

## EXECUTIVE

<b>Date:</b> Wednesday 13th March, 2024
<b>Time:</b> 12.30 pm
<b>Venue:</b> Council Chamber

## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes - Executive - 28 February 2024 3 - 10

### CHAIR OF HEALTH SCRUTINY PANEL

4. Final Report of the Health Scrutiny Panel - Dental Health and the Impact of Covid- 19 - Service Response 11 - 48

### THE MAYOR AND EXECUTIVE MEMBER FOR ADULT SOCIAL CARE AND PUBLIC HEALTH

5. Transformation Governance Arrangements 49 - 64

### EXECUTIVE MEMBER FOR FINANCE AND GOVERNANCE

6. Adult Social Care Non Residential Charging Policy (Fairer Charging Policy) 65 - 86
7. Discretionary Rates Relief 87 - 118

### EXECUTIVE MEMBER FOR REGENERATION

8. Phase One Asset Sales 119 - 138
9. Any other urgent items which in the opinion of the Chair, may be considered.
10. 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 the exemption outweighs the public interest in disclosing the information.

11. **EXEMPT - Phase One Asset Sales - Appendix 1**

139 - 140

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Tuesday 5 March 2024

MEMBERSHIP

Mayor C Cooke (Chair), Councillors T Furness, P Gavigan, P Storey, J Thompson, Z Uddin and N 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](mailto:chris_lunn@middlesbrough.gov.uk) / [scott\\_bonner@middlesbrough.gov.uk](mailto:scott_bonner@middlesbrough.gov.uk)**

**EXECUTIVE**

A meeting of the Executive was held on Wednesday 28 February 2024.

**PRESENT:** Mayor C Cooke (Chair), Councillors T Furness, P Gavigan, P Storey, J Thompson, Z Uddin and N Walker

**PRESENT BY INVITATION:** Councillors M Storey

**ALSO IN ATTENDANCE:** S Arnold (Local Democracy Reporting Service)

**OFFICERS:** D Alaszewski, C Benjamin, S Bonner, G Field, C Heaphy, R Horniman, A Hoy, A Humble and D Middleton

**APOLOGIES FOR ABSENCE:** None.

23/74 **DECLARATIONS OF INTEREST**

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

23/75 **MINUTES - EXECUTIVE - 14 FEBRUARY 2024**

The minutes of the Executive meeting held on 14 February 2024 were submitted and approved as a correct record.

The Mayor provided an update on the Council application for Extraordinary Financial Support (EFS) stating that positive, albeit informal, discussions had taken place with the Department for Levelling Up, Housing and Communities. A final decision on EFS would be brought to the Council's budget meeting on 8 March.

**SUSPENSION OF COUNCIL PROCEDURE RULE NO. 4.13.2 – ORDER OF BUSINESS**

In accordance with Council Procedure Rule No. 4.57, Executive agreed to vary the order of business to deal with the items in the following order: 6,4,5,7 and 8.

23/76 **THE COUNCIL PLAN 2024-27**

The Mayor and Executive Member for Adult Social Care and Public Health submitted a report for Executive's consideration.

The report set out the Council Plan 2024-27 and sought Executive endorsement on its structure and content, setting out how the Council would work with its communities, to take forward its shared priorities over the 2024 to 2027 period.

The intent of the report was to provide enough information and assurance for the Executive to endorse the Council Plan 2024-27, prior to consideration by full Council on 8 March 2024, ensuring that it remained current and reflective of major developments of the past year, and those anticipated in the coming three years.

The Council Plan, formerly known as the Strategic Plan, was the Council's overarching business plan for the medium-term, and was refreshed on an annual basis, setting out the priorities of the Elected Mayor of Middlesbrough, the ambitions of Middlesbrough's communities and the ways in which the Council sought to achieve them.

Part of the Council's Policy Framework, the Council Plan required the approval of full Council, as set out in the Constitution. The Council's Budget and Policy Framework Procedure Rules provided for the Executive to draw up firm proposals on the Strategic Plan (Change Strategy) for submission to Full Council.

Full Council approved the previous Strategic Plan 2021-2024 on 16 February 2021, which expressed the previous Mayors' priorities for the town.

This report proposed a new Council Plan for the 2024-27 period articulating the aims and ambitions of Mayor Cooke elected in May 2023, which are informed by, and responsive to the views of residents and which will need to be delivered within available resources.

**ORDERED that Executive endorses the final Council Plan 2024-27 and associated strategic priorities and outcomes prior to full Council approval of the final Council Plan 2024-27 and to enable development of detailed, supporting delivery plans.**

## **OPTIONS**

**It was imperative that the Council effectively articulated and communicated an overarching plan to direct activity across Directorates and services, towards the achievement of its priorities and ambitions.**

**The only other realistic potential decision would be to leave the Council's strategic objectives unchanged on the assumption that they were sufficiently robust to address and achieve previously identified outcome measures. This, however, was not correct and would not have represented an appropriate response to the needs of the town. It would also have detrimentally impacted local communities and the business of the Council for some years ahead.**

**The only other feasible decisions, therefore, relate to the structure of the document, and its horizon (i.e., reverting to an annual plan). It was strongly in the Council's interest to plan over the medium-term, (between 3 – 5 years) in line with the indicative budgets over this period outlined by the Government. The proposed document achieved this whilst also providing an appropriate level of detail for all audiences on the Council's planned activity over this period.**

## **REASONS**

**To enable the Executive to endorse, prior to consideration by full Council, the Council Plan 2024-27, ensuring that it is reflective of major developments of the past year, and those anticipated in the coming three years.**

23/77

## **2024/25 REVENUE BUDGET, MEDIUM TERM FINANCIAL PLAN, AND COUNCIL TAX SETTING**

The Mayor and Executive Member for Adult Social Care and Public Health submitted a report for Executive's consideration.

The Mayor advised Executive of an amendment to Appendix 5 of the report which was tabled at the meeting and circulated to Members.

The report proposed a 2024/25 net revenue budget of £143.190m, and Medium-Term Financial Plan (MTFP) for the period 2024/25 to 2026/27 following the confirmation of the Local Government Finance Settlement and set out the financial planning assumptions applicable to the budget based upon the best information available at the time.

A Council tax increase for 2024/25 of 4.99% was proposed, comprising 2% Adult Social Care Precept and 2.99% Core Council tax which was within the referendum limits set by Government.

The report proposed a Capital Programme of £88.549m for 2024/25 and totalled £174.980m over the period from 2024/25 to 2026/27 together with a financing statement comprising a combination of external funding and council resources. In addition, the proposed capital strategy set out the Council's approach to capital investment and financing, including the forecast levels of borrowing and the Minimum Revenue Provision (MRP) Policy which governed how the Council accounted for debt repayment in accordance with statutory regulations. The Capital programme provided for EFS of £13.4m to be financed from borrowing over a period of up to 20 years whilst the actual amount and terms would be determined by the s151 Officer, based

upon the actual requirements, borrowing rates and an assessment of revenue affordability at the appropriate time during the 2024/25 financial year.

A summary of the Schools' Budget and allocation of the Dedicated Schools Grant (DSG) as determined under the Department for Education's (DfE's) National Funding Formula, together with an overview of the financial pressures on the DSG High Needs Block and forecast deficit which was being addressed under the Delivering Better Value (DBV) Programme.

The s151 Officer's recommended Reserves Policy for 2024/25 set out the plan for replenishing and maintaining usable revenue reserves over the period of the MTFP in order to achieve financial recovery and re-establish the Council's financial resilience.

The s151 Officer's recommended Fees and Charges Policy sets out the proposed framework within which discretionary charged for services would be reviewed and fees and charges set in the future in order to ensure financial viability of discretionary services.

The report was underpinned by the Section 151 Officer's report in accordance with s25 of the Local Government Act 2003 which assessed the robustness of budget estimates and the adequacy of financial reserves in the context of the known financial risks that existed in the Council's operating environment. The report set out the responsibilities of all officers and members to work collaboratively together in order to enable the Council to successfully navigate the complex and challenging path to recover its financial position and achieve financial sustainability over the medium term. Under s31A of the Local Government Finance Act 1992, the Council was required to have regard to this report when making decisions on agreeing the budget and setting the Council Tax.

The Executive Member for Finance and Governance thanked officers for their input to the report's creation. It was commented many councils were struggling to balance their budgets with many drawing on their reserves to do so. While core funds from government had reduced significantly over the previous 10 years the proposals contained in the report would allow the Council to balance its budget. Failure to produce a balanced budget would result in a Section 114 notice which in turn would lead to stopping all non-essential spending.

Some proposals in the budget, such as a move to fortnightly bin collections, were included as they had not been included previously, despite being considered. However, the Council could no longer delay addressing those issues.

Engagement had taken place with different political groups as part of the budget setting process.

The Chief Executive expressed his thanks to all involved for their input to the budget proposals which had been a collaboration approach.

A discussion took place about the EFS application and how this related to the budget proposals. It was confirmed the budget report was predicated on the EFS application was successful.

**ORDERED that the amended Appendix 5 of the report be approved.**

**AGREED that:**

**In terms of the robustness of the Medium-Term Financial Plan, Executive note the statutory s25 report of the Council's Section 151 Officer in respect of the robustness of the estimates within the budget and the adequacy of reserves.**

**In terms of the Revenue Medium Term Financial Plan 2024/25 to 2026/27 Executive:**

- 1) Note the updated financial planning assumptions following the Final Local Government Finance Settlement, together with confirmed government income sources, expenditure plans and local income budgets.**
- 2) Recommend to Council budget proposals for savings and income generation of £13.910m in 2024/25 rising to £21.028m in 2026/27, which incorporated the revisions to savings in light of the consultation response as set out in Appendix 3.**

- 3) Recommend to Council an increase in Council Tax of 4.99% resulting in a Council Tax level (Band D) of £1,975.76 excluding parish, Fire, and Police precepts (detailed in Appendix 7).
- 4) Note that after all available measures had been taken in relation to budget proposals, a budget gap of £4.7m existed representing a shortfall of annual income compared to net expenditure plans. Therefore, the Council was dependent upon approval by DLUHC to capitalise this expenditure and finance it from Council borrowing under the provisions of Exceptional Financial Support (EFS) in order to set a balanced budget for 2024/25.
- 5) Recommend to Council the approval of the proposed General Fund revenue budget for 2024/25 with a net budget requirement of £143.190m after adjusting for the capitalisation of £4.7m of revenue expenditure relating to EFS;
- 6) Note whilst the budget gap for 2024/25 has been addressed by the EFS, there would still be a budget gap of £7.474m in 2025/26 and £0.491m in 2026/27 resulting in a cumulative budget gap over the MTFP period of £7.965m. Further savings proposals arising from the Transformation Programme would be required as a minimum to meet these budget gaps.
- 7) Note that in assessing the adequacy of reserves in the context of financial risks within the Council's operating environment, the s151 Officer had determined that financial provision for:
  - the sum of £3.5m in relation to savings delivery risk
  - the sum of £4.6m in relation to the timing of realisation of capital receipts to fund Transformation expenditure
 were required in the form of capitalisation of expenditure to be funded from Council borrowing under the provisions of EFS to provide assurance on the adequacy of reserves, should those risks crystallise.
- 8) Note that the recommended budget was dependent upon DLUHC approval of EFS in the sum of £13.4m in order for it to be considered and approved by Council as a robust and deliverable balanced budget.
- 9) Note that in the event of DLUHC not approving EFS totaling £13.4m, the s151 Officer would have no option but to issue a s114 Notice under s14(3) of the Local Government Finance Act 1988 with the implications as set out in paragraph 4.11 of Appendix 2.

**In terms of the Budget Consultation Executive:**

- 1) Note the feedback of the budget consultation exercise, and submissions from Overview and Scrutiny Board.
- 2) Approve the recommended response to the consultation as set out in Appendix 3

**In terms of the Financial Reserves Policy Executive:**

- 1) Recommend to Council the approval of the Financial Reserves Policy for 2024/25 which proposes:
  - A minimum General Fund Balance of 7.5% of the Net Revenue Budget (£147.890m before EFS temporary adjustment), equivalent to £11.1m for 2024/25
  - That the Council build a Financial Resilience Reserve Balance of between £8m and £10m over the term of the MTFP to 2026/27 to strengthen its financial resilience.
- 2) Note that the reserves policy would be subject to an annual review and Council approval at annual budget setting and would be revised to reflect changes in risk and/or external factors that the Council needs to address in order to secure its financial

resilience over the medium to long term.

**3) Note the estimated balances on usable revenue reserves as at 1 April 2024 of:**

- General Fund balance - £11.1m
- Earmarked reserves – unrestricted £6.3m
- Earmarked reserves – restricted £4.7m

**In terms of Fees and Charges Executive:**

- 1) Recommend to Council the approval of the proposed Fees & Charges Policy for 2024/25.**
- 2) Recommend to Council the approval of the schedule of fees and charges arising from the application of the approved policy for 2024/25**

**In terms of Capital Programme 2024/25 to 206/27 and Capital Strategy 2024/25 Executive:**

- 1) Recommend to Council the approval of the proposed 2024/25 – 2026/27 Capital Programme totalling £174.980m and the associated financing statement as shown in Appendix 6.**
- 2) Recommend to Council the approval of the Capital Strategy and endorse the recommendations included in it as shown in para. 4.20 of the report and detailed in Appendix 6.**
- 3) Note the Council’s revenue cost of borrowing for 2024/25 was £11.154m which was equivalent to 7.8% of the Net Revenue Budget and was approaching the maximum affordable level, therefore future capital investment would need to rely more heavily on external funding and capital receipts in order to maintain borrowing at affordable levels.**
- 4) Note that the high-level estimate of Transformation and Redundancy Expenditure totalling up to £13.7m in 2024/25, £7.7m 2025/26 and £5.2m in 2026/27 was required to be approved within this report to set the capital expenditure and financing limits, together with prudential indicators for borrowing within the Treasury Management Report elsewhere on this agenda.**
- 5) Note that the detailed development of the Transformation Programme governance, investment plans and funding through the Flexible Use of Capital Receipts Strategy, would be the subject of further reports to the Executive and Council in March 2024 to incorporate into the Budget and Policy framework for 2024/25.**

**In terms of Schools Budget Executive:**

- 1) Note details of the Dedicated Schools Grant (DSG) Grant for 2024/25 and the allocation to schools as detailed in Appendix 8.**
- 2) Note the forecast pressures upon the High Needs block of £6.644m in 2024/25 and the resulting cumulative deficit on the DSG account of £13.208m at 31 March 2025.**
- 3) Note that the Council was part of the Delivering Better Value (DBV) scheme operated by the Department for Education (DfE) to support local authorities to manage and control the deficit.**
- 4) Note that a statutory override was in place which prevented the DSG deficit from being met from General Fund resources and the Government’s plan to deliver a funding solution was awaited. This presented a potential significant medium term financial risk to the Council in the event that the statutory override is removed without a suitable funding solution.**

**OPTIONS**

No other options were put forward as part of the report.

## REASONS

All Council members had a legal obligation to agree a balanced budget and set the Council Tax by 11 March 2024. In addition, the Council had a Best Value duty to demonstrate financial sustainability through the delivery of a balanced Medium Term Financial Plan (MTFP) over a period of at least 3 years. The setting of the budget was part of the budget and policy framework and therefore required Full Council approval.

The recommendations enabled the Council to progress towards meeting its statutory responsibility to set a balanced revenue budget in 2024/25 and the requirement to secure financial sustainability of the period of the MTFP.

The Council was required to take a systematic, coherent, and controlled approach to addressing its ongoing financial challenges over the medium-term, while enabling the delivery of the Mayor's vision and priorities for Middlesbrough through delivery of the wider Council Plan.

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## INCREASED RESIDENTIAL AND SUPPORTED ACCOMMODATION FOR CHILDREN IN CARE AND CARE LEAVERS

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

The report presented the revised plans to achieve savings of £0.450m in 2025/26 and £0.615m in 2026/27, totalling £1.065m by the end of the current MTFP period on 31 March 2027 (reference: 24/25 CC03).

Further, it was anticipated that a further saving of £0.850m would be achievable in 2027/28 which was beyond the current MTFP period. This plan aimed to deliver a total saving of £1.915m over a 4-year period, replacing the original saving of £1.848m that was incorporated into the 2023/24 budget to deliver £0.787m in 23/24 and £1.061m in 2024/25 which had been determined to be undeliverable as originally planned. Due to the operational activity being brought online during 2024/25 the savings will be realised from 2025/26.

The Children's Services Financial Improvement plan approved in February 2023 included elements of increasing the in-house estate for Children's care. During the course of the 12 months significant efforts were made to identify suitable properties to bring online. These efforts were hampered for two key reasons:

1. At the commencement of the year significant time was spent exploring a large property which could have met the needs of our 16+ cohort. Months exploring this including the refurbishment feasibility were undertaken, however it transpired there were issues with the refurbishment and build that had already been undertaken which would have left a legal liability on the local authority to resolve. The focus on this area led to a delay in project achievements.
2. The cost of refurbishment, when seeking to convert any existing council asset to a residential home were prohibitive and did not represent value for money. This had therefore led to a strategy for future consideration being the identification of suitable properties with minimal renovation work required.

Under the revised plan, Middlesbrough Council would reduce the use of the external high-cost placements and grow the residential and supported accommodation offer, by increasing Middlesbrough Council's in house offer and building partnerships with commissioned providers.

Middlesbrough Council's residential and supported accommodation occupancy was mainly high (residential homes 95% in January 2024, supported accommodation 100% and higher needs supported lodgings 78%), which meant that Middlesbrough Council could not place any more children in their own lower costing, higher quality residential and supported accommodation placements.

Instead, Middlesbrough Council were using external organisations to provide homes for Middlesbrough children and young people, which on average, comes at a higher cost than Children's Services provides. On average, Middlesbrough Council residential homes cost

£3,300 per week to operate, and on average currently the average cost of an external residential children's home placement was £5,600 per week.

Middlesbrough Council had forecast that the current active 76 external residential placements for children with a total forecast cost of £14.4m for 2023/24 (after contributions from Health and Education as of December 2023).

The Executive Member for Children's Services thanked officers for their involvement in the creation of the report.

**ORDERED that Executive approve the revised approach which is built into the proposed 2024/25 budget and MTFP 2024/25 to 2026/27.**

**AGREED that Executive:**

1. **Note the reasons why the original plan could not be delivered and its removal from the MTFP.**
2. **Note further savings that will be incorporated into future MTFP periods.**

### **OPTIONS**

**Several alternatives have been put forward by the Head of Service for Placements, and the Head of Commissioning and Procurement. These options were considered by the Director of Children's Care.**

**The options for this decision were detailed in the table at paragraph 5.1 of the report.**

### **REASONS**

**As of January 2024, Middlesbrough had 528 children and young people in care. 97 in residential care, 372 in foster placements and 59 placed for adoption, placed with parents, living independently, staying in an NHS/Health trust placement, family centre/mother and baby unit and in a Youth Offending Institute.**

**Middlesbrough Council were currently paying for privately owned placements for children and young people, that were often situated outside of Middlesbrough. Some children and young people had reasons for living outside of the area, for example safeguarding concerns.**

**Middlesbrough Councils ambition was to increase inhouse placements homes for children and young people which was a more cost-effective solution and brought better outcomes for children at lower cost. These placements would provide medium term placements for children and young people with emotional and behavioural needs, with a particular focus on those who would otherwise be placed in more costly external settings. To complement the current and existing internal children's residential and supported accommodation offer, partnerships would be formed with commissioned providers to provide additional placements for Middlesbrough children.**

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### **TREASURY MANAGEMENT STRATEGY 2024/25**

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

The report outlined the Council's prudential indicators for the financial years 2024/25 – 2026/27 and set the framework and approved the limits within which the treasury management operations for this period. It fulfilled key legislative and guidance requirements:

- a. The setting of the prudential indicators in relation to the expected capital activities and treasury management prudential indicators (included as treasury indicators) in line with the Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management Code of Practice.
- b. The treasury management strategy statement which set out how the Council's treasury function would support capital decisions taken above, day to day treasury management

activities on service delivery and any limitations on these, via the treasury prudential indicators.

- c. The approval of the Council's Minimum Revenue Provision (MRP) Policy, which set out how the Council would pay for borrowing to fund capital investment through the revenue budget each year.
- d. The key indicator was the Authorised Limit, the maximum amount of debt the Council could enter into during the financial year. This amount acted as the legal limit for debt activity.
- e. The investment strategy which set out the Council's criteria for choosing the investment counterparties and limiting exposures to the risk of loss.

The information contained in the report regarding the Council's capital expenditure plans, Treasury Management and Prudential Borrowing activities indicated that they were:

- Within the statutory framework and consistent with the relevant codes of practice.
- Prudent, affordable, and sustainable.
- An integral part of the Council's Revenue and Capital Medium Term Financial Plans.

**ORDERD That Executive review, endorse and recommend for approval and adoption at the Council meeting on the budget on 8 March 2024:**

- 1) **Approve the Prudential Indicators and limits for 2024/25 to 2026/27 relating to capital expenditure and treasury management activity set out in tables 1 to 10 of Appendix 1.**
- 2) **Approve the Treasury Management Strategy for 2024/25, which included the Annual Investment Strategy for 2024/25 at Appendix 1 of the report.**
- 3) **Approve the Minimum Revenue Provision (MRP) Policy for 2024/25 at Appendix 1 of the report.**
- 4) **Approve an Authorised Limit for External Debt of £372m for the 2024/25 financial year.**

#### **OPTIONS**

It was a statutory requirement to approve the annual treasury management strategy and set of prudential indicators by the Council. As a result, there were no alternatives submitted as part of the report.

#### **REASONS**

The recommendations requested would fulfil the following for the local authority:

- 1) **Compliance with the Prudential Code for Capital Finance in Local Authorities and the Department for Levelling Up, Housing & Communities (DLUHC) guidance on investments.**
- 2) **Compliance with the Treasury Management Code of Practice for Local Authorities.**
- 3) **Compliance with the requirements of the Local Government Act 2003 Part 1.**
- 4) **To approve a financial governance framework within which officers will operate when making both borrowing and investment decisions and entering financial transactions.**

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

None.

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

<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Public Health
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<b>Relevant Executive Member:</b>	The Mayor and Executive Member for Adult Social Care and Public Health
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<b>Submitted to:</b>	Executive
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<b>Date:</b>	13 March 2024
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<b>Title:</b>	Final Report of the Health Scrutiny Panel - Dental Health and the Impact of Covid- 19 - Service Response
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	COVID-19 recovery
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<b>Key decision:</b>	No
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<b>Why:</b>	Not applicable
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<b>Subject to call in?:</b>	Yes
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<b>Why:</b>	Non-urgent decision
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<b>Proposed decision(s)</b>
<p>The following decisions are asked of the Executive:</p> <ul style="list-style-type: none"> <li>i. The content of the Health Scrutiny Panel’s Final Report on Dental Health and the Impact of Covid - 19 (Appendix 1), be noted.</li> <li>ii. The action plan (Appendix 2), developed in response to the Scrutiny Panel’s recommendations, be approved.</li> </ul>

<b>Executive summary</b>
<p>This report provides the findings of a scrutiny review into the oral health of Middlesbrough’s population and the accessibility of NHS dentistry services locally, for both adults and children.</p>

Based on the evidence and conclusions of the review the Health Scrutiny Panel has put forward several recommendations:

- a) That a further census survey of 5-year-old children is undertaken to enable analysis of data at a ward-level to identify health inequalities and enable the delivery of more targeted support.
- b) That a locally tailored oral health strategy is developed, which is based on an oral health needs assessment.
- c) That the Local Authority works with the relevant local authorities in the North East, the Office for Health Improvement and Disparities (OHID), NHS partners and the relevant water companies to support and delegate responsibility to respond to the OHID national water fluoridation public consultation (due in early 2024) to the Director of Public Health.
- d) That the Health Scrutiny Panel receives regular updates on progress made with implementing a water fluoridation scheme for the region, including the outcome of the public consultation.
- e) That targeted work is undertaken to increase uptake of the supervised tooth brushing programme and ensure engagement of the early years settings and primary schools located in town's most deprived areas.
- f) That, for those families who choose not to engage with the health visiting service, free toothbrushes and toothpaste are sent via postal delivery to encourage parents to adopt good oral health practices.
- g) That a targeted community fluoride varnish programme is commissioned to reduce health inequalities across Middlesbrough's population.
- h) That, to influence the national reform of NHS dentistry, the Chair of the Health Scrutiny Panel writes to the Secretary of State and the NHS England regional team undertake work, to make access to NHS dental services equal and affordable for everyone in the region.
- i) That an update is submitted to the Health Scrutiny Panel in 6 months' time in respect of:
  - the North East and North Cumbria Integrated Care Board's (ICB) recovery plan to improve access to NHS dental services; and
  - how feedback from the local population has been utilised to formulate solutions and determine future plans.
- j) That Teesside University, the Local Authority and the North East and North Cumbria ICB work collectively to overcome and address current referral restrictions associated with the Student Dental Facility, with an aim to improving accessibility for those experiencing problems with accessing NHS dental care.

The Health Scrutiny Panel's recommendations have been reviewed and the appended Service Response and Action plan outlines how the Council will address them.

The impact of these recommendations is that there will be improved oral health outcomes via access to services and increasing awareness in the local population.

## **1. Purpose**

For the Executive to note the final report of the Health Scrutiny Panel (Appendix 1) and to agree the Service Response and Action Plan (Appendix 2).

## **2. Recommendations**

That the Executive

- Notes the content of the Health Scrutiny Panel's Final Report on Dental Health and the Impact of Covid - 19 (Appendix 1).
- The action plan (Appendix 2), developed in response to the Scrutiny Panel's recommendations, be approved.

## **3. Rationale for the recommended decision(s)**

The Health Scrutiny Panel conducted a review of this topic which resulted in these recommendations being proposed. Officers of the Council and key partners (including the North East and North Cumbria Integrated Care Board (ICB) and NHS England) have reviewed these recommendations and set out how they can be achieved, considering the local authorities' responsibilities with oral health.

## **4. Background and relevant information**

To inform its review of Dental Health and the Impact of Covid-19, the Health Scrutiny Panel gathered evidence at its meetings held on 11 October 2022, 13 December 2022, 23 October 2023 and 20 November 2023.

The terms of reference, for the Scrutiny Panel's review, were as follows:

- A. To identify:
  - The responsibilities of the Local Authority in respect of oral health; and
  - The responsibilities of NHS England in respect of dentistry.
- B. To examine Middlesbrough's oral health outcomes and the work being undertaken to improve the oral health of the local population.
- C. To investigate the pressures and challenges faced by dental care services and the work being undertaken to improve access to dental care.
- D. To examine the local population's views and experiences of accessing and using NHS dental services.
- E. To identify potential solutions to improve the oral health of Middlesbrough's population and access to dental care.

The Scrutiny Panel undertook its investigation over a series of 4 meetings.

## **5. Other potential alternative(s) and why these have not been recommended**

The report is following on from the recommendations of the Scrutiny Panel. These are the recommendations which have been considered in Appendix 2. If we decided not to follow

the recommendations we would not be delivering our Local Authority responsibility to promote good oral health.

**6. Impact(s) of the recommended decision(s)**

The impact of these recommendations is that there will be improved oral health outcomes via access to services and increasing awareness in the local population.

**6.1 Financial (including procurement and Social Value)**

Financial implications to the delivery of the actions are included in Appendix 2, including the existing costs for the Toothbrushing programme and the new proposed costs for a fluoride varnish programme, if we were to proceed with this, following the feasibility study.

**6.2 Legal**

There are no legal implications associated with this decision.

**6.3 Risk**

The risk of not implementing these recommendations is that there will be a lack of awareness relating to what Middlesbrough Council is doing to address the oral health inequalities, along with seeing an increase in oral health inequalities in the local population.

**6.4 Human Rights, Public Sector Equality Duty and Community Cohesion**

It is not anticipated that this project will impact negatively on any members of the public.

**6.5 Climate Change / Environmental**

It is not anticipated that this project will impact negatively on climate change/environmental.

**6.6 Children and Young People Cared for by the Authority and Care Leavers**

It is not anticipated that this project will impact negatively on children and young people cared for by the Authority and care leavers.

**6.7 Data Protection / GDPR**

Any actions that attract a data protection compliance response from Middlesbrough Council will be reviewed and advice sought from the Data Protection Officer.

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

Action	Responsible Officer	Deadline
Please see Appendix 2 (Service Response Action Plan)		

**Appendices**

1	Final Report of the Health Scrutiny Panel - Dental Health and the Impact of Covid-19
2	Service Response - Action Plan

**Background papers**

Body	Report title	Date

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# MIDDLESBROUGH COUNCIL

## Dental Health and the Impact of Covid-19 Final Report of the Health Scrutiny Panel

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## **THE AIM OF THE SCRUTINY REVIEW**

1. The aim of the scrutiny review was to examine the oral health of Middlesbrough's population and the accessibility of NHS dentistry services locally, for both adults and children.

## **TERMS OF REFERENCE**

2. The terms of reference, for the scrutiny panel's review, are as follows:

<b>A</b>	To identify: <ul style="list-style-type: none"><li>• the responsibilities of the Local Authority in respect of oral health; and</li><li>• the responsibilities of NHS England in respect of dentistry</li></ul>
<b>B</b>	To examine Middlesbrough's oral health outcomes and the work being undertaken to improve the oral health of the local population
<b>C</b>	To investigate the pressures and challenges faced by dental care services and the work being undertaken to improve access to dental care
<b>D</b>	To examine the local population's views and experiences of accessing and using NHS dental services
<b>E</b>	To identify potential solutions to improve the oral health of Middlesbrough's population and access to dental care

## **BACKGROUND INFORMATION**

### **What is oral health?**

3. Oral health is the state of the mouth, teeth and facial structures that enables individuals to perform essential functions such as eating, breathing and speaking, and encompasses psychosocial dimensions such as self-confidence, well-being and the ability to socialise and work without pain, discomfort and embarrassment. Oral health varies over the life course from early life to old age, is integral to general health and supports individuals in participating in society and achieving their potential.
4. Oral diseases encompass a range of diseases and conditions, such as tooth decay, gum disease, tooth loss and oral cancer.
5. Oral diseases disproportionately affect the most vulnerable and disadvantaged populations. People of low socioeconomic status carry a higher burden of oral diseases and this association remains across the life course, from early childhood to older age, and regardless of the country's overall income level.<sup>1</sup>
6. Poor oral health is almost entirely preventable and despite good progress over the last few decades, oral health inequalities remain a significant public health problem in England. Oral health inequalities are the differences in oral health between different groups that are avoidable and deemed to be unfair, unacceptable and unjust. The impacts of poor oral health disproportionately affect vulnerable and socially disadvantaged individuals and groups in society.<sup>2</sup>
7. Children and adults in deprived communities have poorer oral health due to poorer diets and a lack of regular toothbrushing routines. The negative impact of deprivation on oral health is not dissimilar to the impact of deprivation on general health outcomes.

