

COUNCIL

A meeting of the Council was held on Wednesday 27 November 2024.

PRESENT: Councillors J Ewan (Vice-Chair), J Banks, I Blades, D Branson, E Clynch, C Cooke - Elected Mayor, J Cooke, C Cooper, D Coupe, T Furness, P Gavigan, L Henman, B Hubbard, N Hussain, D Jackson, J Kabuye, L Lewis, L Mason, M McClintock, I Morrish, J Nicholson, M Nugent, S Platt, A Romaine, J Ryles, M Smiles, S Tranter, Z Uddin, N Walker, G Wilson, J Young and L Young

OFFICERS: C Benjamin, S Bonner, A Davis, C Heaphy, S Lightwing, E Scollay and K Whitmore

APOLOGIES FOR ABSENCE: Councillors J Rostron (Chair), D Davison, TA Grainge, S Hill, L Hurst, D Jones, T Livingstone, D McCabe, J McConnell, J McTigue, J Platt, M Saunders, P Storey and J Thompson

24/65 **WELCOME AND FIRE EVACUATION PROCEDURE**

The Vice Chair welcomed all present to the meeting and read out the Fire Evacuation Procedure.

24/66 **DECLARATIONS OF INTEREST**

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

24/67 **MINUTES - COUNCIL - 16 OCTOBER 2024**

The minutes of the Council meeting held on 16 October 2024 were submitted and approved as a correct record.

24/68 **ANNOUNCEMENTS/COMMUNICATIONS**

On behalf of Middlesbrough Council, the Vice Chair welcomed newly elected Councillor – Councillor Tom Mohan (Hemlington Ward) to his first meeting.

24/69 **QUESTIONS FROM MEMBERS OF THE PUBLIC (IF ANY).**

The Vice Chair read out Question 1/24 submitted by Steven James, who was not in attendance.

The Mayor responded stating that he had not pledged to freeze council tax. The expectation was that in future years there would be a multi-year settlement from the Government which would provide more clarity on funding. In this first year of the new Labour Government it was anticipated that there would be an immediate fix for those Councils most in distress, which would hopefully include Middlesbrough. The Mayor was confident that next year's proposed Council budget would deliver what residents wanted, and included a ten percent increase in area care and more for culture and events. Whilst a Council Tax increase was proposed, there would also be increased investment in front line services.

24/70 **TEES VALLEY COMBINED AUTHORITY (TVCA) - UPDATE**

The Mayor provided an update on the Tees Valley Combined Authority. There had been no movement on the transfer of assets. However the Council had been discussing individual projects with the TVCA and Middlesbrough Development Corporation (MDC). If there was a business case for an individual asset to be transferred or sold for value, decisions would be made on a case by case basis. Councillor Furness had attended the latest MDC meeting as substitute for the Mayor. The proposed hotel which would be built on land at Gresham was discussed and it was anticipated the project would move forward once land ownership issues were resolved. The next TVCA Cabinet meeting would take place in December and the Mayor would bring a further update in January 2025.

The Chair requested that Members note the Mayor's update on the TVCA.

ORDERED that the Mayor's TVCA updated was noted.

24/71

MAYOR'S STATEMENT AND REPORT

The Budget consultation process would start on 4 December 2024. This would be the start of the reset for the Council. The proposed figure for Adults and Children's services would be 79% of the budget rather than the previous 83%. This would allow the Council to reset priorities and invest funding into front line services including area care and youth provision. The Mayor was hoping for cross party support for the budget and invited any Member or Group who wished to do so, to meet with him to discuss the proposals.

The Mayor thanked all Members who had been involved in the recent appointments of the new Chief Executive and Director of Finance and acknowledged the time and effort that had gone into the process. The Mayor also thanked Councillor Jackson for standing in for the Chair of the Chief Officer Appointments Committee to present the report later in the agenda and hoped that all Members would support the recommendations. Good wishes were sent to Councillor Thompson for her recuperation.

Councillor McClintock raised an issue in relation to Linthorpe Community Centre which was currently facing closure. The Mayor agreed that the situation with Linthorpe Community Centre needed to be reviewed and the Deputy Mayor was currently investigating. The Mayor invited Councillor McClintock to meet with him, the Deputy Mayor and the Ward Councillor for Linthorpe to discuss the matter further. The Mayor also commented that it was timely to reassess and take stock of what the Council should be delivering to enable communities and ensure that lease terms on property were fair and equitable for all parties.

