

A meeting of the Executive was held on Tuesday 24 January 2023.

PRESENT: Councillor M Smiles (Chair) , B Cooper, D Coupe, TA Grainge, L Mason, E Polano, and S Walker

PRESENT BY INVITATION: Councillor J Platt

OFFICERS: S Bonner, M Adams, C Benjamin, G Field, R Horniman, S Myers, A Pain, T Parkinson, E Scollay and C Sowerby

APOLOGIES FOR ABSENCE: Mayor Preston and Councillor S Hill

22/69 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/ Nature of Interest
Cllr E Polano	Prejudicial	Agenda Item 6 – Middlesbrough Development Company/ Member of MDC Board
Cllr Luke Mason	Non-Pecuniary	Agenda Item 10&17 – Site L (North) Coulby Newham – Disposal – PARTS A & B/ Ward Member
Cllr Stefan Walker	Non-Pecuniary	Agenda Item 10&17 – Site L (North) Coulby Newham – Disposal – PARTS A & B/ Ward Member
Cllr Barrie Cooper	Non-Pecuniary	Agenda Item 18 Town Centre Property Purchase 11 & 18/ Ward Member

22/70 **MINUTES - EXECUTIVE - 6 DECEMBER 2022**

The minutes of the Executive meeting held on 6 December 2022 were submitted and approved as a correct record.

22/71 **CHILDREN'S SERVICES IMPROVEMENT PROGRAMME: UPDATE**

The Deputy Mayor and Executive Member for Children's Services presented a report for Executive's consideration.

The purpose of the report was to brief the Executive on the progress made against the Children's Service Improvement Plan with particular reference to the findings of Middlesbrough's Ofsted Monitoring Visit in November 2022.

Since the last inspection, services for older children in care and care leavers had started to improve. Most older children who were approaching leaving care were supported to develop the necessary independence skills needed to live alone. Care leavers told inspectors that most of them had experienced a positive transition from care, including that they had been well supported by their social workers and their personal advisors.

However, for some children the transition planning had not been as effective as it should have

been. As a result, a small number of care leavers described: feeling rushed when moving out of care and a small number this had resulted in them remaining CIC, post 18 due to a lack of planning and the Council had continued to support them in accommodation

Some young people said they needed more financial support to enable them to buy food and pay their energy bills. The Council had some plans in place to make sure the right level of support was in place.

OPTIONS:

There were no other potential decisions Children's Services were guided by Ofsted inspectors on the areas for improvement.

ORDERED:

That Executive note the Report

REASONS:

The action plan in the report set out the Council's response to the letter from Ofsted. The rationale being that Children's Services would need to demonstrate the Council had taken action following the monitoring.

22/72

IN-HOUSE FOSTERING - PART A

The Deputy Mayor and Executive Member for Children's Services presented a report for Executive's consideration.

A primary aim of Middlesbrough Council's Sufficiency Strategy was to have a well developed and targeted range of community support arrangements and high-quality placements within and around the Tees Valley area to care for our children and young people.

There were insufficient numbers of foster placements available either internally or externally to meet the Council's needs and overall, its ambition was to grow its in-house fostering service; in line with its sufficiency ambition to have more children and young people placed in foster care and with a Middlesbrough Council foster carer. At present carers were leaving to move to IFA's and therefore this investment was required to stop this happening.

OPTIONS:

The Council does nothing and remained with the current level of allowances then potentially more carers would move to an IFA increasing costs and reducing internal capacity further.

A public-private partnership or Tees Valley Fostering service would take considerable resource and time to drive forward and it made more sense for the Council to grow its own service initially before considering either of these options more seriously given the continued move of carers to IFAs and use of external residential placements.

ORDERED:

That Executive

- 1. Note the information contained within Part A of the report; and**
- 2. Take the decision once all the financial or exempt information contained within Part B of the report had been considered.**

REASONS:

The Council was under significant budget pressure, particularly in children's services. One of the contributing factors was the high cost of external placements, including IFA and residential placements. The basis of this investment was to avoid more in-house carers requesting to move to an IFA which was significantly more expensive meaning further budgetary pressures for the Council.

If this investment was not supported then there was a potential for more carers to move to IFA's which not only meant a loss of capacity but also a considerable increase in expenditure.

