

**EXECUTIVE**

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

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

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

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

22/26 **DECLARATIONS OF INTEREST**

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

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

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

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

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

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

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

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

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

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

**OPTIONS**

**No other options were considered as part of the report.**

**ORDERED**

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

**REASON**

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

22/29

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

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

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

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

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

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

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

**OPTIONS**

No other options were considered as part of the report.

**ORDERED**

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

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

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

## **OPTIONS**

No other options were considered as part of the report.

## **REASON**

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

22/30

## **PROPOSAL TO PROGRESS THE DEVELOPMENT OF NUNTHORPE COMMUNITY CENTRE**

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

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

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

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

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

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

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

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

**OPTIONS**

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

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

**ORDERED**

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

**REASONS**

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

22/31

**INCREASING ENFORCEMENT AGAINST PROBLEM PROPERTIES**

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

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

**OPTIONS**

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

#### **ORDERED**

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

#### **REASONS**

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

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

22/32

#### **NUNTHORPE NEIGHBOURHOOD AREA APPLICATION**

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

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

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

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

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

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

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

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

Appendix 1).

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

## **OPTIONS**

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

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

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

## **ORDERED**

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

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

## **REASONS**

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

22/33

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

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

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

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

## **ORDERED**

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

- final report on Special Educational Needs (Appendix 1), be noted.
2. That the action plan (Appendix 2), developed in response to the scrutiny panel's recommendations, be approved.

#### REASON

It was a requirement that Executive formally considered the scrutiny panel's report and confirmed the service area's response to the accompanying plan.

22/34

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

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

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

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

#### ORDERED

1. That the content of the Children and Young People's Social Care and Services Scrutiny Panel's final report on Locality Working from a Children's Services Perspective (Appendix 1), be noted.
2. That the action plan (Appendix 2), developed in response to the scrutiny panel's recommendations, be approved.

#### REASON

It was a requirement that Executive formally considered the scrutiny panel's report and confirmed the service area's response to the accompanying plan.

22/35

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

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

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

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

#### ORDERED

1. That the content of the Children and Young People's Social Care and Services Scrutiny Panel's final report on Sufficiency and Permanency (Perceptions of Children in Care) (Appendix 1), be noted.
2. That the action plan (Appendix 2), developed in response to the scrutiny panel's

recommendations, be approved.

**REASON**

It was a requirement that Executive formally considered the scrutiny panel's report and confirmed the service area's response to the accompanying plan.

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