

COUNCIL

A meeting of the Council was held on Wednesday 16 October 2024.

PRESENT: Councillors J Rostron, (Chair), J Ewan (Vice-Chair), J Banks, I Blades, D Branson, E Clynch, C Cooke - Elected Mayor, J Cooke, C Cooper, D Coupe, D Davison, T Furness, P Gavigan, TA Grainge, L Henman, S Hill, L Hurst, N Hussain, D Jackson, D Jones, J Kabuye, L Lewis, T Livingstone, L Mason, J McConnell, I Morrish, J Nicholson, M Nugent, J Platt, S Platt, A Romaine, J Ryles, M Saunders, M Smiles, P Storey, J Thompson, S Tranter, N Walker, G Wilson, J Young and L Young

ALSO IN ATTENDANCE: W Sampson, Chair of Middlesbrough Independent Improvement Advisory Board

OFFICERS: C Benjamin, M Brown, B Carr, C Cunningham, A Davis, G Field, C Heaphy, R Horniman, A Hoy, A Johnstone, S Lightwing, C Lunn, J McNally, K Whitmore and A Wilson

APOLOGIES FOR ABSENCE: were submitted on behalf of Councillors B Hubbard, D McCabe, M McClintock, J McTigue and Z Uddin

24/47 **WELCOME AND FIRE EVACUATION PROCEDURE**

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

24/48 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Business
Councillor J Rostron	Personal	Agenda Item 14 – Motion No. 166

24/49 **MINUTES - COUNCIL - 11 SEPTEMBER 2024**

The minutes of the Council meeting held on 11 September 2024 were submitted.

Councillor Morrish stated that currently the minutes were factually inaccurate at page 9, as they did not reflect that one third of the Councillors walked out of the meeting in disgust at the actions of the Chair of the Council. It was Councillor Morrish's view that the Chair had accepted that the motion he presented was to be replaced by Councillor Clynch, who admitted that it was to be a replacement motion and not an amendment. Councillor Morrish's opinion was that this was not in compliance with the Constitution rules 4.32.1 b) 1 to 4. Councillor Morrish acknowledged that whilst the minutes were not required to be a verbatim record, they should reflect the meeting accurately and stated that they should not be used as a tool to re-write history.

ORDERED that:

1. Councillor Morrish's comments were **NOTED**.
2. the minutes were approved.

24/50 **ANNOUNCEMENTS/COMMUNICATIONS**

There were no announcements or communications for this meeting.

24/51 **QUESTIONS FROM MEMBERS OF THE PUBLIC (IF ANY).**

There were no valid questions submitted from members of the public, within the required timescale for this meeting.

24/52 **SUSPENSION OF COUNCIL PROCEDURE RULE NO 4.13.2 – ORDER OF BUSINESS**

Councillor Mason proposed a motion without notice to change the order of business in the agenda of the meeting in accordance with the Constitution paragraph 4.30.1 (c). The motion

was seconded by Councillor Smiles.

On a vote being taken, the motion was declared **CARRIED**.

ORDERED that, in accordance with Council Procedure Rule No. 4.57, Council agreed to vary the order of business to deal with the items in the following order: Agenda Item 14, Agenda items 7 to 13, Agenda Items 15 and 16.

24/53

NOTICE OF MOTIONS

Councillor J Ewan, Vice Chair of Council, took the Chair for consideration of Motion No.166.

Motion No. 166

Consideration was given to Motion No. 166 moved by Councillor Mason and seconded by Councillor Coupe of which notice had been given in accordance with Council Procedure Rules No. 53-60 as follows:

Motion of No Confidence in the Chair of Middlesbrough Council

This Council expresses its deep concern and dissatisfaction with the manner in which full council meetings have been conducted under the current Chair's leadership.

We believe that effective governance and robust democratic processes are paramount for the success of our council and the well-being of our constituents. Unfortunately, recent practices under the Chair's guidance have fallen short of these expectations. In particular, we are deeply troubled by the Chair's refusal to allow supplementary questions during full council meetings. Supplementary questions are a vital component of our democratic process. They allow elected members to seek necessary clarifications, challenge responses, and ensure accountability. By denying members the opportunity to ask supplementary questions, the Chair is effectively stifling debate, limiting transparency, and undermining the ability of this council to serve our community effectively.

This approach has created an atmosphere where crucial issues cannot be thoroughly examined, and where members are unable to adequately represent the concerns of their constituents. Such practices are unacceptable and do not align with the principles of open and accountable governance that this council should uphold.