If the investment was approved then there was an expectation that this will see an increase in recruitment of in-house carers and whilst more funding would be needed to support this it was anticipated being able to reduce reliance on the IFA market and transfer underspend from that budget to in-house fostering to cover this.

22/73

MIDDLESBROUGH DEVELOPMENT COMPANY

At this point in the meeting the Executive Member for Regeneration withdrew from the meeting having declared a prejudicial interest in the item.

The Deputy Mayor and Executive Member for Children's Services and the Director for Regeneration submitted a report for Executive's consideration.

The purpose of the report was to determine the long-term future of the Middlesbrough Development Company, given future delivery expectations, and the wider context of best practice guidance published by Local Partnerships (a joint venture between the Local Government Association, HM Treasury and the Welsh Government), and new guidelines recently issued by The Chartered Institute of Public Finance and Accountancy (CIPFA).

Middlesbrough Development Company was established in 2018 under its previous name of MHomes. The role of the company was to intervene in the housing market on sites that commercial developers would not progress. The role of the company had however evolved since 2019 as the Council focused its activities more on facilitating urban living developments and taking control of eyesore sites and properties.

Since its establishment, Middlesbrough Development Company had successfully progressed the following:

1. Development of Boho Village, 45 apartments and 16 houses at Middlehaven in partnership with Bright Ideas (due for completion March 2023);
2. Development of 24 homes and four retail units at Newbridge Court on the site of the former Tollesby Shops (due for completion April 2023);
3. Purchased eyesore sites at Evesham Road and Penistone Road to enable future development; and,
4. Funded the redevelopment of eight empty properties in North Ormesby and Gresham in partnership with the Ethical Housing Association.

The company was always intended to be a facilitator of development and therefore had operated with only one employee (a Managing Director), buying in further expertise when required on issues such as marketing, accounting or legal support. This had proven to be sufficient to enable the above developments to be progressed.

OPTIONS:

Although the option to continue with the company did exist, it would have required significant investment to meet the expectations of the recent guidance published by CIPFA which would impact financially on the ongoing business case for the company's viability. Adherence with the guidance would minimise the longer-term risk to the Council, although some residual commercial risk would always remain.

The benefits of continuing with the company did not seem to justify the investment of time and money required to reshape and bolster the company, and it had therefore been concluded that the company had run its natural course, once its current development portfolio is complete.

There was also an option to 'do nothing' and keep the company operating as it existed. This would have exposed the Council to unnecessary risk in the longer term, which would be unacceptable given the conclusions of the above review, and the increased requirements of the recent CIPFA guidance.

ORDERED:

That the Executive endorses the proposal to close down the Middlesbrough Development Company and put in place alternative arrangements within the Council to manage or dispose of any assets.

REASONS:

The limited benefits of continuing to operate a trading company structure did not justify the investment required to reshape the company and minimise the short and long-term risks to the Council given a separate company was not required to enable the Council's goals in this area to be achieved.

22/74

RE-PROCUREMENT OF A BEREAVEMENT AND SUICIDE POSTVENTION SUPPORT SERVICE (SOUTH TEES)

At this point in the meeting the Executive Member for Regeneration returned to the meeting.

The Executive Member for Adult Social Care, Public Health, Public Protection and Digital Inclusion and the Director of Public Health submitted a report for Executive's consideration.

This purpose of the report was to seek approval for Middlesbrough Council to undertake re-procurement for a Bereavement and Suicide Postvention Support Service with a view to commence 1st April 2023 for a period of 3 years with an option to extend dependant on funding.

A Bereavement and Suicide Postvention Support Service had been commissioned through the public health grant since 2016. The current contract expired on 31st March 2023 with no remaining options to extend.

Retention of bereavement and postvention support provision was required to promote the emotional and mental wellbeing of bereaved people of all ages across our borough to enable them to understand their grief and cope with their loss. To support those bereaved or affected by suicide, to support recovery and to prevent adverse outcomes, including suicide and suicidal ideation and healthy recovery of the affected community.

The demand for bereavement services and specific suicide postvention bereavement support continued to be consistently high and was a key area of action in the Preventing Suicide in England Strategy and the Tees Suicide Prevention Implementation Plan – "To provide better information and support to those bereaved or affected by suicide"

Relevant Officers from across Middlesbrough Council had considered and inputted into the report.

