

EXECUTIVE

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| Date: Tuesday 18th October, 2022 |
| Time: 11.00 am |
| Venue: Mandela Room |

AGENDA

- | | | |
|----|--|--------|
| 1. | Apologies for Absence | 3 - 4 |
| 2. | Declarations of Interest | 5 - 6 |
| 3. | Minutes - Executive - 6 September 2022 | 7 - 14 |

EXECUTIVE MEMBER FOR CULTURE AND COMMUNITIES

- | | | |
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| 4. | 50 Futures Expansion | 15 - 34 |
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EXECUTIVE MEMBER FOR ENVIRONMENT

- | | | |
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| 5. | Poole Hospital Definitive Map Modification Order | 35 - 116 |
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EXECUTIVE MEMBER FOR FINANCE AND GOVERNANCE

- | | | |
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| 6. | Financial Recovery Plan 2022-23 | 117 - 134 |
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THE MAYOR

- | | | |
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| 7. | Town Centre Strategy | 135 - 150 |
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OVERVIEW AND SCRUTINY BOARD

- | | | |
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| 8. | 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 | 151 - 182 |
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EXECUTIVE MEMBER FOR REGENERATION

- | | | |
|----|--|-----------|
| 9. | Designation of the Newport 2 Ward Area for a Selective | 183 - 290 |
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Landlord Licensing Scheme

10. Any other urgent items which in the opinion of the Chair, may be considered.
11. Exclusion of Press and Public

To consider passing a Resolution Pursuant to Section 100A (4) Part 1 of the Local Government Act 1972 excluding the press and public from the meeting during consideration of the following items on the grounds that if present there would be disclosure to them of exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

12. **Exempt - Dealing with Major Vacant Town Centre Properties** 291 - 310

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Monday 10 October 2022

MEMBERSHIP

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

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Chris Lunn / Scott Bonner, 01642 729742 / 01642 729708, chris_lunn@middlesbrough.gov.uk / scott_bonner@middlesbrough.gov.uk

EXECUTIVE

Date: 18 October 2022

Time: 11.00 a.m.

Venue: Mandela Room

| MEMBER | IN ATTENDANCE |
|----------------------|-------------------------------|
| Mayor A Preston | NO APOLOGIES PRIOR TO MEETING |
| Councillor B Cooper | NO APOLOGIES PRIOR TO MEETING |
| Councillor D Coupe | NO APOLOGIES PRIOR TO MEETING |
| Councillor T Grainge | NO APOLOGIES PRIOR TO MEETING |
| Councillor S Hill | NO APOLOGIES PRIOR TO MEETING |
| Councillor L Mason | NO APOLOGIES PRIOR TO MEETING |
| Councillor E Polano | NO APOLOGIES PRIOR TO MEETING |
| Councillor M Smiles | NO APOLOGIES PRIOR TO MEETING |
| Councillor S Walker | NO APOLOGIES PRIOR TO MEETING |

| MEMBER | IN ATTENDANCE |
|--|-------------------------------|
| Councillor M Saunders Chair of the Overview and Scrutiny Board | NO APOLOGIES PRIOR TO MEETING |
| Councillor C McIntyre Chair of the Culture and Communities Scrutiny Panel | NO APOLOGIES PRIOR TO MEETING |

| OFFICER | IN ATTENDANCE |
|----------------|-------------------------------|
| M Adams | NO APOLOGIES PRIOR TO MEETING |
| C Benjamin | NO APOLOGIES PRIOR TO MEETING |
| R Brown | NO APOLOGIES PRIOR TO MEETING |
| S Butcher | NO APOLOGIES PRIOR TO MEETING |
| G Field | NO APOLOGIES PRIOR TO MEETING |
| R Horniman | NO APOLOGIES PRIOR TO MEETING |
| T Parkinson | NO APOLOGIES PRIOR TO MEETING |
| S Reynolds | NO APOLOGIES PRIOR TO MEETING |
| E Scollay | NO APOLOGIES PRIOR TO MEETING |
| S Seechurn | NO APOLOGIES PRIOR TO MEETING |

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EXECUTIVE

Declarations of Interest

Date: 18 October 2022

Time: 11.00 a.m.

Venue: Mandela Room

| MEMBER | DECLARATIONS OF INTEREST |
|----------------------|---------------------------------|
| Mayor A Preston | NONE MADE PRIOR TO MEETING |
| Councillor B Cooper | NONE MADE PRIOR TO MEETING |
| Councillor D Coupe | NONE MADE PRIOR TO MEETING |
| Councillor T Grainge | NONE MADE PRIOR TO MEETING |
| Councillor S Hill | NONE MADE PRIOR TO MEETING |
| Councillor L Mason | NONE MADE PRIOR TO MEETING |
| Councillor E Polano | NONE MADE PRIOR TO MEETING |
| Councillor M Smiles | NONE MADE PRIOR TO MEETING |
| Councillor S Walker | NONE MADE PRIOR TO MEETING |

| MEMBER | IN ATTENDANCE |
|--|----------------------------|
| Councillor M Saunders Chair of the Overview and Scrutiny Board | NONE MADE PRIOR TO MEETING |
| Councillor C McIntyre Chair of the Culture and Communities Scrutiny Panel | NONE MADE PRIOR TO MEETING |

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EXECUTIVE

A meeting of the Executive was held on Tuesday 6 September 2022.

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

PRESENT BY INVITATION: Councillors D Davison, D McCabe and M Saunders

OFFICERS: S Bonner, C Benjamin, S Butcher, R Horniman and T Parkinson

22/26 **DECLARATIONS OF INTEREST**

| Name of Member | Type of Interest | Item/ Nature of Interest |
|-----------------------|-------------------------|---|
| Councillor M Smiles | Prejudicial | Agenda Item 6 – Proposal to progress the development of Nunthorpe Community Centre. Member Nunthorpe Parish Council and involved in previous decisions. |
| Councillor M Smiles | Non-Pecuniary | Agenda Item 8 –Nunthorpe Neighbourhood Area Application. Ward Councillor for Nunthorpe. |

22/27 **MINUTES - EXECUTIVE - 3 AUGUST 2022**

The Minutes of the Executive meeting held on 3 August 2022 were submitted and approved as a correct record.

22/28 **CORPORATE PERFORMANCE UPDATE: QUARTER ONE 2022/23**

The Executive Member for Finance and Governance and Director of Finance submitted a report for the Executive’s consideration. The report advised the Executive of corporate performance at the end of Quarter One 2022/23 and where appropriate sought approval of any changes, where these lie within the authority of the Executive.

The Council’s Scheme of Delegation gave the Executive collective responsibility for corporate strategic performance, together with associated action.

The report provided the necessary information to enable the Executive to discharge its performance management responsibilities, setting out progress against Executive action, the Strategic Plan and other key associated items, together with actions to be taken to address any issued identified.

The projected 2022/23 financial outturns were presented separately to Executive, and so not repeated here. Where performance had a significant impact on finances this was highlighted within the body of the report.

As part of continuous improvement in performance and risk management, the Council’s Leadership Management Team (LMT) had implemented monthly reviews of corporate performance utilising a Directorate Performance dashboard, drawing data from a range of performance systems.

The output from these sessions was reflected through quarterly updates to the Executive and Overview and Scrutiny Board and covered in addition, progress in delivering actions agreed by the Executive, key Directorate performance issues and other performance-related matters.

OPTIONS

No other options were considered as part of the report.

ORDERED

1. That Executive approve the proposed amendments to Executive actions outlined at Appendix 1.
2. That Executive notes achievement progress of the Strategic Plan 2022-24 at Quarter One 2022/23, detailed in Appendix 2.
3. That Executive notes the Council's updated position in relation to Strategic Risk, at Quarter One 2022/23.
4. That Executive notes progress of the 2022/23 Directorate Priorities at Quarter One 2022/23, detailed in Appendix 3.

REASON

To enable the effective management of performance and risk in line with the Council's Local Code of Corporate Governance.

22/29

REVENUE AND CAPITAL BUDGET – PROJECTED OUTTURN POSITION AS AT QUARTER ONE 2022/23

The Executive Member for Finance and Governance and the Director of Finance submitted a report for the Executive's consideration. The report advised the Executive of the Council's financial position as at Quarter One 2022/23.

The Council's Scheme of Delegation provides the Executive collective responsibility for corporate strategic performance and financial management / monitoring, together with associated action. Standing Orders and Financial Procedures required Executive's approval for major virements between revenue budgets, and in-year changes to the Council's capital Investment Strategy.

The report provided the necessary information to enable the Executive to discharge its financial management responsibilities, setting out:

- projected revenue and capital budget year-end outturns as at Quarter One 2022/23;
- position statements in relation to the Council's borrowing and prudential indicators, and its reserves and provisions; and
- actions that the Council had taken and plans to address the issues raised.

Standing Orders and Financial Procedures and Regulations required the Executive's approval of the proposed revenue budget virements over £150,000 (Appendix 1)

A revised Investment Strategy for the period to 2024/25 was attached at Appendix 2 for the Executive's consideration and approval.

OPTIONS

No other options were considered as part of the report.

ORDERED

1. That Executive approve the transfer of £5.665m of additional temporary budget to Children's Care in 2022/23 only to correspond with the current MTFP 3-year plan, funded by £3.702m from centrally held contingency budgets and £1.963m from the Social Care Transformation Reserve.
2. That Executive notes that following the approval of the above proposed transfer, there is a projected 2022/23 revenue budget year-end outturn as at Quarter One of a £9.012m overspend.
3. That Executive notes the management action being taken to address the shortfall and recover the position to a balanced budget.
4. That Executive notes the proposed potential implementation of a Flexible Use of Capital Receipts Strategy for 2022/23 to fund transformation costs, in particular in Children's Services, which will be submitted for approval by Full Council on 7 September 2022.
5. That Executive notes that the current projected outturn will have a negative impact on the Council's current Medium Term Financial Plan and that the

ongoing financial challenges will continue into 2023/24 and future years. The position is currently being assessed and will be reported to Members in due course as part of future Medium Term Financial Plan updates and as part of the budget strategy for 2023/24 to Executive and Council. It should be noted that there is currently a great deal of uncertainty in forecasting created by the pay award, inflationary pressures and the impact on demand for services.

6. That Executive approve the proposed revenue budget virements over £150,000 as detailed in Appendix 1.
7. That Executive notes the 2022/23 capital budget predicted year-end outturn of £90.614m as at Quarter One against a revised capital budget of £104.675m, and approves the revised Investment Strategy to 2024/25 at Appendix 2.

OPTIONS

No other options were considered as part of the report.

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.

22/30

PROPOSAL TO PROGRESS THE DEVELOPMENT OF NUNTHORPE COMMUNITY CENTRE

The Executive Member for Finance and Governance and Director of Finance submitted a report for the Executive's consideration. The report sought approval for the proposals to progress the development of the community centre provision within Nunthorpe ward.

Middlesbrough Council had committed to funding the development of a community centre within Nunthorpe Ward and had identified £900k from the Towns Fund to support the development of the

The Council received interest from separate organisations proposing a community centre at two separate locations. Location 1 being next to the new medical centre, and location 2 being at Nunthorpe & Marton Playing Field Association.

A bidding process was developed in Autumn 2021 in order to identify the most appropriate organisation to design, build and manage the community centre. The process was a two stage bidding process in which initial expressions of interest were submitted, with further refinement at stage 2. The deadline for submissions at stage 2 was 17th December 2021.

The bidding process was independently evaluated by external stakeholders, along with Middlesbrough Council staff, and a conclusion was reached regarding a successful bidder. This however was challenged and further scrutiny was undertaken concerning the building cost detail. As a result the successful bid was subject to scrutiny from the Council's Quantity surveyor and it was determined there were issues with the build costs. The same scrutiny was provided to the second bid which was deemed acceptable.

On review of the process undertaken the Council's section 151 officer concluded that whilst the process had sought to be as flexible as possible it had not been clear from the outset in regard to key parameters. The process had focussed primarily on building management, rather than design and build, and as such the scrutiny on design and build was undertaken towards the latter part of the evaluation and was not articulated at the outset. This was therefore challengeable.

As a result of the section 151 officer review it was concluded the process be paused and reconsidered in terms of approach.

A revised approach has now been identified which removes a central bidding process and seeks to resolve the key issue of location, by engagement with the community. The revised process will also involve the council managing the build phase, and during the build phase a process will be undertaken to appoint an organisation to run the community facility once built.

OPTIONS

The alternative course of action was to re-run the bidding exercise with clearly defined parameters from the outset, however this was not recommended for the following reasons:

- Community organisations have already expended significant time and resource in the bidding exercise
- The expectation for a community organisation to manage a £1million build is significant, the risk is high for the Town fund resource and as such it is appropriate for the council to manage the construction to mitigate risks in this area.
- Tension within the community and within community groups would be heightened through running this exercise, the council has a responsibility to assist with community relations and following discussion at Nunthorpe Parish council, community views have been taken on board.

ORDERED

1. That Executive agree to the following proposed plan to develop the Community centre at Nunthorpe Consult the community on which of the two available locations that is the site 3 next to the GP surgery or the current site of the NMPFA building the community would prefer a community centre to be located. The residents of Nunthorpe will be engaged specifically on their preference regarding the location of the community centre and not the historic supporters or proposed management options associated currently associated with those sites. The consultation exercise will be managed by the council and will outline two locations from which ward residents will select a preference.
2. That Executive agree the Consultation process will run for a fixed period of 6 weeks
3. That Executive agree that following the outcome of the consultation the council will manage the community centre development at the preferred site
4. That Executive agree that during the build a process will be progressed to select a community organisation to manage the new community asset.
5. That executive approve an additional £100k from council capital resources due to increased construction costs, once all other grant funds are exhausted.

REASONS

Within this project, location is the key factor. Once the location has been determined and agreed, the build and management of the centre can follow due process. The community should be involved and consulted on the location as the community would utilise the centre. Once the location is determined the council will oversee the development phase, during which a process can be twin tracked to agree an appropriate organisation to manage the facility in the long term. This option should minimise demands on community organisations, and ensure the outcome delivered is the one the majority of ward residents support.

22/31

INCREASING ENFORCEMENT AGAINST PROBLEM PROPERTIES

The Executive Member for Regeneration and the Director for Regeneration and Culture submitted a report for the Executive's consideration to seek approval of the proposed delivery approach for increased enforcement against problem properties, including the introduction of the role of Investigations and Enforcement Manager.

The report outlined the impact of empty and problem properties, streets and gardens in disrepair in Middlesbrough and proposes the delivery approach for increased enforcement against them. The measures included production of an Empty Homes Strategy, a cross-directorate Problem Properties Action Plan and the introduction of a new role of Investigations and Enforcement Manager which was designed to govern the activities necessary to respond to these issues.

OPTIONS

No other potential decisions were recommended as the approach was in response to directed actions with the Council's Strategic Plan workplan as approved by Executive on 5 April 2022.

ORDERED

- 1. That Executive approves the delivery approach for increased enforcement against problem properties.**
- 2. That Executive approves the introduction of a permanent role of Investigations and Enforcement Manager.**

REASONS

Approval was granted on 5 April 2022 for the refreshed Strategic Plan workplan 2022-24, including utilisation of £40K per annum to increase enforcement activity against problem properties, streets and gardens in disrepair, subject to a further individual Executive report seeking approval on the approach to delivery.

The approval of the proposed approach, including a new role of Investigations and Enforcement Manager, will aid with the implementation of the Empty Homes Strategy and Problem Properties Action Plan to identify, address and reduce the impact of these properties in Middlesbrough.

22/32

NUNTHORPE NEIGHBOURHOOD AREA APPLICATION

The Executive Member for Regeneration and the Director of Regeneration and Culture submitted a report for Executive's consideration to seek a determination on an application submitted by Nunthorpe Parish Council for Neighbourhood Area status, in order to prepare a Neighbourhood Plan.

Under the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), applications can be made to local planning authorities to designate Neighbourhood Areas, in order to facilitate the preparation of Neighbourhood Plans.

The designation of a Neighbourhood Area enables the relevant body to establish a vision and general planning policies for the development, and use of land in their designated neighbourhood. This takes the form of a Neighbourhood Plan, which the relevant body prepares. Neighbourhood Plans form part of the Statutory Development Plan for the area.

When deciding on a Neighbourhood Area boundary the Government has provided guidance on what to take into account:

- village or settlement boundaries, which could reflect areas of planned expansion;
- a catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities;
- an area where formal or informal networks of community based groups operate;
- the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style;
- whether the area forms all or part of a coherent estate either for businesses or residents;
- whether the area is wholly or predominantly a business area;
- whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway;
- the natural setting or features in an area; and the size of the population (living and working) in the area.

A Neighbourhood Area boundary can also be based on an administrative boundary such as an electoral Ward or postal district.

On 25th March 2022, Nunthorpe Parish Council submitted an application to designate a Neighbourhood Area to the Council. As the proposed area also covers land outside our borough, a similar application was also made to Redcar & Cleveland Borough Council.

The proposed Neighbourhood Area is somewhat unusual in that it includes both parished and non-parished parts of our borough, incorporating all or part of two Middlesbrough Ward boundaries, as well as extending into a neighbouring local authority administrative area (see

Appendix 1).

Prior to submitting the application, a significant amount of consultation took place between Nunthorpe Parish Council, and Middlesbrough and Redcar & Cleveland Borough Councils. Due to the complexities associated with multiple administrative authorities, Locality (provides advice and financial support to local communities wishing to undertake Neighbourhood Planning) also provided support to the Parish Council. During these discussions, it was agreed that Middlesbrough Council would be the lead local planning authority, although all matters relating to the Redcar & Cleveland part of the application would remain the legal responsibility of Redcar & Cleveland Borough Council.

OPTIONS

The Council was required under the legislation to make a determination within prescribed timescales, and a determination was therefore necessary. If it did not, then the Council must have designated the whole area as per the original application.

The alternative options that have also been considered were as follows:

- **To determine the Neighbourhood Area as proposed. It is not considered appropriate to designate the area as proposed as it is out of alignment with the proposed Ward and Parish Boundaries.**
- **To approve an alternative modified area (that is not the Ward boundary). Only one alternative boundary has been put forward, and rejected for the reasons set out above.**

ORDERED

Subject to approval of the Council's Community Governance Review, due to be considered by full Council on 7 September 2022;

Executive approves the request to designate the Neighbourhood Area application, as submitted (see Appendix 1) in accordance with the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), and the Neighbourhood Planning (General) Regulations 2012.

REASONS

The rationale for the above recommendations was that Neighbourhood Areas should be based (where possible) on existing boundary lines and/or distinctive characteristics and features, as outlined above in paragraphs 4 & 5. As the existing administrative boundaries for Nunthorpe Ward and Parish were subject to imminent review, it is considered that the proposed Neighbourhood Area boundary should be aligned with the proposed boundary.

22/33

FINAL REPORT OF THE CHILDREN AND YOUNG PEOPLE'S LEARNING SCRUTINY PANEL - SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) - SERVICE RESPONSE

The Children and Young People's Learning Scrutiny Panel had undertaken a review of Special Educational Needs (SEND). A copy of the full report was attached.

The Scrutiny Panel had made 10 recommendations upon which a response was sought from the relevant service area. The deputy Mayor and Executive Member for Children's Services and the Director of Children's Services submitted a service response to the recommendations of the Children and Young People's Learning Scrutiny Panel. A copy of the action plan was attached.

The Chair of the Children and Young People's Learning Scrutiny Panel presented to the final report to the Executive. The Deputy Mayor and Executive Member for Children's Services presented the service response.

ORDERED

1. **That the content of the Children and Young People's Learning Scrutiny Panel's**

- final report on Special Educational Needs (Appendix 1), be noted.**
- 2. That 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.

22/34

FINAL REPORT OF THE CHILDREN AND YOUNG PEOPLE'S SOCIAL CARE AND SERVICES SCRUTINY PANEL - LOCALITY WORKING FROM A CHILDREN'S SERVICES PERSPECTIVE - SERVICE RESPONSE

The Children and Young People's Social Care and Services Scrutiny Panel had undertaken a review of Locality Working from a Children's Services perspective. A copy of the full report was attached.

The Scrutiny Panel had made 10 recommendations upon which a response was sought from the relevant service area. The Deputy Mayor and Executive Member for Children's Services and the Director of Children's Services submitted a service response to the recommendations of the Children and Young People's Social Care and Services Scrutiny Panel. A copy of the action plan was attached.

The Chair of the Children and Young People's Social Care and Services Scrutiny Panel presented to the final report to the Executive. The Deputy Mayor and Executive Member for Children's Services presented the service response.

ORDERED

- 1. That the content of the Children and Young People's Social Care and Services Scrutiny Panel's final report on Locality Working from a Children's Services Perspective (Appendix 1), be noted.**
- 2. That 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.

22/35

FINAL REPORT OF THE CHILDREN AND YOUNG PEOPLE'S SOCIAL CARE AND SERVICES SCRUTINY PANEL - SUFFICIENCY AND PERMANENCY (PERCEPTIONS OF CHILDREN IN CARE)

The Children and Young People's Social Care and Services Scrutiny Panel had undertaken a review of Sufficiency and Permanency (perceptions of Children in Care). A copy of the full report was attached.

The Scrutiny Panel had made 16 recommendations upon which a response was sought from the relevant service area. The Deputy Mayor and Executive Member for Children's Services and the Director of Children's Services submitted a service response to the recommendations of the Children and Young People's Social Care and Services Scrutiny Panel. A copy of the action plan was attached.

The Chair of the Children and Young People's Social Care and Services Scrutiny Panel presented to the final report to the Executive. The Deputy Mayor and Executive Member for Children's Services presented the service response.

ORDERED

- 1. That the content of the Children and Young People's Social Care and Services Scrutiny Panel's final report on Sufficiency and Permanency (Perceptions of Children in Care) (Appendix 1), be noted.**
- 2. That 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.

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.

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| MIDDLESBROUGH COUNCIL |  |
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| Report of: | Director of Regeneration Executive Member of Culture and Communities |
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| Submitted to: | Executive |
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| Date: | 18 October 2022 |
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| Title: | 50 Futures Expansion and update |
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| Report for: | Information |
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| Status: | Public |
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| Strategic priority: | Vulnerability |
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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 | |
| <p>The purpose of this report is to inform members of the progress of the 50 Futures Work experience programme and to inform of future developments to expand the programme and engage external partners to provide opportunities to Middlesbrough residents.</p> | |

Purpose

1. To inform members of the progress of the 50 Futures Work Experience Project and provide an overview of the plans to expand the project externally with local employers.

Background and relevant information

2. 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.
3. The work placements were designed to help individuals to develop the knowledge, skills and behaviours required in the workplace, enhancing CV content, improving interview prospects and to develop a new network of contacts.
4. The programme was specifically targeted at Middlesbrough residents who found it most difficult to gain employment. 50 Futures focused on those:
 - Living in Middlesbrough
 - 16 or over
 - Not already accessing education, training or employment. (NEET)
5. Target groups include unemployed people (long and short term), NEET and those with significant barriers to work, long term health issues, registered SEND, care leavers, ex-offenders, those recovering from substance misuse, mental or physical health issues or those for whom previous education hasn't worked.
6. Since the start of the project, 316 Middlesbrough residents have engaged with the project, 23.4% of residents have moved into Employment/Apprenticeships and 76.6% of residents have made positive progress supporting them to move closer to the labour market.
7. Annual Breakdown since start of the programme in April 2019:

| Year (April 1st - March 31st) | Engagement | No: residents making positive progress towards employment * | No: of residents Employed (Including Apprenticeships) | Employed with council | Employed Externally |
|-------------------------------|------------|---|---|-----------------------|---------------------|
| **19/20 | 97 | 76 | 21 | 11 | 10 |
| **20/21 | 36 | 21 | 15 | 12 | 3 |
| 21/22 | 121 | 94 | 27 | 9 | 18 |
| 22/23 | 62 | 51 | 11 | 5 | 6 |
| Total | 316 | 242 | 74 | 37 | 37 |

*Positive Progress is where a positive impact has been identified on personal development and employability skills but further development is needed to move into employment

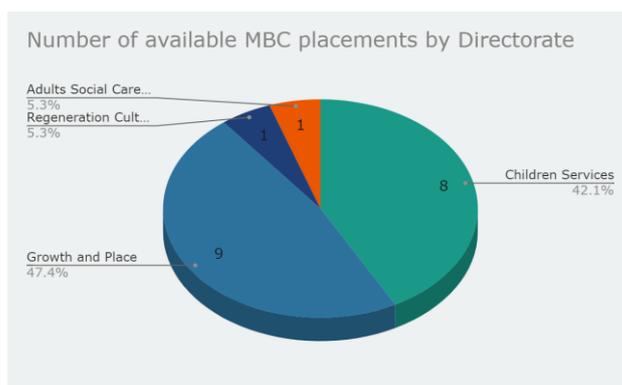
**Suspension of the programme from March 2020 due to COVID 19 Pandemic

8. 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.

9. During this period, Middlesbrough Council's Community Learning service, worked closely with Property Services within the Council to support the recruitment of cleaning staff due to the increase in need linked to the pandemic.
10. 50 Futures Placement opportunities were set up within Property services, which gave residents the opportunity to gain work experience as a cleaner, develop skills and knowledge and an understanding of the role. Those who were successful within their placement were offered a guaranteed interview for the latest cleaning vacancies and 17 residents secured employment within the service and further 2 secured employment with external businesses.
11. Internal placements during 20/21 continued to be suspended due to staff not being in buildings and unable to provide a suitable work experience placement.
12. From April 2021, and the easing of some restrictions, internal placements were reviewed and findings showed that many Service areas were still unable to provide opportunities which would lead to a meaningful opportunity for residents.
13. During this period, in order for engagement with residents to continue, a pilot was carried out to engage a number of small Employers who could support 50 Futures Candidates and provide opportunities outside of the Council. The pilot engaged 10 small Employers and provided 24 placement opportunities. To date, 37 residents have moved into work with external companies.

Key changes to the programme and actions

14. From April 2021, the programme and our approach has evolved considerably. Since April 2018, 50 Futures was coordinated and managed by the Community Learning Services, Routes to Work Programme which was a project funded by TVCA and DWP. This ended in March 2022. Since the 1st April 2022, the Council has recruited a Development Officer to continue to drive the project. The successful candidate was previously a 50 Future Participant and recently featured in the Love Middlesbrough Magazine (Appendix 1) promoting the project and sharing his own story about his journey.
15. We have continued to work with Directorates to ensure opportunities were available and that they were fit for purpose. Currently internally we have **19** live vacancies within the Council, a large proportion of those are within Environment.



16. All roles internally within the Council have been fully reviewed and are advertised on Middlesbrough Council's website. A Marketing strategy was developed to engage internal and external partners and to engage with 50 Futures, this included new logo and branding, social media campaign and showcasing of success stories in the Love Middlesbrough Magazine. (Appendix 2)
17. Strong links have been made with Children's services to support young people to make informed choices about their next steps. A representative from MCL attends the monthly Task and Finish group to promote current 50 Futures opportunities, but also to understand the needs of the young people and source appropriate opportunities linked to the needs of the young person. A scoping exercise has taken place linked to our Looked after teams which has identified the career paths young people are wanting to engage with. We will use this information to create bespoke work experience placements both internally and externally to meet the needs of our young people.
18. The project was due to be externally launched in March 2022, however due to the poor uptake from external businesses, and engagement with larger organisations, a decision was made to postpone and explore further options to increase Employer involvement. It was suggested that the Middlesbrough Mayor launch the project, dates and venue, and forum still to be agreed.
19. We are currently working with 18 small local businesses which are providing work experience placements. The feedback from the businesses has been very positive and as a result of 50 Futures placements, 37 participants have been employed by external businesses. An employer section on the website is currently being developed which will allow Employers to express an interest in the programme and find out how to get involved. In addition a journey has been mapped out for candidates and providers that will be made available online and will simplify the on boarding process. (see Appendix 3)
20. Teesside University is currently working with the team to explore placement opportunities for current and past students who are struggling to find employment and/or work experience. We are hoping this will lead to more graduates finding employment and staying within the town. The University has a limited number of paid internships each year and the intention is to offer 50 Future placements to those applicants that do not start an internship.
21. 50 Futures is working in collaboration with Everyone Active to develop a unique program that incorporates work experience and training. At the end of which successful candidates will be provided the opportunity to interview for Leisure attendant roles. In addition they have agreed to promote the 50 Futures programme to companies that sublet premises in their various locations.
22. Joint working with Middlesbrough Council's procurement team is currently being explored to engage with businesses who are providing services on behalf of the council. We will encourage businesses as part of the procurement process to sign up to 50 Futures and provide work experience to local residents.

23. A steering group will be developed once the external launch has taken place to drive the expansion of the project and to monitor performance. The steering group will include Employer, Education and Voluntary section representation and chaired by Middlesbrough Council's Chief Executive Officer. A number of key organisations have already expressed an interest and would like to be involved, Teesside University, Everyone Active and Middlesbrough College.

What decision(s) are being recommended?

No decision, report is to inform members on progress and future actions.

Rationale for the recommended decision(s)

N/A

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

N/A

Impact(s) of the recommended decision(s)

Legal

There are no legal issues to consider.

Strategic priorities and risks

24. Vul 01 – Deliver and expand the 50 Futures Work Experience Programme

Human Rights, Equality and Data Protection

25. The programme positively benefits the hardest to help, most needy and minority groups across the town

Financial

26. No financial implication

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

| Action | Responsible Officer | Deadline |
|--|------------------------------|----------|
| To agree a suitable launch date , time and venue which is aimed at engaging employers to support the programme | Claire Kemp/Douglas Hewitson | Dec 2022 |

Appendices

| | |
|---|---|
| 1 | 50 Futures Success Stories |
| 2 | 50 Futures Marketing Campaign and Branding Sample |
| 3 | Participant and Partner Journey map |

Background papers

| Body | Report title | Date |
|------|--------------|------|
| | | |

Contact: Claire Kemp

Email: Claire_kemp@middlesbrough.gov.uk

CAREERS

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But Doug, 44, admits that had he not spotted that flyer for 50 Futures, things could have worked out a lot differently.

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lovemiddlesbrough magazine 25

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Appendix 2 Marketing Campaign samples

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Middlesbrough
moving forward

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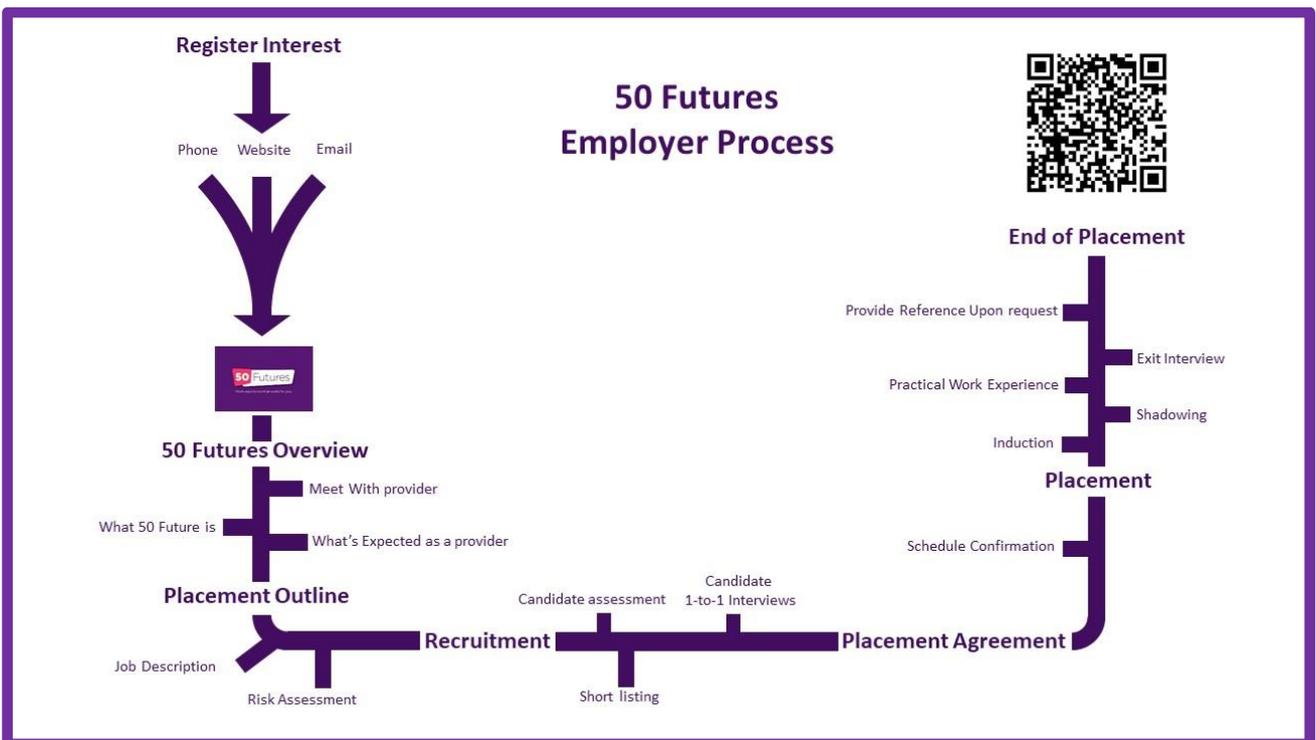
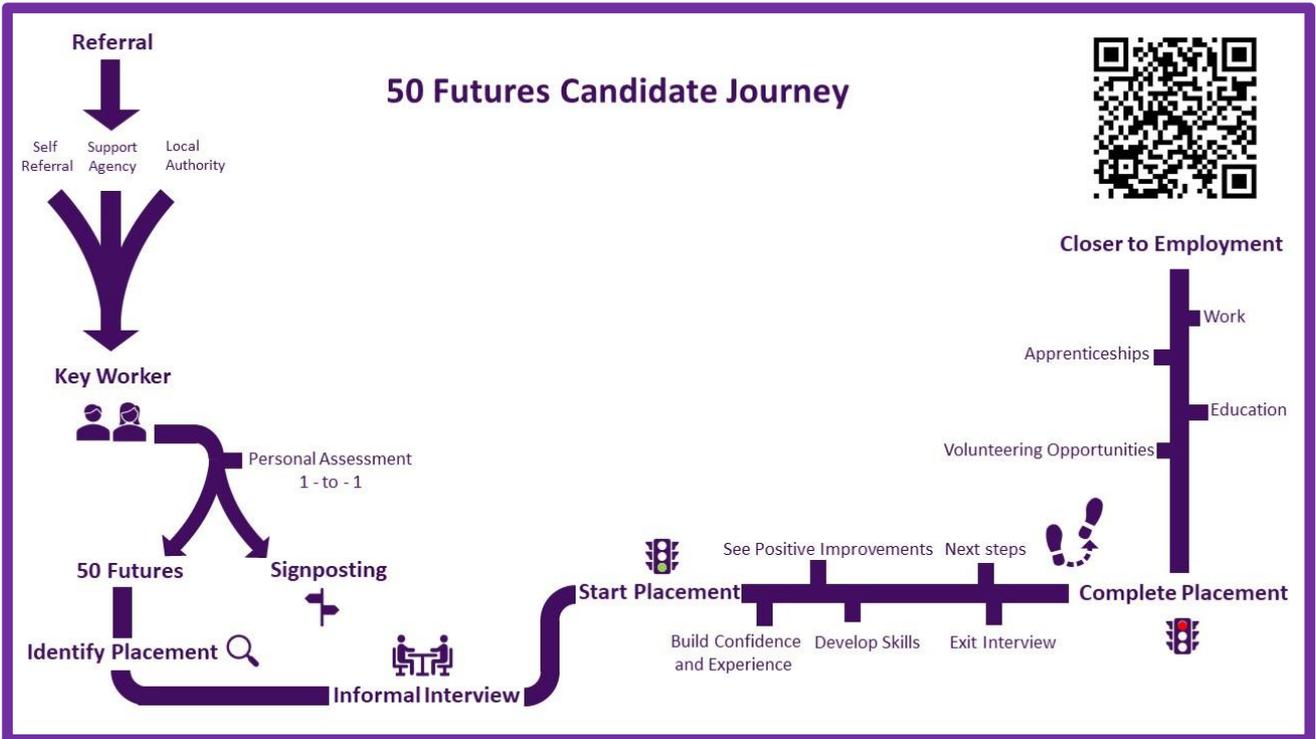
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Appendix 3 Participant / Provider Journey



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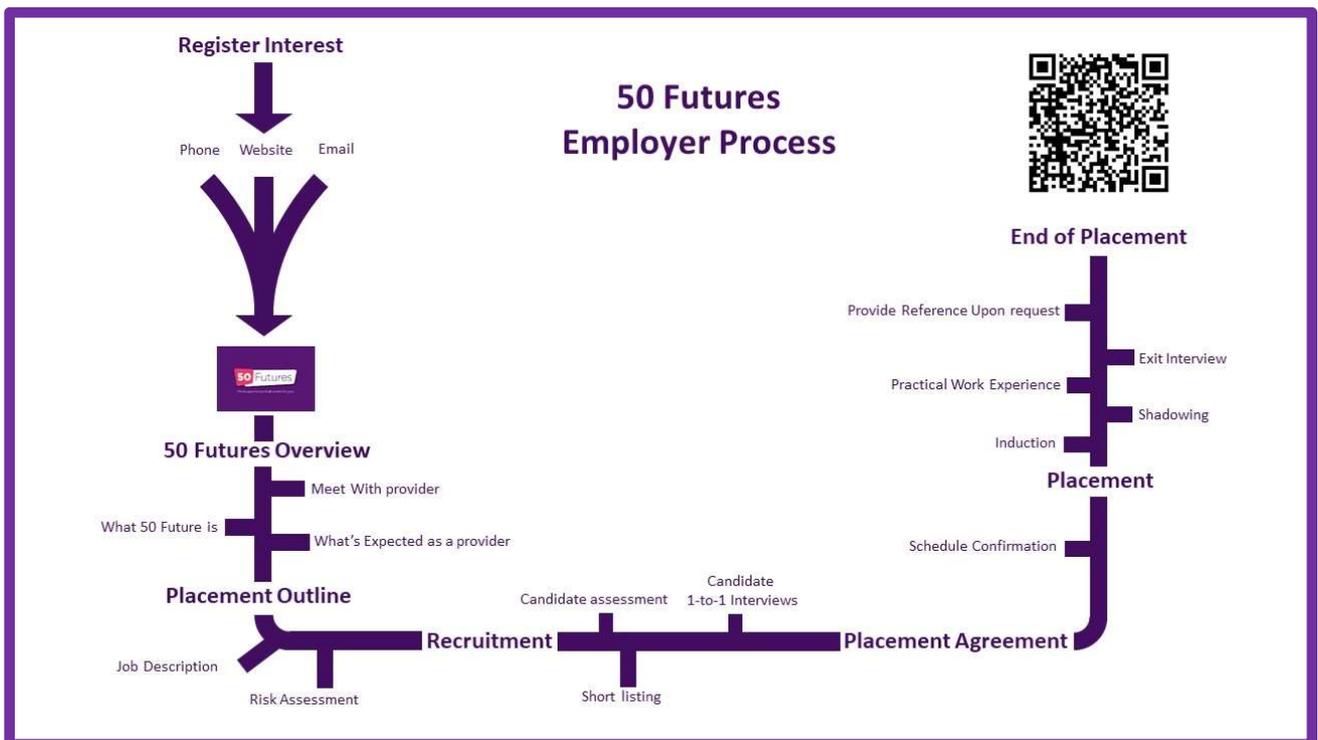
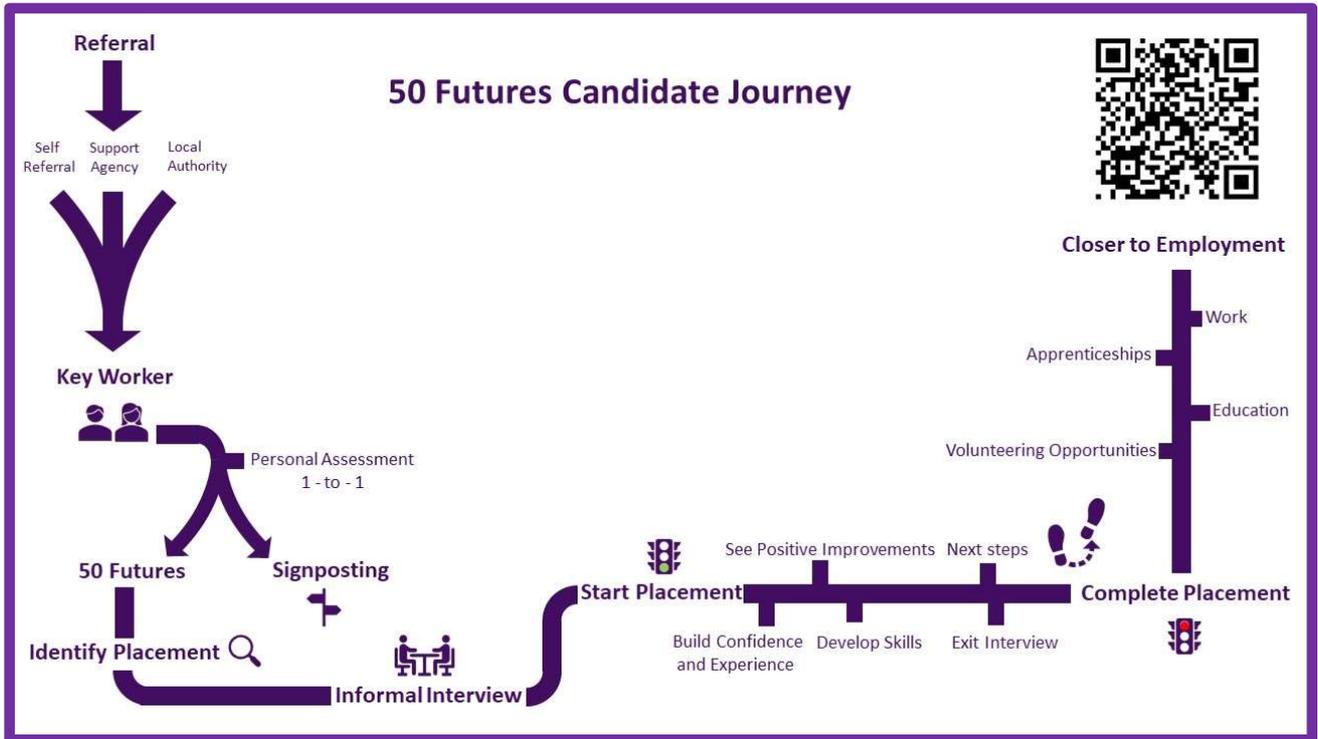
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Appendix 3 Participant / Provider Journey



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| | |
|------------------------------|--|
| MIDDLESBROUGH COUNCIL |  |
|------------------------------|--|

| | |
|----------------------------|--|
| Report of: | Executive Member for Environment Director of Environment and Community Services |
| Submitted to: | Executive |
| Date: | 18 October 2022 |
| Title: | Poole Hospital Definitive Map Modification Order |
| Report for: | Decision |
| Status: | Public |
| Strategic priority: | Physical environment |
| Key decision: | No |
| Why: | Decision does not reach the threshold to be a key decision |
| Urgent: | No |
| Why: | Not Applicable |

| | |
|---|--|
| Executive summary | |
| <p>The Council has a statutory duty to promote the modification of the Definitive Map and Statement, by way of a Definitive Map Modification Order if evidence is discovered which suggests that public rights subsist or are reasonably alleged to subsist along the line of the route.</p> <p>The Councils Public Rights of Way Officer has looked into the history of the route and has searched for any available evidence which would demonstrate that public rights have 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.</p> <p>Having considered all of the available evidence, the officer is satisfied that the evidence is sufficient to satisfy the requirement under Section 53 (3)(c)(i) of the Wildlife and Countryside Act 1981.</p> | |

Purpose

1. To consider whether evidence discovered shows on the balance of probability that public rights of way exist under Section 53 (3) (c) (i) of the Wildlife and Countryside Act 1981.
2. Also to seek approval to make a Definitive Map Modification Order (DMMO) to modify the Definitive Map and Statement by the addition of a Footpath from Brideway Middlesbrough No 56 to Old Stokesley Road. The route is shown as A-B-C-D-E-F on the report plan (see appendix 1).

Background and relevant information

3. In 1931 Alderman T.Gibson Poole offered to buy 'Grey Towers' estate and presented it to the town as a site for a TB sanatorium. The former home and grounds started life as a hospital in 1932 following some modification and was called 'Poole Hospital'.
4. Following a north east conference in 1933 into the availability of facilities to tackle TB, a special committee was set up which recommended the establishment of a Poole Joint Sanatorium Committee in early 1936 which became a board by the end of 1936 by virtue of The Public Health Act 1936. This committee also recommended the acquisition of Grey Towers and its estate from the Council's Health Authority and the building of a 315 bed sanatorium.
5. Following the establishment of the NHS in 1948, the Hospital and Estate became NHS Assets. The Hospital continued to be used for the treatment of TB and later as a general hospital until the mid-1990's. During the life of the hospital staff, patients, visitors and the local community would use the grounds for relaxation and to aid recuperation.
6. Following the closure of the hospital and the decline of the buildings, the estate was promoted in 1999 as a Development Opportunity by the NHS. The land was purchased in the early part of 2000's by a housing developer who made an application for the development of a residential estate on the former hospital site.
7. Development proposals were guided by a draft s.106 Agreement which included a number of requirements in particular 'The continuation of the Green link Network by the creation of a suitable route in a landscaped setting linking the bridleway to the north of the site with Nunthorpe village road'. This specifically required a Public Footpath to be provided as part of the s106 Agreement which was signed by the developer and shown on the plan attached to the Agreement as the 'Green link'.
8. The route of the Green link was agreed with the Council during planning and the infrastructure put in place on the ground in 2004 which the public then started to use and the Council maintained. The process for creating a Public Footpath, as required by the s.106 Agreement, is by way of a Creation Agreement under s25 Highways Act 1980.

9. A Creation Agreement was drafted and signed by the then landowner but for some reason was not completed by the Council. Despite this the path was made available on the ground and the path was used by the wider public as had been the intention and a requirement of the planning approval.
10. As part of the planning permission, it was a requirement that a Management Company be set up to manage the landscaping on the housing development and the wider estate which included the woodland, lake and the surrounding farm land. The management company 'Grey Towers Park Limited' (GTP) is made up of a number of directors who are elected from residences of the housing estate. The landownership has changed hands over the years and it was not until recently that the management company became the landowner.
11. The Council has looked into the different options available to enable the route to be recorded on the definitive map, this has included the entering into a Creation Agreement. The management company as landowner has been asked on several occasions if they would agree to a creation agreement.
12. The Council has not received confirmation from GTP that they would agree to this, which has meant that the Council has been unable to add the footpath to the Definitive Map and this has resulted in conflict between the public and residents of the new estate. This in turn has led to uncertainty for the public and resulted in members of the public walking onto private land.
13. The Council and the GTP have had a number of meetings over the years to discuss the legalities of the route and the Council's position has never changed. In recent years the GTP have requested the legal diversion of the route, which would indicate an acceptance of its legal status.
14. The Council's position has always been clear that the entire route would need to be diverted to enable it to be recorded on the definitive map if confirmed. However, as this is unlikely to happen without objections then the route must first be recorded on the definitive map.

What decision(s) are being recommended?

15. That the Executive:
 - a) 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.
 - b) 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.

Rationale for the recommended decision(s)

16. In most cases, it is 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 will also look to modify the definitive map where it finds evidence.
17. Section 53 (3)(c)(i) is relevant in circumstances where the discovery by the authority (including through a third-party application), of evidence which shows that a right of way, which is not shown in the map and statement, subsists or is reasonably alleged to subsist over land.
18. Thus, if a way is not shown on the definitive map but documentary evidence shows that a public right of way exists, or is reasonably alleged to exist, an application may be made under this section for the path to be added to the definitive map and statement.
19. The s106 agreement and the Creation Agreement are supporting evidence to the question of whether the claimed route has been dedicated as a highway at common law. It is therefore considered that the documentary evidence indicates that it is reasonably alleged the whole of the route (A-B-C-D-E-F) on the report map was dedicated as a public footpath.
20. Having considered all of the available evidence, the officer is satisfied that the evidence is sufficient to satisfy the requirement under Section 53 (3)(c)(i) of the Wildlife and Countryside Act 1981.
21. It is 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 is considered that if the Order made by the Council is unopposed, it should be confirmed by the Council and if the Order is opposed, it should be forwarded to the Secretary of State with a request that it be confirmed.

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

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

Impact(s) of the recommended decision(s)

Legal

23. The making of the DMMO requires a two stage process (making and confirmation) which is governed by Schedules 14 and 15 of the Wildlife and Countryside Act 1981. The first stage involves the Council (as surveying authority) making and publishing the order which will trigger a six week period to invite objections.

24. The second stage requires the order to be confirmed. The Council may itself confirm the order, if no objections are made or if any such objections are withdrawn. Otherwise, the order must be submitted to the Secretary of State for confirmation. The Secretary of State will usually proceed to hear all representations by way of a public inquiry (or on occasion by written representations) before making a decision as to whether an order should be confirmed.
25. Any confirmed order may be subject to legal challenge in the High Court for a further six week period on narrow legal grounds (namely that the Council or the Secretary of State has erred in law, the Order is not within the statutory powers or the statutory process has not been followed).
26. Section 53 of the Wildlife and Countryside Act 1981 places a duty upon the Local Authority to keep their Definitive Map and Statement of Public Rights of Way under continuous review, and to make such changes as become apparent, upon the discovery of evidence which suggests, when all other available evidence has been taken into account that the Definitive Map and Statement require modification.
27. In particular Section 53(3)(c)(i) places the Authority under a duty to promote a modification of the Definitive Map and Statement, by way of a Definitive Map Modification Order if evidence is discovered which suggests that public rights subsist or are reasonably alleged to subsist.

Strategic priorities and risks

28. The Council's Strategic Plan has nine priorities; one of which is Physical Environment. Progression of this work is key to achieving one of the underpinning initiatives within that priority.

Human Rights, Equality and Data Protection

29. There are no concerns that the planned approach could have an adverse impact on individuals or groups as a result of holding one or more of the characteristics protected by the Equality Act 2010, therefore a Level 1 screening equality impact assessment is not required.

Financial

30. The costs associated with making and confirming a Definitive map modification order have to be met by the Council.
31. If objections are received, which cannot be resolved and no contrary evidence is produced to change the Council's view, the DMMO will be determined by the Secretary of State, which may involve the holding of a public inquiry. Parties are expected to meet their own expenses although the Council will be responsible for making the inquiry arrangements.
32. An application for costs may be made against either party only where they are shown to have acted unreasonably.

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

| Action | Responsible Officer | Deadline |
|--|------------------------------|------------|
| Instructions sent to Legal Services | Public Rights of Way Officer | 10/10/2022 |
| Notification Severed on the Owner of the land and all relevant parties | Legal Solicitor | 10/11/2022 |
| Legal Order made and Advertised | Legal Solicitor | 1/12/2022 |

Appendices

| | |
|---|--|
| 1 | Report Plan |
| 2 | Legal Options |
| 3 | Evidence Bundle <ul style="list-style-type: none">• Evidence of Green Link• Section 106 Agreement Poole Hospital• Section 106 Plan 1• Section 106 Plan 2• Letter from GTP Requesting a Diversion of the Green Link 29.9.18 |

Background papers

| Body | Report title | Date |
|------|--------------|------|
| | | |

Contact: Chris Bates

Email: chris_bates@middlesbrough.gov.uk

Appendix 1: Order Plan

Poole Hospital Report Map



Page 41



Middlesbrough Council
Civic Centre, Middlesbrough, TS1 2RH
Tel: 01642 726001
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Scale: 1:2,500
0 0.035 0.07 km

base right 2022. OS 100030994.

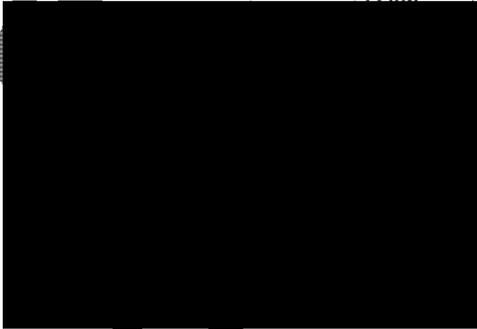
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Appendix 2: Legal Options

| Options | Details | Process | Impact |
|---|--|--|---|
| Creating a Right of Way through a Creation Order (Highways Act 1980 Section 26) | Section 26, Highways Act 1980 is appropriate in circumstances where significant public need for a path has been identified. | Such process involves the making of a formal Order, which is open to objection and makes provision for compensation to be paid to the landowner. | Landowner is likely to object. |
| Creating a Right of Way through a Creation Agreement (Highways Act 1980 Section 25) | Section 25 of the Highways Act 1980 makes provision for the creation of a new public path by agreement between the landowner and the highway authority. | The process requires a signed declaration by the landowner(s) to the effect that they are dedicating a footpath or bridleway (as agreed by the relevant authority). Once the agreement is made, the fact has to be advertised through publication of a notice in at least one local newspaper. It is good practice to consult with other likely interested parties so as to be informed as to the support or concern that may exist within the local community. Careful consideration will be given to all responses received. | Landowner is unlikely to agree to enter into the agreement. |
| Diverting a Right of Way through a Diversion Order (Highways Act 1980 Section 119) | Section 119 of the Highways Act 1980 makes provision for the diversion of a footpath or bridleway if it can be shown that by doing so it is beneficial to the landowner, lessee or occupier of the land crossed by the right of way and the public. | This would require an acceptance by the Landowner that the path exists. The entire route would need to be part of the diversion to enable the entire route to be recorded. Order is open to objection. | Landowner and public likely to object. |
| Modification order to add a way to the definitive map: section 53(3)(c)(i) | Before making an order the surveying authority must have discovered evidence which (when considered with all other relevant evidence available to the authority) shows that the right of way exists, or has been reasonably alleged to exist. | A surveying authority can make a modification order without receiving an application. Alternatively anyone can apply to a surveying authority for a modification order to be made <ul style="list-style-type: none"> • An application is sent to the surveying authority. • Notice must be sent to every landowner or occupier affected by the application. • Certificate of service of notice is served on the Surveying authority to say that notice has been sent to all landowners • The application must be investigated and the authority must decide whether to make the order (within 12 months) • If the authority decides not to make an order the applicant can object (within 28 days) • If the authority makes an order then objections must be made within 42 days | Orders can be objected to. If objections not removed, orders are referred to the SOS. Decisions made by written representation or a public inquiry. |
| Legal Action Noncompliance with s106 Agreement | If the Council decides that there is a breach of a planning obligation (e.g. a financial contribution has not been paid or required works have not been carried out within the timescale specified within the legal agreement), there are options available: | The Council can apply to the Court for an injunction to force the obligation(s) to be complied with. Failure to comply with an injunction can lead to an unlimited fine and/or imprisonment; | The Legal Action would be against the landowner (now residents) and not against the developer. (Reputation Impact) |

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27 FEB 2007



23 February 2007

Dear [REDACTED]

Grey Towers – Nunthorpe Footpath Creation Agreement

Further to our discussion, please find enclosed the public path creation agreement in relation to the aforementioned duly executed.

I would be grateful if you could confirm by return safe receipt and also send a completed agreement copy when appropriate.

Yours sincerely

[REDACTED]
Regional Land Manager

cc: File/Grey Towers/Legals
[REDACTED]

| | |
|------------------------------|------------------|
| TRANSPORT & DESIGN SERVICES | |
| DATE RECEIVED 27 FEB 2007 | |
| POST NO. 20684 | |
| MWR/6 | |
| REF TO: Prax | |
| URGENT | REPLY REQ YES/NO |

Gladedale (Yorkshire) Ltd

Formerly C&M Northern Ltd
Unit 8, Temple Point,
Finch Drive, Colton,
Leeds LS15 9JQ

Tel: 0113 2044250
Fax: 0113 2044251
www.gladedale.com

To
The Borough Council of Middlesbrough
Town Hall
Middlesbrough
TS1 2QQ

Our Ref: AK

And to

Your Ref:

14 February 2007

Dear Sirs,

PUBLIC PATH CREATION AGREEMENT, SECTION 25 OF THE HIGHWAYS ACT 1980, NUNTHORPE FOOTPATH NO 3 dated 2006 ("the Public Path Creation Agreement") between The Borough Council of Middlesbrough (1) Country & Metropolitan Homes (Northern) Limited (2) and Mr Willson (3).

We refer to the Legal Charge by Country & Metropolitan (Northern) Limited in favour of The Governor and Company of the Bank of Scotland ("the Bank") dated 15 June 2005 and registered at HM Land Registry on 29 June 2005 and the Floating Charge by Country & Metropolitan (Northern) Limited in favour of the Bank dated 28 April 2005 and registered at the Company Register on 11 May 2005 and confirm:

1. The Governor and Company of the Bank of Scotland ("the Bank") of Level 3, 21-23 Hill Street, Mayfair London, W1J 5JW consents to Country & Metropolitan Homes (Northern) Limited entering into the Public Path Creation Agreement, but only on the following terms :-

(a) The Bank shall only be liable for any breach of the provisions of the Public Path Creation Agreement during such times (if any) as the Bank becomes mortgagee in possession of the property and then only to the extent that the Bank has caused such breach to be occasioned.

(b) The Bank shall not in any event be liable for any breach of the Public Path Creation Agreement arising before it becomes the mortgagee in possession (if at all) of the Property regardless of whether or not such pre-existing breach shall continue during any period when the Bank is a mortgagee in possession of the property.

2. Subject to paragraph 1 above the Bank agrees that its Floating Charge referred to above will be subject to the Public Path Creation Agreement.

Yours faithfully,

Signed by..

Being duly authorised for and on behalf of
The Governor and Company of the Bank
Of Scotland in the presence of :-

On copy/

We the Borough Council of Middlesbrough Acknowledge receipt of consent in the above terms and confirm our acceptance of the same.

.....
Proper Officer of the Council
Dated

2007

.....
[Redacted] acknowledges receipt of consent in the above terms and confirms acceptance of the same.

.....
Dated

2007

We at Country & Metropolitan (Northern) Limited acknowledge receipt of consent in the above terms and confirm our acceptance of the same.

.....
Dated

15 FEB 2007
of Bell Limited COUNTRY + METROPOLITAN
(NORTHERN) LTD

Letter of Nomination by Divisional Chief Executive

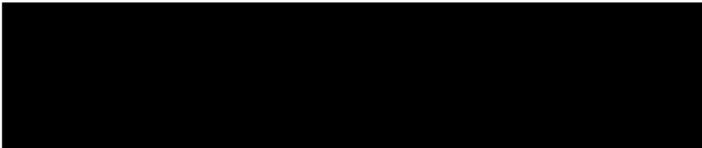
TO: WHOM IT MAY CONCERN

30th November, 2005

I, **George E Mitchell**, Divisional Chief Executive of Bank of Scotland Corporate and a Director of each of HBOS plc, and The Governor and Company of the Bank of Scotland confirm that each of the **Head(s), Regional Director(s), Senior Director(s), Area Director(s), Director(s) and Associate Director(s)** of Bank of Scotland Corporate, is an authorised signatory of **The Governor and Company of the Bank of Scotland** to sign the deeds and documents specified below,

- (a) Facility Letters, Loan Agreements and any other agreements, letters, deeds or documents in any way connected with the banking facilities to be made available in terms of a Facility Letter and Loan Agreement;
- (b) Investment Agreements, Shareholder Agreements, Subscription Agreements, Investor Loan Agreements and any other agreements, letters, deeds or documents in any way connected with the investment funding to be made available;
- (c) Ranking Agreements and Deeds of Priority, Subordination Agreements and other inter-creditor arrangements;
- (d) Collateral Warranties and Substitution Agreements;
- (e) Discharges of Standard Securities/Legal Charges;
- (f) Deeds of Restriction / Disburdenment / Release or any other partial discharge of a security over land/buildings;
- (g) Memoranda of Satisfaction of any Floating Charge;
- (h) Letters of Non-Crystallisation for Bonds and Floating Charge/Debenture;
- (i) Performance Bonds, Letters of Credit and Guarantees;
- (j) Transfer Certificates and Risk Participation Agreements;
- (k) Leasing and Lease Purchase transactions, such expressions to include without limitation finance leasing, operating leasing, hire purchase and lease purchase transactions;
- (l) Sale and Purchase Agreements, Warranty and Guarantee Agreements and other related documentation relative to the Bank's exit or partial exit from its equity investments (including warrants, options, ordinary and preferred shareholdings and convertible loans);
- (m) Any other relevant documents, excluding the granting of Power of Attorney to non-Bank employees

This authorisation will continue until 30th June 2007, but will no longer apply should the signatory cease to occupy any of the roles identified above.


Divisional Chief Executive, Bank of Scotland Corporate
Director, HBOS plc

PARTICULARS OF EXECUTION BY ATTORNEY

These presents are subscribed at Level 3, 21-23 Hill Street, Mayfair, London W1J 5JW on 14 February 2007 by David O'Sullivan, Associate Director Real Estate, London, before this witness:

[REDACTED]

Bank of Scotland Corporate, Level 3, 21-23 Hill Street, Mayfair, London W1J 5JW

PUBLIC PATH CREATION AGREEMENT

HIGHWAYS ACT 1980

MIDDLESBROUGH COUNCIL

NUNTHORPE FOOTPATH NO.3 CREATION AGREEMENT 2006


Head of Legal Services
P.O. Box 99A
Town Hall
Middlesbrough
TS1 2QQ

PUBLIC PATH CREATION AGREEMENT

HIGHWAYS ACT 1980

MIDDLESBROUGH COUNCIL

NUNTHORPE FOOTPATH NO. 3 CREATION AGREEMENT 2006

This Public Path Creation Agreement is made on the «Date» day of «Month» 2006

Between the Borough Council of Middlesbrough ("the Authority") of the first part and Country & Metropolitan Homes (Northern) Limited, Grange Park, Boston Road, Wetherby, West Yorkshire, LS22 5DY ("the Landowner") of the second part and [REDACTED] Nunthorpe ("the Occupier") of the third part.

WHEREAS

1. The owner is seized in fee simple in possession free from encumbrances and registered as proprietor with an absolute freehold title of land situate adjacent to Old Stokesley Road and shown edged red on the plan annexed hereto ("the land").
2. The Occupier is resident at the property known as [REDACTED]
3. It is intended to dedicate a public right of way as a public footpath across the Land and such right of way is shown on the annexed plan by a bold dashed line.
4. The Council in whose area the Land is situated has been consulted pursuant to Section 25(3) of the Highways Act 1980
5. The Council has given due consideration to the needs of agricultural and forestry and to the desirability of conserving flora, fauna and geological and physiographical features pursuant to Section 29 of the Highways Act 1980

NOW IT IS HEREBY AGREED, pursuant to powers in Section 25 of the Highways Act 1980, as follows:-

1. The Landowner agrees to and hereby dedicates for use by the public for the purpose of a public footpath, the strip of land shown by a bold dashed line and running from A – B as marked on the plan annexed hereto and as more particularly described in Schedule 1 hereto (the "Dedication")
2. The Occupier consents to the Dedication
3. The Landowner agrees to pay the sum of £750.00 to the Council in consideration of the Council:
 - a) making the Dedication; - and
 - b) carrying out the works set out in Schedule 3 hereby

4. The Council is the highway authority for the area in which the Land is situate and is willing to undertake the maintenance of the footpath.
5. The dedication of the right of way is made pursuant to Section 25 of the Highways Act 1980 and in consideration of the Council undertaking the maintenance of the footpath.
6. The Landowner shall (if called upon by the Council) prove its title to the said strip of land as beneficial owner of the Land in fee simple.
7. The rights conferred on the public under this Agreement shall be subject to the limitations and conditions set out in Schedule 2.

IN WITNESS whereof the parties hereto have executed this Deed in the manner shown below and it has been delivered by them the day and year first before written

SCHEDULE 1

DESCRIPTION OF STRIP OF LAND SUBJECT TO THE FOOTPATH

The footpath starts at its junction with Nunthorpe footpath No.8. It proceeds in a generally south-westerly direction for approximately 64 metres to a fence where it proceeds in a southerly direction for 54 metres to a stile. The path then proceeds over the stile and in a westerly direction along a fence on the left for 324 metres.

The path then skirts round the coppice for 38 metres then proceeds in a north-westerly direction across the field to the start of the stoned section. The path proceeds along the stone track for 82 metres and then turns left just before the pumping station. The path then proceeds through the woodland in a north-westerly direction to a board walk in the centre of a hedged circle. The path crosses the board walk then continues north-westerly to a gate and the junction with bridleway No. 5.

SCHEDULE 2

LIMITATIONS AND CONDITIONS

The following are lawful limitations under subsection (4), Section 119 of the Highways Act 1980 to the public's rights over the new right of way being created by the agreement.

- Stile at Grid Reference NZ 453941 / 513361
- Gate at Grid Reference NZ 453273 / 513593

Representation must be made to the Highway Authority for the area under section 147 of the Highways Act 1980 if further lawful limitations to the public's rights over the right of way are required.

SCHEDULE 3

**SCHEDULE OF WORKS TO BE CARRIED OUT BY THE COUNCIL TO BRING
THE STRIP OF LAND INTO A FIT CONDITION FOR USE BY THE PUBLIC
AS A FOOTPATH**

- Stile - Grid Reference NZ 453941 / 513361
- Gate - Grid Reference NZ 453273 / 513593
- Way Mark Post - Grid Reference NZ 453947 / 513456
- Way Mark Post - Grid Reference NZ 453791 / 513300
- Way Mark Post - Grid Reference NZ 453611 / 513301
- Way Mark Post - Grid Reference NZ 453523 / 513354
- Way Mark Post - Grid Reference NZ 453555 / 513416
- Way Mark Post - Grid Reference NZ 453483 / 513462
- Way Mark Post - Grid Reference NZ 453437 / 513465
- Way Mark Post - Grid Reference NZ 453326 / 513552

**SIGNED AS A DEED by affixing
THE COMMON SEAL of
MIDDLESBROUGH COUNCIL**

On day of 2006

In the presence of:-

.....

Head of Legal Services

SIGNED AS A DEED by
COUNTRY & METROPOLITAN
HOMES (NORTHERN) LIMITED
Acting by:

.....
Director



.....
Director / Secretary

NOTICE OF MAKING OF A PUBLIC PATH AGREEMENT

HIGHWAYS ACT 1980

MIDDLESBROUGH COUNCIL

NUNTHORPE FOOTPATH NO. 3 CREATION AGREEMENT 2006

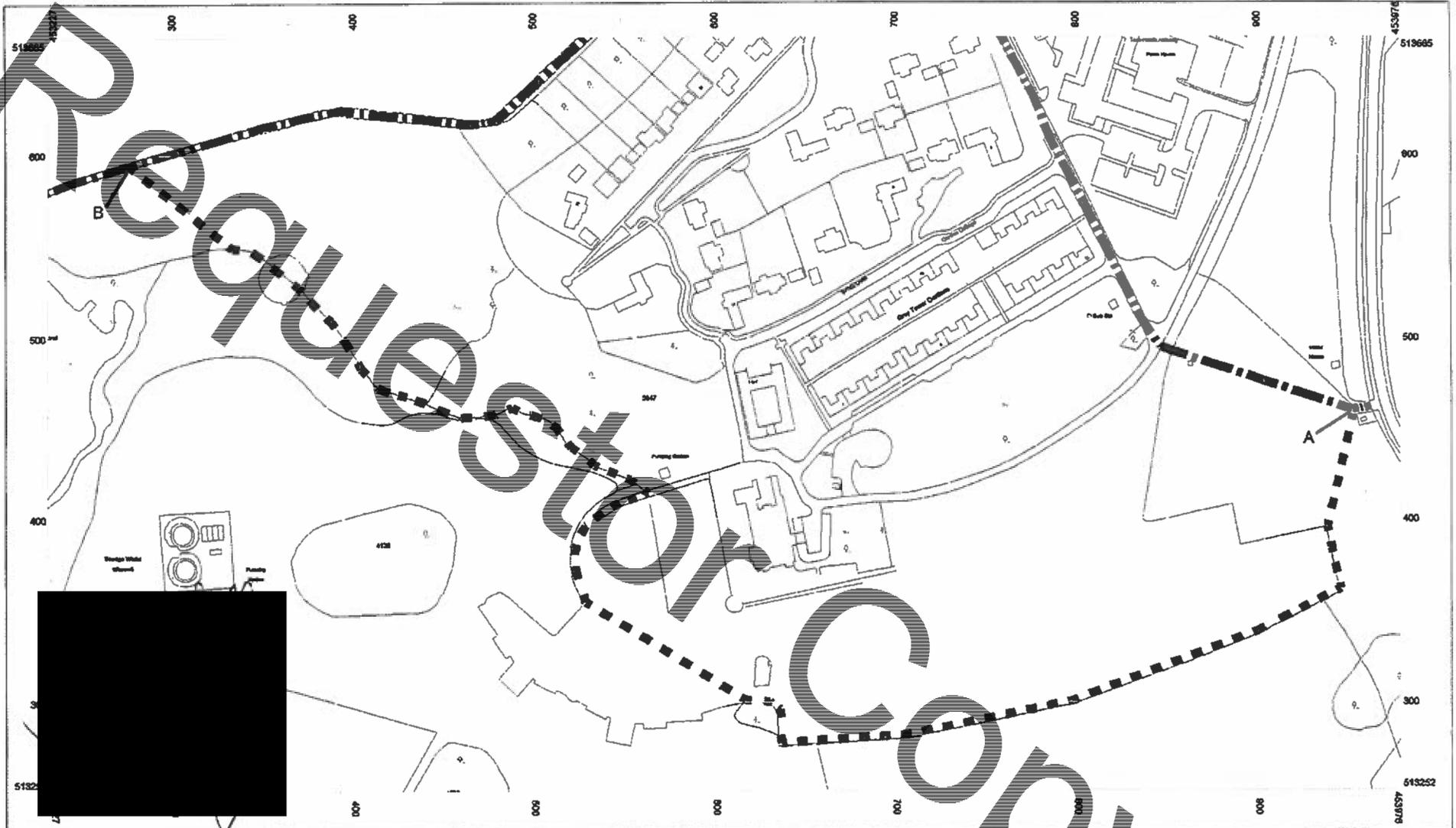
On «Date» day of «Month» 2006 the Council of Middlesbrough and Country & Metropolitan Homes (Northern) Limited completed an agreement made under Section 25 of the Highways Act 1980.