Given the ongoing issues with the conduct of full council meetings and the lack of faith we have in the Chair to change their approach to full Council meetings, we hereby submit this motion of no confidence in the Chair of Middlesbrough Council, Councillor Julia Rostron.

This Council therefore resolves to:

- 1) Express its disapproval of the manner in which recent Council meetings have been held.
- 2) Call on Cllr Julia Rostron to resign from the position of Chair of the Council with immediate effect.

Councillor Coupe reserved his right to speak to the motion. Councillor Mason spoke in support of the motion.

The Chair invited members to speak to the motion.

Councillors Smiles, Saunders, Livingstone and Coupe spoke in support of the motion.

Councillors Walker and Henman spoke against the motion.

On a vote being taken the motion was **REJECTED**.

Councillor Rostron, Chair of Council, in the Chair.

Motion No. 167

Consideration was given to Motion No. 167 moved by Councillor Walker and seconded by Councillor L Young of which notice had been given in accordance with Council Procedure Rules No. 53-60 as follows:

Motion to commend the work Middlesbrough Council is doing to enrol more eligible pensioners onto Pension Credit, to resolve to prioritise the use of the Household Support Fund to help pensioners on low incomes or liable to higher heating bills due to disability, who will lose the Winter Fuel Payment and therefore could struggle to pay their bills, to resolve to continue and enhance the council's awareness campaign and to call on HM Treasury to reform the means testing of the Winter Fuel Payment eligibility so as to bring more people into the scheme.

This Council acknowledges the huge black hole in public finances left by the previous Tory Government and the need for savings and the government's changes to the Winter Fuel Payment and recognises that many pensioners will still receive the payment and some pensioners on higher incomes will not need it. There are many lower income pensioners in Middlesbrough who will just miss out on receiving Winter Fuel Payment because of these changes. This will leave many just above the Pension Credit threshold, including for example those with a small private pension who are no longer eligible for the Winter Fuel payment.

The Council commends the work of its Revenues and Benefits team for its ongoing work in identifying and supporting eligible pensioners to apply for Pension Credit and thus to receive the Winter Fuel Payment.

This council resolves to, as far as government guidance permits, prioritise the use of Central Government funding under the Household Support Fund to assist those pensioners on low incomes, or liable to higher heating bills due to disability.

This Council also resolves to continue and enhance its awareness campaign, targeting those who may be eligible to maximise the uptake of Pension Credit, and to publicise assistance available in Middlesbrough for those who may struggle this winter, in particular support available under the Household Support Fund for those pensioners who will just miss out on Winter Fuel Payments.

Finally, this Council resolves to write to the Chancellor of the Exchequer asking that HM Treasury considers reforming eligibility for the Winter Fuel Payment to protect those pensioners who will struggle without the Winter Fuel Payment, and provide further mitigation for those in need who will no longer qualify, and to ask the Government to ensure that vulnerable pensioners, particularly those eligible who do not claim Pension Credit, are encouraged to do so.

Councillor L Young reserved his right to speak to the motion.

Councillor Walker spoke to the motion.

The Chair invited members to speak to the motion.

Councillors Coupe, Smiles, Saunders and spoke against the motion.

Councillors Livingstone and L Young spoke in support of the motion.

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

Motion No. 168

Consideration was given to Motion No. 168 moved by Councillor Saunders and seconded by Councillor J Platt of which notice had been given in accordance with Council Procedure Rules No. 53-60 as follows:

I call on this chamber to agree to the Council sending a letter to the Prime Minister and the Chancellor of the Exchequer calling on them to reverse the decision (taken by Parliament on the 10th September) to remove winter fuel payments from pensioners.

Councillor J Platt reserved his right to speak to the motion.

Councillor Saunders spoke to the motion.

The Chair invited members to speak to the motion.

Councillor Clynch spoke against the motion.

On a vote being taken the motion was **REJECTED**.

Motion No. 169

Consideration was given to Motion No. 169 moved by Councillor J Platt and seconded by Councillor Saunders of which notice had been given in accordance with Council Procedure Rules No. 53-60 as follows:

The people of Middlesbrough voted for a mix of Labour, Independent, Conservative and Liberal Democrat Councillors. The Mayor promised the people of Middlesbrough that he would ensure fairness and scrutiny by ensuring opposition councillors were given chairs of scrutiny panels.

This Council needs to move to a system of electing chairs on the basis of proportional representation; with the Mayor electing his Executive based on Proportional Representation and proportional representation being used to allocate the chairs of all committees / panels to relevant political denominations. This is to ensure that the people of Middlesbrough are fairly represented and their voices are heard.

Councillor Platt spoke to the motion.

Councillor Saunders reserved his right to speak to the motion.

The Chair invited members to speak to the motion.

