

**COUNCIL**

A meeting of the Council was held on Wednesday 17 January 2024.

**PRESENT:** Councillors J Rostron (Chair), J Walker (Vice-Chair), J Banks, I Blades, D Branson, C Cooke - Elected Mayor, J Cooke, C Cooper, D Coupe, S Dean, J Ewan, T Furness, P Gavigan, S Hill, L Hurst, N Hussain, D Jackson, D Jones, J Kabuye, L Lewis, T Livingstone, L Mason, M McClintock, J McConnell, I Morrish, M Nugent, J Platt, S Platt, J Ryles, M Storey, P Storey, J Thompson, S Tranter, Z Uddin, N Walker, G Wilson and J Young

**PRESENT BY INVITATION:** Councillors

**ALSO IN ATTENDANCE:**

**OFFICERS:** S Bonner, C Benjamin, M Brown, A Davis, G Field, C Heaphy, R Horniman, S Lightwing, D Middleton and M Nath

**APOLOGIES FOR ABSENCE:** Councillors E Clynch, D Davison, TA Grainge, B Hubbard, D McCabe, J McTigue, J Nicholson, A Romaine, M Saunders and M Smiles

23/80 **DECLARATIONS OF INTEREST**

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

23/81 **MINUTES - COUNCIL - 29 NOVEMBER**

The minutes of the Council meeting held on 29 November 2023 were submitted and approved as a correct record.

23/82 **ANNOUNCEMENTS/COMMUNICATIONS**

The Chair advised Members of the sad passing of former Councillor Bill Hawthorne who represented the Ayresome Ward between 2010 and 2015. The Chair invited Council to stand in a minute's silence.

The Chair also reminded Councillors to clearly indicate their voting intentions during votes.

**NOTED**

23/83 **QUESTIONS FROM MEMBERS OF THE PUBLIC (IF ANY).**

No questions had been received from members of the public.

23/84 **TEES VALLEY COMBINED AUTHORITY (TVCA) - UPDATE**

The Chair invited the Mayor to provide an update on the Tees Valley Combined Authority.

The Mayor stated the next Cabinet meeting of the Combined Authority was scheduled for Friday 26 January 2024. It was anticipated a discussion would take place around how the Network North monies would be spent.

The Middlesbrough Development Corporation was exploring how to progress projects in Gresham and the Town Centre. Moving forward it was also intended to create a forward plan to link all of the projects together in order to create a town centre wide master plan. It was important to respect the intentions of other stakeholders, such as the University. It was hoped there would be better relationships around the establishment of such plans.

While there was a meeting of the Middlesbrough Development Corporation scheduled later in

the week it was hoped it could be re-arranged to ensure the Mayor could attend.

## **NOTED**

23/85

### **MAYOR'S STATEMENT AND REPORT**

The Chair invited the Mayor to make his statement.

The Mayor stated the Council had applied for Exceptional Financial Support from the Government. This was a necessary step to avoid issuing a Section 114 notice, which was something that should be avoided. Should a Section 114 notice be issued this would lead to a loss of decision-making power within the Council. The arrival of government commissioners would likely result in an application for financial support anyway.

The Council needed to focus on its plans going forward, namely the recovery of the financial position, re-setting the Council's priorities and delivering improved services to residents. As part of this process, the Council needed to examine and understand what grants and schemes were available and there was also a need to focus on services that mattered most, both financially and morally.

There were several planned consultation exercises taking place, the first had been the Resident's Survey. Consequently, there was a need to enhance some Council services such as the expansion of the Council's homeless provision, and making residents feel safer. Some frontline services, such as area care, needed to be protected. Overall, this was an uncertain time for the Council, and it was important to implement relevant plans to achieve the Council's goals.

The Chair thanked the Mayor and invited questions from Members.

A Member stated he had attended the Executive meeting that approved the application for Exceptional Financial Support. The Middlesbrough Independent Improvement Advisory Board had provided valuable input, but it was clear more needed to be done. The Board had stated that change needed to happen, but the entire Council needed to be devoted to that change. Recent invitations for government commissioners to intervene in the Council were mistaken. There was a need for unity across the Council and during the CIPFA process there was a recognition that the survival of the Council was a priority, despite some disagreements at times. The Member stressed that political differences were inevitable but should not hinder the progress the Council needed to make.

