

**THE CABINET**  
**8th February, 2012**

Present:- Councillor Stone (in the Chair); Councillors Akhtar, Doyle, Hussain, Lakin, McNeely, Rushforth, R. S. Russell, Smith and Wyatt.

Also in attendance Councillor Whelbourn (Chairman of the Overview and Scrutiny Management Board)

**C139 TO CONSIDER QUESTIONS FROM MEMBERS OF THE PUBLIC**

A Member of the Public asked for a view on the use of premium rates by some General Practitioners for members of the public to telephone them. (0800 numbers).

The Cabinet Member for Health and Wellbeing informed the questioner that the NHS were shortly to issue guidance to G.Ps. on this matter and that discussions were taking place between the Council and the relevant organisations.

**C140 ADOPTION OF BDR JOINT WASTE PLAN (DEVELOPMENT PLAN DOCUMENT)**

Councillor Smith, Cabinet Member for Town Centres, Economic Growth and Prosperity, reported that the Barnsley, Doncaster and Rotherham (BDR) Joint Waste Plan had been produced by the three authorities in order to provide policies to determine planning applications for waste management facilities until 2026.

This was a formal Development Plan Document which formed part of the Local Development Framework for the Metropolitan Borough of Rotherham. It also allocated four strategic sites of up to five hectares for the development of larger scale waste management centres and to encourage the co-location of similar facilities from the waste industry. The sites were:-

- Sandall Stones Road, Kirk Sandall, Doncaster
- Hatfield Power Park, Staniforth, Doncaster
- Bolton Road, Manvers, Rotherham
- Reserve Site at Aldwarke Steel Works, Parkgate, Rotherham (in the event that the others were not developed)

Waste management was a significant issue facing the three Councils. A large proportion of BDR's municipal waste was currently sent to landfill but this could not continue because:-

- Landfill was generally harmful to the environment and human health because as it decayed, greenhouse gases were released into the atmosphere
- Valuable resources, such as plastics, metals and liquids, that could potentially be recycled, were being lost

- The Government had set challenging targets to increase recycling and send less waste to landfill. Severe financial penalties would be incurred by councils if the targets were not achieved
- More environmentally friendly waste management practices were emerging such as waste minimisation, recycling, composting and energy recovery.

The Plan had been formally submitted to the Secretary of State in July, 2011, for the purpose of an Examination in Public completed by an Independent Planning Inspector. It had been found to be 'Sound' (fit for purpose and met statutory requirements) subject to making a number of accepted changes.

The adoption of the Joint Waste Plan was intended to update the Council's policies for waste management planning applications which currently relied on the saved policies of the Unitary Development Plan. It would also provide strategic sites for the provision of waste management facilities during the timeframe of the Local Development Framework to 2026. It would attempt to avoid the uncertainty of waste planning applications in other areas by promoting the potential for waste facilities at the strategic sites subject to the policies in the BDR Joint Waste Plan.

**Recommended:- That the Barnsley, Doncaster and Rotherham Joint Waste Plan (Development Plan Document) be adopted.**

#### **C141 REVENUE BUDGET MONITORING FOR THE PERIOD ENDING 31ST DECEMBER, 2011**

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Resources which stated that in setting the 2011/12 Revenue Budget the Council had to manage an unprecedented level of savings (£30.3m) resulting from the withdrawal of Central Government funding and grant allocations. It did this by ensuring the budget process focused on the customers the Council served, the communities and businesses of Rotherham. Consequently, as a first course of action, management and administration and back office costs were streamlined.

The report provided details of progress on the delivery of the Revenue Budget for 2011/12 based on performance for the first eight months of the 2011/12 financial year. It was currently forecast that the Council would overspend against its Budget by £3.066m (+1.4%). This showed a decrease in the forecast overspend of £4.271m compared to the budget monitoring report for the first eight months of 2011/12. The main reasons for the forecast overspend were:-

- The continuing service demand and cost pressures in looking after vulnerable children across the Borough
- Additional, one-off property costs relating to the continued rationalisation of the Council's asset portfolio as part of the efficiency drive to reduce operational costs.

- The extended timescale for realising the full forecast management and business support savings of £1.45m and slippage in delivering the savings target for Shared Services (£500,000).

In arriving at the revised forecast overspend of £3.066m, the above pressures were mitigated through the proposed closure of some reserves, additional income and use of contingency and in-year slippage against Riverside House budget.

The following savings and income sources mitigated the forecast pressures by £3.801m:-

Additional NHS funding	£0.750m
Waste PFI capitalisation	£0.260m
Riverside House (in-year slippage against budget)	£1.091m
Use of Council Contingency	£0.600m
Proposed closure and use of some reserves	£1.100m
	£3.801m

Management actions had been put in place to address some of the issues identified to date and work was being undertaken to identify further actions. As these took effect they would be monitored to enable the impact of the actions to be assessed. Careful scrutiny of expenditure and income across all services and close budget monitoring, therefore, remained essential.