The effect of the agreement is to create a Footpath maintainable at public expense of between 1.5 to 5 metres in width commencing at Junction with Nunthorpe FP No. 8, Grid Reference NZ 453949 / 513458 and proceeding South westerly then Westerly to its finish at the Junction with Nunthorpe BW No. 5, Grid References NZ 453273 / 513593.

A copy of the Agreement and the Agreement map have been placed and may be seen free of charge during normal office hours at Vancouver House, until «Date» day of «Month» 2006. Copies of the Order and map may be purchased from the Head of Legal Services, P.O. Box 99A, Town Hall, Middlesbrough TS1 2QQ at a reasonable cost.

Dated «date»


Head of Legal Services
P.O. Box 99A
Town Hall
Middlesbrough
TS1 2QQ



Middlesbrough Council

NUNTHORPE FOOTPATH No.3 CREATION AGREEMENT 2006

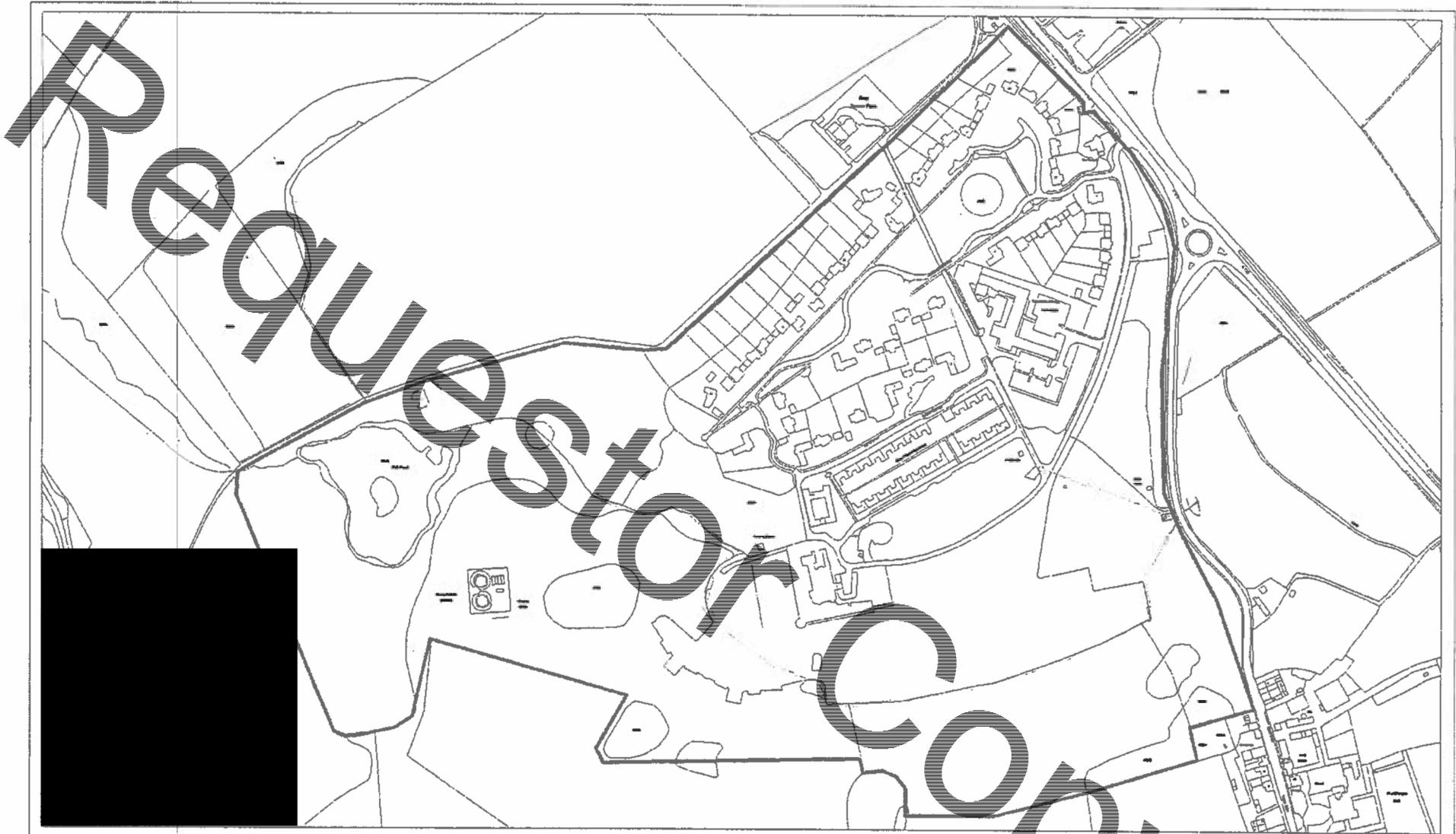
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| | |
|--------------------------|--|
| Path to be Extinguished: | |
| Path to be Added: | |
| Other Paths or Ways: | |

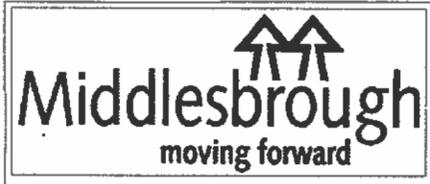


| | | | |
|---------------------|--------------------|-------------------|-------------------------------|
| Type of Order Made: | Creation Agreement | Order Made Under: | Highways Act 1980, Section 25 |
| Drawn By: | | Date: | 19th June 2006 |
| Scale: | 1:2000 | Contact No.: | 01842 728153 |
| | | Reference: | Grey Towers |
| | | OS Sheet: | NZ 5313 SE |

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Middlesbrough
Council



Freehold Title Plan Of Land Involved

Drawn By: [Redacted] Date: 19th June 2006 Drawing No. GTPA001

Scale: 1:6000 Contact No. 01642 728153 Reference: Grey Towers

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Head of Transport & Design Services

P.O. Box 65, Vancouver House, Central Mews, Gurney Street, Middlesbrough. TS1 1QP
Website: <http://www.middlesbrough.gov.uk>

Direct Line: (01642) 728153
Switchboard: (01642) 245432
Fax: (01642) 728964
DX60532

Our Ref: HW11/3

Your Ref:

When telephoning please ask for :

7th October 2003

Dear Sir,

Creation of Footpath at Grey Towers, Nunthorpe

I write further to your recent telephone conversation with my Public Rights of Way Officer, [REDACTED] and his site meeting with [REDACTED] of Friday 26th September regarding the above matter.

I understand that the following items were agreed:

- 1) An amendment to the original route in order to reduce any potential impact on the agricultural tenants and to minimise public contact with livestock.
- 2) The route to follow existing tracks through the woodland area with the precise line and nature of the surfaces being left to your discretion and in consultation with [REDACTED].
- 3) [REDACTED] to supply suitable gates, stiles and way-marking posts for you to install.
- 4) [REDACTED] to speak to [REDACTED] of Nunthorpe Hall Farm to agree the details in so far as they affect him.

Given that the landscaping works on the site will continue throughout the summer of 2004 and that public access before then will not be possible then clearly there is no urgency in supplying the required materials. I will ask Ian to liase with you in order to make the necessary arrangements at the appropriate time.

[REDACTED] being concerned at the possibility of increased disturbance to his sheep, has subsequently expressed a strong preference for maintaining only one access point from the Nunthorpe Village road. He would ideally like the new route to connect with the existing public footpath but would be prepared to discuss relocation of the entrance point were this felt to be

necessary. For your assistance I therefore enclose a plan indicating what I believe would be the most agreeable route.

I trust that this information is of assistance. Should you require any further information or advice please do not hesitate to contact [REDACTED] at the above office.

Yours faithfully

[REDACTED]

GROUP LEADER BUILT ENVIRONMENT

Director
Coppy



To: [Redacted]

From: [Redacted]

Subject: Grey Towers Park, Nunthorpe. Footpaths

Date: 15th October 2003

Re: Information from meeting dated 26/9/3



Please find attached drawing Site Layout RL1041/051-Rev E showing revised footpath routes to the Grey Towers development, [Redacted] requested that footpath construction works to the woodland area were kept to a minimum, and the specification will read as follows:

- 1) Footpaths through the woodland area to be cleared approximately 1 metre wide. ✓
- 2) **NO** mulch / bark (left as is - well trodden). ✓
- 3) Wet / muddy areas to have wooden walkways installed (areas to be identified). ✓
- 4) Footpath routes to be signposted with 150 x 150 timber posts with directional arrows formed in the top. ✓

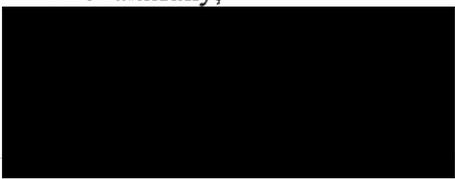
Stile Retrievable
in my opinion
however no
objection.

We are in receipt of a letter from [Redacted] (Group Leader Built Environment) Ref: HW11/3 Dated 7th October 2003 addressed to our Site Manager [Redacted] in the letter there is a request from [Redacted] Nunthorpe Hall Farm to have only one access point from the Nunthorpe Village road this request has been incorporated on the attached drawing.

Footpaths as discussed will not be formed until the building works are nearer completion, which will be around summer 2004, we can meet again nearer to this time to arrange stile delivery's etc. ✓

Hope all of the above meets with your approval,

Yours faithfully,



Contracts Manager



| |
|--------------------|
| TELEPHONE SERVICES |
| 8651 |
| HW38/58 |
| PROW |

Filed in HW38/58 page doesn't
drawing is as my plan attached
to October 7th letter.

Middlesbrough Council

www.middlesbrough.gov.uk

Transport & Design Services

PO Box 65, Vancouver House, Gurney Street,
Middlesbrough TS1 1QP
Tel: (01642) 245432



18 May 2005

Country and Metropolitan Homes



Direct Line: (01642) 728153
Switchboard: (01642) 245432
Fax: (01642) 728961
DX60532

Our Ref: HW11/18

Your Ref:

When telephoning please ask for:



Dear [Redacted]

Re: Dedication of a path at Grey Towers Park, Nunthorpe

After previous discussions between your self and my collage [Redacted] about the path that is to be dedicated through the grounds of Grey Towers Park, Nunthorpe. Please find attached a map showing the route and the furniture to be installed along it.

The cost of installing the furniture will be approximately £750.00 and the associated costs for the dedication order and advertisement will be approximately £1,000.00.

I will carry out the work and begin the dedication process as soon as you agree in writing to the above and then invoices you for the costs incurred

Please do not hesitate to contact me if you need to discuss this matter further

Yours Sincerely

[Redacted]
Group Leader
Built Environment



COUNTRY & METROPOLITAN HOMES (NORTHERN)

Grange Park, Boston Road, Wetherby, West Yorkshire, LS22 5DY

Tel: 01937 583306 • Fax: 01937 584660

E-mail: northernregion@candmhomes.com

www.candmhomes.com



[Redacted]
Middlesbrough Council
PO Box 65
Vancouver House
Gurney Street
Middlesbrough
TS1 1QP

27 MAY 2005

26 May 2005

Dear [Redacted]

Dedication of a Path at Grey Towers Park, Nunthorpe

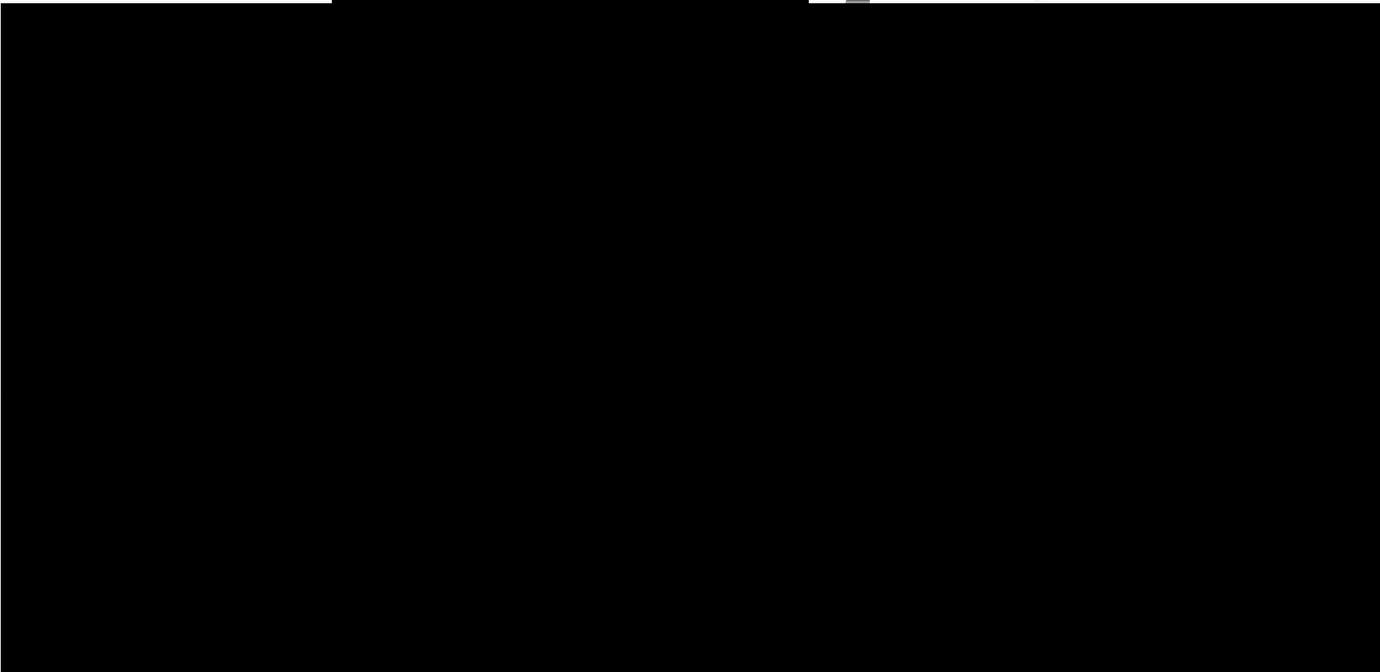
Further to your letter of 18 May 2005 we hereby confirm our acceptance of your fee proposals in connection with the above.

We look forward to hearing from you in due course.

Yours sincerely



Land Manager



From:

To:

cc:

Subject: Bridleway - Poole Hospital

I was on site with the contractors this morning looking at some of the problems at Poole Hospital. One of which is the amount of flytipping and dumping of rubbish and general anti-social behaviour in the woodland behind the development. People are bringing vehicles down the bridleway which is a large part of the problem.

Therefore could you look into working with the landowner to erect some barrier/gate which would have to be horse friendly but stop unauthorised vehicle use down the bridleway. If you want to have a look on site let me know or contact [REDACTED] on [REDACTED]

I can't make mondays meeting but [REDACTED] is still available to discuss Lingfield and walk the paths you are interested in dedicating as ROW. [REDACTED] will be your contact when I leave for all things ROW and will attend the Steering Group meetings.

I went out on site with [REDACTED] who is drawing up the specification for Fairy Dell footpaths. Some of the stuff you identified will be picked up in the work. We are concentrating on the footpath that is the Timberland Trail (with the beck on the left hand side) up to the first bridge and then the circular loop up to the lake and access into the park and up to Dell Close. We will not be doing work around the lake in case of engineering work to desilt the lake. [REDACTED] is dealing with Fairy Dell, so any queries about that please contact her not [REDACTED]. Once the specs have been drawn up and has gone out to tender we will let you know where we will be starting work as we may not be able to do everything we want with the budget we have.

Thanks and I will speak to you next week

[REDACTED]

23/03/2006 12:05

GREY TOWERS CREATION AGREEMENT

Hi

Hope you are well and everything is going o.k

I have recently been contacted by Country & Metropolitan Homes and a number of members of the public asking about the Dedication of a path at Grey Towers. I am aware that I have sent an e-mail to you in the past about this but can't remember if I have sent you all of the information required.

Please find below the address of the Land owner, the Definitive Statement for the path and also the Path Creation Agreement.

Land Owner:-

**Country & Metropolitan Homes (Northern)
Grange Park,
Boston Road
Wetherby
West Yorkshire
LS22 5DY
Tel:- 01937 583306 Fax:- 01937 584660**

Definitive Statement:- Nunthorpe FP No.3 definitive statement



Creation Agreement:- PUBLIC PATH CREATION AGREEMENT Nunthorpe Grey Towers

Please could you check the documents and if all is correct can it be signed and sealed then forwarded to Country & Metropolitan Homes for their signature.

Kind Regards

[Redacted signature]

Handwritten notes at the top of the page, partially obscured by the watermark.

Request for

04 MAY 2006



Middlesbrough
TS7 [redacted]
27th April 2006

Head of Legal and Democratic Services
Middlesbrough Council
Town Hall
Middlesbrough

Dear Sir

NEW RIGHT OF WAY IN THE GROUNDS OF THE OLD POOLE HOSPITAL

As you will know, the developers of the old hospital site offered to dedicate a new Right of Way within the grounds.

I have a letter to this effect from [redacted] in the Transport and Design department, dated April 4th 2002. A route was worked out by the then Rights of Way officer, [redacted] which was amended slightly after discussion with the developers and the Ramblers' Association.

As far as I know the developers have never been against the route finally chosen and yet over four years later the footpath is still not a reality.

I understand that the only remaining obstacle is a legal one and that all the necessary paper work has been within your department for some time.

I would be very grateful if you would give me some idea of how long it will be before the necessary legal work is complete and the footpath can start being used.

Yours faithfully



Ramblers' Association Footpath Secretary - Middlesbrough

| | | |
|-----------------------------|--------------------|-----|
| TRANSPORT & DESIGN SERVICES | | |
| DATE RECEIVED | | |
| 14 MAY 2006 | | |
| POST REF. NUMBER | | |
| 16340 | | |
| HOTD | HSM | DSM |
| FILE REF. Hw11/22 | | |
| ACK SENT | | |
| REF TO: PROW | | |
| REF TO: | | |
| URGENT | REPLY REQ YES / NO | |

Middlesbrough Council

www.middlesbrough.gov.uk

Richard Long
Director of Legal & Democratic Services

PO Box 99A, Town Hall, Middlesbrough TS1 2QQ



Memorandum

From: [REDACTED] **Extension:** 729738 **Our Ref:** BR/Misc

Date: 29 June 2006 **Your Ref:**

To: [REDACTED]

Re: The Ramblers' Association – New RoW at the Old Poole Hospital

I understand from [REDACTED] that you are dealing with the dedication agreement for the above.

Please find attached a copy of a letter to the Ramblers' Association, for your file. Should you require any further information, please do not hesitate to let me know.

Kind regards

[REDACTED]

| | | |
|-----------------------------|--------------|-----|
| TRANSPORT & DESIGN SERVICES | | |
| DATE RECEIVED | | |
| 30 JUN 2006 | | |
| POST REF. NUMBER | | |
| HOTD | HSM | DSM |
| FILE REF | HW 11.6 | |
| INT | PROV N. Hall | |

Middlesbrough Council

www.middlesbrough.gov.uk

Richard Long
Director of Legal & Democratic Services

PO Box 99A, Town Hall, Middlesbrough TS1 2QQ



28 June 2006

[REDACTED]
Ramblers' Association Footpath Secretary

[REDACTED]
Middlesbrough
TS7 [REDACTED]

DX: 60532 Middlesbrough

Direct Line: (01642) 729738

Switchboard: (01642) 245432

Fax: (01642) 729877

Our Ref:

Your Ref:

When telephoning please ask for:

[REDACTED]

Dear [REDACTED]

NEW RIGHT OF WAY IN THE GROUNDS OF THE OLD POOLE HOSPITAL

I refer to your letters dated 27 April 2006 and 25 May 2006 addressed to the Head of Legal Services, and to your letter dated 15 June 2006 addressed to the Mayor of Middlesbrough, in relation to the above matter. Please accept my profuse apologies for the delay in responding.

I have made enquiries about the progress of this matter, and I understand that the draft adoption agreement has been prepared and sent to the landowner, Country and Metropolitan Homes Limited, and we are presently awaiting comments from the landowner on that document.

This matter is presently being dealt with directly by [REDACTED] of the Council's Transportation and Design Service. Should you wish to discuss this matter directly with [REDACTED], his direct dial telephone number is 01642 728153.

I trust the above is useful to you. Once again, please accept my profuse apologies for the delay in responding to you.

Yours sincerely

[REDACTED]
Solicitor

Cc: [REDACTED] Mayor of Middlesbrough
[REDACTED] Rights of Way Officer

Middlesbrough Council

www.middlesbrough.gov.uk

Transport & Design Services

PO Box 65, Vancouver House, Gurney Street,
Middlesbrough TS1 1QP
Tel: (01642) 245432


Middlesbrough
moving forward

8th February 2007

Regional Director

Direct Line: (01642) 728153
Switchboard: (01642) 245432
Fax: (01642) 728961
DX60532

Our Ref: HW11/6

Your Ref:

When telephoning please ask for:

Dear [REDACTED]

RE: Nunthorpe Footpath no. 3 Creation Agreement

I am disappointed that the dedication of the Footpath is taking so long and has still not been completed. We are now receiving pressure from local user groups, including the Ramblers Association who were promised this Footpath as part of the Grey Towers Development.

- The creation of the footpath was first talked about back in April 2002 when the Ramblers Association made comments on the draft planning permission proposals.
- A letter was sent to [REDACTED] Estates Manager in July 2003 informing Country & Metropolitan Homes that a creation agreement would need to be entered into between Middlesbrough Council and Country & Metropolitan Homes.
- A letter was sent to [REDACTED] in May 2005 confirming our discussions over the costs of both installing the furniture and for advertising the creation of the footpath.
- We received a letter from [REDACTED] on the 27th May 2005, confirming Country & Metropolitan Homes acceptance of payment of all costs associated with the creation of the footpath at Grey Towers.
- The creation agreement was sent to [REDACTED] on the 19th June 2006.
- A copy of the revised creation agreement was sent back to Middlesbrough Council on the 21st July 2006 and also to your solicitors for signing.
- A letter was last sent to your self on the 27th November 2006 asking for an update on the progress of the creation agreement.

We would appreciate if you could inform my colleague [REDACTED] on the above number, as to a date we can expect to receive the signed and sealed Creation Agreement so that site works can be started.

I hope to hear from you soon so that we can draw this matter to a close by opening this crucial link up to members of the public.

Yours faithfully

[REDACTED]
Group Leader
Built Environment

Grey Towers Park Ltd Nunthorpe
Grey Towers Management & Governance

18th July 2008

To: [Redacted]
Group Leader Built Environment Solutions Group.

Cc: [Redacted]
Cc: [Redacted]

Comments in Response to Public Path creation Agreement (PH/CA/2008)

The Freehold and Leasehold Residents of the Grey Towers Park through their Management and Governance Company Grey Towers Park Ltd wish to lodge formal objections to the proposed additional Public Path Creation Agreement PH/CA/2008.

Grey Towers Park is privately owned and the maintenance is funded by the 92 residents that live within the boundaries. The cost of allowing public access is high in terms of damage and nuisance caused to the estates woodland and the litter deposits.

The resident experience of public access is very negative to the extent that it has prevented many from enjoying a resource that they pay a high price to support. Further deterioration in the quality of life from increasing public access to this private estate is unwelcome. On the basis of experience continuing since the developments inception, GTP Ltd on behalf of the residents oppose public access to the Park and therefore cannot support any granting of a right of public access.

The grounds for objections are as follows:

There is already one long standing path No 8 that passes through the the development and links to a bridleway No 5 that extends along the north side of the estate. These already give public visitors more than adequate access to the woodland and open countryside for walking and riding and give excellent access to the footpaths on the south and west side of the estate that pass through open fields and give perfectly adequate long-range views of Grey Towers Hall.

There is no dedicated parking area allocated or possible at the boundaries of Grey Towers Park for the majority of members of the public visiting by car and

*the other
cave the
woodland*

*Foot Paths
not bridleways
views are obstructed*

*We're returning
to the public onsite
and off site who park
on the private lane and
take their dogs for a
walk*

intent on walking the site. The Public do not enter the site at the intended entry and exit points of the existing footpath and proposed footpath but park on the site at or close to the Hall and join the footpaths at a number intermediate points. As a consequence the public park their cars on private land or in residents private spaces. This causes nuisance and damage to the land subsequently incurring cost to repair. This is an unacceptable and surely an unintended consequence.

Not done for them - would happen if the path was their own

The woodland and landscape are subject to a 106 agreement and a 10-year management plan funded by residents and contributions from the developers. Public access is causing these costs to rise because of the additional liability insurances the residents have to fund to protect the residents from legal action against dangerous activities the Public engage in around the woodland and lake.

the footpath is part of this 106 Agreement

The Public visiting Grey Towers, dump rubbish, poach, shoot at wildlife and have been known to shoot at the residents. Public Dog Walkers allow their dogs to foul the footpaths and don't pick up. Some pick up then discard the plastic bag or hang it on a bush or a fence. Public access is encouraging, camping, night parties with music, anti-social behaviour, BMX biking, horse riding. Continuing resident complaints have significantly increased the workload for the local police.

His distinction between Public and Estates Residents is wrong they are all public and all use the park

Council Officers and Police have been shocked by the extent of damage caused by the Public to the woodland in the process of building a BMX cycle and motor cycle track.

No where near the public access

There are risks to the public as a result of the Giant Hogweed and other Hogweed species. Attempts to warn the public of the risks with posters have all been torn down and vandalised along with the tape to cordon and protect the public from the higher concentrations of Giant Hogweed.

Tamper

time we will replace with permanent metal signs

Wooden Public Footpath signs put in place by Middlesbrough Council to mark the footpath have mostly disappeared as a result of the Public ripping them from the ground and burning them or using them for shooting practice.

2 near lake

The appetite of the residents to fund a site that has shared access is diminishing daily and further public access will ensure that the funds will not be available to maintain the estate and restore it to its original state.

Council Pays

We can supply photographs of typical litter and effects of vandalism.

Yours sincerely

[Redacted signature]

[Redacted name]

On behalf of the directors of Grey Towers Park Ltd



[Redacted]

21/07/2008 12:32

To [Redacted]

cc [Redacted]

bcc

Subject Public Footpath creation (PH/CA/2008) (HW 11/0)

Dear [Redacted]

RE: Public Footpath Creation Agreement PH/CA/2008 Your Ref: HW 11/0

Please find below a number of comments by members of Nunthorpe Parish Council. NPC now has a summer recess and won't meet as a Council until September therefore there has not been time to discuss the matter as a whole body. In view of the fact that a 21 day response is required – the letter was received on the 2nd July 2008, I forward the comments so that there is indeed some representation from NPC on the matter.

1. ...my opinion as in favour of the new Public Right of Way number 30 across the Grey Towers estate, based on the fact the estate is already suffering massive ASB problems and that introduction of a new PROW (which is as rare as hen's teeth in Middlesbrough) would not necessarily change or worsen this situation and would definitely be for the greater good of Nunthorpe residents.
2. I thoroughly understand and sympathise with residents' concerns about anti-social behaviour and on those grounds do not agree with the proposal, however, I am also supportive of enhancing opportunities for walkers, riders and the general public having increased access to the area to enjoy Nunthorpe and its surroundings.

Given that many Councillors are now away or uncontactable for the summer period, I would ask that you take into account the concerns set out above, but would summarise that in general, NPC are in support of the footpath creation.

I would very much appreciate these comments being forwarded, and hope they are in time given that the letter was received on 2nd July.

Thank you in advance.

Yours sincerely

[Redacted Signature]

Clerk to Nunthorpe Parish Council

[REDACTED]
Middlesbrough Council
Transport and Design Services
P O Box 65
Vancouver House
Gurney Street
Middlesbrough
TS1 1QP

29 July 2008

Dear Sir / Madam

**Public Path Creation Agreement CPH/CA/2008
Grey Towers Park**

I write further to your letter dated 24 July 2008 reference HW 11/0 regarding the
aforementioned matter.

Whilst in principle we have no objection to the route of the proposed public path and we
acknowledge that indeed planning matters dictate that a new public path must be created. It
has been brought to our attention by residents that they have had objections to the proposed
route in the interests of privacy and safety.

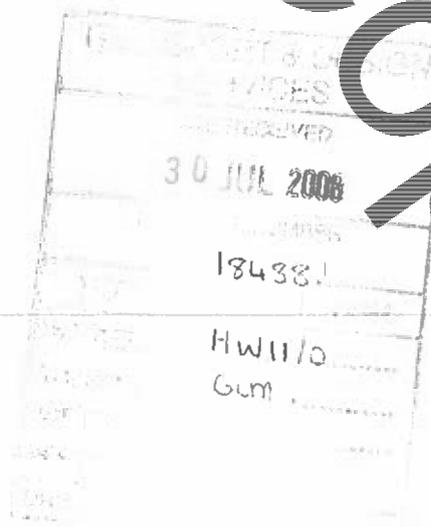
Can I therefore state it be a condition of our approval that the proposed route of the public
path has the support of the residents of Grey Towers Hall and the Walled Gardens.

We also acknowledge that we have paid all monies due on this matter in accordance with
the section 106 Agreement and that no further monies will be payable by ourselves.

Yours faithfully

[REDACTED]

[REDACTED]
Land Director



Gladedale (Yorkshire) Ltd
Formerly C&M Northern Ltd
Unit 8, Temple Point,
Finch Drive, Colton,
Leeds LS15 9JQ

Tel: 0113 2044250
Fax: 0113 2044251
www.gladedale.com

AGENDA

Poole Hospital Access Meeting

10th December 2008, 10:30am

Vancouver House

3rd Floor Conference Room

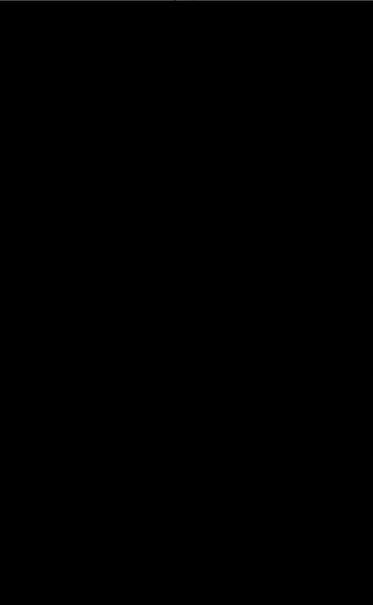
1. Introduction and History
2. The 'Green Link'
3. Access to woodland & Lake
4. Antisocial Behaviour on site
5. A.O.B

POOLE HOSPITAL ACCESS MEETING

10 December 2008

ATTENDANCE SHEET

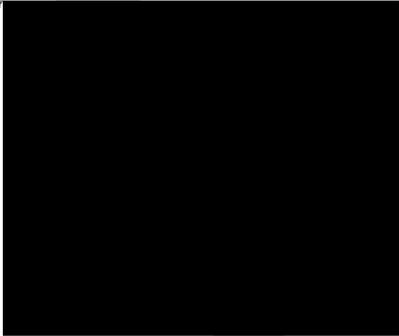
Please add your name to the list

| PRINT NAME | SIGNATURE | ORGANISATION |
|--|--|--------------|
|  |  | MBC |
| | | - - - |
| | | GTP Ltd. |
| | | MBC |
| | | - - - |
| | | Michelle |
| | | MBC |
| | | |
| | | |
| | | |

TRANSPORT AND DESIGN

POOLE HOSPITAL ACCESS MEETING
NOTES OF MEETING HELD ON 10 DECEMBER 2008
AT VANCOUVER HOUSE

Present:



Public Rights of Way Officer
Highways Manager
Principal Engineer
Legal Executive
Principal Solicitor
Director of Grey Towers Management Company



1. Introduction and History

█ gave a brief history of the development and █ gave a brief history of the Green Link.

2. The 'Green Link'

█ expressed his concern over the path which runs through the wildflower and woodland area and that discussions with the Council over many issues he feels are associated with this path have been dragging on for sometime now and he would like to bring things to an end.

█ also wanted to know what authority the Council had to create a path through the area to the south of the estate and in his view prematurely installed and created the path. █ wanted to know why there is a need for the path when there is already one through the centre of the site from Stokesley Road to the bridleway. He also stressed his view that they had been sold their properties as being on a private estate surrounded by landscaped grounds which they would have access to.

█ agreed with █ view and also stressed that he bought his house because of what he had been told by the developer. █ passed round a brochure he had been given by the developer, which talked about a secluded estate on the edge of Middlesbrough with access to a lake within wooded grounds.

█ stressed that the Council have not created any public rights of way at this location. When planning permission was first obtained for the development, the developer (Country and Metropolitan Homes Ltd) was placed under a number of planning obligations and this was done by way of a Section 106 Agreement. This Agreement provided for access to a number of footpaths on the site including the Green Link footpath. █ passed round a copy of the S106 Agreement map showing the route of the 'Green Link'.

█ pointed out that it states in the S106 Agreement (at paragraph 2.1.10) that the Council (or where a management company exists, the management company), must agree any change to the route of the 'Green Link'. █ also stated that the new landowner, Gladedale had signed a Creation Agreement with the Council in 2007.

█ asked if the residents of the estate had been consulted by the Council on the Creation of the Green Link and if not why this was as they believed this was a legal requirement and surely the Council had a duty of care to consider the effects the path would have on the residents.

█ reiterated that the Council had not created anything it had simply entered into an agreement with Gladedale in which they agreed to dedicate a Public Right of Way across their land in accordance to the S106 Agreement. █ explained the difference in law between a Creation Order and a Creation Agreement in particular the difference between the two in respect to public consultation. When paths are created by agreement with the landowner, there is no statutory requirement on the Council to consult with the public nor any obligation to consider their objections. On the other hand, when the Council creates a path by an order it is statutorily bound to consult with the public and consider their objections, and where any such objection is not withdrawn, the matter must be referred to the Secretary of State who then has powers to call a public inquiry.

█ explained that the route had already been changed slightly from that shown on the S106 Agreement plan following a request by the tenant landowner █ and it being agreed by Gladedale. This is the route that was part of the S25 Creation Agreement between Gladedale and Middlesbrough Council.

█ explained that as part of the Agreement Gladedale had agreed to pay £█ towards the furniture along the route and that the furniture was to be put in and the path cut once the building work around the hall had been completed and the wildflower meadow had been landscaped.

█ explained the legal position of the Green Link. In particular, he noted that Gladedale had signed a Creation Agreement, the footpath had been physically created on the ground, the Council had accepted the footpath, and the public had accepted it by using the footpath. There was, therefore, a strong argument that the footpath had already been created in law, and as such due legal process would be required to extinguish the public's right of access .

3. **Access to woodland & Lake / Antisocial Behaviour on Site**

█ expressed his concerns about the vandalism to the public footpath and other paths within the woodland area. █ gave a number of examples including a recent case of the wooden gate having been taken from the junction with the bridleway. █ thought Middlesbrough Council had taken it down. However █ confirmed that Middlesbrough Council did not take down the gate to the bridleway.

█ went on to discuss other forms of vandalism and antisocial behaviour, of which he handed out pictures showing examples, including describing instances of threats he had received. █ asked if both █ and █ thought that either the footpath caused the antisocial behaviour or was affected by it in a substantial way. █ also

asked if they thought that by either removing the footpath or diverting it the vandalism would stop.

■ said that he felt that the accessibility to the site and the public's right to use the site made it impossible to stop the antisocial behaviour. ■ asked the group why is this route so important to implement.

■ advised that during the planning process residents of Old Nunthorpe Village had raised concerns about losing the access they had enjoyed to the lake, woodland and wildflower meadow. This is why the 'Green Link' was proposed in the first place.

■ mentioned that a number of people that visited the site had mentioned that they had a right to be on any part of the site as it had been given to the people of Middlesbrough. ■ asked if this was true and, if so, could he see the documents to prove it. ■ said that he was unaware of any legal documents and confirmed that he did not think this was the case as it is private land..

■ and ■ both suggested that the footpath is a cause of the antisocial behaviour and ■ asked ■ if the footpath was set in concrete. ■ reiterated his previous view that, as Gladedale had accepted and signed the Creation Agreement, and the public has used the pathway and, as such, there is a strong argument that it is now a public right of way.

■ informed ■ and ■ that the public has a right to be on the path but not on the other land. ■ stated that he had tried to remove the public off the land but has had no success. ■ asked if the route could be changed to help in any way. ■ suggested that the Council would require a route but to help resolve the problem the Council would be happy with changing the route so that it would benefit everyone. ■ agreed and asked what the way forward would be.

■ referred to paragraph 2.2.10 of the S106 Agreement which provides that the route of the footpath can be changed, as long as the Council or as the case is now, the Grey Towers Management Company agrees. ■ informed everyone that following talks with ■ it had been agreed that it would be advantageous if the path could be moved further away from the hall, to the route shown on the attached plan

Following a short break for the Council to review its position on the route, the meeting reconvened. ■ began by noting that, in the Council's view, it was essential that there be a right of way created across the land. However, ■ suggested that the line of the footpath (Green Link) could be moved to follow the site boundary. ■ indicated to ■ and ■ that the proposed route could run through the woodland and round the wildflower meadow but suggested that, as the area furthest from the woodland (the south-east of the Grey Towers estate) is not particularly affected by vandalism, the route in this area would be left up to ■ and ■ to decided on. ■ confirmed with ■, ■, ■ and ■ that they had no objections to this proposed course of action.

■ and ■ had no objection and thought that this would be a good idea. ■ suggested that a site visit with ■ should be arranged to take place later that afternoon to walk the proposed site. ■ agreed.



17/03/2009 15:49

To [Redacted]
cc [Redacted]
bcc [Redacted]
Subject [Fwd: Re Meeting on Grey Towers PRW]

This was a copy of the email that I sent after our walk round the route although I did copy you you seem not to have received it.

We clearly have some objections to the route that starts at the bottom of the private road and crosses the wildflower meadow.

Regards [Redacted]

[Redacted]

To: [Redacted]

cc: [Redacted]

Subject Re Meeting on Grey Towers PRW

Dear [Redacted]

The meeting which [Redacted] and myself attended with yourselves in Vancouver House yesterday was a most productive meeting. We felt that all present were sympathetic and understanding of all the difficulties that we face at Grey Towers Park. We welcomed your appraisal and decision to alter the whole of the pathway in order to eradicate the very real possibility of conflict and injury that has steadily worsened over a period of time. Indeed we could not have expected more from you and were very relieved and pleased with the proposal that you made, demonstrating the flexibility that can exist in the establishment of this route. When the meeting closed yesterday we genuinely believed that your understanding and deliberation was a huge step forward in determining the future safety for the residents of Grey Towers.

Our understanding from the meeting was that the footpath would closely follow the red line on the map that you showed us.

However having walked the proposed NEW route with [Redacted] a short time afterwards, it quickly became apparent that the new direction of the pathway that you indicated to [Redacted] and myself was somewhat different to the one [Redacted] had in mind, there is initially little variation to the original route and all of the problems of confrontation and parking that we informed you about.

Would you be so kind to discuss this further with [Redacted] in order to determine whether he has misunderstood the new proposed direction of the path set down by you.

We will gladly meet with you again in order to resolve what I hope is an unfortunate misunderstanding.

In the interim I have discussed the matter with Gladedale who would obviously like to have a copy of the proposed route to see if there was any impact on their existing tenancy agreement with the farmer but were positive about a re-routing away from the estate grounds if it addressed the GTP Ltd concerns.

I would be grateful if you would acknowledge my email and send on the draft notes of the meeting when they become available.

Kind Regards [REDACTED]
On Behalf of GTP Ltd [REDACTED]

Requestor Copy

Our ref: [REDACTED]

14th April 2009

Public Rights of Way Officer
Middlesbrough Borough Council
Transport & Design Services
PO Box 65
Vancouver House
Central Mews
Gurney Street
Middlesbrough
TS1 1QP

Dear [REDACTED]

Re: Grey Towers, Nunthorpe, Middlesbrough.

Further to your recent emails to [REDACTED] regarding the Creation Agreement for the proposed Public Footpath at the above we understand from the residents/ Management Company that a revised route has been agreed.

We would therefore be pleased to receive details of the amended route in order that we can fully assess the situation before we agree to enter into the agreement.

We look forward to hearing from you in due course.

Yours sincerely

[REDACTED SIGNATURE]

15 APR 2009

| |
|-----------------------------|
| TRANSPORT & DESIGN SERVICES |
| 15 APR 2009 |
| 19847 |
| HW1110 |
| GLM |
| PROW |

Gladedale (South Yorkshire) Ltd

Formerly Ben Bailey Homes
First Floor, ICON,
First Point,
Balby Carr Bank,
Doncaster DN4 5JQ

Tel: 01302 314200
Fax: 01302 314258
www.gladedale.com

Middlesbrough Council

www.middlesbrough.gov.uk

Richard Long
Director of Legal & Democratic Services

PO Box 99A, Town Hall, Middlesbrough TS1 2QQ



1 May 2009

DX: 60532 Middlesbrough

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Switchboard: (01642) 245432

Fax: (01642) 729877

Our Ref:

Your Ref:

When telephoning please ask for:

Mr Bryn Roberts

Dear [REDACTED]

GREY TOWERS PARK, NUNTHORPE

I refer to your e-mails of 8, 14 and 24 April 2009 in relation to the above, the contents of which I have considered. Whilst I will deal with a number of your specific questions in due course, I feel that a generalised statement of the position may be useful as a starting point.

General Issues

Subject to:

- (i) the fact that the estate roads have been adopted, and are consequently public highway;
- (ii) the existing route of the green link (which, as was indicated at our meeting on 10 December, the Council would be prepared to consider diverting, subject to the provision of a suitable alternative route); and
- (iii) the existing public footpath and bridleway,

the remainder of the estate is, and has always been, private. As such, its maintenance is, and has been, the responsibility and prerogative of the landowner (Country and Metropolitan, and then Gladedale or the management company). Providing that the landowner takes no action to unlawfully interfere with the above mentioned rights, and acts in accordance with planning control, the Council has no role in the management, maintenance or stewardship of the estate. In this regard, it has never been the responsibility of the Council to notify the public at large that the estate is, generally,



INTEGRITY AND SERVICE



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private (any more than it is the responsibility of the Council to notify the public at large that your front or rear gardens are private).

As you yourself note in closing your second e-mail, 'many of you believe that you were mis-sold through misrepresentation of fact' in relation to the particulars of sale prepared by the developer. That being the case, you may wish to consult your legal advisors in relation to whether or not you have any remedy against the developers in this matter. However, as I am sure you will appreciate, the Council was not party to such advertising, and had no role in the description of the site. Consequently, the Council cannot accept any responsibility or liability for decisions made by the developer.

As a secondary point, I note your concern over continued public use of the roads within the estate for parking. Unfortunately, as the estate roads are all public highways, the public have the right to use them, and this right will continue unless and until the highways are stopped-up. The process for such a stopping-up would involve an application to the Magistrates' Court, on the grounds that the highways are not necessary (an argument which cannot be justified) together with the placing of advertisements in both the local press and the London Gazette. In order for any such application to be successful, as a bare minimum it would need the agreement of all affected households. In the extremely unlikely event that the highway was stopped-up, it would be necessary for all householders to enter into relevant wayleaves for service maintenance, and all householders would become jointly liable for the cost of maintaining the road, the provision and maintenance of street lighting, and would be jointly and severally liable in respect of any accidents which occurred on the road which were attributable to the unsatisfactory condition of the road.

Finally, I would like to address the general issue of the Section 106 agreement. I note that your second e-mail opens as follows:

"I am writing to you all in the hope that a resolution can be reached with regard to the open access of the entire site of Grey Towers Park in Nunthorpe, which is most satisfactory to all except the residents who live here. I believe that this policy was a deliberate act incorporated into the 106 Agreement which set out the Terms and Conditions of conformity, to which the Developer, 'Country and Metropolitan' had to agree in order to satisfy the requirements of MBC."

As is the case with any major planning application, the Council must consider the impact of the proposed development on the area, in light of the contents of the Local Plan. Where there is conflict with the Local Plan, or where the impact would be unacceptable, the developer and the Council may consider ways to ameliorate the impact to a degree which would render the development acceptable. In this case, those requirements are set out in the section 106 agreement referred to above. It is not, however, the case that the developer 'has to agree' to anything that the Council suggests in order to gain its planning permission; rather, the requirements set out in a section 106 agreement must comply with the legislation, the guidance and established case law relating to the acceptability and validity of planning obligations ("the conditions"). In the event that the developer, or their legal representatives [REDACTED] in this case), consider that the

requirements of the section 106 agreement are outwith the conditions, they may choose not to enter into the agreement, and appeal against any subsequent refusal of consent. In this case, both the developers and ██████████ clearly accepted that the obligations contained in the section 106 agreement were both valid and essential to mitigate the impact of the development. As such, the implication from your above opening paragraph, that the Council was in a position to dictate to the developer with impunity, is incorrect.

Irrespective of the above, the section 106 agreement is valid, was executed by all relevant parties, and is therefore effective and consequently should be complied with.

Specific Issues

If I may now turn to the more specific issues raised in your e-mails, in light of my comments above the remaining issues appear to be the following:

- a) The progress of the application for a Definitive Map Modification Order ("DMMO") in respect of the land to the north of the Grey Towers Park;
- b) The prospective route of the potentially diverted green link; and
- c) The delay in erecting fencing to restrict access to parts of the Park.

With regard to the first issue, within the last 10 days Legal Services have received instructions to proceed with the DMMO, and the preparation of the relevant documentation is now in progress. Once the DMMO is prepared and sealed, the Council must advertise in a local newspaper, and individually notify all affected landowners of the fact that it has made the order, and must allow an objection period of six weeks from the date of the advertisement. In the event of no objections being received within the six-week period, the Council will then confirm the order and will place a second advertisement, indicating the date upon which the new path will come into being. However, in the (more likely) event that objections are received and not withdrawn, the Council will then refer the order to the Planning Inspectorate, who will arrange for the determination of the order. This determination will take place either by written representations, a local hearing or (as is likely in this case) a public inquiry. In the event that the order is confirmed by the Secretary of State, the Council will then proceed to the second advertisement noted above. As such, the timescale for the introduction of the claimed path is uncertain, however I understand from the Planning Inspectorate that the average time (between them receiving an order and the start of a public inquiry) is approximately six months. It is, therefore, not unlikely that it may be in excess of twelve months before the path is available (assuming that the DMMO is confirmed by the Secretary of State).

In relation to the second issue, I have been sent a plan showing the current proposed route of the diverted right of way. My understanding of the issue is that you are unhappy with the eastern commencement point of the route (commencing, as it would, at the point at which the access road to the Manor House ceases to be adopted highway). However, I also note that this commencement point is both adopted highway, and is the point at which the existing public right of way (running approximately north-south) changes direction and turns in a more easterly direction. As such, I do not see that this access point is unreasonable, and, without further explanation from you as to why it "is totally

unacceptable from the residents point of view", I must conclude that it is a reasonable attempt at a compromise. As noted above, in the event that a suitable alternative route cannot be agreed, the Council will not be in a position to proceed with the diversion, and will instead have to rely upon the existing green link footpath to fulfil the requirements of the section 106 agreement. The lawful creation of that link was covered in our meeting in December, and I do not propose to cover the point again. With this in mind, I would be grateful if you would expand on the residents' objections to this access point.

In relation to the final issue, I trust that, in the general issues section of this letter, I have set out the position in relation to the majority of the land. I am not in a position to comment on whether or not fencing should have been erected sooner, but would note that, in any event, the decision to erect such fencing, and the responsibility for its erection and maintenance, has always rested with the landowner rather than the Council.

I trust that this addresses the issues raised in your e-mails.

Yours sincerely

[Redacted signature]

Principal Solicitor

[Redacted contact information]

POOLE HOSPITAL RIGHTS OF WAY MEETING

6 August 2009

AGENDA

1. Introductions
2. Current Legal Position
3. Council's Suggested Solution
4. Landowner's Comments
5. Management Company's Comments
6. Tenant Farmer's Comments
7. Councillors' Comments

TRANSPORT AND DESIGN

Grey Towers Park Public Rights of Way
Notes of meeting held on 6 August 2009 at Middlesbrough Town Hall

Present

Grey Towers Management Company
Grey Towers Management Company
Tenant Farmer
Middlesbrough Council Transport and Design
Middlesbrough Council Transport and Design
Middlesbrough Council Legal Services
Middlesbrough Council Legal Services

Apologies

Gladedale
Gladedale

■ indicated that the representatives from Gladedale had telephoned to submit their apologies, as they had been summoned to an urgent meeting.

■ stated that ■ and he had previously talked to Gladedale, who had delegated the responsibilities with regards to the route of the Green Link path to the Management Company.

■ agreed that this was acceptable to the Council on the understanding that the decision of this meeting would be binding upon Gladedale.

Current Legal Position

■ stated his understanding that at the meeting of 10th December 2008 all parties had agreed that the Green Link path was a public right of way, albeit one which was yet to be recorded on the Definitive Map

■ initially indicated that he did not believe that this was the case.

■ clarified the position by stating that the Green Link path had been provided for by a S106 planning agreement, and as the route had subsequently been created on the ground and the public had used it, the route was in fact a legal right of way.

All consequently agreed on this position.

Council's Suggested Solution

■ confirmed that it had been decided at the meeting in December 2008 that, subject to identifying a suitable diversion route for the Green Link path (which would be to a route which followed the site boundary), the Council would be prepared to consider diverting the Green Link path. The suggested diversionary route, which was agreed by all at the 2008 meeting, followed the western and southern boundaries of the land. ■ indicated that he had believed (incorrectly as it

transpired) that the route of the diversion at its easternmost end would not be controversial, and consequently the determination of that element of the route was left to [REDACTED] and [REDACTED] to agree at a subsequent site visit.

[REDACTED] said that he thought this not to be the case and that the full length of the diversion route had been decided upon at the December meeting. [REDACTED] confirmed that this was not the case and stated that [REDACTED] did have a meeting on site after the meeting in December and that [REDACTED] had been shown the Council's proposed diversion route, including that for the easterly section.

[REDACTED] showed everyone the Council's proposed diversion route and explained that in the Council's opinion it balanced the needs of all parties present, and represented the best compromise. [REDACTED] then asked for comments from [REDACTED]

[REDACTED] was happy with the route, as it would result in only one path crossing the field.

[REDACTED] stated his main concern was to secure a route that was away from the lake.

[REDACTED] expressed concern that members of the public were parking along the private lane near to the proposed termination point of the diverted route. [REDACTED] stated that as it was private land then the Management Company could put up gates to prevent this. [REDACTED] asked if the route would be fenced. [REDACTED] stated that there was no obligation under the S106 planning agreement for the Council to fence the Green Link path, and so the Council would not pay for, or fence off, the diversion route.

[REDACTED] stated that during his meeting on site with [REDACTED] back in December of 2008 he had indicated that, should the Management Company wish to secure the private road and wildflower meadow then they could install gates and fencing, but these would not be paid for by the Council, and their maintenance would be the responsibility of the Management Company.

[REDACTED] also stated that the reason for diverting the Green Link path to the line shown was to try and resolve the issues that [REDACTED] had with two public rights of way being across the field he farms and also two other desire lines which the public use to cut across field corners.

[REDACTED] asked if the diversion route had to follow the line shown by the Council or if the route of the path could run around the edge of the wildflower meadow at the eastern end instead of going directly across the field. [REDACTED] stated that this would not be practical, as members of the public would use the line of least resistance, irrespective of whether this was fenced and/or signed, and that would be directly across the field.

[REDACTED] stated that if the route ran around the edge then there would still be a risk of the public entering the field farmed by [REDACTED] and following desire lines. [REDACTED] agreed with this.

[REDACTED] then asked if the long standing public right of way across the middle of [REDACTED] field could be removed. The Green Link path at this eastern end could then be diverted across [REDACTED] field towards old Nunthorpe Road.

█ stated that he would not be happy with this proposal, even though there would only be one public right of way across the field, because the desire lines would still be walked. █ also objected to this proposal as he felt that this would be strongly opposed by the user groups and that it still would not resolve █ concerns.

█ stated that, in his view, the only diversion route which is likely to be acceptable is that which █ presented, as it is more likely to be approved by the user groups. █ also pointed out that the Council would maintain the surface of the route but that any fencing, which was erected by the Management Company, would be their responsibility to maintain.

█ asked if the route would be close to the fence. █ stated that the path would be 2 metres wide and would be about 0.6 metres off the current fence line. █ also stated that the path would be kept as close to the current fence line wherever possible, however this may change as a number of trees are close to the current boundary fence.

█ were asked if they agreed with the proposed diversion route and all agreed that it was the best compromise.

█ stated that the Management Company would like to resolve the matter as quickly as possible and asked what the time scale would be. █ stated that he would invite the representative of the Ramblers Association to a site visit next week and would ask that they then refer the matter to their monthly regional meeting for comment.

█ commented that Gladedale had recently tenanted the land over which part of the alternative route ran. █ agreed to contact Gladedale and find out the contact details of this new tenant.

█ advised that this new tenant would have to be consulted with regard to the proposed route for the diversion, and any objections taken into account before the Council could proceed.

█ stated that subject to no objections being received then instructions would be sent to legal to make a diversion order.

Middlesbrough Council

www.middlesbrough.gov.uk

Transport & Design Services

PO Box 65, Vancouver House, Gurney Street,
Middlesbrough TS1 1QP
Tel. (01642) 245432



9th June 2009

Direct Line: (01642) 728153
Switchboard: (01642) 245432
Fax: (01642) 728964
DX60532

Our Ref: HW 11/0

Your Ref:

When telephoning please ask for:

Dear [REDACTED]

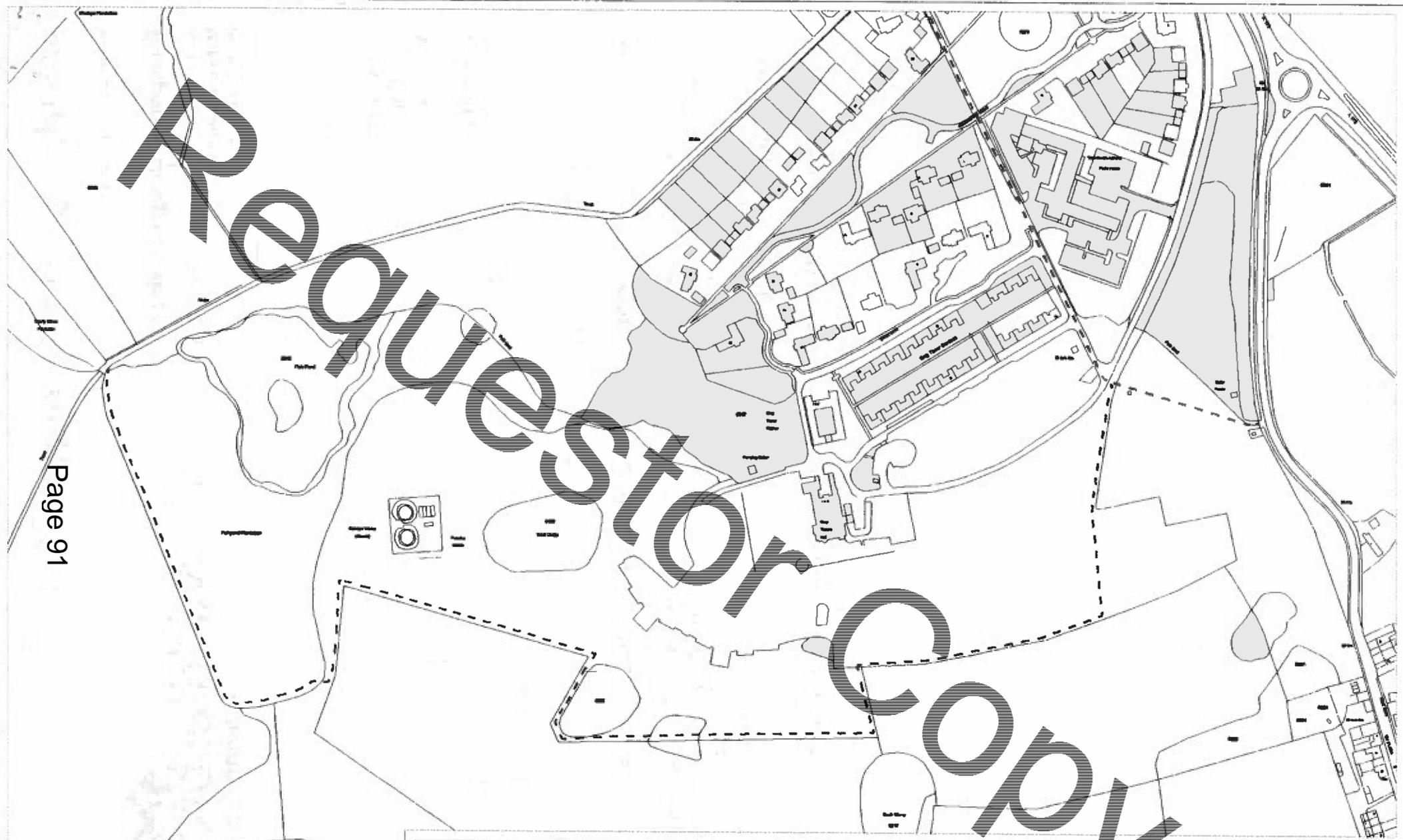
RE: Proposed change to Poole Hospital Estate Footpath

The Council is considering the alteration to the current footpath, which crosses the Poole Hospital estate from Old Stokesley Road to Nunthorpe Bridleway 5, passing through the woodland. I have enclosed the two routes being considered and would ask if you could return in the prepaid envelope provided any comments you would like to make clearly indicating which route you would prefer.

Alternatively if you wish to contact my colleague [REDACTED] on the above number he would be happy to discuss your comments and the matter further.

Yours faithfully

[REDACTED]
GROUP LEADER
BUILT ENVIRONMENT SOLUTIONS GROUP

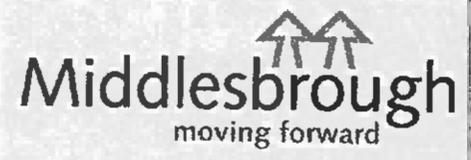


Proposed route A through the Pook Hospital Estate

| | |
|--|----------------------------|
| <i>Head of Service:</i> [REDACTED] | <i>Ref:</i> |
| <i>Service Area:</i> Transport & Design Services | <i>Scale:</i> 1 : 4,000 |
| <i>Created by:</i> [REDACTED] | <i>Date:</i> 9th June 2009 |



Page 92



Proposed route B through the Pool Hospital Estate

| | | | |
|-------------------------|-----------------------------|---------------|---------------|
| <i>Head of Service:</i> | [Redacted] | <i>Ref:</i> | |
| <i>Service Area:</i> | Transport & Design Services | <i>Scale:</i> | 1 : 4,000 |
| <i>Created by:</i> | [Redacted] | <i>Date:</i> | 9th June 2009 |



[Redacted]

19/06/2009 20:43

To <[Redacted]>

cc

bcc

Subject [Redacted]

Re: Proposed change to Poole Hospital Estate footpath.

Dear [Redacted]

We are strongly in favour of proposed route A, and against route B for the following reasons. The existing original footpath, A-B on the attached map, causes disturbance to our grazing sheep and over the years we have been forced to change the way we use this field to accommodate the footpath i.e. we no longer use the field for ewes with newborn lambs and we have to hold them back, in other fields, until they are old enough to cope with continual disturbance. This results in higher stocking densities in other fields than we would like.

Since the new Estate footpath, B-C-D on the attached map, has been used the disturbance has been even greater, and last year the sheep would not graze the northern end of the field. Walkers and joggers are not keeping to the defined routes and regularly walk from A to C, and D to E with obvious consequences.

The 'kissing gates' at points B and D are not suitable because sheep are often trapped between the 2 gates and have to be released by us, and other helpful residents of Nunthorpe Village. Stiles are a much preferred option to us.

Yours faithfully,

[Redacted signature block]

*** eSafe scanned this email for malicious content ***
*** IMPORTANT: Do not open attachments from unrecognized senders ***



Proposed route B.doc



[Redacted]

30/06/2009 14:24

To [Redacted]
cc [Redacted]
bcc [Redacted]
Subject green link

Dear All,

I have just read the proposal from [Redacted] regarding the 'Green Link' route. I have to say that I am overwhelmed by the sheer contempt that is held for the residents of this estate. On numerous occasions there has been a lodging of the residents displeasure for the route of this path to begin at the foot of the Private Road leading to the Manor House. This has obviously had not impacted on [Redacted] and his department, as it appears to be impervious to our concerns, which are fact not fiction. How is it then that it should have imposed, without due care and consideration, a pathway that impinged upon the Tenant Farmer, [Redacted] and his Lambing Sheep, should this too have been taken into consideration before assigning a pathway with all the impedimenta and expense incurred before implementation. Obviously not, therefore the lesser of two evils seems to fall upon the line of least resistance which is considered to be the residents of Grey Towers Park. Not so.

In the very near future the ownership of the surrounding land will quite possibly belong to the residents, headed by Grey Towers Park Ltd. If we are to avoid further conflict with the public at large who treat this estate of ours as a Public Car Park and Leisure Facility, then I strongly urge all of the residents to unite and say no to this proposal, not to mention the directors.

To [Redacted] and to [Redacted] I would urge you to go back to the Minutes of the meeting attended by myself and [Redacted] as well as the relevant members of the Council last December. The outstanding factor of that meeting was a considered route, satisfactory to all concerned, proposed by [Redacted] which was at that time wholly endorsed by all concerned. This was overturned by ? in just a couple of hours after a meeting later that day between [Redacted] and [Redacted].

The existing right of way through the centre of the estate is and always has been transitory, not a starting point. What we have now is starting point with parking facilities, giving access to all of the Wildflower meadow and Woodland beyond. There is no privacy to the Manor House, which has become part of the grand tour, a place of public interest, Bring a dog and crap everywhere.

The council in its infinite wisdom seems to think it can do as it pleases, I believe that it takes the word 'Authority' totally out of context. [Redacted]

[Redacted] have tried to be accomodating throughout, we have rejected this proposal with due consideration to the residents concerns. This seems to have fallen on stony ground. 'There are none so deaf as those who choose not to hear'. There can be no dictating from any quarter as to where this path must go. Mutual consent is the order of the day.

[Redacted]



[Redacted]

To [Redacted]
cc [Redacted]

18/08/2009 12:38

bcc

Subject Poole Hospital Diversion Proposals [09.08.18]

1 I couldn't match the line described in Schedule 1 (Description of strip of land subject to the footpath), taken from the creation agreement given to me yesterday, with its line on the plan (the consultation plan) attached to the council's consultation (message of 12/8/09).

2 This was because the consultation plan did not agree with the creation agreement plan. A cursory examination is enough to show the differences between points D and F on the plans (using the lettering on the plan I faxed to the council earlier today).

3 This affects the way we would see any alternative route. Our measurements, being based on the erroneous map, need to be remeasured. Prima facie it is obvious that the difference in lengths between the routes will have increased; as will also the differences in lengths between the circular routes.

Regards

[Redacted signature]

Begin forwarded message:

From: [Redacted]

Date: 17 August 2009 21:58:08 BDT

To: [Redacted]

Subject: Poole Hospital Diversion Proposals [09.08.17]

[Redacted]

1 We thank the council for informally consulting the Rambler on a possible diversion of the path shown in the attachment.

2 [Redacted] yourself and myself walked the present and as much as possible of the proposed route today (17/8/09) - new barbed wire fencing stopped us in many places. I will send you a marked up map by fax to explain the annotation used in the following paragraphs if you provide me with telephone number.

3 The present path (A-B-C-D-E-F-G-H)

3.1 General. The present path was dedicated by the owners of the land in 2007 by means of a creation agreement. Parts of the path, and other ways besides, were already rights of way by unhindered use by the public before the owners took possession of the land. We note that the width of the path in the agreement is stated to be between

1.5 m and 5 m but, apart from the stated limits, no indication is given of the width of any particular part of the path. The ambiguity of the information could be a rich source of legal fees should the owners decide to enclose the way in a futile attempt to discourage wrongdoers and ordinary well behaved members of the public who have used the woods and the paths in them as of right for generations.

3.2 The path from A to near F is almost entirely over grass and is not well marked on the ground. For considerable distances the used line is well away from the definitive route where the surface is irregular and dangerous (Note [REDACTED] fall when met a deep hole on the definitive line. The only limitations are two gates at B. They make a double barrier for stock containment.

3.3 From F to H the path passes through woodland where care has to be taken to avoid contact with Giant Hogweed; we did not use the section G to H because it was overgrown with plants including Giant Hogweed. We followed a well used informal path alongside the lake to arrive on the BW near Q. This section has been used by the public for generations.

3.4 Kept in a proper condition the path is an attractive one with good views of the distant hills from sections between C and F.

4 The proposed path A-J-C-D-K-L-M-N-O-P-Q

4.1 The boundary from Q to P was a straggly hawthorn hedge with sufficient foliage to block any views. Any path along this line would require the removal of young and mature trees. As we could not follow the line we used an informal path, say about 20 - 30 m or so to the east of the plantation boundary. Barbed wire prevented us from following anywhere near the specified line and we returned to Q more or less alongside the west bank of a wide 5 ft deep ditch. We returned to F alongside the west bank of the lake and informal paths to join the definitive path between G and F and on to F. Again barbed wire prevented us from following the new line but it was clear from the difference in heights that views from say E-D were more extensive than from L-K

4.2 Our view was that even if we had been able to follow the present line we would not be able to recommend acceptance to our colleagues; in fact our recommendation would be outright opposition. We judged, using the tests applied to diversion proposals, (a) the new point of termination would substitute a longer circular walk for a shorter; the diversion was less convenient being longer with ups and downs with one sharp change of direction after another with no recognition of desire lines; the new path would have more stiles and inferior views. The only advantage we could see was the absence of Giant Hogweed on the proposed path; but this is really a reflection on inadequate maintenance - the council should put more effort into its control/eradication near the path. You may remember that Darlington DC were told to pay compensation following the injury to a user following contact with hogweed - MBC is in hazard on this point in this locality and it might be more economical to tackle the hazard than wait for their lordships to dun the council

4.3 I haven't been able to express the distances in metres as there is no scale on the map - I think it might be near to 1:4000; would you please let me know?

03/03/2010 14:01

To
cc

Subject Re: GREY TOWERS PARK

Dear

Unfortunately, your recollection of our meeting in December 2008 is incorrect. At no time did I propose an alternative route to the Green Link path which was outside the boundary of the site, as I had no authority or ability to deliver such a path (given that the land was outside of the ownership or control of those present in the room). Rather, what was proposed, and what was apparently misunderstood, was an alternative route which ran around the internal edge of the site, allowing the landowner to erect fencing, to prevent access, which would be effective in preventing unauthorised access to private land. The notes from that meeting are explicit on the issue:

"Following a short break for the Council to review its position on the route, the meeting reconvened. began by noting that, in the Council's view, it was essential that there be a right of way created across the land. However, suggested that the line of the footpath (Green Link) could be moved to follow the site boundary. indicated to that the proposed route could run through the woodland and round the wildflower meadow ..."

In relation to your query as to the legality of the Green Link path, the notes from that meeting state:

explained the legal position of the Green Link. In particular, he noted that Gladedale had signed a Creation Agreement, the footpath had been physically created on the ground, the Council had accepted the footpath, and the public had accepted it by using the footpath. There was, therefore, a strong argument that the footpath had already been created in law. This had not, however, been tested, and consequently the status of the path had yet to be finally determined."

Subsequent to that meeting, all concerned have been working, and are continuing to work, towards the possibility of an alternative route for the Green Link. However, given that the landowner has expressly dedicated the footpath, the Council has accepted it, the public has used it, and GTP Limited have accepted (at a meeting on 6 August 2009) that the path is a public right of way, I am somewhat puzzled by your continued assertion that this may not be the case.

So far as the Council is concerned, the issue of whether or not the path is a public right of way is now closed; it is a public right of way. The Council has, however, been more than willing to try and find a possible alternative route which is acceptable to all concerned (the landowner; the management company; the tenant farmers; and the user groups) which would allow this public right of way to be diverted to a route which is at least as commodious for the public, and which allows the management company to prevent unauthorised access to that land which is not a public right of way. In the event that the management company no longer wishes the Council to pursue this alternative, should inform the Council of that change of position, and the Council will proceed with an order to record the public right of way on the Definitive Map and Statement.