<sup>1</sup> [https://www.who.int/health-topics/oral-health#tab=tab\\_1](https://www.who.int/health-topics/oral-health#tab=tab_1)

<sup>2</sup> <https://www.gov.uk/government/publications/inequalities-in-oral-health-in-england/inequalities-in-oral-health-in-england-summary>

## **What is NHS dentistry?**

8. NHS dentistry provides treatment that is clinically necessary to keep mouths, teeth and gums healthy and free of pain and includes primary, community, secondary and tertiary dental services.
9. In 2021/2022, the NHS contribution to dentistry was about £2.3 billion.
10. Primary dental services are one of the four pillars of the primary care system in England, along with general practice, primary ophthalmic services (eye health) and community pharmacy. These services use a 'contractor' model of care, which means that almost all NHS primary care services are delivered by independent providers contracted to the NHS.
11. There are around 11,000 independent dental provider practices in England, private businesses that provide a mix of both NHS and private dental care. About three-quarters of these hold contracts to provide NHS services. Dental providers who have a contract to provide NHS funded dental services can also offer private treatment to their patients. All dental practices must be registered with the Care Quality Commission.

## **Access to NHS dental services**

12. There is no national registration system in dentistry like there is in general practice. People do not need to be registered with a dentist to receive NHS care and should be able to go to any dental practice that holds an NHS contract for treatment, without any geographical or boundary restrictions. Dental practices can choose whether they provide NHS treatment to new patients depending on whether they have capacity under the terms of their contract.<sup>3</sup>
13. On 25 March 2020 access to general dental services was paused across the UK and dental care hubs were established to deliver urgent care as part of the government's response to the Covid-19 pandemic. Personal protective equipment (PPE), infection prevention and control, and patient prioritisation guidance were issued to dental care providers as services began to reopen in England from June 2020. This guidance further changed as the nation continued to navigate the pandemic and as wider restrictions were amended.
14. Although some access to dental services was maintained throughout subsequent lockdowns and changes in restrictions, there were longer-term impacts on access to dental services. These included the time needed to clear appointment backlogs, staff availability, physical distancing and PPE requirements.<sup>4</sup>

## **SUMMARY OF EVIDENCE**

### **Term of Reference A - To identify:**

- **the responsibilities of the Local Authority in respect of oral health; and**
- **the responsibilities of NHS England in respect of dentistry**

### **The Local Authority's responsibilities**

15. The Health and Social Care Act (2012) conferred the responsibility for health improvement, including oral health improvement, to local authorities.

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<sup>3</sup> <https://www.kingsfund.org.uk/publications/dentistry-england-explained>

<sup>4</sup> <https://www.gov.uk/government/statistics/the-impact-of-covid-19-on-access-to-dental-care/the-impact-of-covid-19-on-access-to-dental-care-a-report-from-the-2021-adult-oral-health-survey>

16. Local authorities are statutorily required to provide or commission oral health promotion programmes to improve the health of the local population, to an extent that they consider appropriate in their areas. They are also required to provide or commission oral health surveys. The oral health surveys are carried out as part of the Office of Health Improvement and Disparities (OHID) dental public health intelligence programme (formerly known as the national dental epidemiology programme).<sup>5</sup> Oral health surveys involve:

- assessment and monitoring of oral health needs;
- planning and evaluation of oral health promotion programmes;
- planning and evaluation of the arrangements for the provision of dental services; and
- reporting and monitoring of the effects of any local water fluoridation schemes covering their area.

17. The Health and Care Act 2022 moved the responsibilities for initiating and varying schemes for water fluoridation from local authorities to the Secretary of State. However, local authorities still have a duty to conduct public consultations in relation to such proposals.

### **NHS England's responsibilities**

18. From 2013 to March 2023 NHS England was responsible for commissioning primary and secondary dental care in England, a process led by the primary care commissioning team. From April 2023 integrated care boards (ICBs) took over responsibility for commissioning primary, secondary and community dental services.

19. Locally, the North East and North Cumbria Integrated Care Board is responsible for commissioning dental services for Middlesbrough's population. The change from NHS England to ICBs is intended to enable the commissioning and provision of dental care that meets the particular needs of local populations and addresses inequalities in oral health and in access to care. Local commissioners use national commissioning standards and guidance to assess local needs, set a minimum standard for services and ensure outcomes and quality measures are included in service specifications and contracts. In order to provide NHS dental services, providers need to hold one of the following NHS contracts:

20. In terms of **general dental services (GDS) contracts**, these contracts are the most commonly used for NHS primary care dental services and do not usually have an end date. The GDS contract covers 'mandatory dental services', which are routine and clinically necessary urgent treatments needed to keep the mouth, teeth and gums healthy and free of pain. GDS contracts can also cover more specialist services, known as 'advanced mandatory services' and 'additional services', which include more complex extractions, home visits or sedation.

21. In addition to GDS contracts, the North East and North Cumbria ICB also commissions the following primary care and community dental services under Personal Dental Services (PDS) agreements, which are time-limited:

- **Specialist primary care dental services** - such as sedation, orthodontics and minor oral surgery. Any new contracts for mandatory dental services would be commissioned on a PDS agreement for a specified time limit.
- **Urgent dental care services** - All general dental service providers are commissioned to provide urgent dental care services as part of their general dental service contract,

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<sup>5</sup> <https://assets.publishing.service.gov.uk/media/5a7d6f6bed915d269ba8aa6a/CBOHMaindocumentJUNE2014.pdf>

however the number of urgent care appointments made available is determined by the individual practices. In addition, the North East and North Cumbria ICB also commissions dedicated urgent care services both in-hours and out of hours from a range of providers. Access to these services is via NHS 111 for triage and where clinically appropriate patients are offered/booked into the nearest urgent care service with appointment availability. For the area of Teesside, the North East and North Cumbria ICB has providers located in Stockton, Eaglescliffe, Normanby and Middlesbrough. In terms of out of hours urgent care services, North Ormesby Health Village provides treatment services for Teesside residents, operating between 18:00 to 23:00 Monday to Friday (on-call basis) and 09:00 to 23:00 on weekends and bank holidays.

- **Community dental services (CDS)** - Community dental services provide dental care for patients (adults and children) with more specialist needs. This might include people who need services such as general anaesthetics or sedation or adults and children with particular needs such as physical or learning disabilities, medical conditions, people who are housebound and people experiencing homelessness.
- **Secondary care dentistry provided in NHS hospitals** - Secondary care dentistry is commissioned from NHS hospitals under the standard NHS contract.

22. NHS dentistry services MUST operate in strict accordance with the nationally set Government Regulation (2006). Under the NHS dentistry national regulation, there is no 'formal registration' of patients with dental practices. Dental contracts and provision is activity and demand led, with the expectation practices deliver and manage their available commissioned activity to best meet the needs of patients presenting to the practice. As part of the NHS dentistry offer, patients can therefore approach any dental practice offering NHS care for access.

23. The contract regulations set out the contract currency for mandatory dental services, which is measured in units of dental activity (UDAs) that are attributable to a 'banded' course of treatment prescribed under the regulations.

24. North East and North Cumbria ICB do not commission private dental services, however, NHS dental regulations do not prohibit the provision of private dentistry by NHS dental practices.

### **Term of Reference B - To examine Middlesbrough's oral health outcomes and the work being undertaken to improve the oral health of the local population**

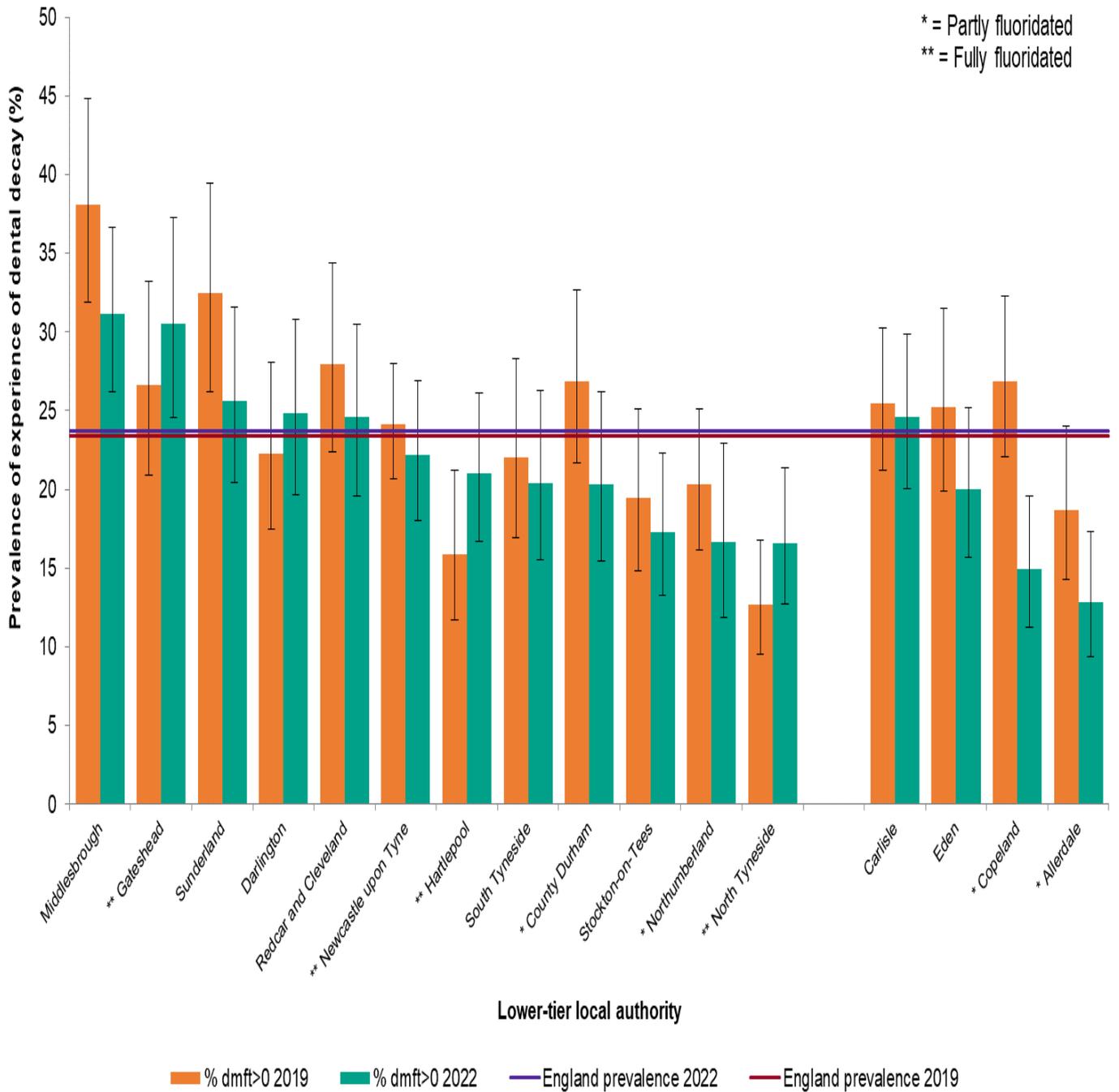
#### **Oral health data - Middlesbrough's children**

25. Across the North East and North Cumbria there has been no significant improvements in oral health for 5-year-old children between 2019-2022, except for Copeland in North Cumbria (See **Graph 1** overleaf). However, there were significant improvements in oral health between 2008-2016 in Middlesbrough.

26. **Graph 1** overleaf shows that between 2019 and 2022, Middlesbrough had significantly more dental decay than the England average. Furthermore, Middlesbrough had the highest rate of dental decay in 5-year-olds across North East and North Cumbria, in terms of lower-tier local authorities in the area. The rates are socially patterned and typically the poorer and more deprived areas experience higher rates of dental decay. However, although Hartlepool has a similar deprivation profile to Middlesbrough, the area's rates of dental decay are significantly lower, as residents have access to a naturally fluoridated water supply.

**Graph 1**

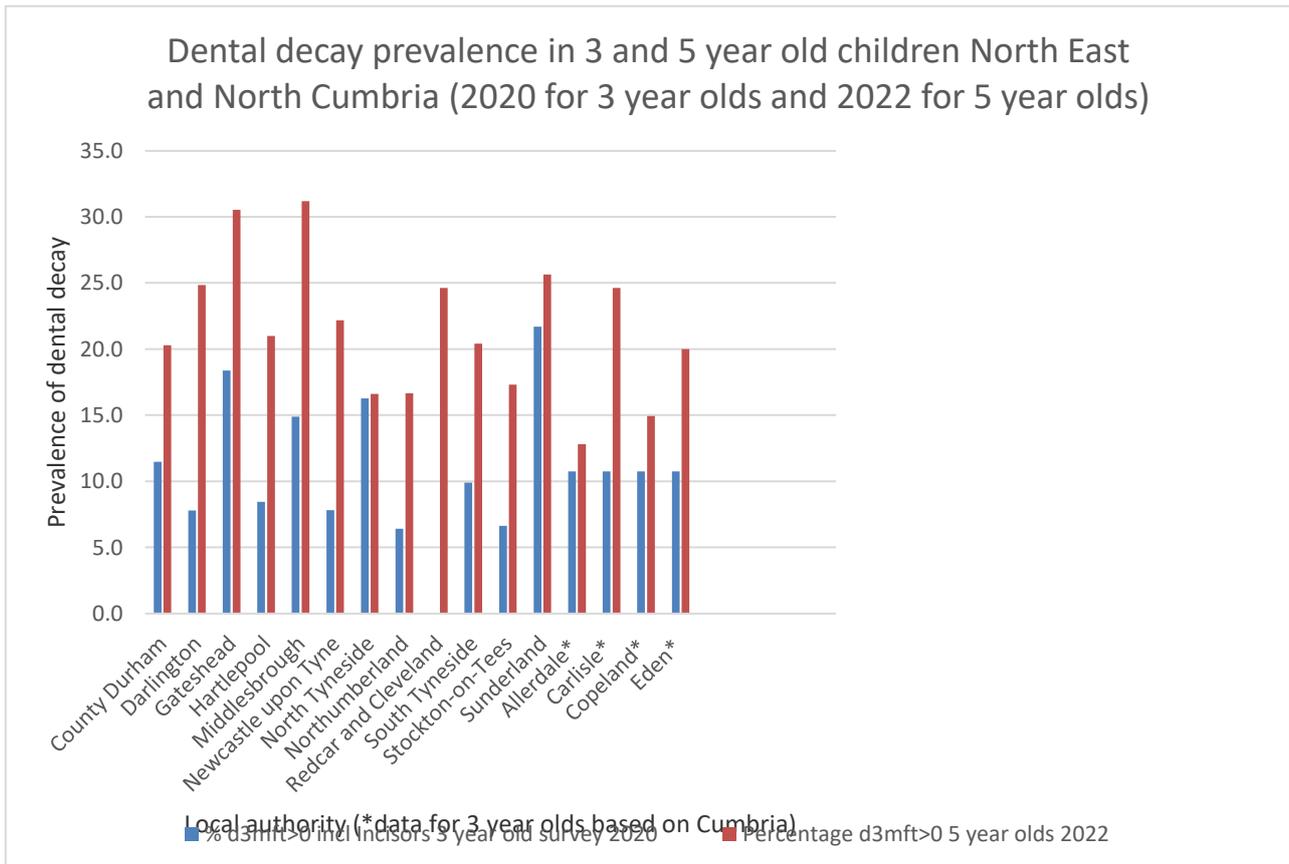
**Prevalence of experience of dental decay in 5 year olds in the North East and North Cumbria by lower-tier local authorities 2019 and 2022**



27. Data shown in **Graph 2** overleaf, pertaining to drilled, missing and filled teeth in 2019 and subsequently in 2022, demonstrates the consequences of tooth decay.

28. There has been a significant increase in dental decay prevalence from age 3 to 5 years old in all areas of the North East and North Cumbria. In Middlesbrough, there has been a doubling of decay in the same cohort of children from the age of 3 to 5, which is demonstrated by the most recent surveys undertaken in 2020 and 2022. The increase in rates of dental disease can be explained by the decay process i.e. it can take 18 months or more from the start of decay (enamel decay) to progress to a stage when a filling is required (dental decay).

**Graph 2**



**Oral health data - Middlesbrough’s adults**

29. The 2018 oral health survey of adults attending general practice reported 1 in 3 participants living in more deprived areas had untreated tooth decay compared to 1 in 5 in the less deprived areas.

30. **Table 1** overleaf shows that in terms of the oral health of adults, Middlesbrough’s adults (27.9%) suffer more oral health impacts than the average for the North East (22.6%) or England (17.7%). Therefore, it is evident that poor oral health in childhood, unsurprisingly continues into adulthood.

**Table 1**

Upper-Tier LA Name	% with active decay (DT>0)	Average number of decayed teeth (for those with active decay)	% with dentures	% with PUFA	% with any treatment need	% with an urgent treatment need	% suffering any oral health impacts fairly or very often	Local authority IMD ranking (2019)
England	26.8	2.1	15.4	5.2	70.5	4.9	17.7	
North East	27.3	2.2	18.6	5.3	75.4	3.5	22.6	
County Durham	26.8	1.8	16.9	2.8	84.5	7.2	17.6	62
Darlington	27.3	2.4	19.6	3.6	87.3	7.9	21.2	77
Gateshead	26.0	2.8	15.4	2.5	63.1	0.8	22.8	47
Hartlepool	25.9	3.0	11.8	3.2	80.0	2.4	24.5	10
Middlesbrough	28.5	2.9	20.7	10.7	75.7	3.4	27.9	5
Newcastle							11.8	41
North Tyneside								111
Northumberland	43.8	1.8	22.3	1.8	84.8	11.6	13.6	116
Redcar and Cleveland	27.4	2.3	17.9	9.2	80.4	1.7	21.8	40
South Tyneside	18.6	1.8	19.6	6.8	47.9	0.5	25.8	27
Stockton-on-Tees	29.5	1.9	17.5	6.7	87.4	0.0	25.0	73
Sunderland	24.0	2.8	20.0	4.1	64.0	1.3	24.7	35
Cumbria (No data for Eden)	29.9	2.0	17.8	5.1	66.7	4.3	19.0	No data
England	26.8	2.1	15.4	5.2	70.5	4.9	17.7	

### **Oral health promotion**

31. For children, the following interventions have been implemented by the Local Authority and focus on prevention and oral health improvement:

- a supervised tooth brushing programme is delivered by Tees Oral Health Promotion in primary schools and early years settings;
- the Eat Well Schools and Early Years Awards aim to raise awareness of the importance of oral health, as part of a 'whole-school/settings' approach in all primary schools, secondary schools and early years settings; and
- Health Visitors distribute oral health packs (toothbrush, toothpaste and an information leaflet) to children under 1 to promote good oral health practices and also encourage attendance at a dental practice from the age of 1.

32. As of September 2023, **Table 2** below shows the take-up of the supervised tooth brushing programme, across pre-schools and primary schools in Middlesbrough:

**Table 2**

Settings	Number of participating settings/total settings	Number of settings declined participation	Numbers of children brushing
Pre-schools	29/37	6	1785
Primary Schools	29/41	9	3888

33. For adults, Management of Undernutrition South Tees (MUST) and Caring for Your Smile both offer oral health promotion training and support for staff in care homes. The MUST programme has been involved with Teesside University's ELDER Study, which aims to improve the oral health of older adults by using milk supplemented with fluoride and probiotics.

34. In terms of training and development, to achieve oral health improvement locally, the following is delivered:

- for the toothbrushing programmes, staff in early years settings and schools receive ongoing support and training to enable them to provide oral health advice and information;
- health visitors receive training on providing oral health advice to support parents of young children (oral health packs are distributed to parents, by health visitors, at the 8 month visit); and
- all staff members working with vulnerable groups in health and social care receive annual oral health training.

**Future work of the Local Authority - improving oral health**

35. In future, the Local Authority plans to undertake the following work:

- an Oral Health Strategy will be developed for Middlesbrough and the Tees Valley;
- the Dental Epidemiology Survey for 5-year-old children will be conducted in 2023/24, which will be a census survey to provide a larger sample size and enable analysis at ward-level to identify health inequalities and the impact of Covid-19;
- the delivery of oral health promotion training to all front-line practitioners will continue to ensure staff members can provide advice on the importance of oral health;
- healthy environments will be promoted to improve oral health and the Healthy Weight Declaration provides a framework to encourage drinking water, sugar free food and breastfeeding;
- oral health promotion will be incorporated in existing services for all children, young people and adults at high risk of poor oral health;
- the delivery of supervised toothbrushing programmes in early years settings and schools will continue;
- fluoride varnish programmes in areas where children are at high risk of poor oral health will be considered; and

- evidence-based interventions to improve oral health in Middlesbrough will be reviewed over the next 5 years.

**Term of Reference C - To investigate the pressures and challenges faced by dental care services and the work being undertaken to improve access to dental care**

**Covid-19**

36. The Covid-19 pandemic has had a significant impact on primary care dentistry. Routine dentistry was completely suspended for several months in 2020. In January 2022 the government announced the investment of £50 million to provide an additional 35,000 urgent dental care appointments to help to drive services back to pre-pandemic levels.<sup>6</sup>
37. The prolonged Covid-19 pandemic period required NHS dental practices to follow strict Infection Prevention and Control (IPC) guidance, which significantly restricted levels of access to dental care. As a result, backlog demand for dental care remains high with the urgency and increased complexity of patient clinical presentations further impacting the ability for the NHS dental care system to return back to pre-covid operational norms.
38. During the first wave of the pandemic, in the interest of patient and dental staff safety, routine dental services were paused in March 2020 and urgent dental care centres (UDCs) were established to provide access only to clinically confirmed urgent dental care.
39. Covid-19 and the need for dental practices to follow national Infection Prevention and Control (IPC) guidance had a significant impact on the number of patients that practices were able to see.
40. In July 2020 all practices gradually re-opened for limited face-to-face care in strict accordance with nationally mandated Covid-19 NHS Dentistry Standard Operating Procedures and Infection Prevention Control constraints.
41. As part of those arrangements, practices were required to prioritise patients based on clinical need and urgency into their significantly reduced safe operating capacity, creating inevitable delays and backlogs over time for patients seeking non-clinically urgent and more routine dental care at that time.
42. As part of those nationally mandated Covid-19 response arrangements, practices were provided with income protection but also mandated to operate at significantly reduced and safe levels of face-to-face access throughout the prolonged Covid-19 pandemic period as follows:

<ul style="list-style-type: none"> <li>○ <b>0% between March – July 2020 (remote triage only unless designated UDC)</b></li> <li>○ <b>20% between July - December 2020</b></li> <li>○ <b>45% between January - March 2021</b></li> <li>○ <b>60% between April - September 2021</b></li> </ul>	<ul style="list-style-type: none"> <li>○ <b>65% between September - December 2021</b></li> <li>○ <b>85% between January - March 2022</b></li> <li>○ <b>95% between April 2022 – June 2022</b></li> <li>○ <b>100% from July 2022</b></li> </ul>
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43. In terms of the North East and North Cumbria, **Table 3** overleaf shows that access to NHS primary dental care for children in March 2022 had not fully recovered to pre-pandemic levels. In Middlesbrough, it is lower (48.5%) than in 2020 (67.8%). The reduction in the number of children accessing dental care, since the pandemic, is not specific to

<sup>6</sup> <https://www.kingsfund.org.uk/publications/dentistry-england-explained>

Middlesbrough and reductions have been experienced across the region and across the country. The impact of the pandemic on residents accessing dental care has been significant for the North East. Furthermore, the post Covid-19 recovery position is also replicated for adults (39.9% compared to 63.4%) in Middlesbrough.

**Table 3**

Area	Percentage of children (0-17y) accessing dental care in 12 months before:			Percentage of adults (18y+) accessing dental care in 24 months before:		
	31 March 2020	31 March 2021	31 March 2022	31 March 2020	31 March 2021	31 March 2022
England	58.3%	23.1%	45.4%	49.3%	43.1%	34.6%
North East Region	61.1%	21.6%	45.8%	56.2%	48.7%	39.1%
North ICP	63.4%	22.7%	47.4%	56.2%	48.7%	38.9%
Gateshead	64.9%	21.9%	49.2%	57.8%	50.6%	41.2%
Newcastle	65.0%	24.7%	48.6%	57.4%	48.0%	39.3%
North Tyneside	60.1%	19.2%	45.0%	55.0%	47.5%	37.3%
Northumberland	63.1%	23.5%	46.6%	54.8%	49.0%	38.3%
Central ICP	57.6%	18.2%	41.9%	55.1%	47.0%	37.6%
County Durham	54.0%	17.6%	40.7%	50.5%	42.5%	33.8%
Sunderland	61.6%	18.5%	43.0%	59.3%	51.3%	40.7%
South Tyneside	62.9%	19.8%	44.2%	63.8%	55.0%	45.5%
Tees Valley ICP	63.0%	22.8%	48.4%	57.7%	50.9%	41.3%
Darlington	64.0%	26.5%	44.6%	56.6%	49.6%	38.8%
Hartlepool	54.2%	18.6%	42.9%	51.6%	45.6%	38.6%
Middlesbrough	67.8%	20.5%	48.5%	63.4%	53.6%	39.9%
Redcar and Cleveland	61.9%	20.9%	47.0%	61.1%	53.9%	45.1%
Stockton-on-Tees	63.6%	25.9%	53.6%	54.8%	50.0%	42.3%
Cumbria	60.6%	27.0%	48.3%	46.6%	39.8%	30.6%

44. The 0-19 Healthy Child Programme in Middlesbrough has shown registrations with a dentist (for children aged 2-2.5 years old at the health visiting mandated visit) is now 60%. However, the pre-pandemic figure was approximately 85%. This data significantly differs from NHS digital data, which reports only 37.2% of 3 year old children in Middlesbrough were seen by an NHS dentist in the 12 months preceding the end of June 2022.

45. All dental practices are now able to safely provide a full range of treatments, however, demand for care remains extremely high with dental practices having to balance addressing the backlog of care with managing new patient demand.

## Dental workforce recruitment and retention

46. There are a number of factors relating to workforce recruitment and retention that are affecting the ability of NHS dental practices to deliver the full level of commissioned access, these include:
- the younger generation and newly qualifying dentists more often choosing not to pursue an NHS dentistry career or where they do, they are seeking a work life balance that limits their working commitment to part-time NHS dentistry;
  - more experienced dentists and dental nurses are choosing to retire early, move into private dentistry or pursue a different career path;
  - there are general recruitment issues with attracting new dentists into NHS dentistry, from private dentistry and from overseas, due to a range of issues including but not limited to:
    - securing General Dental Council and performers list registration for overseas dentists;
    - dental student and foundation dentistry places being limited nationally; and
    - private dentists not perceiving working within the current NHS regulatory arrangements as being attractive in terms of pay, conditions, work-life balance etc.
47. Recruitment and retention issues create difficulties for NHS dental practices (both locally and nationally) to maintain and/or replace the level of clinical workforce they need in order to reliably deliver their full NHS dentistry capacity.

## NHS dental contract and dental system reform

48. The number of contracts handed back in the North East and North Cumbria has increased from 3 in all of 2020 to 12 in the first 7 calendar months of 2023 (9 since the ICB took over commissioning responsibility). This means local people across the North East and North Cumbria are experiencing problems accessing NHS dentists - areas of particular challenge include North Cumbria, North Northumberland, Darlington, parts of County Durham and Sunderland.
49. Dental practices are paid in units of dental activity (UDAs). Therefore, current contract arrangements mean that dentists are paid for every patient they treat, rather than receiving a fee for every single treatment. Recent national dental contract reforms introduced in November 2022 have gone some way to start to address this, with the introduction of enhanced UDAs to support higher needs patients who require treatment on three or more teeth or more complex molar endodontic care to permanent teeth, recognising that this care can be more time consuming.
50. The current NHS dental regulation/contract was introduced in 2006. In March 2021, the Department of Health requested that NHS England lead on and develop national dental system reforms for England. In July 2022, NHS England published a national package of 'initial reforms' to the NHS dental regulatory contract. This included:
- prioritising patients with high care needs by increasing the funding that practices receive for more complex care;
  - setting a national minimum UDA value of £23, which had not existed previously;
  - greater flexibilities within national regulations to locally release funding and unused dental access locked into practices who are unable to deliver their commissioned activity, so that it can be offered to those who can deliver activity above their contracted levels;

- emphasis on recall intervals that are clinically appropriate to a patient's oral health status, with the intention being to release treatment capacity and reduce inequality of access to dental care (NICE best practice guidance - adults up to 24 month, children 12 months); and
- making it easier for practices to introduce skill mix by utilising the skills of the wider dental care professionals (dental therapists and hygienists) to work within their full scope of practice thereby freeing up capacity and dentist time to focus on more complex treatments.

51. In terms of the definitive NHS dental regulatory contract reform, there is no clear timescale for publication.

52. A framework for commissioners was published on 9 October 2023, the framework provides opportunities for flexible commissioning in primary care dentistry. A summary of the opportunities outlined in the framework include:

- additional investment into new or existing contracts to address areas of need including:
  - increased contracting of mandatory services (must be commissioned as UDAs - monitoring supported nationally);
  - commissioning additional capacity for advanced mandatory services, sedation and domiciliary services and orthodontics; and
  - commissioning additional capacity for dental public health service and/or further services (commissioner determines own remuneration approaches - requires local resource for monitoring etc).
- reallocation of existing contractual funding away from mandatory service into new priorities (must be commissioned as additional or further services);
- local negotiation of indicative rates for UDAs or units of orthodontic activity (UOAs):
  - increase can be achieved through either a reduction to contractors commissioned UDAs or an increase in the overall contract value.

53. There were key issues that required consideration, in deciding whether to make adjustments to a contract:

- the average value of UDAs commissioned in the ICB area;
- information from the contractor, such as practice income and expenses including provider drawings to compare to local and national averages;
- whether the decision is supported by local needs;
- a Value for Money (VFM) and impact assessment;
- the risk of legal challenge at a local level and potential wider regional or national implications; and
- whether a short-term change could be offered as a trial period, subject to agreement by both parties, to allow time for the impact of the change to be monitored to inform decision on whether to make a permanent change.

#### **Work being undertaken to improve access to dental care.**

54. The gap between dental care demand and available provision has been acknowledged by the North East & North Cumbria ICB and a primary care dental access recovery plan is being developed to address the issue. The ICB is working with its partners to develop the recovery plan.

55. The work being undertaken by the ICB and its partners primarily focusses on three phases:

- taking immediate actions to stabilise services that are already in place;
- in the medium-term, taking a strategic approach to workforce and service delivery to increase capacity; and
- in the longer term, developing an oral health strategy to improve oral health and reduce pressure on dentistry right across the Tees Valley.

