

**THE CABINET  
25th April, 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)

**C192      QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no questions from members of the public.

**C193      AMENDMENTS TO THE SCHEME OF DELEGATION FOR THE DIRECTOR OF PLANNING AND REGENERATION**

Further to Minute No. 113 of the meeting of the Cabinet Member for Town Centres, Economic Growth and Prosperity, held on 2nd April, 2012, Councillor Smith, Cabinet Member for Town Centres, Economic Growth and Prosperity introduced a report by the Strategic Director of Environment and Development Services, which proposed amendments to the Council's Scheme of Delegation relating to powers delegated to the Director of Planning Regeneration and Culture in relation to the Development Control functions of the Service.

The reason for the revision was to reduce the burden on Planning Board and speed up the process of withdrawal of Enforcement Notices and that these be agreed with the Chairman and Vice Chairman of the Planning Board requiring Section 9 of the existing Scheme of Delegation (relating to decisions taken in consultation with the Chairman and Vice Chairman of the Planning Board) be amended at paragraph 9.3 to include the following wording (in bold):

9.3 The issue of a planning Enforcement Notice, Listed Building Enforcement Notice, Temporary Stop Notice or Stop Notice, **and the subsequent withdrawal of such Notices where appropriate.**

There were no financial implications or risks and uncertainties relating to the proposed changes to the Scheme of Delegation.

(1) Resolved:- That the proposed changes to the Scheme of Delegation be noted.

**(2) Recommended:- That the revision to the Scheme of Delegation be adopted.**

**C194      LOCALISM ACT 2011 AND CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS**

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Resources, which detailed how the current standards regime was set to end on 30th June, 2012 and the following day the new standards regime under the Localism Act 2011 implemented.

The Act swept away the current statutory provisions under the 2000 Local Government Act, including a requirement to have a statutory Standards Committee and a Code of Conduct based on a statutory model.

There would, however, be a statutory duty to promote and maintain high standards of conduct by Members and Co-opted Members and in discharging that duty the Council must adopt a Code of Conduct setting out what was expected of Members when they were acting in that capacity.

It was largely for the Council to determine the composition of its new Code of Conduct with the only mandatory requirements being that it complied with the seven principles of public life (the Nolan Committee principles) and contained appropriate provisions for the registration of pecuniary and non-pecuniary interests. Disclosable pecuniary interests ("DPIs") were a key change which would be detailed in regulations issued by the Secretary of State. Members would be required to register disclosable pecuniary interests and not take part in any discussion or vote on an item in which they had a disclosable pecuniary interest.

A Member who had a disclosable pecuniary interest in an item of business would commit a criminal offence by failing to disclose it, taking part in the discussion and voting on that item. There would, however, not be a requirement to leave the room while the item was discussed. Consequently, it was recommended that the Council's Standing Orders be revised to include such a requirement.

There had been some delay in implementing the provisions of the 2011 Act that applied to standards and, in particular, the regulations defining what would constitute disclosable pecuniary interests have not yet been published.

Consequently, as the Government's stated intention was to bring the new standards regime into force on 1st July, 2012 it was suggested that to avoid the possibility of the Council not having a Code in place the Cabinet recommend to full Council the re-adoption on the implementation date (subject to any transitional period in relation to the implementation of the new Code) of the new standards regime the current Code of Conduct for Members and Co-opted Members as revised by the Monitoring Officer, in consultation with the Leader and Deputy Leader, to reflect the mandatory requirements of the 2011 Act in relation to standards.

The Monitoring Officer could thereafter review the revised Code and prepare a report and draft Code for consideration by the Cabinet with a view to recommending the adoption of a Code of Conduct by the Council.

The Cabinet sought clarification on the issue of disclosable pecuniary interests and welcomed further information once the position became clearer.

**Recommended:- (1) That, subject to any transitional period in relation to the new standards provisions, on the coming into force of the relevant provisions of Chapter 7 (standards) of the Localism Act 2011 the Council re-adopt the current Code of Conduct for Members and Co-opted Members as revised by the Monitoring Officer, in consultation with the Leader and Deputy Leader, to reflect the mandatory requirements of the Act.**

**(2) That the Monitoring Officer be instructed subsequently to review the revised Code and prepare and present to the Cabinet a draft code of conduct for recommending for adoption by the full Council.**

**(3) The draft Code should require registration and disclosure of interests which would today constitute personal and/or prejudicial interests, but only require withdrawal as required by the Act in relation to Disclosable Pecuniary Interests.**

**(4) That when the Disclosable Pecuniary Interests Regulations were published, the Monitoring Officer, in consultation with the Leader and Deputy Leader, add to the draft Code provisions which were considered to be appropriate for the registration and disclosure of interests other than Disclosable Pecuniary Interests.**