OPTIONS:

'Do nothing' – the Council would not have a specialist bereavement service that could support local people of all ages and provide effective and timely support for those bereaved or affected by suicide.

ORDERED:

That Executive approve Middlesbrough be part of a re-procurement of a South Tees Bereavement and Postvention Support Service with a view to commence the new Page 39 4 service on 1st April 2023 for a period of 3 years with 2-year optional extensions.

REASONS:

The current contract with incumbent provider will end 31st March 2023 and there were no remaining options to extend. Request to re-procure and retain a bereavement and suicide postvention support offer for our local residents of all ages.

A South Tees contract with shared specification and pathway referral ensured

economies of scale and options for access to support.

The demand for bereavement services and specific suicide postvention bereavement support continued to be consistently high and was a key area of action in the Preventing Suicide in England Strategy and the Tees Suicide Prevention Implementation Plan – “To provide better information and support to those bereaved or affected by suicide.”

22/75

TEESSIDE ABILITY SUPPORT CENTRE (TASC) DAY SERVICE CONTRACT – FUTURES COMMISSIONING - PART A

The Executive Member for Adult Social Care, Public Health, Public Protection and Digital Inclusion and the Director of Adult Social Care and Health Integration submitted a report for Executive's consideration.

The purpose of the report was to provide the relevant information to the Executive to seek approval, as per Part B of the report, of entry into a new contract with TASC for a period of 3 years to 31st March 2026 with the potential full term to 31st March 2030 under a block contract arrangement.

Teesside Ability Support Centre (TASC) have had a contractual arrangement with the Council since 1984 under Cleveland County Council. Middlesbrough Council inherited the contract when Cleveland County Council disbanded in March 1996. The service offered Social Care day service placements (including transport) across two sites in Middlesbrough and the surrounding area for people with Physical and Learning Disabilities. The main building was situated on Acklam Road and a smaller satellite centre operated from Manor Hub at Coulby Newham.

TASC were one of the largest day services in Middlesbrough in terms of number of placements and were one of the few services who had available transport for Service Users to use to and from the service. Attendance was choice based, led by the service user, post Social Care needs assessment and was a popular service.

There were 111 Service Users accessing 333 sessions a week, including self-funding placements and from other Local Authorities. Over 50% of the Service Users currently attending the sites were funded by Middlesbrough Council resulting in the Council being their main source of income.

All day services were forced to close from March to September 2020 due to Covid 19. When services did reopen, all attendance was adversely affected as many Service Users were unable to attend as they were classed as extremely vulnerable and were subject to self-isolation during 2020/2021. Return to services was initially slow for the majority of day service providers, however, service recovery for TASC was better than most.

OPTIONS:

The alternative options were to either Direct Award to TASC (via a VEAT notice) on a spot purchase basis covering the period of 3 years to 31st March 2026 with the potential full term to 31st March 2030, or to do nothing and let the contract expire.

Direct Award to TASC (via a VEAT notice) on a spot purchase basis covering the period of 3 years to 31st March 2026 with the potential full term to 31st March 2030 was not recommended as it would lead to further increased budget pressures and a spot contract arrangement would not offer financial resilience to the provider.

If the Council were to let the contract expire there was no alternative provider that would be able to facilitate the service that TASC offered, it would leave vulnerable service users without much needed services, which could have had a detrimental effect on themselves and their carers. Therefore, this was not a viable option.

ORDERED:

That the Executive:

1. **Note information contained in Part A of the report; and**
2. **That once all the financial or exempt information contained in Part B of the report had been considered approve the entry into a new contract with TASC for a period of 3 years to 31st March 2026 with the potential full term to 31st March 2030 under a block contract arrangement.**

REASONS:

A block contract arrangement offered the provider financial resilience at a competitive rate to the Council. Utilisation would continue to be monitored and a clause included in the financial schedule that, should utilisation levels drop significantly for a consistent period of 6 months, it would instigate a review of the block financial schedule. Analysis shows that the service was well utilised.

22/76

2022-2024 COMMUNITY SAFETY PLAN

The Executive Member for Neighbourhood Safety and the Director of Environment and Commercial Services submitted a report for Executive's consideration.

The report proposed an extension to the current Community Safety Plan until 31st March 2024 to allow senior leaders time to review the priorities and produce a meaningful set of collective strategic objectives for the next 3 years.