56. The ICB is working with dentists and partners across Tees Valley to increase NHS 111 dental clinical assessment capacity, increase out of hours treatment services, create access to additional treatments and increase the number of dental appointments available for the local community. A key challenge for the ICB is to increase the number of dental practitioners working in the area, to ensure sufficient dental services can be provided for the local population.

57. To date, £3.8m non-recurrent investment has been agreed for 2023-24 to increase NHS 111 dental clinical assessment capacity, increase out of hours dental treatment services and extend access arrangements to provide, where possible, an additional 27.5k patient treatment slots between July 2023 and end of March 2024 (to supplement the circ 4.3k slots funded in Q1). A flexible commissioning arrangement has also been offered to practices to provide a training grant to support the employment of overseas dentists. Furthermore, a local commissioning process has been implemented to re-provide (where possible) activity when contracts are handed back (see **Table 4** below).

**Table 4**

Locality	UDAs commissioned 2023-24 (recurrent)	UDAs commissioned 2023-24 (Non-recurrent)	UDAs commissioned 2024-25 (Non-recurrent)*
Durham		14,600	20,100
North Tyneside		1,500	2,000
Stockton on Tees		4,000	11,000
Newcastle		3088	5,730
South Tyneside		4185	10,000
Darlington		4707	4,707
N Cumbria (Carlisle)		3720	3,720
N Cumbria (Eden)	7,000		
<b>TOTAL</b>	<b>7,000</b>	<b>32,080</b>	<b>53,537</b>

\* Commissioned capacity to be made recurrent if providers demonstrates they can deliver this additional activity.

58. The further actions that will be undertaken by the ICB includes:

- funding will be earmarked to progress formal procurements and secure new market interest/NHS dental practices to address gaps in provision, where it has not been possible to re-commission UDAs from existing NHS practices; and
- an advert will be placed in the British Dental Journal (BDJ) to attract overseas dentists and to support them through the national dental performer list process, which is required to deliver NHS dental care.

59. In addition to the actions above, work will be undertaken with:

- key stakeholders on further local initiatives to improve workforce recruitment and retention, service delivery sustainability and improved access particularly within disadvantaged groups;
- Healthwatch to update patient and stakeholder communications;
- local system partners to progress development of an oral health strategy to improve oral health and reduce the pressure on dentistry; and
- NHS England regional and national teams to influence national dental system reform.

60. Locally, NHS England and the North East and North Cumbria ICB has undertaken the actions outlined below:

- incentives have been offered for all NHS dental practices to prioritise patients not seen in the practice within the previous (24 months) adults and 12 months (children) who require urgent dental care;
- investment has been made to create additional clinical triage capacity within the out of hours integrated NHS 111 North East and North Cumbria Dental Clinical Assessment Service;
- there had been increased investment in respect of the new Dental Out of Hours Service contract (from 01 Oct 2021) to ensure there was sustainable capacity available to treat 'clinically confirmed' urgent and emergency patients that present via NHS 111 (further short-term investment/capacity had been commissioned to provide additional resilience over the winter period until end of March 2024);
- additional funding was made available to practices in 2021-22 who were able to offer additional clinical capacity above their contracted levels, with a focus on prioritising patients with urgent dental care needs and access for nationally identified high risk groups, i.e., children;
- a new offer was made available to all practices in October 2022 with enhanced rates for additional clinical capacity on a sessional basis until end of March 2024;
- a flexible commissioning arrangement has been made available to practices with workforce challenges to incentivise them to focus their treatment capacity to patients in greatest clinical need;
- additional funding has been made available to the area's specialist oral surgery and orthodontic providers to deliver additional treatment capacity to reduce waiting times for patients;
- practices have been supported to maximise their clinical treatment capacity, i.e. encouraging them to maintain short notice cancellation lists to minimise as far as possible any clinical downtime; and
- work with local dental networks/committees and local NHS England Workforce, Training and Education colleagues will continue to explore opportunities to improve workforce recruitment and retention and to identify further measures to improve access for patients.

61. A national dental contract reform is required to enable the challenges encountered, in respect of contract arrangements, to be fully considered and addressed.

**Term of Reference D - To examine the local population's views and experiences of accessing and using NHS dental services**

62. Access to NHS dental care continues to be one of the main issues Healthwatch England hears about from the public. Difficulties getting support has led to many people living in pain. In some extreme cases, people take matters into their own hands, resorting to DIY dentistry.

63. Whilst some parts of England have better access, Healthwatch England reports that those from the more deprived communities struggle the most to access dental care because they cannot afford it.<sup>7</sup>

#### **Experiences of dental care services across North East England (March 2020 - January 2022)**

64. In February 2022 a report was published by Healthwatch entitled 'Experiences of Dental Care Services'. The report was the collation of identical surveys of the public undertaken by eight local Healthwatch in North East England from late November 2021 until early January 2022 to discover the local population's experiences of accessing and using NHS dental services. During the same period, the local Healthwatch volunteers contacted dental practices in their catchment, with a series of questions, to understand the availability of services.

65. The findings within the report conveyed:

- Whilst there were good experiences of dental care in the North East of England, general feedback indicated that staffing shortages, and historic concerns within the dental system were adversely impacting public dental health.
- Additional health and safety measures, whilst welcome and necessary, were leading to delays in treatment.
- It seemed that dental teams were doing their best to see and treat as many patients as possible, in the time allowed, and with limited resources.
- Residents were becoming increasingly frustrated about being able to find an NHS dentist willing, or able, to take them on as new patients.
- Many people who had been successful in being taken on, or who were already established with their local dental practice, felt they were waiting too long for an appointment for minor dental treatment. That was having a knock-on effect with dental problems getting worse so that it became necessary for urgent treatment rather than being nipped in the bud.
- There were some clear indicators of areas where improvements could be made including:
  - ensuring NHS Choices website contained up-to-date information, providing supportive advice to patients who were on waiting lists and often in discomfort, and improving NHS 111 advice and information; and
  - improved communication from dental practices to keep patients up-to-date with what was happening, and to provide immediate advice and support for those on waiting lists where they were experiencing pain would be welcomed by the public.
- Perhaps the most important indicator was that it was clear that there were too few NHS dentists available to service the needs of the North East population.

66. As a result of these findings, NHS England was urged to make dentistry reform a top priority otherwise there would be repercussions for the life-long health of current and future generations, particularly among the most disadvantaged communities in the region.

#### **Experiences of dental care services across South Tees**

67. The most common issue raised with Healthwatch South Tees, was residents being deregistered and removed from their regular dental practice patient list. It was reported that, as residents had not been accessing NHS dental services during Covid-19, they had been

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<sup>7</sup> <https://www.healthwatch.co.uk/news/2022-10-12/our-position-nhs-dentistry>

subsequently removed from patient lists. As a result of that, Healthwatch South Tees had developed a myth buster document, which aims to dispel the most common rumours relating to NHS dentistry.

68. Healthwatch South Tees has contributed to the work of Healthwatch England in lobbying the Government and calling for a recovery plan for NHS dentistry.

69. On a quarterly basis, community intelligence is gathered by Healthwatch South Tees and shared with relevant stakeholders in primary care, secondary care, social care and public health.

### **Experiences of dental care services (1 April 2022 - 31 March 2023)**

70. For the period between 1 April 2022 and 31 March 2023, Healthwatch South Tees had received 198 contacts via a variety of different mechanisms, such as the information signposting function, general engagement and focus groups.

71. Of the 198 contacts, 57 of those related to dentistry. Local residents had contacted Healthwatch because they were unable to access NHS dental care, even though at times, they had highlighted that they were in pain.

72. During this period, the following issues had been highlighted by the local population:

- residents had been de-registered/de-listed by their dental practices, without notice;
- there were no NHS dental practices accepting new patients;
- residents who were new to the area were unable to register with an NHS dental practice;
- residents were only being offered private appointments; and
- residents had been unable to access emergency appointments via NHS 111.

73. Healthwatch South Tees has been informed that dentists will prioritise residents 'in pain'. However, feedback received from local residents suggests this is not the case.

74. Concerns have been expressed by Healthwatch South Tees in respect of how the independent statutory body should respond to dentistry enquiries - as, locally, there are no available NHS appointments. Previously, Healthwatch had been advising local residents to contact NHS 111. However, now NHS 111 call handlers are recommending to residents that they contact their local Healthwatch.

75. It is highly important that dental practices regularly update their details on the NHS Choices website, as this enables Healthwatch to access current information on availability for local people.

### **Experiences of dental care services (1 April 2023 until 31 October 2023)**

76. For the period of 1 April 2023 until 31 October 2023, Healthwatch South Tees had received 100 information and signposting contacts and 23 of those related to dentistry. The main issues reported by the public, during this period, referenced being removed from their regular dental practice patient list, experiencing problems when trying to arrange access to dental care for children and the lack of dental provision in care homes.

77. During this period, the following local case studies had been reported by Healthwatch South Tees:

- A woman had contacted her dental practice, after a few years, as her teeth had deteriorated and she was in pain. Despite her partner and son still being registered at the practice, she had been delisted. The woman managed to get an appointment at another practice, however, the dentist refused to treat her due to the amount of work that would have been required. The woman's poor oral health had negatively impacted on her self-esteem and had resulted in reduced social interaction.
- A man required urgent care from a dentist and was unable to find a practice that would treat him, he therefore called NHS 111 and in response, the call handler advised him to contact his local Healthwatch.
- A man had contacted every dental practice listed on the NHS website, he then called the number provided for NHS England Customer Contact Centre and the call handler recommended that he contact his local Healthwatch.
- A teenager had problems with decay and her wisdom teeth, which was causing her pain down one side of her face. She had contacted lots of dental practices and no appointments were available.

### **Future work**

78. Regionally, Healthwatch South Tees has been working with the North East and North Cumbria Integrated Care Board (ICB). Discussions have taken place between Healthwatch and the ICB to consider the immediate actions required to stabilise services that are already in place. In addition, medium-term and longer-term approaches are being explored. As part of this process, it is planned that Healthwatch will report on data and information gathered across communities to provide an evidence-base for decision-making. It is envisaged that the longer-term solutions will primarily focus on preventative measures to reduce the pressure on dentistry.
79. Healthwatch South Tees has been requested by the ICB to develop a proposal, focussing on two main areas of NHS dental services. It is planned that one area will focus on the views and experiences of those residents requiring access to emergency dental services and the other will focus on the views and experiences of those wishing to access routine check-up appointments. Another area, that the ICB is keen to obtain views on, is communication and the information that is currently available for those wishing to access NHS dental services.

### **Term of Reference E - To identify potential solutions to improve the oral health of Middlesbrough's population and access to dental care**

#### **Programmes to reduce oral health inequalities**

80. Public Health England (PHE) and the Institute of Health and Care Excellence (NICE) (PH55) have recommended programmes that not only improve oral health but also have encouraging impacts on reducing oral health inequalities.
81. PHE have recommended:

#### **Targeted supervised-tooth brushing in childhood settings**

82. Daily application of fluoride toothpaste to teeth reduces the incidence and severity of tooth decay in children. However, children in more deprived areas are less likely to brush their teeth at least twice daily. Targeted childhood settings such as nursery and school settings can provide a suitable supportive environment for children to take part in a supervised tooth brushing programme, teaching them to brush their teeth from a young age and encouraging support for home brushing.

83. Leicester City Council has implemented a early intervention programme from birth, to improve the oral health of preschool children, entitled 'Healthy Teeth, Happy Smiles!' (further information on the programme can be accessed here: <https://www.gov.uk/government/case-studies/healthy-teeth-happy-smiles-leicester-city-council>).
84. The Local Authority has had a supervised toothbrushing scheme in place in both pre-school and primary school settings since 2008. This is a universal offer to all the latter settings in Middlesbrough, although uptake of the offer is variable post Covid-19.

### **Provision of toothbrushes and paste by post**

85. Targeted and timely provision of free toothbrushes and toothpaste by postal delivery can encourage parents to adopt good oral health practices and start tooth brushing as soon as the first teeth erupt. Postal delivery is likely to minimise uptake issues, making the impact on inequalities more favourable. Engaging with health visitors can help to ensure support for the programme and consistency of messages.
86. The North West of England had implemented the Smile4Life programme, which aims to reduce tooth decay in children, laying a solid foundation for their good oral health throughout life (further information on the programme can be accessed here: <https://www.gov.uk/government/case-studies/smile4life-in-north-west-england>).
87. In Middlesbrough, toothbrush and toothpaste packs are provided to all families at the 8-month health check by health visitors. Key oral health messages are given and early attendance at a dental practice is recommended.

### **Targeted community fluoride varnish programmes**

88. A rapid review of evidence on the cost-effectiveness of interventions to improve the oral health of children aged 0 to 5 years found strong evidence of effectiveness of targeted community fluoride varnish programmes. The programmes involve the application of fluoride varnish to children's teeth, which is carried out by dental personnel outside dental practices.
89. Fluoride varnish is one of the best options for increasing the availability of topical fluoride regardless of the levels of fluoride in any water supply. The dental caries (decay) preventive effectiveness of fluoride varnish in both permanent and primary dentitions is clear. Several systematic reviews conclude that applications twice a year produce an average reduction in dental caries increment of 37% in the primary and 43% in the permanent dentition. Much of the evidence of effectiveness is derived from studies which have used sodium fluoride 22,600 ppm (2.26% NaF) varnish for application.<sup>8</sup>
90. Fluoride varnish programmes can have a positive impact on reducing health inequalities provided that they are targeted at high-risk populations. Successful delivery depends on:
- engaging with parents, schools and early years' settings;
  - ensuring the inclusion of wider oral health improvement messages and supportive environments;
  - good links with dental practices to ensure that dental practices are informed if their patients have received fluoride varnish; and

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<sup>8</sup> <https://www.gov.uk/government/publications/delivering-better-oral-health-an-evidence-based-toolkit-for-prevention/chapter-9-fluoride>

- children having at least twice yearly applications.<sup>9</sup>

91. The Local Authority had previously commissioned a targeted fluoride varnish programme in primary schools. During Covid-19, this programme had to be paused, and has not been resumed.

### **Water fluoridation programmes**

92. PHE has also recommended water fluoridation as a whole population intervention as there is evidence that it reduces oral health inequalities with a greater benefit for those living in more deprived areas.

93. At a population level, water fluoridation is the most effective way of reducing inequalities, as it ensures that people in the most deprived areas receive fluoridated water. Reviews of studies conducted around the world confirm that water fluoridation is an effective and safe public health measure suitable for consideration in localities where tooth decay levels are of concern. The Oral Health Foundation believes that fluoridation is the most important single measure that the UK Government can take to bring a substantial change in the nation's oral health.

94. Currently only 11 percent of the UK population benefit from fluoridated water. The benefits of fluoridation to these communities are evidenced by their position at the top of dental health 'league tables'.

95. Initiating and varying schemes for water fluoridation is now the responsibility of the Secretary of State. However, local authorities play a key role in public consultation, which will continue to be an important part of any future water fluoridation proposals.

96. The Government has announced its support for expansion of water fluoridation across the North East. This follows the UK Chief Medical Officer's position that it is a complementary strategy to other effective ways of increasing fluoride use. Expansion of fluoridation in the North East is the current priority. It will be the first use of arrangements brought in by the Health & Care Act 2022, which transferred powers to the Secretary of State. A statutory 12-week consultation is currently being developed.

### **Development of an oral health strategy**

97. The National Institute of Health and Care Excellence (NICE) published guidelines to improve oral health by developing and implementing a strategy to meet the needs of people in the local community. The future development of such a strategy would aim to promote and protect people's oral health by improving their diet and oral hygiene and by encouraging them to visit a dentist regularly.

98. The development of an oral health strategy should be based on an oral health needs assessment and set out how the Local Authority and its health and wellbeing commissioning partners will:

- address the oral health needs of the local population as a whole (universal approaches);
- address the oral health needs of groups at high risk of poor oral health (targeted approaches);

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<sup>9</sup> <https://www.gov.uk/government/publications/health-matters-child-dental-health/health-matters-child-dental-health#effective-interventions-for-improving-dental-health>

- address any oral health inequalities within the local population and between the local population and the rest of England;
- identify and work in partnership with people who are in a position to improve oral health in their communities (this includes those working in adult, children and young people's services, education and health services and community groups);
- set a good example through their own policies and the policies of organisations they commission to provide services (for example, by ensuring access to free drinking water in all workplaces and public areas and through healthy catering and food policies);
- set out the additional support that people working with groups at high risk of poor oral health will be given (including training or resources);
- get all frontline staff in health, children and adult services to use every opportunity to promote oral health and to emphasise its links with general health and wellbeing;
- ensure easy access to services to help prevent oral disease occurring in the first place and to prevent it worsening or recurring for everyone, throughout their lives;
- evaluate what works for whom, when and in what circumstances; and
- monitor and evaluate the effect of the local oral health improvement strategy as a whole.

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### **Improving access to Teesside University's Student Dental Facility**

99. The School of Health and Life Sciences is the largest academic unit within Teesside University and comprised over 9500 students, of which 1200 are apprentices. The university offers:

- a Cert HE in Dental Nurse Practice, 18 student places are available each year, 9 of which are commissioned by the NHS;
- a undergraduate degree in Dental Hygiene, 45 student places are available each year; and
- a postgraduate degree in Dental Therapy.

100. In 2023, the university launched its Integrated Care Academy (ICA), which is an entity that wraps around the school and functions as a buffer between the academic offer to allow the community to better access the activities that occur on campus. It is within the ICA, that the university's clinical services are based.

101. The Student Dental Facility (SDF) within Teesside University has a focus on the oral health of the region and offers a wide range of dental treatments, including oral hygiene and dietary advice, routine scale and polish, and extensive periodontal treatments. The SDF provides a variety of restorative and preventive treatments for adults and children, utilising gold standard, evidence-based clinical practice.

102. Routine dental treatments are performed, however, the SDF does not perform the more complex treatments.

103. The SDF opened in its current format in 2020 and has been approved by the Care Quality Commission (CQC). Prior to 2020, the university had its own dental service, which was ran by qualified dentists. However, when operating that model, not enough placement opportunities were being created and not enough patients had been accessing the service.

104. To access the SDF, patients need to be registered with a dentist, as treatments can only be provided under referral from an external dental practitioner. Once registered and

<sup>10</sup> <https://www.nice.org.uk/guidance/ph55/resources/oral-health-local-authorities-and-partners-pdf-1996420085701>

referred by the dental practice, the SDF performs the treatments required. patient referrals received from dental practices diagnose problems and identify an appropriate treatment plan. The referral process is required to ensure a fully-qualified dentist effectively signs-off the routine treatments that the SDF will perform. By performing routine treatments, the SDF provides local dental practices with additional capacity/time to perform more complex treatments and activities. Dental practices operating across the region (Middlesbrough, Stockton and Darlington) refer patients to the SDF for treatment.

105. The SDF usually serves 160 patients a week at full capacity (with a maximum of 360). Currently, the SDF is only accessible during term-time. The SDF is limited in capacity, due to the restrictions imposed by professional bodies and the cap on the number of places that can be offered. However, the clinical services staffing structure is currently being reviewed, with an aim to enable the SDF to operate for 50 weeks per year.

106. Although local dental practices are referring patients to the SDF for routine treatments, those practices continue to benefit financially, as they receive the units of dental activity (UDA).

107. The following benefits of the SDF are:

- local residents are able to access dental care for free, as there is no charge for patients treated by a student dental hygienist and dental therapist;
- dental hygiene and dental therapy students are able to gain a valuable and comprehensive clinical experience; and
- local dental practices retain UDAs for those patients referred to the SDF.

108. The SDF is currently able to offer treatments for free, as part funding is received from placement tariffs and part is provided by student fees.

109. Work is being undertaken to explore the possibility of having a single facility, which operates multiple clinics across the healthcare professions, allowing the university to offer a more holistic package of care. The possibility of offering a hub and spoke model is also being explored, to enable some clinical services to be offered in the community on either a permanent or pop-up basis.

110. The university has an ambition to open a medical school within the region and the possibility of opening a dental school is currently being considered.

### **ADDITIONAL INFORMATION**

111. During the course of the scrutiny panel's investigations, information came to light which, while not directly covered by the terms of reference, is relevant to the work of the panel on this topic. This related to:

### **Advice for patients with an urgent dental treatment need**

112. If a patient develops an urgent dental issue, they are advised to telephone their regular dental practice (or any NHS practice, if they are not registered with a practice).

113. It is important that when the patient rings the practice, the nature of the dental problem is fully explained so that the urgency of the dental treatment need can be determined.

114. If the practice is unable to offer an appointment because their NHS urgent access slots have already been taken up, they will advise the patient to ring another NHS dental practice, or alternatively visit [www.111.nhs](http://www.111.nhs) or call NHS111.
115. The NHS111 health advisor will undertake a clinical triage and where the dental need is deemed to be clinically urgent, an appointment will be made at the nearest in-hours urgent dental care hub, or alternatively depending on the time of the call, into the dental out of hours treatment services.
116. If the issue is not deemed urgent, patients will be signposted to another NHS dental practice and/or given self-care advice until an appointment can be offered.
117. Patients are advised to make contact again if their situation changes/worsens.

### **Safeguarding**

118. Poor oral health may be indicative of dental neglect and wider safeguarding issues. Dental neglect is defined as “the persistent failure to meet a child’s basic oral health needs, likely to result in the serious impairment of a child’s oral or general health or development”. Dental teams can contribute to a multi-agency approach to safeguard children and guidance is available to support this role.
119. A priority dental referral pathway has been developed for children in care and for those receiving child protection medicals who are not receiving regular dental care. The referral pathway had been signed-off by Tees Safeguarding Partnership and was launched in January 2023.

### **CONCLUSIONS**

120. Based on the evidence, given throughout the investigation, the scrutiny panel concluded:

#### **Middlesbrough’s oral health**

- a) Middlesbrough has significantly more dental decay than the England average. Rates of dental decay are socially patterned and typically the poorer and more deprived areas experience higher rates of dental decay. It is highly important that a further census survey of 5-year-old children is undertaken (as currently planned for 2023/24) to enable analysis of data at a ward-level to identify health inequalities and enable the delivery of more targeted support. Middlesbrough would also benefit from the development of a locally tailored oral health strategy, which is based on an oral health needs assessment.
- b) It is acknowledged that Hartlepool has a similar deprivation profile to Middlesbrough. However, Hartlepool’s rates of dental decay are significantly lower as residents have access to a fluoridated water supply. Water fluoridation is an effective and safe public health intervention recommended by the World Health Organisation and UK Chief Medical Officers that benefits both adults and children, reduces oral health inequalities and offers a significant return on investment. It is therefore recommended that the Local Authority works with the relevant local authorities in the North East, the Office for Health Improvement and Disparities (OHID), NHS partners and the relevant water companies to support and delegate responsibility to respond to the OHID national water fluoridation public consultation (due in early 2024) to the Director of Public Health. It would be beneficial for the Health Scrutiny Panel to receive regular updates on this work and the outcome of the public consultation.

- c) Evidence-based prevention work is undertaken by the Local Authority, which aims to improve the oral health of Middlesbrough's population. The Local Authority's delivery of a universal supervised tooth brushing programme; the improvement programmes aimed at supporting better oral care in care homes; and the delivery of training for staff in early years settings, schools and the health and social care sector are all valuable interventions and are based on guidance published by the National Institution for Health and Care Excellence (NICE). However, given the poor oral health of Middlesbrough's population, the Local Authority should consider the following community-based activities and interventions:
- Although the supervised toothbrushing programme is a universal offer and can be accessed by all the early years settings and primary schools in Middlesbrough, uptake of the offer is variable post Covid-19. Therefore, it would be beneficial for targeted work to be undertaken to increase uptake of the supervised tooth brushing programme and ensure engagement of the early years settings and primary schools located in town's most deprived areas.
  - It is acknowledged that the health visitors provide toothpaste and toothbrush packs to families. However, for those families who choose not to engage with the health visiting service, the targeted and timely provision of free toothbrushes and toothpaste by postal delivery could encourage parents to adopt good oral health practices.
  - The delivery of a targeted community fluoride varnish programme, carried out by dental personnel outside of dental practices, would undoubtedly have a positive impact on reducing health inequalities.

#### **Access to dental care services**

- d) Access to NHS dentistry is a significant challenge, not only in Middlesbrough but across the country. As well as difficulties in securing an appointment, there are wide disparities in the availability of dental practices providing NHS services. In addition, the number of dentists willing to provide NHS services is falling. Middlesbrough's population is at risk of poorer dental health and worsening health inequalities.
- e) The Covid-19 pandemic has had a significant impact on primary care dentistry and this impact is being compounded by issues regarding dental workforce recruitment and retention and the current NHS dental contract and dental system, which evidence suggests is not fit for purpose. The impact of the pandemic on residents accessing dental care has been significant for Middlesbrough with only 48.5% of children and 39.9% of adults accessing dental care (March 2022). For Middlesbrough, affordability is also a major barrier to dental care. There is a need for the NHS England regional team to influence the national reform of NHS dentistry to make access to NHS dental services equal and affordable for everyone in the region.
- f) The gap between dental care demand and available provision has been acknowledged by the North East & North Cumbria Integrated Care Board (ICB) and a primary care dental access recovery plan is being developed to address the issue. The ICB has started taking positive steps to stabilise services, increase capacity and reduce pressure on dentistry right across the Tees Valley. The involvement of Healthwatch with this work will be fundamental in reporting data and information on the views and experiences of communities across the region. It is crucial that an evidence-based approach is taken by the ICB, which is based on engagement with local people. It would be beneficial for the Health Scrutiny Panel to receive regular updates on this work and information on how feedback from the local population has been utilised to formulate solutions and determine future plans.

- g) The Student Dental Facility (SDF) within Teesside University focuses on the oral health of the region and offers a wide range of dental treatments, including oral hygiene and dietary advice, routine scale and polish, and extensive periodontal treatments. The SDF provides a variety of restorative and preventive treatments for adults and children, utilising gold standard, evidence-based clinical practice. Local residents are able to access dental care for free, however, current SDF restrictions mean that treatments can only be provided under referral from an external dental practitioner. However, under the new direct access arrangements, dental care can be provided by dental care professionals (DCP) without a referral from a dental practitioner if within the scope of practice of the DCP. It would be advantageous for those residents experiencing problems with accessing NHS dental care to gain access to the routine treatments offered by the SDF. Therefore, Teesside University, the Local Authority and the ICB should work collectively to explore options to overcome and address current referral restrictions associated with the SDF, with an aim to improving accessibility for those experiencing problems with accessing NHS dental care.

## **RECOMMENDATIONS**

121. It is unknown whether these recommendations will have cost implications for the Council. However, the service response will clarify this. The Health Scrutiny Panel recommends to the Executive:
- a) That a further census survey of 5-year-old children is undertaken to enable analysis of data at a ward-level to identify health inequalities and enable the delivery of more targeted support.
  - b) That a locally tailored oral health strategy is developed, which is based on an oral health needs assessment.
  - c) That the Local Authority works with the relevant local authorities in the North East, the Office for Health Improvement and Disparities (OHID), NHS partners and the relevant water companies to support and delegate responsibility to respond to the OHID national water fluoridation public consultation (due in early 2024) to the Director of Public Health.
  - d) That the Health Scrutiny Panel receives regular updates on progress made with implementing a water fluoridation scheme for the region, including the outcome of the public consultation.
  - e) That targeted work is undertaken to increase uptake of the supervised tooth brushing programme and ensure engagement of the early years settings and primary schools located in town's most deprived areas.
  - f) That, for those families who choose not to engage with the health visiting service, free toothbrushes and toothpaste are sent via postal delivery to encourage parents to adopt good oral health practices.
  - g) That a targeted community fluoride varnish programme is commissioned to reduce health inequalities across Middlesbrough's population.
  - h) That, to influence the national reform of NHS dentistry, the Chair of the Health Scrutiny Panel writes to the Secretary of State and the NHS England regional team undertake

work, to make access to NHS dental services equal and affordable for everyone in the region.

- i) That an update is submitted to the Health Scrutiny Panel in 6 months' time in respect of:
  - the North East and North Cumbria Integrated Care Board's (ICB) recovery plan to improve access to NHS dental services; and
  - how feedback from the local population has been utilised to formulate solutions and determine future plans.
- j) That Teesside University, the Local Authority and the North East and North Cumbria ICB work collectively to overcome and address current referral restrictions associated with the Student Dental Facility, with an aim to improving accessibility for those experiencing problems with accessing NHS dental care.

## **ACKNOWLEDGEMENTS**

122. The Health Scrutiny Panel would like to thank the following individuals for their assistance with its work:

- Mark Adams, Director of Public Health, Middlesbrough Council
- Craig Blair, Director of Place Based Delivery, North East & North Cumbria Integrated Care Board
- Lisa Bosomworth, Project Lead, Healthwatch South Tees
- Pauline Fletcher, Senior Primary Care Manager and Dental Commissioning Lead for North East and North Cumbria, NHS England
- Rebecca Morgan, Project Development Manager, Healthwatch South Tees
- Tom Robson, Chair of the Local Dental Network
- Kamini Shah, Dental Public Health Consultant, NHS England
- Professor Tim Thompson, Dean - School of Health & Life Sciences, Teesside University

N.B. In respect of Term of Reference c) – each of Middlesbrough's NHS dental practices were written to and provided with the opportunity to submit views on - the current and ongoing effects of Covid-19 on the practice and dental professionals; the strategies adopted by the practice to manage the public's expectations, levels of demand and backlogs; and the help that is needed to support the full recovery of dental and oral health services in Middlesbrough - no feedback was received.

## **ACRONYMS**

123. A-Z listing of common acronyms used in the report:

- ICB - Integrated Care Board
- NICE - National Institute of Health and Care Excellence
- OHID - Office for Health Improvement and Disparities
- PHE - Public Health England
- SDF - Student Dental Facility
- UDA - Units of Dental Activity

## **BACKGROUND PAPERS**

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

- Reports to, and minutes of, the Health Scrutiny Panel meetings held on 11 October 2022, 13 December 2022, 23 October 2023 and 20 November 2023.