Yours sincerely

Stewart Muir Williams

From: [REDACTED]
Sent: Thursday, 04 March 2010 10:02
To: [REDACTED]
Cc: [REDACTED]
Subject: Fw: GREY TOWERS PARK

Hi [REDACTED]

Further to your telephone call with [REDACTED] I would refer you to the following comment [REDACTED] made regarding the Green Link path in his e-mail below, namely:

'So far as the Council is concerned, the issue of whether or not the path is a public right of way is now closed; it is a public right of way'

In your response to the enquiry, you might wish to add a little of the history concerning this path just to put the whole thing in context.

If you propose also to seek an independent view from [REDACTED] on Grey Towers (and can get a quick response from him) you might wish to hold responding to this enquiry until to have [REDACTED] reply.

Kind regards

[REDACTED]

03/03/2010 14:04

cc

Subject: Fw: GREY TOWERS PARK

Dear [REDACTED]

This may be a case where we ask [REDACTED] to review our conclusions, for an independent view. In the event that we are forced to deal with the matter at a public inquiry, this will be useful evidence that the Council considered the matter carefully and came to the right decision.

Kind regards

[REDACTED]



To [Redacted]
 cc [Redacted]
 bcc [Redacted]

02/08/2012 09:38

Subject Informal Consultation on the Poole Hospital Diversion Proposals

Hi [Redacted]

Please find attached below three plans showing the proposed diversion of two Public Footpaths at poole hospital.

Following our discussion yesterday we agreed the following:-

- The management company would pay all costs associated with the diversion order (£2,500 - £3,000)
- A stile / Kissing Gate at Point G and H
- The diverted path between F and I will be fenced on wide side (the right of the path F to G)
- A Kissing Gate at Point D and E
- The Council / Landowner will pay for a fence between Point D and E
- A small amount of fencing will be required from point I heading west for 50m (on the right of the path I to J)
- A Kissing Gate is required near Point N and O with a fence linking the two
- A number of way marker posts will be required to direct the public in the right direction these are to be arranged on site at a later date

Further comments

- It may be necessary to move the diverted path between points Q and S a little further away from the boardwalk area near Q as its is boggy or some stone may need to be laid site visit required to decided on best route
- The management company intended to place a fence knee rail between point D and the existing knee rail,
- Would the management company like to pay the Council the money up front (once the legal order is confirmed) and then for the Council to organise all the work with the contractor we have?

Please can you let me have your thoughts and if you have any questions please call me ASAP so we can finalise the detail so that you can have a meeting of the members before your AGM



1.8.2012 Plan C.pdf



1.8.2012 Plan A.pdf



1.8.2012 Plan B.pdf

Kind Regards



Public Rights of Way Officer
 Transport & Design Services
 PO Box 65
 Vancouver House
 Central Mews
 Gurney Street
 Middlesbrough
 TS1 1QP
 Tel: (01642) 728153
 Fax: (01642) 728964

| House type | Description | No. of bedrooms | Drawing No's | No. of plots |
|------------|---------------------|-----------------|---------------------------------|--------------|
| A | Detached house | 6 bed | (P1), 41 to (P1), 44 | 3 |
| B1 | Detached house | 4 bed | (P1), 45 and (P1), 46 | 7 |
| B2 | Detached house | 4 bed | (P1), 45 and (P1), 47 | 6 |
| C | Detached house | 6 bed | (P1), 48 to (P1), 51 | 4 |
| D1 | Detached house | 5 bed | (P1), 52 to (P1), 55 | 4 |
| D2 | Detached house | 5 bed | (P1), 56 to (P1), 59 | 5 |
| E1 | Detached house | 5 bed | (P1), 60 to (P1), 62 | 3 |
| E2 | Detached house | 5 bed | (P1), 60, (P1), 63 and (P1), 64 | 5 |
| F1 | Detached house | 4 bed | (P1), 65 to (P1), 66 | 4 |
| F2 | Detached house | 4 bed | (P1), 65 and (P1), 67 | 2 |
| G | Detached house | 4 bed | (P1), 68 to (P1), 69 | 4 |
| H | Detached house | 4 bed | (P1), 70 to (P1), 71 | 4 |
| J | Garden flat | 2 bed | (P1), 74 to (P1), 75 | 13 |
| K | Garden flat | 3 bed | (P1), 74 to (P1), 75 | 9 |
| L | Stables | 2 bed | (P1), 33 to (P1), 34 | 7 |
| M | Grey Towers Cottage | 2 bed | (P1), 18 to (P1), 24 | 12 |
| N | Grey Towers Cottage | 2 bed | (P1), 18 to (P1), 24 | 1 |
| P | Garden flat | 3 bed | (P1), 76 | 1 |

LANDSCAPE NOTE
 Existing trees to be retained
 Existing trees to be removed
 Proposed new trees

BOUNDARY TREATMENTS AND ENCLOSURES
 See boundary wall drawing L1447/P1/04

NOTE: Where plots indicate adjoining boundaries, the boundary type is indicated by the height of boundary wall indicated by number

NOTE: Where plots indicate adjoining boundaries, the boundary type is indicated by the height of boundary wall indicated by number

PAVING ACROSS SITE
 Green line footpath
 Green line footpath
 Green line footpath part of existing infrastructure
 Informal footpath
 Approximate line of historic paths across site
 Route of existing footpath

NOTE: Application site boundary shown in red

NOTE: For detailed information of the site, see drawing L1447/P1/04

NOTE: For details of footpath and highway for adoption see Over Ave drawing H350/G01

EXISTING RIGHT OF WAY TO BE RETAINED
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 EXISTING RIGHT OF WAY TO BE RETAINED
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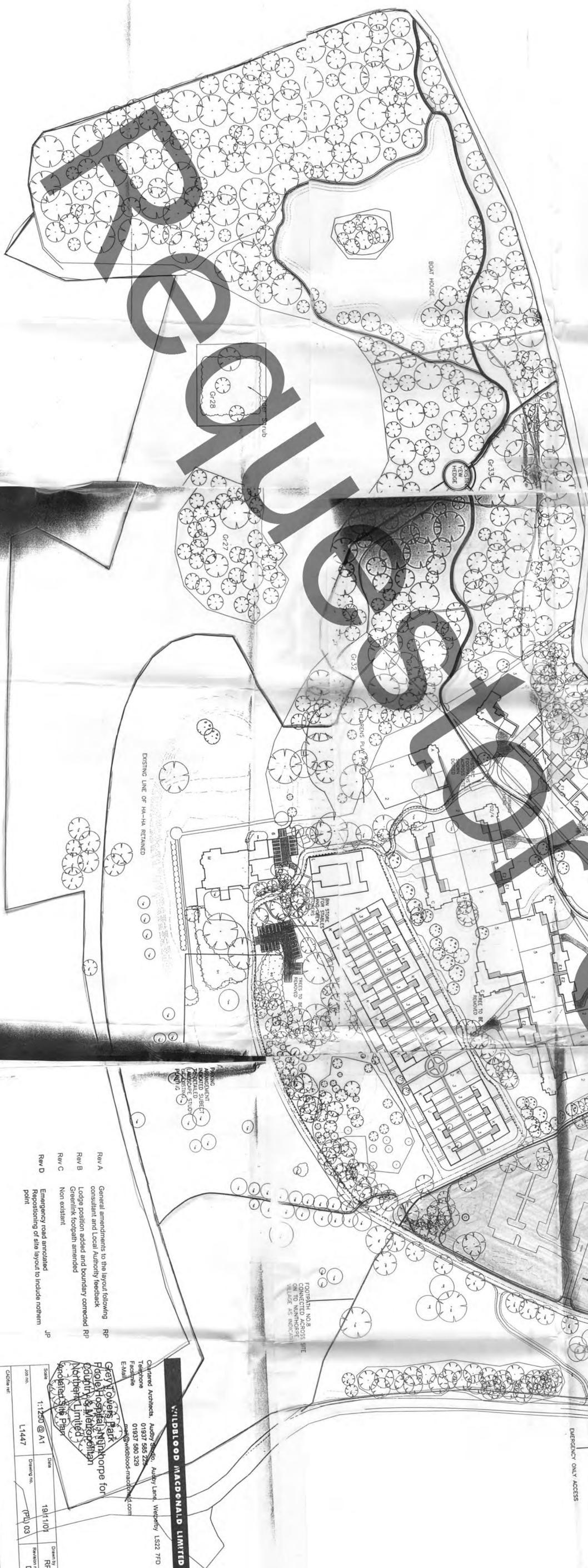
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WILDBLOOD MACDONALD LIMITED

Chartered Architects, Audit, Survey, Quantity Surveying, Planning, Project Management, Environmental, Heritage, Archaeology, Forensic, Construction, and other services.

11, 1250 @ A1
 Drawing No: L1447
 Date: 19/11/01
 Revision No: D

Drawn by: RP
 Checked by: D

| House type | Description | No. of bedrooms | Dwelling No's | No. of plots |
|------------|---------------------|-----------------|------------------------------|--------------|
| A | Detached house | 6 bed | (P1) 41 to (P1) 44 | 3 |
| B1 | Detached house | 4 bed | (P1) 45 and (P1) 46 | 7 |
| B2 | Detached house | 4 bed | (P1) 45 and (P1) 47 | 6 |
| C | Detached house | 6 bed | (P1) 48 to (P1) 51 | 4 |
| D1 | Detached house | 5 bed | (P1) 52 to (P1) 55 | 4 |
| D2 | Detached house | 5 bed | (P1) 56 to (P1) 59 | 5 |
| E1 | Detached house | 5 bed | (P1) 60 to (P1) 62 | 3 |
| E2 | Detached house | 5 bed | (P1) 60, (P1) 63 and (P1) 64 | 5 |
| F1 | Detached house | 4 bed | (P1) 65 to (P1) 68 | 4 |
| F2 | Detached house | 4 bed | (P1) 65 and (P1) 67 | 2 |
| G | Detached house | 4 bed | (P1) 68 to (P1) 69 | 4 |
| H | Detached house | 4 bed | (P1) 70 to (P1) 71 | 4 |
| J | Garden flat | 2 bed | (P1) 74 to (P1) 75 | 13 |
| K | Garden flat | 3 bed | (P1) 74 to (P1) 75 | 9 |
| L | Stables | 2 bed | (P1) 33 to (P1) 34 | 7 |
| M | Grey Towens Cottage | 2 bed | (P1) 18 to (P1) 24 | 12 |
| N | Grey Towens Cottage | 2 bed | (P1) 18 to (P1) 24 | 1 |
| P | Garden flat | 3 bed | (P1) 76 | 1 |

LANDSCAPE NOTE
 Existing tree to be retained
 Existing tree to be removed
 Proposed new tree

BOUNDARY TREATMENTS AND ENCLOSURES
 See boundary wall drawing L1447/P1/04
 NOTE: Where plots detail adjoining plots, show separation by 4m height of boundary type
 Boundary wall indicated by number reference

ROADS TO BE IN TERNAC IN P
 Roads to be in tarmac in p
 tarmac/brown to gravel
 to be
 back-paved, colour choice
 to be
 Roundabouts and related platforms to be in tarmac, gravel (churned and brinded)
 Street driveways to be tarmac block paving
 Single drives to be gravel
 Footpaths to plots and all paths to be 'Chancery' paving
 Entrances to gravel drives defined by regular blocks in a contrasting finish to elsewhere
 Cycle routes to be completed 'Golden Green' except if also a right of way All adoptable footpaths to be coloured tarmac.
 HOUSE TYPE SPECIFIED ON UNIT

PATHS ACROSS SITE
 Cycle route
 Green link footpath
 Viable link footpath part of adoptable infrastructure
 Informal footpath
 Approximate line of historic paths across site
 Route of existing footpath

NOTE1: Application site boundary shown in red
NOTE2: For detailed information of the existing trees layout see BHM drawing 2300.02H
NOTE3: For details of footpath and highway for adoption see Ove Arup drawing H350.001

EXISTING RIGHT OF WAY TO BE REMOVED
 REMOVED CYCLE WAY TO JOIN UP WITH NETWORK
 a. CYCLE ACCESS BARRIER AT START OF ROUTE ACROSS SITE
 b. RUBBLE STRIPS AND LEVEL CROSSING OF ROAD
 SECTION OF PATH BETWEEN (G) AND (H) TO BE REMOVED
 CYCLEWAY SIDE BY SIDE WITH 2.5M WIDE FRAME DRIVE

C. CYCLE ROUTE TO N. MANHOLES SHOW DOTTED LINE UNTIL BY THE DEVELOPER

EMERGENCY ONLY ACCESS

FOOTPATH NOTE
 CONNECTED ACCESS SITE ON TO MANHOLES VALLEY AS INDICATED

PARKING
 INDICATED SUBJECT TO EXISTING PAVING

EXISTING LINE OF PA-14A RETAINED

EMERGENCY ONLY ACCESS



| Figure No. | Description |
|------------|-------------|
| G-28 | Figure 2 |
| G-27 | Figure 3 |

REVISION 'D' VARIATIONS
 1. Hipped bay
 2. Gable bay
 3. Lodger window to the front end
 4. Lodger window to the side end
 Incorporation of the variation indicated by the appropriate suffix

GENERAL AMENDMENTS TO THE LAYOUT FOLLOWING CONSULTANT AND LOCAL AUTHORITY FEEDBACK
 Rev A General amendments to the layout following consultant and Local Authority feedback
 Rev B Lodge position added and boundary corrected RP
 Rev C Greenlink footpath amended Non-existent
 Rev D Emergency road amended Repositioning of site layout to include northern point JP

WILDBLOOD MACDONALD LIMITED
 Chartered Architects, Audit Studio, Aubrey Lane, Weymouth LS22 7PD
 Telephone 01937 589 225
 Facsimile 01937 589 329
 Email enquiries@wildblood-macdonald.com

Grey Towens Park
 Grey Towens Park
 Grey Towens Park
 County & Metropolitan
 Northern Limited
 Related Site Plan

Scale 1:1250 @ A1
 Job no. L1447
 Drawing no. P1/03
 Date 19/11/07
 Drawn by RP
 Revision to D

Page 101

PLAN 2
 SECTION 106

DATED 12 December 2002

THE COUNCIL OF THE BOROUGH OF MIDDLESBROUGH

and

COUNTRY AND METROPOLITAN HOMES (NORTHERN) LIMITED

AGREEMENT

Under Section 106 of the Town & Country Planning Act 1990
relating to the development at the former
Poole Hospital, Nunthorpe, Middlesbrough

BETWEEN

1. **THE COUNCIL OF THE BOROUGH OF MIDDLESBROUGH** of PO Box 99A Town Hall Middlesbrough TS1 2QQ (hereinafter called "the Council").
2. **COUNTRY AND METROPOLITAN HOMES (NORTHERN) LIMITED** (Company registration number 2816015, whose registered office is at Harefield House, High Street, Harefield, Middlesex, UB9 6RU (hereinafter called "the Developer").

1 DEFINITIONS

- 1.1 In this agreement the expressions listed below shall have the meanings respectively assigned in relation thereto unless the context otherwise requires:-

"**the Act**" means the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) and any modification or amendment to the Act;

"**Agreement**" means this Agreement;

"**Application**" means the written applications made by the Developer to the Council under reference M/FP/0063/02/P for planning permission for the conversion of the existing buildings into 12 apartments conversion of the existing stable buildings into 7 dwellings the erection of 23 new dwellings within the walled gardens and the erection of 51 new dwellings within the grounds together with alterations to a single existing dwelling;

"**Art Contribution**" means the sum of £25,000 to be paid by the Developer to the Council as a contribution towards the creation of a work or works of art or craft on the Site.

"**Commencement of Development**" means the carrying out of a material operation pursuant to the Planning Permission in accordance with the provisions of Section 56 and 91 of the 1990 Act;

"**Development**" means the development proposed by the Application and any development pursuant to the Application of all or part of the Site for the purposes of residential development;

"**Education Contribution**" means the sum of £70,000 to be paid by the Developer to the Council as a contribution towards the additional teaching requirements to be provided at Chandlers Ridge Primary School

"**Landscaped Areas**" means the woodland lake and open spaces areas to be maintained or landscaped as shown on the drawings and detailed in the specifications annexed to the Management Plan with such amendments or variations as shall be agreed by the Developer and the Council;

"Management Company" means a private company or body whose composition and constitution shall be approved by the Council and whose governing board shall at the request of the Council include an employee or appointee of the Council to act in an executive capacity which shall be established for the purpose of the implementation, monitoring, supervision and execution of the Management Plan.

"Management Plan Contribution" means the sum of £90,000 to be paid by the Developer to the Council or at the direction of the Council to the Management Company towards the costs of the management of the Landscaped Areas in accordance with the Management Plan

"Management Plan" means the plan for the management of the woodland, lake and landscaped areas to be prepared by the Developer in accordance with clause 2.1 hereof.

"Off Site Works Contribution" means the sum of £135,000 to be paid to the Council for the Off Site Works;

"Off Site Works" means the construction and creation of cycle route and footpath links to the Site;

"Open Space Provision" means the sum of £10,000 to be paid by the Developer to the Council for the provision of or refurbishment of off site open space or play areas and equipment for play areas at Lingfield Farm, Woodland Park;

"Planning Permission" means the planning permission to be granted by the Council pursuant to the provisions of this Agreement and in the form of the draft attached to this Agreement.

"Plan" means the plan annexed to this Agreement;

"Planning Conditions" means the draft planning conditions attached;

"Site" means the freehold property extending to 57 hectares (141 acres) of land or thereabouts known as the former Poole Hospital at Nunthorpe, Middlesbrough and shown more particularly edged red on the Plan.

WHEREAS

1. The Council is the local planning authority for the purposes of the Act for the area within which the Site is situated and by whom the obligations contained in this Agreement are enforceable.
2. The Developer has submitted the Application to the Council.
3. The Council is desirous of encouraging the Development but would not have been willing to grant the Planning Permission but for this Agreement.

4. The Developer has agreed to enter the Agreement so to create planning obligations in favour of the Council pursuant to Section 106 of the Act and to be bound by and observe and perform the covenants agreements conditions and stipulations hereinafter contained.
5. The Council intends to grant planning permission for the Development in the terms of the Planning Conditions.
6. The Covenants in this Agreement are conditional upon the Council granting the Planning Permission.

NOW IT IS HEREBY AGREED as follows:-

1

- 1.1 **THIS** Agreement shall be a Planning Obligation for the purposes of Section 106 of the Act and all other powers so enabling.
- 1.2 The planning obligations contained herein (save for those contained in Clause 4.3 below) shall not be enforceable until:-
 - 1.2.1 planning permission for the Development pursuant to the Application has been granted
 - 1.2.2 the Development has commenced (as defined in Section 56 of the Act)

2 **THE** Developer hereby covenants with the Council that:-

2.1 Management Plan

The Developer covenants with the Council:-

- 2.1.1 To submit to the Council for approval (such approval not to be unreasonably withheld or delayed) the Management Plan in accordance with the Planning Conditions;
- 2.1.2 Not to commence the Development prior to the approval by the Council of the Management Plan;
- 2.1.3 To procure the landscaping works specified in the Management Plan in accordance with the Management Plan and in accordance with the approved phasing required by the Planning Conditions unless otherwise agreed in writing by the Council or amended by any subsequent planning permission.
- 2.1.4 To maintain the Landscaped Areas in accordance with the Management Plan prior to completion of the transfer referred to below.
- 2.1.5 As soon as practicable to transfer the Woodland Lake and Landscaped Areas to either the Management Company or companies or other persons as the Council

shall have approved in writing on terms which provide the transferee to covenant directly with the Council to maintain such land from the date of the transfer.

2.1.6 To comply with the terms of the Management Plan approved by the Council;

2.1.7 Not to make any changes to the land affected by the Management Plan without the consent of the Council.

2.1.8 Not to occupy or permit or suffer to be occupied more than 50 dwellings without paying to the Council or at the direction of the Council the Management Company the Management Plan Contribution.

2.1.9 To permit the continued unimpeded use by members of the public of the footpaths on the Site existing at the date hereof

2.1.10 Not to vary the route of or stop up any of the footpaths shown on Plan 1 or any of the footpaths existing at the date hereof upon the Non Developable Land shown edged purple on Plan 2 without either;-

2.1.10.1 prior to the date of the establishment of the Management Company, the consent of the Council or

2.1.10.2 after the date of the establishment of the Management Company the consent of the Management Company

and in either case such consent shall not be unreasonably withheld.

2.2 **Play Area Contribution**

Not to occupy or permit to be occupied more than 20 Dwellings before paying to the Council the Open Space Provision Contribution.

2.3 **Off Site Works Contribution**

To pay the Off Site Works Contribution to the Council within 6 months from the date of the implementation of the Planning Permission.

2.4 **Art Contribution**

Not to occupy or permit or suffer to be occupied more than 50 Dwellings before paying to the Council the Art Contribution.

2.5 **Education Contribution**

Not to occupy or permit or suffer to be occupied more than 50 Dwellings before the payment of the Education Contribution to the Council

COVENANTS BY THE COUNCIL

3.1 The Council covenants with the Developer:-

- 3.1.1 To provide a receipt to the person or persons providing any sums of money under this Agreement within twenty eight days of receiving the same;
- 3.1.2 To pay all monies to the Management Company by the Developer upon the formation of the Management Company in accordance with the terms of this Agreement
- 3.1.3 Within fourteen days following the fifth anniversary of the date of payment to repay to the Developer any money not spent or required for the purposes specified in this Agreement together with any interest that has accrued thereupon;
- 3.1.4 To use its reasonable endeavour within 20 working days from the date hereof to issue the Planning Permission for the Development substantially in the form of the Planning Conditions subject to clause 4.7 hereof.

4 **IT IS HEREBY AGREED AND DECLARED** as follows:-

- 4.1 For the purpose of such parts of this Agreement as may be subject to the law against perpetuities this Agreement shall remain in force for the period of eighty years from the date hereof or (if sooner) as long as any of such of the covenants conditions stipulations and agreements herein may not have performed.
- 4.2 In this Agreement the expression "the Council" "the Owner" and "the Developer" shall where the context so admits be deemed to include their respective successors in title.
- 4.3 The Developer shall bear the Council's reasonable costs in relation to the preparation and completion of this Agreement whether or not the Planning Permission is granted or this Agreement is completed.
- 4.4 The planning obligations hereby created shall be registered as a Local Land Charge.
- 4.5 For the purposes of this Agreement where any approval is required from the Council such approval shall not be unreasonably withheld.
- 4.6 No person shall be liable for any breach of the covenants restrictions or obligations contained in this Agreement:-
- 4.6.1 occurring after he has parted with his interest in the Site or the part of the Site in respect of which such breach occurs (but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest); or

4.6.2 if he shall be a purchaser occupier or tenant of an individual dwellinghouse constructed on the Site.

4.7 Nothing in this Agreement shall be construed as restricting the exercise by the Council of any power or discretion exercisable by it under the Act or under any other act of parliament nor prejudicing or affecting the Council's rights powers duties and obligations in any capacity as a local planning authority

4.8 If the planning permission granted pursuant to the Application shall expire before the Development is begun or shall at any time be revoked this Agreement shall forthwith be annulled and cease to have effect and the Council shall immediately remove any entry relating to this Agreement from the Registrar of Local Land Charges.

4.9 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than one relating to the Development) granted (whether or not on appeal) after the date of this Agreement

4.10 Save as provided by this Deed nothing in this Deed shall be treated as giving rise to any rights to third parties under the Contract (Rights to Third Parties) Act 1999

IN WITNESS WHEREOF the Council and the Developer have set their respective Common Seals upon and have executed this Agreement as a deed in the presence of the persons mentioned respectively below the day and year first before written.

THE COMMON SEAL of
THE COUNCIL OF THE BOROUGH OF
MIDDLESBROUGH was hereunto affixed (but not
delivered until the date hereof) in the
presence of:-



Authorised Officer



SIGNED as a Deed (but not delivered until the date hereof)
on behalf of
COUNTRY AND METROPOLITAN HOMES (NORTHERN) LIMITED

Director
Director/Secretary

PLANNING & DEVELOPMENT COMMITTEE

RECOMMENDATION: Subject to 106 Agreement, approve conditionally

CONDITION(S)/REASON(S):

- 1 The development shall only be carried out using finishing materials of which samples have been submitted to and approved by the local planning authority prior to commencement of the development.

Reason: To ensure the use of satisfactory materials.

- 2 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding in Marton West Beck.

- 3 No development shall take place until a full and authoritative risk assessment report on the application site, the details of contamination and any remediation works necessary is submitted to the Local Planning Authority and approved in writing and thereafter implemented to a standards suitable for the intended use.

Reason: In order to achieve a satisfactory form of development.

- 4 No development shall be commenced until a scheme for the disposal of drainage has been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the local planning authority.

Reason: To prevent pollution of the water environment.

- 5 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the local planning authority. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

PLANNING & DEVELOPMENT COMMITTEE

- 6 Roof drainage downwater pipes shall at all times be sealed at ground level to prevent the ingress of any contaminated water/run off.

Reason: to prevent pollution of the water environment.

- 7 Prior to the commencement of any works on site a settlement facility for the removal of suspended solids from surface water run off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the local planning authority. The approved scheme shall be retained throughout the construction period.

Reason: To prevent pollution of the water environment.

- 8 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10 per cent. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10 per cent. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

- 9 The development shall be carried out in full accordance with Bat and Owl survey document dated June 2002. Any revisions/amendments to the report recommendation shall be first approved in writing by the local planning authority.

Reason: To ensure a satisfactory development and in order to protect the bat and owl populations.

PLANNING & DEVELOPMENT COMMITTEE

- 10 Prior to an application for a DEFRA licence being submitted a full survey of the interior of the building shall be carried out to determine the exact nature and positioning of bat roosting areas. The survey shall also include inspection of the interior of the buildings for signs of recent use by barn owls and if evidence is found of such appropriate measures should be taken to safeguard these. Details of the survey and recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of the DEFRA licence.

Reason: To ensure a satisfactory development and in order to protect bat and owl populations.

- 11 Notwithstanding the submitted details prior to the commencement of development hereby approved a Woodland Management Strategy shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full accordance with the approved scheme.

Reason: To ensure a satisfactory form of development.

- 12 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order), no alterations shall be made to the external elevations of the dwellinghouse(s) without the specific written consent of the local planning authority.

Reason: In order that the local planning authority may protect the visual amenities of the Conservation Area.

- 13 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) (with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed.

Reason: In order that the local planning authority may protect the visual amenities of the Conservation Area.

- 14 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages shall be erected (other than those expressly authorised by this permission).

Reason: In order that the local planning authority may protect the visual amenities.

PLANNING & DEVELOPMENT COMMITTEE

- 15 Within 3 months of the grant of planning permission a detailed costed 10 year landscape management plan/strategy shall be submitted to and approved in writing by the local planning authority and thereafter implemented in full accordance with the approved details.
- Reason: To secure a satisfactory form of development.
- 16 Before the occupation of the first dwelling house Grey Towers House shall be wind and water tight to the written satisfaction of the local planning authority. Before the occupation of the last 10 dwellinghouses Grey towers House shall be to second fix stage to the written satisfaction of the local planning authority.
- Reason: To secure the satisfactory refurbishment of Grey Towers House.
- 17 Prior to the commencement of development a plan showing the details of the emergency access into the site shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in full accordance with the approved details before the first dwelling is occupied.
- Reason: In the interests of highway safety.
- 18 Prior to the occupation of the first dwelling the roundabout between the A172 and Nunthorpe Village Road Drg (PL) 03 Rev B shall be completed to the satisfaction of the Local Planning Authority.
- Reason: To secure a satisfactory form of development.
- 19 A risk assessment report on the site, details of any contamination and any remediation works necessary, shall be submitted to the local planning authority for approval in writing, and thereafter the works identified shall be carried out so as to bring the site to a standard suitable for the intended use, prior to the development works being undertaken.
- Reason: In the interests of the amenities of the area.

Committee Date: 13th September 2002

Originator:

Contact Officer:



PLANNING & DEVELOPMENT COMMITTEE

The Conservation Area Consent application has not been submitted in isolation from a redevelopment scheme but as is clear from the above an integral part of the overall redevelopment scheme.

The removal of the structures will enhance the conservation area and help restore the grounds to their original form and character. There are no grounds to justify/substantiate refusal of the removal/demolition of the structures identified and accordingly it is recommended that Conservation Area is granted.

RECOMMENDATION: Approve Conditionally

CONDITION(S)/REASON(S):

- 1 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of works for redevelopment of the site has been made and planning permission and listed building consent has been granted for the redevelopment for which the contract provides.

Reason: In the interests of the visual amenities of the Conservation Area.

- 2 Prior to any demolition works taking place a programme for demolition and a site investigation report for the proposed site, including details of contamination, risk assessment and remedial works necessary and method of disposal of any hazardous materials, shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in full accordance with the approved details before the development can take place.

Reason: In the interests of the amenities of the area.

Committee Date: 13th September 2002

Originator:

Contact Officer:



1 Before the occupation of the first dwellinghouse approved under planning application M/FP/0063/02/P Grey towers House shall be wind and water tight to the written satisfaction of the Local Planning Authority. Before the occupation of the last 10 new build dwellinghouses (M/FP/0063/02/P) Grey Towers House shall be to second fix stage, to the written satisfaction of the Local Planing Authority.

Reason: To secure the satisfactory refurbishment of Grey Towers House.

2 A detailed integrated landscape management plan addressing the parkland and woodland landscape to the south and west of Grey Towers House shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this consent. Thereafter the plan shall be implemented in accordance with the approved details and timescale.

Reason: To secure satisfactory landscaping works with regard to the setting of the listed building.

3 Prior to the commencement of any work to Grey Towers House full details and programme of external and internal works to the building covering the detailed layout, design, schedule of all internal and external repairs and materials shall be submitted to and approved in writing by the local planning authority and thereafter carried out in full accordance with the approved plans.

Reason: In the interests of securing the satisfactory restoration of the listed building/details.

4 Prior to the commencement of any work to Grey Towers House a detailed survey, conservation plan and programme in respect of the wallpaper within Grey Towers House incorporating policy and maintenance recommendations for Grey towers House shall be submitted to and approved in writing by the Local Planning Authority. Any revisions to the approved plan shall be first approved in writing by the Local Planning Authority.

Reason: In the interests of securing the satisfactory restoration of the listed building.

5 Prior to the commencement of any work a programme for the survey of dry rot within the building together with details/method of treatment shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in complete accordance with the approved details.

Reason: In the Interests of securing the satisfactory restoration of the listed building.

6 The development shall only be carried out using finishing materials, treatments and finishes of which samples/full details have been submitted to and approved by the local planning authority prior to commencement of the development. Thereafter the development shall be carried out in complete accordance with the approved details.

Reason: To ensure the use of satisfactory materials.

Public Right of Way Officer
Middlebrough Council
PO Box 500
Middlesbrough
TS1 9FT

Public Right of Way Proposal

Dear [REDACTED]

The Directors of Grey Towers Park Management Company Limited acting on behalf of the Grey Towers Park Estate would like to propose an improvement to the PROWs on it's land.

We have discussed these proposed changes with residents of the estate and consulted with all by letter. We did receive e mail comments from a couple which were overall supportive. We have these on file should anyone require copies.

The proposed changes are as follows



The Black lines are PROWs to be removed.

Reasons:

- The path through the woods leads to antisocial activity. Police have been called numerous times to address fire lighting, protected trees being damaged, drug taking, poaching and public nuisance. Only last week there was a case of theft from the fishing syndicate with the wheel barrows, security cameras and equipment being damaged. Closing this path through the woods clearly distinguishes who has permission and who is trespassing to aid the police in their job.
- The two paths to the road across the sheep field gives the farmer problems with his stock, particularly during lambing season.
- The path through the field at the back of Nunthorpe old village on our land is fenced in and divides the field into two making farming more difficult for our tenant farmer. This path also becomes waterlogged and virtually impassable during the winter. It subsequently crosses a sheep field (this is not on our land however) with associated dog walking problems with stock

In return, and to improve overall access to the beautiful area we are working to maintain and improve we are suggesting opening up two new permissive bridlepaths. These are completely new giving unprecedented access and a choice of circular walks / rides around and through our land. There are new public footpaths offered as well which retain the current levels of access whilst solving the existing problems.

There is some level of detail to be confirmed in future discussions in terms of exact routing eg alongside field boundaries, the edge of the woods where the culvert will need crossing, the width and surface of the bridlepaths, maintenance etc but we can address these with a common sense approach once general acceptance is obtained.

We would like therefore for you to consider these changes and consult with the appropriate parties involved to see whether this improved layout is acceptable.

Yours sincerely


Director

GTP Ltd

21/9/18

MIDDLESBROUGH COUNCIL



| | |
|----------------------------|---|
| Report of: | Executive Member for Finance and Governance Director of Finance (S151 Officer) |
| Submitted to: | Executive |
| Date: | 18 October 2022 |
| Title: | Financial Recovery Plan 2022/23 |
| Report for: | Decision |
| Status: | Public |
| Strategic priority: | All |
| Key decision: | Yes |
| Why: | Decision(s) will incur expenditure or savings above £150,000 |
| Urgent: | No |
| Why: | Not Applicable |

Executive summary

This report sets 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 are national issues. Following that report, each Executive Member and Director has reviewed discretionary spending plans in their area for the remainder of the financial year. An overview is contained in this report and indicates the forecast overspend can be substantially reduced to approximately £1.6m. Work will continue throughout the remainder of the year to improve this position further, wherever possible, in order to mitigate the risk on reserves.

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

Purpose

1. The purpose of the report is for Executive to approve the financial recovery plan for 2022/23, and note the impact on each Directorate's forecast position.

Background and relevant information

2. The Council's scheme of delegation gives the Executive collective responsibility for financial management and budget monitoring with budgets delegated to Directors for operational and strategic decision making.
3. Executive will recall the first quarter's monitoring position reported in September 2022 identified a forecast overspend for 2022/23 of approximately £9m. 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 are national issues. As a result, a number of actions were approved to recover the position:
 - a. Each Directorate was requested to identify where discretionary expenditure could be curtailed, stopping short of an in year spending freeze.
 - b. Additional controls around the recruitment to vacant posts and procurement of agency staff.
 - c. Member led focus meetings on the challenges facing Children's Services with an objective to mitigate demand and workforce challenges, concurrently assisting both the financial position and improvement journey.
 - d. The subsequent approval of the adoption of a Flexible Use of Capital Receipts Strategy for 2022/23 at Full Council in September 2022 to support transformation.
4. The table below shows by Directorate the results of the discretionary spend review and fees and charges implementation, and shows a revised forecast spend position for 2022/23.

| Directorate | 2022/23 Full Year Budget | 2022/23 Q1 Forecast Variance | 2022/23 Recovery Plan | 2022/23 Fees & charges increases from 1 November 2022 | 2022/23 Revised Forecast Variance |
|-------------------------------------|--------------------------------|------------------------------------|--------------------------|--|---|
| | £'000s | £'000s | £'000s | £'000s | £'000s |
| Regeneration and Culture | 3,474 | (529) | 648 | 129 | (1,306) |
| Environment and Community Services | 19,608 | 395 | 419 | 132 | (156) |
| Adult Social Care and Public Health | 40,454 | 1,053 | 1,394 | 52 | (393) |
| Children's Services | 45,102 | 6,857 | 811 | 30 | 6,016 |
| Legal and Governance Services | 9,604 | 37 | 156 | 23 | (142) |
| Finance | 200 | (1,176) | 225 | 97 | (1,498) |
| Central Budgets * | (113) | 2,375 | 3,240 | 0 | (865) |
| TOTAL | 118,329 | 9,012 | 6,893 | 463 | 1,656 |

NOTE

* Recovery Plan for Central Budgets includes £2.7m for adoption of the Flexible Use of Capital Receipts Strategy and £0.5m for vacancy and agency control which are currently shown centrally within Central Budgets, however these may at year-end be shown within Directorate budgets.

In-year recovery plan and impact on directorates

Regeneration and Culture (£648,000)

5. In-year savings identified from Regeneration budgets include ceasing any new activity in the town centre that requires revenue pump priming, and the reduction of activities to further develop the museums and attractions managed within Culture. A number of other opportunities will be taken to charge planned revenue expenditure to capital grants as a one-off measure.

Environment and Community Services (£419,000)

6. The Environment and Community Services recovery plan includes the following elements :

- Delay the introduction of household pest control - this will have the effect of the Council not being able to offer a subsidised pest control service to Middlesbrough residents
- The enhanced tree maintenance programme will be delayed in its implementation, and this will mean less tree work will be able to be undertaken than anticipated in 2022/23
- The allocation of funds to community groups through the environment community pot will be stopped
- Temporary stop to book purchases, which will mean a delay in the purchase of new book issues and replacement books. This may mean people have to wait longer than normal
- The Council will stop purchase of new eBooks until the end of 2022/23. This means that new titles will not be available
- Stop security in libraries and hubs, which we will be covered thorough the use of wardens and other staff
- The contribution to community events will be reduced, and this will require organisers to seek funding from elsewhere
- Recruitment to 5 vacant street warden posts will be frozen. This will reduce the level of activity undertaken by street wardens
- Recruitment to a vacant highways supervisor post to be frozen, this will not have any effect in the short term

Adult Social Care and Public Health (£1,394,000)

7. The measures proposed within Adult Social Care are made up of the following :

- plans to increase contributions from the NHS in line with our own fee increases for cases where there are shared responsibilities
- transfer of all Tees Community Equipment Service costs from revenue to capital funding from the Disabled Facilities Grant to surrender uncommitted resources from a 2020/21 grant
- to discontinue a small hospital discharge project, which has been “dormant” for some three years
- to suspend current plans to recruit a number of additional agency/temporary Social Workers and to delay recruitment of two day care support workers (as the parent day care unit is currently running at below maximum capacity)

While none of these measures means a reduction in provision for existing service users, the suspension of the plans to employ additional staff on a temporary basis does make service improvement in advance of the commencement of inspections of Adult Social Care by the Care Quality Commission (scheduled to commence nationally in April 2023) a more challenging prospect.

8. The proposed in-year savings from Public Health will come from the overhead contribution from the Health Determinant Research Collaboration (HDRC) external grant funding that the Council have secured over the next 5 years. The remaining proposed savings will come from deleting current vacancies from the structure, which will have an impact on leadership and management and capacity within the service, particularly with regards to Health Protection. Other savings have been identified from tariff based services that are not back to their full capacity since Covid-19.

Children's Services (£811,000)

9. Middlesbrough has the highest demand for social care in England. It continues to rise, particularly due to the pandemic, and additional resources are required to manage this pressure particularly due to the cost of agency social workers and the increased cost of external residential placements for young people who are looked after by the authority both of which are national issues. Due to the acute budget pressure, a freeze on all non-essential vacancies will be applied. This will result in additional pressures on existing team members to ensure that demand will be managed within existing resources, which will potentially adversely impact on future performance.
10. The Family Group Conference team delivers family networking support to remain at home or to be cared for within their extended family. The team of 5 FTE staff has three vacancies which will not be filled, and the remaining workers will be absorbed into the existing workforce. The element of statutory provision of Family Group Conferences will be delivered from within the service. This will result in a saving of £49,000.
11. Funding for enhanced Youth Services of £150,000 was agreed at Council in February 2022, however the model has not yet been agreed and the service is not yet in place. The enhanced services were intended to work with vulnerable children in Middlesbrough impacted on by high levels of anti-social behaviour, which will not now take place.
12. The current Head of Strategic Services left the Council at the end of September and it is proposed that the post is deleted. However, the post is central to delivering certain aspects of the Children's Services Improvement Plan and the Improvement Adviser commissioned by the Department of Education is concerned about the impact on Children's Services improvement journey. Therefore, 2-3 days consultancy cover per week will be commissioned until Ofsted have carried out their judgement inspection, likely to be in February 2023. This would result in a saving of £20,000.
13. The proposal is to reduce the amount spent on external residential placements by a further £300,000 by the end of 2022/23. This is a very challenging target as all possible reductions in the number of external residential placements have already been factored into the existing budget prior to this proposals being made. The reduction in the number of such placements cannot be equated with a reduction in budget spend because of the increased cost of placements. The decrease in the number of placements over the last year has not resulted in a decrease in budget spend. All placement moves have to be considered in the context of children and young people's needs and the plans in place

to support them. The rising costs of external residential placements is a national issue and not particular to Middlesbrough or surrounding authorities.

14. The purpose of Section 17 budgets is to prevent children and young people being received into care, by expenditure on items such as food and necessary clothing. The proposal is to introduce a policy and framework of spend to introduce consistency and standardisation of spend across Children's Services. The arrangements will be managed through the community support team in Residential and Business Support. A review of welfare support will be undertaken by the Service and where appropriate to do so alternative government funding will be used rather than Council funds. The review including the introduction of a framework and policy will commence September 2022 and be complete by the end of November 2022. The amount of savings will be determined by the framework and policy. Currently it is estimated that there will be £100,000 of savings due to this by the end of 2022/23.
15. There is also a proposal to reduce the number of agency staff by 12 by recruiting to the same number of permanent social workers, which it is estimated will equate to a saving of £125,000. This is a challenging target as for an example a continuous recruitment campaign and a 'Welcome Aboard' payment of £5,000 has only attracted two permanent workers. In addition, in the current climate permanent workers are leaving Middlesbrough as well as other authorities to become agency workers to earn more money particularly in managed teams. An enhanced recruitment drive, including the use of market supplements, is to be implemented shortly. Ofsted have confirmed that we have a good workforce development offer. The challenges of recruiting permanent, experienced social workers is a national one and not particular to Middlesbrough or surrounding authorities.

Legal and Governance (£156,000)

16. Savings of £126,000 will be made by keeping posts vacant within ICT and Democratic Services, and a further £25,000 will be made by charging the cost of two posts to grant funding within Adult Social Care to support project management of preparation for CQC inspections and compliance with the Care Act. In addition, the ICT SLIDO survey system will be cancelled.

Finance (£225,000)

17. Savings of £50,000 will be made by keeping posts vacant within Financial Planning & Support and Finance and Investment, and a further £25,000 by reducing spend within the centralised budget for Council stationery costs. Additional revenue of £150,000 will be achieved by reviewing charging of overheads to grants, applying this wherever possible, and by increasing support service charges to external bodies.

Central (£3,240,000)

18. Savings of £2.7m will be potentially achieved through the adoption of the Flexible Use of Capital Receipts Strategy for 2022/23, which was approved by Council on 7 September 2022. A further saving will be made by leaving uncommitted the remaining £40,000 of the Funding Available for Service Investment created at 2022/23 budget setting, which had previously been earmarked towards Locality Working. A further £500,000 of savings are expected to be achieved through enhanced vacancy management and agency control across all Directorates, this has been accounted for as a central saving for the

purpose of this recovery plan. More detail on this is contained in the following paragraphs.

Progress on vacancy and agency control

19. Arrangements to progress the recruitment to vacant posts and the appointment of agency staff now require collective LMT approval in advance. This arrangement has been in place since August and is intended to bring about added scrutiny to the business need of the Council. It is not a universal restriction on recruitment, but with a focus on ensuring recruitment is conducted with a focus on critical posts. In effect, it is an enhanced vacancy turnover (abatment) factor to those already in place across the Council.
20. It is anticipated that enhanced vacancy management will bring about a further £500,000 reduction in workforce costs over the remainder of the year and this is currently included within the central budget line in the table in paragraph 4 above.

Children's Focus Group

21. This group is member led. To date the discussion has largely focussed on workforce development to consider how the council's own workforce strategy can bring about an improved recruitment and retention offer to stabilise the council's own workforce and to reduce the reliance on agency staff. This intent would benefit both the financial position of the Council and also positively impact the Ofsted Improvement plan. This is planned to provide some £125,000 additional savings in agency costs for the remainder of the year. The revised plans around workforce are included within the Children's recovery plan above.
22. Further work is being developed to consider the future commissioning strategy and market position, however this will impact longer-term financial health rather than provide an immediate cash benefit.
23. Following the proposed recovery plan by Children's Services there are still continuing overspends forecast for the remainder of the year in Children's Services of approximately £6m, however as shown in the table in paragraph 4 these pressures have been significantly offset by the actions of other Directorates.

Flexible Use of Capital Receipts

24. Full Council on 7 September 2022 approved the adoption of a Flexible Use of Capital Receipts Strategy for 2022/23 in support of transformation activity. This flexibility has currently been made available by central government and is in line with the legislation and detailed guidance. The success of the Strategy is dependent on the availability of capital receipts for investment and the demonstration that those transformation projects are able to provide future ongoing revenue savings or reduce future demand for services. Full Council has approved some £2.7m capital receipts as being available for potential flexible use in 2022/23 and this is currently included within the central budget line in the table in paragraph 4 above.

Fees and Charges increases

25. Fees and Charges would usually be increased as part of the budget report in February each year in line with the prevailing inflation rate at the time. However, in order to help the financial position in 2022/23 and the increased rate of inflation that currently exists, it is proposed that Fees and Charges are increased earlier than usual in line with inflation from 1 November 2022, subject to any statutory requirements regarding notice and consultation.
26. Details of the areas of Fees and Charges proposed to be increased from 1 November 2022 are included in Appendix 1. A cautious approach has been taken to estimate the potential additional income that can be achieved in the remainder of 2022/23 taking into account the achievability of each increase and the consultation required and any statutory constraints, with £463,000 being estimated to be achieved by the end of 2022/23. The total per Directorate has been included in the table in paragraph 4.
27. An impact assessment has been completed to assess the proposed Fees and Charges increases (appended to this report at Appendix 2). It found that there were no concerns that these could result in disproportionate adverse impact on groups or individuals because they hold one or more protected characteristics.

Reserves

28. The Social Care Transformation reserve which was created at the end of 2021/22 is held to support the strategic development of Children's and Adults' Social Care services and to mitigate risks of overspend arising from demand. This Reserve currently has a balance of £5m remaining and it was initially intended to be used to support social care improvement in 2023/24. However, it is now forecast that this Reserve will be required to be reduced to approximately £3.4m if the overspend shown in table in paragraph 4 is not recovered during the remainder of this financial year.

What decision(s) are being recommended?

That the Executive:

- Note the progress being made to recover the financial position in 2022/23 by each Directorate
- Approve the recovery plan for 2022/23 as set out in the report
- Note the recovery plan will be used as a benchmark for reporting future budget variations

Rationale for the recommended decision(s)

29. 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.

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

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

Impact(s) of the recommended decision(s)

Legal

31. The proposed recommendations are consistent with and will promote the achievement of the Council's legal duty to achieve Best Value.

Strategic priorities and risks

32. Without adequate financial control, there is a risk that resources will not be aligned to corporate priorities.

33. External financial and economic uncertainty give rise to budget sensitivities and cost fluctuations that might not currently be foreseen but arise during the remainder of this year.

Human Rights, Equality and Data Protection

34. The Public Sector Equality Duty (PSED) (as set out in the Equality Act 2010) places a statutory duty on the Council in exercising its functions, to have regard to the need to:

- eliminate discrimination, harassment and victimisation;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

35. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

36. The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Where proposed decisions may be relevant to one or more of these protected characteristics, the Council is obliged to assess the impact. If there is judged to be an adverse impact on these characteristics that is relevant to the duty above steps are taken to consider whether it can be avoided or mitigated. Where it cannot be avoided or mitigated, a decision can only be taken if it can be justified.

37. The financial recovery plan does not create policy change for service users, clients and customers. The proposed Fees and Charges increases also do not result in disproportionate adverse impact on groups or individuals because they hold one or more protected characteristics.

Financial

38. Financial implications are included in the main body of this report, with a summary of the effect being provided in the table in paragraph 4.

Actions to be taken to implement the recommended decision

| Action | Responsible Officer | Deadline |
|---|---------------------------------|-----------------|
| Implement proposals | Each Director | Immediately |
| Consider requests to appoint to vacancies and procurement of agency staff | LMT | Immediately |
| Implement changes to reduce numbers of agency staff | Director of Children's services | Immediately |
| Implement the proposed increases to fees and charges | Each Director | 1 November 2022 |
| Effect changes to budget management and control | Director of Finance | Immediately |

Appendices

| | |
|---|--|
| 1 | Detail of proposed Fees and Charges increases from 1 November 2022 |
| 2 | Impact assessment of proposed Fees and Charges increases |

Background papers

| Body | Report title | Date |
|-----------|---|---------|
| Council | Revenue Budget, Council Tax, Medium Term Financial Plan, and Capital Strategy 2022/23 | 23/2/22 |
| Executive | Revenue and Capital Budget – Projected Outturn position as at Quarter One 2022/23 | 6/9/22 |
| Council | Flexible Use of Capital Receipts Strategy 2022/23 | 7/9/22 |

Contact: Andrew Humble – Head of Financial Planning & Support
Email: Andrew_Humble@middlesbrough.gov.uk

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Appendix 1 - Detail of proposed Fees and Charges increases from 1 November 2022

| <u>Directorate</u> | <u>Brief Detail</u> | <u>2022/23 Additional Income £000</u> |
|---|---|---|
| <u>Increase in Fees and Charges to other organisations</u> | | |
| Environment and Community Services | Increase in Fees and Charges to other organisations (Health, LAs, schools etc.) in line with inflation | 6.6 |
| Adult Social Care and Public Health | Increase in Fees and Charges to other organisations (Health, LAs, schools etc.) in line with inflation | 35.2 |
| Children's Services | Increase in Fees and Charges to other organisations (Health, LAs, schools etc.) in line with inflation | 17.0 |
| Legal and Governance Services | Increase in Fees and Charges to other organisations (Health, LAs, schools etc.) in line with inflation | 4.2 |
| Finance | Increase in Fees and Charges to other organisations (Health, LAs, schools etc.) in line with inflation | 1.5 |
| <u>Car Parking price increases</u> | | |
| Regeneration and Culture | 10% increase in all long and short stay parking charges (both on and off street), including permits & season tickets (for example £2 long stay at Zetland Car Park increased to £2.30, and most popular short stay 2 hours increase from £1.30 to £1.50) | 62.5 |
| <u>Increased charges to the public</u> | | |
| Environment and Community Services | Bereavement Services - 10% increase in cremation fees (from £820 to £902) and burial fees (from £660 to £726) and memorial items | 103.0 |
| Finance | 10% increase in Council Tax Collection (Court costs/Housing Benefit overpayments) | 87.1 |
| Regeneration and Culture | 10% increase in Culture fees and charges (including Town Hall, Theatre, Newham Grange Leisure Farm, Parks, Museums) | 61.7 |
| Adult Social Care and Public Health | Trading Standards / Environmental Protection - 10% increase in various application, licence, and permit fees | 2.7 |
| Adult Social Care and Public Health | Connect Service - 10% increase in fees charged | 14.1 |
| Environment and Community Services | 10% increase in various fees and charges for Highways, Building Maintenance and Running Costs | 5.8 |
| Environment and Community Services | Area Care - 10% increase in allotment rents | 2.6 |
| Environment and Community Services | My Place - 10% increase in rent and room hire charges | 6.7 |
| Environment and Community Services | Libraries and Community Hubs - 10% increase in charges for fines, other charges, and room hires | 7.6 |
| Finance | Valuation Services - 10% increase in fees for services provided | 7.7 |
| Finance | Adult Social Care Payments and Charging Team - 10% increase in fees charged | 0.9 |
| Legal and Governance Services | Legal Services - 10% increase in fees charged for services provided | 8.6 |
| Legal and Governance Services | Registrars Service - 10% increase in fees for various services provided, e.g. weddings, birth/deaths, etc. (where not statutory controlled) | 10.6 |
| Children's Services | Stainsby Nursery - 10% increase in fees charged | 12.7 |
| Regeneration and Culture | Concessionary Fares - 10% increase in charge for passes | 0.5 |
| Regeneration and Culture | Highways Service Management - 10% increase in various charges | 3.7 |
| Regeneration and Culture | BOHO - 10% increase in charges to tenants for landlord charges | 0.4 |
| | | 463.2 |
| <u>TOTAL PER DIRECTORATE</u> | | |
| Regeneration and Culture | | 129 |
| Environment and Community Services | | 132 |
| Adult Social Care and Public Health | | 52 |
| Children's Services | | 30 |
| Legal and Governance Services | | 23 |
| Finance | | 97 |
| | | 463 |

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Appendix 2 - Impact assessment of proposed Fees and Charges increases

Impact Assessment Level 1: Initial screening assessment

| | | | | |
|--|--|--|--|---|
| Subject of assessment: | To assess the proposal to apply a mid-year increase to a range of fees and charges levied by the Council | | | |
| Coverage: | Cross cutting | | | |
| This is a decision relating to: | <input type="checkbox"/> Strategy | <input type="checkbox"/> Policy | <input type="checkbox"/> Service | <input type="checkbox"/> Function |
| | <input type="checkbox"/> Process/procedure | <input type="checkbox"/> Programme | <input type="checkbox"/> Project | <input checked="" type="checkbox"/> Review |
| | <input type="checkbox"/> Organisational change | <input type="checkbox"/> Other (please state) | | |
| It is a: | New approach: | <input type="checkbox"/> | Revision of an existing approach: | <input checked="" type="checkbox"/> |
| It is driven by: | Legislation: | <input type="checkbox"/> | Local or corporate requirements: | <input checked="" type="checkbox"/> |

- **Key aims, objectives and activities**

To assess the proposal to increase the range of fees and charges undertaken for the following services:

- Increase in Fees and Charges to other organisations (Health, LAs, schools etc.)
- 10% increase in all long and short stay parking charges (both on and off street, including permits and season tickets (e.g. £2 long stay at Zetland increased to £2.30, and most popular short stay 2 hours increase from £1.30 to £1.50)
- Bereavement Services - 10% increase in cremation fees (from £820 to £902) and burial fees (from £660 to £726) and memorial items
- Council Tax Collection (Court costs/Housing Benefit overpayments)
- 10% increase in Culture fees and charges(including Town Hall, Theatre, Newham Grange Leisure Farm, Parks, Museums)
- Trading Standards / Environmental Protection - 10% increase in various application, licence, permit fees
- ASC Connect Service - 10% increase in fees charged
- ECS - 10% increase in various fees and charges for Highways, Building Maintenance and Running Costs
- Area Care - 10% increase in allotment rents
- My Place - 10% increase in rent and room hire charges
- Libraries and Community Hubs - 10% increase in charges for fines, other charges, and room hires
- Valuation Services - 10% increase in fees for services provided
- ASC Payments and Charging Team - 10% increase in fees charged
- Legal Services - 10% increase in fees charged for services provided
- Registrars Service - 10% increase in fees charged for various services provided, e.g. weddings, birth/deaths, etc. (where not statutory controlled)
- Stainsby Nursery - 10% increase in fees charged
- Concessionary Fares – 10% increase in charge for passes
- Highways Service Management - 10% increase in various charges
- BOHO – 10% increase in charges to tenants for landlord charges

- **Statutory drivers**

Relevant legislation includes but is not restricted to Care Act 2014, Local Governance and Finance Act 1992, Public Libraries and Museum Act 1964, Allotment and Small Holdings Act 1908, Cremation Act 1902.

- **Differences from any previous approach**

The proposal is to raise charges for these services generally by 10% in line with the current rate of inflation or as indicated above.

- **Key stakeholders and intended beneficiaries (internal and external as appropriate)**

Users of these services.

- **Intended outcomes.**

That the services are able to continue to deliver services that meet customer needs with appropriate charges that reflect the increased cost of providing these services.

| | |
|-----------------------------|---------------------------------|
| Live date: | 1 November 2022 |
| Lifespan: | 1 November 2022 – 31 March 2023 |
| Date of next review: | February / March 2023 |

| Screening questions | Response | | | Evidence |
|--|-------------------------------------|--------------------------|--------------------------|---|
| | No | Yes | Uncertain | |
| Human Rights Could the decision impact negatively on individual Human Rights as enshrined in UK legislation? * | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>The proposal will not impact on human rights.</p> <p>Evidence to support this position includes, knowledge of the fees and charges made and protections in place for those less able to pay where applicable.</p> |
| Equality Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups? * | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>The Council has a duty to consider the impact of the proposal on relevant protected characteristics to ensure it has due regard to the public sector equality duty. The duty means the Council must have due regard when taking decisions to the need to:</p> <p>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</p> <p>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</p> <p>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p> <p>In having due regard to the need to advance equality of opportunity, the Council must consider, as part of a single equality duty:</p> <ul style="list-style-type: none"> removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it; and encouraging people who share a protected characteristic to participate in public life or in any other activity in which participation is low. <p>Because of the nature of the proposals, the proposal is relevant to the age protected characteristic. However, there are no concerns that there could a disproportionate adverse impact on this group as a result of changes to the charges as there are a range of mitigations in place for those less able to pay. Evidence to support this position includes, knowledge of the market, and the protections in place for those less able to pay.</p> |

* Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.

| Screening questions | Response | | | Evidence |
|--|--|-----|-------------------------|---|
| | No | Yes | Uncertain | |
| Community cohesion Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town? * | ☒ | ☐ | ☐ | Not directly relevant to decision. There are no concerns the proposals could impact on community cohesion. The proposal will ensure the Council's approach to provision of services continues to be sustainable. Evidence to support this position includes, knowledge of the market, and the protections in place for those less able to pay. |
| Next steps: ➡ If the answer to all of the above screening questions is No then the process is completed. ➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed. This assessment has indicated that there is sufficient information to assess the impact and that there will be no disproportionate negative impact on a group or individual because they hold a protected characteristic. In line with guidance, review proposals will now be subject to consultation. If these consultations identify any unforeseen concerns about the possibility of a disproportionate impact, the impact assessment process will be revisited. | | | | |
| Assessment completed by: | Andrew Humble – Head of Financial Planning & Support | | Head of Service: | N/A |
| Date: | 29/9/2022 | | Date: | N/A |

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| MIDDLESBROUGH COUNCIL |  |
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| Report of: | The Mayor Chief Executive |
| Submitted to: | Executive |
| Date: | 18 October 2022 |
| Title: | Town Centre Strategy (targeted support) |
| Report for: | Decision |
| Status: | Public |
| Strategic priority: | Town centre |
| Key decision: | Yes |
| Why: | Decision(s) will incur expenditure or savings above £150,000 |
| Urgent: | No |
| Why: | Not Applicable |

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| Executive summary | |
| <p>High streets and town centres have 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 are evident and as the most significant town centre in the Tees Valley, Middlesbrough is not immune to these issues.</p> <p>We have ambition to create a bright future for our 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 are underway to achieve this it is vital that the town centre provides a clean and safe environment that encourages people to return.</p> <p>Perceptions of safety and crime rates significantly influence the vitality and viability of a centre. Stable major brands and independent businesses are affected by these and if</p> | |

left unattended there is a risk that this will damage our progress in transforming, adapting and recovering the high street economy.

It is therefore critical that these issues are 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 is proposed that a pilot programme is 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.

Purpose

1. The purpose of this paper is to seek Executive approval for a new partnership approach to tackle town centre anti-social behaviour and crime to sustain and to protect the transformation of Middlesbrough Town Centre. The report also seeks executive approval to secure circa. £1.1 million from Tees Valley external funding resources to aid the delivery of this ambition.

Background and relevant information

2. Like many high streets across the country, Middlesbrough town centre is vulnerable. The Covid 19 pandemic, coupled with deep-rooted consumer behavioural changes, means that town centres must **diversify their offer to remain relevant in the modern world.**
3. Middlesbrough has a strong strategic vision to transform the town centre economy through a process of giving more reasons for people to use the town centre to live, work, learn and enjoy leisure but we **must** get the basics right and tackling anti-social behaviour (ASB) and crime is key.
4. National economic forces have contributed to some of the recent departures of major brands from the high street, but we cannot hide behind this. Stable major brands and independent businesses are questioning whether they continue to trade in Middlesbrough and these economic issues are being exacerbated by very poor perceptions of crime, nuisance and antisocial behaviour. Left unaddressed will be no hope to transform, adapt and recover the high street economy.
5. Perceptions of safety and crime rates significantly influence the vitality and viability of a centre. For example, high ASB and crime rates can not only impact on public health and admissions to A&E, but lack of safety can also affect the economic health of a centre as visitors may refrain from staying late or venturing to the centre at all.
6. Statistics help, but they only go so far. On paper, Middlesbrough Town Centre ASB and crime rates have reduced in recent times, but this is absolutely irrelevant if visitors, businesses and residents have a perception that crime and ASB is prevalent. A number of meetings have taken place with a selection of town centre businesses and it is clear that business confidence requires improving.

Current Town Centre ASB Resource

7. Middlesbrough Council has not allowed this to happen without a response, but it is clear that the approach needs to be radically changed to address current issues.

8. Currently, Middlesbrough Council directly funds a dedicated resource of:
 - a) 4x Street Wardens
 - b) 2x Police Officers (Funded via IGF until March 2023)
 - c) Cleveland Police match this provision with 2 officers
9. Whilst this resource is directed to the town centre, it can be inconsistent. Similarly, the Police Officers can be drawn out of the centre in response to urgent or major issues. It is clear that a greater level of cover is required.
10. In addition, this resource is spread thinly over a significant area and largely covers office hours. Of course, issues extend beyond daytime periods and this needs to be properly reflected in any new planning.

Strategic Stakeholders

11. Whilst everyone looks to Middlesbrough Council to lead on the response to town centre perceptions, it is the responsibility of all town centre stakeholders to play their part. Working with strategic institutions and partners, we aim to deliver a coherent and collaborative response. As a minimum, we need constant information and dialogue with businesses so that all issues are reported and acknowledged.
12. To ensure there is dialogue between town centre businesses, partners and Middlesbrough Council, quarterly crime and ASB meetings have been set up and a monthly E-newsletter is now published.
13. In July 2022 Middlesbrough Council hosted an ASB and Crime Workshop with town centre businesses to explore new approaches to tackling town centre issues. The output is an action plan that seeks to divert, reduce and better enforce issues that affect business confidence.
14. Together, these partners can align intelligence, resources, communications and assets to tackle crime and ASB in Middlesbrough, through an agreed, and accountable, plan of action.

Feedback and Action Plan

15. Having listened to strategic partners and stakeholders, the Council has developed a coordinated action plan, based on the key issues, as identified by businesses and partners. This forms the framework for US ALL to follow, not just for Middlesbrough Council to deliver.

16. This plan has been costed and will provide the basis for some dedicated investment in dialogue with TVCA, to fund the required measures for a minimum of the next two years. This period will allow the plans, priorities and actions to be refined and adapted to ensure that they are as effective as possible. This will then provide the groundwork for a more permanent response and solution.

Impact and evaluation

17. We need to agree on a set metrics to demonstrate performance and impact. These need to benchmark current performance and perceptions prior to these interventions and can be easily measured throughout the lifetime of the project.

18. The new working arrangements, if successful could provide a proof of concept for the implementation of a Business Improvement District (BID), which would provide future funding. To enable this we must ensure that measurable impacts that have a tangible value for businesses and demonstrate real additional value are developed.

Proposed enhancements

19. Building on the outcomes and understanding of the dedicated focused operations in the town centre, an enhanced enforcement model has been developed in order to enhance responses to crime and ASB. This will be a mix of dedicated police resource and newly created town centre enforcement staff who will have a greater range of powers than those currently held by Street Wardens. The use of enhanced mobile CCTV will be part of this approach.

20. The town centre has one of the highest rates of youth-related ASB in the borough and as such, the plan includes the introduction of a floating youth service resource to work with young people who are involved in inappropriate activity within the town centre.

21. The new approach will also see an increase in cleaning activity that will also include deep cleans of the town centre. The cleaning team will be expanded to include additional staff who will undertake “concierge” type activity and other functions such as the jet washing of areas.

22. A range of cultural activities will be introduced into the town centre to encourage further footfall; animate unused or unlit spaces and create vibrancy and interest.

23. A focused programme of marketing and communications as well as promotions that build on successful events such as restaurant week will be developed to increase the awareness of the offer of the town centre and encourage new visitors and increased visits by those who already use the town centre.

24. A range of physical improvements to the town including enhanced lighting will be explored.

25. After this time, and having refined the operational model, these working arrangements aim to demonstrate efficacy and value for money; with the further aim of demonstrating the benefit of this approach to businesses and residents, as a potential basis of a BID.

26. A summary of the enhancements is provided below:

| Resource | Cost (over 2 years) |
|--|--|
| Reshaping the existing town centre team to include a Strategic Town Centre Manager role to steer town centre activity and influence all town centre service delivery | Any additional costs to be met by existing Economic Growth and Infrastructure budget |
| 3 extra PC's Working: Monday-Saturday: 8:00 am – 6:00 pm Sunday: 10:00 am – 4:00 pm | £340,000 |
| 4 new Town Centre Enforcement Officers and re-designation of existing town centre street wardens x 8 Working: Monday-Saturday: 8:00 am – 6:00 pm Sunday: 10:00 am – 4:00 pm | £280,000 |
| New Caretaking Team staff x 2 | £128,000 |
| Extend public spaces protection order (PSPO) in town centre | £2,000 |
| Launch promotional campaign focused on not to give money to beggars | £5,000 |
| Increase CCTV in the town centre | £15,000 |
| Marketing and Communications budget for dedicated town centre marketing and communications | £20,000 |
| Implement floating youth support | £60,000 |
| Light key routes and arrival points | £30,000 |
| Small grants programme for business-led initiatives to deal with causes of ASB | £20,000 |

| | |
|---|-------------------|
| Orange Pip and other market development | £50,000 |
| Annual deep clean of town centre | £40,000 |
| Cover cost of Middlesbrough Retail Crime Partnership (MRCP) Membership for 100 town centre businesses | £20,000 |
| Programme of initiatives offering discounts/promotions i.e. Teesside Restaurant Week | £10,000 |
| Implement culture and arts programme to animate town centre and increase footfall | £100,000 |
| TOTAL | £1,120,000 |

What decision(s) are being recommended?

That the Executive:

- endorse the approach of the pilot scheme over 2 years
- approve Middlesbrough Council being the accountable body for Tees Valley external funding.

Rationale for the recommended decision(s)

27. Detailed engagement and consultation with town centre businesses, residents and stakeholders have made it clear that perceptions of ASB and crime are considered a significant barrier to existing businesses and inward investment. Left unaddressed will mean no hope to transform, adapt and recover Middlesbrough's Town Centre economy.

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

28. n/a

Impact(s) of the recommended decision(s)

Legal

29. The only legal impact is the extension of the Public Spaces Protection Order (PSPO) in the TS1 area. Following consultation with businesses, residents and visitors, a separate report will be taken to single member executive for decision in November 2022.

Strategic priorities and risks

30. The aim of a co-ordinated town centre team is to provide additionality by establishing new capacity and resources to deliver Middlesbrough's strategic ambitions.
31. This approach underpins the emerging Mayoral Development Company (MDC), which will open new funding opportunities to maintain regeneration momentum and make central Middlesbrough a strategic priority for the entire Tees valley.
32. The MDC is anticipated to deliver major regeneration schemes only. Day to day support and administration of the Town Centre is anticipated to stay with Middlesbrough Council. Specialist capacity and resources will supplement the regeneration service and its functions, with significant and major regeneration initiatives continuing to be delivered in-house.

Human Rights, Equality and Data Protection

33. No Human Rights, Equality or Data Protection issues arise from this report. Any equality impact assessment will be completed as part of the PSPO extension report.

Financial

34. The pilot will not impact on core Council budgets. £600,000 will be sourced from the Indigenous Growth Fund provided by Tees Valley Combined Authority to aid economic growth and a further £520,000 from the community allocation of the Tees Valley Shared Prosperity Fund, which is specifically targeted at town centres.