There were no further questions for the Mayor.

## **NOTED**

23/86

### **EXECUTIVE MEMBER REPORTS**

The Chair invited Members to raise items for general discussion arising from the Information Booklet of Executive Member reports which detailed activities conducted within the respective Executive Member portfolios (Section 1), Executive decisions taken (Section 2) or to be taken where known, prior to and following the meeting (Sections 3 and 4).

*Question in relation to the report of the Executive Member for Children's Services*

#### **Councillor Kabuye in relation to Early Help**

The Executive Member stated Early Help was well established and was carried out by hard working staff. Early Help was in place to ensure referrals were made quickly and effectively and to try and mitigate referrals being escalated to social care. There was a referrals process in place which, for Early help, could be made via a form upon request or for safeguarding issues could be made through the Multi Agency Children's Hub or the contact phone number 01642726004.

Any referrals for Early Help required parental consent.

*Question in relation to the report of the Executive Member for Finance and Governance*

**Councillor M Storey in relation to Section 114**

The Executive Member stated the implications of a Section 114 notice had been discussed at a previous Member briefing and detailed in the submitted Executive Member report. However, a Section 114 notice would not bring additional money. It would put services that residents value at risk and place all statutory services into a position of minimum and safe levels. This would also put non statutory services at risk with examples being libraries and community centres. There was also a cost involved in issuing a Section 114 notice such as paying for government commissioners. Other councils that had issued Section 114 notices had also been given permission to raise their Council Tax levels above 5%.

**Councillor Branson in relation to Commissioners**

The Executive Member stated that when government commissioners intervened in councils, they removed some powers from both Members and officers, but this would depend on the circumstances of the relevant council. The Executive Member provided examples from Nottingham City Council. Intervention from government commissioners also caused resentment from within those councils.

*Question in relation to the report of the Executive Member for Regeneration*

**Councillor Livingston in relation to the Local Plan**

The Executive Member stated the Executive had endorsed the consultation on the draft Local Plan. Local Plans were required to contain sites allocated to the traveller community, known as the gypsy traveller accommodation assessment. Part of this was to assess traveller community population increases in conjunction with housebuilding projects across the town.

While Teessaurus Park was a potential site, others included Canon Park and land adjacent to the TA centre on Longlands Road. Consultation had been carried out with the traveller community who said they needed to be close to their current location in Metz Bridge. However, there were several steps involved in approving the Local Plan but currently the Teessaurus Park area was allocated as a future growth site for the traveller community.

**NOTED**

23/87 **REPORT OF THE OVERVIEW AND SCRUTINY BOARD**

The Chair of the Overview and Scrutiny Board presented a report, the purpose of which was to provide an update on the current position regarding progress made by the Overview and Scrutiny Board and each of the individual Scrutiny Panels.

**NOTED**

23/88 **URGENT ITEMS**

There were no urgent items submitted within the specified deadlines for this meeting.

23/89 **MEMBERS' QUESTION TIME**

There were no Members questions submitted within the specified deadlines for this meeting.

23/90 **NOTICE OF MOTIONS**

There were no Notice of Motions submitted within the specified deadlines for this meeting.

23/91 **NOTICE OF URGENT MOTIONS (IF ANY)**

There were no Notice of Urgent Motions submitted within the specified deadlines for this meeting.

23/92

**CORPORATE GOVERNANCE IMPROVEMENT PLAN AND SECTION 24 ACTION PLAN PROGRESS REPORT**

The Mayor presented the Corporate Governance Improvement Plan and Section 24 Action Plan progress report.

As part of the update the Mayor highlighted two red flags in the report relating to sustainable leadership for the organisation. This would be addressed as part of agenda item 14, Senior Management Arrangements. However, timing was very important. The Mayor approached this matter with caution following the recruitment of the Director of Children's Services. As such it was important to build in sufficient lead time when appointing a Chief Executive and S151 Officer.

All other actions in the update were on track.