### **COUNCILLOR JACK BANKS**

### **CHAIR OF THE HEALTH SCRUTINY PANEL**

**Membership** - Councillors J Banks (Chair), M Storey (Vice-Chair), C Cooper, D Coupe, D Jackson, D Jones, J Kabuye, S Tranter and J Walker

**Contact Officer:**

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**HEALTH SCRUTINY PANEL  
DENTAL HEALTH AND THE IMPACT OF COVID-19 - ACTION PLAN**

**14 FEBRUARY 2024**

SCRUTINY RECOMMENDATION	PROPOSED ACTION	POST TITLE	BUDGET COST	TIMESCALE
<p>a) That a further census survey of 5-year-old children is undertaken to enable analysis of data at a ward-level to identify health inequalities and enable the delivery of more targeted support.</p>	<p>Current survey taking place in schools, led by NHSE/ICB and delivered by Tees Community Dental Service and commissioned by the ICB.</p> <p>Anticipated school surveys taking place in Middlesbrough, between mid-March and April 2024.</p> <p>Action: Work with the dental survey team to optimise the uptake of the survey with schools and parental consent rates.</p>	<p>Health Improvement Specialist</p>	<p>N/A</p>	<p>March to July 2024</p>
<p>b) That a locally tailored oral health strategy is developed, which is based on an oral health needs assessment.</p>	<p>Oral Health Needs Assessment: Understanding oral health inequalities in the North East and North Cumbria (June 2023) and will be followed shortly by an ICB strategy.</p> <p>Action: To develop a Middlesbrough Oral Health Plan via the development of an oral health partnership, to deliver the recommendations of the strategy within Middlesbrough.</p>	<p>Health Improvement Specialist</p>	<p>N/A</p>	<p>September 2024</p>

<p>c) That the Local Authority works with the relevant local authorities in the North East, the Office for Health Improvement and Disparities (OHID), NHS partners and the relevant water companies to support and delegate responsibility to respond to the OHID national water fluoridation public consultation (due in early 2024) to the Director of Public Health.</p>	<p>Action: Ensure key representation at the regional working group.</p> <p>Action: Gain support from the Health and Wellbeing Board.</p> <p>Action: To develop a local communication and Engagement Plan to respond to the consultation.</p>	<p>Public Health Principal</p> <p>Consultant in Dental Public Health</p> <p>Health Improvement Specialist</p>		<p>January 2024</p> <p>January 2024</p> <p>February 2024</p>
<p>d) That the Health Scrutiny Panel receives regular updates on progress made with implementing a water fluoridation scheme for the region, including the outcome of the public consultation.</p>	<p>Action: Schedule regular updates to Health Scrutiny and the Health and Well-being Board in both forward plans</p>	<p>Public Health Principal</p>	<p>N/A</p>	<p>February 2024</p>
<p>e) That targeted work is undertaken to increase uptake of the supervised tooth brushing programme and ensure engagement of the early years settings and primary schools located in town's most deprived areas.</p>	<p>Public Health is working in partnership with the Tees Oral Health Promotion Team and Harrogate and District Foundation Trust (HDFT) to increase the uptake of schools and early years settings participating in the toothbrushing programme.</p> <p>Participating in the toothbrushing programme is mandatory criteria included in the Eat Well Schools Award and Eat Well Early Years Award, working with primary schools and early years providers.</p>	<p>Health Improvement Specialist</p>	<p>£15,000 per annum</p>	<p>July 2024</p>

	Action: Public Health to work with the Oral Health Promotion Team and the 0-19 Team to increase uptake in the toothbrushing programme.			
f) That, for those families who choose not to engage with the health visiting service, free toothbrushes and toothpaste are sent via postal delivery to encourage parents to adopt good oral health practices.	<p>Health Visiting distribute toothbrushing packs to all families at the 1-year review. At the 2-year 3 month review, toothbrush packs are distributed to vulnerable families.</p> <p>Action: For the 5% of families who do not engage with Health Visiting, Public Health will meet with HDFT and review the current pathway for those who do not engage.</p> <p>Action: To meet with Health Visiting and to develop an understanding of the families who are not engaging with the service.</p>	Health Improvement Specialist	N/A	March 2024
g) That a targeted community fluoride varnish programme is commissioned to reduce health inequalities across Middlesbrough's population.	Action: To explore the feasibility of a fluoride varnish programme with the ICB, targeted at the schools with the highest rates of dmft.	Health Improvement Specialist	<p>Based on 2018 costs (£30,000) per annum</p> <p>Any future spend will be found from the existing Public</p>	April 2024

			Health Grant.	
h) That, to influence the national reform of NHS dentistry, the Chair of the Health Scrutiny Panel writes to the Secretary of State and the NHS England regional team undertake work, to make access to NHS dental services equal and affordable for everyone in the region.	Action: Chair to write a letter to the SoS	Chair	N/A	February 2024 - completed
<p>i) That an update is submitted to the Health Scrutiny Panel in 6 months' time in respect of:</p> <ul style="list-style-type: none"> <li>the North East and North Cumbria Integrated Care Board's (ICB) recovery plan to improve access to NHS dental services; and</li> <li>how feedback from the local population has been utilised to formulate solutions and determine future plans.</li> </ul> <p>j) That Teesside University, the Local Authority and the North East and North Cumbria ICB work collectively to overcome and address current referral restrictions associated with the Student Dental Facility, with an aim to improving accessibility for those experiencing problems with accessing NHS dental care.</p>	<p>Action: Ensure the update is scheduled on the forward plan for Health Scrutiny.</p> <p>Action: To explore the feasibility of having an outreach dental service in the LWC (Live Well Centre) with the ICB and Teesside University (in accordance with the Dental Contract and Regulations).</p>	<p>ICB Director</p> <p>Health Improvement Manager / Dental Contract Manager ICB</p>	N/A	<p>February 2024</p> <p>July 2024</p>

<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Chief Executive
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<b>Executive Member:</b>	The Mayor and Executive Member for Adult Social Care and Public Health
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<b>Submitted to:</b>	Executive
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<b>Date:</b>	13 March 2024
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<b>Title:</b>	Transformation: Governance Arrangements
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic Priority:</b>	Delivering Best Value
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<b>Key decision:</b>	No
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<b>Why:</b>	Decision does not reach the threshold to be a key decision
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<b>Subject to call in?:</b>	Yes
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<b>Why:</b>	Non Urgent Report
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<b>Proposed decision(s)</b>	
<p>That the Executive:</p> <ul style="list-style-type: none"> <li>• Endorses the proposed governance arrangements for delivery and oversight of the Transformation Portfolio;</li> <li>• Notes that to ensure transparency of project resourcing costs within the transformation portfolio and its agreed project financial profiling, any decision to appoint project expense on an interim basis to ensure specialist input with a focus on return on investment, will be taken by the Chief Executive as Transformation Portfolio Senior Responsible Officer, in consultation with the Mayor; and</li> <li>• Approves the delegated decision-making powers relating to approval of proposed change controls to enable projects to be brought back within tolerances relating to time, scope, cost and benefit and as set out in the Programme and Project Management Framework (PPMF), except where this would be a key decision and Executive approval would be sought through the governance arrangements outlines in this report or via an additional Executive report where a more urgent decision is required.</li> </ul>	

<b>Executive summary</b>
<p>This report sets out the governance arrangements to ensure effective oversight of the Transformation Portfolio, and delivery of its intended benefits:</p> <ul style="list-style-type: none"> <li>• Transformation drivers</li> <li>• Transformation Portfolio Management Office: purpose and structure</li> <li>• Transformation Portfolio Management Office: governance</li> <li>• Reporting and delegated decision-making</li> </ul> <p>A further report detailing the programmes and projects comprising the Transformation Portfolio, resourcing requirements, level of investment and financial and non-financial benefits will be presented to a meeting of full Council on 28 March 2024.</p>

**Purpose**

1. The intent of the report is to provide assurance to the Executive that the existing Programme and Project Management governance arrangements and those which are proposed specifically for oversight of the Transformation Portfolio and delivery of intended benefits are sufficient and robust.

**Recommendations**

2. That the Executive:
  - Endorses the proposed governance arrangements for delivery and oversight of the Transformation Portfolio;
  - Notes that to ensure transparency of project resourcing costs within the transformation portfolio and its agreed project financial profiling, any decision to appoint project expense on an interim basis to ensure specialist input with a focus on return on investment, will be taken by the Chief Executive as Transformation Portfolio Senior Responsible Officer, in consultation with the Mayor; and
  - Approves the delegated decision-making powers relating to approval of proposed change controls to enable projects to be brought back within tolerances relating to time, scope, cost and benefit and as set out in the Programme and Project Management Framework (PPMF), except where this would be a key decision and Executive approval would be sought through the governance arrangements outlines in this report or via an additional Executive report where a more urgent decision is required.

**Rationale for the recommended decision(s)**

3. To enable the Executive to endorse the Transformation Portfolio governance arrangements to ensure effective oversight its programmes and projects, delivery of its intended benefits and that the appropriate delegated decision-making authorities are in place to support good governance and progress at pace of the Transformation Portfolio.

**Background and relevant information**

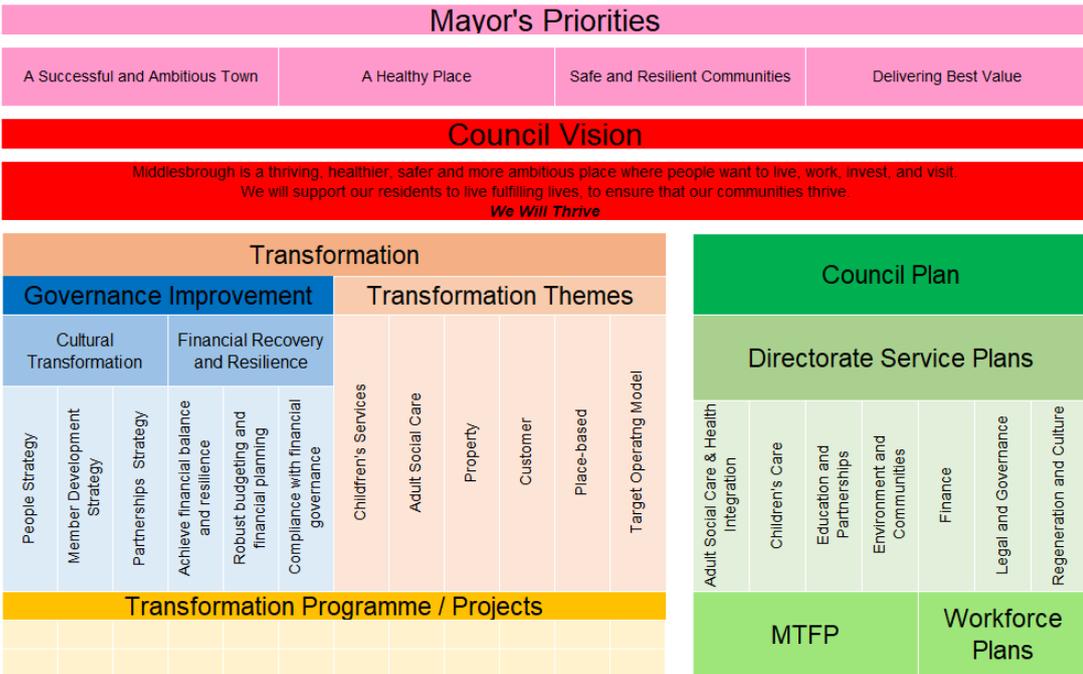
***Corporate Governance Journey***

4. The Council is currently mid-way through a corporate governance improvement journey, following the report and findings of the Council’s external auditor, Ernst and Young LLP in July 2022 which reported significant areas of concerns in governance, including relations between members and officers.

5. Following communication of the findings of the external auditor, the Council brought in external support (CIPFA and the LGA) to support with the development of the corporate governance improvement plan, alongside undertaking a review of the organisation’s financial resilience.
6. Despite progress made, in January 2023, the Department of Levelling Up, Housing and Communities (DLUHC), issued a Best Value Notice. To respond effectively to the wider governance challenges facing the Council, the corporate governance improvement plan was refreshed in September 2023 around two specific themes: cultural transformation and financial resilience. Simultaneously, the external auditor escalated concerns via statutory recommendations, under Section 24 of the Local Audit and Accountability Act, which the Council responded to with an action plan of improvements, aligning with the Corporate Governance Improvement Plan intentions.
7. An Independent improvement Advisory Board was established to provide expertise, challenge, and advice against delivery of the revised governance improvement plan, with the first meeting taking place in September 2023. Progress against which (and including the Section 24 improvements), is reported at these monthly Boards, as well as each meeting of full Council and Audit Committee.
8. Whilst Government has since recognised progress made, however due to the seriousness and extent of the issues identified, the Best Value Notice has been extended for a further six months.
9. Within this timeframe, there is an expectation to demonstrate traction and progress on development and delivery of the corporate transformation portfolio.

**Transformation drivers**

10. Successful Council-wide transformation of the organisation is integral to delivering the Council Plan 2024-27, its Medium-Term Financial Plan, and removal of the Best Value Notice through development of new approaches to the design of service delivery, driving of improved controls and efficiencies, implementation of effective demand management measures as part of the wider governance improvement arrangements currently in play as illustrated below.



11. In recognising the evolving landscape, the Council is committed to adopting innovative approaches in the design and delivery of services, encompassing new strategies, partnerships and collaborative efforts with stakeholders.
12. As an authority in the midst of significant change and challenge, transformation is key to delivering services more effectively and making positive changes to improve our culture. This involves a continuous process of monitoring external factors, staying abreast of best practice and innovation, and being agile in responding to emerging challenges and opportunities. The Council sees transformation not as a one-time event but as an ongoing journey that aligns with the ever-changing landscape of public service and governance.

**Transformation Portfolio Management Office: purpose and structure**

13. The Portfolio Management Office (PMO) has responsibility for the strategic oversight of the Council's portfolio of programmes and projects that are managed within the corporate Programme and Project Management framework (PPMF), which is in place to provide a consistent approach to PPM governance and documentation.
14. Established in 2016, the PPMF is supported by an existing range of tools and templates, and already provides support and assurance for existing priority programmes and projects, though is significantly under-resourced to support transformation, as well as underpinning the achievement of the Council Plan 2024-27 priorities and aims.
15. The scope, scale and pace of change required over the course of the MTFP will require building upon these foundations, refining governance and delivery approaches, applying best practice programme and project management principles in a pragmatic and proportional manner, and ensuring the PMO has the capability and capacity to deliver effectively.
16. The Portfolio Management Office (PMO) will play a vital enabling role in the successful delivery of the Council's Transformation Portfolio, and existing priority business as usual programmes and projects, both directly linked to the achievement of a balanced budget over the next three years. It will do so by assuring, and supporting, the consistent application of sound programme and project management principles, applied practically and proportionally to ensure a balance of pace and control across the selection, design and delivery of priority initiatives.
17. The PMO will achieve this with a focus on four objectives:
  - **Portfolio Strategy: Are we are doing the right things?** Helps assure investment of resources to the programmes and projects that deliver the greatest contribution to strategic priorities.
  - **Portfolio Design: Are we doing things the right way?** Helps assure that programmes and projects are set up for success, with robust and realistic (whilst practical and proportional) plans, with clarity about what good looks like.
  - **Portfolio Delivery: Are we doing things at the right time?** Helps assure delivery of programmes and projects in-line with plans, by ensuring they are appropriately resourced, managed and controlled.
  - **Portfolio Value: Are we getting the expected results?** Helps assure programmes and projects to realise expected benefits, in accordance with required timescales.
18. The PMO will be the glue between the programmes within the portfolios, promoting best practice, providing challenge, and coordinating transformation efforts to assure delivery and maximise impact. The work of the PMO will deliver the following outcomes:
  - **Effective management of activity.** Enabled through effective prioritisation and delivery of initiatives, ensuring continued alignment to Council priorities. Strong focus on benefits realisation, oversight and coordination of interdependencies between programmes, ensuring evaluation of lessons learned and celebration / recognition of successes.

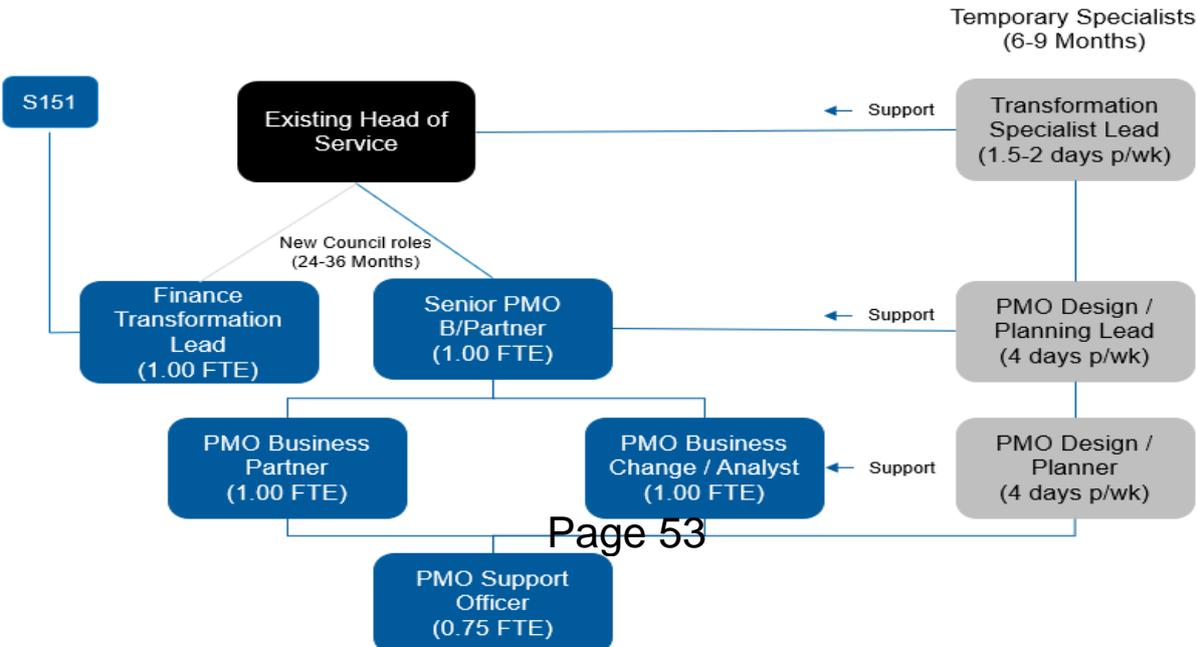
- **Evidence-based decision making.** Enabled by enhanced visibility and transparency through effective governance and tools, including a single view of the totality of portfolio activity - a single source of truth when it comes to progress across the programmes, and an aggregated view of risks and issues with accurate and timely status reporting.
- **Effective management of resources.** Enabled through a consistent approach to programme and project planning, a holistic view of programme and project resources across all initiatives, raising programme and project management capability through support and training, and coordination of access to additional temporary programme and project delivery resources.
- **Effective management of risk.** Enabled through consistency of approach to the identification and management of risk across all programmes within the portfolio, providing an aggregated view of key risks and a single view of total risk exposure across the Transformation Portfolio.
- **Enhanced change capability.** Enabled through provision of training and support to programme and project sponsors and managers, development and facilitation of a *Programme and Project Community of Practice* within the Council to share learning and experience, and access to external expertise to work collaboratively with the Council, sharing knowledge and developing skills.

19. Day to day responsibilities of the Transformation PMO will be cover portfolio, programme and project:

- **Standards.** Set and uphold programme and project standards, ensuring consistent application of principles, in a proportional and pragmatic manner.
- **Governance and Assurance.** Set and uphold governance standards across the programme and projects, managing and facilitate portfolio level governance. Tracking portfolio status and standardising the way programme information is compiled, providing independent assurance.
- **Reporting.** Report at progress and performance at Portfolio, Programme and Project level against the corporate governance framework and performance management arrangements, engaging with officers and members, alike.
- **Coordination.** Based on a total view of programmes and their deliverables, milestones, resources, risks, issues, assumptions and interdependencies.
- **Strategic alignment.** Support for portfolio design, programme and project selection, and continually review the portfolio to ensure activity remains aligned to strategic priorities.

20. In order for the Transformation PMO to be a success, a clear Executive-endorsed mandate is crucial, alongside consistent application of the PPMF across the portfolio and unfettered access to programme and project information through governance reporting arrangements and through regular engagement with Programme Sponsors / Managers, etc.

21. Over a likely period of the next 6 months+, the PMO is going to have to balance more than when in a steady state and to that end, the following structure is proposed for the Transformation PMO:



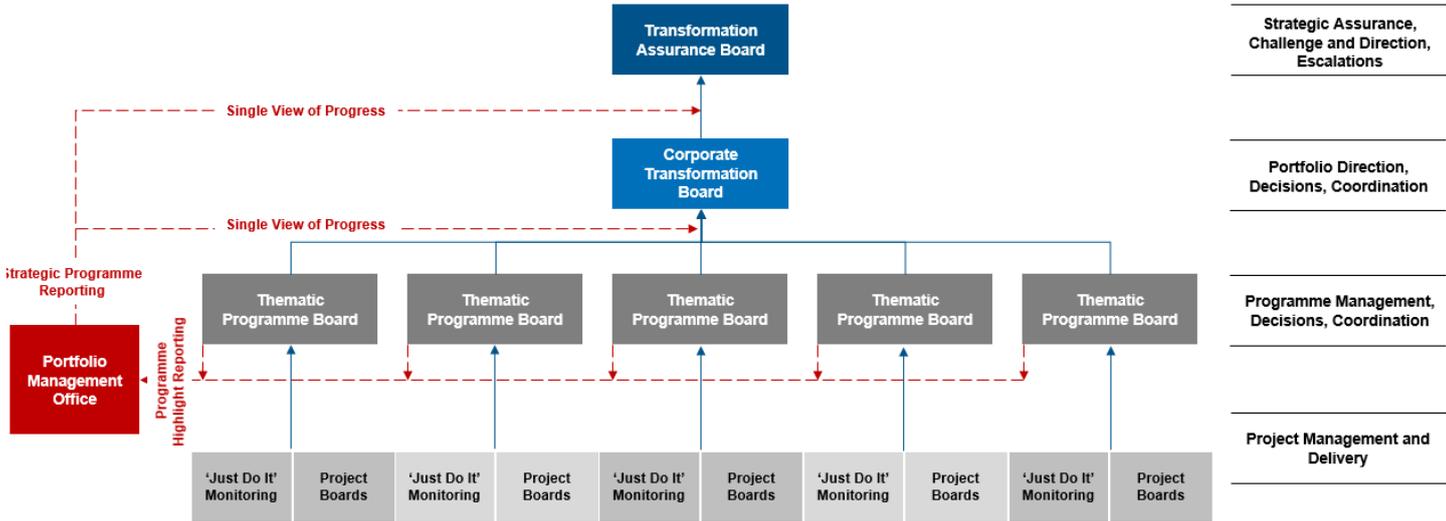
- 22. The Transformation Portfolio will be predicated on the assumption that existing priority business as usual projects are delivered to time and budget. Success over the next three years is contingent on the successful delivery of the existing and new programme and projects.
- 23. To ensure the existing priority projects continue without disruption, it is proposed that the PMO Manager continues to focus on oversight, assurance and support of the existing Operational Portfolio, and that additional capacity is created dedicated to the Council's emerging Transformation Portfolio:



- 24. Once new transformation capability and capacity is implemented and embedded, a review of the PMO structure would be appropriate in consideration of the Council's longer-term requirements.

**Transformation Portfolio: Governance**

- 25. Proposed governance will not deviate from the existing arrangements outlines in the PPMF, made up of the following layers:



- 26. All programmes and projects within the Transformation Portfolio will be governed through a clear and integrated board structure that will approve the initiation and continuation of project activity via gateway controls, including routes for escalation and change control(s) where required.
- 27. The Transformation Assurance Board will be Chaired by the Mayor, and will provide political accountability, ownership, and oversight to ensure the portfolio, programmes and projects have the political and organisational support to be successfully delivered and that they align with key political and operational priorities. The Transformation Assurance Board is ultimately

accountable to the Executive, the body with mandate over the Transformation Portfolio. The detail of which is illustrated in Appendix 1.

- 28. The Leadership Team will sit as the Corporate Transformation Board, chaired by the Chief Executive as the Transformational Portfolio Sponsor / Senior Responsible Officer and the key leadership figure in driving the portfolio forward, responsible for ensuring that a portfolio meets its objectives and delivers the projected benefits. As Chair of the Corporate Transformation Board, the Transformational Portfolio Sponsor / Senior Responsible Officer supports and holds Thematic Programme Sponsors to account and is accountable to the Executive and leads the interface with the Transformation Assurance Board. The detail of which is illustrated in Appendix 2.
- 29. The Corporate Transformation Board is supported by the Thematic Programme Boards, chaired the relevant Programme Sponsor; a representative of LMT and provide guidance and challenge to the Programme Manager and projects. They are accountable for the overall success of their respective programme, defining what success looks like, and ensuring the successful delivery of projects and benefits within the programme. Accountable to the Transformation Portfolio SRO (the Chief Executive), programme progress will be reported to the Corporate Transformation Board. The detail of which is illustrated in Appendix 3.
- 30. Localised project boards will be stood up, as appropriate.
- 31. The structure ensures that projects and programmes are scrutinised in a uniform way with exceptions escalated to senior responsible officers to ensure action is taken to bring the portfolio, programmes and projects back on-track.

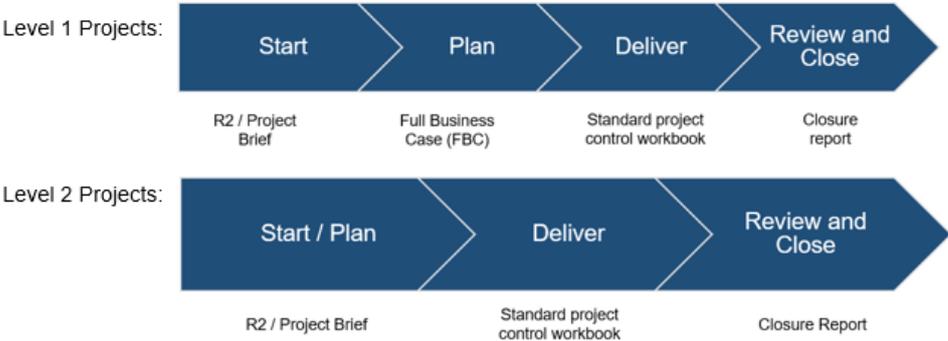
**Delegated decision-making and reporting**

- 32. Scheduling of the governance reporting framework will align with existing monthly corporate performance reporting cycle, for consistency:

<b>Week 1</b>	Programme Managers to complete and submit highlight report to PMO
<b>Week 2</b>	Thematic Programme Board meetings
<b>Week 3</b>	Corporate Transformation and Transformation Assurance Board preparation
<b>Week 4</b>	Corporate Transformation Board Transformation Assurance Board
<b>Quarterly</b>	<p><b>Executive:</b> Quarterly corporate performance reports will see an expanded remit, to ensure coverage of performance against transformation planned activities, by exception.</p> <p><b>Overview and Scrutiny Board:</b> Quarterly corporate performance reports will provide overview of performance against transformation planned activities by exception, to invite challenge.</p>

- 33. To ensure programmes and projects receive the support and direction they require to succeed and progress; the project will be categorised as either Full Framework (Level 1) or Project on a Page / POAP (Level 2) depending on the complexity and risk involved.
- 34. There are 4 stages that a project must pass through to reach completion. To progress between stages, the relevant gateway approval document must be completed and approved by the relevant approval route and Senior Responsible Officer (SRO). It is the responsibility of the

Programme and Project Sponsors and Programme / Project Managers to ensure compliance with the PPMF.



- 35. Any change to time, cost, scope or benefit throughout the life span of the project must be captured in a change control form which will then need approval from the Project Sponsor.
- 36. To ensure transparency of interim project resourcing costs within the transformation portfolio and its agreed project financial profiling, it is proposed that any decision to appoint interim project resources, will be taken by the Chief Executive as Transformation Portfolio Senior Responsible Officer, requiring full compliance with the Council’s constitution and contract and financial procedure rules.
- 37. To ensure transparency of project resourcing costs within the transformation portfolio and its agreed project financial profiling, any decision to appoint project expense on an interim basis to ensure specialist input with a focus on return on investment, will be taken by the Chief Executive as Transformation Portfolio Senior Responsible Officer, in consultation with the Mayor.
- 38. It is also proposed that the delegated decision-making powers relating to approval of proposed change controls to enable projects to be brought back within tolerances relating to time, scope, cost and benefit, as set out in the Programme and Project Management Framework (PPMF), except where this would be a key decision and Executive approval would be sought through the governance arrangements outlines in this report or via an additional Executive report where a more urgent decision is required.
- 39. Some projects may require Executive approval in addition; however, they must first have a fully justified and approved Business Case that supports the Executive report to be considered.

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

- 40. It is imperative that the Council effectively articulates the governing arrangements to ensure achievement of the intended financial and non-financial benefits of the Transformation Portfolio.

**Impact(s) of the recommended decision(s)**

***Financial (including procurement and Social Value)***

- 41. The Council’s approach to transformation is one of the key drivers of the Council Plan 2024-27 and delivering the Medium-Term Financial Plan (MTFP) to deliver the Council’s financial recovery and secure financial resilience over the period of the MTFP.
- 42. Robust governance arrangements in the form of an enhanced Transformation PMO is critical to ensure full alignment between the Council’s ambitions and its spending plans. In outlining an achievable programme of work that delivers performance improvement within reduced

resources, the approach to transformation governance will support the Council in delivering value for money in the medium-term.

43. The resource requirements that are necessary to deliver the Transformation PMO function and each of the Transformation Programme themes, together with the planned benefits of the Programme will be considered for approval by Council on 27 March 2024 together with the Flexible Use of Capital Receipts Strategy (FUOCR) that will provide the funding plan for the Programme for 2024/25. The FUOCR Strategy requires approval by Council and is required under the DLUHC regulations to demonstrate compliance with eligibility of expenditure. DLUHC require oversight of the Council’s plans. Further information will be provided in the FUOCR strategy to be considered by full Council on 27 March 2024.

**Legal**

44. Implementation of the transformation governance arrangements will enable the Council to deliver planned transformation within the resources available to it, and continue to meet its various statutory duties, including the overarching Duty of Best Value.

**Risk**

45. The thematic programmes within the Transformation Portfolio will be cross-referenced against the Council’s Strategic Risk Register, following a review against the recently approved Council Plan 2024-27, to reduce the risk of impacting negatively on the Council’s ability to achieve the ambitions set out in the Council Plan and Transformation Portfolio and a positive impact on the risk against failure to achieve a balanced budget.

