

EXECUTIVE

A meeting of the Executive was held on Tuesday 18 October 2022.

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

PRESENT BY INVITATION: Councillor C McIntyre

ALSO IN ATTENDANCE: Councillors C Cooke and A Hellaoui, G Cooper, E Craigie (Teesside Live), A Hoy and A Humble

OFFICERS: G Field, J Hedgley, R Horniman, T Parkinson, A Perriman, H Seechurn and S Reynolds

APOLOGIES FOR ABSENCE: None

22/36 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Mayor Preston	Prejudicial	Agenda Item 9 - Consultation on the Proposal to Designation the Newport 2 Area for a Selective Landlord Licensing Scheme Interest in a business that owns houses in the Newport 2 Area
Councillor B Cooper	Prejudicial	Agenda Item 9 - Consultation on the Proposal to Designation the Newport 2 Area for a Selective Landlord Licensing Scheme Owns property in the Newport 2 Area

22/37 **MINUTES - EXECUTIVE - 6 SEPTEMBER 2022**

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

22/38 **50 FUTURES EXPANSION**

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

The aim of the report was to inform members of the progress of the 50 Futures Work Experience Project and to provide an overview of the plans to expand the project externally with local employers.

50 Futures was developed as part of the Opportunity Middlesbrough strategy to support residents across the town to experience high quality work placements across a range of departments internally within the Council. The programme began in April 2019, with a target to engage 100 residents by March 2020.

In March 2020, the project was paused due to the Covid-19 Pandemic, which led to reduced engagement and limited access to internal placements as the whole country was placed in Lockdown.

50 Futures was working with 18 small local businesses who were providing work experience placements. The feedback from the businesses had been very positive and as a result of 50 Futures placements, 37 participants had been employed by external businesses. An employer section on the website was currently being developed which would allow employers to express an interest in the programme and find out how to get involved.

OPTIONS

No other options were considered as part of the report.

ORDERED

No decision was required for this report, it was to inform members on progress and future actions.

REASON

No reasons were considered as part of the report.

22/39

POOLE HOSPITAL DEFINITIVE MAP MODIFICATION ORDER

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

The Council had a statutory duty to promote the modification of the Definitive Map and Statement, by way of a Definitive Map Modification Order if evidence was discovered which suggested that public rights subsisted or were reasonably alleged to subsist along the line of the route.

The Council's Public Rights of Way Officer had looked into the history of the route and had searched for any available evidence, which would demonstrate that public rights had been shown to exist under Section 31 of the Highways Act 1980; and at Common Law by showing that the landowner, at some time in the past dedicated the way to the public either expressly, the evidence of the dedication having been lost, or by implication making no objection to use by the public of the way.

Having considered all of the available evidence, the officer was satisfied that the evidence was sufficient to satisfy the requirement under Section 53 (3)(c)(i) of the Wildlife and Countryside Act 1981.

OPTION

The Council had considered all available legal options to be able to record the route on the definitive map (see Appendix 1), and concluded that the most appropriate legal option would be a Modification Order under Section 53 of the Wildlife and Countryside Act 1981.

ORDERED

- 1. The Executive Authorises the Head of Legal Services to make an order under Section 53 of the Wildlife and Countryside Act 1981, to modify the Definitive Map and Statement by adding a footpath at the Poole Hospital estate in the parish of Nunthorpe.**
- 2. That the Order be confirmed by Middlesbrough Council as an unopposed Order if no objections or representations are received to the Order within the statutory timescales; or, if objections or representations to the Order are received that they be submitted by Middlesbrough Council to the Secretary of State with a request that the Order be confirmed.**

REASON

In most cases, it was usual for the Council to receive a claim to modify the Definitive Map from a member of the public, organisation or landowner but in some instances, the Council would also look to modify the Definitive Map where it found evidence.

Section 53 (3)(c)(i) was relevant in circumstances where the discovery by the authority (including through a third-party application), of evidence which showed that a right of way, which was not shown on the map and statement, subsisted or was reasonably alleged to subsist over land.

Thus, if a way was not shown on the Definitive Map but documentary evidence showed that a public right of way existed, or was reasonably alleged to exist, an application may have been made under this section for the path to be added to the definitive map and statement.