**(5) That a new sub-paragraph (4) should be inserted in Standing Order 28 (4) in the terms set out in the report and that sub-paragraphs (4) and (5) of Standing Order 28 be renumbered (5) and (6) respectively.**

#### **C195 HEALTH INEQUALITIES SCRUTINY REVIEW - BMI>50**

Further to Minute No. 172 of the meeting of the Overview and Scrutiny Management Board held on 13th April, 2012, Councillor Steele, Chair of the Review Group, introduced a report which detailed how Rotherham had been involved in a programme of work with the Centre for Public Scrutiny (CfPS) to look at the way in which scrutiny could be used to help tackle health inequalities at a local level.

The Centre for Public Scrutiny recognised the potential of scrutiny in better understanding local health concerns and set out to demonstrate the active and vital role that it could have in helping Councils and their partners narrow the gaps and improve the health of local people through a programme of work looking at doing scrutiny reviews.

Following an initial phase of the programme, a document called 'Peeling the Onion' was published, which explored scrutiny as an important and effective public health tool and presented a practical toolkit for development areas to use and test out in the second phase of the programme. Six local authority areas were involved in the second phase, including Rotherham.

A review group made up of Members and Co-optees from the Health Select Commission agreed to undertake their review to look at people with a BMI over 50. The overarching aims of the review were:-

- To improve the lives of people with a BMI over 50, ensuring they have dignity and respect and effective, equitable access to services.
- To make recommendations for multi-agency consistency in relation to how people with a BMI over 50 and considered housebound were supported and cared for.

Full details of the activity which took place, the findings and recommendations were set out in detail as part of the report and which were developed around three main themes:-

- Service Improvement

To establish a negotiation session to create an action plan to implement the recommendations of the review, including timescales, lead roles and reporting mechanisms, to report back to the Health Select Commission. The role of this group session would be to consider the following sub-recommendations:-

- Develop a one-page tick-box form to obtain consent from individuals to share information and ensure professionals receive appropriate training on how to use this.
- Develop protocols for joint working and local data-sharing which will ensure more integrated service provision.
- Consider options for centrally coordinating this agenda, either through an appropriate central coordinator post or central database/or way of sharing information.
- Briefings for professionals to raise awareness of the range of services available locally for this target group of people.

- Securing Commitment

For Cabinet and the Health and Wellbeing Board to take a lead in securing commitment to action on recommendations and receive monitoring of implementation reports through an appropriate forum, i.e. NHS Rotherham led obesity group.

- Prevention

To agree a joined-up approach to tackling obesity in Rotherham through the Health and Wellbeing Board, acknowledging that treatment and prevention need to work together and recommending that this features as a high priority in the joint Health and Wellbeing Strategy, based on evidence from the Joint Strategic Needs Assessment.

There may be financial implications associated with the some of recommendations, which it was proposed, would need to be considered by the liaison group identified under Recommendation one of the review.

As identified by the review findings, services in relation to people with a BMI >50 were not always as fully co-ordinated as they could be and there were issues with the sharing of data and information. If some of these issues could be addressed through simple measures, there could be a positive outcome and improved quality of life for people out in the community, as well as potential efficiency savings for organisations.

Cabinet Members welcomed this report and considered it to be a valuable piece of work which had identified some isolated individuals in need of some support.

Clarification was sought on the breadth of the review and the reasons for not including children from birth.

Resolved:- (1) That the Scrutiny Review of Health Inequalities; BMI >50 and its recommendations be noted and a response be submitted within two months as outlined within the Council's Constitution.

(2) That the decision of Cabinet on the report, recommendations and proposed action be reported back to the Overview and Scrutiny Management Board in due course.

(3) That the report be referred to the Health and Wellbeing Board for consideration.

(4) That all those involved in the Scrutiny Review be thanked for their input.

**C196      RESPONSE TO THE "SCRUTINY REPORT OF THE WINTER WEATHER REVIEW GROUP", OCTOBER 2011**

Further to Minute No. 152 of the meeting of the Cabinet held on 22nd February, 2012, Councillor R. S. Russell, Cabinet Member for Waste and Emergency Planning, introduced a report by the Strategic Director of Resources, which provided the response to the Scrutiny Review arising from the severe weather experienced by Rotherham and neighbouring districts in late November/early December, 2010.

The Scrutiny Review commended the efforts of officers and communities during the event, while raising a number of learning points. In addition to the Scrutiny Review, there had been a full de-brief of all agencies by the Local Resilience Forum (LRF). The Local Resilience Forum de-brief concluded that although a number of problems were experienced, the overall outcome was a success.