**Human Rights, Public Sector Equality Duty and Community Cohesion**

46. Not applicable.

**Climate Change / Environmental**

47. Not applicable.

**Children and Young People Cared for by the Authority and Care Leavers**

48. Not applicable.

**Data Protection / GDPR**

49. There are no concerns that the proposed governance arrangements could impact adversely on data protection or GDPR.

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

Action	Responsible Officer	Deadline
Following approvals, a detailed report on the Transformation Portfolio, Programmes, Projects, Benefits, Resource and other investments will be brought to full Council for approval.	Head of Strategy, Business and Customer	27 March 2024

**Appendices**

1	Transformation Assurance Board objectives
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2	Corporate Transformation Board objectives
3	Thematic Programme and Project Board objectives

**Background papers**

Body	Report title	Date
Executive	Council Plan 2024-27	28 Feb 2024

**Contact:** Gemma Cooper, Head of Strategy, Business and Customer  
**Email:** gemma\_cooper@middlebrough.gov.uk

## Appendix 1: Transformation Assurance Board

### Transformation Assurance Board Objectives

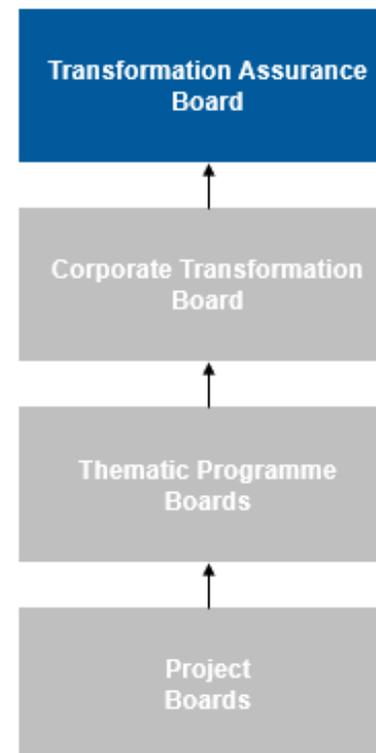
- To set outcomes and objectives for the Council's Transformation Portfolio and assure the programmes and projects maintain alignment to key political and operational priorities.
- Provide critical strategic assurance role to:
  - assure the portfolio, and its programmes and projects, are delivered in accordance with approved plans and acceptable levels of risk.
  - assure the portfolio remains financially viable and that control of portfolio, programme and project finances are in place and fit for purpose.
  - assure the realisation of benefits in line with the approved plans, aligned to the commitments within the MTFP.
- Provide political accountability, ownership, and oversight to ensure the portfolio, programmes and projects have the political and organisational support to be successfully delivered.
- Champion the portfolio, ensuring Programme Sponsors and Managers are adequately supported in their work and held to account for the delivery of their respective activities.

**Chair:** Mayor (Portfolio Sponsor)

**Core Members:** Executive Members, cross-party political representation, CEO (Portfolio SRO), S151 Officer, PMO, Comms Lead

**By Request:** Thematic Programme Sponsors (LMT Members)

**Frequency:** Monthly



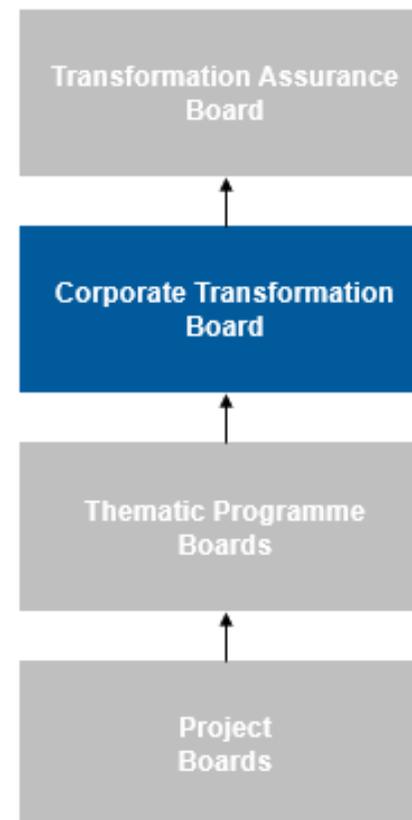
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## Appendix 2: Corporate Transformation Board

### Corporate Transformation Board Objectives

- Direct and coordinate delivery of programmes within the Transformation Portfolio, ensuring they remain aligned to the Council's strategic ambitions and MTFP, and deliver within operating constraints.
- Provide clearly defined accountabilities, ownership, and timely decision-making, ensuring that programmes have the support and resources they require to deliver successfully.
- Hold programmes to account for delivery to agreed timescales, budgets, outcomes, benefits, savings targets, and KPI's, as identified in Programme Definition Documents.
- Track progress, monitor and manage aggregate risk, issues, assumptions and dependencies, with effective coordination of portfolio investment and resources.

**Chair:** CEO (Portfolio SRO)  
**Core Members:** LMT (Thematic Programme Managers), PMO (incl. Portfolio Finance Lead)  
**By Request:** Thematic Project Managers, Comms Lead  
**Frequency:** Monthly



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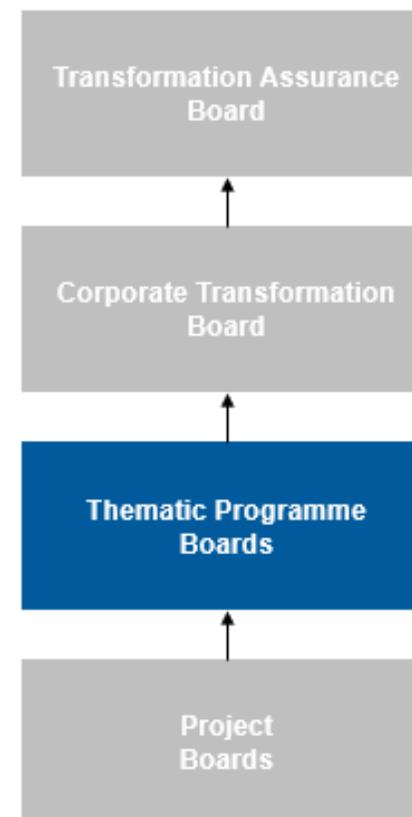
### Appendix 3: Thematic Programme and Project Boards

#### Thematic Programme Board Objectives

- Provide a structured environment in which the programme can succeed in delivering the projects necessary for the delivery of programme outcomes and benefits.
- Own the Programme Definition Document and Plan and monitor and manage progress against key milestones, deliverables and benefits, supporting and holding Project Sponsors and Project Managers to account.
- Provide leadership, direction and decisions in response to programme or individual project challenges, ensuring appropriate support / resources are made available when required.
- Track progress, monitor and manage programme risks, issues, assumptions and dependencies, escalating to the Transformation Board when required.

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**Chair:** LMT Member (Thematic Programme Sponsor)  
**Core Members:** Programme Manager, Programme Finance Lead, PMO  
**By Request:** Project Sponsors, Project Managers, Core Services, Comms Lead  
**Frequency:** Monthly



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<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Finance
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<b>Relevant Executive Member:</b>	Executive Member for Finance and Governance
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<b>Submitted to:</b>	Executive
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<b>Date:</b>	13 March 2024
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<b>Title:</b>	Non-Residential Charging Policy (Fairer Charging)
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	Vulnerability
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<b>Key decision:</b>	Yes
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<b>Why:</b>	Decision(s) will have a significant impact in two or more wards
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<b>Subject to call in?:</b>	Yes
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<b>Why:</b>	non urgent report
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<b>Proposed decision(s)</b>
<p>That Executive approves the refresh and minor amends to the Non-Residential Charging Policy (fairer charging) effective from 1 April 2024.</p> <p>That delegated authority to approve any future minor revisions/modifications is provided to the Director of Finance to reflect revisions to statutory guidance to the policy.</p>

<b>Executive summary</b>
<p>Central Government provide Local Authorities with Statutory Guidance issued under the Care Act 2014 for charging for care and support needs. It enables a Local Authority to decide whether to charge a person when it is arranging to meet a person's care and support needs in relation to non-residential care.</p>

The Non-Residential Charging Policy is subject to a regular 3-year review to ensure that it reflects any changes in legislation and provides clarity and guidance. Following the review there are some inconsistencies and presentational issues that require minor amendments to the policy.

The proposed minor amendments include:

- i. Refresh of the existing policy with some minor amendments which are as follows:
  - An update to the appeals processes which provides further clarity.
  - An insertion around the lower hourly contracted rate of care and signposting service users to the council’s web site.
  - The introduction of average response rate for processing assessments.
  - The removal of a home visit offering where online solutions can be provided effectively.
  - An update of the language to ensure that the policy meets the current statutory and legal requirements as set out in the Care and Support (charging and assessment of resources) Regulations 2014.

**Purpose**

- 1. Following a review of the policy, some amendments have been necessary to reflect and update in policy and legislation and to respond to some inconsistencies and presentational issues. The minor amendments required in the updated policy will result in no changes to the threshold to services and support.

**Recommendations**

- 2. That Executive approve delegated authority to the Director of Finance to make future minor revisions/modifications to the policy to provide clarity and reflect alterations in legislation during the period to the next 3 year review.
- 3. That Executive consider the proposals as set out below and approves the updated Non-Residential Charging Policy:
  - An update to the appeals processes which provides further clarity.
  - An insertion around the lower hourly contracted rate of care and signposting service users to the council’s web site.
  - The introduction of average response rate for processing assessments.
  - The removal of a home visit offering where online solutions can be provided effectively.
  - An update of the language to ensure that the policy meets the current statutory and legal requirements as set out in the Care and Support (charging and assessment of resources) Regulations 2014.

**Rationale for the recommended decision(s)**

- 4. The Policy is a key decision that impacts on two or more wards and as such requires Executive approval.

5. The updated policy upholds good practice within democratic processes and enables the refreshed policy to maintain visibility with the Executive.
6. The minor amendments required will result in no changes to the threshold to services and support provided.
7. Delegated authority to the Director of Finance to approve future minor modifications to the policy maintains service operation levels. As a working policy failure to keep pace with new legislation leaves the Council at risk and can result in inconsistent practices.
8. The proposals provide clarification and an update to language to provide residents with simplified and clearer details of how their income, savings and property will be financially assessed should an individual require care in a non-residential setting.

### **Background and relevant information**

9. Central Government provide Local Authorities with Statutory Guidance issued under the Care Act 2014 in respect of a single legal framework for charging for care and support under sections 14 and 17. The Act is supported by the Care and Support (Charging and Assessment of Resources) Regulations 2014 which Local Authorities must follow when charging individuals for their care and support needs.
10. The minor amendments to the policy will ensure that the current process for charging is transparent and consistent. This policy will continue with the principle that residents should only be required to pay what they can afford and in turn, be entitled to financial support through a means tested financial assessment. The policy now provides for timescales to which assessment should be considered.
11. All residents who ask for a financial assessment will have a full benefit check carried out to maximise any benefits to which they may be entitled, and this will be undertaken initially by the Financial Assessment Team and if necessary, Welfare Rights. This will ensure the cost of care to the Council is maximised should unclaimed benefits be identified.
12. An improvement to the application process has also been introduced. Through the use of an e-form, financial assessment information is gathered quickly, and online which speeds up the process for assessing the cost of care packages. This approach improves the governance process as the information is held centrally, and only information necessary to process the assessment is gathered. Consequently, this has reduced the need for home visits which historically has been necessary to gather the relevant information. The approach is extremely effective and efficient.
13. Where service users are unable to access online solutions, the service continues to provide a home visit for vulnerable groups.

### **Other potential alternative(s) (and why these have not been recommended)**

14. Leave the existing policy in place: although the current policy does not provide sufficient defined criteria or use appropriate language and in some instances falls outside of

legislation requirements, albeit where this occurs the service will apply legislation rather than policy.

15. The current policy refers to home visits as being the default option. However with the introduction of a e-form solution provides a more cost effective option. A face to face solution will be made available where the service user is unable to access online solutions.

### **Impact(s) of the recommended decision(s)**

#### ***Financial (including procurement and Social Value)***

16. There is no additional cost to the Council in respect of the proposed minor changes to the policy as income assessment levels have not changed.
17. The proposals now provide specific timescales for undertaking financial assessments which in turn provides clarity around the actual cost to the council/service user and supports the improvement of budgetary control processes. .

#### ***Legal***

18. The Council is responsible for designing a suitable policy under which to assess the level of financial support required for non-residential care services. The assessment is undertaken in accordance with the Care and Support (charging and assessment of resources) Regulations 2014.
19. There are no other legal implications around this policy.

#### ***Risk***

20. The review of the Non-Residential Charging policy ensures that there is adequate governance in place to comply with all relevant legislation and the Council does not breach governance requirements or fail to deliver organisational priorities (Risk 08-054). In addition, by now reviewing the scheme every 3 years, the Council continues to effectively review and amend the scheme to comply with legislative changes (Risk 08-055).

#### ***Human Rights, Public Sector Equality Duty, and Community Cohesion***

21. There are no disproportionate adverse impacts on any group or individuals with characteristics protected in UK equity law.

#### ***Climate Change / Environmental***

22. There are no disproportionate adverse impacts on the aspirations of the Council to achieve net zero, net carbon neutral or be the lead authority on environmental issues.

#### ***Children and Young People Cared for by the Authority and Care Leavers***

23. This policy will have no impact on children and young people cared for by the Authority and Care Leavers.

**Data Protection / GDPR**

24. The collation and use of personal data will be managed in accordance with the Council’s Data Protection policy and the Adult Social Care Privacy Notice [Privacy notice - Adult Social Care | Middlesbrough Council](#)

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

Action	Responsible Officer	Deadline
The Non-Residential Charging Policy will be updated as outlined above, subject to Executive approval. Publish updated policy and information on the Council’s website by 31 March 2024.	Janette Savage	31 March 2024

**Appendices**

Non-Residential Charging Policy

**Background papers**

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

**Contact:** Janette Savage (Head of Residents and Business Support)  
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**Adult Social Care Non-Residential  
Charging Policy**

**Live from: 01.04.2024**

**Live until: 31.03.2027**

<b>Title</b>	Charging Policy for Non-Residential Services		
<b>Creator</b>	Author(s)	C Stokes; N Mearns, M Barker	
	Approved by	Janette Savage	
	Department	Residents and Business Support	
	Service area	Finance	
	Head of Service	Janette Savage	
	Director	Debbie Middleton (interim)	
<b>Date</b>	Created	5th June 2023	
	Submitted		
	Approved	13 March 2024	
	Updating Frequency	3 years	
<b>Status</b>	Version: 0.4		
<b>Contributor(s)</b>	Head of Resident & Business Support.		
<b>Subject</b>	Charges for Non-Residential Services		
<b>Type</b>	Policy		
	Vital Record		EIR
<b>Coverage</b>	Middlesbrough Council		
<b>Language</b>	English		
<b>Document Control</b>			
<b>Version</b>	<b>Date</b>	<b>Revision History</b>	<b>Reviser</b>
0.1	5 <sup>th</sup> June 2023	Created	C Stokes
0.2	26 <sup>th</sup> June 2023	2 <sup>nd</sup> draft	C Stokes
0.3	17 <sup>th</sup> July 2023	3 <sup>rd</sup> draft	N Mearns
0.4	16 <sup>th</sup> August 2023	4 <sup>th</sup> draft	N Mearns
0.5	09 <sup>th</sup> January 2024	5 <sup>th</sup> draft	M Barker
0.6	5 <sup>th</sup> February 2024	6 <sup>th</sup> draft	J Savage
0.7	7 <sup>th</sup> February 2024	7 <sup>th</sup> Final	J Savage
0.8	15 <sup>th</sup> February 2024	8 <sup>th</sup> Final	D Nolan
0.9	27 <sup>th</sup> February 2024	9 <sup>th</sup> Final – pre exec amends	DI
<b>Contact:</b>	<a href="mailto:Carolyn_Stokes@middlesbrough.gov.uk">Carolyn_Stokes@middlesbrough.gov.uk</a>		

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## **1. Summary**

1.1 In accordance with the Council's financial regulations and the Care Act 2014, the policy sets out the legal and regulatory context, the financial assessment process and the review and appeals process for non-residential charging. It provides a fair and transparent framework consistent with the Council's wider fees and charges and debt management protocols.

1.2 Any conflict between the policy and legislation will be resolved by reference to the legislation.

## **2. Context**

2.1 The Care Act 2014 provides a single legal framework for charging for care and support under Sections 14 and 17. It enables a local authority to decide whether to charge a person when it is arranging to meet a person's care and support needs or a carer's support needs. The framework is intended to make charging fairer and more clearly understood by everyone.

2.2 The Statutory government guidance – Fairer Charging Policies for Home Care and other non-residential Social Services, is in place to ensure that all charges are fair, and that service users' incomes are not reduced below defined limits as a result of charging. This policy has been produced in accordance with that guidance.

## **3. Purpose**

3.1 The purpose of this policy is to provide clear guidance for all Council officers, partners and Middlesbrough residents on the Council's approach to ensure consistency of assessment, fairness and clear and transparent charging for non-residential care.

3.2 It also promotes wellbeing, social inclusion, and supports the Council's vision for social care of personalisation, independence, choice and control having regard to the principles provided in the statutory guidance.

## **4. Objectives**

4.1 The Council's non-residential charging policy achieves the following objectives:

- i. To provide a framework that sets the criteria and process for financial assessment of non-residential care charges ensuring consistency and fairness of approach;
- ii. To ensure consistency and equity so that those with similar needs and in similar financial circumstances are treated equally.
- iii. To provide a clear, transparent and comprehensive guide on how the charge for care is made.
- iv. To ensure the sustainability of adult social care services in Middlesbrough.

## **5. Outcomes**

5.1 The outcomes expected are that:

- i. Service users are charged the correct and fair amount for their non-residential care.
- ii. Financial assessments are determined within 28 days provided all supporting evidence is provided.
- iii. Service users are informed and clear about what they will be required to pay towards the costs of their care and support.
- iv. Those service users who wish to stay in or take up paid employment are encouraged to do so if able.

## 6. Definitions

- 6.1 **Attendance Allowance (AA)** is a benefit that you might be able to claim if you need help with care or have an illness or disability.
- 6.2 **Disability Living Allowance (DLA)** is extra money you might be able to claim for your child if they have a health condition or physical or mental disability and are under 16.
- 6.3 **Disability Related Expenses (DRE)** are extra costs that a person may have to pay because of their disability or care need. DRE only relates to non-residential care and to people who have been assessed to contribute towards the cost of their care.
- 6.4 **Minimum Income Guarantee (MIG)** is an amount set aside to ensure you keep a level of income to cover your everyday living expenses when you receive local authority arranged home care.
- 6.5 **Personal Independent Payment (PIP)** is a benefit for people who need help with daily activities or getting around because of a long-term illness or disability.

## 7. Scope

- 7.1 This policy applies to all service users who receive local authority arranged home care and require financial help and support to sustain living in their own home. The policy will apply to all non-residential care services, whether taken as a Direct Payment, Virtual Budget or a managed service arranged by the Council.

## 8. Legislative and Regulatory Framework

- 8.1 The key elements of the legislative and regulatory framework are set out below:

<b>The Care and Support (Charging and Assessment of Resources) Regulations 2014</b>	Provides the local authority with the legal authority to set local social care charges.
<b>Care and Support Statutory Guidance, Department of Health, 2014</b>	Provides Local Authorities with a framework to ensure that care charging policies are fair, reasonable, transparent and consistent.
<b>The Care Act 2014</b>	Provides a single legal framework for charging for care and support under Sections 14 and 17. It enables a local authority to decide whether or not to charge a person when it is arranging to meet a person's care and support

	needs or a carer's support needs. This framework is intended to make charging fairer and more clearly understood by everyone.
<b>Equality Act 2010.</b>	The 2010 Act is an amalgamation of previous anti-discrimination laws. It is a law which protects from discrimination of unfair treatment on the basis of certain personal characteristics such as age.
<b>General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA2018)</b>	The GDPR / DPA2018 place a duty on local authorities to comply with the data protection principles relating to processing of personal data: (1)(a) Lawfulness, fairness, and transparency; (1)(b) Purpose limitation; (1)(c) Data minimisation; (1)(d) Accuracy; (1)(e) Storage limitation; (1)(f) Integrity and confidentiality (security); (2) Accountability (including the rights of data subjects).
<b>Freedom of Information Act (FOIA) 2000</b>	Under the FOIA, a local authority has a duty to make information available to the public upon request, unless specific exemptions apply. It is also obliged to proactively and routinely publish information that has been frequently requested in the past in its Publication Scheme.
<b>Local Government Acts 1972, 1985, 1988 and 1992, Lord Chancellor's Code of Practice on Records Management (S46 Freedom of Information Act)</b>	The Acts establish requirements for the management of records and information and gives implied authority to share certain kinds of information with partners.
<b>Care Act 2014 and Statutory Guidance Annex D</b>	The Act by which the local authority is authorised to charge for social care support; and the rules imposed on the local authority regarding recovery of such debt.
<b>Family Law Act 1996</b>	An Act of Parliament governing divorce and marriage.
<b>Safeguarding Vulnerable Groups Act 2006</b>	An Act to make provision in connection with the protection of children and vulnerable adults.
<b>Modern Slavery Act 2015</b>	An Act designed to combat modern slavery in the UK.
<b>Tribunal Courts and Enforcement Act 2007</b>	An act which makes provision for tribunals and inquiries, particularly relating to the enforcement of judgments and debts.
<b>Regulation of Investigatory Powers Act 2000 (RIPA)</b>	RIPA governs the use of covert surveillance by public bodies.

## 9. Roles and Responsibilities

<b>Director of Finance / Chief Financial Officer</b>	Under Part 7 of the Council's Constitution, the Chief Financial Officer (Section 151 Officer) is responsible for regulating and controlling the finances of the Council and hence that person will be responsible for the proper administration of the Council's financial affairs.
<b>Director of Adult Social Care and Health Integration</b>	Responsible for the Council's Adult Social Care and Health Integration service provision.
<b>Head of Service – Resident and Business Services</b>	Policy Owner and overall responsibility for the delivery of Adult Social Care Finance services within the Resident and Business Support Service.
<b>Service Delivery Manager / Strategic Business Managers / Support Services Managers.</b>	Where appropriate, responsibility for overseeing day-to-day compliance with this policy and the standards set out within it by their staff and other personnel they manage or commission.
<b>All staff, contractors, consultants, interns and any other interim or third parties</b>	Responsible for individual compliance with this policy.
<b>Data Protection Officer</b>	Responsible for provision of advice and guidance to the Council on its obligations in relation to data protection.

## 10. Supporting Policies, Procedures and Standards

10.1 The following policies, procedures and standards support this Non-Residential Charging Policy:

<b>Welfare Support Policy</b>	Provides a framework (inclusive of a number of policies – S13a, Crisis Support, Food poverty, etc.) for a joined-up approach to welfare advice and support service for Middlesbrough residents.
<b>Data Protection Policy</b>	Summarises the Council's Data Protection Policy and how it will comply with legislation, associated codes of practice and official guidance in relation to the processing of personal data.
<b>Records Retention Schedule</b>	Defines how long different records should be retained to comply with legal, regulatory or other requirements and the proper arrangements for archiving and destruction.
<b>Records Management Policy and supporting procedures</b>	Provides a framework for ensuring that the Council's records are well kept and that the systems used to hold them are fit-for-purpose.
<b>Information Security and Infrastructure Security Technical Policies</b>	Set out the policies and standards for the management and maintenance of the security of Council infrastructure and applications.
<b>Vital Records Standards</b>	Sets out how vital records will be identified and the steps to be taken to ensure their protection and preservation.

<b>Vulnerability Policy</b>	Intended for use by Middlesbrough Council employees when engaging with residents/customers where payment of a collectable debt is being considered.
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## 11. Chargeable Services

11.1 For Council-arranged care and support to meet a person's needs, charges will apply, except where the Council is required to arrange care and support free of charge. These charges will commence from the date when the service started.

11.2 Chargeable services to which this policy applies:

- Home Care
- Personal care
- Domestic Support (where identified as a care need)
- Supported Housing Extra Care
- Sitting Services
- Shared Lives Service and Carer Breaks
- Day Care Services (building-based and in the community)
- Befriending
- Transport
- Respite that is not in a residential care home
- Telecare
- Housing Related Support Services
- Personal Budgets taken as a Direct Payment, virtual budget, or managed service.
- Outreach and Enablement Services
- Support and Recovery Services for carers as outlined in their care plan.
- Joint funded services – service users will be required to contribute towards the total cost of the services funded by the Council.

11.3 Non-Chargeable Service:

- Advice about the availability of services
- Assessment (including community care needs)
- Any services provided as After Care Services under section 117, Section 3 or Community Treatment Order of the Mental Health Act 1983
- Intermediate Care/Support and Recovery/Reablement for a period of up to six weeks
- Services provided to people suffering from Creutzfeldt Jakob Disease

## 12 Couples (as defined under the Care Act)

12.1 Where only one of a couple is a service user and the couple elects to be assessed individually, then the Council will only have regard to the resources of the service user, unless there are reasonable grounds to suggest that a partner has a resource to which the service user has a legal entitlement e.g., the service user lacks capacity, and their income is being paid directly to the partner. In these circumstances this resource may be taken into consideration.

12.2 Where it would be financially beneficial for the service user and their partner to be treated as a couple then the service user can request a "better off" financial assessment to be undertaken.

### **13. Financial Assessment**

- 13.1 A means-tested financial assessment will be undertaken for all service users who receive chargeable non-residential services to establish their ability to contribute towards the services they receive.
- 13.2 The financial assessment will be carried out by an appropriate officer within 28 days providing all the supporting evidence is available.
- 13.3 If a service user declines a financial assessment or refuses to disclose full financial information, they will be required to pay the full cost of their non-residential care services. Any requests for a backdated assessment will only be considered for a maximum of the 3 months prior.
- 13.4 The basis of the financial assessment is to ensure that service users have sufficient money to meet both their housing costs and their disability related expenditure with a further allowance as a protected income – refer to para 15.1.1.
- 13.5 The financial assessment will consist of:
- i. An assessment of capital and income
  - ii. An assessment of disregards and allowances
  - iii. A comprehensive benefit check
- 13.6 The application form can be completed online at: <https://www.middlesbrough.gov.uk/asc-financial-assessment> or in some circumstances, a home visit can be arranged for the those residents who are considered vulnerable, as outlined in the Council's Vulnerability Policy [att1018260.pdf \(middlesbrough.gov.uk\)](#)
- 13.7 Confirmation of charges will be sent in writing or by electronic means following the completion of the financial assessment and any additional checks that may be necessary. Care charges will apply from the date of when the service commenced.
- 13.8 This section should be read in conjunction with the Care and Support (Charging and Assessment of Resources) Regulations 2014 Annex B (Treatment of capital) and Annex C (Treatment of income). Follow the link here <https://www.legislation.gov.uk/uksi/2014/2672/made>
- 13.9 All service users will have their financial assessment reviewed annually in line with the annual April uprating of benefits by the Department for Work & Pensions.
- 13.10 The Council will apply a lower hourly cost for care and the cost will be published on the Council's website.
- 13.11 Service users will be informed as to the calculations on which the assessment was based. Any changes to income or circumstances that may impact upon any contribution must be reported within 14 days of the change. Service users can request a financial assessment review at any time if they believe their circumstances have changed.

- 13.12 Failure to report a relevant change of circumstances will result in the service user being invoiced for the increased contribution from the date that the change occurred once this has been identified by the local authority.
- 13.13 Whilst the Council will undertake an annual review of all assessments, this does not mitigate the need for service users to report changes in their circumstances – please refer to para 13.12.

## **14 Assessment of Capital and Income**

### **14.1 Treatment of Capital**

14.1.1 The majority of capital is considered in the financial assessment. The following list contains the main capital types that are included; however, this list is not exhaustive:

- i. Bank / Building Society balances
- ii. Stocks and Shares
- iii. Premium Bonds
- iv. National Savings Certificates
- v. Income from any Trust Funds (except for any personal injury funds administered by the High Court, the County Court or the Court of Protection, which income is disregarded)
- vi. The value of the service user's interest in a property that is not their main or only home (the circumstances surrounding this would be considered and legal advice sought on a case-by-case basis if required).

### **14.2 Capital Limits**

14.2.1 The lower limit £14,250 (£28,500 for a couple) below which capital is disregarded in full.

14.2.2 The upper limit £23,250 (£46,500 for couples) from which point the full cost for services provided will apply, and this may also include an arrangement fee.

14.2.3 Services users with capital between the upper and lower capital limits will be treated as having a "tariff" income of £1 for every £250 or part thereof.

### **14.3 Treatment of Investment Bonds**

14.3.1 The value of investments bonds will generally be included in the financial assessment as a capital asset. The main exception to this will be where the bond includes one or more elements of life insurance policies that contain cashing-in rights for total or partial surrender, in which case the value of these rights will generally be disregarded.

14.3.2 The Council recognises that investment bonds can be complex, and it retains the discretion to consider the treatment of these on a case-by-case basis.

### **14.4 Treatment of income**

14.4.1 The majority of income (which also includes most benefits) will be taken in account and are shown below. It should be noted that this list is not exhaustive.

- Attendance Allowance <sup>1</sup>
- DLA Care Component <sup>2</sup>
- PIP Daily Living Component
- Carers Allowance
- Employment and Support Allowance
- Incapacity Benefit
- Severe Disablement Allowance
- Income Support
- Job Seekers Allowance
- Pension Credit
- State Retirement Pension
- Industrial Injuries Disablement Benefit
- Occupational (work) Pensions
- Universal Credit (less Payments made for housing costs)
- Income generated from a Personal Injury Award will be included in full whether paid as a lump sum capital payment, monthly income or interest payments.

## 14.5 Disregarded Income

14.5.1 There are some income types that are fully disregarded – these include:

- All income from earnings or self-employed income
- Child Tax Credit
- Child Benefit (except in circumstances where the adult is accompanied by the child for whom Child Benefit is paid, and accommodation is provided for that child under the Care Act)
- DLA Mobility Component
- PIP Mobility Component
- War Disablement Pension
- War Pensioners Mobility Supplement
- War Widows Payments
- Guaranteed Income Payments made under the Armed Forces Compensation Scheme to disabled ex-service personnel.
- Charitable or Voluntary Payments
- Fostering Allowance
- New Deal payments linked to work-based activity.

## 14.6 Notional income

14.6.1 There are instances where a person(s) may be treated as having income even if they do not. This is known as notional income. This might include:

- Income that would be available on application, however, has not yet been applied for
- Income that is due but not yet received

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<sup>1</sup> DLA (care) and Attendance Allowance is taken into consideration except for the night-time care/enhanced element of the higher rates which will be disregarded unless care is available/provided at night.

<sup>2</sup> See Footnote 1

- Income that the service user has deliberately deprived themselves of for the purpose of reducing the amount they are liable to pay for their care.
- Where a service user who has reached retirement age and has a personal pension plan but has not purchased an annuity or arranged to draw down the equivalent maximum annuity income that would be available from the plan

## **14.7 Deprivation of Assets**

14.7.1 Following investigation by the relevant officer is found that there is evidence that would suggest a service user has deliberately given away or disposed of assets (capital or income) in order to avoid care charges, then the Council will treat that person as still having those assets.

## **15 Disregards and Allowances**

### **15.1 Minimum Income Guarantee (MIG)**

15.1.1 The Council will ensure that a person's income is not reduced below the equivalent of the value of Basic Income Support/ Pension Credit and will provide an additional 25% (*The additional 25% can be subject to review and can go up or down*)

15.1.2 The MIG is set annually by the Department of Health and is designed to cover a person's usual general living costs such as food, clothing, fuel costs, household bills, pet care, leisure activities and contributions towards household costs.