Councillor Smiles expressed her disappointment that the Eton College project had been paused by the Education Secretary and asked the Mayor for his thoughts on the current situation. The Mayor stated that if the project was to be paused he hoped that Middlesbrough would still receive the funding and produce a bid to rival the Eton College project. Middlesbrough College had already expressed interest in proposals to upskill students and offer equally good levels of education without having that resource drain or losing staff to other areas. The Mayor commented that when he took up his current role he contacted the Department for Education in relation to the promised new secondary school in Middlesbrough that had still not been built. This was the priority for Middlesbrough and the secondary school was required as a matter of urgency. The Mayor further commented that he did not believe the Eton College project had been at the point of being able to deliver, for several reasons, when it was paused.

Councillor Kabuye welcomed additional funding for youth provision and asked the Mayor if this would continue.

Subject to approval of the Budget, the Mayor stated that there would be additional funding of £100,000 for the Universal Youth Contract and confirmed that this funding would be ongoing. In addition, in the current year, £150,000 had been re-allocated from funding received from the Ministry of Housing, Communities and Local Government to help with community cohesion and specifically target young people and projects in schools.

The Chair requested that Members note the Mayor's statement.

ORDERED that the Mayor's statement was noted.

24/72

EXECUTIVE MEMBER REPORTS

The Vice Chair informed Council that although the Deputy Mayor and Executive Member for Education and Culture had submitted apologies for tonight's meeting, Cllr Storey had asked her to share the fantastic news that Year 5 pupils at Kader Academy had won 1st and 2nd place in the National Times Table Rockstar Competition. This information was received after the agenda publication for this meeting therefore it was not included in the Executive Member's report. On behalf of Council, the Vice Chair expressed congratulations to all involved at Kader Academy on this brilliant achievement.

Questions in relation to the Report of the Executive Member for Environment and Sustainability.

Councillor Clynych in relation to progress on flood prevention.

The Executive Member stated that despite the significant number of storm events in the last few years there had actually been a reduction in flooding occurring in many areas including Hall Drive, Newport Road and Mount Pleasant Way. Recent additions to the Council's fleet would help mitigate future flood risks and included two gulley suckers and two new compact sweepers. Further investment in tree maintenance, hedge and shrub maintenance and an increased area care budget would also contribute to the prevention of flooding.

Councillor Hubbard in relation to policy proposals to protect green spaces.

The Executive Member agreed to liaise with the Director of Environment to ensure the issues raised in relation to uncollected bins and bonfire debris were addressed as quickly as possible.

24/73 **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 the individual Scrutiny Panels.

The Chair invited Members to note the report.

ORDERED that the report was noted.

24/74 **URGENT ITEMS**

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

24/75 **MEMBERS' QUESTION TIME**

The Chair invited Councillor Mason to ask his question as set out at Agenda Item 12 in relation to "The Wired Lobby" entering administration.

The Executive Member for Development provided the following responses:

1. There was a fixed legal charge of the assets of the Company.
2. The legal charge, whilst not registered with Companies House, was enforceable.
3. No other legal (and equitable) charges over the assets of the company were filed at Companies House.
4. Gaming Adventures Limited, incorporated on 2 September 2021, owned "The Wired Lobby."
5. It was typical for capital contributions to be awarded as a grant when property conversions were undertaken to create a fundamental shift in the local market. The loan was provided for start up and some grant for fixture and fittings. There was a mechanism for clawback as the business progressed.
6. A business case was considered and robustly scrutinised.
7. Liabilities were determined by the appointed liquidator. The fixtures and fittings were owned by Middlesbrough Council.
8. No other businesses whose total assets were less than the loans/ grants given where these loans/grants remained outstanding, had been provided with loans by Middlesbrough Council.

The Executive Member added that he was unable to comment on decisions made by previous Executives.

NOTICE OF MOTIONSMotion No. 171

Consideration was given to Motion No. 171 moved by Councillor Morrish and seconded by Councillor Wilson of which notice had been given in accordance with Council Procedure Rules No. 53-60 as follows:

The Council will write to the relevant Government department to ask them to consider amending current legislation to allow for all local Councillors to be eligible for enhanced DBS checks.