The Crime and Disorder Act 1998 placed statutory obligations on Local Authorities and the Police to work together with Health Authorities and other relevant agencies to prevent crime and disorder.

Section 97 of the Police Reform Act 2002 amended the above Act and included the Fire Service and Clinical Commissioning Groups (now Integrated Care Board) as responsible authorities. Further reforms now include Probation Services as a responsible authority as well as the Environment Agency and Registered Social Landlords as 'participatory bodies' within a Community Safety Partnership.

The legislation required the Partnership to produce a plan detailing how it intended to tackle crime and disorder. This allowed for the development of strategies to tackle short-, medium- and long-term priorities.

The proposal was to extend the current Community Safety Plan so that it ran until the end of March 2024.

The next 12 months would provide senior leaders within the council and across partner agencies the time to fully consider the strategic priorities and ensure that meaningful objectives were set to tackle the issues across Middlesbrough.

OPTIONS:

No other options were proposed as part of the report.

ORDERED:

That Executive approve the request to extend the current Community Safety Plan until March 2024.

REASONS:

It was a statutory duty of the Community Safety Partnership to develop this plan.

22/77

SITE L (NORTH) COULBY NEWHAM – DISPOSAL - PART A

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

The report sought Executive approval to dispose of the Council's freehold interest in Site L (North) Coulby Newham. Shown edged on the plan attached at Appendix 1 of the report, Site

L (North) was a vacant parcel of land occupying a visually prominent location adjacent the Parkway Centre in Coulby Newham.

The subject parcel of land comprised a vacant development site situated between Cropton Way, Newham Way and Dalby Way. Triangular in shape and with some tree cover to the eastern boundary adjacent Newham Way, the predominately grassed site was both open and level, measuring @ 1.15 Acres [0.465 Ha].

The site was located amongst mixed commercial, retail and leisure uses with a Tesco Supermarket Store situated immediately to the west, and the Parkway Medical Centre and Children's Day Nursery situated immediately to the south.

In accordance with the strategy objectives of the Council to secure capital receipt payments and generate recurring business rates revenue income streams from the disposal of surplus land and property assets, the site was declared surplus by the Council and programmed for disposal during the current financial year.

OPTIONS:

Re-use for operational purposes

No Council operational service requirement had been identified.

Other uses

Although the property was capable of being used for other purposes, future use of the site for mixed commercial, retail and leisure purposes as proposed, was preferred.

Do nothing

The property would remain underutilised, with the Council not in a position to either receive a significant capital receipt or generate any long-term recurring business rates revenue income from the property going forward.

Whilst the subject property would be retained for potential Council use in the future, the liability and responsibility for maintaining and holding the property would remain with the Council in the interim.

ORDERED:

That Executive be asked to:

- 1. Note the information contained within Part A of the report; and**
- 2. Take the decision to dispose of the subject property once all the financial or exempt information contained within Part B of the report has been considered.**

REASONS:

Disposal as proposed would generate a significant capital receipt, increase annually recurring revenue streams and also bring the subject property into far more beneficial use in the future.

Disposal of the property supported delivery of the Council's Medium Term Financial Plan.

22/78

TOWN CENTRE PROPERTY PURCHASE - PART A

The Executive Member for Regeneration and the Director for Regeneration submitted a report for Executive's consideration.

The purpose of the report was to seek Executive approval for Middlesbrough Council to acquire the freehold interest in a major town centre building of strategic significance.

In recognising the fragilities of its high street, the Council commissioned an economic assessment of the retail and commercial areas within the Town Centre, to provide an evidence base on which to tailor a package of interventions. The process benchmarked Middlesbrough against national trends, highlighting deficiencies and areas of improvement. In parallel, an analysis of retail floor space trends was also carried out. This data had informed

the development of specific priorities, actions and responsibilities, to be taken forward by all stakeholders.

The exercise highlighted that Middlesbrough had an oversupply of retail floor space, in proportion to the amount of commercial activity. Middlesbrough had a retail core vacancy rate of approximately 19% on a base of 1.8m sqft of all available town centre floor space; this resulted in a buyers' market with tenants seeking competitive terms from multiple landlords therefore driving down rents.