### **15.2 Household Expenses**

15.2.1 Where applicable the following items of expenditure will be disregarded: (The Council may ask for evidence that demonstrates that payments are being made and/or received).

- Rent after benefit payments.
- Mortgage Payments
- Council Tax after discount and/or reduction
- Court Agreed Maintenance Payments
- Standard non-dependent deductions where the service user is a non-dependent and the tenant/homeowner has housing costs (a standard amount will be disregarded).

### **15.3 Disability Related Expenditure (DRE)**

15.3.1 In addition to the disregards detailed above, an allowance may be made for certain extra costs which arise from the service user's age, disability etc. This is in line with the National Association of Financial Officers (NAFO) and benchmarked information available to the Council. Clear evidence will be necessary to demonstrate where the additional costs are being incurred.

15.3.2 Such additional costs may include:

- Dietary requirements
- Laundry
- Clothing/footwear
- Bedding

- Water and fuel costs
- Transport costs in excess of any DLA mobility component / Personal Independence Payments
- Personal assistance costs
- Cleaning
- Domestic help
- Gardening
- Wear and tear on furniture

15.3.3 DRE's will be assessed on an individual basis and allowance will be made for costs which are reasonably incurred and subject to appropriate evidence.

15.3.4 Where evidence is required, service users will be given 28 days from the issue date of the letter to provide the relevant information. Where evidence is provided within this timescale the amount of the DRE will be backdated to the date the evidence was requested.

15.4.5 Where evidence is provided outside of the 28 days then the effect on any user contribution will be from the Monday following receipt of the evidence (subject to approval).

## 16 How the Contribution is Calculated

16.1 The assessed contribution is calculated as follows:

<p><b>Total weekly income</b></p> <p><i>Less</i></p> <p><b>Income Disregards, household expenses and Disability Related Expenditure (DRE).</b></p>
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16.2 Any remaining amount after the disregards have been deducted will be the maximum assessed contribution a service user will be required to make, dependent on the actual cost of the service.

## 17 Payment

17.1 An invoice will be sent every four weeks, which can be paid in any of the following ways:

- Direct Debit
- At the Post Office/Pay Point using the bar code on the invoice
- By debit or credit card (details will be provided on the invoice)
- Via the Council's website (details will be provided on the invoice)
- By telephone or online banking (details will be provided on the invoice)
- By PayPal

17.2 The Council's preferred method of payment is by Direct Debit.

17.3 Service users who receive a Direct Payment and commissioned services will follow the payment arrangements above. Service users who receive a Direct Payment only will be advised individually whether they will be required to pay their contributions into their Direct Payments bank account or if they will be sent an invoice.

## 18. Benefits Advice

- 18.1 All service users who are subject to a financial assessment will be offered a welfare benefits-check and where appropriate help and advice to complete any claims for benefits to which they may be entitled.
- 18.2 Should the service user require assistance to appeal against rejection of a claim for welfare benefits, they will be signposted to the Council's relevant supporting team if required.
- 18.3 A financial re-assessment will be undertaken following the award of benefits to recalculate the charges payable under this policy.

## 19. Review and Appeals

### 19.1 Review

- 19.1.1 An applicant may make a request for a review only where additional information comes to light to support the original application or where there are grounds that suggest that the original application or supporting evidence was not interpreted correctly.
- 19.1.2 A request for review must be received in writing within 21 working days of the original decision.
- 19.1.3 A decision following the review will be provided within 21 working days, subject to all supporting evidence being provided.

### 19.2 Appeal

- 19.2.2 The service user has the right to appeal against the outcome of their financial assessment in accordance with the Council's Finance Appeals Process:
- 19.2.3 Any appeals should be submitted in writing to:  
Appeals  
Adult Social Care Finance  
Middlesbrough Council  
PO Box 500  
TS1 9FT
- 19.2.4 The appeal process consists of two stages:
- 19.2.5 **Stage 1 - Appeals** - should be submitted within 21 working days of the date the financial assessment is issued in writing, providing any additional information which may affect the decision.
- 19.2.6 Where an appeal is not upheld the service user will be informed of their right to progress the case to a stage 2 appeal by responding in writing within 10 working days of receipt of the outcome letter.
- 19.2.7 **Stage 2: Appeal Panel** - appeals should be submitted within 21 working days of the date the outcome letter is issued.
- 19.2.8 The appeal panel will be arranged within 10 working days of the request for a stage 2 appeal. The panel meeting will aim to be held within 21 working days of the Stage 2 appeal being received following which a decision will be provided within 7 working days.

19.2.9 **Stage 3: Complaint** - Where an appeal is not upheld, and the service user is dissatisfied they will be informed of their right to make a complaint through the Council's formal complaint process:  
Email [complaints@middlesbrough.gov.uk](mailto:complaints@middlesbrough.gov.uk) , Tel 01642 729814 or write to  
Complaints Team, PO Box 500, Middlesbrough, TS1 9FT.

19.2.6 The final decision rests with the Council. Any challenge relating to a decision would be by way of the Local Government and Social Care Ombudsman.

## **20. Fraud and Misrepresentation**

20.1 Middlesbrough Council reserves the right to verify any application or associated evidence. Where fraud is alleged, or the authority suspects that such a fraud may have been committed, the matter will be investigated in accordance with the Fraud Act 2006.

20.2 If fraud is found to have occurred, action will be taken including the recovery of overpaid monies and, if appropriate, criminal proceedings.

## **21. Debt Recovery**

21.1 The Council takes a firm and fair approach to managing debt. Large amounts of debt can build up very quickly in respect of social care contributions. Not only does this make the debt very difficult to recover, it can also have a detrimental effect on the individual's wellbeing. If debt starts to accrue, it is important that the Council acts as quickly as possible to ensure that the debt does not become unmanageable.

21.2 The Council will actively pursue the recovery of debt outstanding as a result of non-payment of accounts or invoices. Debt will be pursued in accordance with the Council's Debt Management Policy.

## **22. Information Sharing**

22.1 The Welfare Reform Act 2012 and the Social Security Regulations 2012 (information sharing in relation to welfare services, etc.) enable the Council to access Department for Work and Pensions (DWP) data directly.

22.2 The purpose of this access is to support the financial assessment process and to assist in some claims to social security benefits to which the service user may be entitled.

## **23. Data Protection**

23.1 The collation and use of personal data will be managed in accordance with the Council's Data Protection policy and the Adult Social Care Privacy Notice [Privacy notice - Adult Social Care | Middlesbrough Council](#)

## **24. Delivering the policy**

24.1 This Policy will be incorporated into Middlesbrough Council working practices to ensure every client is treated fairly, with transparency and consistency throughout.

## **25. Monitoring and review arrangements**

- 25.1 The implementation and effectiveness of this policy and its supporting procedures will be monitored and reported on by the Head of Service owner and associated management team.
- 25.2 For the first 12 months the policy will be subject to quarterly review, followed by a full review every 3 years, to ensure processes remain fair and in line with legislation and best practice.

<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Finance
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<b>Relevant Executive Member:</b>	Executive Member for Finance and Governance
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<b>Submitted to:</b>	Executive
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<b>Date:</b>	13 March 2024
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<b>Title:</b>	Discretionary Rates Relief Policy
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	Quality of service
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<b>Key decision:</b>	Yes
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<b>Why:</b>	Decision(s) will have a significant impact in two or more wards
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<b>Subject to call in?:</b>	Yes
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<b>Why:</b>	Non urgent report only
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<b>Proposed decision(s)</b>	
That Executive approves the following: <ul style="list-style-type: none"> <li>• The proposed amendments and updates to the Discretionary Rates Relief Policy with effect from 1 April 2024.</li> <li>• That delegated authority to approve any future revisions/modifications to the policy be provided to the Director of Finance, in order to comply with legislation changes.</li> </ul>	

### **Executive summary**

The report sets out the proposed amendments and updates to the Council's Discretionary Rates Relief Policy which now incorporates the Council's National Non-Domestic Rates (NNDR) Discretionary Relief schemes.

The amendments proposed include:

- Clearly defined criteria, the introduction of a decision-making panel and e-form solution, all of which are designed to improve the customer experience of the application and governance process.
- A cap of 50% for hardship relief applications in year one, with an option for an enhanced rate of 100% relief in year one if applicants can evidence greater impact to the local economy, as outlined in the policy.
  - in addition, the introduction of tapered reduction in consecutive years for hardship relief up to a maximum of three years subject to appropriate supporting evidence.
- For organisations that are not registered as charities or Community Amateur Sports Clubs (CASC), discretionary relief will be applied at a rate of 20% (subject to scheme eligibility). This is a reduction from the existing scheme where non-registered organisations have been eligible for up to 100% discretionary relief.
- For Partly Occupied Hereditaments, applicants will need to demonstrate inward investment in order to qualify e.g. businesses relocating into Middlesbrough (as opposed to businesses relocating away from the town).

These recommendations are proposed on the basis that they tighten the qualifying criteria in some areas, provide clarity around the criteria and support the decision-making process. All of which have due regard to the interests of the town's council tax payers and economy; the sustainability of the applicant organisation, and the impact on the Council's income and its overall financial position. The changes have been developed with input from Regeneration colleagues in the context of the impact upon the wider regeneration strategy for the town.

### **Purpose**

1. To provide the necessary amendment and updates to the Council's Discretionary Rates Relief policy.

### **Recommendations**

2. That Executive approve the proposals as set out below and approves the updated Discretionary Rates Relief policy.
3. That Executive approve that delegated authority to approve any future minor revisions/modifications required for clarification or legislative requirements to the policy be provided to the Director of Finance.

4. That Executive note that the policy brings together three existing schemes, against which discretionary rate relief can be awarded, to be replaced by one policy which provides clarity and consistency for those organisations wishing to apply for the relevant relief.
5. The proposed key changes to the policy include:
  - i. Clearly defined criteria, decision making panel and e-form to improve the user experience of the application and governance process.
  - ii. A cap of 50% for Hardship relief applications in year one, with an option for an enhanced rate of 100% relief in year one if applicants can evidence greater impact to the local economy, as outlined in the policy.
    - In addition, an introduction of tapered reductions in consecutive hardship relief awards up to a maximum of three years subject to appropriate supporting evidence.
  - iii. For organisations that are not registered as charities or Community Amateur Sports Clubs (CASC), a 20% discretionary relief award will be applied (subject to scheme eligibility). This is a reduction from the existing scheme where non-registered organisations have been eligible for up to 100%.
  - iv. For Partly Occupied Hereditaments, applicants will need to demonstrate inward investment in order to qualify e.g., businesses relocating into Middlesbrough (as opposed to businesses relocating away from the town).

#### **Rationale for the recommended decision(s)**

6. The Policy is a key decision that impacts on two or more wards and as such requires Executive approval.
7. Delegated authority to the Director of Finance to approve future minor modifications to the policy maintains service operation levels. As a working policy failure to keep pace with new legislation leaves the Council at risk and can result in inconsistent practices.
8. The proposals which are contained within the policy distinguish between registered and non-registered organisations. Charitable and sporting organisations that are registered with the Charities Commission and HMRC respectively, often present with a robust operational structure which improves their status and long-term viability. In addition, registered organisations can apply for mandatory rates relief that reduces liability by 80%.
9. Focusing support on registered organisations ensures that applications are awarded fairly and appropriately to those organisations that are sustainable and can continue to provide a long-term Service which is of value to the town.
10. Organisations that are not registered charities/non-profit making organisations/ sporting organisations etc will be signposted by Resident and Business Support to register with

the respective governing bodies to improve their status and maximise funding opportunities for their organisation.

11. For organisations that choose not to register, whist relief can be provided subject to qualification, this will be capped.
12. To support organisations through the application process, the proposed policy brings together the three sections under which discretionary rate relief can be awarded. Previously, these sat independently and so had the potential to lack clarity for the applicant about the relief available.
13. The policy now provides better value in the form of appropriate targeted support to those organisations that can demonstrate a positive contribution to the town's economy. The policy also limits any potential loss of income to the Council, given Central Government is currently providing temporary support for enhanced discretionary rates relief which they have provided on a single year basis.
14. The proposed policy clarifies the qualifying criteria, which also includes proposed amendments to some of the criteria and improves the timeliness of the decision-making process. All of which have due regard to the interests of the town's council taxpayers and economy, the sustainability of the applicant organisation, and the impact on the Council's income and its overall financial position.
15. The policy meets the aims of the Mayor's priorities - 'A Successful and Ambitious Town' and 'Delivering Best Value' as set out in the Council Plan 2024 – 2027.
16. The proposed amends to the policy have been informed where relevant by input from the Councils Regeneration Team.

### **Background and relevant information**

17. The Council's current policy has been refreshed and now incorporates a number of proposed amendments as outlined under the heading '**proposed changes to the current policy/scheme**'- see below.
18. The Local Government Finance Act 1988 provides the Council with mandatory and discretionary powers to award relief from liability for National Non-Domestic Rates (NNDR) against Non-Domestic Properties (Hereditaments).
19. Mandatory relief is awarded at 80% where the ratepayer in occupation is a charity or trustees for a charity or registered Community Amateur Sports Club.
20. Discretionary relief can be awarded to non-profit making bodies and organisations whose main objectives are philanthropic, religious, concerned with education, social welfare, science, literature, or the fine arts, and to non-profit making clubs, societies or similar bodies that are used mainly for the purposes of recreation.

21. Awards are considered by application only. Further details can be found at the GOV.UK website [www.gov.uk/apply-for-business-rate-relief/charitable-rate-relief](http://www.gov.uk/apply-for-business-rate-relief/charitable-rate-relief).
22. Discretionary Relief can be awarded under the following defined sections which are contained in the Local Government Finance Act 1988:
  - i. **Charitable Rate Relief:** Awarded under section 47 (amended by Section 69 of the Localism Act) and provided to registered charities, charitable organisations and sport organisations that are registered as a Community Amateur Sports Club (CASC). Registered charities and CASCs are eligible for 80% mandatory relief and can be considered for a further 20% (top up) discretionary relief. Non-registered charities and organisations can apply for the discretionary relief only. The occupied property must be used for a specified charitable purpose.
  - ii. **Hardship Relief (Reduction or Remission):** Awarded under section 49 of the Act to ratepayers that would otherwise suffer hardship or be in financial difficulties without it, and where it is in the interests of the town's council taxpayers.
  - iii. **Partly Occupied Hereditaments:** Awarded under Section 44a of the Act against business rated properties that are partly unoccupied for a specified period.

### **Proposed change to the current policy/schemes**

23. The policy has been designed on the basis that it provides clarity in terms of the criteria and to enhance the decision-making process. All of which have due regard to the interests of the town's council taxpayers and economy, the sustainability of the organisation, and the impact on the Council's income and its overall financial position.
24. An improved process and clearly defined criteria will ensure that those businesses and organisations seeking support under this policy, particularly in difficult economic conditions, are processed fairly and within an acceptable timescale.
25. The existing policy does not distinguish clearly enough between registered and non-registered organisations.
26. Reducing the discretionary relief award available to non-registered organisations from the current level of 100% to 20% will align discretionary relief awards for both registered and non-registered charities.
27. Non-registered organisations will be signposted to seek official registration with their respective governing bodies, and so to qualify for mandatory relief and support their long-term viability.
28. The existing Hardship scheme does not limit reapplications, therefore introducing a tapered reduction for hardship relief to a maximum of three years will prevent perpetual applications from same name organisations and support long term viability.

29. Introducing a cap of 50% for hardship relief applications will enable the Council to provide support sustainably. An enhanced rate of 100% relief in year one is available but will only be considered for applicants that can evidence greater impact to the local economy as outlined in the policy. Previously the policy did not specifically identify the duration of the relief.
30. The current scheme does not distinguish between inward investment and vacating businesses for partly occupied hereditaments. The proposed changes focus the relief on inward investments in order to qualify e.g., businesses relocating into Middlesbrough (as opposed to businesses relocating away from Middlesbrough).

**Other potential alternative(s) and why these have not been recommended.**

31. Leaving the existing policies in place: although the current schemes do not provide sufficient defined criteria, lack any focus for awarding discretionary relief and present the possibility of a significant increase in applications once Government funding for other reliefs end and as such is not financially viable, hence not recommended.
32. Recent applications have been evaluated against the proposed recommendations. The findings of which would indicate an appropriate level of support, whilst also limiting the financial impact to the Council.

**Impact(s) of the recommended decision(s)**

***Financial (including procurement and Social Value)***

33. The number of Discretionary Relief applications for consideration under the existing criteria has been relatively low and totals c £0.256 awards in the 2023/24 financial year to date. This low level, however, is likely attributed to the current level of grant funded relief by Central Government (retail relief), which has been further extended to 2024/25. Should Central Government relief end this may increase the number of Discretionary Relief applications over the medium term.
34. The cost of the awards is borne initially by the Council's Collection Fund, and the Council's share of this cost is 49%, which is in turn the cost to the Council's general fund budget. The proposals seek to provide a discretionary scheme within affordable parameters for the Council.

***Legal***

35. The Local Government Finance Act 1988 provides the Council discretionary powers to award relief from payment of National Non-Domestic Rates (NNDR) under three sections: Charitable Rate Relief, Hardship and Partly Occupied Hereditaments.
36. The Council is responsible for designing a suitable policy under which to award discretionary relief appropriately that supports the town's economy and has due regard to its council taxpayers.

**Risk**

- 37. The policy supports the delivery of the Council’s strategic priorities of ‘Creating a Successful and Ambitious Town and to deliver ‘Best Value’ as set out in the Council Plan 2024-2027.
- 38. The implementation of the policy ensures that there is adequate governance in place to comply with all relevant legislation and the Council does not breach governance requirements or fail to deliver organisational priorities (Risk 08-054).
- 39. By incorporating the three sections under one policy and bringing the policy into line with Directorate processes, the Council continues to effectively review and amend the policy to comply with legislative changes (Risk 08-055).
- 40. Any change in legislation by Central Government will be applied in accordance with the Council’s regulatory framework.

**Human Rights, Public Sector Equality Duty and Community Cohesion**

- 41. An initial Human Rights and Equality impact assessment has been undertaken, which did not identify any significant issues at this stage (see background papers).

**Climate Change / Environmental**

- 42. There are no disproportionate adverse impacts on the aspirations of the Council to achieve net zero, net carbon neutral or be the lead authority on environmental issues.

**Children and Young People Cared for by the Authority and Care Leavers**

- 43. The scheme is aimed at National Non-Domestic Ratepayers and does not impact on cared for children or care leavers or any other domestic resident, given the stated due consideration given to the interests of the town’s council taxpayers.

**Data Protection / GDPR**

- 44. The collation and use of any personal data will be managed in accordance with the Council’s Data Protection policy and the Benefits, Council Tax and Business Rates Privacy Notice. [Privacy notice - Revenues | Middlesbrough Council](#)

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

Action	Responsible Officer	Deadline
Adopt Revised Policy Implement Process and convene a panel to process applications	Janette Savage	On Approval
Update eforms and website communications	Janette Savage	On Approval

**Appendices**

<b>1</b>	<b>Discretionary Rates Relief Policy</b>
<b>2</b>	<b>Equality Impact Assessment</b>

**Background papers**

<b>Body</b>	<b>Report title</b>	<b>Date</b>
Middlesbrough Council	Discretionary Rates Relief Policy	30 January 2024
Middlesbrough Council	Impact Assessment Level 1	12 January 2024

**Contact:** Janette Savage, Head of Resident and Business Support  
**Email:** [Janette.Savage@middlesbrough.gov.uk](mailto:Janette.Savage@middlesbrough.gov.uk)

**NNDR Discretionary  
Rates Relief Policy**

**Live from: 1 April 2024  
Live until: 31 March 2027**

<b>Title</b>	NNDR Discretionary Rates Relief Policy		
<b>Creator</b>	Author(s)	Debbie Ingoldsby (Strategic Business Manager); Andrew Plews (NNDR Team Leader)	
	Approved by	Janette Savage	
	Department	Resident and Business Support Services	
	Service area	Finance	
	Head of Service	Janette Savage	
	Section 151 Officer	Debbie Middleton (Interim)	
<b>Date</b>	Created	26 May 2023	
	Submitted	13 March 2024	
	Approved		
	Updating Frequency	Every 3 years	
<b>Status</b>	Version: 0.1		
<b>Contributor(s)</b>	Head of Service Resident & Business Support Services, Operations Manager; Strategic Business Manager, Systems, Development and Finance Manager,		
<b>Subject</b>	NNDR Discretionary Rates Relief Policy		
<b>Type</b>	Policy		
	Vital Record		EIR
<b>Coverage</b>	Middlesbrough Council		
<b>Language</b>	English		
<b>Document Control</b>			
<b>Version</b>	<b>Date</b>	<b>Revision History</b>	<b>Reviser</b>
0.1	30.11.22	First draft	DI
	15.12.22	2nd Draft	DI
	26.1.23	3 <sup>rd</sup> Draft	AP
	2.2.23	4 <sup>th</sup> Draft	DI
	27.3.23	5 <sup>th</sup> Draft	DI
	27.4.23	6 <sup>th</sup> Draft	DI
	22.5.23	7 <sup>th</sup> Draft	DI
	26.5.23	8 <sup>th</sup> Draft	DI
Process paused	8.6.23	9 <sup>th</sup> Draft	JI
	11.1.24	10 <sup>th</sup> Draft	DN
	29.1.24	Final Draft	JS
<b>Assurance &amp; Distribution List</b>			
<b>Version</b>	<b>Date</b>	<b>Name/Service area</b>	<b>Action</b>
		Resident & Business Support Services; Regeneration	DI
		Finance & Governance	DI
<b>Contact:</b>	<a href="mailto:Debbie_ingoldsby@middlesbrough.gov.uk">Debbie_ingoldsby@middlesbrough.gov.uk</a> ; <a href="mailto:Andrew_plews@middlesbrough.gov.uk">Andrew_plews@middlesbrough.gov.uk</a>		

## 1. Introduction

- 1.1 The Local Government Finance Act 1988 provides the Council with mandatory and discretionary powers to award relief from payment of National Non-Domestic Rates (NNDR) against Non-Domestic Properties (Hereditaments).
- 1.2 Mandatory Relief of 80% can be awarded under Section 43 of the Act provided the property is occupied by a registered Charity, Trustee of a Charity, or registered Community Amateur Sports Club (CASC). Awards are by application; further information can be found at [www.gov.uk/apply-for-business-rate-relief/charitable-rate-relief](http://www.gov.uk/apply-for-business-rate-relief/charitable-rate-relief).
- 1.3 Alongside the mandatory relief, Discretionary relief can be awarded in exceptional circumstances to registered charities, registered Community Amateur Sports Clubs (CASC) and non-profit making organisations.
- 1.4 The main objectives of the organisations should be philanthropic, religious, concerned with education, social welfare, science, literature, or the fine arts, non-profit making clubs, societies or similar bodies that are used mainly for the purposes of recreation.
- 1.5 Discretionary Relief can be awarded under the following schemes: -
  - i. **Charitable Rate Relief:** The Council will consider awarding up to 20% discretionary relief for registered charities and sport organisations that are registered as a Community Amateur Sports Club (CASC) to top up their 80% mandatory relief. The occupied property must be used for a specified charitable purpose. This relief is awarded under section 47 (amended by Section 69 of the Localism Act).
    - a. The Council can also consider discretionary relief for non-registered charitable organisations whose main objectives align with those set out in section 1.4. The occupied property must be used for a specified charitable purpose. This relief is awarded under section 47 (amended by Section 69 of the Localism Act).
  - ii. **Hardship Relief (Reduction or Remission):** This can be considered under section 49 of the Act to business ratepayers that would otherwise suffer hardship or be in financial difficulties without it and where it is in the interests of the town's council tax payers.
  - iii. **Partly Occupied Hereditaments:** This can be considered under Section 44a of the Act against business rated properties that are partly unoccupied for a specified period.
- 1.6 The policy has been designed on the basis that it provides clarity in terms of the criteria and to enhance the decision-making process. All of which have due regard to the interests of the town's council taxpayers and economy, the sustainability of the organisation, and the impact on the Council's income and its overall financial position.
- 1.7 An improved process and clearly defined criteria will ensure that those businesses and organisations seeking support under this policy, particularly in difficult economic conditions, are processed fairly and within an acceptable timescale.

- 1.8 The document also highlights the additional rates relief measures that are in place through HM Government initiatives to support business and growth.
- 1.9 The policy should be read in conjunction with the legislation that underpins this policy. Any conflict between the policy and legislation will be resolved by reference to the legislation.
- 1.10 Section 22 of this policy sets out the legislative framework.

## **2. Non-Domestic Properties (Hereditaments)**

- 2.1 At this point it is worth noting that non-domestic properties are business-related properties - shops, offices, warehouses and factories and any other properties that are not classed as domestic, such as properties occupied by charities and voluntary organisations.
- 2.2 Application forms and policies often refer to non-domestic properties as “hereditaments”. Section 115(1) of the General Rate Act 1967 defines a hereditament as being 'A property which is or may become liable to a rate, being a unit of such property, which is, or would fall to be, shown as a separate item in the valuation list'.
- 2.3 In some circumstances properties may be used for both domestic and non-domestic use, for example a shop with a flat above it, in which case the property will be classified accordingly and both Council Tax and Business Rates will be charged on the relevant portions of the property.

## **GUIDING PRINCIPLES AND PROCESS**

### **3. General Principles**

- 3.1 The Council will consider awarding 20% discretionary Charitable relief for registered Charities and registered sport organisations that are registered as a Community Amateur Sports Club (CASC) to top up their 80% mandatory relief. The occupied property must be used for a specified charitable purpose.
- 3.2 Charitable non-profit organisations that meet the eligibility criteria however are not registered as a charity or a CASC can apply for 20% discretionary relief only. For further information on how to apply for registered status visit [www.gov.uk/set-up-a-charity](http://www.gov.uk/set-up-a-charity) or [www.gov.uk/set-up-a-community-amateur-sports-club](http://www.gov.uk/set-up-a-community-amateur-sports-club).
- 3.3 In the case of hardship, the Authority should be satisfied that the ratepayer would sustain hardship if the Authority did not act; any support must clearly be in the interests of persons liable to pay council tax set by it.
- 3.4 A cap of 50% for hardship relief applications will be applied in year one. With an option for an enhanced rate of 100% relief in year one if applicants can evidence greater impact to the local economy, as outlined in section 13 of this policy.

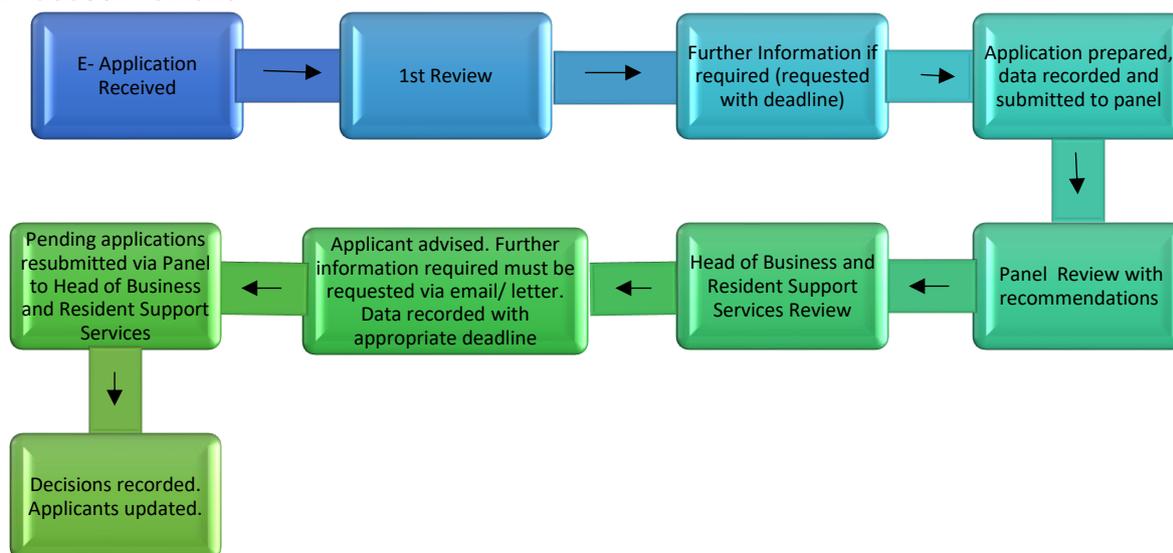
- 3.5 Tapered reductions in consecutive hardship relief awards will be applied up to a maximum of three years subject to appropriate supporting evidence.
- 3.6 The interests of council tax payers may also go wider than direct financial interest for hardship applications. For example, the Council may consider whether job losses, other local businesses, or access to amenities and local services may be impacted if a business was to close.
- 3.7 Partly Occupied relief will be applied for a maximum of three months for non-industrial properties such as office, retail, and a maximum of six months for industrial properties. Such relief is awarded to the unoccupied part of the hereditament.
- 3.8 Partly Occupied relief will be focused on inbound investments e.g., businesses relocating into Middlesbrough (as opposed to businesses relocating away from the town) and will maximise support for the local economy.
- 3.9 All decisions should have due regard to the interests of council taxpayers and awards will only be made in line with the policy, as any awards will have a direct impact on the Council's financial position.
- 3.10 If the Council considers that there is little prospect of a business or organisation surviving or that it will need longer term support, even if the rates liability was reduced, it is likely the application will be refused.
- 3.11 Businesses, charities, and organisations applying for relief must directly link with the Council Plan and the Middlesbrough Mayor's priorities.
- 3.12 All applications will be considered on their own merit.

## **4. Applications**

- 4.1 Applications must be submitted electronically via the Council's e-form platform supported by the relevant evidence and associated information. Failure to provide the requested information may result in a refusal, with the applicant requested to resubmit a new application providing the missing supporting evidence.
- 4.2 The Council may visit a property to validate any application.
- 4.3 The Council will request any relevant evidence to support the application and to enable it to consider its decision. This will be in the form of surveyors' reports, minimum of 2 years audited accounts, dated photographs, solicitors' letters, estate agent or letting agents' records, business plans and forecasting assumptions.
- 4.4 Applications will only be accepted from the ratepayer. Third party applications will be refused. The Council may also request a signed hard copy of the application.
- 4.5 The Directorate may refer to any other Council services, Government Departments or the Valuation Office Agency where further information may be needed to process the application.
- 4.6 Decisions will be provided in writing (letter or electronic mail) to the applicant, including a full explanation outlining the reasons for the decision in line with the qualifying criteria.