The s106 agreement and the Creation Agreement were supporting evidence to the question of whether the claimed route had been dedicated as a highway at common law.

It was therefore considered that the documentary evidence indicated that it was reasonably alleged the whole of the route (A-B-C-D-E-F) on the report map was dedicated as a public footpath.

Having considered all of the available evidence, the officer was satisfied that the evidence was sufficient to satisfy the requirement under Section 53 (3)(c)(i) of the Wildlife and Countryside Act 1981.

It was therefore considered that the Council should make a Definitive Map Modification Order to add the route A-B-C-D-E-F to the definitive map and statement as a Footpath.

It was considered that if the Order made by the Council was unopposed, it should be confirmed by the Council and if the Order was opposed it should be forwarded to the Secretary of State with a request that it be confirmed.

22/40

FINANCIAL RECOVERY PLAN 2022-23

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

The report set out arrangements by each Directorate to support the Council's financial recovery plan for 2022/23.

The Quarter One budget monitoring report to Executive on 6 September 2022 reported a forecast overspend of approximately £9m for 2022/23. This was mainly due to pressures relating to additional inflation, the increased pay award, and increased demand, placement and agency costs within Children's Services, all of which were unknown at the start of the financial year and were national issues.

Following that report, each Executive Member and Director had reviewed discretionary spending plans in their area for the remainder of the financial year. An overview was contained in the report and indicated the forecast overspend could be substantially reduced to approximately £1.6m. Work would continue throughout the remainder of the year to improve this position further, wherever possible, in order to mitigate the risk on reserves.

The Mayor commented that difficult decisions needed to be made in order to reduce any detrimental impact on the public.

Executive was asked to note the progress made and approve the recovery plan as outlined in the report.

OPTION

To not propose a recovery plan for 2022/23 would mean that the Council's financial health was severely and adversely impacted with a continuing overspend, and if not corrected the Council's spending would be unsustainable.

ORDERED

1. That an addendum be made to point 32 of the report to read “Any impact on the strategic priorities will be referenced in the quarter two strategic plan performance report to be presented to Executive on 8 November 2022.”
2. That Executive note the progress being made to recover the financial position in 2022/23 by each Directorate;
3. That Executive approve the recovery plan for 2022/23 as set out in the report; and
4. That Executive note that the recovery plan will be used as a benchmark for reporting future budget variations.

REASON

To enable the effective management of finances, in line with the Council’s Local Code of Corporate Governance, the Scheme of Delegation and agreed corporate financial regulations.

22/41

TOWN CENTRE STRATEGY

The Mayor and Chief Executive submitted a report for Executive’s consideration.

High streets and town centres had long been subject to a range of issues, such as the 2008 economic downturn, changes in consumer behaviour, and, more recently, the Covid-19 pandemic. Across the country rises in anti-social behaviour, begging, street crime and other nuisance were evident and as the most significant town centre in the Tees Valley, Middlesbrough was not immune to those issues.

The Council had ambition to create a bright future for the town centre, transforming it by providing more reasons for people to use the town centre to live, work, learn and enjoy leisure. Alongside the many exciting developments that were underway to achieve this it was vital that the town centre provided a clean and safe environment that encouraged people to return.

Perceptions of safety and crime rates significantly influenced the vitality and viability of a centre. Stable major brands and independent businesses were affected by these and if left unattended there was a risk that this would damage the Council’s progress in transforming, adapting and recovering the high street economy.

It was therefore critical that those issues were addressed by introducing additional, co-ordinated and dedicated resources under a single point of authority and responsibility. Working with partners and utilising available Tees Valley resource, it was proposed that a pilot programme be delivered at a cost of £1,120,000 over 2 years. Funding would be derived through a combination of Shared Prosperity (£520,000) and Indigenous Growth Funds (£600,000), with no call on core Council funds.

OPTIONS

No other options were considered as part of the report.

ORDERED

That the Executive:

1. Endorse the approach of the pilot scheme over 2 years; and
2. Approve Middlesbrough Council being the accountable body for Tees Valley external funding.

REASON

Detailed engagement and consultation with town centre businesses, residents and stakeholders had made it clear that perceptions of ASB and crime were considered a significant barrier to existing businesses and inward investment.

Left unaddressed would mean no hope to transform, adapt and recover Middlesbrough's Town Centre economy.