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

See appendix A

Appendices

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| 1 | Appendix A: Town Centre ASB and Crime Action Plan |
| 2 | |
| 3 | |

Background papers

| Body | Report title | Date |
|------|--------------|------|
| | | |

Contact:

Email: tony_parkinson@middlesbrough.gov.uk

Middlesbrough Town Centre Crime and Anti Social Behaviour Action Plan

| Ref | Strategic Action | Lead | Cost (over 2 years) | Start Date | End Date |
|---|---|-----------------------------------|---------------------|------------|----------|
| Improve our response to crime and ASB incidents: | | | | | |
| A01 | Dedicated Town Centre Response Team to respond to crime and ASB demand | Geoff Field | £620,000 | 16.09.22 | 1.12.22 |
| A02 | Extend Public Spaces Protection Order (PSPO) in TS1 area | Marion Walker | £2,000 | 23.09.22 | 25.11.22 |
| A03 | Ensure consistent use of legal powers - Monitor use of Community Protection Notice (CPN), PSPO, PCN, Closure Orders, Civil Injunction and Criminal Behaviour Orders | Geoff Field | £0 | On-going | On-going |
| A04 | Review MRCP / Shopwatch arrangements | Michelle McPhee | £20,000 | 18.07.22 | 31.12.22 |
| Reduce instances of crime and ASB: | | | | | |
| B01 | Promotional campaign focused on not to give money to beggars | Michelle McPhee | £5,000 | 8.08.2022 | 31.10.22 |
| B02 | Review temporary accommodation provision for vulnerable individuals | Erik Scollay | £0 | 16.09.22 | 31.10.23 |
| B03 | Consider drop-in multi-disciplinary centres | Erik Scollay | £0 | 1.10.22 | 1.12.22 |
| B04 | Investigate limiting sale of cheap alcohol/reducing the strength campaign | Judith Hedgley | £0 | 13.09.22 | 18.12.22 |
| B05 | Directory of support services for all agencies | Michelle McPhee | £0 | 10.08.22 | 14.10.22 |
| B06 | Increase CCTV in town centre | Geoff Field | £15,000 | 1.12.22 | 31.03.24 |
| B07 | Youth provision in town centre | Sue Butcher | £60,000 | 1.08.22 | 30.11.22 |
| B08 | Town Centre Ambassadors - R&D Phase Only | Gaye Kirby/Leanne Littlewood | £0 | 3.10.22 | 31.12.22 |
| B09 | Light key routes and arrival points | Geoff Field | £30,000 | 1.10.22 | 31.03.23 |
| B10 | To liaise with the courts to re-establish the Court User Group | Charlotte Benjamin | £0 | 13.09.22 | 06.01.23 |
| B11 | Small grants programme for initiatives to deal with causes of ASB | Michelle McPhee | £20,000 | 5.09.22 | 31.10.22 |
| B12 | Explore introducing a night time economy advisory role to support other licensed premises in the town centre | Michelle McPhee | £0 | 1.11.22 | 16.01.23 |
| Improve intelligence around crime and ASB: | | | | | |
| C01 | Work with RSLs and other landlords to improve information sharing, tenant action, persistent offender information | Geoff Field | £0 | 21.10.22 | 11.11.22 |
| C02 | Ensure there is an appropriate communication plan in place between Middlesbrough Council and town centre businesses | Michelle McPhee | £0 | 08.06.22 | Complete |
| C03 | Create town centre narrative by submissions to ASB mailbox | Michelle McPhee | £0 | 06.06.22 | On-going |
| Increase footfall in town centre: | | | | | |
| D01 | Promote free car parking in town centre to businesses and visitors | Richard Horniman | £0 | 1.10.22 | 30.12.22 |
| D02 | Publicity / Marketing campaign and associated town centre branding | Michelle McPhee | £0 | 14.09.22 | 14.02.23 |
| D03 | Programme of initiatives offering discounts/promotions i.e. Teesside Restaurant Week | Michelle McPhee | £10,000 | 5.09.22 | 31.03.24 |
| D04 | Art in Shop Windows | Gaye Kirby | £31,000 | 31.10.22 | 30.06.23 |
| D05 | Pilot Comms Programme - Young People | Gaye Kirby | £14,000 | 31.10.22 | 31.03.23 |
| D06 | Programme of animation for key town centre locations | Gaye Kirby | £40,000 | 31.10.22 | 28.02.24 |
| D07 | My Boro, My Shirt | Gaye Kirby | £15,000 | 30.09.22 | 30.09.23 |
| D08 | Annual deep clean of town centre | Geoff Field | £40,000 | 1.11.22 | 31.05.23 |
| D09 | Develop Orange Pip Market and introduce other markets to the town centre | Michelle McPhee/Leanne Littlewood | £50,000 | 1.11.22 | 31.12.22 |
| D10 | Marketing and Communications budget for dedicated town centre marketing and communications | Andrew Glover | £20,000 | 1.11.22 | 31.12.22 |
| D11 | Evolve existing cleaning team into ambassadorial/caretaking team and increase from 6 to 8 members of staff | Geoff Field | £128,000 | 16.10.22 | 31.03.23 |

£1,120,000

| Strategic Outcome | Strategic Action | Lead | Activity Start | Activity End | Cost |
|-------------------|--|-----------------------------|--------------------------------------|--------------|-----------------|
| A01 | Dedicated Town Centre Response Team to respond to crime and ASB demand | | | | £620,000 |
| Milestone A01-01 | Produce proposal for new dedicated town centre response team (including roles and costs) | Geoff/Marion | 16/09/22 | 14/10/22 | |
| Milestone A01-02 | Produce job description and induction process for new street warden role and explore shadowing RCO role | Marion/Dale | 16/09/22 | 28/10/22 | |
| Milestone A01-03 | Confirm configuration of new Town Centre response team including operating hours etc | Geoff /Marion | 24/10/22 | 18/10/22 | |
| Milestone A01-04 | Write Executive Report | Geoff Field | 27/09/22 | 05/10/22 | |
| Milestone A01-05 | Take to Exec for decision | Geoff Field | 18/10/22 | 18/10/22 | |
| Milestone A01-06 | Start process to implement the new model | Marion/Dale | 01/11/22 | 01/12/22 | |
| A02 | Extend Public Spaces Protection Order (PSPO) in TS1 area | | | | £2,000 |
| Milestone A02-01 | Produce consultation questionnaire re extension of PSPO in TS1 | Marion Walker/Jane Hill | 23/09/22 | 27/09/22 | |
| Milestone A02-02 | Go live with consultation online | Marion Walker/Jane Hill | 28/09/22 | 26/10/22 | |
| Milestone A02-03 | Draft extension to order | Catherine Cunningham | 15/09/22 | 27/09/22 | |
| Milestone A02-04 | Issue press release and promote survey - distribute paper copies to Newport Hub and Central Library with posters | Andrew Glover/Marion Walker | 28/09/22 | 26/10/22 | |
| Milestone A02-05 | Analyse survey response data | Elaine Pattinson | 26/10/22 | 31/10/22 | |
| Milestone A02-06 | Produce LMT report to present findings of consultation and make recommendations re PSPO extension | Marion Walker | 31/10/22 | 04/11/22 | |
| Milestone A02-07 | Take report to LMT | Geoff Field | 10/11/22 | 10/11/22 | |
| Milestone A02-08 | Take report to Exec Member | Geoff Field | 11/11/22 | 11/11/22 | |
| Milestone A02-09 | Take Report to single Member Exec for decision | Geoff Field | 14/11/22 | 14/11/22 | |
| Milestone A02-10 | Implement PSPO Extension | Marion Walker | 25/11/22 | 25/11/25 | |
| A03 | Ensure consistent use of legal powers - Monitor use of Community Protection Notice (CPN), PSPO, PCN, Closure Orders, Civil Injunction and Criminal Behaviour Orders | | | | £0 |
| Milestone A03-01 | Linked to A01 - ensure this action is completed | Marion Walker | 16/09/22 | | |
| Milestone A03-02 | Recruit if appropriate (depending on option) | Dale Metcalfe | 01/11/22 | 31/11/2022 | |
| Milestone A03-03 | Train staff | Dale Metcalfe | 01/12/22 | 23/12/22 | |
| Milestone A03-04 | Brand team | Dale Metcalfe | 01/12/22 | 23/12/22 | |
| Milestone A03-05 | Record data on CPN, PSPO, PCN, closure orders, civil injunctions and criminal behaviour orders used in the town centre | Dale Metcalfe | on-going | on-going | |
| Milestone A03-06 | Monitor use of legal powers within team monthly | Dale Metcalfe | on-going | on-going | |
| Milestone A03-07 | Report to monthly ASB and Crime working group (that Tony Chairs) | Geoff Field | 26.10.22 | 31.03.24 | |
| B06 | Increased CCTV in town centre | | | | £15,000 |
| Milestone B06 -01 | CCTV provision is already wide spread across the town we will deploy rapid cameras where required | Geoff Field | 01/12/22 | ongoing | |
| Milestone B06 -02 | Identify locations for £15k budget based on police recorded data and working with businesses - Has to be a legal basis for installing i.e. must be data driven | Dale Metcalfe | ongoing from time we receive cameras | | |
| Milestone B06 -03 | Order cameras/poles | Dale Metcalfe | as and when required | | |
| Milestone B06 -04 | Install cameras | Dale Metcalfe | as and when required | | |
| B09 | Light key routes and arrival points | | | | £30,000 |
| Milestone 01 | Initial concept design | Geoff Field | 1.10.2022 | Nov-22 | |
| Milestone 02 | internal discussions re funding for additional animation November 2022 | Geoff Field | 1.11.23 | Dec-22 | |
| Milestone 03 | Subject to above we can define implementation plan | Geoff Field | 1.02.23 | Mar-23 | |
| C01 | Work with RSLs and other landlords to improve information sharing, tenant action, persistent offender information | | | | £0 |
| Milestone 01 | Initial meeting with Thirteen and other RSLs to look at consistent approach to enforcement | Geoff/Marion/Kay Glew | 21/10/22 | 21/10/22 | |
| Milestone 02 | Operational officer meeting to embed consistent approach following strategic meeting | Dale/Jane | 11/11/22 | 11/11/22 | |
| Milestone 03 | Monitor monthly data via AIM and direct resources appropriately - Take action | Geoff/Marion | Monthly | Monthly | |
| Milestone 04 | Report to monthly ASB and Crime working group (that Tony Chairs) | Geoff Field | Monthly | Monthly | |
| D08 | Annual deep clean of town centre | | | | £40,000 |
| Milestone 01 | Define deep clean plan | Andrew Mace | 01/11/22 | Dec-22 | |
| Milestone 02 | Undertake annual deep clean (including street washing) to commence after winter gritting etc has ended. | | 01/01/23 | May-23 | |
| D11 | Evolve existing cleaning team into Ambassadorial/Caretaking team and increase from 6 to 8 members of staff | | | | £128,000 |
| Milestone 01 | Take report to Executive | Geoff Field | 16/10/22 | Nov-22 | |
| Milestone 02 | Begin recruitment of staff (internal) | Geoff Field | 25/10/22 | Dec-22 | |
| Milestone 03 | Introduce new team approach | Geoff Field | 01/01/23 | Jan-23 | |
| Milestone 04 | Commence training of additional training needs | Geoff Field | 01/02/23 | Mar-23 | |

| Strategic Outcome | Strategic Action | Lead | Activity Start | Activity End | Cost | Notes |
|-------------------|--|--------------------------------|----------------|--------------|----------------|--|
| A04 | Review MRCP/Shopwatch arrangements | | | | £20,000 | |
| Milestone 01 | Re-establish MRCP | Michelle McPhee | 18.07.22 | 12.08.22 | | |
| Milestone 02 | Middlesbrough Council represented at MRCP steering group meetings | Michelle McPhee | 10.08.22 | 31.03.23 | | |
| Milestone 03 | Inform town centre businesses about MRCP and how they can join | Michelle McPhee | 7.09.22 | 13.09.22 | | |
| Milestone 04 | Cover subscription fee for up to 200 town centre businesses (over 2 years) | Michelle McPhee | 3.10.22 | 5.12.22 | | |
| B01 | Promotional campaign focused on not to give money to beggars | | | | £5,000 | |
| Milestone 01 | Refresh previous campaign | Michelle McPhee | 8.08.22 | 5.09.22 | | |
| Milestone 02 | Identify costs to relaunch and budget | Michelle McPhee | 12.09.22 | 16.09.22 | | |
| Milestone 03 | Launch campaign | Michelle McPhee | 3.10.22 | 14.10.22 | | |
| B05 | Directory of support services for all agencies | | | | £0 | |
| Milestone 01 | Collate information on to one document | Julie Pearce | 10.08.22 | 12.08.22 | | |
| Milestone 02 | List information on Middlesbrough Council Website | Andrew Glover | 16.09.22 | 30.09.22 | | |
| Milestone 03 | Make businesses and residents aware of directory of support and how to access via communications and social media | Michelle McPhee | 3.10.22 | 14.10.22 | | |
| B08 | Town Centre Ambassadors - R&D Phase Only | | | | £0 | R&D Phase to establish model and cost of running this programme. NB No money required for this phase, just time. |
| Milestone 01 | Engage with potential community partners & stakeholders who are well-placed to support the programme | Leanne Littlewood / Gaye Kirby | Oct-22 | Oct-22 | | |
| Milestone 02 | Develop and cost an operating model including how volunteers will be recruited, managed and supported | Leanne Littlewood / Gaye Kirby | Nov-22 | Dec-22 | | |
| B11 | Small grants programme for initiatives to deal with causes of ASB | | | | £20,000 | |
| Milestone 01 | Identify budget (proposed grant pot £20,000) | Michelle McPhee | 5.09.22 | 19.09.22 | | |
| Milestone 02 | Produce grant criteria | Michelle McPhee | 26.09.22 | 03.10.22 | | |
| Milestone 03 | Produce grant documentation | Sharon Barker | 10.10.22 | 17.10.22 | | |
| Milestone 04 | Launch grant scheme as part of existing small grant scheme | Sharon Barker | 24.10.22 | 31.10.22 | | |
| B12 | Explore introducing a night time economy advisory role to support other licensed premises in the town centre | | | | £0 | |
| Milestone 1 | Look at best practice in other towns and cities | Michelle McPhee | 1.11.22 | 1.12.22 | | |
| Milestone 2 | Liase with Head of Public Protection and Licensing Manager to introduce advisory role | Michelle McPhee | 1.12.22 | 16.01.23 | | |
| C02 | Ensure there is an appropriate communication plan in place between Middlesbrough Council and town centre businesses | | | | £0 | |
| Milestone 01 | Quarterly ASB and Crime meetings with town centre businesses and Cleveland Police | Michelle McPhee | 08.06.22 | 31.03.23 | | |
| Milestone 02 | Create E-Newsletter to go to town centre businesses every 6 weeks | Andrew Glover | 8.06.22 | 31.03.23 | | |
| C03 | Create town centre narrative by submissions to ASB mailbox | | | | £0 | |
| Milestone 01 | Produce key contact list for town centre businesses to report crime and ASB | Michelle McPhee | 2.03.22 | 6.06.22 | | |
| Milestone 02 | Make businesses aware of the ASB e-mail address and encourage them to inform Middlesbrough Council of ASB incidents | Michelle McPhee | 6.06.22 | 8.06.22 | | |
| Milestone 03 | Monitor ASB inbox and collate town centre ASB incidents | Dean Moore | 8.06.22 | 31.03.23 | | |
| D01 | Promote free car parking in town centre to businesses and visitors | | | | £0 | |
| Milestone 01 | Promote existing free parking to residents to coincide with increase in fees publicity and the run-up to Christmas | Andrew Glover | 1.10.22 | 30.12.22 | | |
| Milestone 02 | Promote to town centre businesses including informing them how residents are receiving the information | Andrew Glover | 1.10.22 | 30.12.22 | | |
| D02 | Publicity/Marketing campaign and associated town centre branding | | | | £0 | *to be handed over TCVA as part of MDC |
| Milestone 01 | Audit of town centre to identify available sites | Michelle McPhee | 14.09.22 | 14.09.22 | | |
| Milestone 02 | Cost campaign | Andrew Glover | 14.09.22 | 28.09.22 | | |
| Milestone 03 | Explore branding options | Andrew Glover | 3.10.22 | 31.03.22 | | |
| Milestone 04 | Get relevant permissions (if applicable) | Michelle McPhee | 7.11.22 | 28.11.22 | | |
| Milestone 05 | Launch campaign | Andrew Glover | 2.01.23 | 14.02.23 | | |
| D03 | Programme of initiatives offering discounts/promotions i.e. Teesside Restaurant Week | | | | £10,000 | |
| Milestone 01 | Launch first TSRW event in partnership with TSRW founders | Michelle McPhee | 5.09.22 | 9.09.22 | | |
| Milestone 02 | Launch further 3 TSRW events | Michelle McPhee | Nov-22 | May-23 | | |
| Milestone 03 | Launch other initiatives offering discounts and promotions | Michelle McPhee | 1.01.23 | 31.03.24 | | |

| | | | | | | | |
|--------------|--|--|----------|----------|--|------------------|---|
| D04 | Art in Shop Windows | | | | | 31,000.00 | For 12 months of activity - opportunities to display existing work as well as one or two commissions. |
| Milestone 01 | Secure agreements from key property owners to use shop windows, including MBC, HillStreet Centre, Stuart Monk and Alistair Powell | Michelle McPhee | 31.10.22 | Nov-22 | | | |
| Milestone 02 | Establish a process of curating the spaces with the Cultural Partnership | Gaye Kirby | Oct-22 | Oct-22 | | | |
| Milestone 03 | Create a programme for the first year, including progressing conversations with Historic England about hosting their 'Picturing England's High Streets' window displays. | Gaye Kirby | Oct-22 | Nov-22 | | | |
| Milestone 04 | Launch the first phase of installations (mth 1-3) | Gaye Kirby | Jan-23 | Mar-23 | | | |
| Milestone 05 | Launch the second phase of installations (mth 4-6) | Gaye Kirby | Apr-23 | Jun-23 | | | |
| | | | | | | | |
| D05 | Pilot Comms Programme - Young People | | | | | 14,000.00 | £2k each for partners, plus £2k for marketing collateral |
| Milestone 01 | Develop brief | Andrew Glover | Oct-22 | Nov-22 | | | |
| Milestone 02 | Engage delivery partners | Andrew Glover | Nov-22 | Dec-22 | | | |
| Milestone 03 | Launch pilot | Andrew Glover | Feb-23 | Mar-23 | | | |
| Milestone 04 | Evaluation of pilot | Andrew Glover | Apr-23 | Apr-23 | | | |
| | | | | | | | |
| D06 | Programme of animation for key town centre locations | | | | | 40,000.00 | For year 1 programme: 1 activity each month |
| Milestone 01 | Engage with delivery partners | Holly Glover | Oct-22 | Nov-22 | | | |
| Milestone 02 | Curate year 1 programme | Holly Glover | Nov-22 | Jan-23 | | | |
| Milestone 03 | Deliver Year 1 programme | Holly Glover | Feb-23 | Jan-24 | | | |
| Milestone 04 | Evaluation of year 1 programme | Holly Glover | Feb-24 | Feb-24 | | | |
| | | | | | | | |
| D07 | My Boro, My Shirt | | | | | 15,000.00 | For phases 1 & 2 |
| Milestone 01 | Agree partnership, including roles/responsibilities and any third party funding, with MFC, Rob Nichols, Borderlands and MBC | Holly Glover | Sep-22 | Sep-22 | | | |
| Milestone 02 | Scope Phase 1: Digital portraits | Holly Glover | Sep-22 | Oct-22 | | | |
| Milestone 03 | Deliver Phase 1: Digital portraits | Holly Glover | Oct-22 | Dec-22 | | | |
| Milestone 04 | Scope Phase 2: Temporary Installations | Holly Glover | Jan-23 | Mar-23 | | | |
| Milestone 05 | Deliver Phase 2: Temporary Installations | Holly Glover | Apr-23 | Sep-23 | | | |
| | | | | | | | |
| D09 | Develop Orange Pip Market and introduce other markets to the town centre | Michelle McPhee/Leanne Littlewood | | | | £50,000 | |
| Milestone 01 | Produce Orange Pip development plan for 2023 | Michelle McPhee/Leanne Littlewood | 1.11.22 | 31.12.22 | | | |
| Milestone 02 | Produce proposal and costings for introducing other markets in the town centre | Michelle McPhee/Leanne Littlewood | 1.11.22 | 31.12.22 | | | |
| | | | | | | | |
| D10 | Marketing and Communications budget for dedicated town centre marketing and communications | | | | | £20,000 | |
| Milestone 01 | Develop plan | Andrew Glover | Nov-22 | Dec-22 | | | |
| Milestone 02 | Introduce new materials based on openings and events | Andrew Glover | Ongoing | Ongoing | | | |

| Strategic Outcome | Strategic Action | Lead | Activity Start | Activity End | Cost |
|-------------------|---|----------------|----------------|--------------|------|
| B02 | Review temporary accommodation provision for vulnerable individuals | | | | |
| Milestone 01 | Review Temp Accom Model | Erik Scollay | 16.09.22 | 31.03.23 | £0 |
| Milestone 02 | Undertake Tender Process | Erik Scollay | 01.04.23 | 30.06.23 | £0 |
| Milestone 03 | Implement new model | Erik Scollay | 01.07.23 | 31.10.23 | £0 |
| B03 | Consider drop-in multi-disciplinary centres | | | | |
| Milestone 01 | Establish project group and scope proposal | Erik Scollay | 01.10.22 | 01.12.22 | £0 |
| B04 | Investigate limiting sale of cheap alcohol/reducing the strength campaign | | | | |
| Milestone 01 | Review the current records of survey work carried out of off licences in Central and Newport ward | Judith Hedgley | 13.09.22 | 23.09.22 | £0 |
| Milestone 02 | Identify off licence premises in Central ward which require a survey visit and carry out visits (estimated 26 premises) | Judith Hedgley | 18.10.22 | 18.11.22 | £0 |
| Milestone 03 | Identify off licence premises in Newport ward which require a survey and carry out visits (estimated 20 premises) | Judith Hedgley | 18.11.22 | 18.12.22 | £0 |

| Strategic Outcome | Strategic Action | Lead | Activity Start | Activity End | Cost |
|-------------------|--|--------------------------------|----------------|--------------|---------|
| B07 | Youth provision in town centre | | | | |
| Milestone 01 | Paper to Council Executive to agree proposal for enhanced youth provision and for endorsement of previously agreed funding | Sue Butcher | Aug-22 | 03.10.2022 | £60,000 |
| Milestone 02 | Decide on % of funding to be allocated to Town Centre | Gail Earl. Responsible HoS | Sep-22 | 03.10.2022 | £0 |
| Milestone 03 | Contract Variation in place | Claire Walker Commissioning | Oct-22 | Oct-22 | £0 |
| Milestone 04 | Provision in Place | Gail Earl | Dec-22 | Nov-22 | £0 |
| Milestone 05 | Review of Provision | Sue Butcher | Jun-22 | Jul-24 | £0 |

| Strategic Outcome | Strategic Action | Lead | Activity Start | Activity End | Cost |
|-------------------|---|-----------------|----------------|--------------|------|
| B10 | To liaise with the courts to re-establish the Court User Group | | | | |
| Milestone 01 | Contact court Manager | Andrew Perriman | 13.09.22 | 13.09.22 | £0 |
| Milestone 02 | Discuss potential to re-introduce the court user group | Andrew Perriman | 13.09.22 | 13.10.22 | £0 |
| Milestone 03 | If it is to be re-ignited, to seek interest from stakeholders to engage | Andrew Perriman | 14.10.22 | 10.11.22 | £0 |
| Milestone 04 | if agreed, arrange first meeting | Andrew Perriman | 10.12.22 | 06.01.23 | £0 |

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| MIDDLESBROUGH COUNCIL |  |
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|-------------------|---|
| Report of: | Executive Member for Neighbourhood Safety Director of Environment and Community Services |
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| Submitted to: | Executive |
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| | |
|--------------|-----------------|
| Date: | 18 October 2022 |
|--------------|-----------------|

| | |
|---------------|--|
| Title: | 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 |
|---------------|--|

| | |
|--------------------|----------|
| Report for: | Decision |
|--------------------|----------|

| | |
|----------------|--------|
| Status: | Public |
|----------------|--------|

| | |
|----------------------------|---------------------------------|
| Strategic priority: | Crime and anti-social behaviour |
|----------------------------|---------------------------------|

| | |
|----------------------|-----|
| Key decision: | Yes |
|----------------------|-----|

| | |
|-------------|---|
| Why: | Decision(s) will have a significant impact in two or more wards |
|-------------|---|

| | |
|----------------|----|
| Urgent: | No |
|----------------|----|

| | |
|-------------|----------------|
| Why: | Not Applicable |
|-------------|----------------|

| |
|--------------------------|
| Executive summary |
|--------------------------|

| |
|---|
| <p>That Executive agrees to:</p> <p>Implement the action plan proposed by Culture and Communities Scrutiny Panel.</p> |
|---|

Purpose

1. The purpose of this report is to consider recommendations by the Culture and Communities Scrutiny Board following its meeting on 22nd June 2022.

Background and relevant information

2. At the panel's first meeting, they agreed their work programme and raised increasing concern regarding crime and anti-social behaviour within the town. Press reports had drawn to issues within Hemlington and the Town Centre and therefore the panel wished to gain a better understand of the Council's approach to enforcement. The investigation was named Tough enough? Enforcement in Middlesbrough and its impact on crime and anti-social behaviour.
3. During the course of Scrutiny's investigation, members were provided with information relating to Middlesbrough's approach to community safety, the overall structure of the community safety partnership, provided with Police crime and ASB statistics as well as an overview of locality working.
4. Following the BBC Panorama documentary featuring the Hemlington ward, the panel also sought guidance from the National charity "ASB Help" who had also featured on the programme talking about community triggers.

What decision(s) are being recommended?

5. That members consider recommendations by the Overview and Scrutiny Board which are contained within the attached action plan as follows;
6. That a general awareness session be established for elected members to discuss the Community Safety partnership, the roles of the community safety teams and how to raise a community trigger.
7. That further promotion of the community trigger process be shared with elected members and the local communities, this could be done through, for example, ward council meetings, love Middlesbrough magazine and community councils.
8. Given the recent concerns surrounding the number of police officers within the wards, the panel ask that the Council continue discussions with Cleveland Police to ensure the correct resources are allocated to Middlesbrough.
9. That Middlesbrough council work in partnership with ASB help to sign up to the ASB pledge.
10. That the panel members receive 6 monthly updates from the locality wards regarding crime/ anti-social behavior statistics.
11. That members receive further updates, as and when, to the rolling out of locality working in other wards within the town.

Rationale for the recommended decision(s)

12. Based on the evidence received, the Panel applauds the excellent work being undertaken by the Community Safety Team and partners. Whilst there is excellent work being undertaken, the panel feels councillors and the wider community need further information on what the Council is doing in relation to crime and anti-social behaviour.
13. The Panel are passionate to ensure Middlesbrough is a safe place to live and bring up a family. Whilst it is pleasing to hear that asb levels were at their lowest, the panel is concerned about the raising levels of criminal activity across certain areas of the town.
14. Whilst the panel recognises that the Council and Cleveland police work in partnership to combat issues in our town, the levels of Cleveland police officers patrolling our neighbourhoods is still lower than expected and the panel feel having more officers would help to reduce some of the nuisance and crimes being displayed.
15. From evidence received, it is clear more information sharing on the community trigger needs to be filtered to our communities. Whilst saying this, the panel cannot take away the excellent work of our teams and feels that their hard work should be acknowledged. Signing the ASB Pledge would further put Middlesbrough on the map for putting victims at the heart of what we do.
16. From statistics and first hand evidence, it is clear that locality working does work, especially in raising perceptions amongst our communities. The panel is delighted that locality working will continue within Newport and North Ormesby and would be keen to hear about any further roll out as well as receiving further information on how locality working in the existing areas is impacting the levels of crime and asb.

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

17.

Impact(s) of the recommended decision(s)

Legal

18. There are no legal implications regarding the recommendations.

Strategic priorities and risks

19. The risk is that if the proposal is not accepted then we will continue to see crime, ASB and environment crime increase throughout Middlesbrough.

Human Rights, Equality and Data Protection

20. An Impact Assessment will be carried out.

Financial

21. There are no financial implications

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

| Action | Responsible Officer | Deadline |
|--------|---------------------|----------|
| | | |

Appendices

| | |
|---|--|
| 1 | 1. Action Plan – Tough enough? Enforcement in Middlesbrough and its impact on crime and anti-social behaviour. |
|---|--|

Background papers

| Body | Report title | Date |
|------|--------------|------|
| | | |

Contact: Marion Walker Head of Stronger Communities
Email: Marion_Walker@middlesbrough.gov.uk

MIDDLESBROUGH COUNCIL

OVERVIEW AND SCRUTINY BOARD

22 June 2022

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

| | |
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PURPOSE OF REPORT

1. To present the final report of the Culture and Communities Scrutiny Panel following its investigation into 'Tough enough? Enforcement in Middlesbrough and its impact on crime and anti-social behaviour'.

AIM OF INVESTIGATION

2. The aim of the panel's investigation was to consider Middlesbrough Council's approach to enforcement in Middlesbrough and its impact on crime and anti-social behaviour in the Town.

STRATEGIC PLAN 2021-24

3. The scrutiny of this topic aligns with the Council's three core aims set out within the Strategic plan 2021-24.

People- Working with communities and other public services in Middlesbrough to improve the lives of local people

Place- Securing improvements in Middlesbrough's housing, infrastructure and attractiveness, improving the town's reputation, creating opportunities for local people and improving our finances.

Business- Middlesbrough's economy and making sure we work as effectively as possible to support our ambitions for People and Place.

4. The scrutiny topic further links with the below priority set out for the next three years:

Crime and anti- social behaviour- We will tackle crime and anti-social behaviour head on, working with our partners to ensure local people feel safer.

TERMS OF REFERENCE

5. The terms of reference for the panel's investigation were as follows:
 - To examine the powers set out in the Crime and Disorder Act 1998 and how this has shaped Middlesbrough's partnership working to tackle crime and anti –social behavior in the Town.
 - To understand the nature and levels of anti-social behavior and crime across the town. Has there been improvement or decline over the past 2 years?
 - To understand perceptions and impacts of crime and anti-social behavior in the town on residents.
 - To gain an understanding of the locality model and understand the impact this has made on residents and anti- social behaviour within these two areas and merits of wider roll out.

BACKGROUND

6. At the panel's first meeting, they agreed their work programme and raised increasing concern regarding crime and anti-social behaviour within the town. Press reports had drawn to issues within Hemlington and the Town Centre and therefore the panel wished to gain a better understand of the Council's enforcement and its impact of crime and anti-social behaviour.

SETTING THE SCENE

7. At the panel's meeting on 21 July 2022, the Director of Environment and community services provided an overview of the directorate, within this, he highlighted the work of the community safety team and their work to reduce crime and anti-social behaviour across the town.
8. The panel wish to convey their thanks to the teams within community safety, as since the pandemic, the panel learnt that there has been increased crime across the town and the team has shown true resilience and dedication, as well as partnership working.
9. The information provided by the Director has been considered in respect of the terms of reference, presented as follows.

Term of reference A:

To examine the powers set out in the Crime and Disorder Act 1998 and how this has shaped Middlesbrough's partnership working to tackle crime and anti-social behavior in the Town.

10. Section 6 of the 1998 Act requires the responsible authorities (commonly referred to collectively as a Community Safety Partnership (CSP)) in a local government area to work together in formulating and implementing strategies to tackle local crime and disorder in the area.
11. The panel gathered evidence from the Head of Stronger Communities in relation to Middlesbrough's approach to community safety and the overall structure of the community safety partnership.
12. The panel learnt that Middlesbrough's community safety team consists of the following:
 - Neighbourhood safety wardens
 - Neighbourhood safety wardens (environmental)
 - Neighbourhood safety officer
 - Community safety partnership
 - CCTV operations
 - Community resilience, cohesion and migration

The role of each is presented below:

13. **Neighbourhood Safety Wardens-** 43 wardens who deal with a whole host of activities, including for example; supporting vulnerable people i.e. refer to and link them to specialist support services such as Homeless; Substance Misuse; Debt Management; Domestic Abuse, Routes to Employment/Work; Health services; Support victims of crime and antisocial behavior; Enforce parking contraventions Parking Fines; Issue Fixed Penalty Notices for littering /dog fouling ; Enforce PSPO in TS1; Carry Naloxone injections; wardens are trained in first aid and basic life support (they can also administer CPR) and gather intelligence and information which is shared with Police and other key partners.

14. **Neighbourhood Safety Wardens (Environmental)-** x 7 and Environmental Operatives x 5 (Flying Squad) . The flying Squad were a newly formed Team developed on 1 March 2021 who identify and search through fly tipping, collect and remove all fly tipping from the particular site.

The Neighbourhood Safety Wardens further enforce fly tipping, via fines and if necessary through the courts ; deal with stray dogs, deal with abandoned vehicles and are trained to respond to wardens activities already mentioned.

The panel were pleased to hear that since the introduction of the team there have been positive results across the Town.

15. **Neighbourhood Safety Officers** – 7 officers who deal with issues that require a multi-agency approach, who work directly with elected members and try and solve problems to community issues. These can be varied depending on the issue.

16. The officers utilise a range of legal and non-legal measures to resolve anti-social behaviour, reduce crime and the fear of crime and bring respite to victims of crime and anti-social behaviour.

17. The team Investigate complaints of nuisance, anti-social behaviour and hate crime, working across all housing tenures, using advisory, counselling, negotiating / persuasive skills to convince others to take particular courses of action, where appropriate, this may result in for example, an anti-social behaviour contract

18. Where all other avenues fail, the officers will gather a portfolio of evidence and work with key stakeholders to produce a prosecution pack for House Closure; Civil Injunction, or Criminal Behaviour Order against persistent and unchanging offenders. These have been carried out and the panel were provided with examples.

19. In addition to their work, the Neighbourhood Safety officers hold certain powers:

- They were awarded Cleveland Police accreditation in 2019- delegated from the Chief Constable to officers within the team. This gives the officers power to ask individuals for their name and address and if they fail to do so this is a criminal offence. Low level anti-social behaviour
- Public Space protection order – TS1 area
- Closure orders

- Civil injunctions
- Acceptable behaviour campaign (ABC)- a really useful tool which is affective to deal with certain individuals
- Environmental powers
- Parking enforcement
- Power of persuasion
- Partnership working – a key tool to the teams work. The team have daily briefings with the police/ Selective landlord licensing team/ community safety and the housing team to discuss key offenders and issues.
- Active intelligence mapping (AIM) which takes place every 3 weeks which analyse data and creates action plans to tackle hot spots and there is also the community safety partnership (statutory body)

In September 2021, the team had successfully completed the following:

| | |
|---|---|
| Total number of service requests dealt with by the service April 2021- 20/10/2021 | 13872 |
| CCTV total number of cameras in the local authority network | 400+ and more installs planned - Officers have actively installed cctv across the town and there are further plans to install more and improve the infrastructure within the control room. |
| PSPO warning/positive interventions | 244 |
| PSPO Fines | 19 |
| Environmental enforcement actions/ care files and fixed penalty notices combined | 145 (will increase significantly in the coming months as investigations are concluded) |
| Closure orders | 9 |
| Civil injunctions | 7 |
| Lives saved using Naloxone | 2 |

20. The panel were pleased with the positive action and work that had been carried out by the team and commended the excellent partnership working.
21. Areas of support of from the teams, have also been illustrated through the following examples; referrals to social workers , temperature checks during Covid 19, wardens engaging with LINX project, all of which have been excellent examples of support within the community.
22. In terms of work with the community, the Community Cohesion, Resilience and Migration Team add excellent community partnership to Middlesbrough, examples of which have been talent shows; supporting Refugee week and positive work with

various communities to increase cultural awareness. The team work across the whole of Middlesbrough and at present are working with intergenerational work.

23. The panel were also made aware that within the warden service, a member of staff, known as “Gentle George” speaks 5 different languages and is a great asset to the team.
24. The team have also worked to develop amazing alleys (9 already completed and a further 11 in progress) and bedding areas within community hubs.

Community Safety partnership

25. Community Safety Partnership (CSP) are a statutory partnership made up of key ‘Responsible Authorities’ who have equal responsibility for reducing crime and antisocial behaviour under the Crime and Disorder Act 1998 (As amended by the Antisocial Behaviour Act 2014 and the Policing and Crime Act 2017).
26. The responsible authorities for the CSP are as follows:
 - Police
 - Local Authority
 - Fire and Rescue Authority
 - Health
 - Probation and
 - Youth offending service
27. These agencies work in collaboration with other statutory and non-statutory organisations as well as voluntary services and local people.
28. The CSP produces a Strategic Intelligence Assessment and a Community Safety Plan every 2 years and will be reviewed in 2022.
29. The CSP is required to produce a Community Safety Plan, detailing how it intends to tackle crime and disorder and develop strategies to tackle short, medium and long term priorities.
30. Middlesbrough’s latest Community Safety Plan will run until the end of March 2022. The plan will be reviewed in October 2022 and will be referred to Executive for approval.
31. The priorities are as follows:
 - Priority 1- Perceptions and feeling Safe (e.g. Reducing crime and anti-social behaviour)
 - Priority 2-Tacking the root causes (e.g. tacking adverse experiences)
 - Priority 3- Locality working, including the Town Centre (e.g. working with our communities)
32. The panel also learnt that there is a 23 page delivery plan which looks at the objectives; these are RAG rated and ensure each objective is on target and if failing, actions will be put in place.

Success stories from the CSP

Pallister Park and Norfolk shops were targeted by groups of youths throwing missiles and causing harassment, alarm and distress to shoppers. Through multiagency working, partners raised £8K to purchase, erect and monitor a rapid deployment camera. Partners met on a weekly basis and addressed individuals causing the nuisance and feedback to residents on a weekly basis ensuring they were kept inform of all the work that was being done.

Term of reference B:

To understand the nature and levels of anti-social behavior and crime across the town. Has there been improvement or decline over the past 2 years?

33. Whilst the panel heard about the excellent partnership work within town, they also wished to examine the nature and levels of crime and anti-social behaviour in Middlesbrough.
34. Statistics were presented by the Head of Stronger Communities who provided overview of the crime and anti-social statistics.
35. The data was Cleveland Police data and showed crime and anti-social behaviour rates for (the information is attached at appendix 1 of the report)
 - Cleveland Local Authority rate comparisons
 - Middlesbrough Wards total numbers
 - Middlesbrough Wards rates
36. The first graph provided information for 100,000 population for Middlesbrough. The statistics showed that Crime rates for Middlesbrough in 2019 and 2020 remained close to the other local authorities, however looking at the start of 2021 the crime rate had climbed further away from the other Local authorities as the year was progressing. It was encouraging to see a reduction of crime and anti-social behavior in October 2021/ November 2021, however the gap between local authorities was significantly wide.
37. The Head of Stronger Communities advised that there was a change in recording for crime and anti-social behavior in April 2021, which was highlighted due to the significant drip in recording.
38. In terms of anti-social behavior, statistics show that although Middlesbrough has higher anti-social behavior rates than other local authorities, it is encouraging that the rates in Middlesbrough were at their lowest in 3 years.

CRIME IN MIDDLESBROUGH- analysis and rates

39. In terms of crime across Middlesbrough, the panel were provided with a ward by ward analysis. At the time of the review, the 2021-22 data was incomplete as this ran from 1 April 2021- 31 March 2022. Crime totals per ward shows that nearly all wards (excluding Brambles & Thorntree, Park end & Beckfield, and Ayresome) saw a decrease in crime from 2019-2020.
40. The statistics also showed some wards such as Hemlington, Ladgate, Kader, and Central have already recorded more crimes, or were all nearly higher than 2020.
41. The highest crime rates still remain in Central ward, however this was not uncommon to towns due to the town centre effect, as there was quite often an increase due to shop lifting in prime issues within this area. North Ormesby was second and Newport third.
42. In terms of crime rates, the 2021 figure was not fully complete so it was expected that they would be lower.
43. A decrease from 2019 to 2020 was evident. However looking from 2018-2020 wards such as Newport, Park End & Beckfield, Brambles & Thorntree, and Park either increased or remained at a similar rate.

ANTI-SOCIAL BEHAVIOUR- analysis and rate

44. In terms of anti-social behavior analysis, the statistics showed an increased in 17 out of 20 wards from 2019-2020. This was expected due to an increase in anti-social behavior during COVID and the breach of lockdown rules. However the Head of Service advised that anti-social behavior in all wards so far in 2021 has remained lower than both 2019 and 2020.
45. In terms of rates, this does not change significantly except when looking at the anti-social behavior rate, the only slight difference was that Park End & Beckfield comes higher than Park ward. This was due to less anti-social behaviour occurring in the ward and a smaller population.

Neighbourhood Policing- work within the community

46. The panel, whilst receiving statistical data on crime and anti-social behaviour, were keen to also understand the current situation with Cleveland Police, under the Neighbourhood policing model.
47. The panel received information from Chief Inspection Tomlinson, who advised that there had been significant changes in Neighborhood policing over the past 2 years (as the covid-19 pandemic commenced).
48. The current Neighbourhood policing model at the time of the panel's investigation was devised as follows:

Superintendent Marc Anderson (South Commander)

Chief Inspector Daryll Tomlinson
(dedicated to Neighbourhood policing in Middlesbrough)

Middlesbrough North Insp Darren Birkett

Middlesbrough South T/Insp Chris Turner

Each have 3 teams each- consisting of Sargent's PC's and PCSO's who cover all 20 wards in Middlesbrough.

On top of neighbourhood policing, the below teams listed are in place to help the delivery of Middlesbrough across Middlesbrough.

- Response Teams 24/7
- CID
- Safeguarding Teams
- Sex Offender Management
- Complex Exploitation Team
- Community Safety
- Homicide and Major Enquiry Team
- Cyber Crime
- Fraud
- Organised Crime Unit
- Intelligence

49. The goal of the Neighbourhood Policing unit was as follows:



50. The Panel were advised that the Neighbourhood Strategy operates and is in line with the National Neighbourhood Strategy. The aim of Neighbourhood policing hits within three headings; Engagement; Problem Solving and Targeted activity.

51. The Chief Inspector outlined some of the activities undertaken under the 3 headings:

| Engagement | Problem Solving | Targeted activities |
|---|--|---|
| Community Engagement Ward Pledge | Problem Solving OEL (Police) | TCG Targets |
| Ward priorities, Ward Newsletters, Ward meetings | Problem Solving Plans (Partnership Working) | Who is causing our communities the issues. |
| Visibility – Right People, Right Places, Right Times | Repeat Callers, Repeat Victims, Repeat Locations | Week of action in North Ormesby |
| Ring backs, Revisits – Victims Code of practice – meaningful communication | | Week of action in Hemlington |
| Schools, Youth Clubs, Youth provisions – Linx, Youth Focus North East. | | |

52. The panel were aware of the pressures on Cleveland Police and were concerned that of the model was not running to full capacity.

53. The Chief Inspector stated that over the past 2 years, a resourcing model was identified by the force as to what was required to operate Neighbourhood policing, however to date they had not established the numbers that were envisaged.

54. The numbers anticipated were as follows:

- 34 police officers
- 30 PCSOs
- 6 Sergeants
- 2 Inspectors

55. At present, the numbers were in the high 20s, and along with sickness levels and absence, plus other demands, reaching the desired number of officers has been quite challenging.

56. However, the panel were reassured that new officers (4-5) would be joining the force in early 2022 to increase the model and there was a feeling across the partnerships that the model would be fulfilled effectively. The Chief Inspector admitted more could be done, however without a full resource model this proved difficult.

57. It was anticipated that each ward should have one designated PC and PCSO to discuss and raise issues with, however due to demand this quite often is not the case. In an ideal world, the force would like 5 PCs and 5 PCSOs in one ward, however at present this is unrealistic.

58. Cleveland Police are recruiting officers, however it takes time to come through the 3 year training programme, however it was hoped results would be made once officers were in place.

59. In order to try and deal with the increasing levels of crime, the panel were pleased to hear about the excellent partnership working being undertaken. Partners include, Middlesbrough Council; Cleveland Fire Brigade; Thirteen Housing and Neighbourhood Policing Middlesbrough. Cleveland Police have also started to reach out to the community to help bridge the gap between the police and key groups.

60. Key meetings take place with these partners include:

- daily partnership meeting where key partners will discuss key areas of concern relating to crime and anti-social behaviour. This meeting looks at trends and patterns to identify issues early.
- monthly meetings to deal with long term issues e.g. currently operating Hemlington Strategic Group.
- monthly problem solving meetings- identify long term problems
- 4-6 weekly organised crime group meetings (prevent, pursue, protect and prepare)
- active intelligence group (run by the local authority)
- tasking and coordinating group for Middlesbrough – focusing on community work
- community safety partnership
- local police and delivery group within Cleveland Police- who hold Cleveland Police to account.

61. There has further been key areas of Government investment through the Hard to Hope – Middlesbrough who have invested as part of project adder (tackling drugs-support individuals and treatment, investing in staff and working on reducing violence and firefighting culture). There was also value in working with communities especially with MFC, by organizing football with young people to bridge the gap (Hemlington and park end). The Chief Inspector further outlined that regular updates are sent out on performance, however there was a real push on an engagement framework to understand the communities and their issues.

62. Visibility of police on our streets also raised concern for the panel, as they felt this was not the case across Middlesbrough. The Chief Inspector agreed that having police in cars may not appear as being visible, however it all falls to resources. Ward walks are able to be carried out if required and there is strong visibility in terms of partner organisations e.g. from street wardens and it was noted that Middlesbrough is the only local authority in the North East who have a dedicated policing team working in the town centre, which was funded by partnership working. This is an excellent resources to have in an area where there is the highest levels of crime and anti-social behaviour.

63. Partnership activities are also displayed through the following:

- House closures
- Civil injunctions
- Accredited powers designed by Cleveland Police
- Public space protection order
- Thirteen/ partnership
- CCTV- In November 2021, Cleveland police reviewed 130 pieces of CCTV- 81 pieces of CCTV have been used to take forward for prosecutions

64. Whilst the panel were pleased with this partnership working, they still feel more needs to be done to police our streets especially with the current issues within some of the wards.

Terms of reference C;

To understand perceptions and impacts of crime and anti-social behavior in the town on residents.

65. The panel are well aware of the impact that crime and anti-social behaviour can have on individuals' lives.
66. BBC Panorama documentary – Anti-social behaviour- afraid in my own home, had recently been televised and spoke to the Mayor and local residents/ ward councillors within the Hemlington Ward. Within the programme, the CEO of the charity anti-social behaviour help (ASB help) spoke to the presenter regarding their support for victims.
67. The panel were thrilled to receive information from Harvinda Saimbi, newly appointed CEO of ASB Help and also Katy Anderson, Practitioner Support Manager.
68. The background and support provided by ASB Help was as follows:
- ASB Help is a registered charity in England and Wales set up to provide advice and support to victims of anti-social behaviour in 2013.
 - The Charity has a website that is dedicated to the memory of Fiona Pilkington from Leicester who in 2007 killed herself and her 18 year old disabled daughter Francessca after Leicester police failed to investigate her 33 complaints to them about harassment.
 - Purpose and aim is to work with victims of anti-social behaviour (ASB). The founder of the Charity was adamant that what happened to Fiona should not happen again.
 - ASB Help aims to provide information and advice to interested parties and members of the public involved with and suffering from anti-social behaviour.
 - Following such high-profile cases of vulnerable victims who did not receive any help from the authorities, ASB help believe there is a clear need for coordinated information and advice that is readily accessible to those who need it.
 - ASB Help primarily offer support through their informative website particularly focusing on equipping victims of anti-social behaviour with the necessary tools to effectively report it.
 - They provide one to one support and advice to practitioners on a wide range of ASB areas, such as advice on cases, provide training, sit as independent chairs or panel members for community trigger meetings, lead on developing local ASB conferences or briefings to a range of audiences.
 - ASB Help was also in the in the process of developing a practitioner site which will contain useful information, templates and best practice examples. They believe this is important because ultimately victims of anti-social behaviour will receive a better response where ASB practitioners are well-informed through sharing best practice, updates in the sector and opportunities to be innovative to get results for victims.
 - ASB Help also plan to build up a database of information from visitors to the website on how effective they have found their local authorities and police to be in responding to reports of ASB, populated by our online survey.
 - ASB Help have particular interest in the Community Trigger (also known as the ASB Case Review) introduced in the Anti-Social Behaviour, Crime and Policing Act 2014 to empower victims who feel they are being ignored by local agencies. They hope that

they can assist victims in accessing their local Community Trigger and as we gain more knowledge and experience in this area, undertake political lobbying to ensure it is fit for purpose.

- ASB Help also encourage authorities to sign up to the Community Trigger ASB Help PLEDGE
69. ASB Help Pledge was introduced in 2019, to get national consistency with the community trigger. Guidance around community triggers can appear vague, and all local authorities are set up differently, and this allows local authorities to fit the community trigger round the key existing frameworks.
70. Whilst there are inconsistencies across local authorities, there was still a central aim – having the victim at the heart of the process and ensuring the victims voice is heard.
71. The panel were advised that the trigger process is not a complaints system or accountability, rather a problem solving exercise to address ongoing asb.
72. ASB Help actively encourage local authorities to sign up to the ASB Help Pledge, by ensuring that they:
1. Promote awareness: Actively encourage the use of the community trigger to residents and partner agencies. One of the key things is that the community trigger is the voice of victim and where the agencies collectively agree an action plan.
 2. Legality: Confirm your organisation is legally compliant and embracing the spirit of the community trigger. For example, having an independent chair and therefore ASB Help encourage local authorities to work together so that the Chair is completely independent from the area.
 3. Ensure accessibility: Publicise the community trigger so the most vulnerable know what it is and how to invoke it.
 4. Develop your process: Embrace the full potential of the community trigger by continually reviewing and learning from best practice.
 5. Generate inclusivity: Use community trigger review meetings to work collaboratively and strategically, formulating solutions to end the anti-social behaviour. The guidance was updated in 2021 so that victims can now attend the community trigger review meeting or produce a statement to have their voice heard at the beginning of the meeting.
 6. Establish a precedent of using the community trigger to put victims first and deter perpetrators.
73. ASB Help welcome interested organisations to look at what the Pledge, as subscribing to it will show commitment to victims of anti-social behaviour.
74. The outcomes of a community trigger meeting as successful and the Manager advised that she has never attended a community trigger meeting where has been no actions taken.
75. ASB help can work with local organisations to work on these processes. This also shows that local authorities/ organisations have worked with them to sign the pledge.
76. The panel learnt that the Council have an anti-social behaviour policy (ASB Policy), which is attached to the report as an appendix. This underpins everything that the

council does to support victims of crime and anti-social behaviour as well as information on the community trigger process.

77. However, whilst information is available, the panel members stated that until the documentary, they had never heard of a community trigger and therefore felt, this needed to be better published and that the Council's approach should be explained fuller.

Middlesbrough's approach to victims and the community trigger process

78. Strategic Community Safety Manager, provided the panel with information on the community trigger process. It must be noted that Middlesbrough Council have an excellent team and victims of crime and asb are their upmost concern and at the forefront of what the council do.

79. In terms of community triggers, as way of introduction:

- The Community Trigger was introduced under the anti-social Behaviour, Crime and Policing Act 2014.
- Purpose - To give victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem solving approach to find a solution.
- Vulnerable or repeat victims of ASB being missed due to agencies working in isolation (Fiona Pilkington case)
- Information regarding problems in an area not being shared between agencies
- Poor coordination of problems and lack of problem solving or joint working between agencies

80. The following agencies are involved in the community trigger:

- Middlesbrough Council
- Cleveland Police
- Tees Valley Commissioning Group (CCG) if required
- Co-opted Housing Associations (Thirteen lead contact)

81. The community can ask for the community trigger to be activated when it hits the following thresholds:

- An individual, business or community group has made **three** or more reports regarding the **same** problem in the past six months to Middlesbrough Council, Cleveland Police, or their Housing Association Landlord, or
- More than one individual, business or community group has made **five** or more reports about the **same** problem in the past six months to Middlesbrough Council, Cleveland Police, or their Housing Association Landlord.

82. The request for the community trigger to be activated when:

Qualifying requests:

- Requests cannot be made more than 6 months after the problems to review have occurred.
- Requests cannot be made where the problems were not reported to official agencies within 1 month of their occurrence.
- Generally requests cannot be made about problems that occurred outside of Middlesbrough.
- The Community Trigger process is a request for a **review**. It is not a **complaint** process.

83. The trigger process in Middlesbrough is as follows:

- All requests must be made by telephone, email or letter to the Council's Neighbourhood Safety Team.
- Acknowledgement letter sent.
- Information request made to all 'responsible' agencies
- Legal Services decide if threshold met
- Case Review Panel meeting arranged
- Applicant informed of outcome

84. If the thresholds are met, the review panel will consider the following:

1. Have the reports been acknowledged?
2. Was the victims vulnerability assessed? The Manager outlined that she carried out some work with the Home Office to produce a matrix for Victims of anti-social behaviour which was rolled out nationally.
3. Did any response consider the vulnerability of the victim?
4. Was there appropriate information sharing / problem solving / joint working?
5. Were procedures followed?
6. Was the victims vulnerability reduced to a satisfactory level?
7. Was the problem reduced to a level where the behaviour reported is no longer a cause for concern?
8. Case review panel may make recommendations and/or produce an action plan

85. In terms of numbers of Community Triggers:

| Community Triggers by Quarter – Financial Year 2021/22 | | | | | |
|--|-------|---------------|---------------|---------------|---------|
| Quarter | Total | Date Received | Ward | Met Threshold | Appeals |
| Q1 (Apr-Jun) | 2 | Jun-21 | North Ormesby | Y | N |
| | | Jun-21 | Coulby Newham | N | N |
| | | Jul-21 | North Ormesby | N | Y |

| | | | | | | |
|--------------|---|--------|------------------------------|--|---|---|
| Q2 (Jul-Sep) | 4 | Jul-21 | Park End & Beckfield | | N | N |
| | | Aug-21 | Brambles & Thorntree | | Y | N |
| | | Sep-21 | Hemlington | | N | N |
| Q3 (Oct-Dec) | 4 | Oct-21 | Brambles & Thorntree | | Y | N |
| | | Dec-21 | Berwick Hills & Pallister | | Y | N |
| | | Dec-21 | Berwick Hills & Pallister | | Y | N |
| | | Dec-21 | Berwick Hills & Pallister | | Y | N |
| Q4 (Jan-Mar) | | | Not known at time of meeting | | | |
| | | | | | | |

86. There had been 10 community triggers to date, however in previous years there were few community triggers. An all member briefing was held and as a consequence, requests were made and therefore it shows that if you promote the trigger, they are requested.

87. Taking onboard the reference made by panel members with respect to not being aware of the community trigger, more work was required to promoting the community trigger. Whilst done in the past, this clearly needs reviewing.

88. Information on the website further does not provide full details of the Trigger and this has therefore been reviewed and new information will be uploaded.

89. Middlesbrough Council also share good practice and the Manager made reference to Redcar and Cleveland who would be reviewing their process and proforma.

90. Following the information from ASB help, the Manager took on board the comment regarding victims and their attendance at the case review meetings. In the past Middlesbrough has not invited victims, however following on from the meeting the procedures would be updated and all victims would be invited in the future. The panel were extremely pleased with this outcome.

91. Middlesbrough work very hard with partners, however one aspect that they fail is reporting back to the community e.g. days of action.

92. In terms of early intervention, the Council work tirelessly to do the following;

- Active Intelligence mapping (AIM) – multi agency problem solving approach (Chaired by Geoff Field)
 - Operational task & finish groups
 - Set up location individual perpetrator records
 - Preventative measures/liaison with other agencies i.e. Police, Fire, Schools, Early Help, YOS, Social Care
 - Evidence gathering – Diary sheets, CCTV, warden reports. We do struggle to gather evidence as many young people still wear masks so it is difficult to identify the perpetrators.
 - Supporting victims (residents & businesses) throughout process
 - Warning letters/home visits
 - Acceptable behaviour contracts
 - Joint patrols
 - Final warnings
 - Legal action (injunctions, house closures, Criminal Behaviour Orders, PSPO etc)
93. Whilst the community trigger is an effective tool, there are also other mechanisms (as outlined above) to support the victims. With the overwhelming amount of anti-social behavior issues which are reported to the Council, it is hoped that this can be dealt with through the multi- agency approach.

Term of reference D:

To gain an understanding of the locality model and understand the impact this has made on residents and anti- social behaviour within these two areas and merits of wider roll out.

94. At the beginning of the review, the panel had shown interest in learning how the Council's locality model pilot and whether it was impacting on the lives of residents, especially in relation to crime and ASB.
95. The panel received information from the Senior Neighbourhood Development Manager as well as colleagues from the Council, Streets Ahead and Cleveland Police to provide an overview of locality working and its impact on local communities.
96. The purpose of locality working is as follows:

Locality working involves a system change to the current operational delivery model across Council services. It seeks to achieve joined-up systems and reconfigure relationships between statutory organisations, partners and the community. It will involve developing collaborative approaches to address the underlying causes of community problems and build capacity within the

community in order for residents to take charge of their own future, to have a strong voice and to build social capital and connections within the community.

97. It was agreed that Locality Working would commence with two pilots in North Ormesby and Newport . The main aspects of locality working were to provide communities with a strong voice and to allow joint working with a specific area to tackle issues. The two pilot schemes commenced in April 2020 and would run for 2 years. A business case was drawn up at the beginning of the pilot for each area and the Manager provided information surrounding this:
98. Business Case - Newport Ward is the 5th most deprived ward in Middlesbrough moving from the 123rd most deprived ward nationally in 2007 to the 38th most deprived ward in 2015. The North Ormesby Ward is the most deprived ward in Middlesbrough and the 2nd most deprived ward in England. Newport had the 3rd highest number of recorded Racially Motivated crimes with only Central and North Ormesby having more. With all three wards having more than double the Middlesbrough average per 1,000 population.
99. In addition, these wards had the highest level of antisocial behaviour per 1,000 population in 10 February 2022 2018/19. Newport Ward had the 2nd highest rate of female victims of violent crime per 1,000 population in 2018/19 with only North Ormesby having more. When looking at alcohol related hospital admissions to James Cook University Hospital, Newport Ward had the 3rd highest number of admissions in 2018/19 and in the previous year it was 2nd highest. When looking at alcohol and substance related ambulance pick-up data, Newport Ward had the 3rd highest level of recorded pick-ups with only North Ormesby and Central having higher levels. When looking at incidents reported to Middlesbrough Council in 2019, Newport Ward had the highest number of low level antisocial behaviour and environmental crimes and 2nd highest level of fly-tipping.
100. From consultation, and data, a number of high level objectives were put in place for each area:
- Healthier population
 - People feel safe
 - Increase satisfaction in environmental standards
 - Improve perception of community cohesion
 - Improve physical appearance of neighbourhood
 - Improve customer experience (Council and partners)
 - Build Community Capacity
 - Improve economic outcomes
 - Better outcomes for children
101. Each objective is tracked through 7 overarching action plans in each locality and has an assigned officer. These action plans are reviewed monthly however they do a monthly run through of actions to professionally monitor and work with partners to address issues.
102. Through developing the model, and as community priorities become apparent, or certain issues have been identified, sub groups and action plans have been developed

to respond specifically to the ward level issues. In terms of benefits and outcomes, the benefits from the pilot are as follows:

| Benefit | Description |
|--|--|
| Improved public perception within the 2 localities | Improved perception of: Crime, ASB, ability to influence decision making, community cohesion, ability of LA and partners to tackle local issues |
| Improved outcomes for Children and families | Reduction in the number of LAC. Reduction in the number of children subject to sexual exploitation and criminal exploitation Increased educational attainment |
| Improved physical environment | Cleaner environmental standards engaging with the community to share responsibility. Reduction in the number of people raising issues that have been reported but not dealt with |
| Stronger communities | Communities that engage and take shared ownership of local issues. |
| Improve user experience | A single point of contact within the community for the public and professionals will remove time spent navigating services improving user experience. |
| Right service first time. | As the pilot areas will provide a single source for coordinating referrals and signposting information. |
| Having a multifaceted team will encourage the sharing of knowledge and skills and result in an improved customer experience | The pilots will bring together staff from multiple areas across the Council and partners agencies, meaning more knowledge and information will be available to inform decision making on referrals which will lead to efficiency gains. |
| Utilise all services | By having access to all services available including voluntary sector, the load will be spread across a wider range of providers easing pressures particularly on social care. |
| Support for integrated working | The pilot will put into practice the key principles of integrated working including relationship building, improved communications, information sharing, pooled budgets, joint planning and management of resources. These will provide a governance framework and working practices that can be re-used by future integrated working initiatives |

103. The panel were provided with information on the staffing resource within the locality areas, this was allocated at the beginning of the pilot, however since, the partners have widened including housing solutions team, Project adder, Fire and Cleveland Police and a stakeholder group has been developed (including the community , partners and schools) will allows joint working.

104. Following the initial information regarding the model, the panel were provided with information regarding work undertaken in the pilot areas to combat crime and anti-social behaviour:

- Allocated resource for both Localities
- Working groups for specific issues and actions.
- Police led action plan around People feeling safe.
- Dedicated action plan for Drugs and drug related issues.
- Weeks of action and ward specific operations (last week of action completed in January in Newport on speeding)
- Joint meetings with dedicated officers to assist with diversion, engagement and assistance (youth provision, drug and alcohol)- moving forward that issues do not occur.
- Community engagement- placing and residents and business owners at the heart of the community.
- • Regular drop in events for Police and Council teams to offer assistance and opportunities for face to face reporting. 10 February 2022
- Regular community feedback.
- Increase in high level intervention – life of model, in Newport, there has been 9 successful house closures. These were all linked in some way to drug dealing and high level anti-social behaviour. Property close for 3 months and no access is permitted during this time.
- Increased community intelligence and officer knowledge due to wider team and joint working

The panel were interested to learn whether crime and asb levels had reduced. In terms of indicators used by the locality model, the latest data was as follows:

| Incidents of ASB | Q1 20/21 | Q2 20/21 | Q3 20/21 | Q4 20/21 | Q1 21/22 | Q2 21/22 | Q3 21/22 |
|-------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Newport | 523 | 349 | 374 | 244 | 258 | 232 | 172 |
| North Ormesby | 157 | 86 | 122 | 76 | 98 | 106 | 64 |

| Incidents of Police reported crime | Q1 20/21 | Q2 20/21 | Q3 20/21 | Q4 20/21 | Q1 21/22 | Q2 21/22 | Q3 21/22 |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| | | | | | | | |

| | | | | | | | |
|---------------|-----|-----|-----|-----|-----|-----|-----|
| | | | | | | | |
| Newport | 151 | 185 | 177 | 144 | 219 | 196 | 165 |
| North Ormesby | 46 | 68 | 60 | 51 | 67 | 65 | 67 |

| Incidents of Public reported crime | Q1 20/21 | Q2 20/21 | Q3 20/21 | Q4 20/21 | Q1 21/22 | Q2 21/22 | Q3 21/22 |
|------------------------------------|----------|----------|----------|----------|----------|----------|----------|
| Newport | 595 | 694 | 672 | 588 | 685 | 672 | 632 |
| North Ormesby | 192 | 214 | 215 | 232 | 244 | 297 | 247 |

105. The model has increased information sharing and helped to centre the approach to dealing with high levels of anti-social behaviour, which has resulted in an increase in high level interventions with 9 House Closures, 3 Civil Injunctions and 9 injunction breaches taking place within Newport.

106. There has also been a noticeable decline in incidents of anti-social behaviour and The incidents reported to the Police and incidents of public reported crime were comparable to 2019/20 data and what can be seen is a spike in the data in Q2 20/21 when covid restrictions were eased.

107. In terms of perception data, key questions are asked every 6 months and from there actions are put in place to ensure they are responded to.

| | |
|---|-----------------------------|
| Feeling that Crime and ASB is improving in Newport | |
| <i>* % of individuals indicating measure is a very or fairly big problem, desired outcome percentage decrease.</i> | |
| April 2020 - 80.65% | October 2021- 44.29 |
| <i>Improvement in perception of gang nuisance Newport * % of individuals indicating measure is a very or fairly big problem, desired outcome percentage decrease.</i> | |
| April 2020- 64.51% | October 2021- 36.91% |
| Feeling that Crime and ASB is improving North Ormesby | |
| April 2020- 71.74% | October 2021- 77.14% |

108. Whilst the figures are promising, the Council is aware there is always room for improvement.

109. Perception survey in both localities were completed in September 2020 a further survey linked to indicators was completed in March 2021 and again in October 2021. The survey was open to everyone who lives in in the pilot areas and covid significantly affected the way the survey way carried out. At the last survey, there were around 200 respondent's (approx. 2% of the ward) , and therefore whilst its pleasing , there was further work to be done to capture perceptions. The panel were advised that in the next round of surveys, they would be taken to community events to try and capture more views.

110. In terms of perceptions, the below have been captured:

- Perceptions of feeling safe during the day in **Newport** have risen from 31.18% of respondents feeling very safe or fairly safe in September 2020 to 35.49% in March 2021 to 68.65% in October 2021.
- Perceptions of feeling safe during the day in **North Ormesby** have risen from 32.61% of respondents feeling very safe or fairly safe in September 2020 to 51.51% in March 2021 to 77.14% in October 2021.
- Perceptions of feeling safe after dark in **Newport** have risen from 9.68% of respondents feeling very or fairly safe on an evening in September 2020 to 12.90% in March 2021 to 48.98%.
- Perceptions of feeling safe after dark within **North Ormesby** have risen from 13.04% of respondents feeling very or fairly safe on an evening in September 2020 to 21.21% in March 2021 to 31.42%.

111. Some of the statistics raised alarm to the panel members, especially in relation to feeling safe after dark. However as the perceptions have grown, there is strong evidence that the model is working.

112. There was some concern that the pilot areas would cease to operate locality working after April 2022 in Newport and North Ormsbey, however the panel have been reassured by the Director of Environment and Community services that this will not be the case and that locality working will continue within these areas. An evaluation would be carried out of the two areas and other wards which would benefit from the model would be explored.

113. As locality working is not town wide at present, and where there are high levels of crime and ASB, the council and partners are working with residents to put in place other preventative measures.

Councillor C Cooke- Ward Councillor for Newport

Locality working is the best thing that was introduced. People faith has increased and have started to report things, however no one believed in the council to report these (which is why the reporting has gone up), however now issues get resolved and we have an all whole system approach e.g if an alley is trashed, we look at why ,and how this can be prevented from happening again- this is a success”.

“locality working was needed in Newport and from the perceptions surveys, it shows that the model works”.

Detective Steve Pattison, Cleveland Police

“ Locality working does work, and by talking to each other, we get results through partnership working and breaking down barriers which were once there. The statistics show that when you start making an impression in an area, crime reporting may increase, because public perception has increased with the services that are being delivered and you get more intelligence”.

“The police work closely with the local authority , for example, there are officers currently working alongside trading standards and officers have helped the local authority do untaxed vehicles “.

Kim May- streets ahead

“ Streets ahead has been here since 2006, we are a community and charity organisation and we provide a one stop shop and we were at one point the only one. The difference that locality working has made to the area has been amazing. You used to have to go round the houses to find an officer to report a problem, but we now go to Adam and his team and we know that things will be sorted. Residents feel safer and I am really pleased that locality is continuing as without it we would be lost and we are working smarter”

Melanie Boyce -Community Safety Officer for selective landlord licensing.

“ from my perception locality working has helped me and enhanced what I can do in the community. We work with other partners e.g. the police, but I know I have that direct contact and if I have to go on visits I can go with them. I do foot patrolled with PCSO’s and therefore residents get to know who I am, and what I am trying to achieve. If there is an issue relating to anti-social behavior, I look at a holistic approach and talk to other partners e.g. children’s services/ schools to ascertain the problem and work out how we can address these”.

CONCLUSIONS

114. The scrutiny panel reached the following conclusions in respect of its investigation:

TERM OF REFERENCE A –

115. Based on the evidence received, the Panel applauds the excellent work being undertaken by the Community Safety Team and partners. Whilst there is excellent

work being undertaken, the panel feels councillors and the wider community need further information on what the Council is doing in relation to crime and asb.

TERM OF REFERENCE B –

116. The Panel are passionate to ensure Middlesbrough is a safe place to live and bring up a family. Whilst it is pleasing to hear that asb levels were at their lowest, the panel is concerned about the raising levels of criminal activity across certain areas of the town.

117. Whilst the panel recognises that the Council and Cleveland police work in partnership to combat issues in our town, the levels of Cleveland police officers patrolling our neighbourhoods is still lower than expected and the panel feel having more officers would help to reduce some of the nuisance and crimes being displayed.

TERM OF REFERENCE C

118. From evidence received, it is clear more information sharing on the community trigger needs to be filtered to our communities.

119. Whilst saying this, the panel cannot take away the excellent work of our teams and feels that their hard work should be acknowledged. Signing the ASB Pledge would further put Middlesbrough on the map for putting victims at the heart of what we do.

TERM OF REFERENCE D

120. From statistics and first hand evidence, it is clear that locality working does work, especially in raising perceptions amongst our communities.

121. The panel is delighted that locality working will continue within Newport and North Ormesby and would be keen to hear about any further roll out as well as receiving further information on how locality working in the existing areas is impacting the levels of crime and asb.

RECOMMENDATIONS

122. Based on the evidence gathered during the investigation, and the conclusions above, the Culture and Communities Scrutiny Panel makes the following recommendations for consideration by the Executive:-

- a) That a general awareness session be established for elected members to discuss the Community Safety partnership, the roles of the community safety teams and how to raise a community trigger.
- b) That further promotion of the community trigger process be shared with elected members and the local communities, this could be done through, for example, ward council meetings, lovemiddlesbrough magazine and community councils.

- c) Given the recent concerns surrounding the number of police officers within the wards, the panel ask that the Council continue discussions with Cleveland Police to ensure the correct resources are allocated to Middlesbrough.
- d) That Middlesbrough council work in partnership with ASB help to sign up to the ASB pledge.
- e) That the panel members receive 6 monthly updates from the locality wards regarding crime/ anti-social behavior statistics.
- f) That members receive further updates, as and when, to the rolling out of locality working in other wards within the town.

