

EXECUTIVE

A meeting of the Executive was held on Tuesday 7 March 2023.

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

ALSO IN ATTENDANCE: C Hobson, J Hobson and J Rathmell

OFFICERS: S Bonner, R Brown, G Field, J Hedgley, R Horniman, A Hoy, T Parkinson and A Wilson

22/100 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/ Nature of Interest
Mayor Preston	Pecuniary	Agenda Item 8 – Selective Landlord Licensing - Responses to the Consultation and Approval to Designate the Newport 2 Area Interest in a business that owns houses in the Newport 2 Area

22/101 **MINUTES - EXECUTIVE - 14 FEBRUARY 2023**

The minutes of the Executive meeting held on 14 February 2023 were submitted and approved as a correct record.

22/102 **SPECIAL AND EDUCATIONAL NEEDS AND DISABILITIES**

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

The purpose of the report was to seek approval from Executive to undertake a Local Government SEND Peer Challenge in preparation for the new Local Area SEND Inspections which would begin in 2023.

Ofsted and the Care Quality Commission published a new inspection framework which provided details on how they would inspect services for children and young people with Special Educational Needs and or Disabilities (SEND) in the local area early in 2023.

In the past, the local area inspections focused on how local areas met their responsibilities in the SEND code of practice. This was the statutory guidance produced by the Department for Education and the Department for Health and Social Care. The new framework had greater focus on hearing directly from children and young people with SEND, and their families. This would allow inspectors to get a better understanding of what it was like for a child or young person with SEND in the local area. There would also be stronger accountability through ongoing contact with local areas. This would include monitoring inspections where needed.

OPTIONS

The Council could have decided not to undertake a SEND Peer Challenge, however the SEND and Inclusion Partnership Board felt it would be beneficial in supporting the local area prepare for the next SEND Inspection.

ORDERED

That Executive approve the request to have a Local Government SEND Peer Challenge which would take place in May 2023.

REASONS

The review would support the local area in its preparation for the full SEND inspection.

22/103

ADULT SOCIAL CARE: RESPITE CHARGING

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

The report sought approval for the proposed changes to the charging policy for respite care services.

The Care Act 2014 Statutory Guidance identified that Carers played a significant role in preventing the need for care and support for the people they cared for. Local authorities must have considered interventions which could prevent Carers from developing needs for care and support themselves, as result of their caring responsibilities. One of those interventions was a period of residential respite stay for the cared for person, allowing the carer time to take a break from their caring duties.

In 2019 a review of respite charging was commenced. The position at that time was that all respite care was charged at a flat rate, irrespective of the savings of the service user, which was contributing to a loss of revenue to the Council. The average cost of a stay for one week in a Middlesbrough care home at the time was £550, however all adults using this facility in Middlesbrough were being charged the flat rate fee of £140.35. The recommendation was that the cost of respite care would be means tested, as with all other social care provision, and would be charged according to ability to pay.

The review recommendations would bring Middlesbrough Council in line with the charging practice of neighbouring local authorities. A level 1 impact assessment was carried out which determined that the policy would not adversely affect the Human Rights, Equality or Community Cohesion of the service user group.

OPTIONS

The Council could have maintained the current charging system; however, this was discounted due to the practice issues that had arisen.

The Council could have reverted to the system in place prior to the 2019 review, however this would no longer be fit for purpose.

ORDERED

That Executive approve the amendment to the respite care charging system. This would mean the Council no longer contracted for respite care for self-funding service users. This would include removing the current subsidy for those who have been in receipt of respite care prior to July 2020.

This requires the following steps to be implemented:

- **Care homes would be advised that the Local Authority would only contract for respite care for those who had savings below the threshold;**
- **Subsidy for existing self-funders receiving respite care would cease; and**
- **All individuals with savings over £23,500 would pay the care home directly at the home's self-funding fee rate.**

REASONS

The Council felt the implementation of the above steps would align respite charging with charging for all other residential services.

This in turn would support the Council with the preparation for the care cap whereby all

self-funders would inform the Local Authority of respite charges paid to care home providers and this would contribute to their care account. The current two-tier system placed the Council in a position where those currently paying the flat rate were not clearly identified as self-funders. This may have led to the Local Authority failing to track their care account effectively.

The changes also ensured the Council maximised service user contributions and removed any budget pressures that had arisen from undercharging existing recipients of respite care. The changes also removed pressures that had arisen by payment of additional respite charges to rectify fee challenges that the new system had created.

22/104

HIGHWAYS CAPITAL - PRIORITY ASSESSMENT REVIEW AND FORWARD WORKS PROGRAMME

The Executive Member for Environment submitted a report for Executive's consideration.

Substantial investment was required in order to improve Middlesbrough's road network. It was therefore timely to re-evaluate the current approach to maintaining and improving highway assets, with a view to improving the condition of the road network back to a publicly acceptable and manageable level.