Councillor Livingstone spoke in support of the motion.

An amendment to the Motion was moved by the Mayor as follows:

The people of Middlesbrough voted for a mix of Labour, Independent, Conservative and Liberal Democrat Councillors. The Mayor promised the people of Middlesbrough that he would ensure fairness and scrutiny.

Accordingly, this Council resolves to assess how minority voices can be given a significant formalised role within the scrutiny process, as part of broader constitutional reforms which will be explored over the coming year through Constitution and Members' Development Committee. These reforms would be subject to consultation and the concurrent introduction of measures to improve standards in key areas such as attendance, standards of behaviour, and other reasonable expectations of members.

In line with our commitment to learning from best practice across the country, we will look to successful measures implemented by other councils to inform this process, such as formalised 'opposition lead' positions and other solutions. This is to ensure that the people of Middlesbrough are fairly and conscientiously represented and their voices are heard.

The proposed amendment was seconded by Councillor Clynch.

Responding to a question from Councillor Morrish as to whether the proposed amendment was valid in accordance with the Constitution, the Monitoring Officer confirmed that the proposed amendment was valid. Councillor Morrish stated that the amendment looked to be a replacement to the original motion and read out the relevant paragraphs from the Constitution in relation to amendments to motions. The Monitoring Officer confirmed that the proposed amendment was valid as it did not negate the effect of the motion.

Cllrs Smiles and Grainge asked whether the proposed amendment would mean that there would be Scrutiny Chairs from other parties.

The Mayor spoke in support of the amendment, stating that Councillors needed to try and work together in a way that was fair for everyone which was set out clearly in the Constitution.

Councillor Platt spoke against the proposed amendment.

Councillors L Young and Heman spoke in support of the proposed amendment.

Councillor Grainge spoke against the proposed amendment.

The amended motion was put to the vote.

On a vote being taken the amended motion was declared **CARRIED**.

Councillor J Platt exercised his right of reply.

The amended motion became the substantive motion.

The substantive motion was put to the vote.

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

Motion No. 170

Consideration was given to Motion No. 170 moved by Councillor Storey and seconded by Councillor Romaine of which notice had been given in accordance with Council Procedure Rules No. 53-60 as follows:

Baby Loss Awareness Week is held annually from 9 to 15 October and is a special opportunity to mark the loss of pregnancies and the brief lives of babies lost at or soon after birth.

Miscarriage is a common, but horrendous experience, it is estimated that one in six confirmed pregnancies ends in miscarriage and this can be devastating for the people affected.

According to SANDS, currently in the UK, 13 families a day suffer the heartbreak of losing their baby before, during or shortly after birth. That's around 4,500 babies a year. And at least 15% of pregnancies end in miscarriage. These numbers are shocking and show the scale of the problem and grief this causes.

Currently, far too many babies die without scientists, doctors, midwives, or their own parents understanding why. That's why we believe research is vital in improving our understanding of how to save babies' lives and using that evidence to drive changes in maternity policy and practice.

As a large employer within Middlesbrough, Middlesbrough Borough Council is in a position to help employees affected by pregnancy loss. As an organisation that exists to serve the people of Middlesbrough, it is also in a position to deal supportively with residents who have experienced miscarriage and baby loss.

This motions calls for:

- Managers have the correct training to help employees who miscarry or who have suffered a loss.
- Managers have good quality resources on miscarriage and baby loss in the workplace, such as SANDS, Tommys and Still Parents Teesside.
- Frontline staff have training and resources to help understand the needs of residents in Middlesbrough affected by miscarriage and baby loss and to be able to recognise the affect it can have on long term mental health.
- That Middlesbrough Libraries and Community Hubs hold and display information on local support groups, such as Still Parents Teesside, as well as national support organisations such as SANDS and Tommys so families can access help.
- That Middlesbrough Council calls on the Government to work closely with SANDS to improve maternity services, so that more small lives can be saved.

The Chair invited members to speak to the motion.

Councillor Romaine spoke in support of the motion.

Councillor Storey spoke in support of the motion.

Councillor Smiles queried the amount of leave granted by Middlesbrough Council to those who sadly experienced pregnancy loss and asked whether this could be given further consideration. Whilst the motion did not include this proposal, the Deputy Mayor suggested that this issue could be raised at Works Council.

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

24/54

SUSPENSION OF COUNCIL PROCEDURE RULE NO 4.13.2 – ORDER OF BUSINESS

The Mayor proposed a motion without notice to change the order of business in the agenda of the meeting in accordance with the Constitution paragraph 4.30.1 (c). The motion was seconded by Councillor Clynych.