ACKNOWLEDGEMENTS

123. The Panel would like to thank the following officers for their assistance in their work:

- Geoff Field, Director of Environment and Community Services
- Marion Walker, Head of Stronger Communities
- Jane Hill, Strategic Community Safety Manager
- Adam Parkinson, Senior Neighbourhood Development Manager
- Dale Metcalf, Operational Community Safety Manager
- Daryll Tomlinson, Chief Inspector p0554, Middlesbrough Neighbourhood Policing- Cleveland Police
- Kim May- Streets Ahead
- Melanie Boyce -Community Safety Officer for selective landlord licensing
- Detective Steve Pattison, Cleveland Police
- Councillor Chris Cooke- Ward Councillor for Newport
- Harvinder Saimbhi, CEO- ASB help
- Katy Anderson, Practitioner Support Manager- ASB Help

BACKGROUND PAPERS

124. The following sources were consulted or referred to in preparing this report:

- Minutes of the Culture and Community Scrutiny Panel held on 15 July 2021, 21 October 2021, 16 December 2021, 10 February 2022 and 10 March 2022.
- Middlesbrough Council's – Statement of Policy and Procedures for Anti-social behaviour.
- ASB Help
- Cleveland Police website
- Gazette Live
- BBC Panorama documentary – Anti-social behaviour- afraid in my own home.

COUNCILLOR C MCINTYRE- - CHAIR OF CULTURE AND COMMUNITIES SCRUTINY PANEL

The membership of the scrutiny panel is as follows: Councillors C McIntyre (Chair), G Wilson (Vice-Chair), R Arundale, D McCabe, L Lewis, M Nugent, S Dean C Dodds and J Rostron

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**CULTURE AND COMMUNITIES SCRUTINY PANEL
TOUGH ENOUGH? ENFORCEMENT IN MIDDLESBROUGH AND ITS IMPACT ON CRIME AND ANTI-SOCIAL BEHAVIOUR -
ACTION PLAN**

18 OCTOBER 2022 (EXECUTIVE DATE)

| SCRUTINY RECOMMENDATION | PROPOSED ACTION | POST TITLE | BUDGET COST | TIMESCALE |
|--|---|------------------------------------|-------------|---------------|
| a) That a general awareness session be established for elected members to discuss the Community Safety partnership, the roles of the community safety teams and how to raise a community trigger. | Full briefing session will be organised for all elected members. Presentation will include a full overview of community safety functions (including community trigger). | Head of Stronger Communities | N/A | December 2022 |
| b) That further promotion of the community trigger process be shared with elected members and the local communities, this could be done through, for example, ward council meetings, love Middlesbrough magazine and community councils. | Community trigger process will be shared with elected members during the briefing session. Publicity campaign will take place in conjunction with the pending OPCC Community Trigger campaign which will run for 7 weeks. | Strategic Community Safety Manager | TBC | October 2022 |
| c) Given the recent concerns surrounding the number of police officers within the wards, the panel ask that the Council continue discussions with Cleveland Police to ensure the correct resources are allocated to Middlesbrough. | These discussions already take place on a monthly basis during the AIM (Active Intelligence Mapping) process. Resources are deployed accordingly dependent upon crime & ASB statistics. Discussions are also taking place between Elected Mayor & Chief Constable regarding no's of NPT Officers | Head of Stronger Communities | ???? | Ongoing |

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| d) That Middlesbrough council work in partnership with ASB help to sign up to the ASB pledge. | Work is already underway with ASB Help and the OPCC who is keen for all Cleveland L/A's to sign up to the pledge. The Pledge questionnaire has already been completed & changes are taking place to improve our approach. | Strategic Community Safety Manager | N/A | December 2022 |
| e) That the panel members receive 6 monthly updates from the locality wards regarding crime/ anti-social behavior statistics. | Members briefings will be introduced which will include crime & ASB data as well as enforcement actions. | Community Safety Manager | N/A | December 2022 |
| f) That members receive further updates, as and when, to the rolling out of locality working in other wards within the town. | Members will be kept informed of progress with regard to the roll out. | Head of Stronger Communities | N/A | Ongoing |

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| MIDDLESBROUGH COUNCIL |  |
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| Report of: | Executive Member for Regeneration Director for Adult Social Care and Health Integration |
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| Submitted to: | Executive |
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| Date: | 18 October 2022 |
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|---------------|--|
| Title: | Consultation on the Proposal to Designation the Newport 2 Area for a Selective Landlord Licensing Scheme |
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| Report for: | Decision |
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| Status: | Public |
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| Strategic priority: | Physical environment |
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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 |
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Local authorities have 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 is to improve standards of property management in the private rented sector, and when combined with other measures, this should lead to improved physical, social and economic conditions.

Two SLL schemes currently operate 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 continues to experiences major challenges. A proposal document has been drawn up (Appendix A) which presents the evidence to show that the remaining area of the Newport ward (known as the Newport 2 scheme) meets the legal criteria to be designated a SLL area.

Secretary of State approval is not required for SLL schemes which cover 20% or less of its geographical area or privately rented properties, provided that the authority has

consulted for at least 10 weeks on the proposed designation. The schemes in Middlesbrough do not meet the threshold for Secretary of State approval. Executive approval is being 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 is required as this scheme is delivered via a legislative framework that requires organisational approval to start formal consultation on the Proposal for the Newport 2 scheme prior to implementation.

Purpose

1. To seek approval for consultation on the proposal to designate the Newport 2 area as a Selective Landlord Licensing scheme and the proposed licence fee of £760. The proposal document for this designation is shown at Appendix A.

Background and relevant information

2. The Housing Act 2004, gives local authorities powers to introduce Selective Landlord Licensing (over a five year period) for privately rented properties in areas experiencing low housing demand and/or significant and persistent anti-social behaviour. The purpose of such a scheme is to improve standards of property management in the private rented sector, and when combined with other measures, should lead to improved physical, social and economic conditions.
3. Under the Housing Act 2004, Part 3 (Selective Licensing of other Residential Accommodation), all private landlords operating within the designated area are required to 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 have to demonstrate their compliance.

Existing designated SLL areas in Middlesbrough

4. On the 9th December 2014 Executive approved proposals for introducing Selective Landlord Licensing in Middlesbrough and a further report to Executive on 14th July 2015 saw the implementation of the scheme in North Ormesby which commenced on 1st January 2016. Executive approval was granted for the introduction of part of Newport ward on 13th June 2019 (Newport 1) and the re-designation of North Ormesby ward was granted on 14th June 2021.
5. Both North Ormesby and Newport 1 areas were designated as a Selective Landlord Licensing areas as they have a high proportion of private rented properties and are suffering problems attributable to:
 - a) Low housing demand
 - b) A significant and persistent problem caused by anti-social behaviour related to tenants of or visitors to rented properties which were not being controlled by landlords;
6. In 2015 the criteria for designating Selective licensing schemes were widened to include poor housing conditions and high levels of deprivation, crime and migration. The

improvement of management standards in the private rented sector will help to combat housing problems associated with deprivation.

7. The intended outcomes for all SLL schemes are to achieve:
 - A reduction in the number of empty properties and low demand which will lead to improvements in the social and economic conditions of the sector, which are identifiable.
 - A reduction in anti-social behaviour (caused by tenants in the private sector) in the designated area.
 - A general improvement of property conditions in the designated area within the lifetime of the designation.
8. The performance of each SLL scheme is closely monitored. During the fourth year of the first North Ormesby scheme an evaluation was undertaken to support the proposal for a second scheme. This identified the following positive outcomes for the North Ormesby Selective Landlord Licensing scheme :
 - reducing anti-social behaviour attributable to the private rented sector;
 - improving management standards in the private rented sector;
 - increasing housing demand;
 - improving the environment; and
 - contributing to the effectiveness of partnership working to improve the quality of life.
9. The main findings of the North Ormesby Evaluation Report are summarised below:
 - House prices in the area started to increase. In 2016 the average house price plummeted to £36,000 and has since increased by 17% to £42,000.
 - The turnover of tenants reduced by 50% resulting in a more static population.
 - Whilst the overall number of empty properties fluctuated throughout the life of the scheme, there was a considerable reduction in the number of long term empty properties, often the more problematic for residents.
 - The number of inspections of private rented properties increased and housing conditions improved.
 - Anti-social behaviour was tackled through a wide range of interventions by the SLL team;
 - 1249 early interventions. These are mainly referrals into other services for support
 - 2495 low Interventions. These include telephone call/e-mail, letter drop, diary sheets received, initial warning letters, motorbike warning letter, site meetings and joint patrols.
 - 955 medium interventions. These include second warning letters, final warnings, ABC issued, ABC breached, joint interviews and tenancy breach interviews.
 - 15 high level interventions. These include Criminal Behaviour Orders, Civil Injunction, House Closures (all for high levels of persistent antisocial behaviour and a last resort after all low and medium level interventions have been exhausted).
 - A 49% reduction in personal antisocial behaviour incidents
 - An 11% reduction in nuisance antisocial behaviour incidents.
 - 154 post tenancy visits were carried out to provide support to the tenant on a wide range of issues including substance misuse, parenting skills, employment;

- The number of environmental antisocial behaviour incidents remained high, however there was a reduction in the number of incidents with rubbish bins/refuse left in alleyways and reports to the contact centre.
 - A wide range of support was provided for landlords including :
 - Dedicated Neighbourhood Safety Officer;
 - Dedicated Tenancy Relations Officer;
 - Housing and tenancy support/advice;
 - Rent recovery in excess of £5,000;
 - Referencing;
 - Post tenancy visits for new and existing tenancies.
10. Most landlords in the North Ormesby Scheme have been compliant with licensing their properties. Eight landlords applied for their licences after receiving their court summons. Legal proceedings have been taken against 4 landlords. The Evaluation Report recognised that the Selective Landlord Licensing scheme had made a major contribution to the achievements in North Ormesby working together with key partners.
11. It is too early for a full evaluation of the Newport 1 scheme to be carried out, however initial interim outcomes are summarised below:
- House prices in the designated area have started to increase slightly with the overall average price of £48,585 (89 sales) in 2019 and the overall average price of £49,903K (115 sales) in 2021.
 - 301 private rented properties have been inspected and housing conditions have improved. 167 serious housing hazards were identified (category 1 & 2) in properties and have been addressed to protect tenants. 50 properties were safe without any Cat1 & Cat 2 Hazards. Smoke alarms checks have been carried out on all housing inspections to ensure they are provided in properties.
 - 410 reports received on environmental antisocial behaviour incidents with rubbish bins/refuse left in alleyways.
 - 69 post tenancy visits have been carried out to provide support to the tenant on a wide range of issues including substance misuse, parenting skills, unemployment;
 - The scheme in Newport continues to support landlords as demonstrated in the North Ormesby Scheme.
 - Anti-social behaviour has been tackled through a wide range of interventions:
 - 3610 low Interventions. These include telephone call/e-mail, letter drop, diary sheets received, site meetings, joint patrols and referrals into other services for support
 - 43 medium interventions. These include warning letters, final warnings, ABC issued, ABC breached, joint interviews and tenancy breach interviews.
 - 79 high level interventions. These include Criminal Behaviour Orders, Civil Injunction, House Closures (all for high levels of persistent antisocial behaviour and a last resort after all low and medium level interventions have been exhausted).
 - There has been a 64% reduction in personal & nuisance antisocial behaviour incidents.
 - Joint working with Cleveland Police has resulted in 10 Closure Orders for residential premises and an increase in the execution of drug warrants across the ward. We have also worked with landlords to serve section 8 & 21 notices for the eviction of tenants.
 - A resident's survey completed in November 2021 showed an increase in the percentage of residents who said they felt fairly or very safe in the ward. The figure for residents who felt fairly or very safe during the day rose from 35.48% in March

2021 to 68.65% in November 2021. Those who said they felt fairly or very safe on an evening rose from 12.9% in March 2021 to 48.98% in November 2021.

12. The progress of the Newport 1 scheme is promising and demonstrate that the approach is having a positive impact. However, there is further work to be done and SLL, working together with other agencies through the Locality Working approach, can achieve greater improvements.
13. The Culture and Communities Scrutiny Panel reviewed the first North Ormesby scheme in 2018. The Panel were extremely supportive of the scheme. Throughout the process, the Panel made reference to the issues within Gresham and University wards and the increasing number of private rented housing properties and hoped that any future schemes would mirror the North Ormesby model.

The Proposed Newport 2 SLL scheme.

14. The proposed Newport 2 scheme aims to address:
 - The problems associated with low demand for housing by imposing conditions relating to the management of properties.
 - The problems associated with anti-social behaviour by including conditions in licences which required landlords to take action to deal with such behaviour, such as tenancy referencing to ensure that properties are not let to persons with a known record of anti-social behaviour and relating to the use of the property.
 - The poor housing standards in the private rented sector by incorporating housing inspections and enforcement action as a requirement of the scheme, as well as ensuring that the properties are properly managed to prevent further deterioration.
15. The proposal document for the designation of the Newport 2 SLL scheme (Appendix 1) provides the information and evidence to demonstrate how the proposed area meets the legal criteria for designation and this is summarised below:

High level of deprivation

16. The Index of Multiple Deprivation (IMD) is used to provide a set of relative measures of deprivation (ranks) for small geographical areas (Lower-layer Super Output Areas (LSOA)). All seven LSOAs in Newport ward are within the most deprived 10% in England. Three LSOAs in Newport have seen an improvement in their ranking since IMD 2015, whilst the remaining four have worsened. Newport is the 26th most deprived ward nationally at IMD 2019 and is ranked as the fourth most deprived ward in Middlesbrough.

Low Housing demand

17. 40.7% of households in Newport are 'private landlord or letting agency accommodation', compared with 15.1% for Middlesbrough as a whole, 23.7% for North East Region and 13.6% for the whole of England. In June 2022 there were 199 properties which had been empty for greater than 6 months in Newport, which is 3.7% of the Newport housing stock. There were 323 empty properties in total which is 5.9% of the ward's stock. Newport is the second highest ward in Middlesbrough behind North Ormesby and just ahead of Brambles & Thorntree and Central.

18. Long term empty properties in Newport account for 30.8% of the total long term empty properties in Middlesbrough, and the total empty properties in Newport account for 18% of the total number of empty properties in all of Middlesbrough.
19. The property values in Newport are lower than the Middlesbrough average and there is a high turnover of properties.
20. Poor housing conditions including disrepair. Middlesbrough's Private Sector Stock Condition Survey (PSSCS) 2008 identified Newport as having the second highest proportion of non-decent dwellings in Middlesbrough at 49.3%. Non-decent homes do not meet current statutory minimum standards, are not in a reasonable state of repair, do not have reasonably modern facilities and fail to provide a reasonable degree of thermal comfort.

Crime

21. During the period 1st February 2018 to 31st January 2020, Newport ward had the second highest rate of Anti-Social Behaviour (ASB), racially motivated crime and other crime in Middlesbrough. During this period there were 2,499 ASB reports, 123 racially motivated crimes, 311 fires and a total of 5,906 crime reports.

Antisocial Behaviour

22. There were a total of 1334 complaints of anti-social behaviour received by the Council's Public Protection and Community Safety teams in 2018. There had been a slight decrease in 2019, followed by a sizable increase in 2020 and 2021. For 2021 the total number of complaints received were 28.6% higher than the reported levels in 2018.
23. The Newport 2 ward area will include 2,617 properties. The geographical area for the proposed scheme is shown in Appendix 1 of the Proposal document.

Proposed licence fee

24. The calculation of the costs for delivering Newport 2 SLL scheme is consistent with both current SLL schemes (with an inflationary rise) and taking into account the expected number of properties which will require a licence. This proposed fee enables the scheme to be self-financing, it is calculated on the staffing requirements for the administration and regulation of the selective landlord licensing scheme.
25. It is proposed that the licence fee for the Newport 2 scheme should be £760 & £20 Fit & Proper person fee for a 5 year licence, penalty fees of £100 would continue to apply for late applications.

What decision(s) are being recommended?

26. That the Executive approve the Proposal document on the Newport 2 Selective Landlord Licensing Scheme and the proposed fee of £760 to cover the cost of delivering the scheme and that a period of consultation is undertaken relating to the designation of the scheme.
27. The results of the consultation will be presented back to Executive for consideration prior to implementation.

Rationale for the recommended decision(s)

28. The SLL schemes in both North Ormesby and Newport 1 area have 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 are maintained, anti-social behaviour issues related to tenants are reduced and managed and that landlords are held accountable for the costs of both licensing and the property management improvements. The existing SLL designations are self-financing and, in line with the recommended changes to the scheme, the new designation would work in the same way.
29. The designation will 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.
30. The proposed fee of £760 enables the Council to ensure the scheme is self-financing, it is calculated on the staffing requirements for the administration and regulation of the selective landlord licensing scheme.
31. The boundary for the SLL scheme is to ensure complete coverage of the area in relation to improved housing standards, environmental conditions and reduction in crime and anti-social behaviour.
32. Prior to designating an area, the Council is required to undertake a minimum 10 week statutory consultation with local people, businesses, landlords and partners.

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

Do not designate and continue with the existing arrangements

33. Carry on with the existing arrangement using the current resources available without a dedicated Selective licensing team. This would mean utilising the current staffing and regulatory roles and managing the area through the existing arrangements. Without a dedicated SLL team we 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, pro-active housing standards inspections, or to respond to the antisocial behaviour. This will continue to have an in balance and difference in the approach between the two areas of the Newport ward.

Do not designate the area and carry out alternative interventions.

34. 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.
35. Alternative interventions would still require a need to ensure that that proactive assessment of properties and an increased focus on renting and management practices is sustained. While selective landlord licensing is not intended to be indefinite, a shift to

an alternative non-regulatory approach or only relying on traditional reactive enforcement tools is not considered appropriate to sustain or progress the improvements achieved.

36. Traditional interventions do not provide the level of engagement with landlords necessary for the desired improvements. Landlord take up of previous accreditation schemes have 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 is run by landlords. Stockton Council figures show that they had 80 members for this scheme with 539 properties and not all landlords who opposed their SLL scheme joined the accredited scheme.
37. Short term proactive enforcement projects can have an impact but are not sustainable without significant investment from existing revenue budgets or grant funding.
38. It is proposed that the recommended action is 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 is commenced.

Impact(s) of the recommended decision(s)

39. The recommended decision is to commence a period of consultation with local landlords, the residents and partner agencies on the proposal to implement a SLL scheme in Newport 2 area. This consultation will be used to inform a final recommendation to be made to Executive on whether to designate the Selective Landlord Licensing scheme in the Newport 2 area. The impact of such a scheme will be determined through this consultation and detailed in the Executive Report.

Legal

40. Part 3 of the Housing Act 2004 sets out the scheme for licensing private rented properties in a local housing authority area. Under the Act a local housing authority can designate the whole or any part or parts of its area as subject to selective licensing. Where a selective licensing designation is made it applies to privately rented property in the area.
41. A SLL designation may be made if the area to which it relates satisfies one or more of the conditions listed. The local housing authority may only make a designation if the area has a high proportion of property in the private rented sector. Nationally the private rented sector currently makes up 19% of the total housing stock in England.
42. Before making a designation, a consultation is required and full consideration should be given to any representations made during the process. Where the criteria are satisfied and a selective licensing scheme is made, a designation may be made for up to 5 years. The designation cannot come into force until 3 months after it is made. A notice of the designation has to be published within seven days of the designation being confirmed. All those consulted on the proposed designation should be notified within two weeks of the designation being confirmed.

Strategic priorities and risks

43. Approval for designations must be sought from the Secretary of State for Communities and Local Government if more than 20% of the private rented housing or 20% of the geographical area of the local authority are will be subject to licensing, The area proposed, along with the recent designations for the Newport and North Ormesby SLL areas do not cover more than 20% of the geographical area of the borough. This means that the Council does not require Secretary of State Approval to make the designation proposed in this report.
44. If the SLL scheme is not approved for designation there is a risk that this will have an adverse effect on the Newport 1 area already designated for Selective Landlord Licensing.
45. There is a risk of a shortfall in recovering the costs of the scheme if the scheme does not receive applications and fees from the anticipated number of licensable premises. This risk is mitigated by the preparatory work the Selective Licensing team has already undertaken to map properties and landlords and their experience in regulatory action where there is a failure to licence.
46. There is a risk of legal challenge in the form of a judicial review against the decision to introduce or renew a Selective Landlord Licensing scheme. However the risk of such a challenge will be less where the Authority ensures that the legislation is complied with. A judicial review of the Newport 1 scheme was launched in August 2019 where one landlord made an application to the High Court. This application was declined referral for a full review on the basis that all five grounds submitted were not sufficient.

Human Rights, Equality and Data Protection

47. There will be no negative, differential impact on diverse groups and communities associated with this report. It has been demonstrated that the Selective Landlord Licensing scheme provides significant benefit to vulnerable groups by improving living standards and providing support in improving health, education and financial management.

Financial

48. The SLL scheme is self-financing with all relevant costs recovered through the payment of a fee by landlords to obtain their licence. The Council does not subsidise the scheme. Any additional costs are recovered by fee increases whilst savings are passed back. A guideline licence fee of £760 per property will allow the scheme to be delivered within the existing financial envelope. This fee will be subject to consultation and detailed financial consequences of the designated scheme will be detailed in the final report to Executive.
49. Based on the costs of the previous consultation processes for Selective Licensing designations, it is expected that the consultation process will cost approximately £8,500. The costs will be managed within the existing Public Protection revenue budget as they cannot be recovered through the licence fee.

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

| Action | Responsible Officer | Deadline |
|---|-----------------------------|---------------------------------------|
| Statutory 10 week consultation prior to an Executive decision on whether to designate the remainder of Newport ward for Selective Licensing. | Judith Hedgley/Louise Kelly | Within 4 weeks of Executive decision. |
| Following the consultation, a further report will be brought to a further Executive meeting, with the outcome of the consultation and final recommendations for the next steps including any adjustments that have been considered following any representations and whether the area should be designated. | Judith Hedgley/Louise Kelly | December/January 2022 |
| Following this the full outcome would be published. In accordance with legal requirements the respondents to the consultation would be individually notified of the outcome in addition to being publicised through newspapers, the Council's web site and press releases. | Judith Hedgley/Louise Kelly | December/January 2022 |
| Should a decision be taken to designate the Selective Licensing area, designation would be within 3 months from the date of the Executive meeting. | Judith Hedgley/Louise Kelly | April 2023 scheme start date |

Appendices

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| 1 | Appendix A. Newport Proposal document |
| 2 | Appendix 1. Map of designated area and wider consultation area |
| 3 | Appendix 2. Fit & Proper Test |

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|---|--------------------------------------|
| 4 | Appendix 3. Licence Conditions |
| 5 | Appendix 4. Exemptions |
| 6 | Appendix 5. Fee Structure |
| 7 | Appendix 6. North Ormesby Evaluation |

Background papers

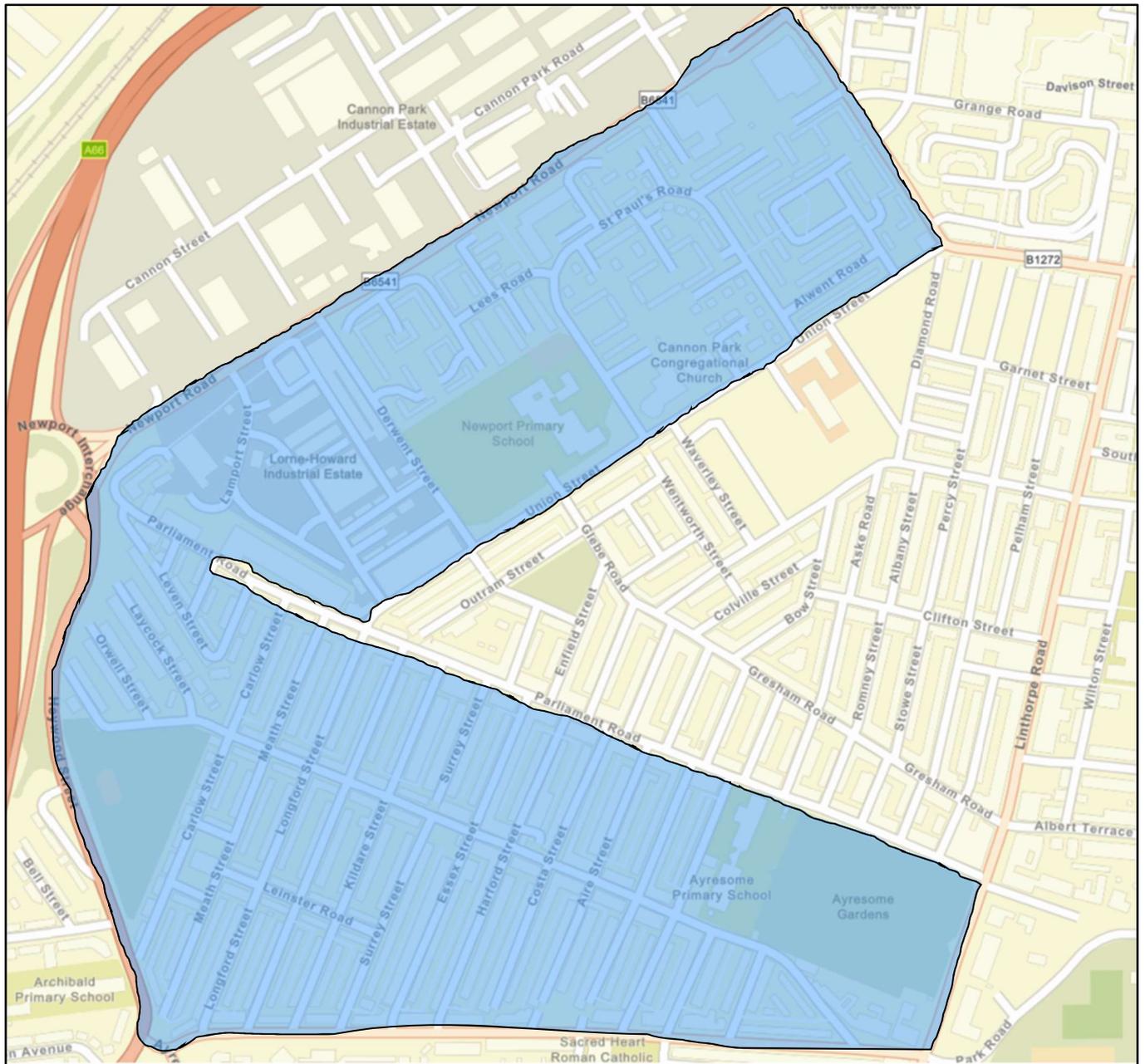
| Body | Report title | Date |
|-------|--|------------|
| MHCLG | Selective Licensing in the Private Rented Sector. A Guide for Local Authorities. | March 2015 |
| MBC | Newport Proposal document for Selective Landlord Licensing Scheme. | July 2021 |

Contact: Judith Hedgley Head of Public Protection. Louise Kelly, SLL Manager.
Email: Judith_hedgley@middlesbrough.gov.uk, louise_kelly@middlesbrough.gov.uk

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Appendix 1

Map



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Appendix 2

FIT AND PROPER PERSON CHECKS

Middlesbrough Council, for the purposes of deciding whether to grant or refuse an application for a licence under section 88(3) (a) or (c) of the Housing Act 2004, will (among other things) have regard to the evidence that the person is a fit and proper person to be the licence holder or (as the case may be) the manager of the house. Middlesbrough Council will evaluate and take into account any evidence of:

- (a) They have committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);
- (b) Practised unlawful discrimination as defined in the Equality Act 2010 on the grounds of sex, sexual orientation, gender reassignment, age, race, religion or belief, marital status, pregnancy, maternity, or disability in, or in connection with, the carrying on of any business; or
- (c) Contravened any provision of the law relating to housing or landlord and tenant law.

A criminal conviction or evidence of unlawful discrimination or breaches of housing or landlord and tenant law doesn't necessarily mean that a landlord won't pass the test. The Council will have to look at every case individually and weigh up all the circumstances when making a decision. For example, the Council will have to think about:

- What the conviction was for;
- The circumstances of the case;
- How long ago it was and whether it is spent or not;
- Whether or not it will affect the person's ability to be a good landlord;
- The risk of the same thing happening again and whether that would affect the person's duties as a Licence Holder.

In addition Middlesbrough Council will also examine evidence:

- (a) If it shows that any person associated or formerly associated with the landlord or managing agent (whether on a personal, work or other basis) has done any of the things set out in subsection (a) to (c) above, and
- (b) It appears to the council that the evidence is relevant to the question whether the landlord is a fit and proper person to be the licence holder or (as the case may be) the manager of the house.

Middlesbrough Council will consider that a person is not a fit and proper person if a banning order under section 16 of the Housing and Planning Act 2016 is in force against the person.

For the purposes of the fit and proper test Middlesbrough Council will assume, unless the contrary is shown, that the person having control of the house is a more appropriate person to be the licence holder than a person not having control of it.

Middlesbrough Council in deciding for the purposes of whether the proposed management arrangements for the house are otherwise satisfactory, will have regard (among other things) to the following considerations:

- Whether any person proposed to be involved in the management of the house has a sufficient level of competence to be so involved;
- Whether any person proposed to be involved in the management of the house (other than the manager) is a fit and proper person to be so involved; and
- Whether any proposed management structures and funding arrangements are suitable.

Appendix 3

DRAFT LICENCE CONDITIONS



Middlesbrough Council

Newport Ward

Selective Landlord Licensing Conditions

(Housing Act 2004)

Mandatory Conditions Schedule 4 Housing Act 2004

1. Gas

If gas is supplied to the house, the Licence holder shall provide to Middlesbrough Council a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter annually.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.

2. Electrical Installation

The Licence Holder is required to ensure that every electrical installation in the house is in proper working order and safe for continued use; and to supply the authority, on demand, with a declaration by him as to the safety of such installations.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.

3. Electrical appliances

The Licence holder shall keep all electrical appliances and furniture supplied in a safe condition and must provide a declaration as to their safety at the time of application and thereafter on demand.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.

4. Furniture and furnishings

The Licence holder shall ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989 and 1993) and must provide a declaration as to their safety at the time of application and thereafter on demand.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.

5. Smoke alarms

The Licence Holder is required to ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation and to keep any such alarm in proper working order.

The Licence Holder is required upon demand by Middlesbrough Council to supply a declaration as to the condition and positioning of such alarms.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004, The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and to comply with minimum fire safety standards LACORS.

6. Carbon Monoxide alarms

The Licence Holder is required to ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance, and to keep any such alarm in proper working order.

The licence holder is required upon demand by Middlesbrough Council to supply a declaration as to the condition and positing of such alarms

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004, The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and to comply with minimum fire safety standards LACORS.

7. Tenant references

The licence holder must demand and obtain references for all prospective occupiers of the house to enable the licence holder to make an informed decision regarding occupancy of the property.

All references shall be obtained by the licence holder via the **FREE** Middlesbrough Council, tenant referencing service.

The licence holder must retain all references obtained for occupiers for the duration of this licence and must provide Middlesbrough Council, upon demand and within 14 days of that demand, a copy of pre-let reference checks along with full names and dates of birth of each occupant.

NOTE: Details of how to contact Middlesbrough Council in respect of the tenant referencing service can be found at: <https://www.middlesbrough.gov.uk/planning-and-housing/landlord-and-tenant-support/tenancy-referencing-service/tenancy-referencing-service-further-information>

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004

8. Terms of occupation

The Licence holder shall supply to the occupiers of the house a written statement of the terms on which they occupy the property. A copy of the terms will be provided to the Council on demand.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004

Additional Conditions of Licence imposed by Middlesbrough Council

The Licence holder must ensure that the premises fully comply with the conditions set out below unless notified otherwise

9. General/Property management

The Licence holder shall ensure that:

- a) all repairs to the house or any installations, facilities or equipment within it are carried out by competent and suitably qualified person(s), for example Gas Safe registered

operatives for gas appliances and an electrical contractor who is a member of an approved scheme, such as NICEIC, BSI, NAPIT, ELECSA or BRE.

- b) all occupants of the house receive written confirmation detailing arrangements in place to deal with repairs and emergencies.
- c) if the property is provided with electrical appliances, copies of user manuals will be supplied to the tenant.
- d) all occupiers are made aware of the licence and its conditions.

Reason: To safeguard the health, safety and well-being of occupants.

10. Security

The Licence holder shall ensure that:

- a) where alley gates are installed to the rear of the licensed property, tenants are made aware of how to obtain a key.

Reason: To safeguard the health, safety and well-being of occupants.

11. External areas, refuse and waste

The Licence holder shall ensure that:

- a) the tenants are instructed in their responsibilities in respect of refuse storage and disposal, to include details of what day refuse collections take place and what type of receptacle to use for household waste and recycling;

Reason: To ensure that the domestic hygiene and condition of the licensed property is maintained.

12. Training

The Licence holder and/or Manager shall undertake property management training courses or information days, where required to do so by the Council.

Reason: To enable the Council to provide licence holders with the knowledge and expertise to improve the management of their properties.

13. Management / Anti-social behaviour

The Licence holder shall take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.

The Licence holder shall:

- a) provide a written action plan to Middlesbrough Council outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually, tenants made aware of it and submitted on request;

- b) provide the local authority, upon request, the full names and dates of birth of each occupant of the property;
- c) cooperate with Middlesbrough Council, Cleveland Police and other agencies in resolving complaints of anti-social behaviour or criminal activity. The Licence holder and/or their nominated Managing Agent must not ignore or fail to take action against any complaints regarding their tenants. Written records of action taken, shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council on request;
- d) ensure that the appropriate authorities (namely Middlesbrough Council and Cleveland Police) are informed, where they have reason to believe that their tenant's behaviour involves criminal activity;
- e) make regular (at least quarterly) inspections of the property to ensure that the property is in a good state of repair and that the occupiers are not in breach of tenancy terms and conditions. Written records of inspections made, conditions noted and actions taken as a result shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council;
- f) ensure that each tenant is made aware that they are responsible for their own behaviour and the behaviour of other occupiers and visitors.
- g) the name and contact details of the Licence holder and/or manager must be supplied to each occupier and must also be on display in a prominent place.
- h) produce on request liability insurance.

Reason: To safeguard the well-being of occupants, persons visiting the premises and persons in the immediate locality.

14. Notification / consultation of changes

The Licence holder and Managing Agent shall consult with Middlesbrough Council before making any material changes to the layout, amenity provision, fire precautions or occupation of the house. They must also inform Middlesbrough Council of:

- a) when you sell the property in order that your licence can be revoked.
- b) details of any convictions not previously disclosed to the local authority that may be relevant to the Licence holder and/or the property manager and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
- c) details of any finding by a court or tribunal, not previously disclosed, against the Licence holder and /or the manager that he/she has on the grounds of sex, sexual orientation, gender reassignment, age, race, religion or belief, marital status, pregnancy, maternity, or disability in, or in connection with, the carrying on of any business;

- d) details of any contravention, not previously disclosed, on the part of the Licence holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her;
- e) information about any property, not previously disclosed, the Licence holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the Licence holder breaching the conditions of his/her licence;
- f) information about any property, not previously disclosed, the Licence holder or manager owns or manages or has owned or managed that has been the subject of an Interim or Final Management Order under the Housing Act 2004;
- g) notification of repossession/foreclosure;
- h) successful claims against the Licence holder for default of tenancy deposits;
- i) change in managing agent or the instruction of a managing agent;
- j) the undertaking of substantial works to the property, including conversions and modernisations or emergency problems relating to fire, flood or disaster and the tenants are made temporarily homeless.

Reason: To safeguard the health, safety and well-being of occupants in the event of changes during the period of the Licence and to enable the Council to decide whether the licence holder continues to be fit and proper to hold a Selective Landlord Licence.

15. Absence

The Licence holder shall have in place suitable emergency and other management arrangements in the event of their absence.

Reason: to safeguard the health, safety and well-being of occupants in the event of temporary absence of persons in control.

16. Compliance inspections

The Licence holder shall allow the Council to undertake Licence compliance checks. Council officers will give the Licence holder at least 24 hours' notice of these checks and produce valid authorisation at the time of the visit.

Reason: To ensure that the property complies with the Housing Act 2004 and Licence conditions.

APPENDIX 4

EXEMPTIONS

Properties that are exempt from requiring a licence are those that are:

1. Subject to a Prohibition Order, under Section 20 of the Housing Act 2004, that has not been suspended.
2. Business premises.
3. Houses in Multiple Occupation (HMO) that require a statutory HMO licence.
4. Tenancies for agricultural land/holdings.
5. Controlled by a local housing authority, Police authority, Fire and Rescue authority or a Health Service body.
6. Occupied solely by students undertaking a full-time course of further or higher education, and where the person managing or in control of it is the educational establishment.
7. Tenancies granted for more than 21 years and the agreement does not allow the landlord to end the tenancy earlier than the term of the lease (the property must be occupied by the original person who was granted the tenancy or members of their family).
8. The tenant is a member of the landlord's family. (The house must be the occupier's main residence. The person granting the occupancy must be the freeholder or leaseholder, which is for a period of more than 21 years. This lease must not contain a provision allowing the landlord to end the tenancy earlier than the term of the lease);
9. Tenancies or licenses granted for the occupancy of a holiday home.
10. Accommodation that the occupier shares with the landlord or licensor or a member of the landlord or licensor's family.

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APPENDIX 5

FEE STRUCTURE

Fee and charging structure for the implementation of Selective Landlord Licensing in a phase 2 of the Newport ward.

Part 3 of the Housing Act 2004 enables the Council to require the application for a Licence to be accompanied by a fee fixed by the Council.

The Council is not permitted to make a profit from the introduction of a Selective Landlord Licensing scheme and any surplus must be ring-fenced to the scheme. The fees should, however, take account of all costs incurred in carrying out all duties under this part of the Act.

Licence Fees

To meet the costs involved in running the Newport Phase 2 Selective Landlord Licensing Scheme it is proposed to charge fees of:

- £760 per Single Occupancy Household Unit
- £20 per Fit and Proper Person Check – in respect of the proposed Licence Holder and the proposed manager (if a different person from the Licence Holder)

This fee has been calculated based on the cost to run the various elements of work needed to administer and enforce the scheme; the number of officers required to fulfil these tasks and the officer time needed to complete them were identified and then costed.

Where a licence is refused or revoked, the applicant or licence holder will not be entitled to any refund of fees and will be required to pay any outstanding charges linked to the application.

Applications resulting from a change in ownership of a licensed property will be charged the full standard fee.

Owners should give careful consideration to the person designated as Licence holder as licences run for a maximum of 5 years and are non-transferable. If the licence holder changes for any reason, the full licence fee is payable by the first licence holder and the new licence holder will also need to pay the full standard fee. The new licence holder will not incur a penalty charge as long as the application form, fees and documentation are received within three months of the change of ownership/manager.

Applications for licences in the last six months of the designation will be eligible for a reduced fee of 50%, where properties have not been licensable prior to the 6 month deadline.

The Council will look to recoup its additional costs where landlords fail to come forward during the licensing timescales or provide incomplete applications which requires additional work from the team.

Licence Fees by Instalments

Payment of the fee by instalments. This has been requested by some landlords in previous schemes. The fee is paid in two parts and it is proposed that Instalment arrangements could only be applied to the second part of the fee, the initial payment covers the cost of administering the

application process. It is proposed that fees could be paid over a term of between 6 and 12 months depending on the number of properties to be licensed. Terms would be applied and to cover the cost of administering this a fee of £100 is proposed. Any landlord who defaults on payments would not be offered payment by instalments for subsequent licenses.

Method of Payment

This fee is divided into two payments the second only becoming payable when it is decided the landlord is fit and proper to be issued with the licence. The first £380 + £20, will be used to administer the application and fit and proper process. The second £380 will be used for the ongoing administration and the enforcement of the legislation associated with the scheme.

SELECTIVE LANDLORD LICENSING NORTH ORMESBY SCHEME

EVALUATION REPORT 2020

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INTRODUCTION

1. Aim of the evaluation

Middlesbrough Council currently operates two Selective Landlord Licensing (SLL) schemes set up under Part 3 of the Housing Act 2004.

Under the terms of the Act, each scheme runs for five years, with an evaluation required before the end of that period to assess its impact and to contribute to the decision whether it should be continued or ended.

The North Ormesby scheme, five-year period during which the locality is designated for Selective Licensing ends in December 2020. The designation on the Council's second Selective Licensing scheme within a part of Newport ward ends on 12th June 2024.

The aim of this report is to present the findings of an evaluation of the Selective Licensing scheme within North Ormesby ward.

Using guidance from Local Government Regulation, the evaluation seeks to identify the effectiveness of Selective Licensing in:

- reducing anti social behaviour attributable to the private rented sector;
- improving management standards in the private rented sector;
- increasing housing demand;
- improving the environment; and
- contributing to the effectiveness of partnership working to improve the quality of life.

2. Methodology

The methodology used for this evaluation of the Selective Licensing scheme within North Ormesby consists of:

- Analysis of data from Middlesbrough Council and other stakeholders collected during the 2016 - 2020 licensing period;
- Case studies, including descriptions of the housing market and details on how the Selective Licensing scheme has been managed;
- Interpretation of opinions expressed by managing agents, landlords and stakeholders operating in the Selective Licensing area.

The evaluation has also taken account of findings from an Independent Review of the Use and Effectiveness of Selective Licensing was carried out by Ministry of Housing, Communities and Local Government (MHCLG June 2019, Updated September 2019).

This report also sets out the policy background to Selective Licensing and describing the situation at North Ormesby. The report summarises the performance outputs of the North Ormesby scheme including costs and concludes with a review of options and recommendations. Various further details are contained in appendices.

POLICY BACKGROUND AND PROJECT SET UP

3. Background to Selective Licensing

Part 3 of the Housing Act 2004 provides that a Council (i.e. the Local Housing Authority) may declare a licensing scheme for privately rented accommodation if the following conditions are met: -

- *that the area is, or is likely to become, an area of low housing demand; and;*

- *that the area is experiencing a significant and persistent problem caused by anti-social behaviour;*

Selective Licensing requires that any person wishing to rent out a property in a designated area must first obtain a licence from the Council. In order to grant such a licence the Council must be satisfied that the landlord is a “fit and proper” person with satisfactory management arrangements in place to deal with any anti-social behaviour caused by their tenants. Selective Licensing applies only to private landlords, not to social landlords.

Selective Licensing is intended to be just one of many tools available to the Council to address low demand and anti-social behaviour, it is not a stand-alone panacea for every issue affecting a neighbourhood. Therefore, the 2004 Act requires the Council to identify how Selective Licensing will work alongside other measures by showing how it forms part of an overall strategic approach, contributing to existing policies and underpinning future plans for the area.

A full public consultation must be carried out before a decision can be made to introduce a Selective Licensing scheme. This should include consultation with local residents, including tenants, landlords and managing agents, and other members of the community who live, run businesses or provide services in the area proposed for designation. Those outside of the designation who will be affected should be included too.

When the North Ormesby Selective Licensing scheme was introduced in 2015, Secretary of State approval was required to designate an area. However, since April 2010 this power has been delegated to local authorities, who must still meet all the other requirements of the 2004 Act to ensure that a scheme is legally enforceable.

4. The introduction of Selective Licensing in North Ormesby

North Ormesby faced significant major social and economic challenges as summarised below:

- between 2007 and 2010 the North Ormesby ward had the most significant increase in deprivation across the whole town;
- the private rented sector increased by 118% (2001-10) and owner occupation dropped by 18%; and
- poorly managed properties has continued to feed a concentration of anti-social behaviour and crime, confirmed by the Big Local survey which confirmed it as a key concern for local residents.

As a consequence of this concentration of issues a broad range of social problems have manifested themselves, from drug and alcohol abuse to domestic violence. The transient nature of households has also increased the turnover of the area with the local primary school seeing only 50% of those children who start the school at Reception year staying on until Year 6.

North Ormesby had become the destination for those people with limited housing choices. In some cases, those with the most chaotic lifestyles, and a range of social, health and welfare problems that require extensive public sector support, had become concentrated in North Ormesby and other inner areas. A proactive and preventative approach was needed to manage this structural imbalance or the Council and other public sector bodies will continue to pick up the service demands and costs generated by individuals and families. Typically the inner area demonstrated:

- a) High crime rates;
- b) Poor health outcomes;
- c) High levels of social care needs;
- d) Educational under achievement;
- e) Low employment levels;
- f) Benefit dependency; and,
- g) Disconnection from the job market.

Index of Multiple Deprivation (IMD).

The IMD identifies areas of multiple deprivation for each local authority area as a whole and also for smaller areas within each local authority known as Lower Layer Super Output Areas (LSOAs).

The IMD is a relative measure of deprivation and is based on a variety of indicators. Each of the 32,482 LSOAs in England are assigned a score based on deprivation levels, and also a rank based on each of the scores. Rankings for the 326 English districts and boroughs are also calculated. Middlesbrough has a rank of average score of 8 meaning it is the 8th most deprived local authority area in England.

In 2010 the 2 LSOAs for North Ormesby were in the 10% most deprived nationally being ranked 326 and 328 of 32,482 LSOAs. Both LSOAs had declined since 2007 with one showing the biggest decline in Middlesbrough, falling by 1,172 places.

The North Ormesby and Brambles Farm ward was the third most deprived ward in the town, and had declined since 2004.

The Housing Act 2004 gives Local Authorities the power to introduce Selective Licensing for privately rented properties in areas experiencing low housing demand and/or significant and persistent anti-social behaviour. The purpose of the Selective Licensing scheme is to improve standards of property management in the private rented sector, over a five year period of designation which, when combined with other measures, should lead to improved social and economic conditions.

The area of North Ormesby was designated for Selective Landlord Licensing in September 2015 and this came into force on the 1st January 2016. Every landlord who privately rents a property in the designated area of North Ormesby is required to apply for a licence to do so.

5. Selective Licensing Fees

The Housing Act 2004 gives the Council the power to charge landlords a fee for all costs it incurs carrying out its Selective Licensing functions. The Act also allows the Council to take into account costs incurred in carrying functions in relation to Interim and Final Management Orders (so far as they are not recoverable under that part of the Act).

The licensing fee in the North Ormesby scheme was set at £580 per property, plus a £20 Fit & Proper Fee per licence holder. The fee was calculated by estimating the number of licensable properties, and the anticipated staffing costs required to carry out the functions of the scheme (4.5 FTEs and an Apprentice). The payment was split in to two parts with £290 + £20 Fit and Proper Fee payable at the time of the application and £290 payable at the Notice of Intention stage.

With 550 licensable properties originally identified in the North Ormesby Selective Licensing area, an income of £319,000 was predicted from the scheme. The actual income has exceeded expectations as the number of licensable properties has changed over the five years of the scheme due to exemptions, sales of properties and changes in tenure. To date 934 properties have been licensed and generated fees of £608,896. This figure is made up of licence fees, part licensed properties and late fee charges. Income from the licence fees is ring fenced meaning that it can only be used for the delivery of the SLL scheme. North Ormesby fees pay for the following SLL staffing: Manager, SLL Officer, SLL Neighbourhood Safety Officer, SLL Assistant, Apprentice and Tenancy Relations Officer.

PERFORMANCE

Throughout the period of the North Ormesby SLL scheme a series of performance measures have been monitored to track the progress and outcomes of the scheme.

6. Low Demand for Housing

The Council introduced Selective Licensing in North Ormesby on the basis that there was compelling evidence of low housing demand. In line with legislation and guidance the Council considered the indicators of low housing demand such turnover, low property prices, a transient tenant population and high proportion of empty properties.

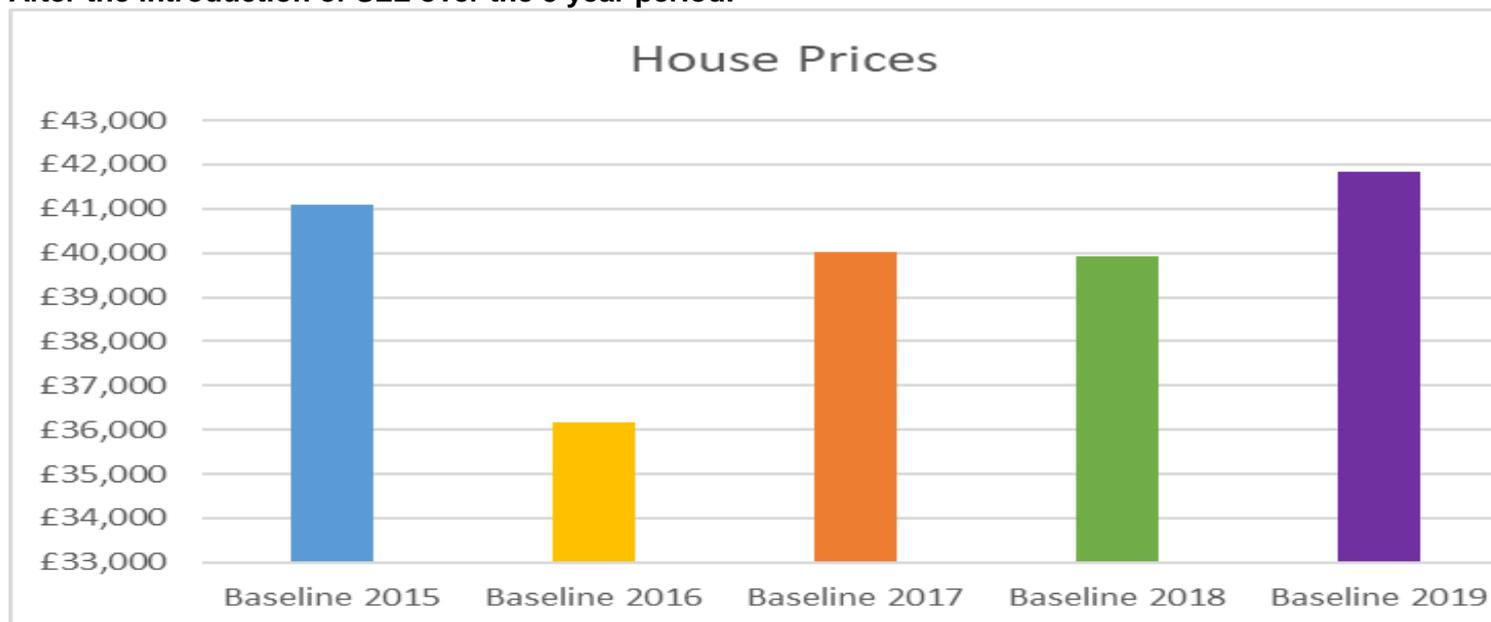
6.1 House Prices

Prior to the introduction of SLL:

With average sales prices in North Ormesby at £48,000 (Land Registry sold prices between August 2013 and July 2014), they were amongst the lowest in the town. (The average house price for Middlesbrough at this time was £124,000). Performance baseline figures the year prior to the scheme (2015) using Land Registry sold prices show house prices at £41,000.

Prices ranged from £25k-£30k up to £55k dependent on the location within the ward. Those purchasing properties in North Ormesby were predominantly investors looking to buy to rent.

After the introduction of SLL over the 5 year period:



Data source: HM Land registry Open data <https://landregistry.data.gov.uk/app/standard-reports/report-design>

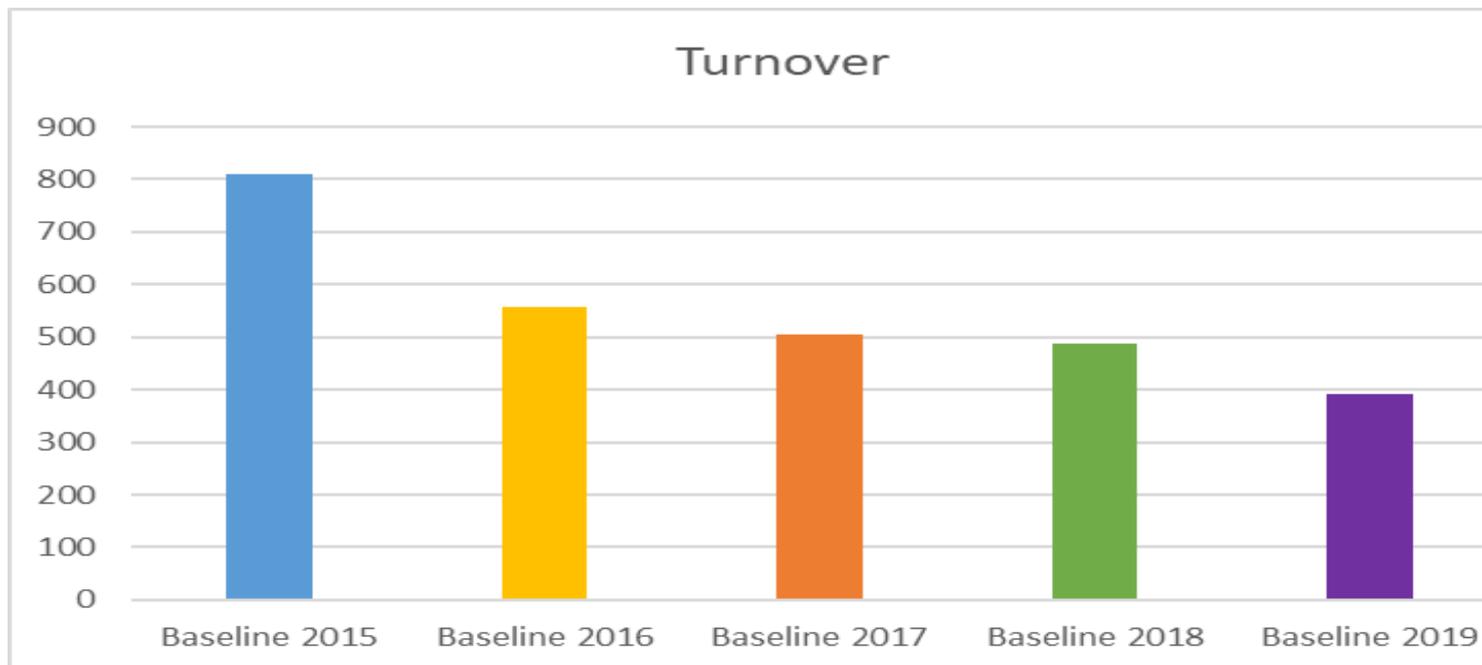
Conclusion: This clearly shows that house prices in North Ormesby are starting to increase. During the designation period observations have indicated that there has also been an increase in the number of renovations of properties.

6.2 Turnover of tenants

Prior to the introduction of SLL:

Council Tax records provide a guide as to the proportion of properties experiencing turnover in occupancy in the North Ormesby ward. Of the 1,791 Council Tax accounts in 2013/14 a change occurred in 72.8% of them, requiring a new account to be created, affecting 705 properties (39%). In the preceding year a change requiring a new account to be created occurred on 85.8% of accounts, affecting 870 properties (50%).

After the introduction of SLL over the 5 year period:



Data Source: Middlesbrough Council, Council Tax records.

Conclusion: Prior to the SLL scheme North Ormesby had a more transient population typically housed in privately rented accommodation which can have a negative impact on the stability and desirability of an area. It can also affect community integration and investment and affect school performance negatively. Following the designation of the SLL scheme it can be seen that the turnover of properties has decreased each year which indicates that properties are not changing hands as much and there is a more static population contributing to improved community cohesion.

6.3 Empty Properties and Long Term Empties (More than 6 Months)

The problems empty properties cause for local communities are well known, but in summary they:

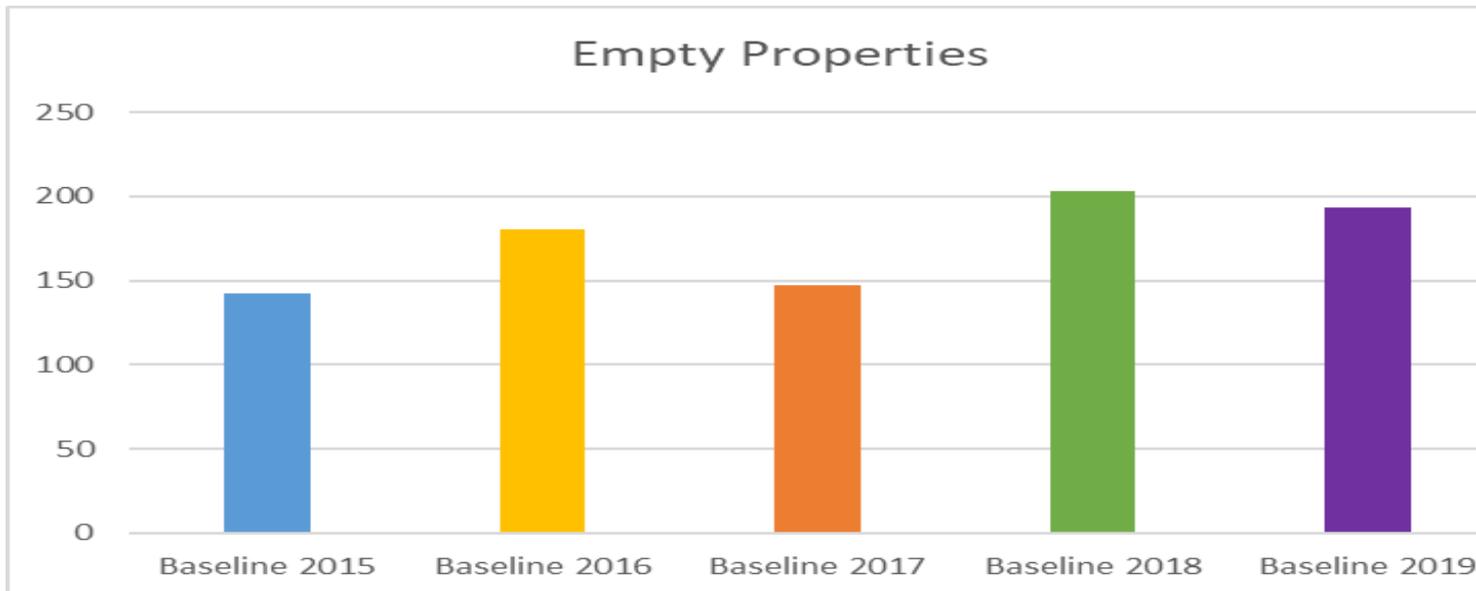
- deny homes to those in need;
- attract vermin, crime, arson, vandalism, fly-tipping and anti-social behaviour;
- are a source of anxiety for owners and neighbours;
- reduce the value of neighbouring properties; and as a consequence,
- are a drain on public services and budgets.

Empty properties which become open for access due to vandalism or criminal damage are subject to legal notices which require the owner to secure the property. This action is taken by officers in the Public Protection Service and this has not changed throughout the life of the scheme

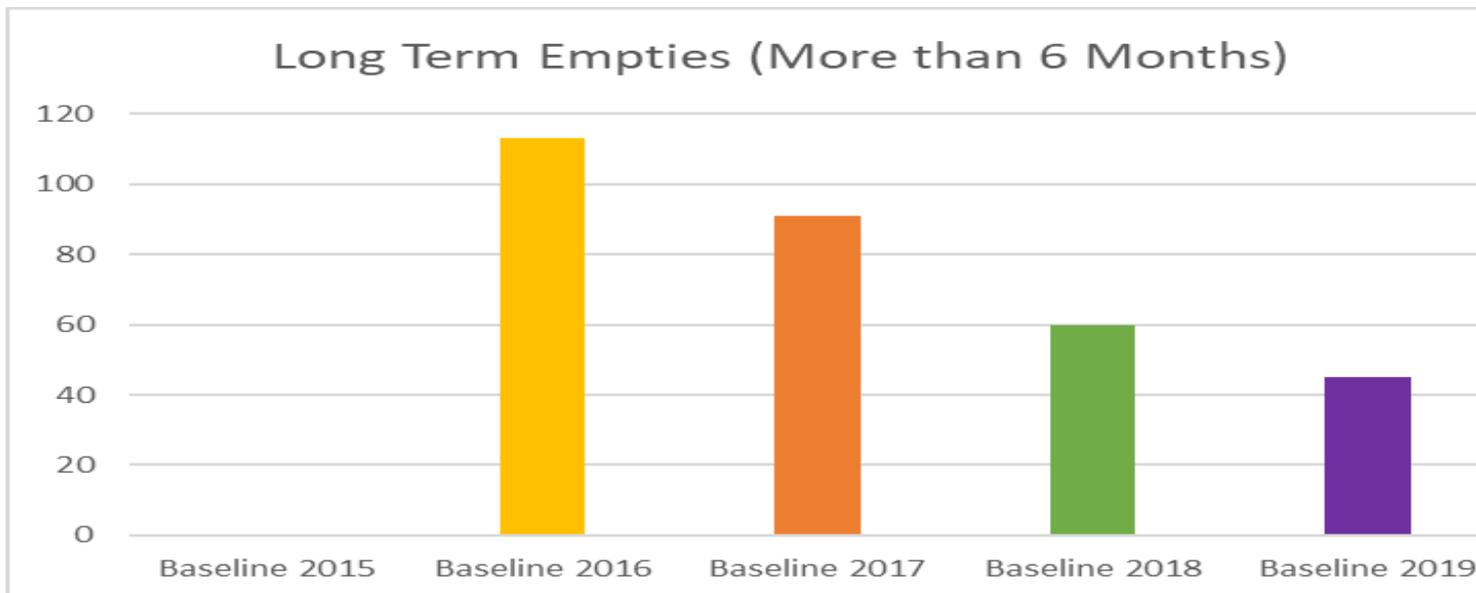
Prior to the introduction of SLL:

At the end of September 2014, according to Council Tax records, there were 68 long-term empty properties in North Ormesby, which equates to 3.9% of total stock. North Ormesby had the second highest proportion of long term empty properties than other areas in Middlesbrough. This position contributed to a negative image causing uncertainty for established residents and making it hard to attract people to the area.

After the introduction of SLL over the 5 year period:



Data Source: Middlesbrough Council, Council Tax records



Data Source: Middlesbrough Council, Council Tax records

Conclusion: Even with the introduction of Middlesbrough Council's Rent & Refurb Scheme and Thirteen purchasing properties in the area, there has been a fluctuation in the numbers of empty properties throughout the five year of the scheme. Whilst the number of empty properties remain high, there has been a very distinct decline in the number of long term empty properties which are the most problematic in terms of attracting anti social behaviour, damage and contribute to lack of confidence in safety in the community.

Recommendation for future SLL scheme: To continue with the delivery of the current scheme's approach to dealing with vacant properties. It is proposed that the SLL team will be given additional responsibility to serve legal notices to secure empty properties which become open for access. This could potentially increase the efficiency of securing properties in a shorter timescale.

7. Property Conditions

Middlesbrough's Private Sector Stock Condition Survey (PSSCS) 2008 identified North Ormesby as having the highest proportion of non-decent dwellings in Middlesbrough at 60.5%.

North Ormesby also recorded the highest non-decency remedial cost score by area (£40.3m and an average of £3,685, per non decent dwelling).

North Ormesby was also found to have by far the highest proportion of homes with a Category 1 hazard (37.8%). Examples of Category 1 hazards include:

- inadequate heating
- absence of working fire alarms
- leaking roofs
- broken rail on a steep stairway
- lack of physical security, such as doors and windows not closing or locking properly.

7.1 Improving housing standards

Non-decent homes do not meet current statutory minimum standards, are not in a reasonable state of repair, do not have reasonably modern facilities and fail to provide a reasonable degree of thermal comfort.

Middlesbrough's Private Sector Stock Condition Survey (PSSCS) 2008 identified North Ormesby as having the largest proportion of vulnerable households (74.2%) living in non-decent homes.

7.2 Housing disrepair

Prior to the introduction of SLL:

The Council received 145 complaints of housing disrepair in private rented property in North Ormesby between 2011/12 and 2013/14, this equates to 8.4% of the private rented properties in North Ormesby, the town average being 3.4%.

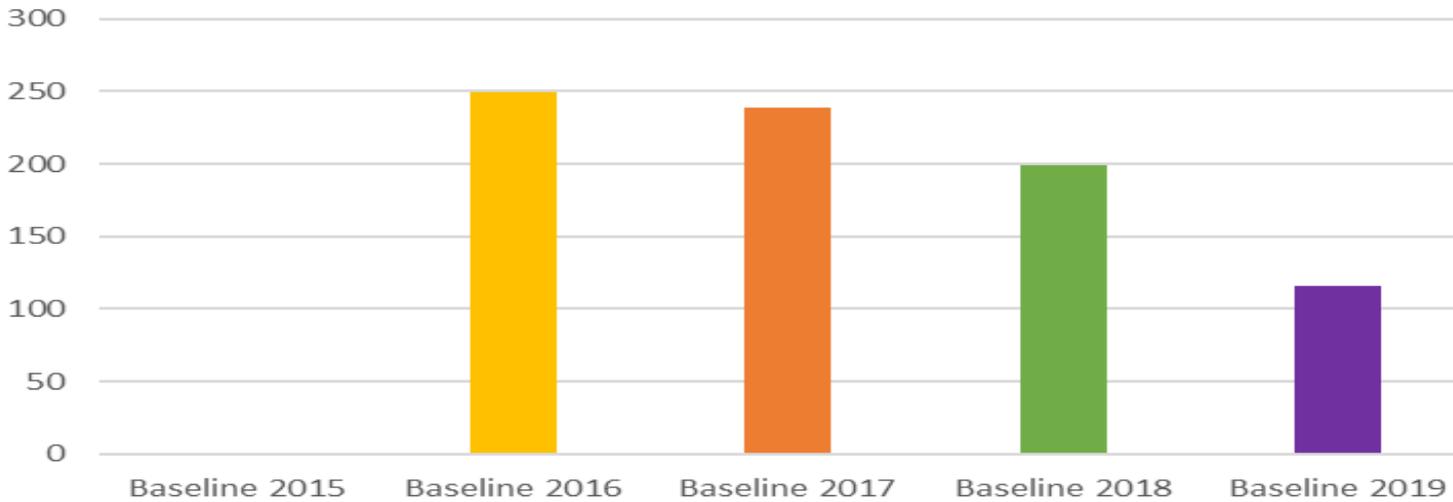
- The Council issued 41 pre-formal schedules of work to landlords in North Ormesby between 2011/12 and 2013/14 (2.4% of private rented housing in the area) with the town average being 0.6%.
- The Council served 9 statutory housing repair notices on landlords in North Ormesby between 2011/12 and 2013/14
- Baseline figures for the scheme show that in the year prior to the introduction of the SLL Scheme 6 housing standards inspections were carried out in North Ormesby following complaints from their tenants. The inspections identified 2 category 1 Hazards and 21 Category 2 hazards

After the introduction of SLL over the 5 year period:

The graphs below show the number of rented properties in NO which have been inspected throughout the course of the SLL to ensure they met housing standards. Generally, residents in the private rented sector do not complain about standards in their property, for a wide range of reasons, which is evident in the low number of complaints in 2014. The incorporation of housing standards inspections into the SLL scheme has resulted in improved housing conditions for residents. The majority of the inspections were completed in 2016/17 (the first two years of the scheme) with the number of inspections declining in 2018/19 due to the reduced numbers of properties requiring inspections which is reflected in the figures.

Number of SLL Inspection Visits Completed

Number of SLL Inspection Visits Completed



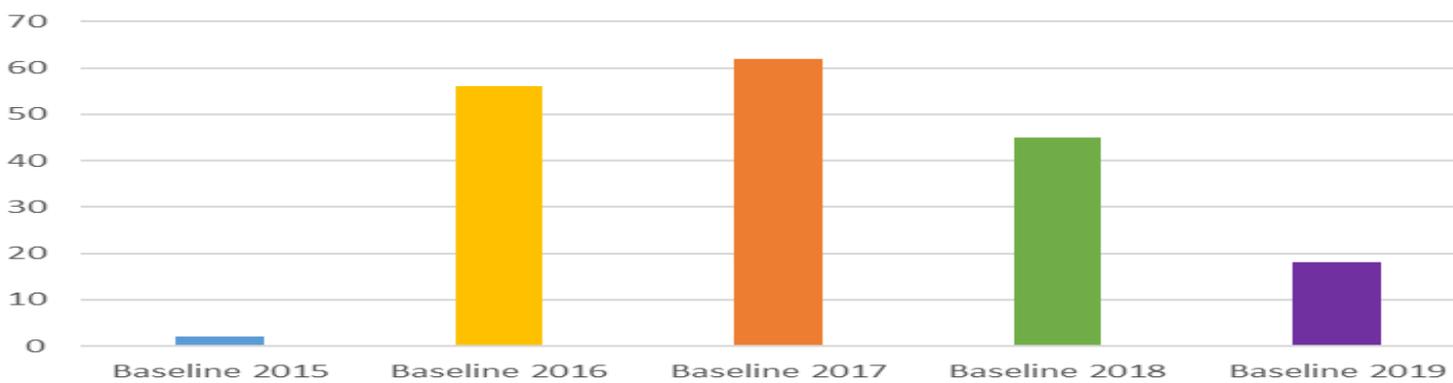
Data Source: Selective Licensing Spreadsheet

Conclusion: It was originally intended that a 100% of the licence properties in North Ormesby would be inspected in the first 2 years. However, it became evident that due to the nature and chaotic lifestyles of the tenants access to the properties was often difficult and on some occasions it took 3 and 4 attempts to be able to carry out the inspection. In addition, if a property was licensed but was vacated before the inspection was carried out, it would be delayed until the property was tenanted. It was also evident over the course of the SLL scheme that new properties became licensable and required an inspection. The graph above shows the extended timescale required to complete the housing inspection.

The figures for the housing inspections also provide the numbers of multi-agency visits made to each property to offer wider support, including the Tenancy support for vulnerable residents.