Executive was therefore asked to approve the revised prioritisation process undertaken to address the approach to Red / Amber carriageway defects. This had enabled the development of a longer-term strategy for maintenance and improvements, in-line with the Council's medium-term financial plan. This still allowed compliance with the Council's Statutory requirements and National Guidance on highway asset management.

OPTIONS

No other options were considered as part of the report.

ORDERED

That Executive:

- 1. Approve the revised prioritisation process which had allowed the development of a longer-term strategy for identifying, maintaining and improving carriageways to address defects on Red / Amber roads, tendering for works via the NEPO framework.**
- 2. Approve the programme of works for 2022/25 as shown as Appendix 3 of the report.**

REASONS

To provide the necessary detail that allowed Executive to make an informed decision based on need and impact, whilst demonstrating the service remained fit for purpose to best address the needs of the town.

22/105

DEVELOPING A NEW NUNTHORPE COMMUNITY FACILITY

The Mayor stated that despite claims of bias and predetermination, following the Deputy Monitoring Officer's advice both he and the Deputy Mayor would take part in both the discussions and vote for this item. The Mayor invited the Executive Member for Regeneration to present his report.

The Executive Member for Regeneration and the Executive Member for Finance and Governance submitted report for Executive's consideration.

The report sought approval of the recommendations to locate a new community centre on land within Nunthorpe ward.

There had been a long-standing requirement for new community space to be developed within the Nunthorpe area. The need for such space had been communicated by residents, community groups and local elected members for some time.

In 2020, Middlesbrough Council, in conjunction with community representatives developed a series of commitments that were intended to ensure that the local community were engaged in the area's future and would ultimately lead to the development of a Neighbourhood Plan. Again, the need for a new community facility was clearly communicated as a priority for the local community.

As part of that work, a number of proposals came forward to develop new community space, in different parts of Nunthorpe. One proposal identified a site owned by the Council adjacent to the new GP Surgery off Stokesley Road, and the other identified an opportunity to build on the existing Nunthorpe and Marton Playing Fields Association facilities off Guisborough Road.

Also in 2020 a significant allocation of Town's Fund resources was added to the existing Council funds to ultimately provide a budget of £966,000 to deliver a new community centre at Nunthorpe.

A process to look at specific proposals for each site was undertaken by the Council and other external stakeholders in 2021, but no formal conclusion was reached.

A report was subsequently approved by Executive in September 2022, which identified the need for community consultation, and a focus on identifying the most appropriate location for the facility. The report stated that the Council would manage the design and build of the new facility, but a process would also need to be undertaken to appoint an organisation to run it. As there was no revenue budget available from the Council to support the running of the centre, the selected organisation would need to demonstrate a viable, sustainable business plan.

As a result, a consultation on the location options was conducted between December 2022 and January 2023 for a period of 6 weeks. The consultation asked members of the public to provide positive and negative feedback for both options and asked which location people would prefer.

A total of 369 individuals responded to the consultation, with 60% identifying a preference for the land adjacent to the GP surgery.

At this point in the meeting the Chair invited other elected Members and the public to express their views about the proposal. As part of those discussions, those invited to comment stated the alternative site to that proposed in the report remained a viable option for several reasons.

After considering all comments made the Mayor thanked those elected Members and the public for their input.

OPTIONS

There were two alternative options for Executive to consider which were:

- a) to proceed with the second location as outlined within the option appraisal; and,**
- b) not to develop a community facility in Nunthorpe.**

It was believed that both of those options would not meet the identified needs for the community and/or would have been a reputational risk to the Council.

ORDERED

The option appraisal had identified the location adjacent to the GP Surgery as the preferred site for a new community facility in Nunthorpe. This also allowed for the location of the community garden to be confirmed. It was therefore recommended Executive approve:

- 1. The identification of land adjacent to the new GP Surgery at Nunthorpe as the preferred site for a new community centre;**
- 2. The commencement of a process to identify an appropriate organisation to operate the new community centre, prior to any major expenditure being**

- incurred;
3. The release of up to £20,000 from the budget to enable early stage design consideration to inform the identification of an appropriate organisation; and,
 4. the allocation 0.5 acres of land owned by the Council off Stokesley Road for designation as a community garden.

REASONS

The Council had undertaken an option appraisal process to identify the most appropriate location for a new community facility in Nunthorpe, including a public consultation. The option appraisal identified the location adjacent to the new GP Surgery as the preferred site for the new facility for the following reasons:

- a) The proposed land was owned and controlled by the Council;
- b) The proposal looked to develop a stand-alone new build solution and consequently would not require a proportion of the budget to be spent on required energy efficiency improvements to an existing building;
- c) The area suggested for the new facility provided some flexibility to adjust plans should any issues have occurred during construction;
- d) No significant environmental issues are present on the site that would require mitigation;
- e) The outcome of the appraisal met that of the preferred location from the community consultation; and,
- f) Provided no immediate Highways and/or Planning concerns.