On a vote being taken, the motion was declared **CARRIED**.

ORDERED that, in accordance with Council Procedure Rule No. 4.57, Council agreed to vary the order of business to deal with the items in the following order: Agenda Items 12, 7 to 11, 13, 15 and 16.

24/55

MIDDLESBROUGH INDEPENDENT IMPROVEMENT ADVISORY BOARD: 12-MONTH PROGRESS REPORT

A joint report of the Mayor and Chair of the Improvement Board was presented for information.

The Mayor announced with great sadness the news of the recent unexpected passing of Suki Binjal, who had been supporting the Council's Corporate Governance improvement journey as a member of its Independent Improvement Advisory Board.

The Chair invited all present to stand and observe one minute's silence, as a mark of respect.

The Chair of the Improvement Board noted that this was the fourth report of Middlesbrough's Independent Improvement Advisory Board (MIIAB). A detailed update was provided which included: activity since the last update to Council, cultural and governance issues, financial sustainability and the transition to a business as usual environment.

Whilst progress had been made, significant challenges remained, particularly in relation to the current budget.

The MIIAB encouraged the Council to:

- Continue to embed improvements in Member behaviour and conduct.
- Retain a laser focus on delivering a balanced budget for 2024/25 and using the transformation programme to support this.
- Begin the process of moving away from an intervention governance model to a business as usual governance model.
- Be clear about leadership priorities as the council transitioned to permanent officer leadership arrangements.

Members asked questions in relation to improvements in behaviour and conduct, embedding financial resilience and collaboration between the Mayor and the Leadership and Management Team, to which the Chair of the MIIAB responded.

The Chair thanked the Chair of the MIIAB for the comprehensive report.

ORDERED as follows that Council:

1. expressed condolences following the unexpected passing of Suki Binjal who had been supporting the Council's Corporate Governance improvement journey as a member of the MIIAB.
2. noted the report of the MIIAB, which reflected on progress made by the Council on its Corporate Governance improvement journey over the last twelve months.

24/56 **SUSPENSION OF COUNCIL PROCEDURE RULE 4.13.2 – ORDER OF BUSINESS**

The Mayor proposed a motion without notice to change the order of business in the agenda of the meeting in accordance with the Constitution paragraph 4.30.1 (c). The motion was seconded by Councillor Clynch.

On a vote being taken, the motion was declared **CARRIED**.

ORDERED that, in accordance with Council Procedure Rule No. 4.57, Council agreed to vary the order of business to deal with the items in the following order: Agenda Items 13 and 16, 7 to 11 and 15.

24/57 **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 by the Mayor.

The report set out the key activities and progress since an update was last provided to Council, in response to the Section 24 recommendations made by the Council's External Auditors and the Council's Corporate Governance Improvement Plan. The Mayor highlighted that one hundred percent of activity in relation to the Section 24 delivery plan was on-track or had been delivered.

For the current reporting period, all workstreams were on target in terms of activity, as per timescales set out in the corporate Governance Improvement Plan, with one action in one workstream being off target, which it was proposed to pause as it could not be progressed. The action was outlined in the report as follows:

- A milestone in relation to the further development of the Finance Business Partnering model to ensure ownership and accountability of budget managers. In order to ensure the model aligns with the findings of the two external reports from CIPFA and Grant Thornton, that have been undertaken in relation to financial management and financial standing, this milestone needs to be paused until both those reports are issued in order to ensure that the model addresses any findings within them.

ORDERED as follows that Council:

1. Noted the progress against the Corporate Governance Improvement Plan and Section 24 Action Plan.
2. Agreed the change controls outlined in the submitted report at paragraph 6.1 to pause FRR3.18 Further development of the Finance Business Partnering model to ensure ownership and accountability of budget managers, until the Grant Thornton report on the financial management and financial standing of the organisation was received.

24/58 **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:

Place Scrutiny Panel

1 vacancy for Vice Chair – Councillor Livingstone appointed.

Corporate Health and Safety Steering Group

Councillor Ryles appointed.

1 vacancy – no nominations.

Outside Bodies Vacancies:

JOINT COMMITTEES AND OUTSIDE BODY APPOINTMENTS BY COUNCIL:

River Tees Port Health Authority

1 vacancy – no nominations.

Middlesbrough-Oberhausen Town Twinning

1 vacancy – Councillor Livingstone appointed.

JOINT COMMITTEE AND OUTSIDE BODY APPOINTMENTS BY EXECUTIVE:

Staying Put Advisory Committee

1 vacancy – Councillor Rostron appointed.