Category 1 hazards detected

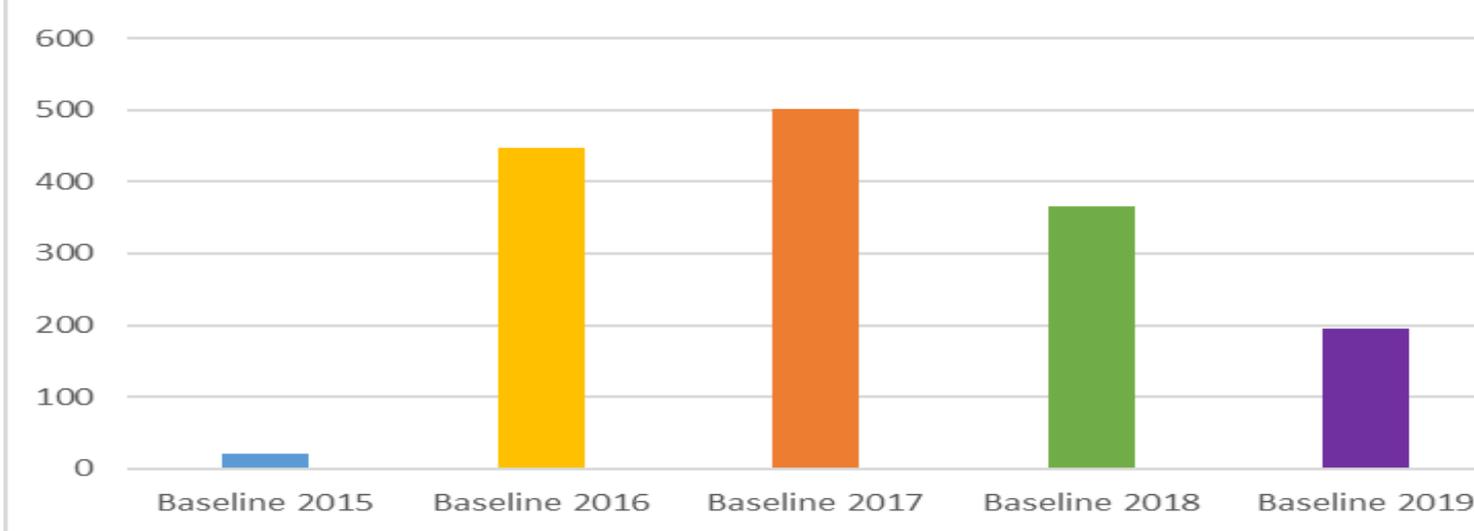
Category 1 hazards detected



Data Source: FLARE data system

Category 2 hazards detected

Category 2 hazards detected

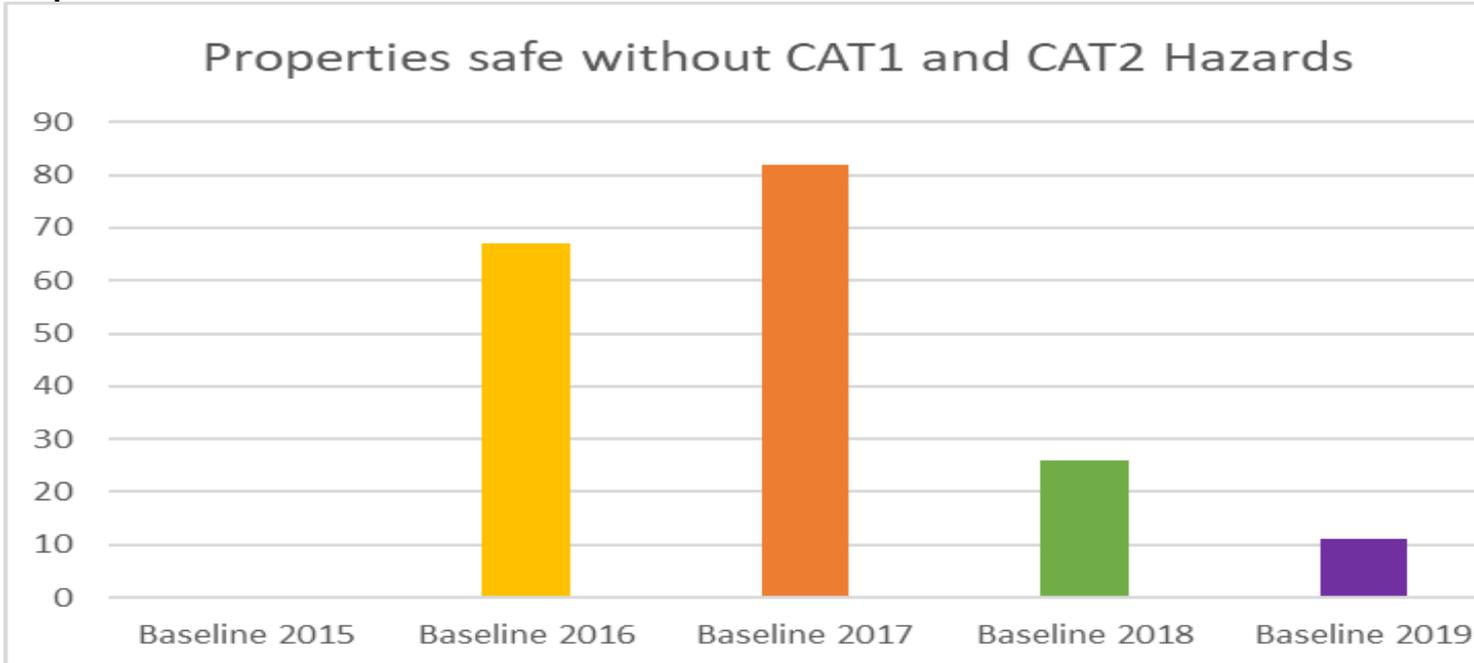


Data Source: FLARE data system

Conclusion: Category 1 hazards are those where the most serious harm outcome is identified, for example, those hazards which may cause death, permanent paralysis, and permanent loss of consciousness, loss of a limb or serious fractures. There is a legal duty to take action when category 1 hazards are identified, and a power to enforce against category 2 hazards. The baseline data shows the low number of tenants which were coming forward to report poor housing conditions. The proactive housing inspections incorporated into the SLL scheme has resulted in a significant increase the number of properties with poor housing conditions in NO and a significant improvement in housing conditions. Without the SLL scheme these improvements would not have been achieved.

Recommendation for future SLL scheme: To maintain a multi-agency approach to property visits and housing standards inspections as a requirement of the SLL scheme.

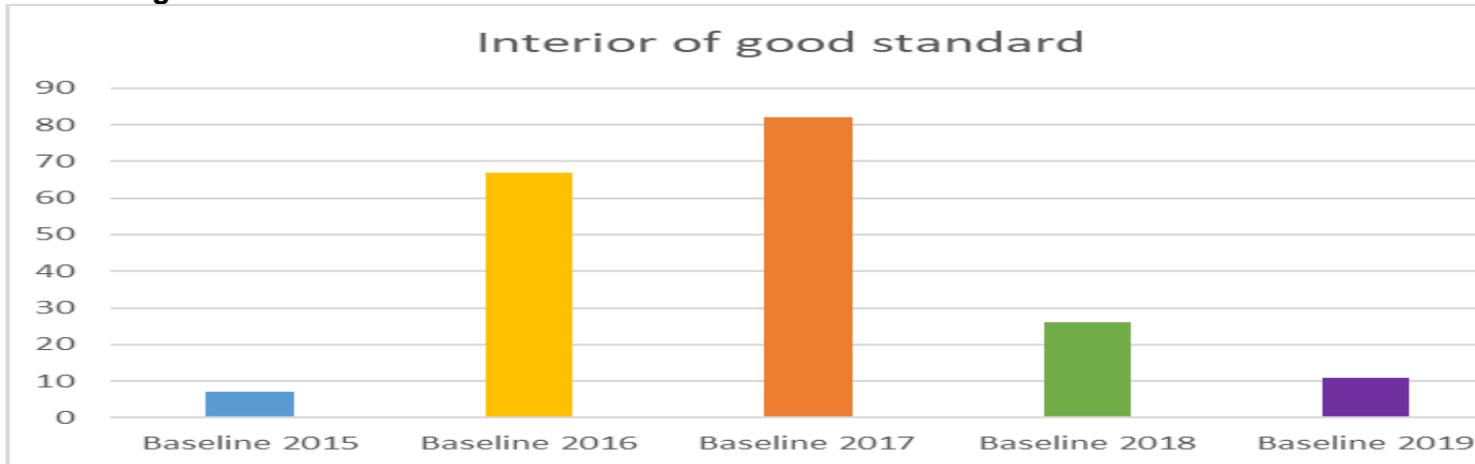
Properties safe without CAT1 and CAT2 Hazards



Data Source: FLARE data system

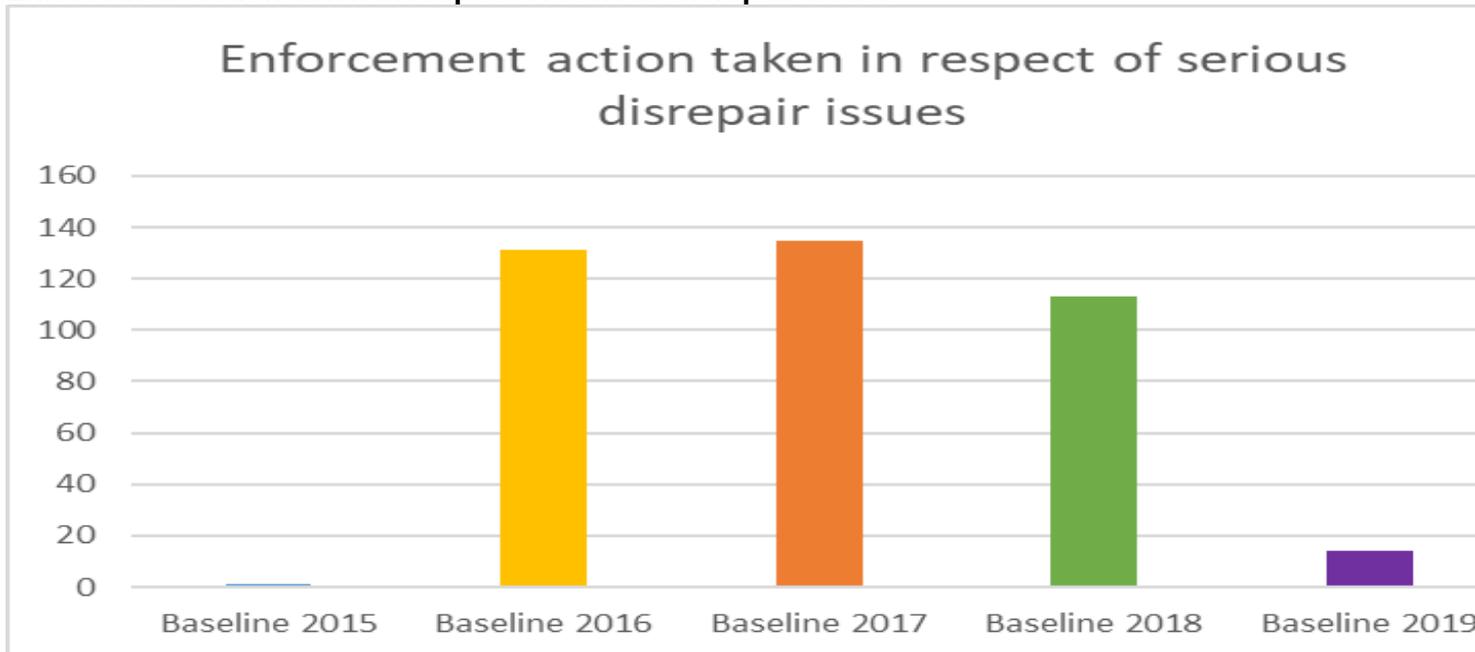
The above graph shows the number of properties safe without Cat1 and CAT 2 hazards. As with the previous graph the majority of the inspections were completed in 2016/17 (the first two years of the scheme) the number of inspections declined in 2018/19 due to the lower number of inspections required to be completed which is reflected in the figures.

Interior of good standard



Data Source: FLARE data system

Enforcement action taken in respect of serious disrepair issues



Data Source: FLARE data system

Case studies are provided to support the above (Appendix 6 – Case study 1 & 2.)

Landlord Testimonial (Nigel Fick) – “In a perfect world there would be absolutely no need for Selective Licensing. There would be no anti-social behaviour, all tenants would conduct their tenancies immaculately and private landlords would be aware of their responsibilities both to tenants and the public and share the information they have.

Regrettably that is not the world we live in. By definition, any area that is subject to Selective Licensing will have poor standards of private housing and higher than normal instances of anti-social behaviour and it is therefore essential that private landlords behave responsibly which is clearly not always the case.

If we are to have Selective Licensing it is of fundamental importance that the local authority team charged with the task does so with understanding and professionalism but also be firm enough to punish landlords who demonstrate an unwillingness to 'play ball'.

I would like to thank you and your team for being so helpful with our licence applications, with on-going advice and support, with helpful information and a boot up the backside when needed".

8. Management Standards

By introducing selective licensing the Council is fully utilising the suite of tools introduced by the Housing Act 2004 to address management standards and property conditions within the private rented sector. As part of a coordinated approach, Selective Licensing compels landlords to maintain good standards and raise the profile of problem properties. Through the increased awareness amongst the community and across agencies, Selective Licensing has become a valuable mechanism for identifying and dealing with bad practice amongst private landlords.

Whilst reputable landlords are provided assurance with a Selective Licensing scheme in place, those landlords whose business practices did not meet the required minimum standards are encouraged and supported to improve their management standards. Landlords who were not willing to work with the Council could face being refused a licence and ultimately having a Management Order imposed against the property which removes it from their control.

8.1 Tenancy Referencing

The Tenancy Referencing Service offers a free service to member landlords which allows them to make informed choices about prospective tenants when letting properties in the Middlesbrough area.

A traffic light system is used to explain the results of the reference check. This lets landlords make an informed choice about whether or not to allocate a tenancy.

- Green: indicates no issues.
- Amber: may indicate that there has been no previous tenancy held, or there may have been some minor tenancy issues or rent arrears.
- Red: indicates evidence of eviction, anti-social behaviour, or high rent arrears.

Prior to the introduction of SLL:

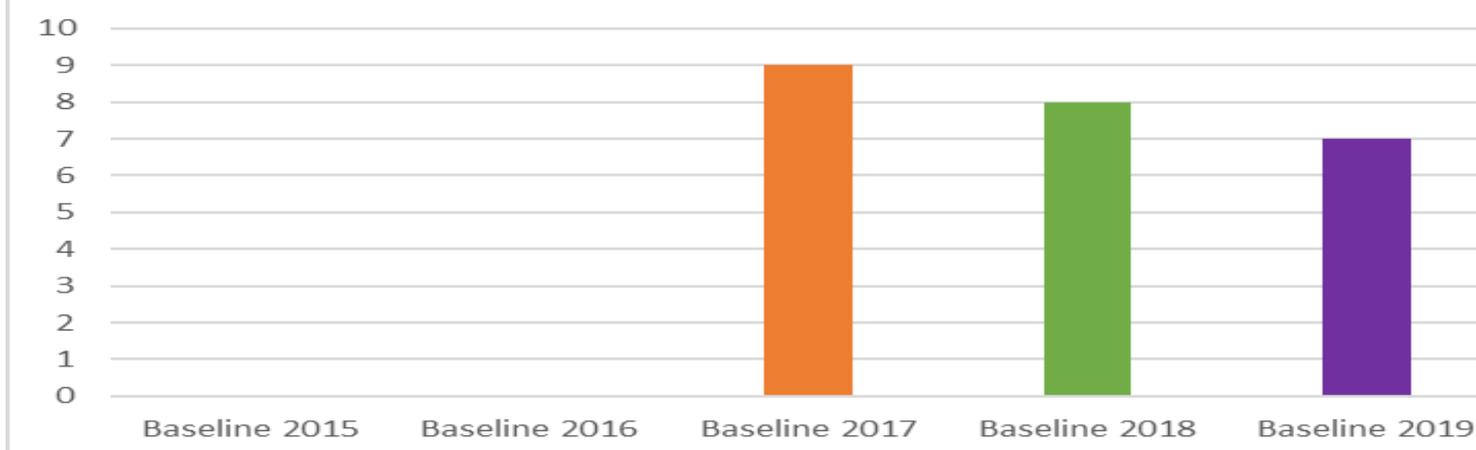
Landlord referencing existed but it was discretionary for landlords to join and use the service.

After the introduction of SLL over the 5 year period:

When SLL was introduced tenancy referencing became a mandatory condition of the licence, in addition to conditions requiring landlords to provide a copy of a tenancy agreement, up to date gas safety certificate and an anti-social behaviour plan.

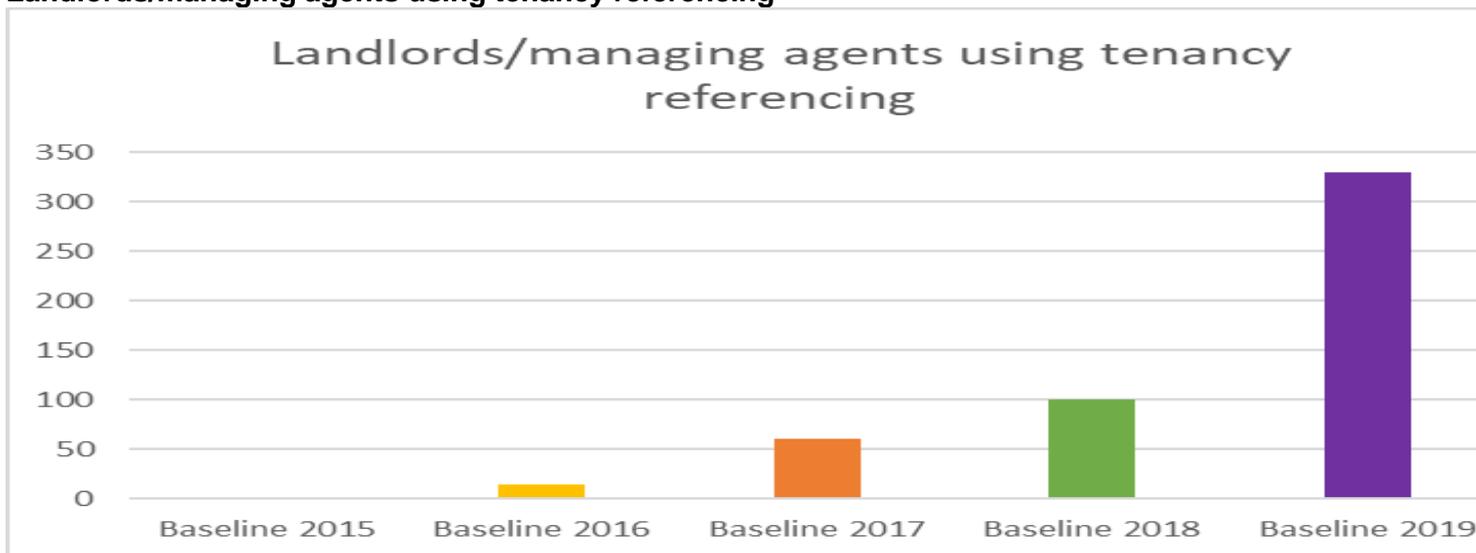
Landlords/managing agents joining tenancy referencing

Landlords/managing agents Joining tenancy referencing



Data Source: FLARE data system

Landlords/managing agents using tenancy referencing



Data Source: FLARE data system

Conclusion: A licence condition of the scheme is that all landlords need to reference their tenants before placing them in a tenancy but can use any referencing service they choose. The graphs show that during the course of the scheme landlords have not only joined but are using the service.

Recommendation for future SLL scheme: It is proposed that a mandatory condition is introduced for landlords to use Middlesbrough Council FREE referencing service as this is a robust service which is broader than the current scheme as it also looks at antisocial behaviour in previous tenancies.

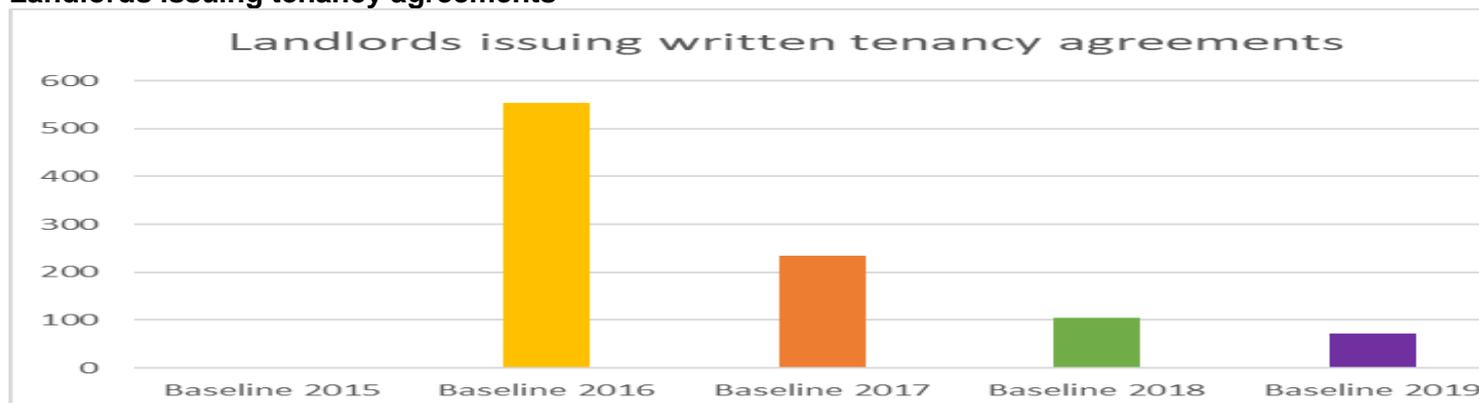
Landlord Testimonial (Paul Norman) - "For many years I prevented my clients (investors) and myself from purchasing /working in this area and told anyone who asked where to buy, not North Ormesby! Since Selective licensing has been rolled out my attitude to the area has changed dramatically due to the efforts by the team at the hub.

I can see, personally, the difference to the area and the type of tenants. I see a lot more builders vans here than I have ever seen in the street (we did have a few we managed and maintained before my change of heart). Houses look better generally, and it seems a concerted effort to remove the stigma from “Doggy” is slowly being removed for the landlords. As a comparison, to show our faith in the improvement, we are currently working on 8 refurbishment programmes in the area. In Middlesbrough, just 1!

The referencing is very good, I am an Accredited Landlord with the NLA, their referencing costs me £24 per time. It does not, however, tell me their history at previous address`s, nor their conduct, whether they have issues with housing benefits and rent etc. The service is much more beneficial to prospective and established landlords.

In my opinion, Selective Licensing has changed North Ormesby and it was much needed”.

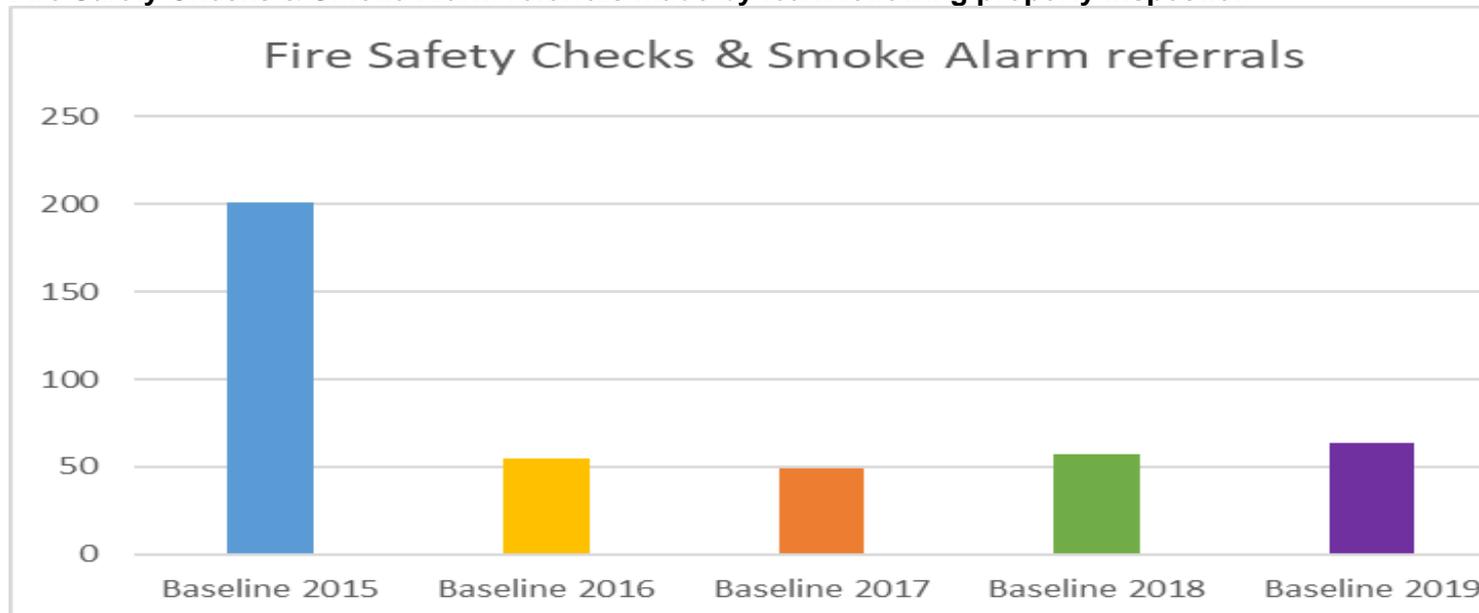
Landlords issuing tenancy agreements



Data Source: FLARE data system

Conclusion: When landlords apply for a selective licence it is mandatory that they must upload a copy of the current tenancy agreement along with the application form. The decrease in numbers throughout the scheme is due to the number of applications received.

Fire Safety Checks & Smoke Alarm referrals made by team following property inspection

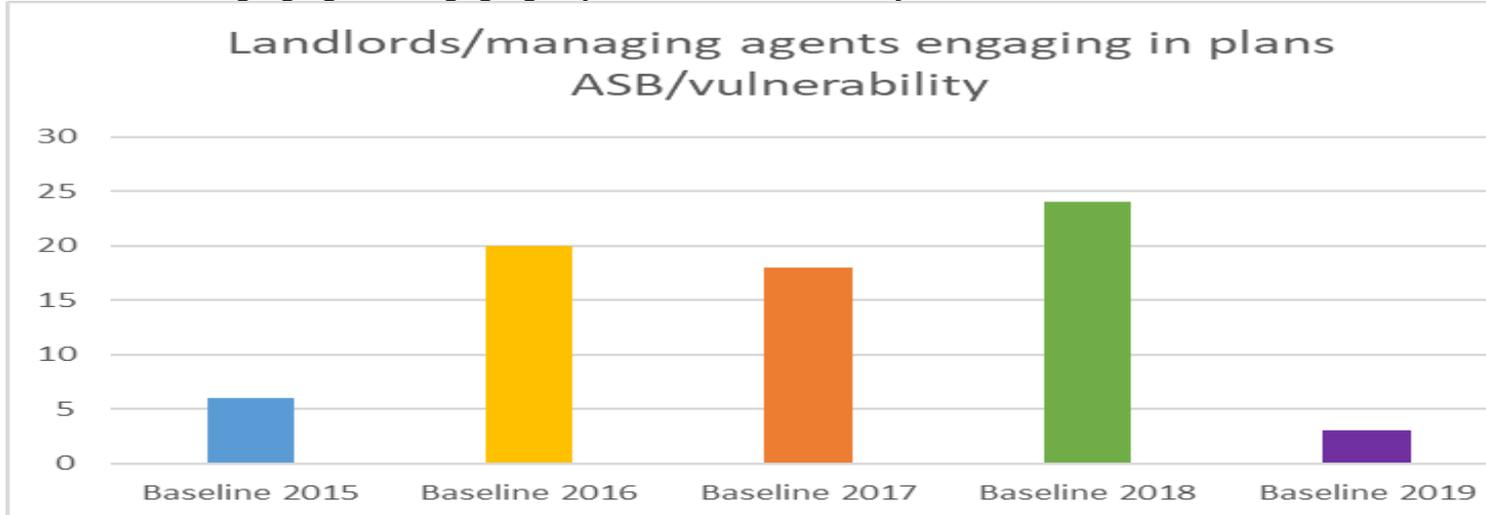


Data Source: FLARE data system & Selective Licensing Spreadsheet

Conclusion: It is a mandatory condition that smoke alarms are fitted at each floor level within a property. At the start of the tenancy it is the landlord's responsibility to ensure alarms are fitted, during the tenancy it is the tenant's responsibility to ensure the alarms stay in a working condition. On each housing inspection every tenant is offered a home fire safety check with the fire brigade and if smoke alarms are not present or found to be not working

new smoke alarms are requested. If these visits were not carried out there would a larger number of properties without adequate smoke and fire protection.

Landlords/managing agents engaging in plans ASB/vulnerability



Data Source: FLARE data system

9. Antisocial Behaviour & Early Help

9.1 Antisocial Behaviour

Anti-social behaviour and crime can have a devastating effect on individuals and communities. It describes a wide range of everyday nuisance, disorder and crime from graffiti and noisy neighbours to harassment and street drug dealing. It is sometimes dismissed as trivial, but anti-social behaviour has a huge impact on victims' quality of life and it is often the public's number one priority when it comes to local concerns.

The types of anti-social behaviour that the Council's Community Safety Team regularly deals with includes:

- Vandalism, graffiti, and other deliberate damage to property or vehicles
- Teenagers hanging around on the streets
- Rubbish or litter lying around
- Drug use and dealing
- Drunk or rowdy behaviour
- Chaotic families.

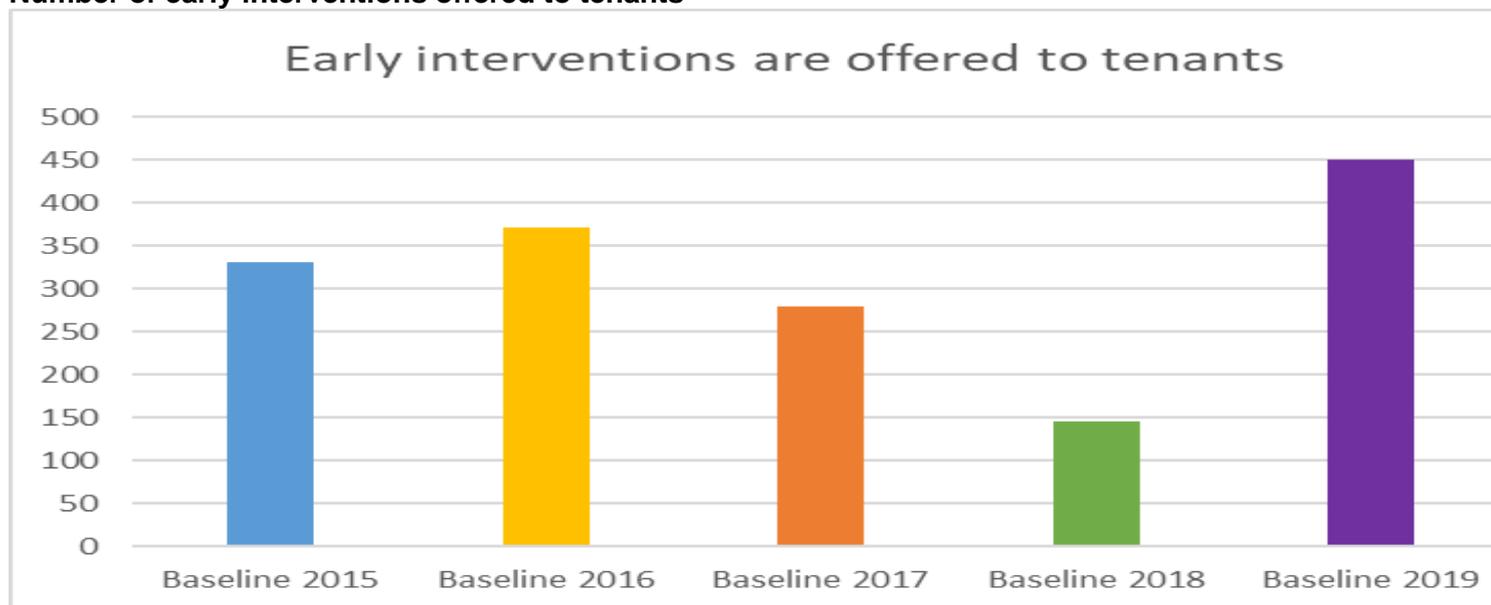
Prior to the introduction of SLL:

In Middlesbrough between 2011/12 and 2013/14 there was a total of 1,917 complaints of anti-social behaviour received by the Council's Private Housing Enforcement and Anti-Social Behaviour Teams, an increase over that period of 67.9%.

Between October 2013 and September 2014, Cleveland Police also dealt with 732 cases of anti-social behaviour in North Ormesby. This was the second highest rate per population in the town. The ward with the highest rate was Middlehaven, which includes town centre related anti-social behaviour e.g. reports of drunk/rowdy behaviour, often handled by Street Wardens.

After the introduction of SLL over the 5 year period:

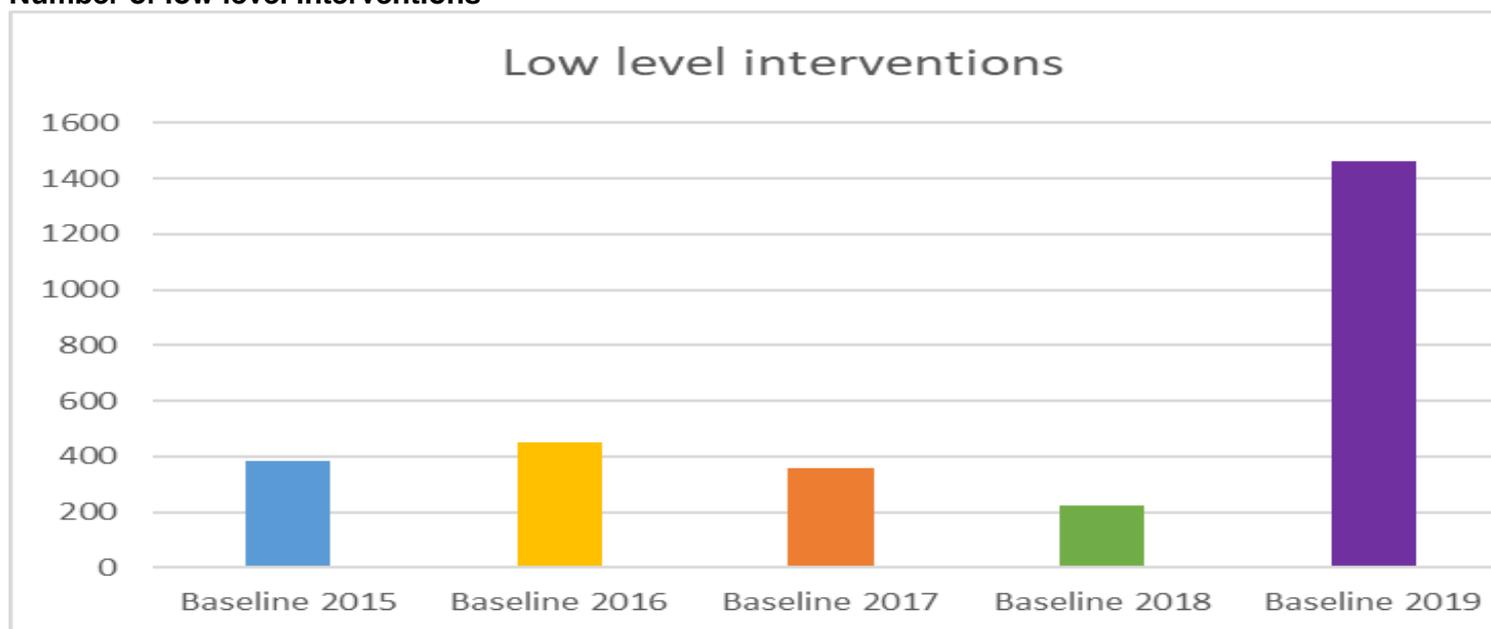
Number of early interventions offered to tenants



Data Source: FLARE data system

Early interventions are: referrals into other services for support.

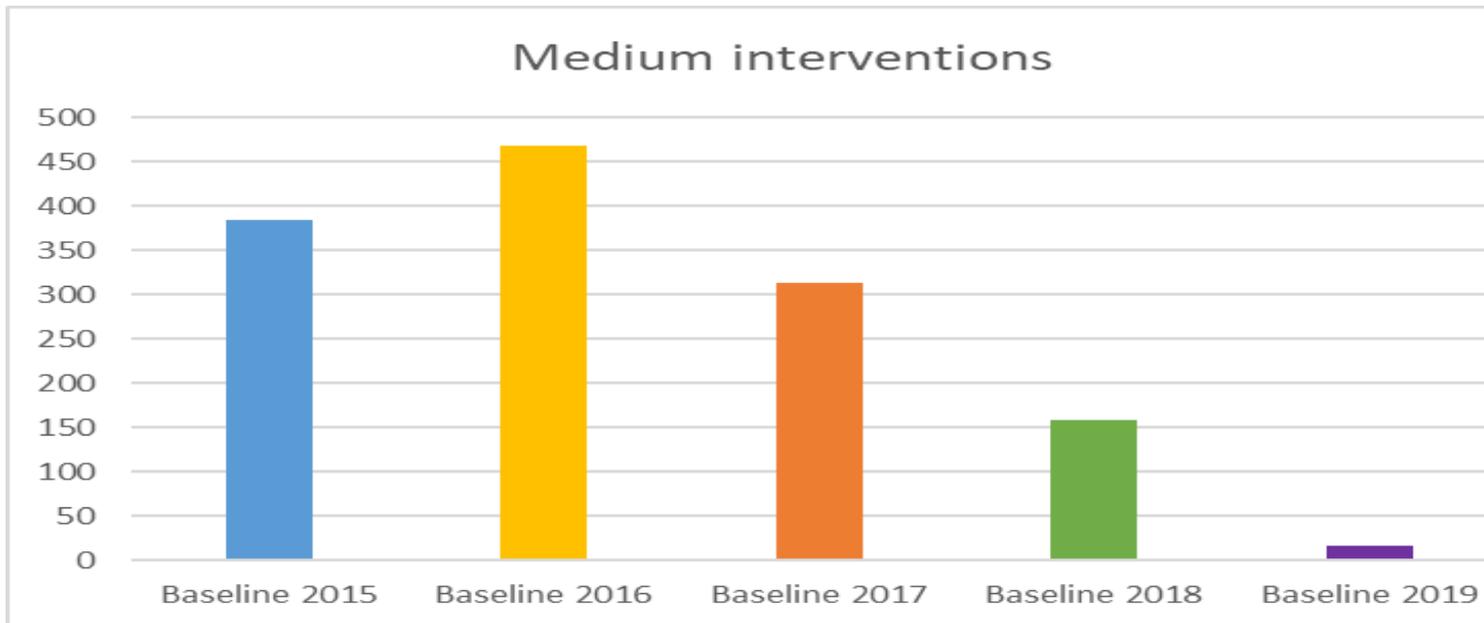
Number of low level interventions



Data Source: FLARE data system

Low Interventions are: cases open/closed, telephone call/e-mail, letter drop, diary sheets received, initial warning letters, motorbike warning letter, site meetings and joint patrols.

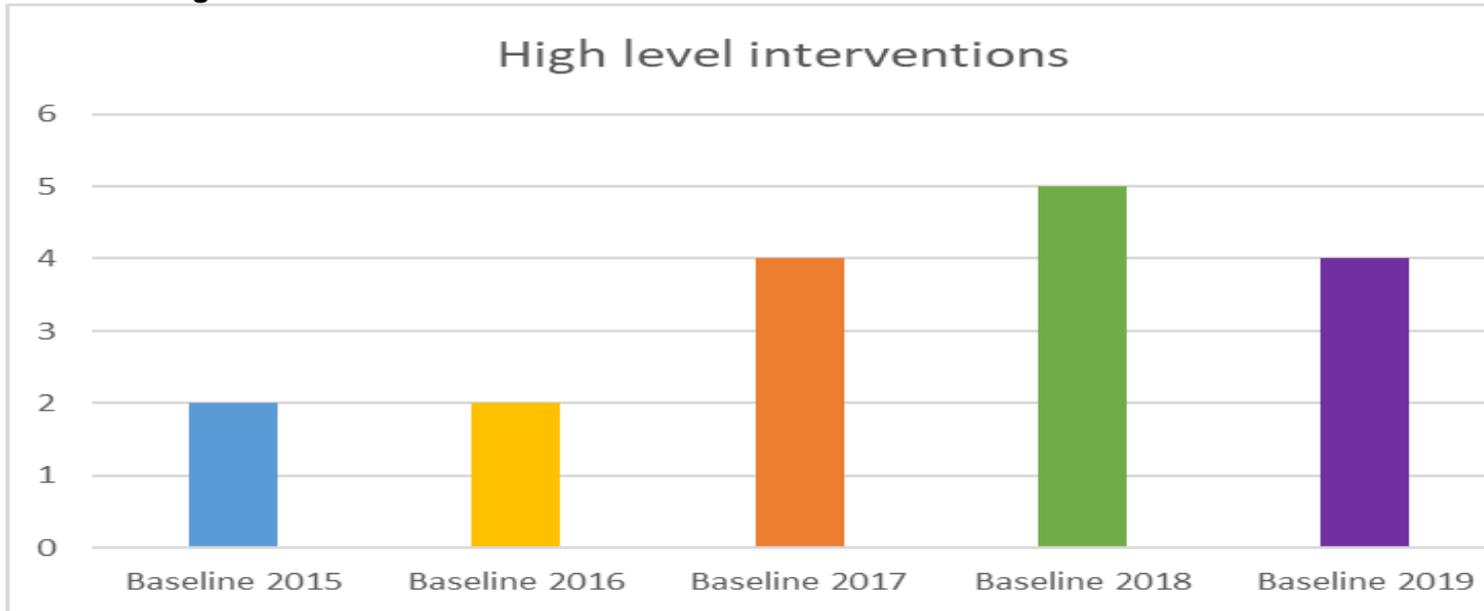
Number of medium interventions



Data Source: FLARE data system

Medium Interventions are: second warning letter, final warning, ABC issued, ABC breached, joint interviews and tenancy breach interview.

Number of High level interventions

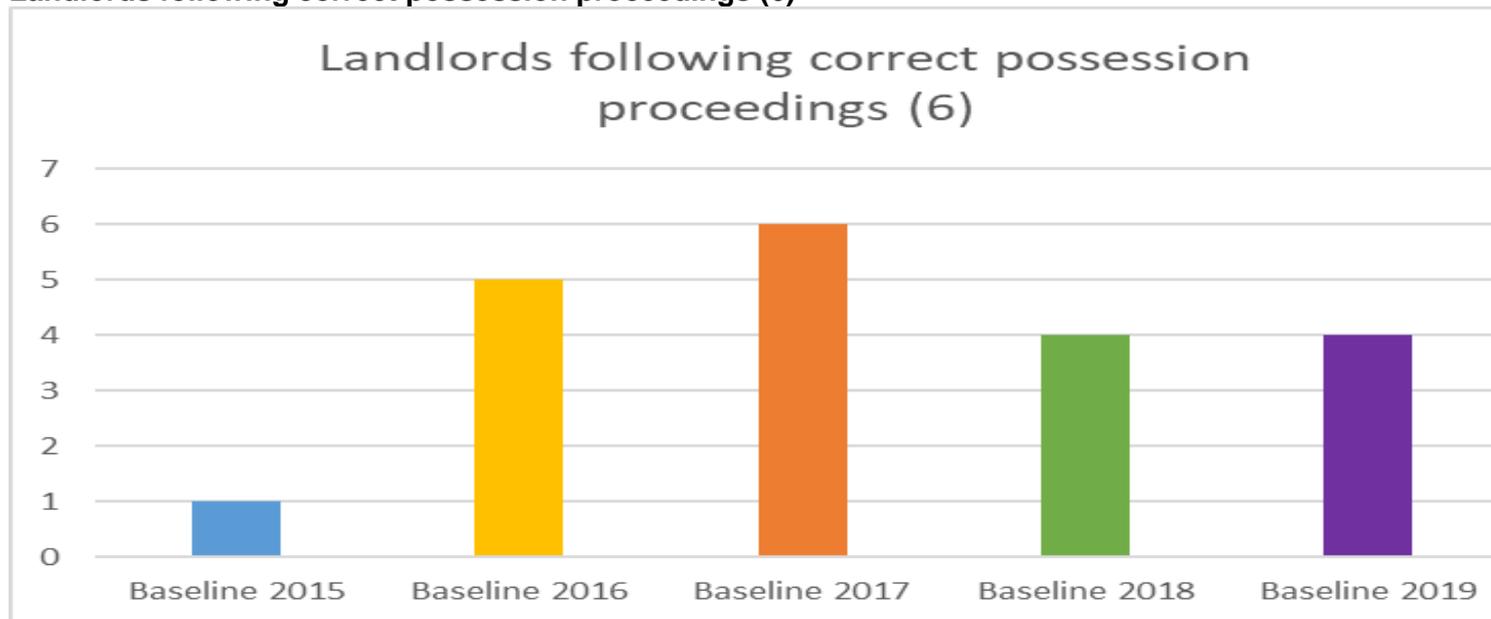


Data Source: FLARE data system

High level interventions are: Criminal Behaviour Orders, Civil Injunction, House Closures (all for high levels of persistent antisocial behaviour and a last resort after all low and medium level interventions have been exhausted).

Conclusion: It should be noted that in 2018 in line with Community Safety Neighbourhood Safety officers, the categories for the codes for early, low, medium and high interventions were reviewed. This resulted in a number of the previous early and medium interventions being moved into the low category which explains the discrepancy in figures. The figures demonstrate the wide range of interventions delivered as part of the SLL scheme to tackle antisocial behaviour.

Landlords following correct possession proceedings (6)

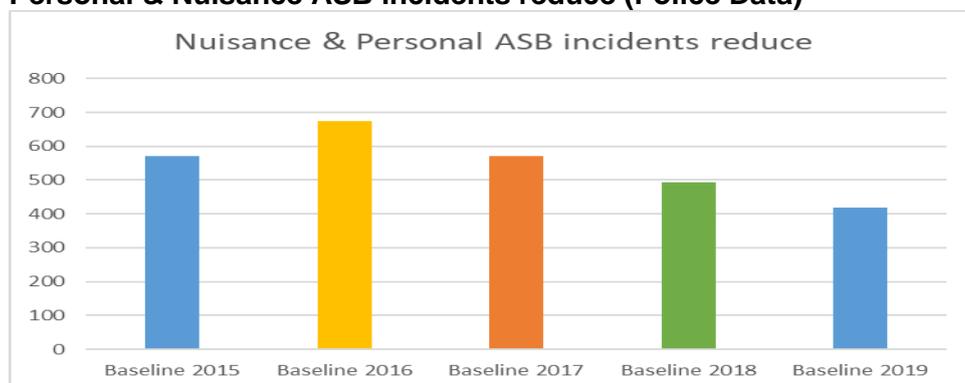


Data Source: FLARE data system

A Case Study is provided to support the above in Appendix 6 – Case Study 5

Landlords following correct possession proceedings are: Landlord's serving section 8 or section 21 notices.

Personal & Nuisance ASB incidents reduce (Police Data)



Data Source: police analyst data systems provided by Middlesbrough Council Data Analyst

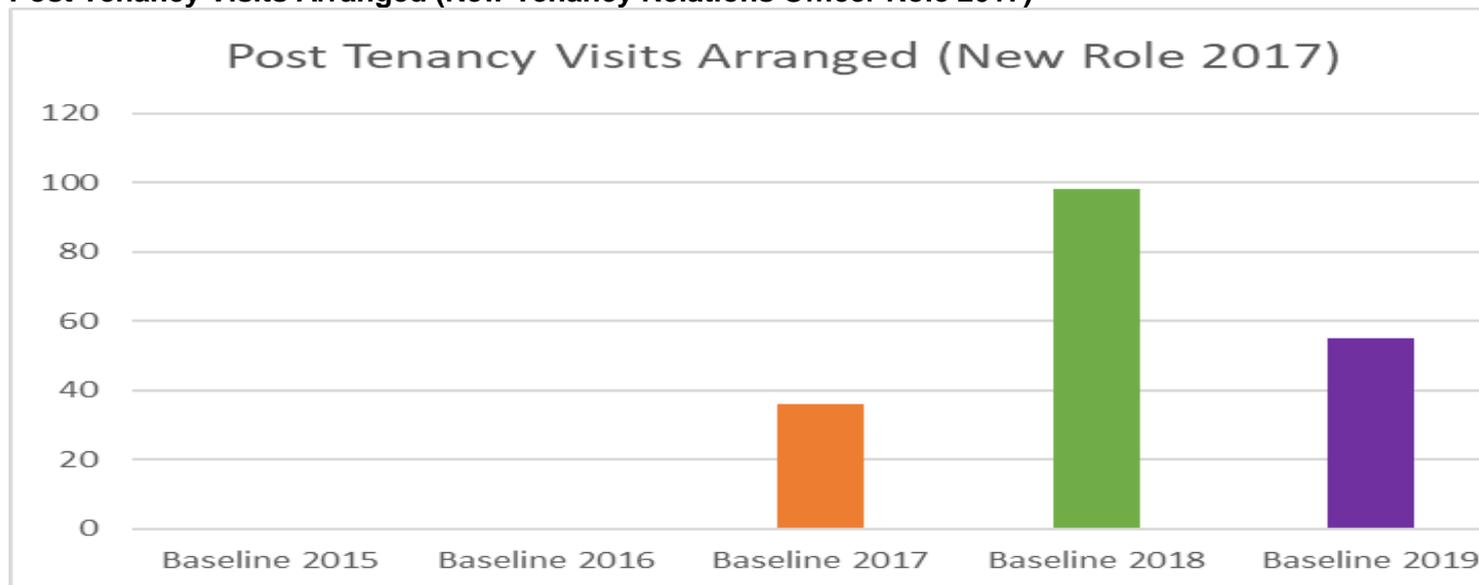
The personal and nuisance ASB incidents in North Ormesby (Police data) has reduced by 19% between 2015 and 2019.

9.2 Early Help

It was originally planned to offer Early Help interventions supported by Children’s Centre colleagues as part of the SLL intervention. A multi-agency/disciplinary team visit was made to each property which incorporated the housing standards inspection. This team was made up of representation from SLL team, Neighbourhood Safety Officer, Early Help Practitioners, Environmental Health Officer and Police, if required. It became apparent during the course of the scheme that the most vulnerable people requiring support were single lone adults with complex needs. The delivery of the scheme was amended to include a Tenancy Relation’s Role.

The inspection process is now carried out by the Selective Licensing Tenancy Relations Officer and Environmental Health Officer. This approach is to ensure that as well as checking compliance with the licence conditions, the tenants are helped and supported with any issues they may be facing. Issues may include substance misuse, parenting skills, unemployment; the team make referrals to relevant agencies and follow-up any actions. The services offered through the inspection team are of benefit to landlords, tenants and the wider community to help to reduce the turnover of tenants.

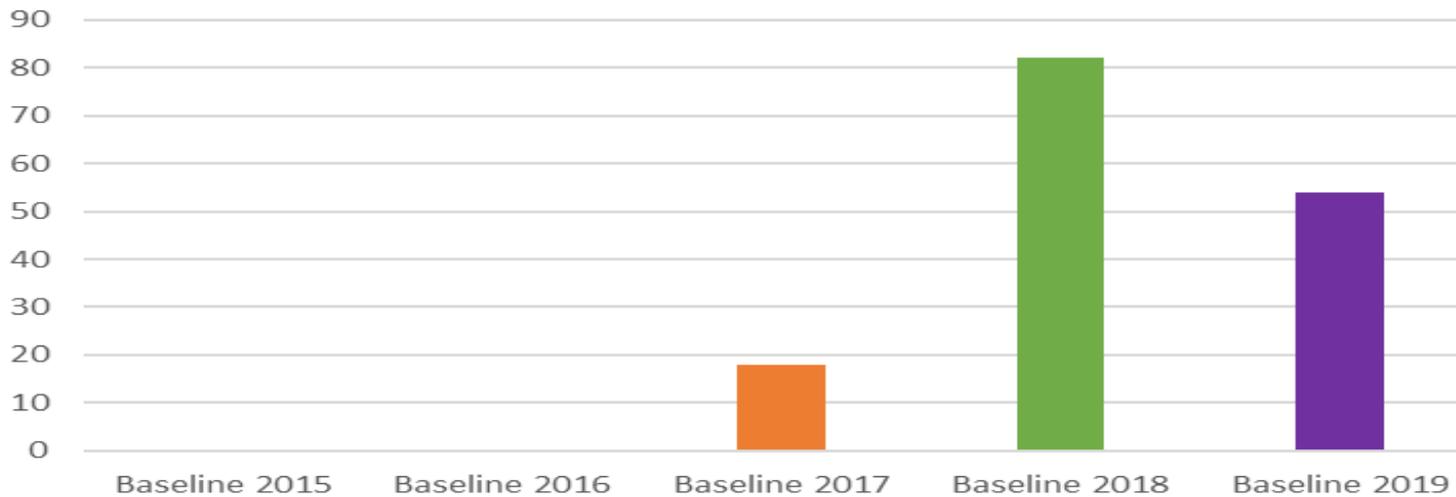
Post Tenancy Visits Arranged (New Tenancy Relations Officer Role 2017)



Data Source: FLARE data system

Post tenancy Visits Completed (New Role 2017)

Post tenancy Visits Completed (New Role 2017)

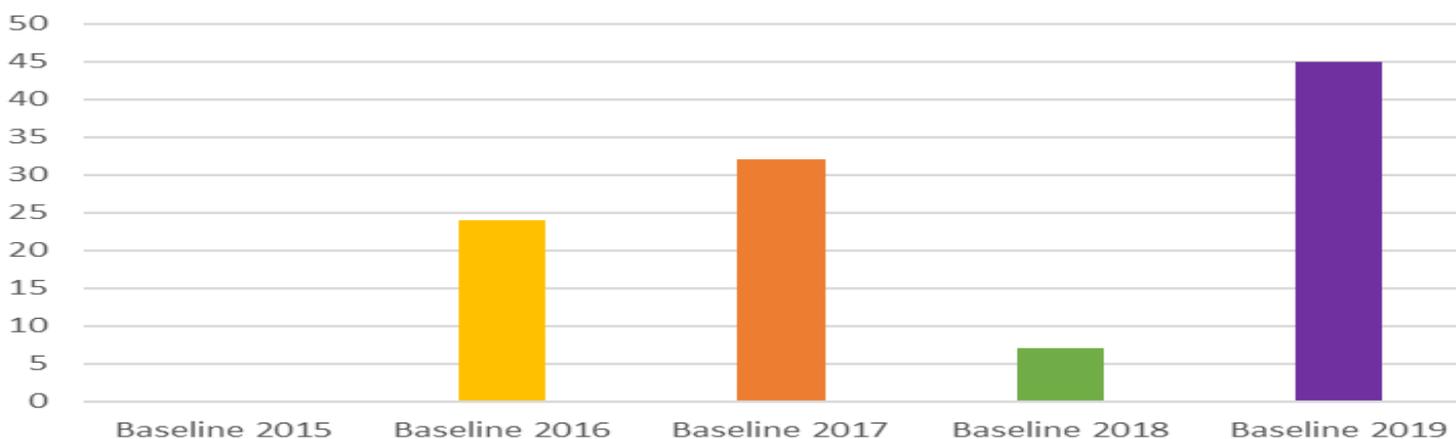


Data Source: FLARE data system

Conclusion: Post tenancy visits are carried out on all new tenancies. Part of the Tenancy relations officer role is to carry out a post tenancy visit approximately 4 weeks after the new tenancy has commenced to ensure that the tenant have settled into their new home and to discuss any concerns/issues they may have. If there is and history of previous anti-social behaviour this visit is conducted jointly with the Neighbourhood Safety Officer. A post tenancy visit appointment letter is normally sent (Post tenancy visits arranged figure) however some visits are not prearranged for example if a complaint is made. This explains why the number of post tenancy visits completed is greater than those arranged.

Number of Tenants Signposted to Services

Number of Tenants Signposted to Services

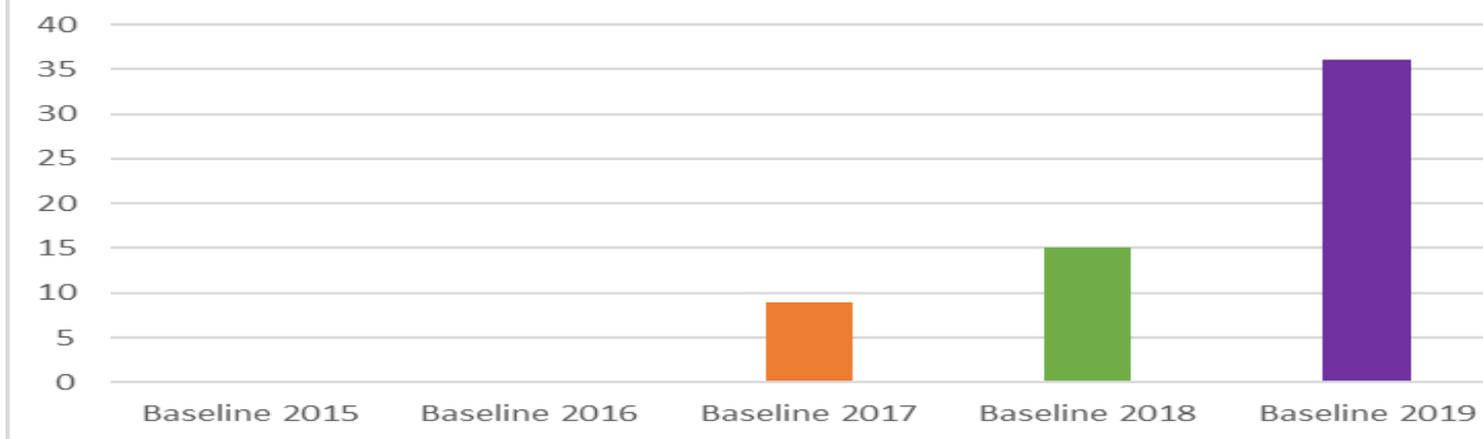


Data Source: FLARE data system

Conclusion: During inspection and post tenancy visits the tenancy relations officer discusses the tenant's needs and referrals into other services such as Mental Health, substance misuse and debt services. Without this SLL intervention these tenants may not access the services they require or access may be delayed. The SLL scheme has provided support to tenants over the scheme. It is not clear why the number of people supported dipped in 2018.

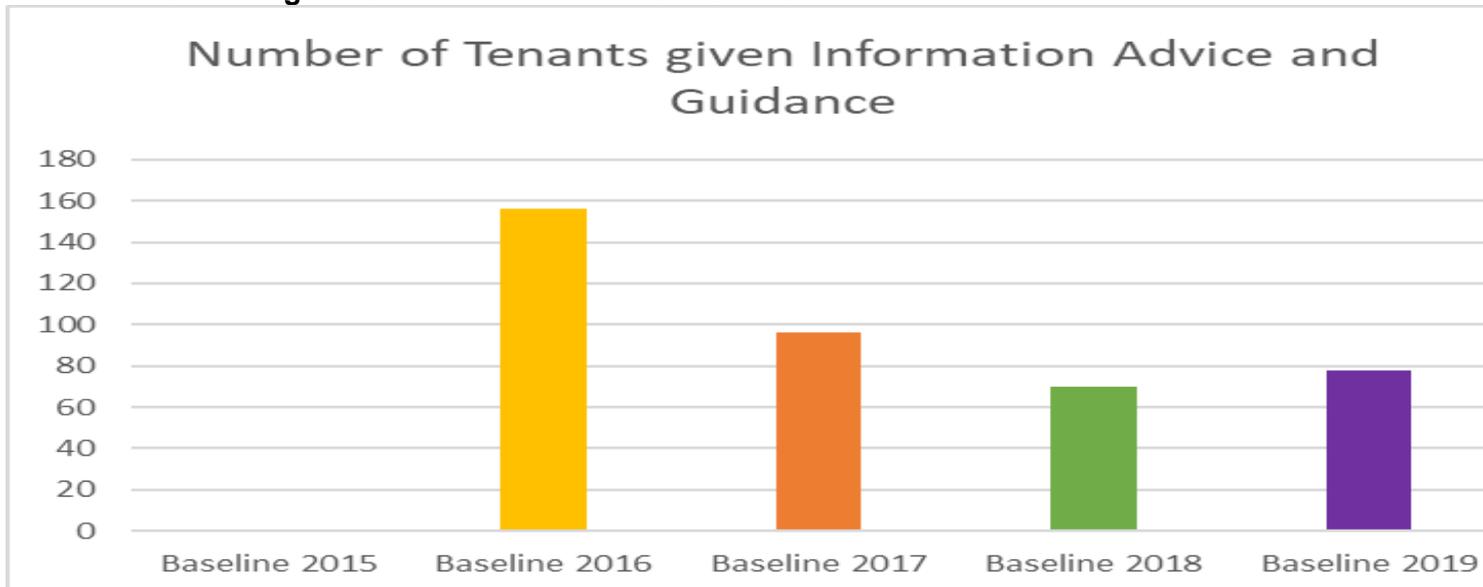
Number of Tenants supported with Tenancy/Housing Issues

Number of Tenants supported with Tenancy/Housing Issues



Data Source: FLARE data system

Number of Tenants given Information Advice and Guidance



Data Source: FLARE data system

Conclusion: During inspection and post tenancy visits tenants are given information, advice and guidance on any matters arising, these can be tenancy issues, antisocial behaviour, information on refuse/recycling days, alley gates and more. These types of intervention assist in tackling anti social behaviour.

Case Study 3

Landlord Testimonial – “I would like to take this opportunity to thank the Selective Licencing Team for their continued help and support for the excellent service you provide. Personally I think the scheme has been a huge success and I can certainly see a lot of improvements in North Ormesby since the scheme began. It is reassuring for landlords that the team are on hand for help and advice when needed. The tenancy referencing is an excellent tool for landlords to have. I wish that more landlords would embrace the scheme as I am sure that if they did then together we could improve the environment for our tenants and also restore the slump in property values.

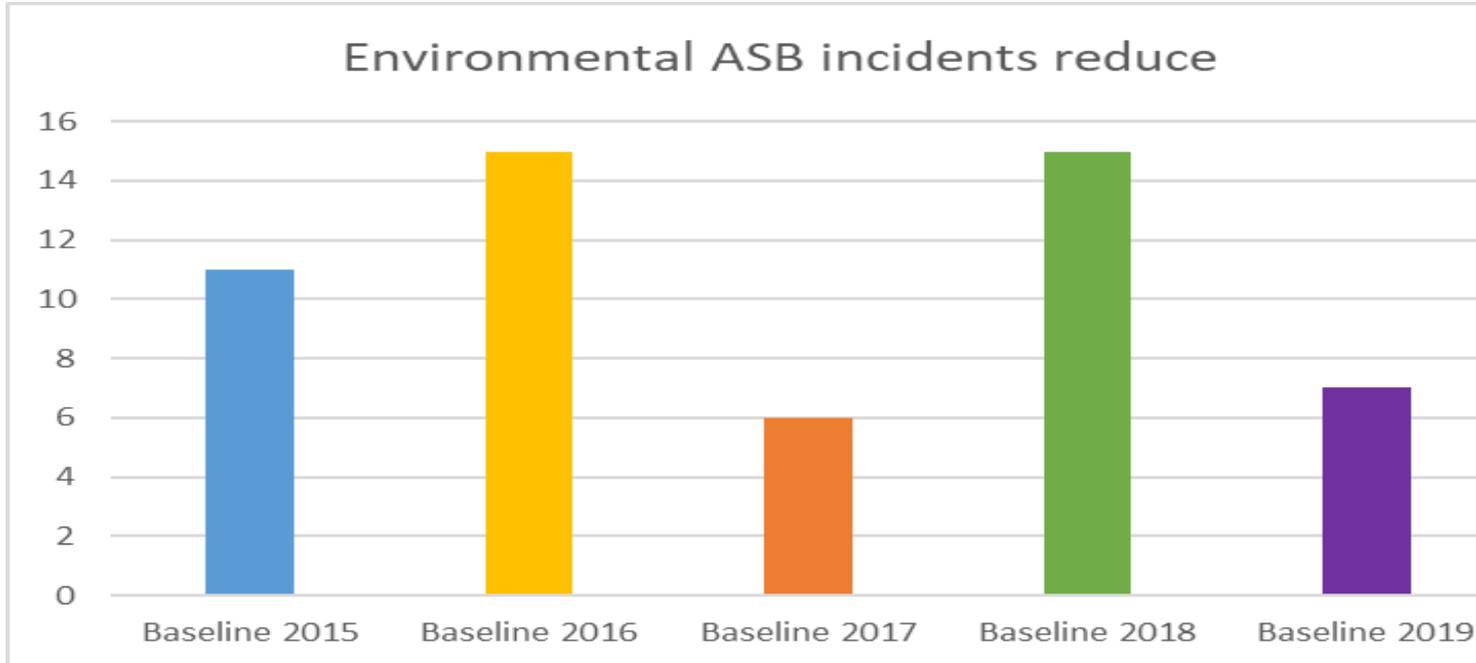
I sincerely hope that the scheme continues in the future as I feel that if it is stopped then standards would fall which would be detrimental to residents of North Ormesby and the reputable landlords who want to provide good quality housing in a safe environment”.

10. Environmental Nuisance

Environmental nuisance and fly-tipping was an issue in North Ormesby especially in and at the entrance to alleys.

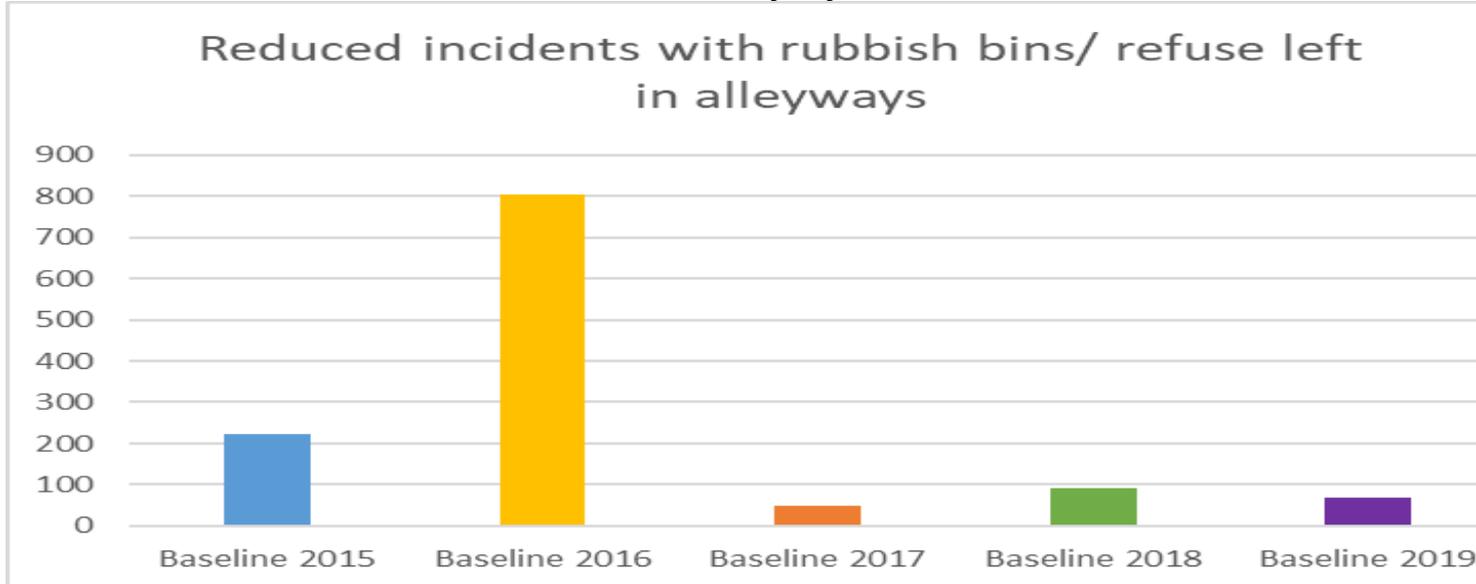
After the introduction of SLL over the 5 year period:

Environmental ASB incidents reduce



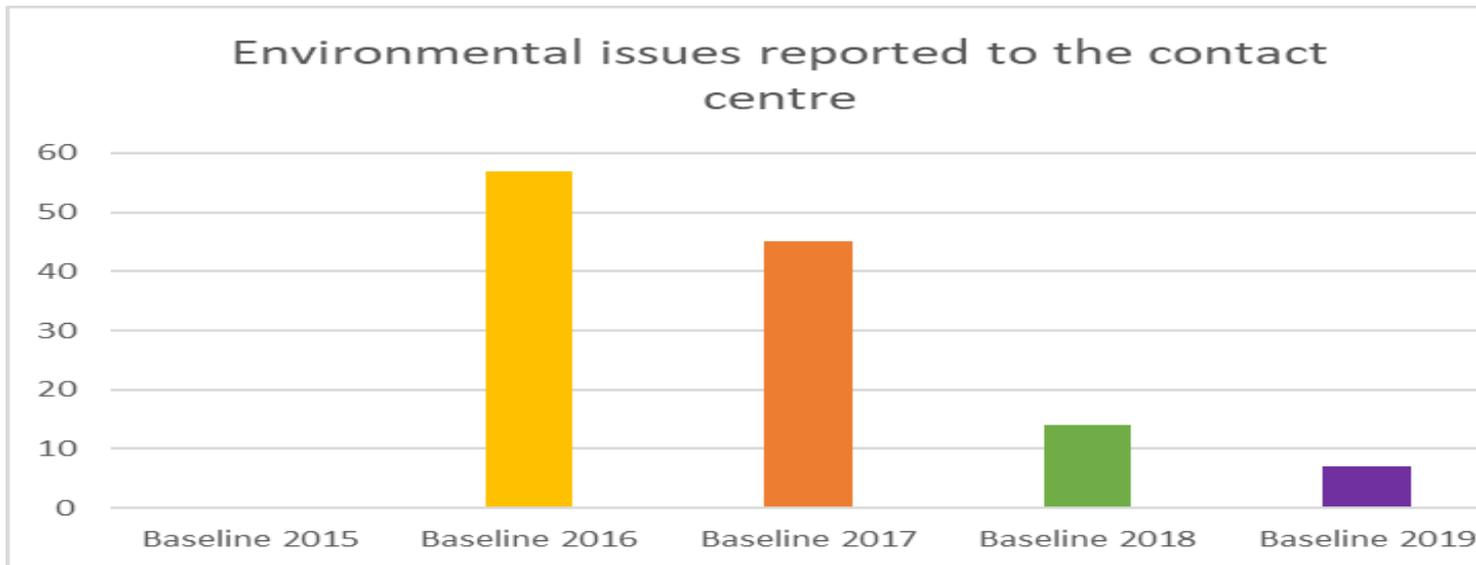
Data Source: police analyst data systems provided by Middlesbrough Council Data Analyst

Reduced incidents with rubbish bins/ refuse left in alleyways



Data Source: Street scene operative's data into Microsoft Access report

Environmental issues reported to the contact centre



Data Source: FLARE data system

Conclusion: The Selective licensing team conduct daily walkabouts in the area and introduced a multi-agency walkabout fortnightly to address the issue. Any fly-tipping or rubbish identified by the team is reported to Middlesbrough Council contact centre. The walkabouts identify hotspots and problem areas and can implement early intervention to remove waste and to attempt to prevent further dumping. The figures show a reduction in the number of reported incidents of dumped waste and environmental issues reported to the contact centre.