**NOTED**

23/93

**TEES VALLEY COMBINED AUTHORITY IRP - NOMINATION - (COUNCIL APPOINTMENT) - MO'S REPORT**

The Chair invited the Monitoring Officer to present the report.

Council was reminded that Independent Remuneration Panels assisted in the determination of Member remuneration. This was the same of the Tees Valley Combined Authority with each constituent authority required to nominate a representative to sit on its Independent Panel.

The report was brought before Council because of the sad passing of Middlesbrough's previous representative, Dr Jim Whiston. The report asked Council to approve Mr Stuart Green, current member of Middlesbrough's Remuneration Panel, as Middlesbrough's representative to the Tees Valley Independent Remuneration Panel.

**ORDERED** that Mr Stuart Green of Middlesbrough's Independent Remuneration Panel be appointed to the Tees Valley Combined Authority's Remuneration Panel.

23/94

**FLEXIBLE USE OF CAPITAL RECEIPTS POLICY**

The Chair invited the Executive Member for Finance and Governance to present the report.

The Executive Member stated the Flexible Use of Capital Receipts policy allowed the Council to use capital receipts to finance revenue expenditure. Previous reports in February 2023 had approved up to £3 million for this purpose, however this report requested an increase to £4.3 million.

The Executive Member drew Council's attention to tables 3 and 5 in Appendix 1 of the report which detailed previous approvals and the request for additional flexible use. Each table gave the one-off amount and the net savings.

There was one amendment to the report on p.96 relating to the integrated transport unit that stated "TBC". It was proposed this was removed.

The Chair invited questions from Members.

A Member commented there was a need to invest but queried if the investment needed to come from the sale of assets. Assets could only be sold once and as such there was a need to scrutinise those sales carefully. The Member highlighted the example of the need to reduce costs for children's residential placements as an example of transformation activity. However, there were other items that were vague. The Member also expressed surprise that the S151 officer had approved the list in Appendix 5 which included funding for that role. Overall, while the proposal to increase the use of capital receipts was sound but was let down in the detailed implementation as detailed in Appendix 5. The Member queried if the item relating to the salary of the S151 officer could be deleted.

The Executive Member responded that monies related to the S151 officer post were above budget. In terms of the S151 approving the proposals, the Executive Member stated another

officer had identified this and suggested it be included in the report. It was also clarified that any of the proposals in the report had been considered by Audit. If the Auditors did not agree with the proposals, they would not have approved their inclusion in the report.

**ORDERED** that the Flexible Use of Capital Receipts Strategy be approved.

At this point in the meeting the Chief Executive withdrew from the meeting.

23/95

## **SENIOR MANAGEMENT ARRANGEMENTS**

The Chair presented the report in her capacity as Chair of the Chief Officers Appointments Committee.

The report outlined the meeting of the Chief Officer Appointments Committee held on 12 January 2024 which discussed the Council's senior management arrangements. Members were reminded both the Chief Executive and S151 Officer were interim appointments and only had a short time until their temporary contracts expired.

Members were advised the Council could extend their existing contracts or spread their duties among existing member of senior managers. However, doing this would be a risk due to existing pressures of senior members.

The Chief Officers Appointments Committee was minded, and therefore recommended, the extension of the Chief Executive's and S151 Officer's contracts until March 2025. There was also a strategy to appoint to those posts on a permanent basis in the future.

The Chair invited questions from Members.

A Member queried what third-party costs were part of the contract extension, as these were mentioned in the report.

The Mayor commented that the Chief Executive had been engaged because of the Best Value notice. As such there was additional support to the Council from CIPFA. The Council has found the relationship between the Chief Executive and CIPFA to have been beneficial.

The Mayor expressed his thanks to the Chief Executive for his work. There was also improvements in the way the Chief Executive would be performance managed.

The Executive Member for Finance and Governance likened the appointment of the Chief Executive to a war-time Prime Minister in that his experience would help the Council through difficult times. It was also commented that the recommendation in the report was endorsed by the Middlesbrough Independent Improvement Advisory Board.

**ORDERED** that Council approve the extension of the appointment of Clive Heaphy as interim Chief Executive until end March 2025.