24/59

MAYOR'S STATEMENT AND REPORT

The Mayor informed Council that recruitment was underway for the posts of Chief Executive and Director of Finance and Section 151 Officer and thanked the Members of the Chief Officer Appointments Committee in advance for their input and time.

Visits to Middlesbrough were in progress from the Ministry of Housing, Communities and Local Government (MHCLG), Care Quality Commission (CQC) and OFSTED and the Mayor would provide an update at the next Council meeting.

A Housing Recovery Plan would be launched in November with the Council taking on properties with the aim of renting to the most vulnerable. The Council was keen to take on those properties that were a blight in many areas of the town. The Council was currently working with Ethical Lettings who had secured funding to purchase or renovate homes. The Council was open to working with other providers and there was an opportunity for discussion with social landlords regarding empty properties that could be brought back into use.

The Council was also investing new vehicles including gully suckers and road sweepers to ensure the town could be cleaned more effectively. It was anticipated that the new vehicles would be available by the end of the year. Communal bins would also be refreshed. The Council was working to get back to business as usual, refocus priorities, and make improvements for residents in terms of the town's environment.

Responding to a question, the Mayor indicated that he would provide an exact date for completion of the work on the housing development at Gresham which was being delivered by Thirteen Group. Work on road allocation was not yet completed.

A Councillor raised an issue in relation to unadopted roads and the Mayor agreed to follow this up.

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

ORDERED that the Mayor's statement was noted.

24/60 **EXECUTIVE MEMBER REPORTS**

Question in relation to the Report of the Executive Member for Finance and Governance.

Councillor Saunders in relation to Pension Credit Take-up.

The Executive Member confirmed that in relation to increased government funding for Middlesbrough, the Mayor had made representations to the Government. Both the Mayor and the Executive would take any opportunity they could to influence the Government. However it was clear, from prior to the election, that there would not be a great deal of extra funding available for local government. Through meetings with the Special Interest Group of Municipal Authorities (SIGOMA), Middlesbrough and other Councils were seeking a solution that would see a redistribution of the funding available on a fairer basis. Austerity had both reduced the amount of funding available and the way in which it was redistributed. Redistributing the funding in a fairer way would better help areas like Middlesbrough who, for example, experienced higher levels of deprivation than other areas.

Question in relation to the Report of the Executive Member for Regeneration.

Councillor Henman in relation to Newbridge Court in Acklam.

The Executive Member confirmed that the units were being let by the Council's Valuation Services. The upper level was now fully let but there were still 2 vacant units available within the shopping parade. Whilst there had been some interest shown, the Council was keen to promote and publicise the vacant units to businesses. The Executive Member added that this project to regenerate a derelict area demonstrated the Council's commitment to improving the town.

Question in relation to the Report of the Executive Member for Environment.

Councillor Livingstone in relation to on-going work in Linthorpe Road.

The Executive Member clarified that the Council was continuing to work proactively with the Tees Valley Combined Authority (TVCA) regarding the proposed removal of the Linthorpe Road cycle lane. As the scheme was externally funded by the Department for Transport, Middlesbrough and the TVCA had to work through required mechanisms to facilitate the removal. Middlesbrough Council was currently awaiting legal and technical information from TVCA before further progress could be made. Although not directly involved in discussions, it was the Executive Member's understanding that waiting for information from the TVCA was unfortunately a common theme in the process.

Questions submitted for the Executive Members for Children's Services and Regeneration would be emailed for a response.

Questions submitted for the Mayor and Executive Member for Community Safety were withdrawn.

24/61 **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.

24/62 **URGENT ITEMS**

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

24/63 **MEMBERS' QUESTION TIME**

The Chair invited Councillor Wilson to ask his question as set out at Agenda Item 11 in relation to the Spider Park Play Area in Brambles Farm.

The Mayor explained that as part of a wider decision to be made in December 2024, funding would be allocated for several parks and green areas across the town and Colmore Avenue was a potential site. The Mayor was keen to have an open discussion with Police in relation to their previous planning objection to ensure that any scheme submitted for planning approval was entirely suitable. The Mayor confirmed that Ward Councillors would be consulted to ensure the funding was spent in a good way. Another element of the proposal would be ongoing maintenance to parks and green areas as there was currently no budget and a dedicated pot of funding was required. In summary, funding would be reallocated in December and a scheme would be delivered at a later date in partnership with Ward Councillors.

The Chair invited Councillor Mason to ask his question as set out at Agenda Item 11 in relation to The Wired Lobby in Captain Cook Square.

ORDERED that, with the Chair's approval, the question was **DEFERRED** to the next Council meeting.

24/64

NOTICE OF URGENT MOTIONS (IF ANY)

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