11. Application Process

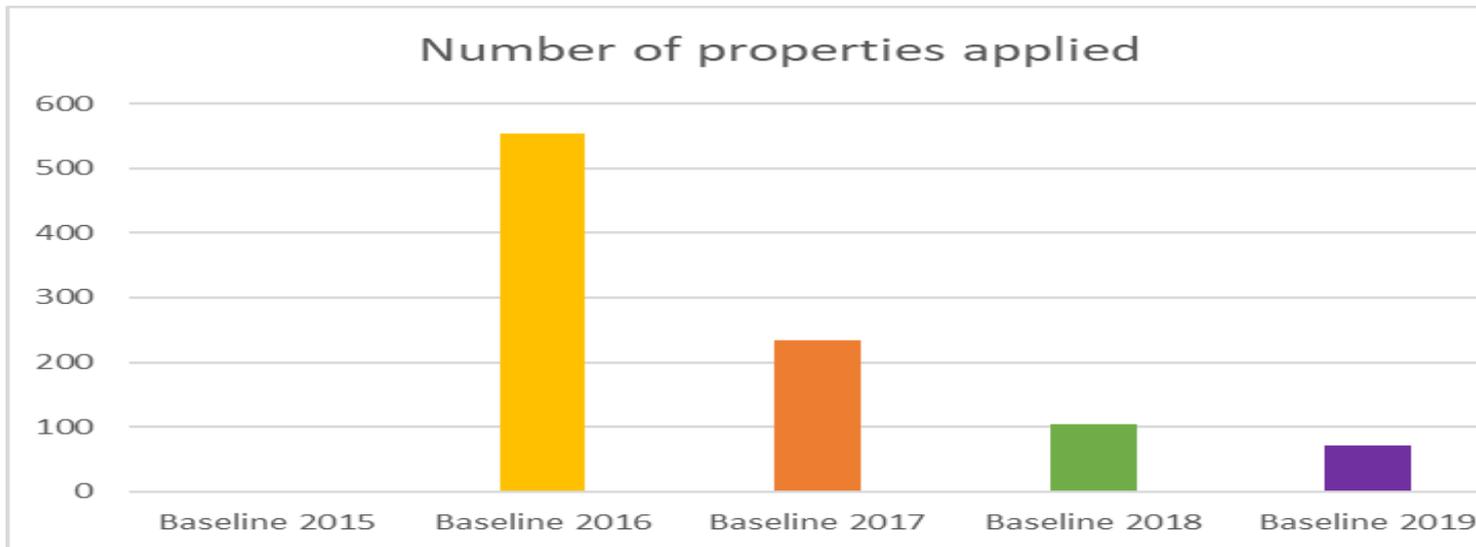
11.1 Applications Received

Within the designated area of North Ormesby all privately rented properties need a licence to operate. The owner of the rented property needs to make an application to the Council. The Council must be satisfied that of all the person with an interest in the property, the most appropriate person is the licence holder, this would usually be the property owner.

The licence is valid for a maximum of 5 years. Failing to apply for a licence could lead to prosecution and an unlimited fine. If prosecuted, this would lead to the licence holder no longer being classed as 'fit and proper' and would mean they would need to find someone else to hold their licence and undertake the management of the property.

At the start of the scheme it was estimated that 550 properties would require licences, to date 934 properties have been licensed.

Number of properties applications



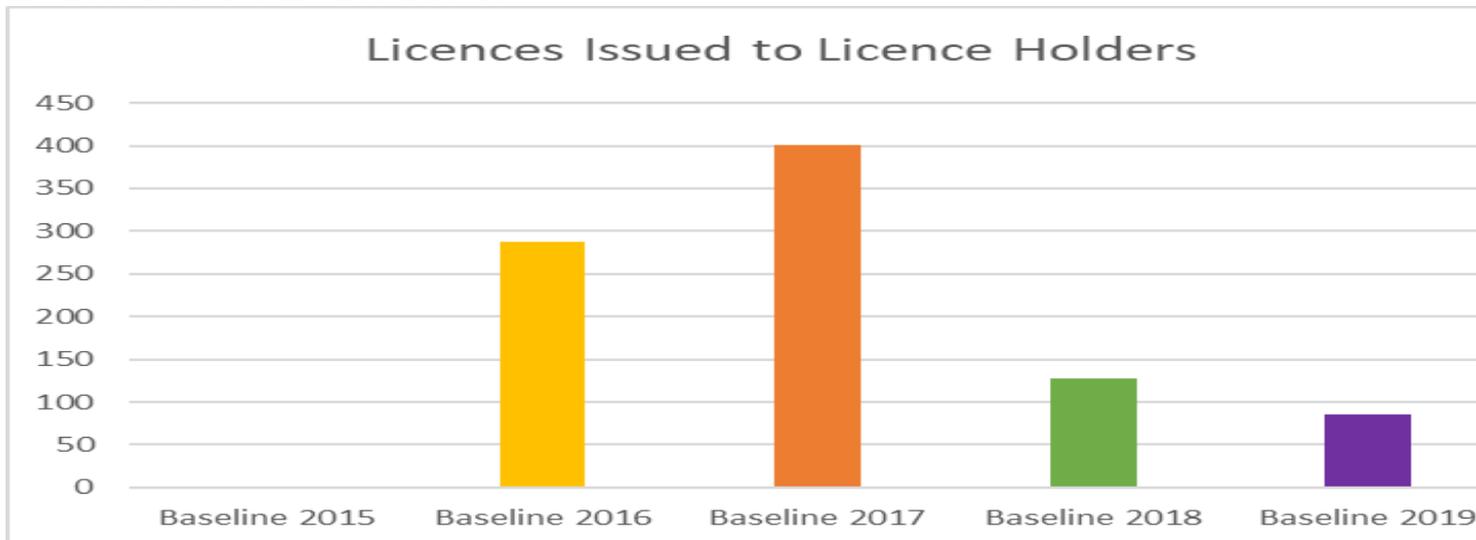
Data Source: FLARE data system

Conclusion: The number of properties applying for the scheme have decreased over the course of the SLL scheme as most landlords have complied with the requirement to licence introduced in 2016. Applications have been received throughout the duration of the scheme due to the sale of properties and changes in tenure.

11.2 Licences issued

Once a landlord has applied for a licence, the application is then checked and a notice of intention (draft licence sent including second payment link, once the second payment has been received the licence is issued.

Licences Issued to Licence Holders

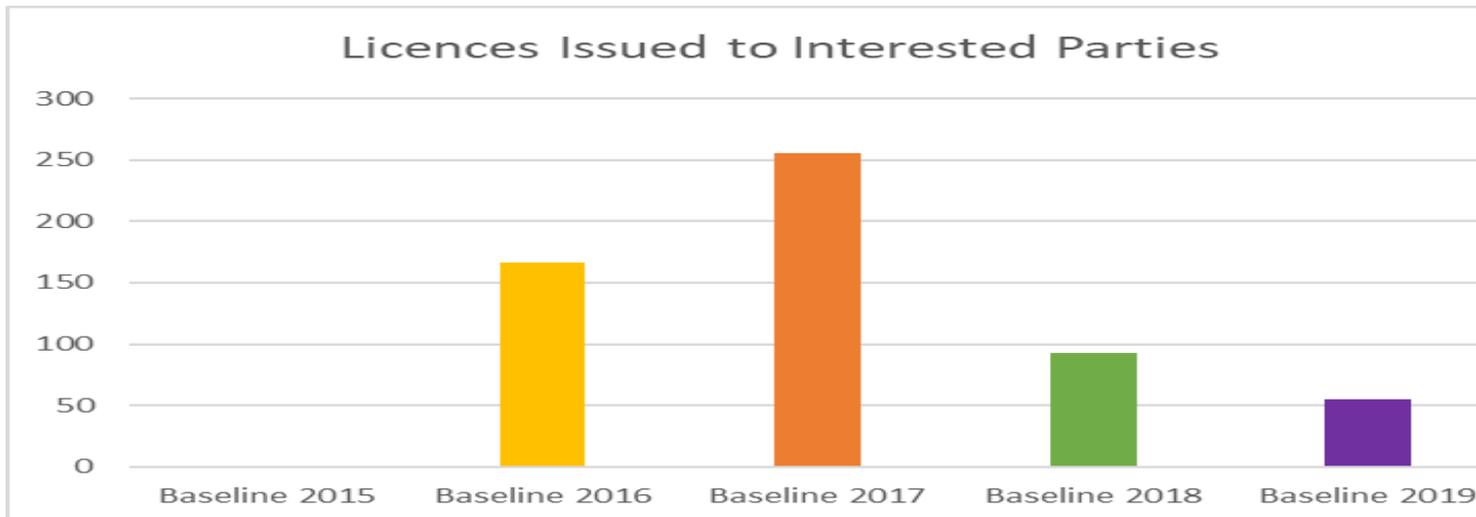


Data Source: FLARE data system

11.3 Licences issued to interested parties

If the property has an interested party in the property i.e. a mortgage company then we also issue a copy of the licence to the interested party.

Licences Issued to Interested Parties



Data Source: FLARE data system

12. Enforcement

Failing to apply for a licence could lead to prosecution and an unlimited fine. In addition to the fine the Council can apply for a Rent Repayment Order which allows amounts paid in connection with a tenancy or licence to be recovered for the period that the property should have been licensed.

12.1 Enforcement for non-compliance

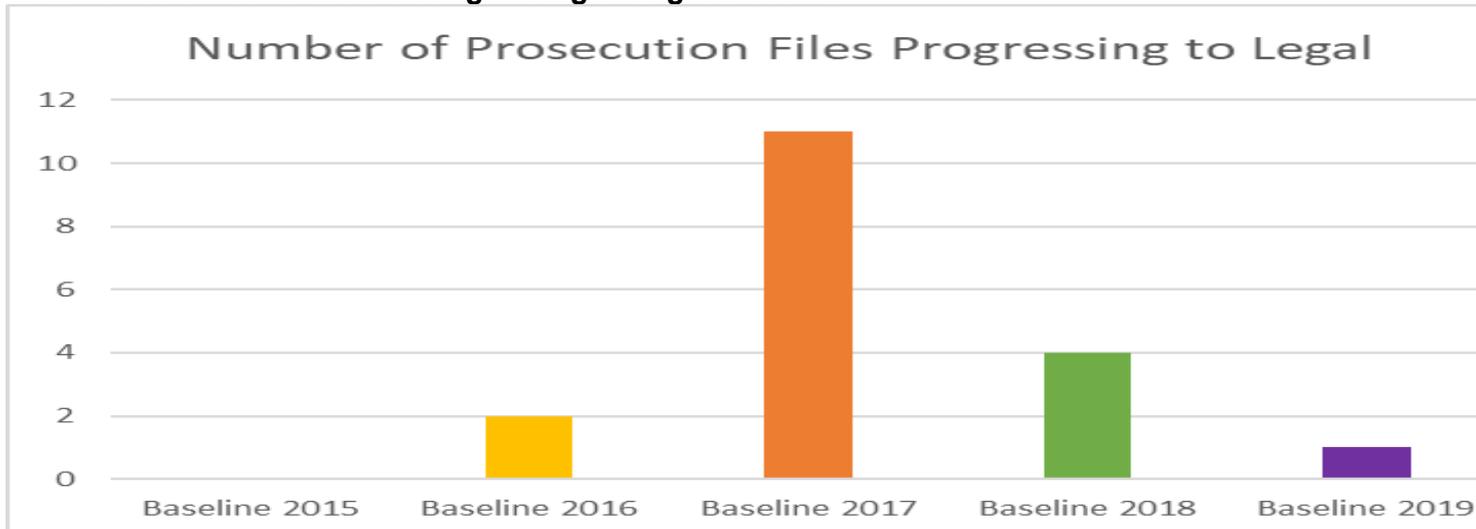
Landlords are given adequate time and support to apply for a Selective licence. They are sent an initial notification letter, giving 4 weeks to apply. If no application is received they are then sent a reminder letter incurring a £100 late fee and giving a further 14 days to apply for a licence. If an application is still not received we then pursue the landlord and take enforcement action for non-compliance with the scheme. Under the Housing Act 2004 a person commits an offence if he is a person having control of or managing a house which is required to be licensed under this Part (see section 85(1)) but is not so licensed.

Prior to the introduction of SLL:

No enforcement was taken against landlords in the North Ormesby ward.

After the introduction over the 5 year period:

Number of Prosecution Files Progressing to Legal Services



Data Source: FLARE data system & Selective Licensing Legal Data spreadsheet

Conclusion: The number of prosecution files shown were submitted to Legal Services for non-compliance with the scheme. Some landlords responded at

the summons stage and applied for a licence therefore the case did not progress to a hearing. The low number of cases indicate that most landlords have complied with the SLL scheme.

There have been 7 prosecution and the results of some of the legal proceedings are summarised below:

- 1 landlord pleaded guilty, fined £6000 (£500 per property) + £1000 costs. Landlord applied for licences after prosecution;
- 1 landlord found guilty in his absence, fined £5,500 (£500 per property) + £775 costs. The landlord still hadn't applied for licences so we applied for a Rent Repayment Order from the date of the offence he was convicted (it was successful and he was required to pay back 5 Months (£20,000) housing benefit payments).
- 3 further cases resulted in 2 successful prosecutions (1 fined £926 & 1 fined £2,546) and 1 landlord applying.
- 7 landlords were summonsed but applied for licences before the court date, and after liaison with Legal Services and it was decided that it was not in the public interest to continue with these prosecutions

Case study provided to support the above in Appendix 6 – Case Study 4

12.2 Partnership working

The SLL team work in close partnership with other services and agencies to maximise the impact of the scheme, service include police, fire brigade, community groups, youth groups and other council's services such as street warden service and environmental services. It was initially planned that SLL would be a multi-agency team and include Police, Fire Service and Social Care (similar to the place based working) and working together with landlords. It is envisaged that this multi-agency approach will be achieved through the delivery of the Locality based working arrangement proposed for North Ormesby and SLL will work closely alongside the other agencies as part of this set up, benefiting from the close ground level working.

Police Testimonial (Inspector Snaith) - "I would publically say that both I and Cleveland Police fully support Selective licensing. It is an excellent process that supports the interests of the landlords, ensures safe and suitable accommodation for tenants and also helps to improve the quality of the broader community.

I would fully support its expansion into other areas within Middlesbrough.

I think there is an excellent working relationship with the Police and following our meeting last week, we will continue to improve this relationship"

13. Scheme Audits and Evaluations

13.1 MHCLG Independent Review of Selective Licensing schemes

An Independent Review of the Use and Effectiveness of Selective Licensing was carried out by Ministry of Housing, Communities and Local Government (MHCLG) in June 2019 and was updated in September 2019.

The survey results indicated that the most common reasons for the introduction of a SLL scheme are:

- poor housing conditions
- pervasive anti-social behaviour
- deprivation, and
- low demand.

When the London boroughs are excluded from the calculation, low demand as a reason for the introduction of selective licensing is relatively common.

With only one exception, all local housing authorities with schemes in operation considered their schemes to be at least “fairly effective” in tackling one or more of the issues licensing was introduced to address. 41% of local authorities reported their schemes were “very effective”, 51% were “fairly effective” and only 9% were “fairly ineffective” or “very ineffective”. This clearly indicates that the local authorities currently operating SLL schemes find it to be an effective policy tool.

The review overall indicates that SLL is effective policy tool with many schemes achieving demonstrable positive outcomes. This study also finds that schemes appear to be more successful as part of a wider, well planned, coherent initiative with an associated commitment of resources, as opposed to those schemes implemented in isolation which have more limited outcomes. This finding entirely consistent with the aims of the Housing Act.

13.2 Middlesbrough Council Scrutiny Panel Review

In 2018 Middlesbrough Council Scrutiny Panel reviewed the North Ormesby scheme. The Panel were extremely supportive of the scheme:

- They recognised the achievements made through SLL in the North Ormesby ward, including improving community confidence which has led to increased reporting of anti-social behaviour and crime to the SLL team.
- They were extremely complimentary of the work achieved, and applauded the Selective Licensing Team for their efforts.
- They Panel also learned that in November 2017, the team had been awarded Outstanding Contribution to Prevention at the Cleveland Community Safety Awards.

Throughout the investigation, the Panel made reference to the issues within Gresham and University wards and the increasing number of private rented housing properties. The Panel were of the opinion that the excellent work achieved since the introduction of Selective Licencing in North Ormesby and hoped that any future schemes would mirror this model.

Members asked about the potential for a Selective Landlord Licensing town wide scheme which they considered would have benefits across the whole town. However, many of the wards in Middlesbrough do not meet the legislative criteria to introduce a SLL scheme such as that the area is, or is likely to become, an area of low housing demand; and; that the area is experiencing a significant and persistent problem caused by anti-social behaviour; and would put the Council at risk of legal challenge.

Additionally, if rolled out on an Early Help basis, it would almost certainly be cost prohibitive. If it was run more simply, as a licensing regime, it is unlikely to have significant impacts on supporting residents’ needs”.

13.3 Middlesbrough Council Internal Audit

An internal audit of the SLL scheme in North Ormesby was carried out in January 2019, prior to the implementation of the Newport SLL scheme. The audit found that the scheme has strong control measures, there were no recommendations and had exceeded the Council’s expectations.

CONCLUSION

In accordance with the guidance from Local Government Regulation, the effectiveness of the NO Selective Landlord Licensing has been measured against the following:

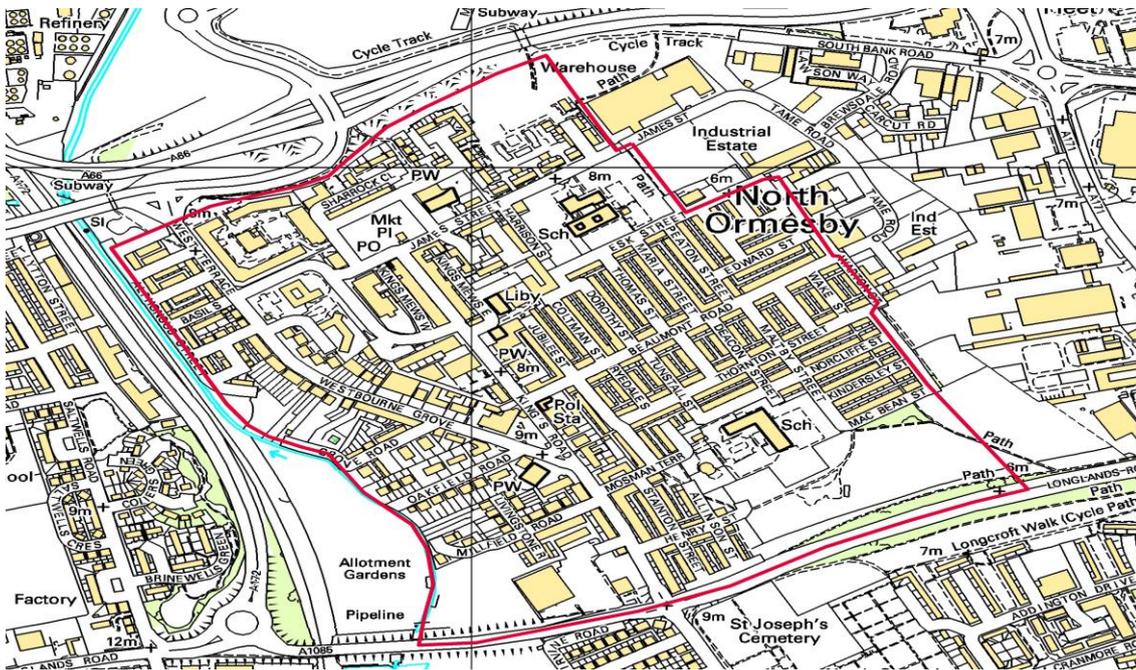
- reducing anti social behaviour attributable to the private rented sector;
- improving management standards in the private rented sector;
- increasing housing demand;
- improving the environment; and
- contributing to the effectiveness of partnership working to improve the quality of life.

The above evaluation of outcomes and performance have demonstrated that Selective Landlord Licensing in North Ormesby has resulted in a wide range of positive outcomes and benefits to the community, landlords, tenants and owners, both directly and indirectly, including:

- Improved management and condition of privately rented accommodation.
- Supported landlords in dealing with anti-social tenants.
- Educating tenants about their responsibilities and their impact of their behaviour on the community and neighbours.
- Encouraged tenants to recognise when properties are of a sub-standard condition and what options are available to them.
- Promotion of landlord aspiration to let property to a higher standard and to act in a professional manner.
- Encouragement of landlords not to take tenants with a poor reference.
- Improvement of the image and desirability of the area.
- Improved values of property in the area.
- Encouraging a change to the tenure mix of the area. Protect investment in the area.
- Working with those landlords who are not providing good quality accommodation or managing their tenancies effectively and removing “rogue landlords” altogether.
- Reduced tenant turnover leading to sustainable communities, creating communities where tenants want to remain.
- Encouraged the use of reputable managing agents when landlords are inexperienced or “absentee”.
- Raising community confidence through the appropriate use of enforcement powers against landlords who are failing to comply with the provisions of the Housing Act 2004.

APPENDICES

Appendix 1 - Map of designated area



Appendix A – Proposal Document

Appendix 2 – Fit & Proper Person Check

FIT AND PROPER PERSON CHECKS

LIST OF CONVICTIONS, CAUTIONS, REPRIMANDS OR WARNINGS

CATEGORY 1 OFFENCES

A conviction for these offences will usually result in the Licence application being rejected.

Offences of Fraud or other dishonesty

- Benefit fraud (offences under ss111A and 112 of the Social Security Administration Act 1992)
- Theft
- Forgery
- Burglary
- Conspiracy to defraud
- Obtaining money or property by deception
- People trafficking

Offences of violence

- Murder
- Manslaughter
- Arson
- Malicious harm (s20 Offences against the Person Act 1861)
- Possession of a firearm
- Possession of an offensive weapon
- Actual bodily harm (s47 Offences Against the Person Act 1861)
- Grievous bodily harm (s18 Offences Against the Person Act 1861)
- Robbery
- Riot

- Affray
- Any racially aggravated offence (Crime and Disorder Act 1988)
- Common assault
- Common assault which is racially aggravated
- Assault occasioning actual bodily harm

Offences relating to drugs

- Possession of class a drugs
- Supply of drugs

Sexual and indecency offences

- Rape
- Soliciting
- Indecent assault
- Indecent exposure
- Any other offence under Schedule 3 of the Sexual offences act 2003

Housing Act Offences

- Protection from Harassment Act 1997
- Protection from Eviction Act 1977
- Any conviction for failure to comply with the licensing regime as set out in the Housing Act 2004 (s95)
- Provision of false or misleading information (s238 of Housing Act 2004)
- Obstruction (s241 of the Housing Act 2004)
- Failure to comply with a licence condition (s95 of the Housing Act 2004)
- Failure to hold a relevant licence (s72 of the Housing Act 2004)
- Breach of improvement notices and prohibition orders (s35.6 s32.2b of the Housing Act 2004)
- Public Health Acts of 1936 and 1961
- The Building Act 1984
- Environmental Protection Act 1990
- Town and Country Planning Act 1990
- Prevention of Damage by Pests Act 1949
- Local Government (Miscellaneous Provisions) Acts of 1982 and 1976
- Housing Grants, Construction and Regeneration Act 1996
- Local Government and Housing Act 1989
- Housing Act 2004

CATEGORY 2 OFFENCES

A conviction for these offences will be viewed seriously and, following further investigation, could result in the licence application being rejected. Alternatively a one year Licence may be issued.

Offences of dishonesty

- Handling or receiving stolen goods
- Theft

Offences of violence

- Violent disorder
- Police assault
- A caution, reprimand or warning for any Category 1 offences will be classed as a Category 2 offence.

CATEGORY 3 OFFENCES

A conviction, caution, reprimand or warning for these offences may also be taken into account and further information will be requested in order to determine the relevance of these offences. If deemed to be relevant or sufficiently severe, these offences could result in the licence application being rejected. Alternatively a one year Licence may be issued.

Offences of violence

- Common assault
- Criminal damage
- Obstruction
- All other offences relating to dishonesty, drugs, sexual and indecency, Housing and Landlord and Tenant.
- A caution, reprimand or warning for any Category 2 offences will be classed as a Category 3 offence.

Appendix 3 – Licence Conditions

Mandatory Conditions Schedule 4 Housing Act 2004

1. Gas

If gas is supplied to the house, the Licence holder shall provide to Middlesbrough Council a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter annually.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.

2. Electrical appliances

The Licence holder shall keep all electrical appliances and furniture supplied in a safe condition and must provide a declaration as to their safety at the time of application and thereafter on demand.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.

3. Furniture and furnishings

The Licence holder shall ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989 and 1993) and must provide a declaration as to their safety at the time of application and thereafter on demand.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.

4. Smoke alarms

The Licence holder shall ensure that smoke alarms are installed in the property and kept in proper working order and provide a declaration as to their condition and positioning to Middlesbrough Council on demand.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004 and to comply with minimum fire safety standards LACORS.

5. Tenant references

The Licence holder shall request references for prospective tenants, subject to condition number 7.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004

6. Terms of occupation

The Licence holder shall supply to the occupiers of the house a written statement of the terms on which they occupy the property. A copy of the terms will be provided to the Council on demand.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004

Additional Conditions of Licence imposed by Middlesbrough Council

The Licence holder must ensure that the premises fully comply with the conditions set out below unless notified otherwise

7. Tenant references

The Licence holder shall obtain references for prospective tenants via the Council's Tenant Referencing Service.

Reason: To reduce anti-social behaviour.

8. Number of occupiers

The Licence holder shall ensure that the number of occupants in the property does not cause overcrowding.

Reason: To ensure that the premises comply with Middlesbrough's space and amenity standards.

9. Heating and Insulation/Energy Efficiency

The Licence holder shall provide a copy of a valid Energy Performance Certificate. Also, when requested during the period of the Licence, to complete and return to the authority, an energy efficiency assessment questionnaire of the licensed property.

Reason: To safeguard the health and well-being of the occupants with regards to the reduction of fuel poverty and national energy efficiency measures and to be aware of the statutory requirements for Energy Performance Certificates (EPCs).

10. Property management

The Licence holder shall ensure that:

- a) all repairs to the house or any installations, facilities or equipment within it are carried out by competent and suitably qualified persons, for example Corgi registered operatives for gas appliances and an electrical contractor who is a member of an approved scheme, such as NICEIC, BSI, NAPIT, ELECSA or BRE.
- b) all occupants of the house receive written confirmation detailing arrangements in place to deal with repairs and emergencies and report nuisance and anti-social behaviour;
- c) if accommodation is provided on a furnished basis and includes electrical appliances, copies of user manuals or equipment provided as part of the agreement for the occupation of the house;
- d) all occupiers are made aware of the licence and conditions.

Reason: To safeguard the health, safety and well-being of occupants.

11. Fire safety

The Licence holder shall produce a Fire detection and alarm certificate on request, where the property is in a House in Multiple Occupation.

Reason: To safeguard the health, safety and well-being of occupants in the event of fire. The Fire Safety Guidance is provided by LACORS, see www.lacors.gov.uk. <http://www.lacors.gov.uk/lacors/upload/19175.pdf>

12. Carbon Monoxide

The Licence holder shall install and maintain in good working order a carbon monoxide detector to the property.

Reason: To ensure a safe living environment for tenants. There are approximately 50 deaths per year in the UK due to carbon monoxide

poisoning, including one case in Middlesbrough.

13. Security

The Licence holder shall ensure that:

- a) the security provisions for the access to the dwelling (including but not limited to locks, latches, deadbolts and entry systems) must be maintained in good working order at all times;
- b) where window locks are fitted, keys are provided to the relevant occupant;
- c) where previous occupants have not surrendered keys, a lock change is undertaken prior to new occupants moving in; and,
- d) where alley gates are installed to the rear of the licensed property, tenants are aware of how to obtain a key.

Reason: To safeguard the health, safety and well-being of occupants.

14. External areas, refuse and waste

The Licence holder shall ensure that:

- a) the exterior of the property is maintained in a reasonable decorative condition and state of repair, including the removal of graffiti;
- b) the tenants are instructed in their responsibilities to maintain at all times any garden, yard and other external areas within the curtilage of the house, and ensure they are kept in a reasonably clean and tidy condition;
- c) the tenants are instructed in their responsibilities in respect of refuse storage and disposal, to include details of what day refuse collections take place and what type of receptacle to use for household waste and recycling;
- d) where they are aware of a pest problem or infestation at the property, they will take steps to ensure that a treatment program is carried out to eradicate it. Records shall be kept of such treatment programs and these shall be provided to the Council on demand;
- e) access is available at all times to adequate, external, refuse storage.

Reason: To ensure that the domestic hygiene and condition of the licensed property is maintained.

15. Training

The Licence holder and/or Manager shall undertake property management training courses or information days, where required to do so by the Council. The training/information days will be provided by Middlesbrough Council.

Reason: To enable the Council to provide licence holders with the knowledge and expertise to improve the management of their properties.

16. Management / Anti-social behaviour

The Licence holder shall take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.

The Licence holder shall:

- a) provide a written action plan to Middlesbrough Council outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually and submitted on request;
- b) obtain tenant references prior to granting a tenancy as to previous tenancy conduct, including behaviour of that of the proposed occupier and household;
- c) provide the local authority, upon request, the full names and dates of birth of each occupant of the property;
- d) if he/she receives a reference request for a current or former tenant he must refer the matter to Middlesbrough Council's tenancy referencing service who will carry out the reference on their behalf;
- e) cooperate with Middlesbrough Council, Cleveland Police and other agencies in resolving complaints of anti-social behaviour or criminal activity. The Licence holder and/or their nominated Managing Agent must not ignore or fail to take action against any complaints regarding their tenants. Written records of action taken, if any, shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council on request;
- f) ensure that the appropriate authorities (namely Middlesbrough Council and Cleveland Police) are informed, where they have reason to believe that their tenant's behaviour involves criminal activity;
- g) contact the tenant within 14 days if a complaint is received, or criminal or anti-social behaviour is discovered. The tenant must be informed of the allegations of their behaviour in writing and of the consequences of its continuation. The Licence holder should maintain contact with the Council's Neighbourhood Safety Team in order to monitor complaints and take appropriate action;
- h) endeavour to attend home visits, interviews, multi-agency meetings or case conferences arranged by the Council or Police as and when necessary;
- i) make regular (at least quarterly) inspections of the property to ensure that the property is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions. Written records of inspections made, conditions noted and actions taken as a result shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council;
- j) ensure that each tenant is made aware that they are responsible for their own

behaviour and the behaviour of other occupiers and visitors. Tenants shall be made aware that if they, other occupiers, or their visitors: engage in criminal activity within the locality, or cause nuisance or annoyance to neighbours; or use abusive or threatening language or behaviour to neighbours; fail to store or dispose of refuse properly; or cause damage to fixtures, fittings, fire prevention or alarm equipment or installations, or to the fabric of the premises; or fail to give access to the landlord or his agent for the purpose of maintaining communal areas or, upon reasonable notice, to inspect or undertake works within their accommodation. They will be liable to enforcement action which may include possession proceedings either under the terms of the tenancy, pursuant to Section 21 of the Housing Act 1988 or pursuant to Grounds 13 or 14 of Schedule 2 to the Housing Act 1988;

- k) ensure that the occupants of the property are aware of the services available to them and how they can report nuisance and anti-social behaviour to the local authority.

Reason: To safeguard the well-being of occupants, persons visiting the premises and persons in the immediate locality.

17. Notification / consultation of changes

The Licence holder and Managing Agent shall consult with Middlesbrough Council before making any material changes to the layout, amenity provision, fire precautions or occupation of the house. They must inform Middlesbrough Council of:

- a) details of any unspent convictions not previously disclosed to the local authority that may be relevant to the Licence holder and/or the property manager and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
- b) details of any finding by a court or tribunal against the Licence holder and /or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;
- c) details of any contravention on the part of the Licence holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her;
- d) information about any property the Licence holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the Licence holder breaching the conditions of his/her licence;
- e) information about any property the Licence holder or manager owns or manages or has owned or managed that has been the subject of an Interim or Final Management Order under the Housing Act 2004;

- f) the property becoming empty;
- g) changes to liability insurance;
- h) notification of repossession/foreclosure;
- i) successful claims against the Licence holder for default of tenancy deposits;
- j) change in managing agent or the instruction of a managing agent;
- k) the undertaking of substantial works to the property, including conversions and modernisations or emergency problems relating to fire, flood or disaster and the tenants are made temporarily homeless.

Reason: To safeguard the health, safety and well-being of occupants in the event of changes during the period of the Licence.

18. Absence

The Licence holder shall have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the Licence holder and/or manager must be supplied to each occupier and must also be on display in a prominent place.

Reason: to safeguard the health, safety and well-being of occupants in the event of temporary absence of persons in control.

19. Compliance inspections

The Licence holder shall allow the Council to undertake Licence compliance checks. Council officers will give the Licence holder at least 24 hours notice of these checks and produce valid authorisation at the time of visit. If the inspection is because the Council suspects there has been a breach of Licence conditions then no notice period will be provided.

Reason: To ensure that the property complies with the Housing Act 2004 and Licence conditions.

Appendix 4 – Exemptions

Properties that are exempt from requiring a licence are those that are:

1. Subject to a Prohibition Order, under Section 20 of the Housing Act 2004, that has not been suspended.
2. Business premises.
3. Houses in Multiple Occupation (HMO) that require a statutory HMO licence.
4. Tenancies for agricultural land/holdings.
5. Controlled by a local housing authority, Police authority, Fire and Rescue authority or a Health Service body.
6. Occupied solely by students undertaking a full-time course of further or higher education, and where the person managing or in control of it is the educational establishment.
7. Tenancies granted for more than 21 years and the agreement does not allow the landlord to end the tenancy earlier than the term of the lease (the property must be occupied by the original person who was granted the tenancy or members of their family).
8. The tenant is a member of the landlord's family. (The house must be the occupier's main residence. The person granting the occupancy must be the freeholder or leaseholder, which is for a period of more than 21 years. This lease must not contain a provision allowing the landlord to end the tenancy earlier than the term of the lease);
9. Tenancies or licences granted for the occupancy of a holiday home.
10. Accommodation that the occupier shares with the landlord or licensor or a member of the landlord or licensor's family.

Appendix 5 – Fee Structure

Fee and charging structure for the implementation of Selective Licensing in North Ormesby.

Part 3 of the Housing Act 2004 enables the Council to require the application for a Licence to be accompanied by a fee fixed by the Council.

The Council is not permitted to make a profit from the introduction of a Selective Licensing scheme and any surplus must be ring-fenced to the scheme. The fees should, however, take account of all costs incurred in carrying out all duties under this part of the Act.

Standard Fees

To meet the costs involved in running the North Ormesby Selective Licensing Scheme it is proposed to charge fees of:

- £580 per Single Occupancy Household Unit
- £20 per Fit and Proper Person Check – in respect of the proposed Licence Holder and the proposed manager (if a different person from the Licence Holder)

Where a licence is refused or revoked, the applicant or licence holder will not be entitled to any refund of fees and will be required to pay any outstanding charges linked to the application.

Applications resulting from a change in ownership of a licensed property will be charged the full standard fee.

Owners should give careful consideration to the person designated as Licence holder as licences run for a maximum of 5 years and are non-transferable. If the licence holder changes for any reason, the full licence fee is payable by the first licence holder and the new licence holder will also need to pay the full standard fee. The new licence holder will not incur a penalty charge as long as the application form, fees and documentation are received within three months of the change of ownership/manager.

Applications for licences in the last six months of the designation will be eligible for a reduced fee of 50%, where properties have not been licensable prior to the 6 month deadline.

Multiple unit charges¹

- Fee per property up to and including 5 units - £605
- Fee for each additional unit over 5 within the same building under the same control as proposed licence holder - £20

The Council wants a Selective Licensing fee structure that rewards landlords who comply in a timely manner and will also look to recoup its additional costs where landlords fail to come forward during the licensing timescales or provide incomplete applications which requires additional work from the team.

The Council also recognises the current economic climate for landlords and is therefore willing to consider, a 12 month payment plan, by direct debit terms, for landlords. The Council will welcome views from landlords on a final fee structure via the consultation process.

Method of Payment

Full amount to accompany the application, or 12 monthly Direct Debit payment set up for full amount. Payments other than Direct Debit can be made in full by cheque, debit or credit card. A charge of 2.5% will be added to your payment if you use a credit card.

If any changes, or default, are made on a direct debit agreement, this will breach licence conditions and impair any discounts offered on the standard fee.

Appendix 6 – Case Studies

Case Study 1 - HHSRS - The SLL Team had arranged numerous inspection visits to a property but the tenant repeatedly wouldn't allow access. An evening visit was made and the tenant finally opened the door. The tenant was initially angry as he was confused as to who his managing agent was as they kept changing. The tenant agreed for officers to carry out the inspection which highlighted at least four Category 1 (most serious) Hazards in the property. These included; no boiler, no heating, no hot water, the bathroom roof falling in (which was propped up with pole), the kitchen was inaccessible and had no cooking facilities. Due to the condition of the property and the hazards identified, a Prohibition Order was served. The Landlord has since installed a new boiler, new kitchen (including cooking facilities), new bathroom roof, bathroom suite, new rear windows downstairs and a new back door. The landlord has also informed the tenant that he is going to supply new carpets in the property downstairs.

Before and after photographs:



Case Study 2 - Inspection Visits - Prior to inspection visits to a landlords three properties we completed checks on the Gas Safe register to make sure that the Gas Engineer who completed the Gas Safety Checks on all three properties was registered as Gas Safe, however he was not found.

During the visits we made the landlord aware of this issue, the landlord was concerned and tried to contact the Engineer but he would not answer his phone. The Engineer has carried out work for the landlord for many years, and had become like a friend.

The landlord phoned the Gas Safe register and they advised him the engineer was not registered.

The Environmental Health Officer who was present on the inspection spoke to the landlord about his concerns and advised he would report this.

It turns out the engineer was registered but was suspended in 2014 for not allowing an engineer from the Gas Safe Register to inspect his work, and the engineer should not have issued the certificate for the three properties, and an investigation will be carried out by the gas safe register.

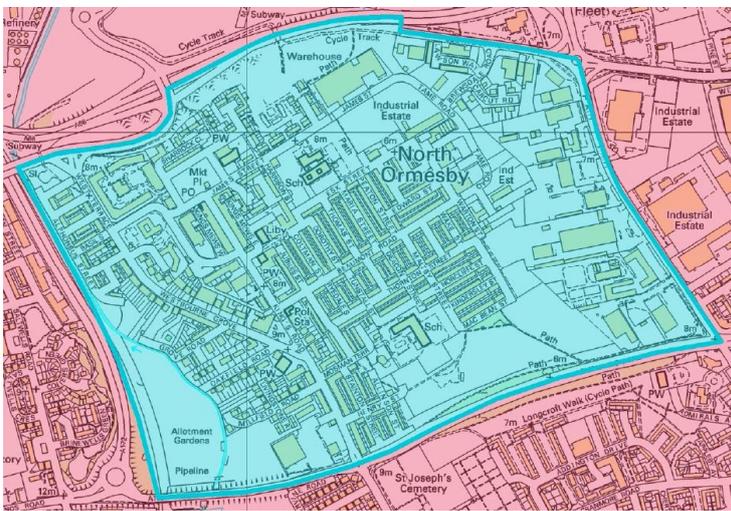
Case Study 3 - Tenancy Relations - During a tenancy inspection visit with a landlord, it was identified that the tenant was struggling with his mental health issues due to spiralling debts. Whilst at the property a debt enforcement agency arrived to reclaim goods to the value of the debt. Both the Officer and landlord negotiated on the tenant's behalf, providing evidence that the property was a furnished tenancy and that his only belongings were his clothing and toiletries. The SLL Officer arranged an appointment for the tenant to attend Citizens Advice and also made a referral to Firmer Foundations (mental health support). During the Citizens Advice appointment the tenant disclosed significant debts therefore a Debt Relief Order was applied for (due to his severe mental health issues) and a food bank voucher was issued. The tenant has now applied for different benefits and is receiving the much needed support he required.

Case Study 4 - Housing Benefit Fraud - A role within the Selective Licensing scheme is to investigate any landlord who fails to comply with the Selective Licensing Scheme. On one particular occasion we investigated a landlord who had active benefit claims for two of the properties they owned and managed in North Ormesby. As part of the investigation we were required to go door knocking and try to speak to the tenants so that we could build a better picture. However after speaking to the tenants neighbours it was established despite the fact the landlord had active claims for both of these properties, one of the properties had been empty for over 6months and the second property had been empty for over 3 years meaning the landlord had been claiming up to 3 years' worth of benefits. This information was passed onto the Benefits Fraud team who are investigating this matter. If this had not been investigated as part of Selective Licensing then maybe this landlord would still be claiming fraudulently.

Case Study 5 - Neighbourhood Safety Officer - A tenant who had been housed by a landlord after a referral from the mental health team had sustained his tenancy for 18 months but after support was withdrawn from mental health services he became involved in antisocial behaviour in the house and visitors took advantage of him. There were allegations of noise disturbance, shouting, fighting and drug misuse at the property and also criminal damage to the house. Visitors were climbing in and out of windows and dealing drugs in the back alley.

The Neighbourhood Safety officer (NSO) liaised with residents and obtained evidence of these incidents and residents completed diary sheets. The NSO contacted the landlord who was willing to work with the scheme to resolve the problem. The tenant had had warnings but took no notice. The landlord served a section 21 but the tenant would not leave when he was supposed to. The NSO contacted the homeless and housing advice team and arranged for the tenant to present himself with the relevant documentation to obtain support and he was offered new accommodation with support. He has now moved and residents nearby report it is quiet. The landlord has agreed to reference any new prospective tenants once the house has been refurbished.

Proposal by Middlesbrough Council to introduce Selective Licensing in North Ormesby



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ABOUT THIS CONSULTATION

The Housing Act 2004 gives the Council powers to introduce Selective Licensing for privately rented properties in areas experiencing low housing demand and/or significant and persistent anti-social behaviour. The purpose of such schemes is to improve standards of property management in the private rented sector. The Council can make the 'designation' if it believes this will, when combined with other measures, lead to improved social and economic conditions in the area.

The Council proposes to introduce Selective Licensing in North Ormesby, as outlined on the map at Appendix 1. The Council's proposal is made on the grounds that North Ormesby is an area of low housing demand.

This document explains why the Council believes Selective Licensing is needed in North Ormesby, how it will operate alongside and complement other measures, the improvements it will bring about and why alternative remedies are insufficient.

The Council wants to hear from those who are likely to be affected by the proposed scheme, including local tenants, landlords, managing agents and other members of the community who live or operate businesses or provide services within the proposed designation. This includes local residents and those who operate businesses or provide services in the surrounding area outside of the proposed designation who are likely to be affected. This wider consultation area is also outlined on the map at Appendix 1.

Details of how to respond to the consultation are set out from page 12.

The consultation will last for a period of 10 weeks, starting on 12 January 2015 and closing on 23 March 2015. After this time the results will be published, including a summary of the responses received and how these have either been acted on or not, giving reasons in each case.

The Council will make a final decision on Selective Licensing after it has fully considered the responses to the consultation.

Should the Council decide to introduce a scheme then all affected parties will be formally notified 3

months in advance of it coming into operation.

CHALLENGES FACING NORTH ORMESBY

North Ormesby is experiencing major challenges associated with social and economic decline:

- between 2007 and 2010 the area showed the most significant increase in deprivation across the whole town;
- a burgeoning private rented sector with evidence to suggest poorly managed properties are feeding a concentration of anti-social behaviour and crime in the area, borne out by the BIG Local whose survey has confirmed it as a key concern for residents;
- equivalent crime levels to Gresham (the area with the highest recent crime levels in the town);
- high levels of social isolation particularly amongst older people; and,
- low levels of resilience to welfare reform impacts.

A significant and concerning pattern of housing and subsequent social decline in parts of North Ormesby can be identified:

- the older terraced properties are no longer the first time buyers 'house of choice' they have been in previous generations;
- the low demand for two bedroom terraced properties has led to private sector landlords purchasing properties at relatively cheap prices;
- some, but by no means all, of these landlords have housed tenants who have gone on to present a wide range of problem behaviours further fuelling low demand levels;
- there are a high number of empty properties in the area; and
- this concentration of issues has seen a broad range of social problems manifest themselves from drug and alcohol abuse to domestic violence and high crime levels.

Whilst North Ormesby may not always be recognised as the most disadvantaged area against every statistical measure, the rate of its decline, its vulnerability in terms of crime, social isolation, and the impact of welfare reform provides a particularly compelling picture of chronic need – especially in conjunction with the apparent housing market failure. If not

addressed, this decline could threaten the long-term stability of the area.

LOW HOUSING DEMAND

The Council is looking to introduce Selective Licensing in North Ormesby on the basis that there is compelling evidence of low housing demand. In line with legislation and guidance the Council has considered the indicators of low housing demand described in the following section. The evidence points to an area with a high incidence of private renting, low property prices, a transient tenant population and high proportion of empty properties.

Tenure mix

North Ormesby has a disproportionately high level of private rented properties and very low levels of owner occupation. It consists of approximately 1,750 properties, of which 38% are privately rented. Approximately 39% are owner-occupied and 18% are social rented.

The level of private renting in North Ormesby contrasts markedly with the rest of the town and the national rate of 16.8%.

In the 10 year period between 2001 and 2011, North Ormesby has seen a major change in its tenure mix.² Owner occupation decreased by 17.7%, the social rented sector decreased by 16.9%, in contrast the private rented sector increased by 118.2%.

Empty properties

The problems empty properties cause for local communities are well known, but in summary they:

- deny homes to those in need;
- attract vermin, crime, arson, vandalism, fly-tipping and anti-social behaviour;
- are a source of anxiety for owners and neighbours;
- reduce the value of neighbouring properties; and,
- as a consequence, are a drain on public services and budgets.

At the end of September 2014, according to Council Tax records, there were 68 long-term empty properties in North Ormesby, which equates to 3.9% of total stock. North Ormesby has the second highest proportion of long term empties than other areas in Middlesbrough. This position contributes to a

negative image causing uncertainty for established residents and making it hard to attract people to the area.

Property values

With average sales prices in North Ormesby at £48,000³, they are amongst the lowest in the town. Gresham's property value are of a similar price £47,400 where the average price in other town centre wards are higher (£64,000 in Middlehaven and £98,000 in University). The average house price for Middlesbrough is £124,000). A number of factors are at play, including the disproportionate levels of private rented properties when compared with other parts of the town, high levels of crime, anti-social behavior and deprivation, and empty properties. These older terraced properties are no longer the first time buyers 'house of choice' they have been in previous generations.

Anecdotal evidence has been obtained from local estate agents who were asked about the price of properties, location and length of time on the market. Their responses are summarised below.

- Prices range from £25k-£30k up to £55k dependent on the particular location. Those purchasing properties in North Ormesby tend to be investors looking to buy to rent. Properties can be well kept/decorated to a good standard but the location is the issue and limits the selling price. Sales can take from three to eight months.
- Prices are dropping and interest is from investors only not first or second time buyers. Two bedroom properties are selling for £25k to £40k, with three bedroom properties selling for £30k to £50k . Prices have halved in the past three to four years. The condition is not an issue and the sale is completed based on price. There has been a rise in repossessions, or simply moving out of the area.
- Sale price is very much dependent on the location within North Ormesby. Properties around the Beaumont Road area are the ones that sell for very low prices with investor interest and selling for around £22k-£25k.

Turnover

The presence of a more transient population typically housed in privately rented

² National Statistics, Household Tenure QS405EW (2001 & 2011)

³ Land Registry, Sold Prices, August 2013 to July 2014.

accommodation can have a negative impact on the stability and desirability of an area. It can also affect community integration and investment

and affect school performance negatively. Transience can also attract disadvantaged people to the area, which in turn can lead to increased social deprivation.

Concentrations of one and two person younger adult households are associated with the private rented sector in North Ormesby along with a higher level of turnover of tenancies. In North Ormesby 25.7% of the resident population is aged between 20 and 34 compared to 21.5% across Middlesbrough. Population turnover rates from the Office for National Statistics (2009-2010) identified that the Middle Super Output Area for North Ormesby had one of the highest rates of inflow of people aged 25 to 64 in Middlesbrough.

Council Tax records provide a guide as to the proportion of properties experiencing turnover in the North Ormesby area. Of the 1,791 Council Tax accounts in 2013/14 a change occurred in 72.8% of them, requiring a new account to be created, affecting 705 properties (39%). In the preceding year a change requiring a new account to be created occurred on 85.8% of accounts, affecting 870 properties (50%).

Housing stock condition

Middlesbrough's Private Sector Stock Condition Survey (PSSCS) 2008 identified North Ormesby as having the highest proportion of non-decent dwellings in Middlesbrough at 60.5%. Non-decent homes do not meet current statutory minimum standards, are not in a reasonable state of repair, do not have reasonably modern facilities and fail to provide a reasonable degree of thermal comfort.

North Ormesby also recorded the highest non-decency remedial cost score by area (£40.3m and an average of £3,685, per non decent dwelling).

The same survey identified North Ormesby as having the largest proportion of vulnerable households (74.2%) living in non-decent homes.

North Ormesby was also found to have by far the highest proportion of homes with a Category 1 hazard (37.8%). Examples of Category 1 hazards include:

- inadequate heating
- absence of working fire alarms
- leaking roof

- broken rail on a steep stairway
- lack of physical security, such as doors and windows not closing or locking properly.

North Ormesby also had the lowest SAP rating (40) – this compares the energy performance of different homes and is measured on a scale of 1 to 100. The higher the rating the lower the fuel costs.

Housing disrepair

The Council received 145 complaints of housing disrepair in private rented property in North Ormesby between 2011/12 and 2013/14, this equates to 8.4% of the private rented properties in North Ormesby, the town average being 3.4%.

The Council forwarded 41 pre-formal schedules of work to landlords in North Ormesby between 2011/12 and 2013/14 (2.4% of private rented housing in the area) with the town average being 0.6%.

The Council served 9 statutory repair notices on landlords in North Ormesby between 2011/12 and 2013/14.

Illegal eviction/harassment

Between 2011/12 and 2013/14 there were 16 complaints of illegal eviction and harassment in North Ormesby, which is the highest rate in the town within the private rented sector.

Anti-social behaviour

Anti-social behaviour and crime can have a devastating effect on individuals and communities. It describes a wide range of everyday nuisance, disorder and crime from graffiti and noisy neighbours to harassment and street drug dealing. It is sometimes dismissed as trivial, but anti-social behaviour has a huge impact on victims' quality of life and it is often the public's number one priority when it comes to local concerns.

Anti-social behaviour that the Council's Community Safety Team regularly needs to deal with includes:

- Vandalism, graffiti, and other deliberate damage to property or vehicles
- Teenagers hanging around on the streets
- Rubbish or litter lying around
- Drug use and dealing
- Drunk or rowdy behaviour
- Chaotic families.

There was a total of 1,917 complaints of anti-social behaviour received by the Council's Private Housing Enforcement and Anti-Social Behaviour Teams, an increase over that period of 67.9%.

Between October 2013 and September 2014, Cleveland Police also dealt with 732 cases of anti-social behaviour in North Ormesby. This is the second highest rate per population in the town. The ward with the highest rate was Middlehaven, which includes town centre related anti-social behaviour e.g. reports of drunk/rowdy behaviour, often handled by Street Wardens.

Crime

North Ormesby is experiencing some of the highest levels of criminal activity in Middlesbrough. Between October 2013 and September 2014 there were 716 crimes reported in North Ormesby. Middlehaven has the highest rate, however, this area includes crime associated with town centre retail and the nighttime economy.

WIDER INDICATORS

Index of Multiple Deprivation (IMD)

The IMD 2010 identifies areas of multiple deprivation for each local authority area as a whole and also for smaller areas within each local authority known as Lower Layer Super Output Areas (LSOAs).

The IMD is a relative measure of deprivation and is based on a variety of indicators. Each of the 32,482 LSOAs in England are assigned a score based on deprivation levels, and also a rank based on each of the scores. Rankings for the 326 English districts and boroughs are also calculated. Middlesbrough has a rank of average score of 8 meaning it is the 8th most deprived local authority area in England.

In 2010 the 2 LSOAs for North Ormesby were in the 10% most deprived nationally being ranked 326 and 328 of 32,482 LSOAs. Both LSOAs had declined since 2007 with one showing the biggest decline in Middlesbrough, falling by 1,172 places.

The North Ormesby and Brambles Farm ward is the third most deprived ward in the town, and

has declined since 2004⁴.

Unemployment

Benefit dependency is a major concern with over 30% of the North Ormesby and Brambles Farm working age population claiming at least one of the key out of work benefits compared to 19.2% in Middlesbrough.

The North Ormesby and Brambles Farm ward has the highest rate of youth unemployment in the town (14.0%), and the fourth highest rate of long-term unemployment (3.6%), compared to Middlesbrough as a whole (6.7%) and (1.8%) respectively.⁵

Fuel poverty

Fuel poverty in England is measured by the Low Income High Costs indicator, which considers a household to be in fuel poverty if they have fuel costs that are above average, and if they were to spend that amount they would be left with an income below the official poverty line.

The key drivers behind fuel poverty are: the energy efficiency of the property, the cost of energy, and the household income.

North Ormesby has a rate (30.9%)⁶ of its households living in fuel poverty, almost three times the national rate (10.4%).

⁴

www.middlesbrough.gov.uk/index.aspx?articleid=2135

⁵ Tees Valley Unlimited, Ward Statistics, September 2014.

⁶ Gov.UK Fuel poverty: sub-regional data under low income high cost indicator, 2012.

HOW THE PROPOSED SELECTIVE LICENSING SCHEME WILL WORK

Licence application

Within the designated area all privately rented properties will need a licence to operate. The owner of the rented property will need to make an application to the Council. The Council must be satisfied that of all the person with an interest in the property, the most appropriate person is the licence holder, this would usually be the property owner.

The licence will be valid for a maximum 5 years, although the Council has discretion to grant the licence for a shorter period of time where there are problems with the application such as evidence of insufficient management. Failing to apply for a licence could lead to prosecution and a fine of up to £20,000. If prosecuted, this would lead to the licence holder no longer being classed as 'fit and proper' (see below) and would mean they would need to find someone else to hold their licence and undertake the management of the property.

Fit and Proper Person test

As part of the application process, proposed licence holders and managers will be required to prove that they are "fit and proper persons" and that they have satisfactory management arrangements in place, including those for dealing with anti-social behaviour. A plan for how they will handle complaints of anti-social behaviour will need to be submitted with the application.

When deciding whether a landlord and/or managing agent is "fit and proper" the Council will look at whether they have:

- Committed any serious criminal offences (fraud, violence, drugs or sexual offences)
- Discriminated illegally against anyone
- Breached laws that relate to renting property.

To check this, all applications will require detailed information from the landlord and any relevant managers. Any significant and relevant convictions, cautions, reprimands and warnings will not necessarily mean that an application for a Licence will be refused. Offences have been allocated into categories 1, 2 and 3, with Category 1 being regarded as the most serious (Appendix 2). Where the Council has concerns, applicants will be required as part of the licence conditions to seek a Disclosure Scotland.

There will be a fee to cover the Council's costs of carrying out the fit and proper person checks, which will be £20.00 per person. Landlords with multiple properties will only be required to pay this fee once, if it is the same owner and manager.

Licence conditions

The license holder will have to satisfy a number of conditions. Breaches of these licence conditions could lead to prosecution and a fine of £5,000.

Mandatory conditions relate to the following requirements:

- a landlord must obtain references from all persons wishing to occupy the property;
- landlords must produce gas certificates;
- electrical appliances must be kept safe;
- the property must have working smoke alarms; and,
- each tenant must be provided with a written tenancy agreement.

The Council is proposing to include a number of discretionary conditions which relate to the management of the property, including: ensuring the number of occupiers does not cause overcrowding with the property, to supply a copy of the Energy Performance Certificate to the Council, to fit carbon monoxide detectors to the property, and have a suitable anti-social behavior plan in place. The proposed licence conditions are attached to this document at Appendix 3.

Refusal to grant a licence

If the licence application is refused, and there is no reasonable prospect of the property being licensed in the near future, the Council can apply for an Interim Management Order to take over the management of the property for up to one year or until such time as the owner is able to rectify the reasons for the licence being refused. If the owner is unable to rectify the problems then the Council can apply for a Final Management Order to take on the management for up to 5 years.

In some circumstances rather than refuse the licence, it may be possible for the owner to apply for a temporary exemption notice. This allows 3 months for the owner to take such steps as are necessary so the property no longer requires a licence e.g. the property has been sold to an owner-occupier.

Failure to apply

Failing to apply for a licence could lead to prosecution and a fine of up to £20,000.

In addition to the fine the Council can apply for a Rent Repayment Order which allows amounts paid in connection with a tenancy or licence to be recovered for the period that the property should have been licensed.

Exemptions

There are certain properties that are exempt from applying for a licence, they are detailed at Appendix 4.

Inspection programme

The Council will inspect all private rented properties within the area. High risk properties that are known to be problematic will be prioritised. The inspection programme will check for compliance with selective licensing conditions including:

- the working order and positioning of smoke alarms;
- carbon monoxide detector;
- tenancy agreements supplied to the tenant;
- property management arrangements.

Compliance action will be taken against landlords who breach licence conditions. Landlords will not be deemed to be 'fit and proper' if housing offences are proven against them in the courts.

The inspections will be on a multi-agency/disciplinary team, this could include a Licensing Officer, Police, Neighbourhood Safety Officer and Social Care Early Help Practitioners. This approach is to ensure that as well as checking compliance with the licence conditions, the tenants are helped and supported with any issues they may be facing. Issues may include substance misuse, parenting skills, unemployment; the team will make referrals to relevant agencies and follow-up any actions. It must be stressed that only the time of the licensing officer checking compliance with the licence conditions will be charged to the licence fee.

The other services offered through the Early Help Team will be of benefit to landlords, tenants and the wider community to help to reduce the turnover of tenants.

License fees

The Housing Act 2004 gives the Council the power to charge landlords a fee for all costs it incurs carrying out its Selective Licensing functions. The Act also allows the Council to take into account costs incurred in carrying out functions in relation to Interim and Final Management Orders (so far as they are not recoverable under that part of the Act).

The Council proposes to charge a basic fee of £580.00 for a licence.

The proposed fee structure is set out in detail at Appendix 5. The Council aims to reward landlords, who come forward to comply in a timely manner. The Council is also proposing to look at payment plans over twelve months, by direct debit.

Income from the licence fees is ring fenced meaning that it can only be used for this project and not for any other reason. It is anticipated the scheme will require 4.5 FTEs and an Apprentice to operate.

POTENTIAL BENEFITS OF THE SELECTIVE LICENSING SCHEME

It is anticipated that introducing this scheme in North Ormesby will have a number of benefits to the community, landlords, tenants and owners, both directly and indirectly, including:

- Improved management and condition of privately rented accommodation.
- Support for landlords in dealing with anti-social tenants.
- Reductions in levels of anti-social behaviour.
- Educating tenants about their responsibilities and their impact of their behaviour on the community and neighbours.
- Encouraging tenants to recognise when properties are of a sub-standard condition and what options are available to them.
- Promotion of landlord aspiration to let property to a higher standard and to act in a professional manner.
- Encouragement of landlords not to take tenants with a poor reference.
- Improvement of the image and desirability of the area.
- Improved values of property in the area.
- Encouraging a change to the tenure mix of the area. Protect investment in the area.

- Working with those landlords who are not providing good quality accommodation or managing their tenancies effectively and removing “rogue landlords” altogether.
- Reduced tenant turnover leading to sustainable communities, creating communities where tenants want to remain.
- Encourage the use of reputable managing agents when landlords are inexperienced or “absentee”.
- Raising community confidence through the appropriate use of enforcement powers against landlords who are failing to comply with the provisions of the Housing Act 2004.

The Council aims to build better working relations with landlords in the area and concentrate resources on eradicating bad practice by some landlords.

License conditions will help to ensure that vulnerable tenants are living in accommodation where the management is capable of dealing with their needs.

It will also help the Council to better target resources in dealing with anti-social tenants and enforce against unprofessional landlords.

Selective Licensing will seek to develop a more consistent level of property management services among all private landlords in the area, thus assisting prospective private tenants in making a positive, confident choice about their next home.

Reputable landlords can be assured that if a Selective Licensing scheme were in place, those landlords whose business practices do not meet the required minimum standards would be encouraged and supported to improve their management standards. Landlords who are not willing to work with the Council could face being refused a licence and ultimately having a Management Order imposed against the property.

HOW SELECTIVE LICENSING WILL SUPPORT STRATEGIES FOR THE AREA

Housing plays a fundamental role in delivering sustainable communities, facilitating social and environmental improvements and promoting economic growth. The Council believes that Licensing has an important role to play and offers valuable support to existing initiatives to tackle

empty homes, prevent homelessness, create sustainable, high quality neighbourhoods and reduce anti-social behaviour.

Mayor’s Vision and the Council’s Change Programme

The proposal for North Ormesby clearly links to the Mayors Vision in terms of its contribution to a learning town, in which families and communities thrive, and a town that continues to transform. It contributes directly to a number of the Change Programme outcomes, specifically:

- Providing services and support to communities such that people have more fulfilling lives, feel safe and their need for support services reduces.
- Achieving longer and healthier lives, reducing health inequalities and protecting the local population from environmental hazards and incidents.
- Providing support to help families and adults in need and, maximise their independence such that dependency on services reduces.

Health and well-being

Housing has an important impact on health and well-being: good quality appropriate housing in places where people want to live has a positive influence on reducing deprivation and health inequalities by facilitating stable/secure family lives. This in turn helps to improve social, environmental, personal and economic well-being. Conversely, living in housing which is in poor condition, overcrowded or unsuitable will adversely affect the health and well-being of individuals and families.

As mentioned, the Licensing Team will promote multi-agency case intervention strategies where problems are identified.

Private rented sector

Many properties in the sector provide decent accommodation and are well managed by landlords. Selective licensing will be a vital tool in driving up standards. It will reduce the negative impact on neighbourhoods of poor landlords and encourage greater awareness and a sense of responsibility in landlords and tenants alike.

The Council’s Housing Enforcement team will continue to employ a wide range of tools to tackle poor property condition, inadequate tenancy management and improve conditions in

the private rented sector. These tools include:

- Mandatory HMO Licensing
- Tenant Referencing
- Empty Property Enforcement
- Housing Health and Safety Rating System (HHSRS)

By introducing selective licensing the Council is fully utilising the suite of tools introduced by the Housing Act 2004 to address management standards and property conditions within the private rented sector. As part of a coordinated approach, Selective Licensing will compel landlords to maintain good standards and raise the profile of problem properties. Through the increased awareness amongst the community and across agencies, Selective Licensing will become a valuable mechanism for identifying and dealing with bad practice amongst private landlords.

Anti-social behaviour

Selective Licensing will help to ensure that landlords meet their statutory duties regarding tenancy management and will encourage and assist them to deal with issues of anti-social behavior by taking appropriate and effective action where they receive a complaint about their tenants.

There is a range of other initiatives that are targeted at reducing crime and anti-social behaviour operating across the North Ormesby area and the Selective Licensing team will work in close partnership with other services and agencies to maximise the impact and contribute to improved community safety.

The Licensing Team will promote multi-agency case intervention strategies where problems are identified, which can include actions for the Police, the Youth Offending Team, ASB, and Housing Enforcement teams. Landlords will be offered support and advice to help tackle anti-social behaviour from their tenants.

Prevention of Homelessness Strategy

The private rented sector has a central role to play in offering a decent alternative to owner-occupation or social rented housing. The sector makes a significant contribution to meeting the housing needs of vulnerable people and in many cases has prevented homelessness and minimised the use of temporary accommodation. The Council continues to work in partnership

with the private rented sector and Selective Licensing will strengthen this partnership by increasing the number of landlords working with the Council with well-managed, good quality accommodation.

By strengthening the partnership between landlords and the Council, Selective Licensing can contribute to the prevention of homelessness through effective tenancy management that minimises ASB, tackles rent payment issues in a timely and constructive manner and offers a housing option for some of the most vulnerable households in need of a home.

The Localism Act 2011 enabled the use of suitable offers of accommodation in the private rented sector and allowed this sector to be used to discharge the main homelessness duty. Against the backdrop of high demand but a shortage of accessible, affordable social housing, the sector has increasingly become a valuable resource for offering a range of more easily accessible housing solutions for homeless households, but elements of poor management contribute to repeat homelessness. Licensing has the potential to effect long term positive change in the sector and to provide considerable benefits to homeless households.

It is anticipated that the Selective Licensing scheme will help achieve a long-term reduction in the culture of 'tenancy hopping', i.e. the practice of households who are frequently homeless due to anti-social behaviour, and who may be aided by rogue landlords to move around the sector, which prevents underlying behavioural issues from being tackled and which blights local communities.

Empty homes

In Middlesbrough there were 657 private homes empty for six months or more in September 2014. The Council has already begun to tackle this issue and to date has, amongst other things, secured funding from the Homes and Communities Agency and adopted an Empty Homes Action Plan to bring empties back into use.

An important part of the strategy to tackle empty homes is actively targeting owners and providing them with information on the incentives available and the reasons why empty properties are a poor financial option. A range of promotional and marketing measures will be introduced.

In some cases encouraging owners will not be enough and the Council will need to take strong enforcement action. It is anticipated that Selective Licensing will help strengthen the partnership between landlords and the Council and the benefits Licensing will deliver to the area will contribute to tackling problem empty properties in North Ormesby.

The BIG Local and North Ormesby Neighbourhood Action Plan

The BIG Local is a community structure based in North Ormesby and formed through a £1m Lottery grant. They recently completed (August 2013) a community survey with over three hundred and fifty residents of the area. The three clear priorities which emerged during that consultation were:

- problems associated with the private rented sector;
- anti-social behaviour;
- street condition.

The Council has concluded there is an urgent need to take strong and immediate action to halt the slide of the area. However, it has also recognised that traditional forms of public sector intervention are no longer applicable and there is a need to re-focus interventions around supporting communities to practice greater levels of self-management, by focusing on strengthening those activities and structures which underpin that ability. In light of this it has agreed to formulate a comprehensive response to address the social and economic issues arising in North Ormesby and endorsed the implementation of an eighteen month strategic intervention in the area.

Selective Licensing will have an important role to play given the priorities identified by the community and the fact that it responds to the need to develop a more radical partnership response to the problems in the area.

ALTERNATIVE REMEDIES AND WHY THE COUNCIL CONSIDERS THEY ARE INSUFFICIENT

The Council has considered whether there are any other courses of action available that might provide an effective method of achieving the objectives that the designation is intended to achieve.

The following paragraphs consider other powers and projects that are available to the Council and why they could not replace the proposed Selective Licensing Designation in North Ormesby.

Accreditation

Accreditation is a mechanism for helping landlords or agents to meet agreed standards of competence, skills and knowledge about the business of owning, managing or letting a private rented home.