Resolved:- (1) That the progress made to date in delivering the significant financial challenges presented in the Council's Revenue Budget be noted.

(2) That action be taken to minimise the impact on the Council's medium term financial position.

(3) That the use and, where appropriate, closure of the reserves included in Appendix 2 to mitigate the forecast overspend be approved.

## **C142 LOCALISM ACT 2011**

Councillor Whelbourn, Chairman of the Overview and Scrutiny Management Board, presented an overview of the final provisions of the Localism Act 2011 which had received Royal Assent on 15<sup>th</sup> November, 2011, together with an initial assessment of issues for consideration by the Council and policy areas that the Council would either need to, or may wish to, review as a result.

The report also set out the proposed courses of action for the Council in moving forward towards commencement of the provisions of the Act and implementation in Rotherham. Detailed reports for Cabinet Members would be prepared in the relevant Directorates to take forward implementation of the Act.

The main amendments included:-

- Extension of the general power of competence to Integrated Transport Authorities, Passenger Transport Executives, Economic Prosperity Boards and Combined Authorities

- Inclusion of provisions for the transfer of functions from other public bodies to local authorities
- Changes to existing provisions for changing local authority election arrangements
- Changes to the Bill's original proposals to now require every local authority, including Parish Councils, to adopt a Code of Conduct and to have arrangements for enforcement
- Changes to provision for pay policy statements including the lowest paid employees
- Expansion of the provisions relating to imposing EU sanctions
- Provision for petitions for the calling of local referendums had been withdrawn
- More details included on processes for the Community Right to Challenge and Assets of Community Value
- Further details on arrangements for an use of Community Infrastructure Levy
- Various amendments to development control provisions including devolved decision and enforcement
- Several technical amendments relating to housing tenancies including amendments to other Acts of Parliament

Most of the provisions of the Act would come into force on a date to be decided by the Secretary of State, however, it was expected that most provisions would be in force by June, 2012.

Whilst the Act set out detail of many of the provisions, there were still a significant number of provisions for the Secretary of State to determine the detail and make changes to the detail by Orders and Regulations. This provided a degree of uncertainty until such Orders and Regulations were published.

The programme of reporting would mitigate any risks arising from the uncertainties by ensuring that full detailed reports were made in a timely manner providing for informed decision in good time.

Resolved:- (1) That the overview of the Act and issues identified be noted and the ongoing work of the Overview and Scrutiny Management Board in assessing and making recommendations on the Legislation be welcomed.

(2) That Members be encouraged to participate in the seminars detailed in the "addressing the Act in Rotherham" section of the report, recognising the important role of Members as leaders in the community, taking forward a proactive drive to the change agenda for the benefit of Rotherham.

(3) That the proposed course of action towards implementation include specific detailed reports to Cabinet Members together with work with Parish Councils and the voluntary and community sector.

(4) That a report be submitted to the Cabinet on the options for a Standards Committee and a Code of Conduct.

**C143 DISCRETIONARY HOME TO SCHOOL TRANSPORT PROVISION**

Further to Minute No. 72 of 21<sup>st</sup> September, 2011, Councillor Smith, Cabinet Member for Town Centres, Economic Growth and Prosperity, reported on the result of the consultation and proposals necessary to achieve financial savings.

Consultation had been undertaken with regard to the following being discontinued and financial savings realised:-

- Discretionary transport for under fives
- Discretionary denominational transport
- Post-16 transport

Consultation on all 3 areas had been commenced on 19<sup>th</sup> November, 2011 and ended on 20<sup>th</sup> January, 2012. The proposals were now:-

- Children under five  
It was proposed that only children under five who had physical and medical difficulties preventing them access public transport continue to be assessed for eligibility for transport provision. Where transport was provided a charge would be introduced by September, 2012, calculated according to existing means tested benefit entitlement
- Children attending faith schools  
Pupils attending denominational schools on the basis of their religion or belief which was not their nearest appropriate school and who were not from "low income" families
- Post-16 learners  
Those post-16 who had physical and medical difficulties preventing them accessing public transport would continue to be assessed for eligibility for transport provision for which a charge would be introduced by September, 2012. Calculation of charges remained to be finalised but details would be included in the Post-16 Education Transport Policy to be submitted at a later date

(1) Resolved:- (a) That the current provision of discretionary free transport for under fives and post-16 learners be discontinued by the end of July, 2012.

(b) That the current provision of discretionary free transport for primary and secondary learners attending denominational schools be discontinued on a phase basis commencing September, 2013.

(c) That under fives and post-16 learners be assessed and reviewed for eligibility to transport assistance based upon mobility and medical needs and that charges be introduced by September, 2012 for those who qualified, with due regard to the Equality Act 2010.

(d) That the new Post-16 Education Transport Policy be submitted to Cabinet at a later date prior to publication in April, 2012.

(e) That remaining statutory obligations be met.

**Recommended:- (2) That the Draft Home to School Transport Policy - April, 2012, be adopted for publication in April, 2012.**