Councillor Morrish spoke in support of the motion.

Councillor Wilson spoke in support of the motion.

The Chair invited members to speak to the motion.

Councillors Walker, Blades and the Mayor spoke in support of the motion.

During the debate it was suggested that the possibility of adding DBS certificate numbers to Members' identification badges should be explored by the Monitoring Officer.

Councillor Morrish welcomed the comments made and thanked Members for supporting the motion.

On a vote being taken the motion was unanimously **CARRIED**.

Motion No 172

Consideration was given to Motion No. 172 moved by Councillor Banks and seconded by Councillor Henman of which notice had been given in accordance with Council Procedure Rules No. 53-60 as follows:

Motion in support of #EqualPlay

Middlesbrough Council celebrates the incredible achievements of Team GB in the Olympic Games and Team GB in the Paralympic Games held in Paris during Summer 2024.

The world witnessed excellent sportspeople represent Great Britain and inspire generations at home and abroad. We recognise and welcome the role our national athletes play in inspiring non-disabled and disabled children in Middlesbrough. We pay tribute to the record-breaking success of Team GB in the Paralympics this year, who secured 49 gold medals, 44 silver medals, and 31 bronze medals.

Unfortunately, this success starkly contrasts with the inequality between non-disabled and disabled children when it comes to sports and physical education (PE) opportunities in UK schools. According to ParalympicsGB, 75% of disabled children in the UK say they do not take part in regular sport and exercise in school. This has to change.

Middlesbrough Council supports the #EqualPlay campaign and commits to providing equal play opportunities for children where possible and resolves to write to schools in the Borough of Middlesbrough encouraging them to support this campaign.

Councillor Banks spoke in support of the motion.

Councillor Clynych reserved his right to speak to the motion.

The Chair invited members to speak to the motion.

Councillors Coupe, Branson and Clynych spoke in support of the motion.

Councillor Banks welcomed the comments made and thanked Members for supporting the motion.

On a vote being taken the motion was unanimously **CARRIED**.

24/77 **NOTICE OF URGENT MOTIONS (IF ANY)**

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

24/78 **CORPORATE GOVERNANCE IMPROVEMENT PLAN AND SECTION 24 ACTION PLAN PROGRESS REPORT**

A joint report of the Chief Executive, Director of Finance and Director of Legal and Governance Services was presented that set out the key activities, progress and impact of the Corporate Governance Improvement Plan and activity in response to the Section 24 recommendations made by the Council's External Auditors, since last reported to Council on 16 October 2024.

Council was requested to note the progress against the Corporate Governance Improvement Plan and Section 24 Action Plan and agree the change control outlined in the report at 6.1. This change control would be to extend the date of CT1.09: Undertake first annual review of strategy, assessing delivery and impact on measures of success, reporting findings to Leadership Management Team, Audit Committee and full Council, from 30/11/2024 to 30/04/2025 to reflect that the annual review should be completed 12 months after launch.

On a vote being taken it was **ORDERED** as follows that Council:

1. Noted the progress against the Corporate Governance Improvement Plan and Section 24 Action Plan.
2. Approved the change control outlined in the report at paragraph 6.1 to extend the date of CT1.09 to 30 April 2025.

24/79 **EXECUTIVE SCHEME OF DELEGATION**

The Mayor presented a report to inform Members of changes to his Executive Scheme of Delegation.

As required by the Constitution, details of the revised Executive Scheme of Delegation were attached at Appendix A to the submitted report for inclusion in the Council's Scheme of Delegation.

The Mayor wished to place on record his thanks to Councillor Uddin for his contribution to Children's Services during his time as Executive Member.

ORDERED that the amendments to the Executive Scheme of Delegation were noted.

24/80 **CHIEF OFFICERS APPOINTMENTS COMMITTEE**

The Vice Chair of the Chief Officer Appointments Committee (COAC) presented a report informing Council that the COAC had selected a proposed candidate for the post of Chief Executive (Head of Paid Service). The COAC recommended to Council that Erik Scollay was appointed to the post and authority was delegated to the Monitoring Officer to issue notice on the contract with CIPFA for the provision of the Interim Chief Executive.