The conclusion reached about the community centre also allowed the location of the proposed community garden for Nunthorpe to be confirmed.

22/106

SELECTIVE LANDLORD LICENSING - CONSULTATION RESPONSES AND APPROVAL TO DESIGNATE THE NEWPORT 2 AREA

At this point in the meeting the Mayor declared a pecuniary interest and withdrew from the meeting.

The Deputy Mayor assumed the Chair and proceeded with the meeting.

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

An Executive decision was made on 18th October 2022 to commence consultation on the designation of a Selective Landlord Licensing Scheme in Newport ward (known as Newport 2 area). The report set out the rationale for commencing consultation and provided full details on how this consultation would be undertaken.

The purpose of the report was to present and consider the outcome of the ten week consultation and to recommend that the area of Newport shown in Appendix A was designated for Selective Landlord Licensing.

The Housing Act 2004, gave local authorities powers to introduce Selective Landlord Licensing (over a five year period) for privately rented properties in areas experiencing low housing demand, significant and persistent anti-social behaviour or high levels of poor housing conditions, deprivation or crime. The purpose of such a scheme was to improve standards of property management in the private rented sector, and when combined with other measures, leading to improved physical, social and economic conditions.

Under the Housing Act 2004 Part 3 (Selective Licensing of other Residential Accommodation) all private landlords operating within the designated area were required to pay a fee and obtain a licence from the Council for each rented property. The conditions of the licence ensure that the property is managed effectively, and licence holders had to demonstrate their compliance. The fees were ring fenced to fund the staffing resources for the delivery of the scheme.

OPTIONS

Do not designate and continue with the existing arrangements.

Carry on with the existing arrangement using the current resources available without a dedicated Selective Licensing team. This would have meant utilising current staffing and regulatory roles and managing the area through the existing arrangements. Without a dedicated SLL team there would have been no legal controls to hold landlords accountable for their tenant and property management, there would be no dedicated staffing resource for the area to carry out mandatory tenancy referencing, pro-active housing standards inspections, or to respond to the antisocial behaviour. There would have been a continued imbalance in service delivery between the two halves of the ward.

Do not designate the area and carry out alternative interventions.

Alternatives to Selective Licensing were considered in other wards prior to the designation of the North Ormesby and Newport Selective Licensing areas. These included voluntary registration and the use of traditional enforcement tools. These would have required significant additional investment by the Council to have achieved any sustainable change across the area.

Alternative interventions would have still required a need to ensure that proactive assessment of properties and an increased focus on renting and management practices was sustained. While Selective Landlord Licensing was not intended to be indefinite, a shift to an alternative non-regulatory approach or only relying on traditional reactive enforcement tools was not considered appropriate to sustain or progress the improvements achieved.

Traditional interventions did not provide the level of engagement with landlords necessary for the desired improvements. Landlord take up of previous accreditation schemes had been very low, they tended to only engage with responsible landlords who saw a value in being part of a scheme. An example of a non-mandatory scheme was the Stockton Pluss model which was run by landlords. Stockton Council figures showed that they had 80 members for this scheme with 539 properties and not all landlords who opposed their SLL scheme joined the accredited scheme.

Short term proactive enforcement projects can have an impact but were not sustainable without significant investment from existing revenue budgets or grant funding.

In considering the responses received to the consultation it was maintained that the recommended action to designate the Selective Landlord Licensing Scheme in Newport 2 was the most appropriate course. The area met the legal criteria for the designation of a Selective Landlord Licensing Scheme which was the most effective solution to improving management standards in the private rented sector.

ORDERED

That the Executive consider the results of the consultation and the statutory tests referred to in the report and appendices and approve the designation of Selective Landlord Licensing within the proposed area of Newport ward (Appendix A).

REASONS

The SLL schemes in both North Ormesby and Newport 1 area had resulted in improvements in the living and environmental conditions for those living in the area and contributed to reductions in antisocial behaviour. The designation of the remaining area of the Newport ward for Selective Landlord Licensing scheme would continue to ensure that property standards were maintained, anti-social behaviour issues related to tenants were reduced and managed and that landlords were held accountable for the costs of both licensing and the property management improvements. The existing SLL designations were self-financing and, in line with the recommended changes to the scheme, the new designation would work in the same way.

The designation would require all privately rented properties within the identified boundaries, subject to statutory exemptions, to apply to be licensed for up to five years

and comply with the licence conditions.

The proposed fee of £836 enabled the Council to ensure the scheme was self-financing, it was calculated on the staffing requirements for the administration and regulation of the selective landlord licensing scheme.

The boundary for the SLL scheme was to ensure complete coverage of the area in relation to improved housing standards, environmental conditions and reduction in crime and anti-social behaviour.

22/107

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

None.

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.