- 4.7 Ratepayers should continue to make payments of rates whilst an application is under consideration. Where rate relief is awarded any overpayment of rates will be refunded. No interest will be paid in respect of refunded amounts.
- 4.8 Applications will be assessed by a management panel comprising of relevant senior and technical officers from the Council. The panel will review applications against the set criteria and in accordance with the relevant legislation and overseen by the Head of Residents and Business Support Services. The panel may request information to support their decision from the appropriate ward Councillor or Executive Member.
- 4.9 Applications will only be considered for hereditaments that are or have been occupied and must be made in the billing year to which they relate, unless occupation occurs in the final quarter, in which case the deadline will be 30 June of the following billing year.
- 4.10 All applicants must disclose relevant information and provide complete and accurate information to support their application. Recipients must advise the Council of any subsequent changes of circumstance pertinent to receiving discretionary relief. In the event of deliberate misrepresentation, the Council will act in accordance with its Anti-Fraud Strategy, which can result in prosecution.
- 4.11 All applications will be initially assessed for any entitlement to other mandatory reliefs. For example, where a mandatory relief may apply, such as Small Business Rates Relief, this will take precedence and be applied (subject to the qualifying criteria).
- 4.12 Applicants should be aware that Business Rates data is published, in accordance with the governing legislation at, [Middlesbrough Council Open Data \(arccgis.com\)](http://Middlesbrough Council Open Data (arccgis.com)).
- 4.13 Applications will be refused if the relevant supporting information is not provided.
- 4.14 Applications will be processed within 12 weeks of receipt (see Flowchart 1).

**Process Flowchart 1**



## **5. Duration and Termination of Awards**

- 5.1 Applications will be considered on their own merit, having due regard to local council taxpayers and ratepayers and in accordance with the guiding principles outlined in this policy.
- 5.2 Relief is not intended to be awarded on a recurring basis, therefore repeat applications will be discouraged.
- 5.3 Relief is awarded for one financial year at a time and a new application is required for each financial year.
- 5.4 Applications are required to include reference to any previous year entitlement and in these instances additional information may be requested to reach a decision on further entitlement.
- 5.5 The Council reserves the right to review any relief award should the circumstances of the ratepayer change during the period of the award and where there is reason to believe there has been a material change of circumstances or misrepresentation is suspected.

## **6. Exceptional Awards**

- 6.1 The criteria set out in section 12 will always be considered against applications, but in very exceptional circumstances the Council may decide to award relief irrespective.
- 6.2 Such exceptional awards will only be considered where necessary to prevent major economic impact on the town and/or where the Council's wider aspirations could be seriously impacted.
- 6.3 Applications considered under exceptional circumstances will be subject to final approval from the Council's Section 151 Officer.

## **7. Reviews and Judicial Review**

- 7.1 An applicant may make a request for a review only where additional information comes to light to support the original application or where there are grounds that suggest that the original application or supporting evidence was not interpreted correctly.
- 7.2 A request for review must be received in writing within 20 working days of the original decision.
- 7.3 Any review will take into consideration any potential pending Valuation Office Agency decision.
- 7.4 The Council's decision to award is discretionary and rests with the Council. Any challenge relating to a decision not to grant relief would be by way of judicial review.

## 8. Fraud and Misrepresentation

- 8.1 Middlesbrough Council reserves the right to verify any application or associated evidence, and any organisation or business falsifying their records to gain relief may face prosecution. Any decision to apply relief will be revoked and the amount billed.

## 9. Further Applications

- 9.1 As stated in 5.2, relief will not be automatically awarded on a recurring basis and is not intended to be a long-term solution for ratepayers. Organisations making repeat applications will be subject to in depth consideration of their long-term business planning, financial management, income and expenditure and sustainable growth plans to determine ongoing eligibility.
- 9.2 In the case of hardship, the Authority should be satisfied that the ratepayer would sustain hardship if the Authority did not act; any support must clearly be in the interests of the town's council taxpayers.
- 9.4 Separate applications are required for individual billing years, and applicants for hardship relief will be refused if their organisation cannot demonstrate the steps, they have taken to improve their financial situation and mitigate against future financial impacts.
- 9.4 A cap of 50% will be applied to awards of hardship relief, with an option for an enhanced rate of 100% relief in year one if evidence is provided to show a greater impact to the local economy, as outlined in section 13 of this policy.
- 9.5 For example, if a hardship application is approved in year 1, the entitlement will gradually reduce as follows:
- |      |        |  |
|------|--------|--|
| i)   | Year 1 | 50% (or enhanced of 100%, subject to criteria) |
| ii)  | Year 2 | 50% relief                                     |
| iii) | Year 3 | 0% relief                                      |
- 9.6 Repeat applications will be assessed by reference to this annual cycle and any previous awards received.

## 10. New Business

- 10.1 Any new business or organisation should not rely on relief to assist its financial accounting position. New businesses are expected to have undertaken the necessary due diligence and business planning to incorporate affordability of rates and suitability of premises occupied.
- 10.2 In line with point 4.3 new businesses and organisations, will be expected to provide the relevant trading information. This includes a sustainable business plan which includes detailed trading forecast. Applications will be refused if the relevant supporting information is not provided.

- 10.3 Business support agency partners may be consulted as part of the due diligence process to determine if the business has accessed start up and growth planning support.

## **11. Subsidy Control Act 2022 (Formerly State Aid)**

- 11.1 The revised UK subsidy control regime came into full force in the UK on 4 January 2023. The new regime enables public authorities, including devolved administrations and local authorities, to deliver subsidies that are tailored for local needs.
- 11.2 The Minimal Financial Assistance (MFA) allows public authorities to award low-value subsidies, up to £315,000 per enterprise over three fiscal years, without the need to comply with the majority of the subsidy control requirements.
- 11.3 The Council will ensure compliance with the act and will assess all rate relief applications in accordance with the legislation and guidance, available at: [UK subsidy control regime - GOV.UK](https://www.gov.uk/guidance/uk-subsidy-control-regime)

## **CRITERIA FOR CHARITABLE RELIEF, HARDSHIP & PARTLY OCCUPIED**

### **12 Charitable Relief**

- 12.1 Relief applications will be considered under section 47 & 48 of the Local Government Finance Act 1988 and amended by Section 69 of the Localism Act. The Council will consider relief for registered charities, registered Community Amateur Sports Club (CASC's) and non-profit charitable organisations that occupy a non-domestic property used for the specified charitable purpose.
- 12.2 The Council will consider awarding 20% discretionary relief for registered Charities and sport organisations that are registered as a Community Amateur Sports Club (CASC) to top up their 80% mandatory relief. The occupied property must be used for a specified charitable purpose.
- 12.3 Non-registered organisations will be considered for 20% discretionary relief only. The occupied property must be used for a specified charitable purpose as outlined in section 1.4 above.
- 12.4 Applications will be assessed against the criteria outlined in Table 1 – below.

**Table 1 Assessment Criteria**

<b>Criteria</b>	<b>Response</b>	<b>Notes</b>
Is the organisation applying for charitable discretionary relief a registered Charity with the Charities commission or registered Community Amateur Sports Club (CASC) with HMRC	Yes/No	
Is the organisation non registered and operating within the defined 'charitable' purpose	Yes/No	
Is the amount of rate relief requested for the relevant financial year more than 33% of the total value of all unrestricted funds of the organisation included in the most recent set of audited accounts	Yes/No	If yes the application will be ineligible
Is the size of occupied property proportionate to size of organisation operating from premises.  Purpose of space	Yes	For example, what is the square footage of space compared to the number of staff based within the space?
Is there a Rateable Value of more than £40,000	Yes	A £40,000 RV cap will be applied to awards
Is there a Peppercorn Rent agreed	Yes / No	If yes, this will be seen as a financial benefit and taken into consideration
Does the organisation support the Mayor's priorities and the Council Plan 2024 -2027	Yes/No	Refer to Mayor's priorities and Council Plan
Is there a gap in provision that the applicant is providing that the Council is unable to provide to the community directly?	Yes/No	Provide details
Has the business or organisation received grant funding already from the Council in the form of relief, grants or regular contracts or commissions?	Yes/No	Provide details
Has relief already been awarded?	Yes/No	
Is the organisation defined as a Community Centres, Community Resource Centre Community Associations, local heritage supporting organisation or other identified charitable organisations liable for rates on Community Centres and Village Halls	Yes/No	
Is the organisation defined as a training centres/training organisations offering schemes targeting particular residents or groups to develop skills, qualifications.	Yes/No	
Does the organisation provide essential community wellbeing and mental health services that support the local community and provide essential/crisis support helpline e.g.CAB, Hospice, Samaritans	Yes/No	
Applications from any charitable organisations that do not fall within any of the standard categories for awarding relief will be considered on their merits, having regard to the Mayor's priorities and the Council plan. The general principles as outlined in section 3 will be adhered to.	Yes/No	

## 13 Hardship Relief

- 13.1 Applications for hardship relief from ratepayers will be considered under Section 49 of the Local Government Finance Act 1988 i.e., where hardship would be sustained if not awarded and where it is in the interests of the town's council taxpayers.
- 13.2 Applications for hardship relief must align with the Mayor's priorities and contribute to the aims of 'A Successful and Ambitious Town' and 'Delivering Best Value' as set out in the Council Plan 2024 – 2027.
- 13.3 Where the business or organisation is eligible for any other type of rate relief, for example Small Business Rate Relief, the Council will require the business to apply for this type of relief before an application for hardship relief is considered.
- 13.4 Applications must be submitted using the Council's e-form platform, accompanied by the appropriate evidence, including all of the following:
- i. At least 2 years of professionally prepared accounts and/or trading information
  - ii. How the business aligns with the Mayor's priorities and Council Strategic Plan
  - iii. Financial projection for the next trading period,
  - iv. Bank Statements
  - v. Cash flow statement
  - vi. Order Books
  - vii. The current Business Plan
  - viii. Supporting information in terms of the Hardship Relief criteria
- 13.5 As outlined in section 9, organisations making repeat hardship applications will be subject to in depth consideration of their long-term business planning, financial management, income and expenditure and sustainable growth plans to determine ongoing eligibility.
- 13.6 Applications will be refused if the organisation cannot demonstrate the steps, they have taken to improve their financial situation and mitigate against future financial impacts.
- 13.7 A cap of 50% will be applied to hardship relief awards, with an option for an enhanced rate of 100% relief in year one if applicants can evidence greater impact to the local economy, as outlined in section 13 of this policy.
- 13.8 For example, if a hardship application is approved in year 1, the entitlement will gradually reduce as follows:
- |      |        |  |
|------|--------|--|
| i.   | Year 1 | 50% (or enhanced of 100%, subject to criteria) |
| ii.  | Year 2 | 50% relief                                     |
| iii. | Year 3 | 0% relief                                      |
- 13.9 Repeat applications will be assessed with by reference to this annual cycle and any previous awards received.
- 13.10 The Council will require details of any other grants or public subsidies the business has received, as this can affect the level of relief that may be awarded.

13.11 Each application for relief is considered on its own individual circumstances in accordance with guidance issued by the Government, utilising the general principles as outlined in section 3.

**Table 2 Enhanced Rate - Hardship Relief Criteria**

<b>Circumstances</b>	<b>Response</b>	<b>Notes</b>
Number of Jobs impacted	>100	Impact will be considered alongside local economic conditions, local unemployment rate, employment opportunities.
Is the service offered by the business/organisation unique?	Yes/No	
Can the service or business offer be fulfilled by other organisations/businesses in the region	Yes/No	
If the service/business was lost to the area could the market/sector recover within a reasonable timescale	Yes/No	
Is the business/organisation considered to be an 'anchor' business in Middlesbrough	Yes/No	If the anchor business was lost would this create major impact on the surrounding area e.g., impacting on identity, destination, placemaking
Will there be a major impact on a necessary local supply of the service/product by the loss of this business/organisation	Yes/No	
Will there be a major impact on town centre footfall following the loss of the business/organisation		Refer to town centre footfall monitoring
Will access to amenities or local services be impacted	Yes/No	

#### **14. Partly Occupied (Section 44a)**

- 14.1 Under Section 44a of the Local Government Finance Act 1988, applications from ratepayers can be made if the hereditament in which they are located is partly occupied for a short period of time.
- 14.2 The law provides a discretionary power; however, the discretionary power does not alter the general rule that occupation of part of a premise constitutes occupation of the whole of the property.
- 14.3 The partly occupied phase should exist for only a 'short period of time'. This phase is not defined in law, however for the purposes of this policy it is defined as a maximum of three months for non-industrial properties and six months for industrial properties.

- 14.4 The Council will consider applications under Section 44a from ratepayers for reduction of the amount charged, based on their own merits and case by case.
- 14.5 The use of Section 44a is intended to apply to those properties where there are practical difficulties in either occupying the property or vacating the property. Therefore, it is not intended that all properties which temporarily become partly unoccupied should have their liability reduced.
- 14.6 In determining the application, the following matters will also be taken into consideration. Favourable consideration will be given (but not limited to) where:
- i. There is a partial occupation of a warehouse, factory or commercial property to facilitate relocation of the company into the town or to extend the current portfolio and associated occupation levels in the town; or
  - ii. Fire, flood or other disaster prevents full use of the property.
- 14.7 Favourable consideration would not normally be given (but not limited) to:
- i. A period that has now passed.
  - ii. Consecutive periods.
  - iii. Support a business moving its operation outside of the town.
  - iv. An owner sub-letting part of the property on a commercial basis.
  - v. A part occupation that is likely to continue for more than three months (six months if an industrial property)
  - vi. A situation where there appears to be no effort to let, sell or occupy the empty part; or
  - vii. A situation where part occupation is seasonal or cyclical in nature.
  - viii. The unoccupied area that is subject to maintenance, modernisation, or other building works
- 14.8 At all times consideration will be given to the provisions of Section 44a of the Local Government Finance Act 1988 and any relevant case law.
- 14.9 The effect of the apportioned values applies for the **operative period**, which is defined as the period beginning with the day on which the property became partly occupied and ending with the first day on which one or more of the following events occurs:
- i. The occupation of any of the unoccupied part of the property
  - ii. The ending of the financial year in which the apportionment was required.
  - iii. The requiring of a further apportionment
  - iv. The complete occupation of the property; or
  - v. The complete vacation of the property
- 14.10 The Authority is required to terminate this relief in the event of a change in the proportions of the property occupied and unoccupied or at the end of a financial year, and then may, if appropriate, consider requesting the Valuation Office Agency to issue a further certificate.
- 14.11 For Partly Occupied relief applications, applicants will need to demonstrate inbound investment in order to qualify e.g., businesses relocating into Middlesbrough (as opposed to businesses relocating away from the town).

## ADDITIONAL GOVERNMENT RATE RELIEF MEASURES

### 15. Additional Schemes

- 15.1 The Government provides additional rates relief measures to support businesses and encourage growth, usually announced through Spring and Autumn Budget Statements.
- 15.2 Local authorities are expected to use their discretionary relief powers (under section 47 of the Local Government Finance Act 1988 as amended) to award relief under these additional measures in line with the relevant eligibility criteria that are set out in corresponding guidance.
- 15.3 Authorities are compensated for the cost of granting these reliefs via a section 31 grant from Government. These schemes avoid the need for new legislation and are highlighted within this policy for information. Full details can be found at [Business rates - GOV.UK \(www.gov.uk\)](https://www.gov.uk/business-rates).
- 15.4 The measures include Retail Relief, Supporting Small Business, Transitional and Green Rate Relief which are explained in the following sections.

### 16. Retail Relief - Retail, Hospitality and Leisure (RHL) 2023/2024

- 16.1 The 2023/24 Retail, Hospitality and Leisure (RHL) relief scheme will provide eligible, occupied, retail, hospitality, and leisure properties with 75% relief, up to a cash cap of £110,000 per business. This has been extended to 2024/2025 and is due to end after this date.
- 16.2 Full details are found here: [Business rates relief: Retail, hospitality and leisure relief - GOV.UK \(www.gov.uk\)](https://www.gov.uk/business-rates-relief-retail-hospitality-and-leisure-relief)

### 17. Extension of Transitional Relief and Supporting Small Business (SSB)

- 17.1 The supporting Small Business relief scheme caps bill increases at £600 per year for any business losing eligibility for Small Business Rate Relief or Rural Rate Relief at the 2023 revaluation.
- 17.2 The scheme also provides support for those previously eligible for the 2022/23 SSB scheme and facing large increases in 2023/24 but in those cases for one further year only.
- 17.3 Full details are found here: [Business rates relief: Supporting small business relief - GOV.UK \(www.gov.uk\)](https://www.gov.uk/business-rates-relief-supporting-small-business-relief).

## 18. Green Rate Relief

- 18.1 In the Autumn Budget 2021 HM Government announced the introduction of targeted business rate exemptions from 1 April 2023 until 31 March 2035 for eligible plant and machinery used in onsite renewable energy generation and storage. Along with a 100% relief for eligible low-carbon heat networks with their own rates bill, to support the decarbonisation of non-domestic buildings.
- 18.2 HM Government brought forward the implementation of these measures, therefore will now take effect from 1 April 2022. Details can be found here: [3/2022: Bringing forward implementation of green rate reliefs by one year and the DELTA Data Collection Exercise - GOV.UK \(www.gov.uk\)](#)

## 19. Freeports, Enterprise & Investment Zones

- 19.1 Freeports, Enterprise and Investment Zones are designated areas by HM Government across England that also provide tax breaks and Government support. The Zones are part of HM Government's wider Industrial Strategy to support businesses, attract inward investment and promote economic growth<sup>i</sup> and do not usually fall under the Council's discretionary powers.
- 19.2 The Port of Middlesbrough is a designated Freeport. It operates as a Customs site only. Further details can be found here [Teesside Freeport - Business \(teesvalley-ca.gov.uk\)](#)
- 19.3 Specific Enterprise and Investment Zone interventions can include lower taxes and potential for Business Rates Relief, Enhanced Capital Allowances, Enhanced Structures and Building Allowance, Employer National Insurance Contributions Relief and Stamp Duty Land Tax <sup>1</sup>
- 19.4 Middlesbrough's most recent Enterprise Zone targeted Digital Technology businesses and offered rates relief to eligible high growth businesses. It is now closed to new applications.

## 20. Mayoral Development Corporation

- 20.1 In May 2022 Tees Valley Combined Authority announced plans to establish a Mayoral Development Corporation (MDC) that would cover Middlesbrough Town Centre (including Middlehaven).
- 20.2 The MDC is a statutory body created to accelerate the regeneration of a defined area. It can draw on a wide range of powers to acquire, develop, hold and dispose of land and property, and develop infrastructure.
- 20.3 The Middlesbrough Mayoral Development Corporation came into force on 27 February 2023.
- 20.4 From 12 May 2023, in relation to qualifying hereditaments in the Mayoral development area, the Corporation has the discretionary relief functions conferred on it that previously belonged to the Council as the billing authority. This means that the Council's own relief policy only applies to hereditaments not within the Corporation's area.

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<sup>1</sup> [Investment Zones - Tees Valley Combined Authority \(teesvalley-ca.gov.uk\)](#)

## LEGISLATIVE FRAMEWORK

### 21. Legislative and Regulatory Framework

Key elements of the legislative and regulatory framework for this policy are set out below:

Local Government Acts 1992 (as amended)	Establishes requirements to manage the Council's financial affairs and the appointment of a section 151 officer.
Data Protection Act 2018	Controls the lawful passing of personal data from one part of the Council to another.
Local Government Finance Act 1988	Non-domestic rating primary legislation
Non-Domestic Rating (Collection and Enforcement)(Local Lists) Regulations 1989	Make provision for the collection and enforcement of non-domestic rates.
Insolvency Act 1986	Consolidates enactments relating to company insolvency and winding up, and bankruptcy of individuals
Equality Act 2010	Is an amalgamation of previous anti-discrimination laws. It is a law which protects from discrimination of unfair treatment on the basis of certain personal characteristics such as age
General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA2018)	The GDPR/DPA2018 place a duty on the Council to comply with the data protection principles relating to processing of personal data: (1)(a) Lawfulness, fairness and transparency; (1)(b) Purpose limitation; (1)(c) Data minimisation; (1)(d) Accuracy; (1)(e) Storage limitation; (1)(f) Integrity and confidentiality (security); (2) Accountability (including the rights of data subjects).
Freedom of Information Act (FOIA) 2000	Under the FOIA, the Council has a duty to make information available to the public upon request, unless specific exemption(s) apply. It is also obliged to proactively and routinely publish information that has been frequently requested in the past in its Publication Scheme. Information requests frequently include requests for information held in emails.
Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) Regulations 2020	Establishes a debt respite scheme and establishes a breathing space moratorium and a mental health crisis moratorium.
County Courts Act 1984	Establishes a single county court and its jurisdiction
Civil Procedure Rules 1998	Establishes the rules of Civil Procedure used by various courts in the UK

Charging Orders Act 1979	An Act to make provision for imposing charges to secure payment of money due, or to become due, under judgments or orders of court; to provide for restraining and prohibiting dealings with, and the making of payments in respect of, certain securities; and for connected purposes.
Modern Slavery Act 2015	An Act designed to combat modern slavery in the UK.
Tribunal Courts and Enforcement Act 2007	An act which makes provision for tribunals and inquiries, particularly relating to the enforcement of judgments and debts.
Insolvency Act 1986	Consolidates enactments relating to company insolvency and winding up, and bankruptcy of individuals
Equality Act 2010.	An amalgamation of previous anti-discrimination laws. It is a law which protects from discrimination of unfair treatment on the basis of certain personal characteristics such as age, gender, race, religion, etc.
Regulation of Investigatory Powers Act 2000 (RIPA)	Governs the use of covert surveillance by public bodies.
Subsidy Control Act 2022	Regulates public authority support to private enterprises Subsidies are administered by all levels of government in the UK, including central government, devolved administrations, and local authorities, as well as other types of public authority.
The Middlesbrough Development Corporation (Functions) Order 2023	Powers transferred in relation to discretionary relief from non-domestic rates

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Impact Assessment Level 1: Initial screening assessment

<b>Subject of assessment:</b>	Discretionary Rates Relief Policy			
<b>Coverage:</b>	Crosscutting			
<b>This is a decision relating to:</b>	<input checked="" type="checkbox"/> <b>Strategy</b>	<input checked="" type="checkbox"/> <b>Policy</b>	<input checked="" type="checkbox"/> <b>Service</b>	<input type="checkbox"/> <b>Function</b>
	<input checked="" type="checkbox"/> <b>Process/procedure</b>	<input type="checkbox"/> <b>Programme</b>	<input type="checkbox"/> <b>Project</b>	<input type="checkbox"/> <b>Review</b>
	<input type="checkbox"/> <b>Organisational change</b>	<input type="checkbox"/> <b>Other (please state)</b>		
<b>It is a:</b>	<b>New approach:</b>	<input type="checkbox"/>	<b>Revision of an existing approach:</b>	<input checked="" type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input checked="" type="checkbox"/>	<b>Local or corporate requirements:</b>	<input checked="" type="checkbox"/>
<b>Description:</b>	<p><b>Key aims, objectives and activities</b> To assess the impact of proceeding with an updated Discretionary Relief Policy.</p> <p><b>Statutory drivers</b> The Council has a statutory legal obligation to hold a discretionary relief policy. The Local Government Finance Act 1988 provides the Council discretionary powers to award relief from payment of National Non-Domestic Rates (NNDR) against Non-Domestic Properties (Hereditaments) under three sections: Discretionary Relief, Hardship and Part Occupation</p> <p><b>Differences from any previous approach</b> The updated approach provides a strategic framework incorporating the three sections. It incorporates overarching guiding principles, a process flowchart and clearly defined criteria to improve administration, streamline processes and provide an improved quality of service.</p> <p><b>Key stakeholders and intended beneficiaries (internal and external as appropriate)</b> Key stakeholders: the Council; Council tax payers; local business community, voluntary and charitable organisations</p> <p><b>Intended outcomes.</b> To seek the adoption of an updated discretionary relief policy to improve the process around awarding relief</p>			
<b>Live date:</b>	1 April 2024			
<b>Lifespan:</b>	Until Further Notice (review every 3 years)			
<b>Date of next review:</b>	1 April 2027			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<b>Human Rights</b> Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No evidence to suggest that the strategy will have an adverse impact on individuals in terms of human rights.
<b>Equality</b> 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"/>	No evidence to suggest that the strategy will have an adverse impact on individuals in terms of equality.
<b>Community cohesion</b> Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No evidence to suggest that the strategy will have an adverse impact on relationships between different groups, communities of interest or neighbourhoods within the town.
<b>Next steps:</b> ➡ 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.				

<b>Assessment completed by:</b>	Debbie Ingoldsby	<b>Head of Service:</b>	Janette Savage
<b>Date:</b>	12.1.24	<b>Date:</b>	12.1.24

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

Checklist for:	Discretionary Rates Relief
	FWP (submitted)

Planned submission timeline (complete all that apply)	Body	Target date
	DMT	25.1.24
	Clearance Meeting	5.2.24 (papers needed by 30.1.24)
	LMT	22.2.24 (papers by 20.2.24)
	Mayoral briefing	Tbc
	Scrutiny	n/a
	Pre-Executive	27.2.23 (papers by 23.2.24)
	Executive /	13.3.24 (papers needed by 4.3.24)
	Council committee	
	Full Council	

**No report should be submitted to any of the above bodies until all of the questions below have been answered. Good time must be allowed to engage corporate governance leads to ensure they have the time and space to fully consider your report. A minimum of 5 working days for comments should be planned into report development.**

Corporate Governance discipline	Question	Answer Y/N	If you answered yes	Record of action
Projects and Programmes	Is the report seeking approval to start a new project?	N	No report must be submitted to Members until the business case for a new project has been agreed by LMT. The Council's approach to programmes and project management is set out in the <u>Programme and Project Management Policy</u> and supporting <u>Programme and Project Management Framework</u> .	
Projects and Programmes	Is the report presenting a business case for a new project or seeking to revise an existing business case?	N	The <u>Programme and Project Management Framework</u> requires that all business are approved by the Heads of Strategy, Information and Governance and Financial Planning	

Corporate Governance discipline	Question	Answer Y/N	If you answered yes	Record of action
Revenue Finance	Does the report have revenue expenditure or income implications for the organisation?	Y	The Finance Business Partner must be engaged and give approval that the financial implications are accurately described and the planned approval route is in line with the constitution.	<i>Update of existing policy, any expenditure has been assessed accordingly</i>
Capital Finance	Does the report require any capital borrowing or change the Council's approach to planned capital borrowing	N	The Head of Finance and Investment must be engaged and give approval that the capital implications are accurately described and the planned approval route is in line with the constitution.	
Tax implications	Is the report likely to impact the councils tax position, for example in relation to VAT liabilities of the Council?	N	The Senior Financial accountant must be engaged and give approval to the representation of VAT and taxation liabilities outlined in the report.	
Assets	Does the report involve the acquisition, enhancement, disposal of an asset? Does it involve any kind of asset leasing arrangement?	N	The Head of Asset Management must be engaged and the <u>Asset Disposal Policy</u> should be adhered to.	
Grant / funding obligations	Will the Council incur grant / funding obligations as a result of this report? This should include any new grant / funding, any decision to repurpose an existing grant or funding	N	The Finance Business Partner must be engaged and give approval that the grant implications are accurately and fully described, along with a plan to manage them and the planned approval route is in line with the constitution.	
Insurance	Will the report impact on the Council's insurance position?	N	The Insurance manager must be engaged and give approval that the recommendations reflect the impact on the Council's insurance posture.	
Risk	Does the report impact on the Council's known risks or create a new risk to the organisation?	N	The Risk assessment section of the report must set this out in full. Advice should be sought from the Risk Business Partner to ensure new risks are captured once the report is agreed. The Risk Business Partner must be engaged to seek guidance on capturing all risks. The Council's approach to risk is set out in the <u>Risk and Opportunity Management Policy</u> .	
Workforce	Will the report involve decisions to establish new posts, restructure or delete posts? Will it involve procurement of interim or agency staff?	N	The Head of HR and the must be engaged Discuss where this goes:  Establishment control – finance business partner / HR  Control over agency – procurement / finance business partner	
Public Sector Equality Duty	Is the report relevant to the PSED?	N	A screening impact assessment must be completed and appended to the report. The Governance and Information Manager must be engaged and give approval that the	

Corporate Governance discipline	Question	Answer Y/N	If you answered yes	Record of action
			assessment is robust. The process is set out in <a href="#">the Impact Assessment Policy</a> . Guidance can be sought from the Policy Business Partner.	
Consultation	Is the report seeking approval to consult?	N	The Governance and Information Manager must be engaged and approve the approach to consultation. The policy will be updated in 2023, attached is a link to the existing <a href="#">policy</a> .	
Data Protection	Does the report have implications for data protection? Does it seek to gather new data or use existing data in a different way	Y	The <a href="#">Data Protection</a> officer must be engaged and approve the proposed use of data.	Applications relating to this policy are not published. Any data collected is used in accordance with the Residents & Business existing privacy notice.
Legal	Does the report have legal implications?	N	All reports must be submitted to the Monitoring officer for legal services views.	
ICT	Does the report have implications for ICT? This could include procuring or using a new ICT system, decommissioning systems(s), expanding access to existing systems.	N	The Head of Strategy, Business and Customer who is responsible for ICT must be engaged and approve the proposed ICT implications.	
Procurement and commissioning	Will the report trigger new procurement and commissioning activity, including: commence, change or cease a service. Enter into a new contract, vary a contract, terminate a contract?	N	The Head of Commissioning and Procurement must be engaged and approve the proposed approach to ensure it is in line with the <a href="#">strategy</a> , constitution and legislation	
Partnership governance	Will the report create, change or cease partnership arrangements	N	The Head of Strategy, Information and Governance must be engaged and approve that the recommendations are in line with the Council's <a href="#">Policy for Partnership Governance</a>	
Health inequalities	Will the report have an impact on health inequalities or is there an opportunity to use the proposed outcomes to impact positively on health inequalities?	N	The Public Health Principal must be engaged and approve the proposed approach to ensure that it is in line with the Council's commitment to reduce health inequalities as set out in the <a href="#">Health and Wellbeing Strategy</a> .	

**Checklist completed by:**

<b>Name</b>	<b>DI/AP</b>
<b>Date</b>	<b>6.12.23</b>

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<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Executive Member for Regeneration – Councillor Theo Furness Director of Regeneration – Richard Horniman
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<b>Submitted to:</b>	Executive
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<b>Date:</b>	13 March 2024
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<b>Title:</b>	Disposal of Property Q4 2023/24
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	Physical environment
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<b>Key decision:</b>	Yes
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<b>Why:</b>	Decision(s) will incur expenditure or savings above £250,000
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<b>Urgent:</b>	No
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<b>Why:</b>	Not Applicable
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<b>Executive summary</b>	
<p>It is recommended that the Executive approve the sale of two properties previously identified for sale - House of Fraser and Zetland Car Park.</p> <p>Sale of the two properties would enable the Council to generate significant capital receipts that would provide critical flexibility in managing the Council’s current financial position, and the need to transform.</p>	

## **Purpose**

1. To seek Executive approval to dispose of the Council's freehold interest in the following properties in accordance with the Council's Asset Disposal Process:
  - a. House of Fraser; and,
  - b. Zetland Car Park.