Council was also asked to consider the designation of the section 151 officer to the revised role of Director of Finance and Transformation.

Council was further asked to note the appointment of Andrew Humble to the Director of Finance and Transformation post and delegate authority to the Monitoring Officer to issue notice with the agency to end the engagement of Debbie Middleton as Director of Finance.

On behalf of the Council, the Mayor wished to place on record thanks to Clive Heaphy and Debbie Middleton for their work and contribution to Middlesbrough Council.

Responding to a query, the Monitoring Officer confirmed that information on Chief Officers' salaries was provided in the annual Pay Policy Statement.

On a vote being taken, it was **ORDERED** as follows that Council approved the:

1. Appointment of Erik Scollay to the post of Chief Executive.
2. Delegation of authority to the Monitoring Officer to issue notice on the contract with CIPFA for the services of the interim Chief Executive.
3. Designation of the Section 151 Officer role to the Director of Finance and Transformation
4. Delegation of authority to the Monitoring Officer to issue notice on the agency engagement of the interim Director of Finance.

24/81

APPOINTMENT OF HONORARY RECORDER OF MIDDLESBROUGH

A report of the Director of Legal and Governance Services was presented to seek a decision in regards to the appointment of an Honorary Recorder in Middlesbrough.

An Honorary Recorder was an unpaid, ceremonial office created to maintain and develop close links between councils and the judiciary, and to encourage an understanding of the judicial system among the community.

Council was asked to approve the appointment of His Honour Francis Laird KC as Honorary Recorder of Middlesbrough, with immediate effect and for the duration of his tenure of the post of Senior Circuit Judge at Teesside Combined Court Centre.

Contact with the Honorary Recorder could be made via Democratic Services.

On a vote being taken it was **ORDERED** that the appointment of His Honour Judge Francis Laird KC as Honorary Recorder of Middlesbrough, with immediate effect and for the duration of his tenure of the post of Senior Circuit Judge at Teesside Combined Court Centre was approved.

24/82

LOCALISM ACT 2011 - GENERAL DISPENSATION

A report of the Director of Legal and Governance and Monitoring Officer was presented, the purpose of which was to enable a general dispensation to be granted to those Elected Members who had applied for a dispensation in respect of matters that might affect so many Councillors that the Council or Committee would be inquorate.

Councillor T Mohan had requested a dispensation. The dispensation would allow Councillor Mohan to participate fully in a meeting whenever the following matters were discussed:

- a) Housing; where the member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the member's particular tenancy or lease;
- b) Housing Benefit; where the member (or spouse or partner) receives Housing Benefit;
- c) Statutory sick pay; if a Councillor receives this or is entitled to receive it;
- d) An allowance, travelling expense, payment or indemnity for Councillors;
- e) Any ceremonial honour given to members.

On a vote being taken it was **ORDERED** that:

1. Council granted a general dispensation to Councillor Mohan in respect of matters that might affect so many Councillors that the Council or Committee would be inquorate.
2. The general dispensation be applied for the maximum permitted period of 4 years from the date of this decision.

24/83

VACANCIES ON COMMITTEES 2024/2025

Council received a report which sought nominations for appointment, following resignations from Committees and Outside Bodies and vacancies that remained outstanding following the Annual meeting.

The report included a list of current vacancies on various Committees and Outside Bodies and nominations were put forward at the meeting by individual members.

ORDERED that the following vacancies allocated in accordance with the wishes of the political groups, be approved by Council:

Committee Vacancies:

Corporate Health and Safety Steering Group

1 vacancy – no nominations

Staff Appeals Committee

1 vacancy for Chair – Councillor Jackson appointed.

Outside Bodies Vacancies:

JOINT COMMITTEES AND OUTSIDE BODY APPOINTMENTS BY COUNCIL:

River Tees Port Health Authority

1 vacancy – no nominations

JOINT COMMITTEE AND OUTSIDE BODY APPOINTMENTS BY EXECUTIVE:

Standing Advisory Council on Religious Education (SACRE)

1 vacancy – no nominations

24/84

UPDATE ON URGENT DECISIONS

The Director of Legal and Governance Services submitted a report which provided an update with regard to one urgent decision that had been taken under the urgency rules since last reported to Council on 11 September 2024.

ORDERED that the report be noted.