Both the scrutiny report and the report following the Local Resilience Forum de-brief make recommendations to further strengthen the agencies' ability to respond to incidents of this nature. For its part, the Council implemented many actions in the period following the incident and would now take further actions to consolidate its preparedness for severe weather events. The Council would also continue to work with partner agencies to develop the collective resilience to similar incidents occurring in the future.

Included as part of the report was the action plan that provided a full response to the recommendations made in the scrutiny report. The Emergency Planning Team was currently co-ordinating a refresh of the Emergency Plan and action based on scrutiny review recommendations would be taken on board as part of the refresh.

Cabinet Members were informed that timescales were not included in the action plan as the majority of the recommendations had been, or were in the process of, being implemented.

Resolved:- That the proposed response to the Scrutiny Review be approved.

**C197 EXTENSIONS AND ADAPTATIONS TO FOSTER CARER PROPERTY**

Councillor Lakin, Cabinet Member for Safeguarding Children and Adults, introduced a report by the Strategic Director of Children and Young People's Services, which set out the business case for investing in the twenty-one current applications in order to create additional foster care capacity and also improve the quality of life for current placements.

In 2011, as part of the Placement Strategy, letters were sent to all foster carers asking them to consider whether they would like to consider an extension as a way of increasing overall capacity within the Fostering Service. In doing this consideration was given to the Fostering Services Regulations, 2011 and the Children Act, 1989 in that the limit for foster carers was no more than three in placement at any one time. Foster Carers reviews presented to Fostering Panel made reference to foster carers' skills and ability to increase capacity and the status of the application for an extension.

As a result of these initiatives there were currently twenty-one requests submitted for consideration and these extensions or adaptations would give all a greater quality of life and support the placements continuing.

Of the nineteen applications from foster carers, thirteen would give the Local Authority greater capacity in terms of fostering placement, six would improve the quality of life and secure the placements long term.

Further information was provided on the level of prioritisation in respect of the work being completed and the sliding scale of payback should the increased capacity not be delivered or in the event of placement breakdown or carers terminating their registration.

Cabinet Members welcomed the opportunity to ensure children were placed within their local communities, but asked for assurances that those carers that benefited from these extensions had sufficient insurance protection to ensure the Council's indemnity was covered and that a report on progress be submitted to the Cabinet in twelve months' time.

Resolved:- (1) That the report be received and the contents approved.

(2) That the twenty-one applications be proceeded with in the order as set out in the report.

(3) That the thirteen applications which would create additional capacity be prioritised.

(4) That further requests be considered assuming the investment resulted in cost avoidance over a period of less than two years.

(5) That the position be monitored and a progress report submitted to the Cabinet in twelve months time.

**C198 STATUTORY GUIDANCE FOR THE DIRECTOR OF CHILDREN'S SERVICES AND THE LEAD MEMBER FOR CHILDREN'S SERVICES**

Councillor Lakin, Cabinet Member for Safeguarding Children and Adults, introduced a report by the Strategic Director of Children and Young People's Services, which set out details and key changes of the revised statutory guidance on the 'Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services' which was issued on 3rd April, 2012 by the Department for Education.

The guidance covered the legislative basis for the two appointments, roles and responsibilities of the post holders and how this related to the Government expectations about Local Authorities' role in education and children and young people's services.

The key changes for the Director of Children's Services role from 2009 was that the role 'is not limited to' having responsibility for children and young people. The Government stated it was for Local Authorities to determine their own organisational structures, but in doing so they must have clearly designated persons with Director of Children's Services and Lead Member for Children's Services responsibilities. Between them, the Director of Children's Services and Lead Member for Children's Services should provide a clear and unambiguous line of local accountability.

Local authorities should assure themselves through their usual decision making and scrutiny that their arrangements enabled them to discharge their education and children's social care functions effectively. Local Authorities should give serious consideration to protecting the discrete roles and responsibilities of the Director of Children's Services and Lead Member for Children's Services before allocating to them any additional functions other than children's services and ensure:-

- The Director of Children's Services was a statutory member of the Health and Wellbeing Board.
- The Lead Member for Children's Services should be a 'participating observer' of the Local Safeguarding and Children's Board.
- The Director of Children's Services and Lead Member for Children's Services should actively promote a diverse supply of strong schools and where there was need for a new school seeking proposals for an Academy or Free School.
- The Director of Children's Services and Lead Member for Children's Services should take rapid and decisive action in relation to poorly performing schools, including using their intervention powers and considering alternative structural and operational solutions; promote effective school to school collaboration.

Resolved:- That the key changes in the revised statutory guidance be noted.