Accreditation is supported nationwide by a wide range of stakeholders, including the Government, landlord associations, local authorities, Shelter, the National Union of Students and the Chartered Institute of Environmental Health. It can aid the supply of good-quality, well-managed homes.

Accreditation attracts a limited number of landlords, mainly those already providing appropriate management standards and who are motivated to improve the reputation of the private rented sector. Such schemes do not have an intensive impact in any one area, nor do they tackle the worst privately rented properties, as due to the voluntary nature the worst landlords will not engage with the Council or join the scheme.

Experience shows that it is resource intensive to encourage the poorer landlord to join accreditation and when asked to make improvements due to its voluntary nature many landlords fail to comply showing that accreditation cannot tackle the worst standards of property condition and management practices.

Enforcement of housing standards

The Housing Act 2004 introduced the Housing Health and Safety Rating Scheme (HHSRS) which allows local authorities to inspect privately rented properties to ensure the condition of that property does not have an adverse effect on the health, safety or welfare of tenants or visitors to that property. Where necessary the Council will serve statutory enforcement notices to ensure the condition is improved.

The current service is in the main reactive - a complaint will be made and an inspection will determine whether action needs to be taken.

Whilst this approach does improve property conditions it does not have a concentrated impact in one area. In addition this power does not tackle property management standards. Through the selective licensing designation and associated training advice and support, landlords will recognise what improvements need to be made to their properties reducing the need for action under the HHSRS.

In addition the Council will continue to undertake proactive property inspections in the designation area, offering advice and where necessary taking enforcement action to improve property conditions. Improved property conditions will assist in retaining tenants and attracting occupants to the area assisting in tackling low demand.

Management Orders

Part 4 of the Housing Act 2004 introduced the use of Management Orders. The general effect of a Management Order is that the Council takes control of the property, although legal ownership does not transfer from the landlord. There are two forms of Management Order, interim and final. Interim lasts for a period of 12 months which can then be followed by a final Management Order which lasts for a maximum of 5 years.

Once a Management Order is in place the Council takes over the management of the property. The occupiers pay their rent to the Council and any repair costs such as routine repairs or building insurance are taken from the rent before any surplus is given to the owner (landlord).

This power only deals with individual properties and is resource intensive.

This approach does not present a long term solution to address poor management of privately rented stock as the property is returned to the original owner who may not necessarily have improved their management standards in the interim.

The Council will use Management Orders in the designation area as a last resort to deal with landlords who fail to comply with selective licensing and improve their management standards.

Private Sector Leasing Scheme

A Private Sector Leasing Scheme is where the Council takes out a lease, normally 3 to 5 years in duration, from a private owner or landlord on their property. The Council then uses the property to provide affordable accommodation for homeless families.

There is no guarantee that landlords, especially the worst, will join the scheme and the Council cannot compel them to do so. As with Management Orders the scheme does not address poor management practices as the landlord does not gain experience, advice or training during the lease meaning that once handed back management standards will once again be unsatisfactory.

In summary the alternative options to selective licensing would require some, if not all, of the finance from the Council, which in turn comes from everyone paying Council Tax.

Selective Licensing will be self-financing, paid for by the licence applicants and not the community.

Alternative approaches – summary

There is no single solution and each alternative will have its limitations. No single intervention, including Selective Licensing, can solve the problem and therefore a co-ordinated strategy is required which links a full range of agencies and services using various interventions.

Problems relating to the use of the alternatives to Selective Licensing can include the following:

- They are expensive and there is the likelihood that some of the finance required would need to be collected from Council Tax. This seems unjust when many of the problems are caused by the lack of effective tenancy management. Selective Licensing will be self-financing, paid for by landlords.
- The use of Management Orders on all problematic properties would be neither appropriate nor feasible, given the number of properties. The Council must act in a proportionate manner and a heavy handed approach would undermine efforts to work with landlords to improve standards. Selective Licensing provides an opportunity

to continue to forge partnerships with otherwise anonymous private landlords and provide training and support, where the use of these orders does not.

- Alternatives do not adequately tackle the private tenant's behaviour. This could result in the same "problem" tenant being left to float within an area without any real targeted tenancy enforcement and where required, supported tenancy referral. The proposed Selective Licence conditions include a requirement for the landlord to seek references when allocating the property and to deal with any complaints of anti-social behaviour from their tenants (and/or their visitors/children).
- None of these tools provides a long-term solution to the training of inexperienced landlords whose business would benefit, either because they are not fit, or because of their poor management arrangements.
- Whilst Selective Licensing is only to be used in areas where authorisation is sought and given, many private landlords have properties across the entire town and indeed across local authority borders. Therefore, improvements attained in management standards will have a trickledown effect and will benefit tenants and communities across wider areas.

CONSULTATION – OPPORTUNITIES TO ENGAGE & RESPOND

The consultation is being carried out over a 10 week period, and will be widely publicised using various channels of communication.

The consultation will start on 12 January 2015 and close on 23 March 2015.

Once the consultation has been completed the results will be published and made available to the local community.

The Council is required to consult with local residents, including tenants, landlords, managing agents and other members of the community who live or operate businesses or provide services within the proposed designation and those in the surrounding area which is shown on the map at Appendix 1.

Everyone who responds to this consultation will have their views fully considered. A comprehensive engagement and consultation process with partners, stakeholders and customers will include:

- Private landlords
- Private tenants
- Local communities
- Tenant and resident associations
- Landlord associations
- Citizens Advice Bureau
- Registered Social Landlords
- Local community committees
- Locally elected members
- Local businesses
- Middlesbrough Police
- Other Council service areas.

Methods of consultation

Consultation will be taking place using the following methods:

- Direct mail to landlords and residents.
- Direct mail to local community groups.
- Press release to local media/press.
- Information on Middlesbrough Council's website.
- Drop-in sessions for landlords, tenants, other residents, businesses and other agencies (details will be included in letters posted to all consultees).
- Email to all Ward Councillors.
- Email to all relevant Council service areas.

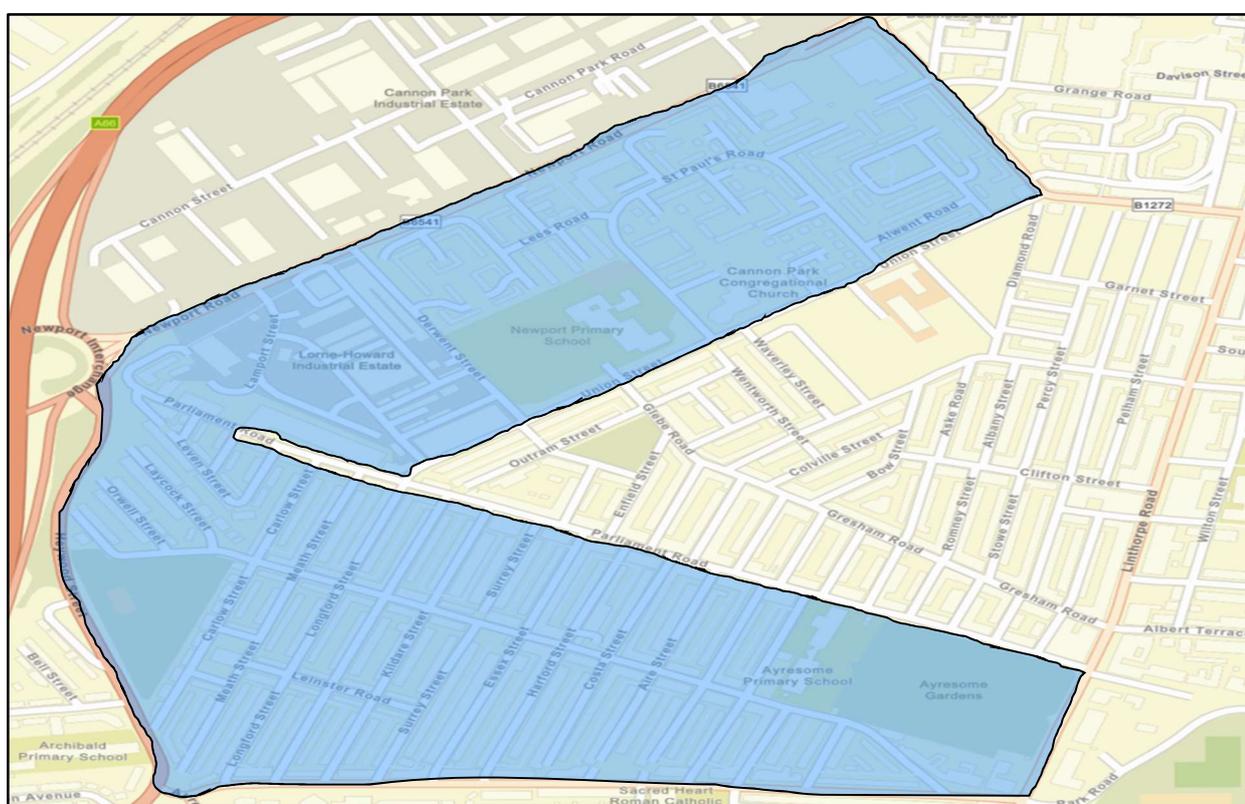
How to respond to the consultation

A questionnaire will be available to complete on the Council's website, a paper version of which can be downloaded from the website. It will also be available to collect from the receptions of the Civic Centre, Town Hall and Middlesbrough House.

All questionnaires and comments should be returned to: Housing Service, Middlesbrough Council, P.O. Box 504, Civic Centre, Middlesbrough, TS1 9FY.

If you would like any further information about the Selective Licensing proposals please contact: Michael Quinn, Principal Housing Needs & Enabling Officer.

Proposal by Middlesbrough Council to designate the area identified as Newport 2 for Selective Landlord Licensing



Middlesbrough Council
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ABOUT THIS CONSULTATION

The Housing Act 2004 gives the Council powers to introduce Selective Licensing for privately rented properties in areas experiencing low housing demand and/or significant and persistent anti-social behaviour. The purpose of such schemes is to improve standards of property management in the private rented sector. The Council can make the 'designation' if it believes this will, when combined with other measures, lead to improved social and economic conditions in the area.

The Council proposes to introduce Selective Licensing in the Newport 2 area, as outlined on the map at Appendix 1. This is the area of Newport ward which is not currently included in the Newport 1 designation. The Council's proposal is made on the grounds that the Newport ward is an area of low housing demand with significant levels of antisocial behaviour.

Newport 1 scheme was implemented on the 13th June 2019. Since the implementation of the scheme a residents survey has been completed in November 2021 which showed an increase in the percentage of residents who responded that they felt fairly or very safe in the ward. The figure for residents who felt fairly or very safe during the day rose from 35.48% in March 2021 to 68.65% in November 2021. The figure on an evening rose from 12.9% in March 2021 to 48.98% in November 2021. Although these results are promising and show that the approach we are taking is having a positive impact, we are committed to continuing to improve residents feelings of safety within the ward, we know there is still a lot more work to do but by working together we are confident we can make greater improvements.

This document explains why the Council believes Selective Licensing is needed in Newport 2, how it will operate alongside and complement other measures, the improvements it will bring about and why alternative remedies are insufficient. This proposal presents information on a full Newport ward basis, were we have been able to present granular data for the smaller Newport 2 area we have used it.

The Council wants to hear from those who are likely to be affected by the proposed scheme, including local tenants, landlords, managing agents and other members of the community who live or operate businesses or provide services within the proposed designation. This includes local residents and those who operate businesses or provide services in the surrounding area outside of the proposed designation who are likely to be affected. This wider consultation area is also outlined on the map at Appendix 1.

Details of how to respond to the consultation are set out from page 12.

The consultation will last for a period of 10 weeks, starting on (to be added) and closing on (to be added.) After this time the results will be published, including a summary of the responses received and how these have either been acted on or not, giving reasons in each case.

The Council will make a final decision on Selective Licensing after it has fully considered the responses to the consultation.

Should the Council decide to introduce a scheme then all affected parties will be formally notified 3 months in advance of it coming into operation.

Progress of the delivery of the Newport 1 SLL scheme.

It is too early in the delivery of the Newport 1 SLL to carry out a full evaluation, however the main outcomes to date are summarised below:

- House prices in the designated area have started to increase slightly with the overall average price of £48,585 (89 sales) in 2019 and the overall average price of £49,903 (115 sales) in 2021.
- 301 private rented properties have been inspected and housing conditions have improved. 167 serious housing hazards were identified (category 1 & 2) in properties and have been addressed to protect tenants. 50 properties were safe without any Cat1 & Cat 2 Hazards. Smoke alarms checks have been carried out on all housing inspections to ensure they are provided in properties.
- 410 reports made to the contact centre in regard to the number of environmental antisocial behaviour incidents with rubbish bins/refuse left in alleyways.
- 69 post tenancy visits have been carried out to provide support to the tenant on a wide range of issues including substance misuse, parenting skills, unemployment;
- There has been a relatively low number of legal cases taken against landlords for not licensing their properties, as those landlords who received notice to prosecute applied for their licence after receiving their court summons.
- Support for landlords – the scheme in Newport has supported landlords in the following ways:
 - Free empty property advertising;
 - Dedicated Neighbourhood Safety Officer;
 - Dedicated tenancy relations officer;
 - Housing and tenancy support/advice;
 - Referencing;
 - Post tenancy visits for new and existing tenancies.
- Anti-social behaviour has been tackled through a wide range of interventions by the SLL team;
 - 3610 low Interventions. These include telephone call/e-mail, letter drop, diary sheets received, site meetings, joint patrols and referrals into other services for support
 - 43 medium interventions. These include warning letters, final warnings, ABC issued, ABC breached, joint interviews and tenancy breach interviews.
 - 79 high level interventions. These include Criminal Behaviour Orders, Civil Injunction, House Closures (all for high levels of persistent antisocial behaviour and a last resort after all low and medium level interventions have been exhausted).
- There has been a reduction in personal & nuisance antisocial behaviour incidents from 1377 in 2018 to 884 in 2021 (-64%)
- Through our joint approach with Cleveland Police we have established working groups and an approach that has resulted in 10 Premises closure orders taking place and an increase in the execution of drug warrants across the ward. We have also worked with landlords to serve section 8 & 21 notices.
- A residents survey completed November 2021 showed an increase in the percentage of residents who responded that they felt fairly or very safe in the ward. The figure for

residents who felt fairly or very safe during the day rose from 35.48% in March 2021 to 68.65% in November 2021. The figure on an evening rose from 12.9% in March 2021 to 48.98% in November 2021. Although these results are promising and show that the approach we are taking is having a positive impact, we are committed to continuing to improve resident's feelings of safety within the ward, we know there is still a lot more work to do but by working together we are confident we can make greater improvements.

- The same resident survey showed the following results:

| PI Name | Start Value | Most up to date PI Value |
|--|-------------|--------------------------|
| Percentage of people indicating crime and ASB is a big or fairly big issue | 80.65% | 44.29% ** |
| Percentage of people satisfied with their home as a place to live | 55.91% | 67.85% |
| Increase in percentage of people interested in volunteering | 19.35% | 65.1% |
| Percentage of people indicating they intend to live in the ward (over 3 years) | 39.79% | 87.23% |
| Percentage of people indicating gang nuisance is a big or fairly big issue | 64.51% | 36.91% ** |

** Note. This indicator shows the percentage of respondents who advised that this issue was a big or fairly, big problem. Desired outcome, reduction in percentage.

CHALLENGES THAT NEWPORT CONTINUES TO FACE

Newport ward experiences major challenges associated with social and economic decline. This includes:

- high levels of crime and antisocial behaviour;
- high levels of private rented properties and poor living conditions;
- high levels of empty properties; and,
- a transient population.

In addition to this there has been significant investment in the physical regeneration of Middlesbrough and social regeneration is a key priority for the Council

A significant and concerning pattern of housing and subsequent social decline in parts of Newport can be identified:

- the older terraced properties are no longer the first time buyers 'house of choice' as they have been for previous generations;
- the low demand for two bedroom terraced properties has led to private sector landlords purchasing properties at relatively cheap prices;
- some, but by no means all, of these landlords have housed tenants who have gone on to present a wide range of problem behaviours, further fueling low demand levels;
- this concentration of issues has seen a broad range of social problems manifest themselves from drug and alcohol abuse to domestic violence and high crime levels.

Whilst Newport may not always be recognised as the most disadvantaged area against every statistical measure, the rate of its decline, it's vulnerability in terms of crime, social isolation, and the impact of welfare reform provides a particularly compelling picture of chronic need – especially in conjunction with the apparent housing market failure. If not addressed, this decline could threaten the long-term stability of the area.

WIDER INDICATORS

Index of Multiple Deprivation (IMD)

| 2019 | | 2015 | |
|-----------------------------------|-----------------|-----------------------------------|-----------------|
| Category | Rank (National) | Category | Rank (National) |
| IMD Deprivation | 26 | IMD Deprivation | 30 |
| Income | 18 | Income | 29 |
| Employment | 116 | Employment | 58 |
| Education, Skills and Training | 57 | Education, Skills and Training | 32 |
| Health Deprivation and Disability | 84 | Health Deprivation and Disability | 8 |

The Index of Multiple Deprivation (IMD) is used to provide a set of relative measures of deprivation (ranks) for small geographical areas (Lower-layer Super Output Areas (LSOA)). Movement in ranks between the IMD in 2015 and 2019 does not necessarily imply that an LSOA has improved or declined between the reporting periods, rather it may imply that other LSOAs have improved/declined at a greater rate. The ranks are only in relation to each other. The IMD is derived from seven different domains, based on data from a multitude of sources, from the most recent time point available (e.g. population data from August 2012 for the 2015 IMD and from August 2015 for the 2019 IMD). It is not possible to access all the data sources for raw data, therefore this report is based on data from the IMD websites and, where possible, supplemented with data from other sources.

The LSOAs used to calculate the ward based estimates rank between 51st most deprived and 3,285th most deprived in the Indices of Multiple Deprivation 2019, with almost 33,000 LSOAs in England, all seven in Newport ward are within the most deprived 10% in England. Three LSOAs in Newport have seen an improvement in their ranking since IMD 2015, whilst the remaining four have worsened. The LSOA comprising of the Cannon Park to Union Street area (E01012041) has consistently been one of only five nationally which have been in the 100 most deprived LSOAs in all IMD's since 2004.

In 2015, out of 7,219 wards, Newport was the 26th most deprived ward in the country, and remains at the 26th most deprived ward at IMD 2019. Newport is ranked as the fourth most deprived ward in Middlesbrough.

The rank changes below show that the increase in deprivation has been largely driven by low income and high crime rates, both of which have a causal effect on the Income Deprivation Affecting Children Index (IDACI) and Income Deprivation Affecting Older People Index (IDAOPI). In contrast, there has been a significant improvement in Barriers to Housing and Services of 5,674 positions between 2015 and 2019.

Newport Ward Rankings

| | Domain | 2019 | 2015 | Movement | |
|---|---|-------|-------|----------|---|
|  | Overall | 1116 | 1172 | -56 | ▼ |
|  | Income | 1047 | 1198 | -151 | ▼ |
|  | Employment | 2283 | 2184 | +99 | ▲ |
|  | Education, Skills and Training | 1647 | 1400 | +248 | ▲ |
|  | Health Deprivation and Disability | 1534 | 1528 | +5 | ▲ |
|  | Crime | 1449 | 3101 | -1,652 | ▼ |
|  | Barriers to Housing and Services | 24684 | 19009 | +5,674 | ▲ |
|  | Living Environment | 8795 | 8043 | +752 | ▲ |
|  | Income Deprivation Affecting Children Index (IDACI) | 764 | 866 | -102 | ▼ |
|  | Income Deprivation Affecting Older People (IDAOP) | 2423 | 2817 | -394 | ▼ |

LOW HOUSING DEMAND

The Council is looking to introduce Selective Licensing in the Newport 2 area on the basis that there is compelling evidence of low housing demand. In line with legislation and guidance the Council has considered the indicators of low housing demand described in the following section. The evidence points to an area with a high incidence of private renting, low property prices, a transient tenant population and high proportion of empty properties.

Tenure mix

The Newport ward has an area of 229 hectares which represents 4.25% of the total area of Middlesbrough with a resident population of 11,440 which represents 8.27% of the total Middlesbrough resident population of ~138,000.

The 2015 election ward of Newport had 5,006 households, which represents 8.75% of Middlesbrough's 57,203 households. The proposed area of Newport 2 will represent 2617 properties.

The largest number of households was 'private landlord or letting agency accommodation' at 40.7%. That compared with 15.1% for Middlesbrough as a whole, 23.7% for North East Region and 13.6% for the whole of England.

The second largest number of households was 'owned outright accommodation' at 17.7%. That compares with 30.6% for Middlesbrough as a whole, 27.1% for North East Region and 34.5% for the whole of England.

Empty properties

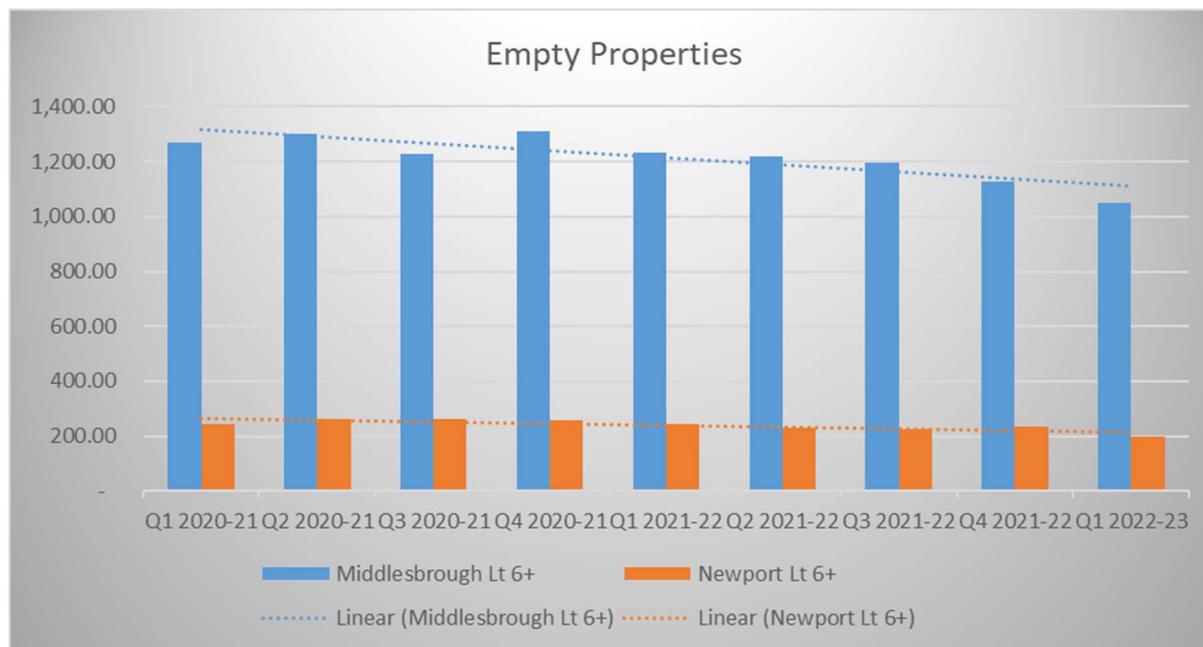
The problems empty properties cause for local communities are well known, but in summary they:

- deny homes to those in need;
- attract vermin, crime, arson, vandalism, fly-tipping and anti-social behaviour;
- are a source of anxiety for owners and neighbours;
- reduce the value of neighbouring properties; and,
- as a consequence, are a drain on public services and budgets.

At the end of June 2022 there were 199 properties which had been empty for greater than 6 months

in Newport, which is 3.7% of the Newport housing stock. There were 323 empty properties in total which is 5.9% of the wards stock. Newport is the second highest ward in Middlesbrough behind North Ormesby and just ahead of Brambles & Thorntree and Central.

Long term empty properties in Newport account for 30.8% of the total long term empty properties in Middlesbrough, and the total empty properties in Newport account for 18% of the total number of empty properties in all of Middlesbrough.



Property values

Properties in Newport had an overall average price of £102,241 over the last year.

The majority of sales in Newport during the last year were terraced properties, selling for an average price of £91,224. Semi-detached properties sold for an average of £115,181, with detached properties fetching £141,995.

Overall, sold prices in Newport over the last year were 7% up on the previous year and 2% down on the 2019 peak of £104,110.

[House Prices in Newport \(rightmove.co.uk\)](https://www.rightmove.co.uk/house-prices-in-newport)

There are a number of potential factors at play which may affect the value of properties which include the disproportionate levels of private rented properties when compared with other parts of the town, high levels of crime, anti-social behavior, deprivation, COVID and the number and impact of empty properties.

Turnover

The presence of a more transient population typically housed in privately rented accommodation can have a negative impact on the stability and desirability of an area. It can also affect community integration and investment.

Transience can also attract disadvantaged people to the area, which in turn can lead to increased social deprivation.

The Newport Ward has a culturally diverse community with over 45 languages being used within the ward. This brings significant benefits to the local area i.e. many migrants have settled in the ward and established new businesses, contribute to the local economy and support the population levels. The local

community hub supports both the settled and migrant community however some tensions currently exist.

Council Tax records provide a guide to the proportion of properties experiencing turnover in the Newport area.

| | Properties at 1 Jan | Accounts in year | New occupations (accounts) | | | | |
|------|---------------------|------------------|----------------------------|-------------------------|---------------------------|------------------|-------------------------|
| | | | Accounts Count | Rate for all Properties | Rate for Properties Count | Properties Count | Rate for all Properties |
| 2017 | 1673 | 2908 | 660 | 39.5% | 122.2% | 540 | 32.3% |
| 2018 | 1674 | 2787 | 636 | 38.0% | 127.5% | 499 | 29.8% |
| 2019 | 1670 | 2729 | 640 | 38.3% | 121.2% | 528 | 31.6% |
| 2020 | 1670 | 2597 | 593 | 35.5% | 120.8% | 491 | 29.4% |
| 2021 | 1665 | 2426 | 513 | 30.8% | 121.0% | 424 | 25.5% |

Housing stock condition

Middlesbrough's Private Sector Stock Condition Survey (PSSCS) 2008 identified Newport as having the second highest proportion of non-decent dwellings in Middlesbrough at 49.3%. Non-decent homes do not meet current statutory minimum standards, are not in a reasonable state of repair, do not have reasonably modern facilities and fail to provide a reasonable degree of thermal comfort.

The survey also recorded a non-decency remedial cost score as (£40.3m and an average of £3,685, per non decent dwelling).

The same survey identified Newport as having the second largest proportion of vulnerable households (50.1%) living in non-decent homes.

Newport was also found to have the second highest proportion of homes with a Category 1 hazard (23.1%). Examples of Category 1 hazards include:

- Damp and mould
- Excess cold
- Falls on stairs
- Hot surfaces
- Falls on the level
- Fire

Newport also had the second lowest SAP rating (42) – this compares the energy performance of different homes and is measured on a scale of 1 to 100. The higher the rating the lower the fuel costs.

Housing disrepair

The Council received 629 complaints of housing disrepair in private rented property in Middlesbrough between 2018/19 and 2019/20, 156 (24.8%) of these complaints were in Newport ward.

The Council forwarded 38 pre-formal schedules of work to landlords in Middlesbrough between 2018/19 and 2019/20, 15 (39.5%) of these complaints were in Newport ward.

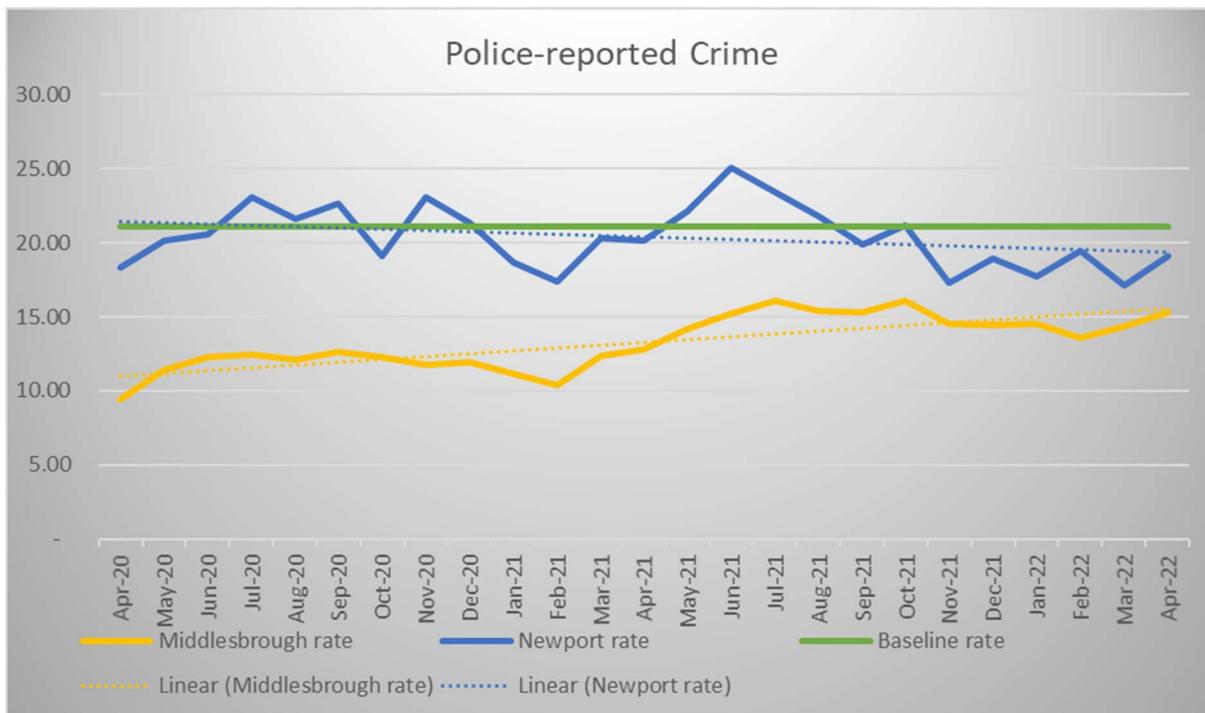
The Council served 131 statutory repair notices on landlords in Middlesbrough between 2018/19 and 2019/20, 75 (57.3%) of these complaints were in Newport ward.

CRIME AND ANTISOCIAL BEHAVIOUR

Crime

During the period 1st February 2018 to 31st January 2020, Newport ward had the second highest rate of Anti-Social Behaviour (ASB), racially motivated crime and other crime in Middlesbrough. During this period

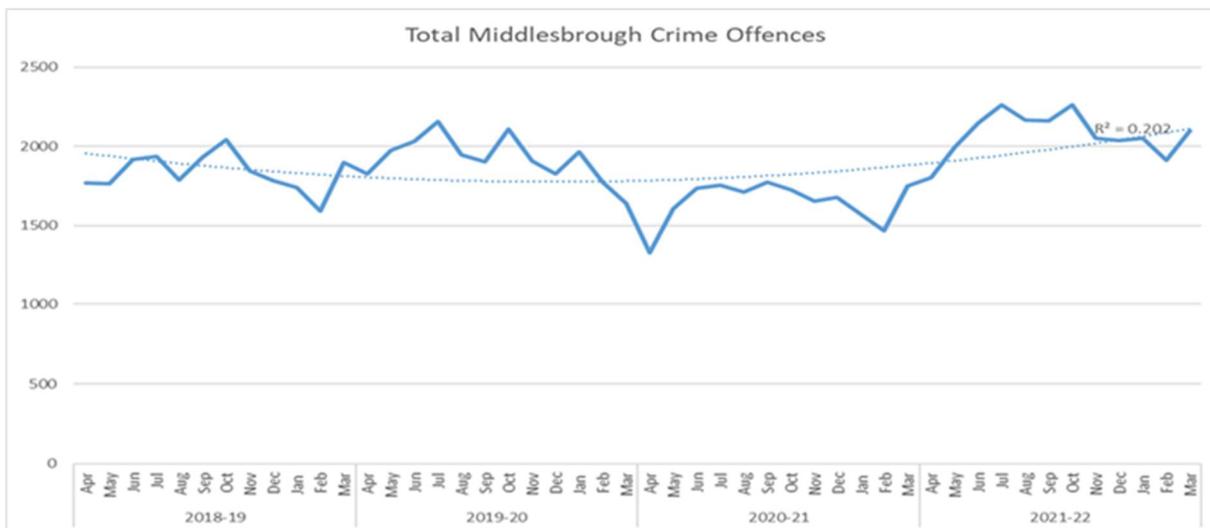
there were 2,499 ASB reports, 123 racially motivated crimes, 311 fires and a total of 5,906 crime reports.

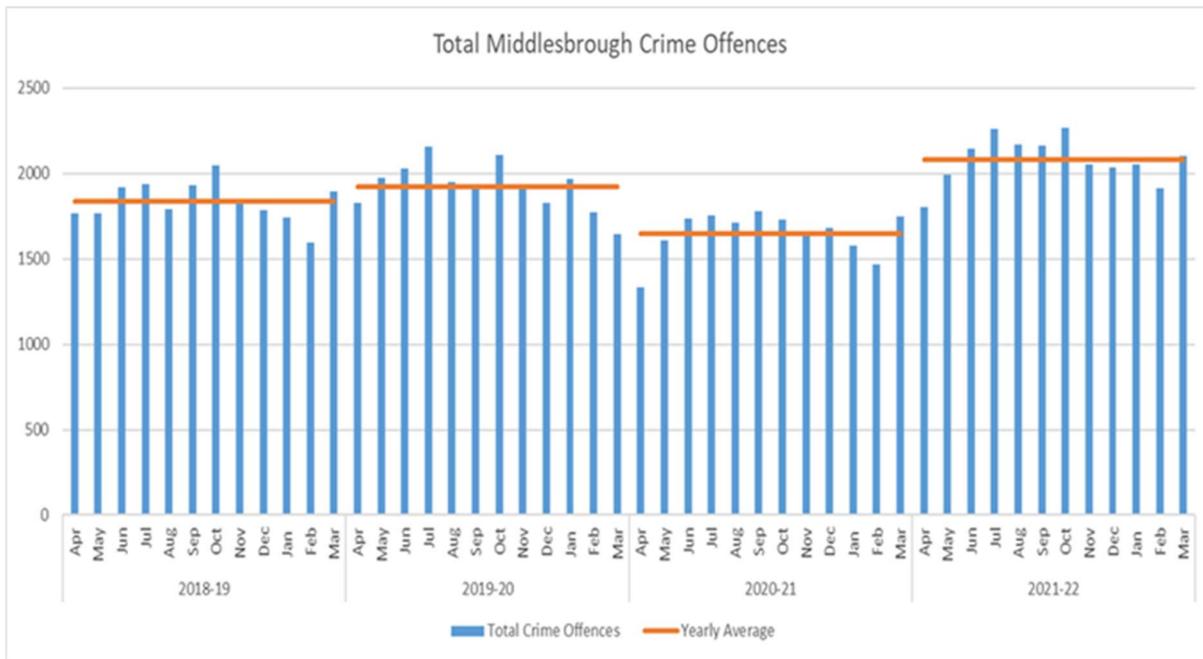


Crime:

The financial year (20-21) shows the impact COVID-19 had on crime levels across all Middlesbrough. Prior to this and afterwards crime was on a continuing increase, but declined during this financial year.

The increase in crime across Middlesbrough since 2018-19 can be seen below – total number of crimes in Middlesbrough for the last 4 financial years. As discussed the trend is an upwards trajectory and looking at the peaks in financial year 2019-20 compared to 2021-22 the peaks in the last financial year were higher.





With the financial year of 2020-21 (COVID-19) included, this graph also shows the increase in crime. With the rising crime numbers in each financial year, the yearly average number of crimes committed each month has increased, in 2018-19 the average was 1834, in 2019-2020 this rose to 1922, this dropped in the pandemic to 1647, and so far this financial year is at an average of 2079 crimes per month. This can be seen on the monthly graph by observing the red average bar in each financial year moving higher up the scale.

Antisocial behaviour

Antisocial behaviour and crime can have a devastating effect on individuals and communities. It describes a wide range of everyday nuisance, disorder and crime from graffiti and noisy neighbours to harassment and street drug dealing. It is sometimes dismissed as trivial, but anti-social behaviour has a huge impact on victims' quality of life and it is often the public's number one priority when it comes to local concerns.

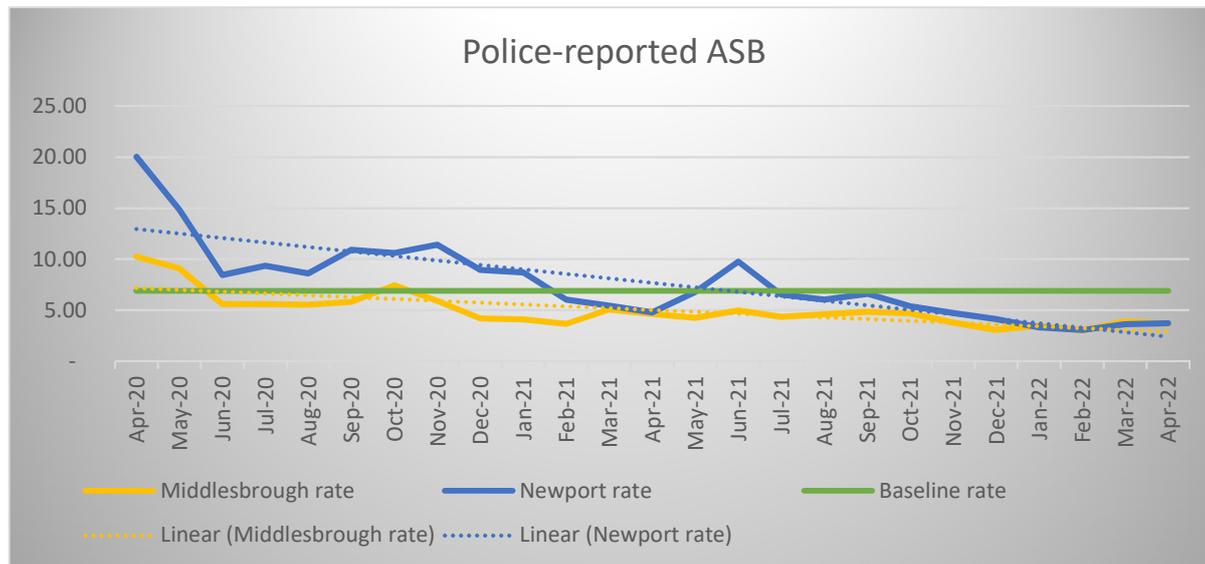
The types of anti-social behaviour which the Council's Neighbourhood Safety Officers regularly respond to with includes:

- Vandalism, graffiti, and other deliberate damage to property or vehicles
- Teenagers hanging around on the streets
- Rubbish or litter lying around
- Drug use and dealing
- Drunk or rowdy behaviour
- Chaotic families.

A total of 1334 complaints of anti-social behavior were received by the Council's Public Protection and Community Safety teams in 2018. As you can see in the table below, there had been a slight decrease in 2019, followed by a sizable increase in 2020 and 2021. For 2021 the total number of complaints received were 28.6% higher than the reported levels in 2018.

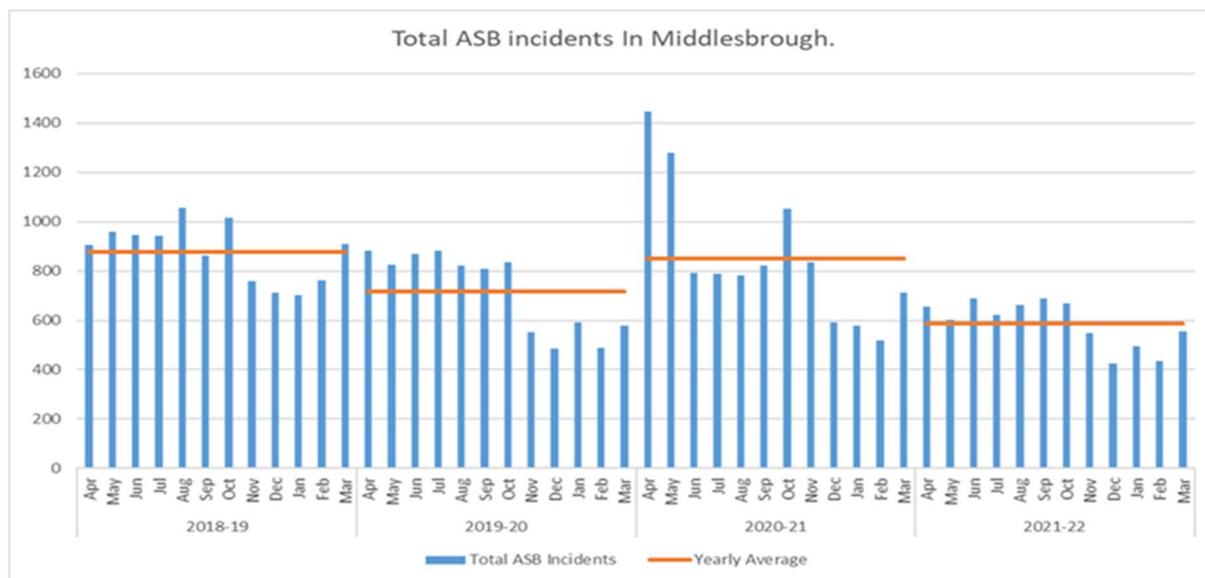
| Year | Council complaints |
|---------|--------------------|
| 2018 | 1334 |
| 2019 | 1312 |
| 2020/21 | 1716 |

In 2021 Cleveland Police recorded 915 incidents of ASB in Newport ward, a decrease of 37.6% on the previous year (the figures for 2021 are also lower than 2019 and 2018). Newport has the second highest number of reports per ward (Central ward has the highest.) In terms of rate per population, Newport has the fourth highest rate of antisocial behavior per population of any ward in Middlesbrough, behind North Ormesby, Hemlington, and Central wards.



ASB during the COVID-19 pandemic.

Over the last 4 financial years ASB in Middlesbrough has been declining, however in 20-21, COVID-19 year, there was a significant rise. In 18-19 the average number of ASB offences per month was 877 occurrences, this decreased to 718 in FY19-20, but then increased back to 849 occurrences. In FY21-22 this average has remained at 587 which is lower than pre-COVID-19 years.



How SLL contributes to the reduction in Anti-social Behaviour.

Under the Selective landlord licence there are mandatory conditions in place which aim to address anti-social behavior. These mandatory conditions require

- the licence holder to take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.

- a written action plan to be provided to Middlesbrough Council outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually, tenants made aware of it and submitted on request;
- to provide to the local authority, upon request, the full names and dates of birth of each occupant of the property;
- cooperation with Middlesbrough Council, Cleveland Police and other agencies in resolving complaints of anti-social behaviour or criminal activity. The Licence holder and/or their nominated Managing Agent must not ignore or fail to take action against any complaints regarding their tenants. Written records of action taken, shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council on request;
- the appropriate authorities (namely Middlesbrough Council and Cleveland Police) are informed, where they have reason to believe that their tenant's behaviour involves criminal activity;
- regular (at least quarterly) inspections of the property to ensure that the property is in a good state of repair and that the occupiers are not in breach of tenancy terms and conditions. Written records of inspections made, conditions noted and actions taken as a result shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council;
- that each tenant is made aware that they are responsible for their own behaviour and the behaviour of other occupiers and visitors.

HOW THE PROPOSED SELECTIVE LICENSING SCHEME WILL WORK

Licence application

Within the designated area all privately rented properties will need a licence to operate. The owner of the rented property will need to make an application to the Council. The Council must be satisfied that of all the person with an interest in the property, the most appropriate person is the licence holder, this would usually be the property owner.

The licence will be valid for a maximum 5 years, although the Council has discretion to grant the licence for a shorter period of time where there are problems with the application such as evidence of insufficient management. Failing to apply for a licence could lead to prosecution and an unlimited fine. If prosecuted, this would lead to the licence holder no longer being classed as 'fit and proper' (see below) and would mean they would need to find someone else to hold their licence and undertake the management of the property.

Fit and Proper Person test (Appendix 2)

As part of the application process, proposed licence holders and managers will be required to prove that they are "fit and proper persons" and that they have satisfactory management arrangements in place, including those for dealing with anti-social behaviour. A plan for how they will handle complaints of anti-social behaviour will need to be submitted with the application.

When deciding whether a landlord and/or managing agent is "fit and proper" the Council will look at whether they have:

- (a) They have committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);
- (b) Practised unlawful discrimination as defined in the Equality Act 2010 on the grounds of sex, sexual orientation, gender reassignment, age, race, religion or belief, marital status, pregnancy, maternity, or disability in, or in connection with, the carrying on of any business; or
- (c) Contravened any provision of the law relating to housing or landlord and tenant law.

To check this, all applications will require detailed information from the landlord and any relevant managers.

A criminal conviction or evidence of unlawful discrimination or breaches of housing or landlord and tenant law doesn't necessarily mean that a landlord won't pass the test. The Council will have to look at every case individually and weigh up all the circumstances when making a decision. For example, the Council will have to think about:

- What the conviction was for;
- The circumstances of the case;
- How long ago it was and whether it is spent or not;
- Whether or not it will affect the person's ability to be a good landlord;
- The risk of the same thing happening again and whether that would affect the person's duties as a Licence Holder.

Where the Council has concerns, applicants will be required as part of the licence conditions to seek a Disclosure Scotland.

There will be a fee to cover the Council's costs of carrying out the fit and proper person checks, which will be £20.00 per person. Landlords with multiple properties will only be required to pay this fee once, if it is the same owner and manager.

Licence conditions

The licence holder will have to satisfy a number of conditions. Breaches of these licence conditions could lead to prosecution and a fine of £5,000.

Mandatory conditions relate to the following requirements:

- a landlord must obtain references using Middlesbrough Council's FREE referencing service from all persons wishing to occupy the property;
- landlords must produce gas certificates;
- electrical appliances must be kept safe;
- the property must have working carbon monoxide alarms in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance;
- the property must have working smoke alarms; and,
- each tenant must be provided with a written tenancy agreement.

The Council is proposing to include a number of discretionary conditions which relate to the management of the property, including: general property management, security, management of antisocial behaviour and external refuse and waste. The proposed licence conditions are attached to this document at **Appendix 3**.

Refusal to grant a licence

If the licence application is refused, and there is no reasonable prospect of the property being licensed in the near future, the Council can apply for an Interim Management Order to take over the management of the property for up to one year or until such time as the owner is able to rectify the reasons for the licence being refused. If the owner is unable to rectify the problems then the Council can apply for a Final Management Order to take on the management for up to 5 years.

In some circumstances rather than refuse the licence, it may be possible for the owner to apply for a temporary exemption notice. This allows 3 months for the owner to take such steps as are necessary so the property no longer requires a licence e.g. the property has been sold to an owner-occupier.

Failure to apply

Failing to apply for a licence could lead to prosecution and an unlimited fine.

In addition to the fine the Council can apply for a Rent Repayment Order which allows amounts paid in connection with a tenancy or licence to be recovered for the period that the property should have been licensed.

Exemptions

There are certain properties that are exempt from applying for a licence, they are detailed at **Appendix 4**.

Property Inspection programme

The Council will inspect all private rented properties within the area of the scheme. High risk properties that are known to be problematic will be prioritised. The inspection programme will combine a housing standards inspections (Housing Health and Safety Rating Scheme) and also check for compliance with the selective licensing conditions including:

- the working order and positioning of smoke alarms;
- carbon monoxide detector;
- tenancy agreements supplied to the tenant;
- property management arrangements.

Compliance action will be taken against landlords who breach licence conditions. Action will be taken where issues of non-compliance with the HHSRS standard are identified. Landlords will not be deemed to be 'fit and proper' if housing offences are proven against them in the courts.

The inspections will be completed by a multi-agency/disciplinary team, this could include a Licensing Officer, Neighbourhood Safety Officer, Tenancy Relations Officer and an Environmental Health Officer (when non-compliance with HHSRS standards are identified). This approach is to ensure that as well as checking compliance with the licence conditions, the tenants are helped and supported with any issues they may be facing. Issues may include substance misuse, parenting skills, unemployment; the team will make referrals to relevant agencies and follow-up any actions.

The other services offered through the tenancy relations support will be of benefit to landlords, tenants and the wider community to help to reduce the turnover of tenants. The licence holder must demand and obtain references for all prospective occupiers of the house to enable the licence holder to make an informed decision regarding occupancy of the property.

All references shall be obtained by the licence holder via the **FREE** Middlesbrough Council, tenant referencing service.

The licence holder must retain all references obtained for occupiers for the duration of this licence and must provide Middlesbrough Council, upon demand and within 14 days of that demand, a copy of pre-let reference checks along with full names and dates of birth of each occupant.

Licence fees

The Housing Act 2004 gives the Council the power to charge landlords a fee for all costs it incurs carrying out its Selective Licensing functions. The Act also allows the Council to take into account costs incurred in carrying out functions in relation to Interim and Final Management Orders (so far as they are not recoverable under that part of the Act).

The Council proposes to charge a basic fee of £760.00 for a licence.

The Council will split the licence fee payment into two instalments, one payment to be made upon application for a licence, with the other payment to be made upon the licence being granted.

The proposed fee structure is set out in detail at **Appendix 5**.

Income from the licence fees is ring fenced meaning that it can only be used for this project and not for any other reason. It is anticipated the scheme will require 7 FTEs to operate.

POTENTIAL AND PROVEN BENEFITS OF THE SELECTIVE LANDLORD LICENSING SCHEME

Introducing Selective Licensing in both North Ormesby and part of Newport ward has shown a number of benefits to the community, landlords, tenants and owners, both directly and indirectly, including:

- Improved management and condition of privately rented accommodation;
- Support for landlords in dealing with anti-social tenants;
- Reductions in levels of anti-social behaviour;
- Educating tenants about their responsibilities and their impact of their behaviour on the community and neighbours;
- Encouraging tenants to recognise when properties are of a sub-standard condition and what options are available to them;
- Promotion of landlord aspiration to let property to a higher standard and to act in a professional manner.
- Encouragement of landlords not to take tenants with a poor reference.
- Improvement of the image and desirability of the area.
- Improved values of property in the area.
- Encouraging a change to the tenure mix of the area. Protect investment in the area.
- Working with those landlords who are not providing good quality accommodation or managing their tenancies effectively and removing "rogue landlords" altogether.
- Reduced tenant turnover leading to sustainable communities, creating communities where tenants want to remain.
- Encourage the use of reputable managing agents when landlords are inexperienced or "absentee".
- Raising community confidence through the appropriate use of enforcement powers against landlords who are failing to comply with the provisions of the Housing Act 2004.
- Free property advertising of empty properties.

The Council aims to build better working relations with landlords in the area and concentrate resources on eradicating bad practice by some landlords.

Licence conditions help to ensure that vulnerable tenants are living in accommodation where the management is capable of dealing with their needs.

It also helps the Council to better target resources in dealing with anti-social tenants and enforce against unprofessional landlords. Selective Licensing seeks to develop a more consistent level of property management services among all private landlords in the area, thus assisting prospective private tenants in making a positive, confident choice about their next home.

Reputable landlords can be assured that where Selective Licensing schemes are in place, those landlords whose business practices have not meet the required minimum standards have been encouraged and supported to improve their management standards. Landlords who are not willing to work with the Council could face being refused a licence and ultimately having a Management Order imposed against the property.

Case Studies from current and previous Schemes

Tenant Support: During a tenancy inspection visit with a landlord, it was identified that the tenant was struggling with mental health issues due to spiraling debts. Whilst at the property a debt enforcement agency arrived to reclaim goods to the value of the debt. Both the Officer and landlord negotiated on the tenant's behalf, providing evidence that the property was a furnished tenancy and that their only belongings were clothing and toiletries. The Tenancy Relations Officer arranged an appointment for the tenant to attend Citizens Advice and also made a referral to Firmer Foundations (mental health support). During the Citizens Advice appointment the tenant disclosed significant debts; therefore a Debt Relief Order was applied for (due to severe mental health issues) and a food bank voucher was issued. The tenant has now applied for different benefits and is receiving the much needed support they required.

Property Conditions: The SLL Team had arranged numerous inspection visits to a property but the

tenant repeatedly wouldn't allow access. An evening visit was made and the tenant finally opened the door. The tenant was initially angry as they were confused as to who their managing agent was as they kept changing. The tenant agreed for officers to carry out the inspection which highlighted at least four Category 1 (most serious) Hazards in the property. These included: no boiler, no heating, no hot water, the bathroom roof had fallen in (which was propped up with pole), the kitchen was inaccessible and had no cooking facilities. Due to the condition of the property and the hazards identified, a Prohibition Order was served. The Landlord has since installed a new boiler, new kitchen (including cooking facilities), new bathroom roof, bathroom suite, new rear windows downstairs and a new back door. The landlord has also informed the tenant that he is going to supply new carpets in the property downstairs.

Landlord Support:

The Selective Licensing team have assisted landlords with difficult housing benefit claims and successfully helped landlords receive payments for housing benefits, even after they have been determined as closed. A recent claim dating back more than 8 months was paid after intervention from the team. This claim amounted to more than £3000 and prevented tensions arising between the tenant and the landlord and ultimately a possible eviction.

Testimonials from North Ormesby Scheme

"For many years I prevented my clients (investors) and myself from purchasing /working in this area and told anyone who asked where to buy, not North Ormesby! Since Selective licensing has been rolled out my attitude to the area has changed dramatically due to the efforts by the team at the hub.

I can see, personally, the difference to the area and the type of tenants. I see a lot more builders vans here than I have ever seen in the street (we did have a few we managed and maintained before my change of heart). Houses look better generally, and it seems a concerted effort to remove the stigma from "Doggy" is slowly being removed for the landlords. As a comparison, to show our faith in the improvement, we are currently working on 8 refurbishment programmes in the area. In Middlesbrough, just 1!

The referencing is very good, I am an Accredited Landlord with the NLA, and their referencing costs me £24 per time. It does not, however, tell me their history at previous address` s, nor their conduct, whether they have issues with housing benefits and rent etc. The service is much more beneficial to prospective and established landlords.

In my opinion, Selective Licensing has changed North Ormesby and it was much needed".

Landlord Paul Norman

"Cleveland Police fully support Selective licensing. It is an excellent process that supports the interests of the landlords, ensures safe and suitable accommodation for tenants and also helps to improve the quality of the broader community. I would fully support its expansion into other areas within Middlesbrough. I think there is an excellent working relationship with the Police".

Inspector D Snaith

Evaluation of the first North Ormesby scheme

An evaluation of the North Ormesby Selective Landlord Licensing Scheme was undertaken in June 2020 using guidance from Local Government Regulation, prior to the re-designation of the area June 2021. The evaluation sought to identify the effectiveness of Selective Licensing in:

- reducing anti-social behaviour attributable to the private rented sector;
- improving management standards in the private rented sector;
- increasing housing demand;
- improving the environment; and
- contributing to the effectiveness of partnership working to improve the quality of life.

The evaluation also took into account findings from an Independent Review of the Use and Effectiveness of Selective Licensing which was carried out by Ministry of Housing, Communities and Local Government (MHCLG June 2019, Updated September 2019).

In summary, the main findings of the evaluation report were:

- House prices in the North Ormesby Selective Landlord Licensing area had started to increase. In 2016 the average house price plummeted to £36,000 and had since increased by 17% to £42,000.
- The turnover of tenants had reduced by 50% resulting in a more static population.
- The overall number of empty properties had fluctuated throughout the life of the scheme, however there had been a considerable reduction in the number of long term empty properties which are often the more problematic for residents. Further work is needed to reduce the overall numbers.
- The number of private rented properties which have been inspected had increased and housing conditions have improved. Prior to the introduction of the scheme only 8.4% of the properties had been inspected on complaints from tenants regarding their housing conditions. In 2020 760 properties have been inspected. Serious housing hazards were identified on 1,692 (category 1 & 2) properties and have been addressed to protect tenants. Smoke alarms checks have been carried out on all housing inspections to ensure they are provided in properties.
- There had been a relatively low number of legal cases taken against landlords for not licensing their properties, 4 resulting in court hearings and 8 landlords applying for their licence after receiving their court summons.
- Support for landlords – the scheme in north Ormesby had supported landlords in the following ways:
 - Free empty property advertising;
 - Dedicated Neighbourhood Safety Officer;
 - Dedicated tenancy relations officer;
 - Housing and tenancy support/advice;
 - Rent recovery in excess of £5,000;
 - Referencing;
 - Post tenancy visits for new and existing tenancies.

The Evaluation Report recognised that the Selective Landlord Licensing scheme had made a major contribution to the achievements in North Ormesby working together with key partners. It is also recognised that the strong community infrastructure in the area had played a significant role in delivering the outcomes i.e. North Ormesby benefits from a number of community organisations working together with local schools, businesses, and key partners and this had been supported by significant financial investment from national charitable organisations. It should also be noted that the intensive approach to delivering services in North Ormesby from a number of agencies and partners is considered one of the key factor in its success.

The full Evaluation Report is available upon request.

HOW SELECTIVE LICENSING WILL SUPPORT STRATEGIES FOR THE AREA

Housing plays a fundamental role in delivering sustainable communities, facilitating social and environmental improvements and promoting economic growth. The Council believes that Licensing has an important role to play and offers valuable support to existing initiatives to tackle empty homes, prevent homelessness, create sustainable, high quality neighbourhoods and reduce anti-social behaviour.

Middlesbrough Council Strategic Plan

The proposal for Newport clearly links to the strategic plan in terms of its contribution to people and place.

It contributes directly to a number of the outcomes, specifically:

- We will tackle crime and anti-social behavior head on, working with our partners to ensure local people feel safer
- We will work to address the causes of vulnerability and inequalities in Middlesbrough and safeguard and support those made vulnerable.

Health and well-being

Housing has an important impact on health and well-being: good quality appropriate housing in places where people want to live have a positive influence on reducing deprivation and health inequalities by facilitating stable/secure family lives. This in turn helps to improve social, environmental, personal and economic well-being. Conversely, living in housing which is in poor condition, overcrowded or unsuitable will adversely affect the health and well-being of individuals and families.

As mentioned, the Selective Licensing Team will promote multi-agency case intervention strategies where problems are identified.

Private rented sector

Many properties in the sector provide decent accommodation and are well managed by landlords. Selective licensing is a vital tool in driving up standards. It reduces the negative impact on neighbourhoods of poor landlords and encourages greater awareness and a sense of responsibility in landlords and tenants alike.

The Council's Private Rented Sector Housing Team will continue to employ a wide range of tools to tackle poor property condition, inadequate tenancy management and improve conditions in the private rented sector. These tools include:

- Mandatory HMO Licensing
- Empty Property Enforcement
- Housing Health and Safety Rating System (HHSRS)

By designating the area for selective licensing the Council is fully utilising the suite of tools introduced by the Housing Act 2004 to address management standards and property conditions within the private rented sector. As part of a coordinated approach, Selective Licensing compels landlords to maintain good standards and raise the profile of problem properties. Through the increased awareness through tenancy referencing, amongst the community and across agencies, Selective Licensing has become a valuable mechanism for identifying and dealing with bad practice amongst private landlords.

Anti-social behaviour

Selective Licensing helps to ensure that landlords meet their statutory duties regarding tenancy management and encourages and assists them to deal with issues of anti-social behaviour by taking appropriate and effective action where they receive a complaint about their tenants.

There is a range of other initiatives that are targeted at reducing crime and anti-social behaviour operating across the Newport ward and the Selective Licensing team work in close partnership with other services and agencies to maximise the impact and contribute to improved community safety.

The Selective Landlord Licensing Team promote multi-agency case intervention strategies where problems are identified, which can include actions for the Police, the Youth Offending Team, ASB, and Housing Enforcement teams. Landlords are offered support and advice to help tackle anti-social behaviour from their tenants.

Prevention of Homelessness Strategy

The private rented sector has a central role to play in offering a decent alternative to owner-occupation or social rented housing. The sector makes a significant contribution to meeting the housing needs of vulnerable people and in many cases has prevented homelessness and minimised the use of temporary accommodation.

The Council continues to work in partnership with the private rented sector and Selective Licensing strengthens this partnership by increasing the number of landlords working with the Council with well-managed, good quality accommodation.

By strengthening the partnership between landlords and the Council, Selective Licensing can continue to contribute to the prevention of homelessness through effective tenancy management that minimises ASB, tackles rent payment issues in a timely and constructive manner and offer a housing option for some of the most vulnerable households in need of a home.

The Localism Act 2011 enabled the use of suitable offers of accommodation in the private rented sector and allowed this sector to be used to discharge the main homelessness duty. Against the backdrop of high demand but a shortage of accessible, affordable social housing, the sector has increasingly become a valuable resource for offering a range of more easily accessible housing solutions for homeless households, but elements of poor management contribute to repeat homelessness. Licensing has the potential to effect long term positive change in the sector and to provide considerable benefits to homeless households.

It is anticipated that this Selective Licensing scheme will help achieve a long-term reduction in the culture of 'tenancy hopping', i.e. the practice of households who are frequently homeless due to anti-social behaviour, and who may be aided by rogue landlords to move around the sector, which prevents underlying behavioural issues from being tackled and which blights local communities.

Empty homes

In Middlesbrough there were 1254 homes empty for six months or more (1st October 2021.) The Council has already begun to tackle this issue and to date has, amongst other things, secured funding from the Homes and Communities Agency and adopted an Empty Homes Action Plan to bring empties back into use.

An important part of the strategy to tackle empty homes is actively targeting owners and providing them with information on the incentives available and the reasons why empty properties are a poor financial option. In some cases encouraging owners will not be enough and the Council will need to take strong enforcement action. Selective Licensing has helped strengthen the partnership between landlords and the Council and the benefits Licensing delivers to the area contributes to tackling problem empty properties, as has been seen in North Ormesby.

Place Based Working

The locality based working approach in Newport is a strategic priority. It aims to build on the intensive targeted delivery of services working in partnership and the Selective Licensing team is an integral part of this.

Locality working involves a system change to the current operational delivery model across Council services. It seeks to achieve joined-up systems and reconfigure relationships between statutory organisations, partners and the community. It involves developing collaborative approaches to address the underlying causes of community problems and build capacity within the community in order for residents to take charge of their own future, to have a strong voice and to build social capital and connections within the community. Locality Working commenced with two pilots in North Ormesby and Newport.

Evidence shows that having multi-agency teams working together from one location brings benefits. It reduces the need for referrals when a quick conversation with a member of the team can identify the most

appropriate course of action. Through better information sharing it also provides an opportunity to identify support needs early and proactively intervene to prevent crisis.

ALTERNATIVE REMEDIES AND WHY THE COUNCIL CONSIDERS THEY ARE INSUFFICIENT

The Council has considered whether there are any other courses of action available that might provide an effective method of achieving the objectives that the designation is intended to achieve.

The following paragraphs consider other powers and projects that are available to the Council and why they could not replace the proposed Selective Licensing Designation in Newport.

Accreditation

Accreditation is a mechanism for helping landlords or agents to meet agreed standards of competence, skills and knowledge about the business of owning, managing or letting a private rented home.

Accreditation is supported nationwide by a wide range of stakeholders, including the Government, landlord associations, local authorities, Shelter, the National Union of Students and the Chartered Institute of Environmental Health. It can aid the supply of good-quality, well-managed homes.

Accreditation attracts a limited number of landlords, mainly those already providing appropriate management standards and who are motivated to improve the reputation of the private rented sector. Such schemes do not have an intensive impact in any one area, nor do they tackle the worst privately rented properties, as due to the voluntary nature the worst landlords will not engage with the Council or join the scheme.

Experience shows that it is resource intensive to encourage the poorer landlord to join accreditation and when asked to make improvements due to its voluntary nature many landlords fail to comply showing that accreditation cannot tackle the worst standards of property condition and management practices.

Traditional interventions do not provide the level of engagement with landlords necessary for the desired improvements. Landlord take up of previous accreditation schemes have 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 is run by landlords. Stockton Council figures show that they had 80 members for this scheme with 539 properties and not all landlords who opposed their SLL scheme joined the accredited scheme.

Enforcement of housing standards

The Housing Act 2004 introduced the Housing Health and Safety Rating Scheme (HHSRS) which allows local authorities to inspect privately rented properties to ensure the condition of that property does not have an adverse effect on the health, safety or welfare of tenants or visitors to that property. Where necessary the Council will serve statutory enforcement notices to ensure the condition is improved.

The current service is in the main reactive - a complaint will be made and an inspection will determine whether action needs to be taken.

Whilst this approach does improve property conditions it does not have a concentrated impact in one area. In addition this power does not tackle property management standards.

Through the selective licensing designation, proactive inspection of private rented sector properties against the HHSRS standards will be undertaken. The associated training, advice and support, will enable landlords to recognise what improvements need to be made to their properties, reducing the need for action under the HHSRS.

Enforcement action will be taken to improve property conditions, where necessary. Improved property conditions will assist in retaining tenants and attracting occupants to the area assisting in tackling low demand.

Management Orders

Part 4 of the Housing Act 2004 introduced the use of Management Orders. The general effect of a Management Order is that the Council takes control of the property, although legal ownership does not transfer from the landlord. There are two forms of Management Order, interim and final. Interim lasts for a period of 12 months which can then be followed by a final Management Order which lasts for a maximum of 5 years.

Once a Management Order is in place the Council takes over the management of the property. The occupiers pay their rent to the Council and any repair costs such as routine repairs or building insurance are taken from the rent before any surplus is given to the owner (landlord).

This power only deals with individual properties and is resource intensive.

This approach does not present a long term solution to address poor management of privately rented stock as the property is returned to the original owner who may not necessarily have improved their management standards in the interim.

The Council will use Management Orders in the designation area as a last resort to deal with landlords who fail to comply with selective licensing and improve their management standards.

Private Sector Leasing Scheme

A Private Sector Leasing Scheme is where the Council takes out a lease, normally 3 to 5 years in duration, from a private owner or landlord on their property. The Council then uses the property to provide affordable accommodation for homeless families.

There is no guarantee that landlords, especially the worst, will join the scheme and the Council cannot compel them to do so. As with Management Orders the scheme does not address poor management practices as the landlord does not gain experience, advice or training during the lease meaning that once handed back management standards will once again be unsatisfactory.

Alternative approaches – summary

In summary the alternative options to selective licensing would require some, if not all, of the finance from the Council. Selective Licensing will be self-financing, paid for by the licence applicants and not through the Council.

Problems relating to the use of the alternatives to Selective Licensing can include the following:

- They are expensive and there is the likelihood that some of the finance required would need to be collected from Council Tax. This seems unjust when many of the problems are caused by the lack of effective tenancy management. Selective Licensing will be self-financing, paid for by landlords.
- The use of Management Orders on all problematic properties would be neither appropriate nor feasible, given the number of properties. The Council must act in a proportionate manner and a heavy handed approach would undermine efforts to work with landlords to improve standards. Selective Licensing provides an opportunity to continue to forge partnerships with otherwise anonymous private landlords and provide training and support, where the use of these orders does not.
- Alternatives do not adequately tackle the private tenant's behaviour. This could result in the same "problem" tenant being left to float within an area without any real targeted tenancy enforcement and where required, supported tenancy referral. The proposed Selective Licence conditions include a requirement for the landlord to seek references when allocating the property and to deal with any complaints of anti-social behaviour from their tenants (and/or their visitors/children).
- None of these tools provides a long-term solution to the training of inexperienced landlords whose business would benefit, either because they are not fit, or because of their poor management arrangements.
- Whilst Selective Licensing is only to be used in areas where authorisation is sought and given, many private landlords have properties across the entire town and indeed across local authority

borders. Therefore, improvements attained in management standards will have a trickledown effect and will benefit tenants and communities across wider areas.

There is no single solution and each alternative approach has its limitations. No single intervention, including Selective Licensing, can solve the issues identified in Newport and therefore a co-ordinated strategy is required which links a full range of agencies and services using various interventions.

CONSULTATION – OPPORTUNITIES TO ENGAGE & RESPOND

The consultation is being carried out over a 10 week period, and will be widely publicised using various channels of communication.

The consultation will start on (to be added), 9am and close on (to be added), 12 Noon.

Once the consultation has been completed the results will be published and made available to the local community.

The Council is required to consult with local residents, including tenants, landlords, managing agents and other members of the community who live or operate businesses or provide services within the proposed designation and those in the surrounding area which is shown on the map at **Appendix 1**.

Everyone who responds to this consultation will have their views fully considered.

A comprehensive engagement and consultation process with partners, stakeholders and customers will include:

- Private landlords
- Private tenants
- Local communities
- Tenant and resident associations
- Landlord associations
- Citizens Advice Bureau
- Registered Social Landlords
- Local community committees
- Locally elected members
- Local businesses
- Middlesbrough Police
- Other Council service areas.

Methods of consultation

Consultation will be taking place using the following methods:

- Direct mail to landlords and residents.
- Direct mail to local community groups.
- Press release to local media/press.
- Information on Middlesbrough Council's website.
- Email to all Ward Councillors.
- Email to all relevant Council service areas.

How to respond to the consultation

A questionnaire will be available to complete on the Council's website, a paper version of which can be downloaded from the website.

All questionnaires and comments should be returned to: Selective Landlord Licensing, Middlesbrough Council, P.O. Box 504, Civic Centre, Middlesbrough TS1 9FY.

If you would like any further information about the Selective Licensing proposals please contact the

Selective Landlord Licensing Consultation Team on 01642 728100.

Or please email the team on:

licensing_consultation@middlesbrough.gov.uk

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