22/42

FINAL REPORT OF THE CULTURE AND COMMUNITIES SCRUTINY PANEL - TOUGH ENOUGH? ENFORCEMENT IN MIDDLESBROUGH AND ITS IMPACT ON CRIME AND ANTI-SOCIAL BEHAVIOUR - SERVICE RESPONSE

The Culture and Communities Scrutiny Panel had undertaken a review of enforcement action in Middlesbrough and its impact on ASB and crime in the town. A copy of the full report was attached. The Scrutiny Panel had made six recommendations upon which a response was sought from the relevant service area.

The Executive Member for Neighbourhood Safety and the Director of Environment and Community Safety submitted a service response to the recommendations of the Culture and Communities Scrutiny Panel. A copy of the action plan was attached.

The Chair of the Culture and Communities 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 Culture and Communities Scrutiny Panel final report on Enforcement in Middlesbrough and its impact on Crime and Anti-Social Behaviour (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.

22/43

DESIGNATION OF THE NEWPORT 2 WARD AREA FOR A SELECTIVE LANDLORD LICENSING SCHEME

****At this point in the meeting the Mayor and Councillor Cooper declared prejudicial interests and withdrew from the meeting. The Deputy Mayor and Executive Member for Children's Services Chaired for this item.****

The Executive Member for Regeneration and the Director for Adult Social Care and Health Integration submitted a report for Executive's consideration.

Local authorities had powers to introduce Selective Landlord Licensing (SLL) schemes over a five-year period in areas with a high number of private rented properties, low housing demand, poor housing conditions, high levels of deprivation, crime and migration and/or significant and persistent anti-social behaviour associated with the tenants of private rented properties.

The purpose of such a scheme was to improve standards of property management in the private rented sector, and when combined with other measures, that should lead to improved physical, social and economic conditions.

Two SLL schemes operated in Middlesbrough; one in North Ormesby and the second in a selected area of the Newport ward (known as the Newport 1 scheme.) Newport ward continued to experience major challenges. A proposal document had been drawn up (Appendix A) presenting the evidence to show that the remaining area of the Newport ward (known as the Newport 2 scheme) met the legal criteria to be designated a SLL area.

Secretary of State approval was not required for SLL schemes that covered 20% or less of its geographical area or privately rented properties, provided that the authority had consulted for at least 10 weeks on the proposed designation. The schemes in Middlesbrough did not meet the threshold for Secretary of State approval. Executive approval was sought for a period of consultation to be undertaken on the proposal documents for a Selective Landlord Licensing Scheme in the Newport 2 area.

Executive approval was required as the scheme was delivered via a legislative framework requiring organisational approval to start formal consultation on the Proposal for the Newport 2 scheme prior to implementation.

OPTION

- 1. Do not designate and continue with the existing arrangements.**
Carry on with the existing arrangement using the current resources available without a dedicated SLL team. This would mean utilising the current staffing and regulatory roles and managing the area through the existing arrangements.

Without a dedicated SLL team the Council would not have the legal controls to hold landlords accountable for their tenant and property management, there would be no staffing resource to carry out mandatory tenancy referencing, proactive housing standards inspections, or to respond to the antisocial behaviour. This would continue to have an imbalance and difference in the approach between the two areas of the Newport ward.

- 2. Do not designate the area and carry out alternative interventions.**
Alternatives to Selective Licensing were considered for 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 require significant additional investment by the Council to achieve any sustainable change across the area.

Alternative interventions would have still required a need to ensure that 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 is 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 could have an impact but were not sustainable without significant investment from existing revenue budgets or grant funding.

It was proposed that the recommended action was the most appropriate course to ensure a sustainable and cost effective solution to improving management standards in the private rented sector in the designated Newport 2 area and that a formal consultation be commenced.

REASON

The reason for the recommendations were contained within the OPTIONS element of the report.

22/44

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

At this point in the meeting the Mayor and Councillor Cooper returned to the meeting. The Mayor resumed his position as Chair.

There were no other urgent items of business.

22/45 **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.

22/46 **EXEMPT - DEALING WITH MAJOR VACANT TOWN CENTRE PROPERTIES**

The Executive Member for Regeneration and the Director for Regeneration and Culture 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.

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