Middlesbrough Council had not determined a final use for the space but opportunities were significant. Early consultation had identified preferred community uses for the building which range from indoor marketplace, educational spaces and cultural performance space. This project would involve intensive co-design and development with businesses, residents, and other stakeholders. The respective business cases would be worked up for viability in the next phase of the project with the aim of securing a self-sustaining, publicly accessible use, which would add value to the area and generate the income required to sustain the property (and any future heritage / maintenance investments) in perpetuity.

OPTIONS:

The Council could have chosen not to acquire the property. As a property with local merits, any adaptation works must be sensitively handled. This added complexity and cost to the development options as the space was repurposed to modern town centre uses. In an already distressed property market, this added an additional financial burden for the delivery of the project and severely limited commercial viability and, therefore, private sector ability to deliver. It was therefore likely that the building would remain undeveloped without Council intervention.

ORDERED:

That Executive be asked to:

- 1. Note the information contained within Part A of the report; and,**
- 2. Take the decision to acquire the freehold interest in a major town centre building of strategic significance, once all the financial or exempt information contained within Part B of the report had been considered.**

REASONS:

The restoration and reuse of this key building would provide a hugely symbolic investment in Middlesbrough and reassurance that the Council would invest in its significant buildings to breathe new life into them. In owning the asset, the Council could exert a level of control to support the development and restoration of the site, subject to the availability of external funding opportunities.

22/79

FINAL REPORT OF THE ADULT SOCIAL CARE AND SERVICES SCRUTINY PANEL - THE ROLE OF THE VCS IN SUPPORTING ADULT SOCIAL CARE - SERVICE RESPONSE

The Adult Social Care and Services Scrutiny Panel had undertaken a review of the role of the Voluntary and Community Sector (VCS) in supporting Adult Social Care (with a focus on COVID-19 and Recovery). A copy of the full report was attached. The Scrutiny Panel had made three recommendations upon which a response was sought from the relevant service area.

The Executive Member for Adult Social Care, Public Health, Public Protection and Digital Inclusion and the Director for Adult Social Care and health Integration submitted a service response to the recommendations of the Scrutiny Panel. A copy of the action plan was attached.

The Chair of the Adult Social Care and Services Scrutiny Panel presented the final report to the Executive. The Executive Member for Neighbourhood Safety presented the service response.

ORDERED

1. That the content of the Adult Social Care and Services Scrutiny Panel final report on the role of the VCS in Supporting Adult Social Care (Appendix 1) be noted; and
2. The action plan (Appendix 2), developed in response to the Scrutiny Panel's recommendations, be approved.

REASON

It was a requirement that Executive formally considered the scrutiny panel's report and confirmed the service area's response to the accompanying plan.

22/80 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

None.

22/81 **EXCLUSION OF PRESS AND PUBLIC**

ORDERED that the press and public be excluded from the meeting for the following items on the grounds that, if present, there would be disclosure to them of exempt information as defined in Paragraphs 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

22/82 **EXEMPT - IN-HOUSE FOSTERING - PART B**

The Deputy Mayor and Executive Member for Children's Services and the Director of Children's Services submitted a report for Executive's consideration.

ORDERED

That the recommendations of the report be approved.

REASONS

The decision was supported by the following reason:

For reasons outlined in the report.

22/83 **EXEMPT - TEESSIDE ABILITY SUPPORT CENTRE (TASC) DAY SERVICE CONTRACT – FUTURE COMMISSIONING - PART B**

The Executive Member for Adult Social Care, Public Health, Public Protection and Digital Inclusion and the Director of Public Health submitted a report for Executive's consideration.

ORDERED

That the recommendations of the report be approved.

REASONS

The decision was supported by the following reason:

For reasons outlined in the report.

22/84 **EXEMPT - SITE L (NORTH) COULBY NEWHAM – DISPOSAL - PART B**

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

ORDERED

That the recommendations of the report be approved.

REASONS

The decision was supported by the following reason:

For reasons outlined in the report.

22/85

EXEMPT - TOWN CENTRE PROPERTY PURCHASE - PART B

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

ORDERED

That the recommendations of the report be approved.

REASONS

The decision was supported by the following reason:

For reasons outlined in the report.

All decisions will come into force after five working days following the day the decision(s) was published unless the decision becomes subject to the call in procedures.