## **Background & relevant information**

2. The Medium Term Financial Plan (MTFP) Refresh 2024/25 to 2026/27 report agreed by Executive on 23rd August 2023 regarding the Council's overall financial position set out the challenges faced in setting a balanced budget for 2024/25 and beyond.
3. The Review of Capital Receipts Strategy 2023/24 report agreed by Executive on 21st November 2023 regarding the Flexible Use of Capital Receipts set out the importance of securing capital receipts from asset sales that may be used to support the Council's financial position in one of three ways:
  - a. to fund investment in projects that will either deliver ongoing revenue savings or deliver transformation in public service delivery through cost and/or demand reduction in accordance with Government regulations governing the Flexible Use of Capital Receipts;
  - b. to repay the Council's debt and reduce the annual costs of repaying principal and/or interest on such debt; and,
  - c. to invest in infrastructure through the capital programme.
4. The Asset Review report agreed by Executive on 21st November 2023 therefore recommended a significant programme of asset sales be brought forward, in addition to the existing pipeline of land and properties being brought forward for disposal.
5. Since these reports were agreed by Executive in November there has been a significant effort to generate market interest in the new and existing pipeline of land and properties. Some of this interest has developed into firm offers that have been considered agreeable within the context of the Council's current financial position.
6. The two properties contained within this report have both been the subject of firm, credible offers that reflect their current valuations, and are therefore brought forward for decision in line with the agreed Asset Disposal Process.
7. As the deal is yet to be fully concluded, and negotiations may continue until the date of final completion, the name of the buyer and the valuations of the respective properties have been identified in a confidential appendix rather than in the main body of the report. These details will be released upon formal completion.

## **House of Fraser (37 Linthorpe Road)**

8. The property situated on the prominent Linthorpe Road / Corporation Road crossroads was purchased by the Council in 2020 for £1,000,000 to extend the presence of the retailer in the town centre, and secure control over a major strategic asset in the town's prime retail area.

9. House of Fraser continued to occupy the six storey 129,000 sq ft property until June 2022. The Council has been actively seeking either a long term let or a sale since House of Fraser's departure, but despite some initial interest the market for large floorplate retail space has declined significantly.
10. Redevelopment of the building has been thoroughly explored, but all potential options would require the Council to invest resources significantly beyond those currently available and are therefore undeliverable.
11. As the holding costs for the building are significant (£100,000 pa) a sale has therefore been sought that enables the following:
  - a. removing the Council's ongoing liability;
  - b. securing a capital receipt; and,
  - c. facilitating investment in the town centre.
12. A number of proposals have been received since 2022 that would potentially meet some of these objectives, but nothing that met all three. A bid was however received in late 2023 from (*Ref A Buyer Name - Confidential Appendix I*) offering to pay the current market value, as the property was required as part of a wider proposal that would trigger significant investment into the town centre.
13. The Council instructed two external 'Red Book' valuations from Knight Frank and Algin Property Services, confirming that the current market value for the property is (*Ref B HoF Valuation - Confidential Appendix I*). This reflects the fall in the market for retail property and the deteriorating condition of the now vacant building. The buyer has also sought a formal 'Red Book' valuation that has confirmed a similar value.
14. In order to support the capital requirements built into the 2023/24 budget, and the needs of the buyer, the sale process has been managed to enable completion by 31st March 2024. Approval of this report would therefore facilitate the capital receipt being received within the current budget year.
15. To ensure that the property is not passed on to a third party at a higher price within a short timescale, an appropriate overage agreement will be put in place to protect the Council.

### **Zetland Car Park**

16. The recent Asset Review report identified a number of properties where there was no commercial case for retaining them within Council ownership. The Zetland Car Park was included within this categorisation due to the running costs outweighing the limited income secured. Although the car park is clearly an important town centre asset, there is no commercial rationale for the Council needing to either own or operate it.
17. Constructed in 1989 and offering 739 spaces, the location of the car park near to the Rail Station, Middlehaven and a number of existing and proposed education facilities suggests that the car park could play an important role in the future of the town centre. It's current usage is however limited by a poor image, negative feelings of safety and a perceived lack of geographical connection with Middlehaven.

18. The recently launched plans by the Middlesbrough Mayoral Development Corporation should see an increase in activity in the vicinity of the station and offer opportunities to better connect the car park with the growth of Middlehaven. The car park therefore represents a potential opportunity for a long term investor.
19. A bid was received late in 2023 from (*Ref A Buyer Name - Confidential Appendix I*) to purchase Zetland Car Park at the current market value, with the use as a car park being maintained into the future.
20. As with House of Fraser, the Council instructed two external 'Red Book' valuations from Knight Frank and Algin Property Services, confirming that the current market value for the property is (*Ref C Zetland Valuation - Confidential Appendix I*). The buyer has also sought a formal 'Red Book' valuation that has confirmed a similar value. A sale is therefore proposed, with a requirement that it remains in operation as a car park for at least five years.
21. In order to support the capital requirements built into the 2023/24 budget, and the needs of the buyer, as with House of Fraser the sale process has been managed to enable completion by 31st March 2024. Approval of this report would therefore facilitate the capital receipt being received within the current budget year.
22. Although no agreement is yet in place, it has been indicated by the buyer that they would wish to contract with the Council to continue existing management arrangements in the short term, until alternative arrangements can be established.
23. The costs of operating the car park currently exceed the income secured from parking by £18,983 per year, although this is mitigated by the income achieved through the solar panels situated on the roof (£26,573), giving a small surplus of £7,590 per year. The sale would therefore represent a small loss of income, although any repairs required each year would clearly negate that income if the property was retained.

#### **What decision(s) are being recommended?**

24. It is recommended that the Executive approve:
  - a. The sale of the House of Fraser Building (37 Linthorpe Road) to (*Ref A Buyer Name - Confidential Appendix I*) for (*Ref B HoF Valuation - Confidential Appendix I*);
  - b. The sale of Zetland Car Park to (*Ref A Buyer Name - Confidential Appendix I*) for (*Ref C Zetland Valuation - Confidential Appendix I*); and,
  - c. Delegates responsibility to the Director of Finance and the Director of Regeneration for the negotiation of the final sales value of each property.

#### **Rationale for the recommended decision(s)**

25. Disposal of the two properties as proposed would generate significant capital receipts that would contribute to supporting the Council's financial position in one of three ways:
26. To fund investment in projects that will either deliver ongoing revenue savings or deliver transformation in public service delivery through cost and/or demand reduction in accordance with Government regulations governing the Flexible Use of Capital Receipts.

27. To repay the Council's debt and reduce the annual costs of repaying principal and/or interest on such debt.

28. To invest in infrastructure through the capital programme.

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

#### ***Retain Both Properties Within Council Ownership***

29. The assessment made through the Council's recent Asset Review identified that the commercial potential of the two properties represented a liability rather than an asset to the Council. Retaining both properties would cost the Council £92,000 per year once holding and operational costs are taken into account.

#### ***30. Retain Both Properties Within Council Ownership Utilising Alternative Management Arrangements***

31. The potential exists to seek alternative management arrangements for Zetland Car Park, that could potentially see an increase in income. This could not be achieved however without significant capital investment in improving the facilities and customer experience that would negate any potential benefit. As House of Fraser has already been marketed by respected national agents, it is not expected that alternative management arrangements would trigger any additional market interest.

### **Impact(s) of the recommended decision(s)**

#### ***Legal***

32. No specific legal issues have been created as a result of the proposal to dispose of the properties.

33. The properties would be disposed of freehold in accordance with standing financial orders and asset disposal protocol. The only variation to standard sale contracts required would be the retention of the Zetland Car Park for its current use for a period of five years.

34. If the Council is to continue managing the Zetland Car Park whilst alternative arrangements are put in place by the buyer, this would require the development of an appropriate legal agreement to cover risks and liabilities.

#### ***Strategic priorities and risks***

35. The proposal does not require any change to the Council's existing policy framework.

36. The proposal to dispose of the properties aligns with strategic objectives and contributes positively towards the vision for Middlesbrough.

#### ***Human rights, equality and data protection***

37. There will be no negative, differential impact on protected groups and communities.

38. A Level 1 (Initial Screening) Impact Assessment (IA) accompanies this report attached at Appendix 2. The impact assessment has identified that the proposal would have a positive impact on the local community and does not represent any concern to equal rights, disability discrimination or the impingement of individual human rights.

39. The proposed decision does not involve the collation and use of personal data.

**Financial**

40. The Council would receive a combined capital receipt of *(Ref D Total Capital Receipt - Confidential Appendix I)* without the need to incur any further marketing costs.

41. As stated above, this would enable the Council to utilise the capital receipts for the following purposes:

- a. to fund investment in projects that will either deliver ongoing revenue savings or deliver transformation in public service delivery through cost and/or demand reduction in accordance with Government regulations governing the Flexible Use of Capital Receipts;
- b. to repay the Council's debt and reduce the annual costs of repaying principal and/or interest on such debt; and,
- c. to invest in infrastructure through the capital programme.

42. The disposal of the two assets would also mean an annual saving of £92,000 on holding and operational costs. This is demonstrated within the table below.

<b>Projected Income / Expenditure 2023/24</b>			
	<b>Income £m</b>	<b>Expenditure £m</b>	<b>Projected Outturn £m</b>
<b>Zetland Car Park</b>	<b>-0.154</b>	<b>0.146</b>	<b>-0.008</b>
<b>House of Fraser</b>	<b>0.000</b>	<b>0.100</b>	<b>0.100</b>
<b>Total</b>	<b>-0.154</b>	<b>0.246</b>	<b>0.092</b>

43. The Medium Term Financial Plan (MTFP) assumed that House of Fraser would be sold by the 31<sup>st</sup> December 2023 and the budget was set accordingly so whilst no expenditure will be incurred following the proposed sale, there are no budgetary savings in 2024/25. Net income and expenditure at the Zetland Car Park is anticipated to remain at similar levels in 2024/25.

44. The proposals being considered by the buyer for the House of Fraser building would also potentially trigger significant investment into the town centre that could result in a longer term increase in Business Rate income.

45. The Council has an obligation to achieve best value when considering asset sales. In terms of an assessment of best value:

- a. With respect to the House of Fraser, the Council instructed two, parallel, external 'Red Book' valuations from Knight Frank and Algin Property Services, confirming that the current market value for the House of Fraser is *(Ref B HoF Valuation - Confidential Appendix I)*. This reflects the fall in the market for retail

property and the deteriorating condition of the building. The buyer has also sought a formal 'Red Book' valuation that has confirmed a similar value.

- b. With respect to the Zetland Car park, the Council instructed two external 'Red Book' valuations from Knight Frank and Algin Property Services, confirming that the current market value for the property is *(Ref C Zetland Valuation - Confidential Appendix I) (Ref C Zetland Valuation - Confidential Appendix I)*. The buyer has also sought a formal 'Red Book' valuation that has confirmed a similar value. A sale is therefore proposed with a requirement that it remains in operation as a car park for at least five years.

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

<b>Action</b>	<b>Responsible Officer</b>	<b>Deadline</b>
Subject to Executive approval, the Council moves to proceed with disposal of the two properties as detailed within the report.	Valuation & Estates Manager	March 2024

### **Appendices**

<b>I</b>	Confidential Appendix (Buyer Identity and Property Values)
<b>II</b>	Asset Disposal Business Case – House of Fraser
<b>III</b>	Asset Disposal Business Case – Zetland Car Park
<b>IV</b>	Impact Assessment Level 1 – Initial Screening Assessment

### **Background papers**

The following background papers were used in the preparation of this report:

<b>Body</b>	<b>Report title</b>	<b>Date</b>
Executive	Medium Term Financial Plan (MTFP) Refresh 2024/25 to 2026/27	23 <sup>rd</sup> August 2023
Executive	Review of Capital Receipts Strategy 2023/24	23 <sup>rd</sup> November 2023
Executive	Asset Review	23 <sup>rd</sup> November 2023

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## Asset Disposal Business Case

Name of Asset:	House of Fraser, 37 Linthorpe Road, Middlesbrough
Asset Register Number:	1002/217
Current Use:	<p>The property comprises a prominent six storey department store measuring approx. 129,000 sq ft, situated in the heart of Middlesbrough's prime retail pitch.</p> <p>The building is of concrete frame construction with stone faced elevations beneath flat membrane covered roofs. The ground floor is predominantly made up of a triple glazed return shop frontage with powder coated aluminium frames and there are two large entrances – one from Linthorpe Road and one from Corporation Road.</p> <p>The property has remained fully vacant following the official closure of the former House of Fraser Store in June 2022.</p>
Valuation at Current Use (Asset Register)	<i>(Ref B HoF Valuation - Confidential Appendix I)</i>
Reason for Disposal:	Generate Capital Receipt.
Latest Valuation (Proposed Disposal)	<i>(Ref B HoF Valuation - Confidential Appendix I)</i>

**Asset disposal stream (Please Select):**

Generate Capital Receipt	1
Stimulate Economic Activity	2
Support Communities	3

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

**Officer requesting disposal (Responsible Service Manager):**

Name:	Richard Horniman
Position:	Director of Regeneration

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

Yes		No	✓
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(To be completed by the Valuation & Estates Team)

**If yes, please outline the potential use:**

N/A
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Estimated Value at Alternative Use	N/A
------------------------------------	-----

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

Yes		No	✓
-----	--	----	---

(To be completed by the Valuation & Estates Team)

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

N/A
-----

**Key factors to be considered when assessing potential disposals:**

1.	Generate capital receipt
2.	Promote regeneration within the town centre
3.	Generate Business rates

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

The proposed disposal of this asset, which has stood vacant since June 2022 incurring significant holding costs, will result in the Council being able to generate a significant capital receipt.

The property requires major investment for it be brought back into any type of meaningful future use, and beyond what Middlesbrough Council can alone provide. The mooted disposal to the Tees Valley Combined Authority will deliver substantial capital investment in Middlesbrough, facilitating the regeneration of an unutilised and prominent town centre building. This transition is a step in the right direction towards revitalising the town and achieving its transformation goals.

As well as the above regeneration benefits, given that the TVCA have met the independent market valuation for the property, it is considered appropriate for the Council to proceed with a disposal via private treaty on this occasion.

**Asset not needed by the Council – approved to proceed:**

Head of Asset Management	Yes	No	Date
<i>David Jamison</i>	✓		08/02/2024

**Preferred method of marketing:**

Formal/Informal Offers	
Private Treaty	✓
Auction	
Community Asset Transfer Process	

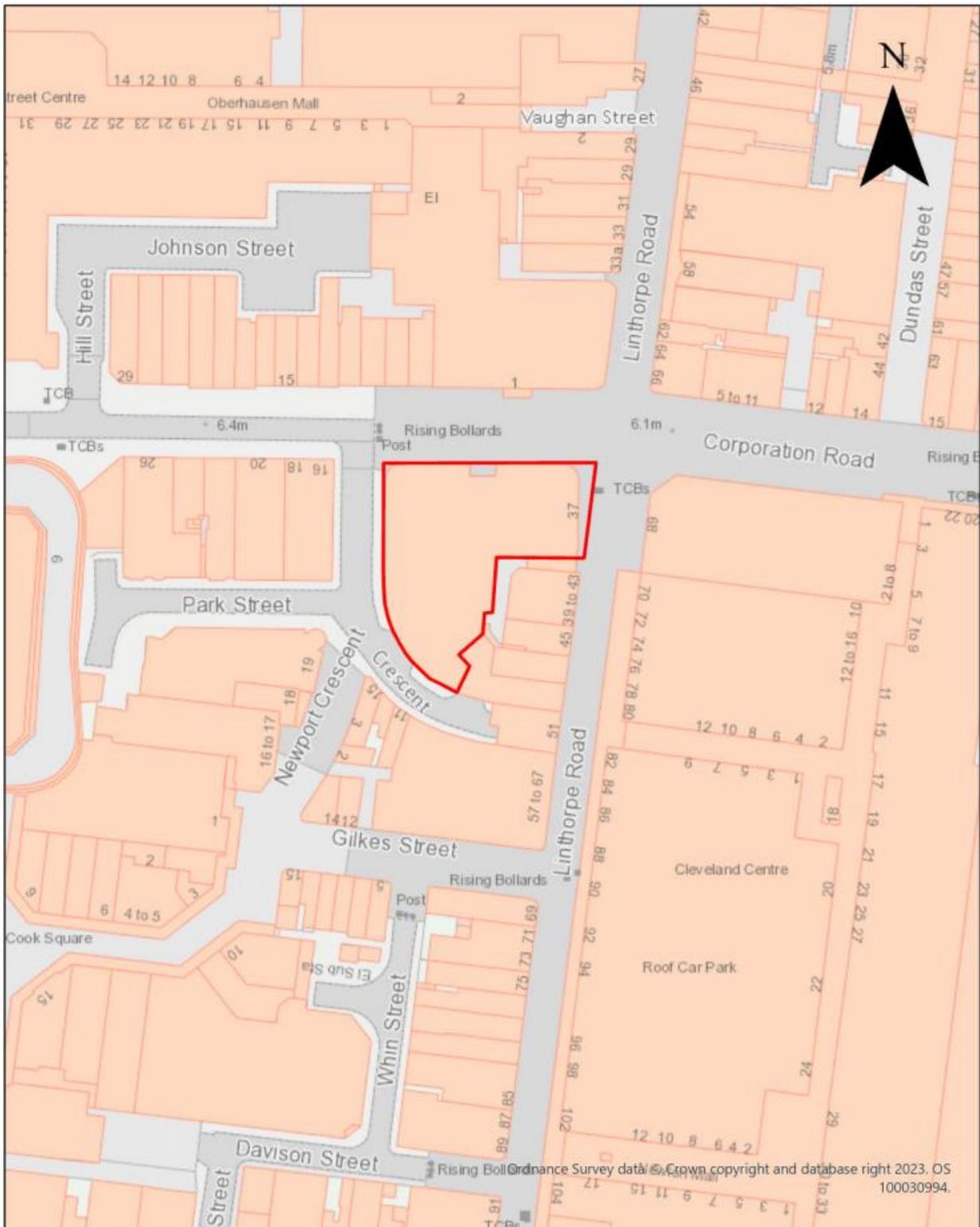
(To be completed by the Valuation & Estates Team prior to marketing)

**Method for final approval:**

Estimated Value	Approval Required	Authorised	Date
Up to £50,000	Valuation & Estates Manager		
Between £50,000 and £250,000	Director of Finance		
More than £250,000	Executive Committee	Report Item No.23/24 – Asset Review	21 <sup>st</sup> November 2023

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

Disposal Plan



 <p>©Crown Copyright and database rights 2019 Ordnance Survey LA10023413</p>	<p><b>House of Fraiser</b>  <b>37 Linthorpe Road</b>  <b>Middlesbrough</b></p>	Scale : 1:1,250
		Date : 12.12.2023
		Drawn : E.S
		Drg No : VAL 6394

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## Asset Disposal Business Case

Name of Asset:	Zetland Multi-Storey Car Park, Station Street, Middlesbrough
Asset Register Number:	1001/519
Current Use:	<p>The subject asset takes the form of a town centre car parking facility that is currently operated by Middlesbrough Council.</p> <p>Occupying a site measuring approx. 1.78 acres, the multi-storey building is situated on the north side of the A66 close to the central business district.</p> <p>It comprises a steel-framed structure consisting of twelve staggered parking levels, which slope inwardly to allow drainage. We understand the car park was constructed in circa 1989 and has capacity for 897 vehicles, although this is now reduced to 739 following the installation of solar panels to the roof levels.</p>
Valuation at Current Use (Asset Register)	<i>(Ref C Zetland Valuation - Confidential Appendix I)</i>
Reason for Disposal:	Generate Capital Receipt.
Latest Valuation (Proposed Disposal)	<i>(Ref C Zetland Valuation - Confidential Appendix I)</i>

**Asset disposal stream (Please Select):**

Generate Capital Receipt	1
Stimulate Economic Activity	2
Support Communities	3

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

**Officer requesting disposal (Responsible Service Manager):**

Name:	Richard Horniman
Position:	Director of Regeneration

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

Yes		No	✓
-----	--	----	---

(To be completed by the Valuation & Estates Team)

**If yes, please outline the potential use:**

N/A
-----

Estimated Value at Alternative Use	N/A
------------------------------------	-----

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

Yes		No	✓
-----	--	----	---

(To be completed by the Valuation & Estates Team)

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

N/A
-----

**Key factors to be considered when assessing potential disposals:**

1.	Generate capital receipt
2.	Facilitate strategic requirements to promote MDC investment
3.	Generate Business rates

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

<p>The proposed disposal of this property will generate a significant capital receipt for an asset currently held to provide car parking spaces serving the town centre.</p> <p>The plan to transfer the subject asset is linked to a strategic requirement to facilitate the delivery of significant capital investment by the Tees Valley Combined Authority's Middlesbrough Development Corporation – helping to promote regeneration and new development in Middlesbrough Town Centre, focusing specifically on area adjacent Middlehaven and the Zetland Historic Quarter.</p> <p>Given that the TVCA have met the Councils valuation for the property, surpassing the asset value and recent independent market valuation, it is considered appropriate for the Council to proceed with a disposal via private treaty on this occasion.</p>
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**Asset not needed by the Council – approved to proceed:**

Head of Asset Management	Yes	No	Date
<i>David Jamison</i>	✓		08/02/2024

**Preferred method of marketing:**

Formal/Informal Offers	
Private Treaty	✓
Auction	
Community Asset Transfer Process	

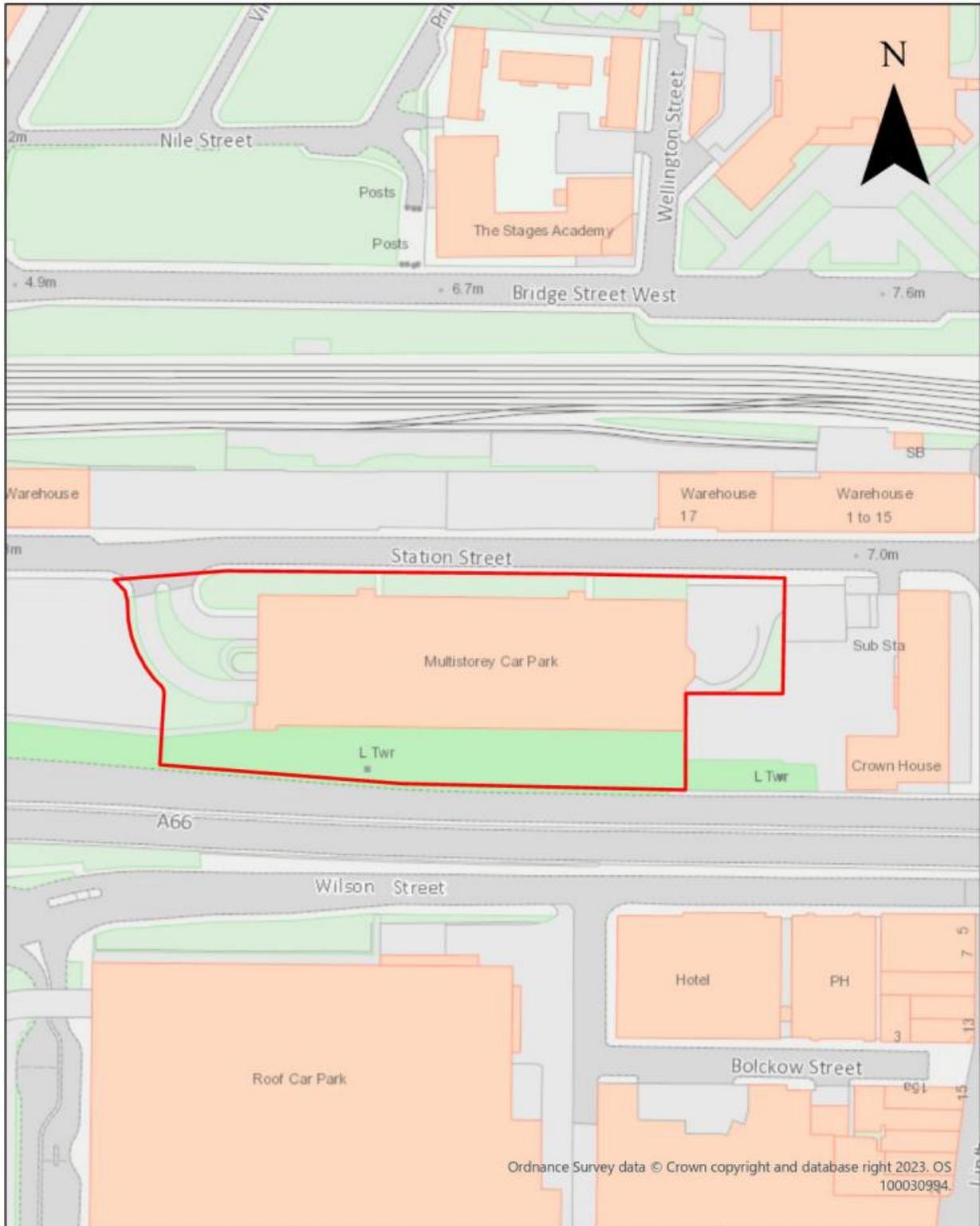
(To be completed by the Valuation & Estates Team prior to marketing)

**Method for final approval:**

Estimated Value	Approval Required	Authorised	Date
Up to £50,000	Valuation & Estates Manager		
Between £50,000 and £250,000	Director of Finance		
More than £250,000	Executive Committee	Report Item No.23/24 – Asset Review	21 <sup>st</sup> November 2023

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

Disposal Plan



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		Date : 04.01.2024
		Drawn : E.S
		Drg No : VAL 6260A

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## Impact Assessment Level 1 – Initial Screening Assessment

<b>Subject of assessment:</b>	Disposal of the Council's freehold interest in the House of Fraser building (37 Linthorpe Road) and Zetland Car Park			
<b>Coverage:</b>	Service specific			
<b>This is a decision relating to:</b>	<input type="checkbox"/> <b>Strategy</b>	<input type="checkbox"/> <b>Policy</b>	<input type="checkbox"/> <b>Service</b>	<input type="checkbox"/> <b>Function</b>
	<input type="checkbox"/> <b>Process/procedure</b>	<input type="checkbox"/> <b>Programme</b>	<input type="checkbox"/> <b>Project</b>	<input type="checkbox"/> <b>Review</b>
	<input type="checkbox"/> <b>Organisational change</b>	<input checked="" type="checkbox"/> <b>Other (please state)</b> Asset management		
<b>It is a:</b>	<b>New approach:</b>	<input checked="" type="checkbox"/>	<b>Revision of an existing approach:</b>	<input type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input type="checkbox"/>	<b>Local or corporate requirements:</b>	<input checked="" type="checkbox"/>
<b>Description:</b>	<p><b>Key aims, objectives and activities</b> To assess the impact of the proposal to dispose of Council assets.</p> <p><b>Statutory drivers (set out exact reference)</b> The Local Government Act 1972 Section 123, as amended by the Local Government Planning &amp; Land Act 1980 Section 118 Schedule 23 Part V.</p> <p><b>Differences from any previous approach</b> The subject properties have been declared surplus and there are no Council staff, or services that will be affected by the disposal proposed. Future use will be for the development (HoF) and car parking (Zetland).</p> <p><b>Key stakeholders and intended beneficiaries (internal and external as appropriate)</b> The Council, buyer and the local community.</p> <p><b>Intended outcomes</b> The proposed disposal of the subject properties would:</p> <ul style="list-style-type: none"> <li>• generate a significant capital receipt for the Council</li> <li>• remove the Council's liability for future holding costs, responsibility for, and maintenance of the properties, and</li> <li>• facilitate investment in the town centre.</li> </ul>			
<b>Live date:</b>	21 March 2024			
<b>Lifespan:</b>	Not applicable.			
<b>Date of next review:</b>	Not applicable.			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<p><b>Human Rights</b></p> <p>Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>It is considered that the disposal of the subject properties will not impact negatively on individual human rights. The proposal represents a significant and positive enhancement for both the town centre and the wider area, far outweighing the transfer of the properties from the Council's Estate holding.</p> <p>This assessment has been made taking into account:</p> <ul style="list-style-type: none"> <li>the fact that the properties are surplus, and that no Council staff or services will be affected by the proposed disposal;</li> <li>the jobs that development will support and create, and</li> <li>the potential of the proposal to stimulate further economic development within the borough.</li> </ul>
<p><b>Equality</b></p> <p>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?*</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Council has a duty to consider the impact of the proposed decision on relevant protected characteristics, to ensure it has due regard to the public sector equality duty. Therefore, in the process of taking decisions, the duty requires the Council to have due regard to the need to:</p> <ol style="list-style-type: none"> <li>eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and</li> <li>foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ol> <p>Consideration of this duty has shaped the proposals.</p> <p>The properties are surplus. In accordance with this position, access to and delivery of Council services will not be affected by the proposed disposal (as Zetland will remain as a car park).</p> <p>It is considered that the proposal will not have a disproportionate adverse impact on a group, or individuals, because they hold a protected characteristic.</p> <p>Evidence used to inform this assessment includes engagement to date with relevant Council departmental teams and the proposed purchaser, together with analysis of the terms and conditions that will be incorporated within the proposed sale.</p>

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

<p><b>Community Cohesion</b>          Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*</p>	☒	☐	☐	<p>There are no concerns that the proposal could have an adverse impact on community cohesion.</p> <p>Evidence used to inform this impact assessment includes the potential for bringing these properties back into a far more beneficial future use than that being provided under the current ownership and management arrangement.</p>
<p><b>Sustainable Community Strategy Objectives</b>          Could the decision impact negatively on the achievement of the vision for Middlesbrough?* Does this decision impact on the statutory duties associated with these key objectives?*</p>	☒	☐	☐	<p>In consideration of these outcomes, the proposal does not impact negatively upon the Council's sustainable community strategy objectives.</p> <p>This assessment has been made taking into account the new jobs that will be created in the Borough by bringing the subject properties back into a far more beneficial future use.</p>
<p><b>Organisational Management / Transformation</b>          Could the decision impact negatively on organisational management or the transformation of the Council's services as set out in its Transformation Programme?*</p>	☒	☐	☐	<p>No tangible relationship between the disposal of the properties and the organisational management of the Council, or the transformation of its services (as set out in its Transformation Programme), have been identified. The funding secured through sale would however have the potential to contribute positively to the future transformation.</p>
<p><b>Next steps:</b></p> <ul style="list-style-type: none"> <li>➡ If the answer to all of the above screening questions is No then the process is completed.</li> <li>➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.</li> </ul>				

<b>Assessment completed by:</b>	David Velemir	<b>Head of Service:</b>	Richard Horniman
<b>Date:</b>	21/02/24	<b>Date:</b>	21/02/24

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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