

**THE CABINET**  
**Wednesday, 23rd May, 2012**

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

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

An apology for absence was received from Councillor Rushforth.

**C1 QUESTIONS FROM MEMBERS OF THE PUBLIC**

(1) A member of the public asked about his local Member of Parliament and if the Leader knew how long he would continue to be a Member of Parliament and if he was to be de-selected what the process was?

The Leader was aware that discussions were taking place, but could not comment on the de-selection process.

In a supplementary question, the member of the public asked if information that would come to light would be released into the public domain?

The Leader pointed out that information would be available in the public domain for the public to read.

(2) A member of the public asked if consideration was to be given to taking up the lifeline that Doncaster Metropolitan Borough Council were providing to Rotherham in order to save the Green Belt?

The Strategic Director of Environment and Development Services appreciated the concerns raised about having to allocate some Green Belt to meet the housing need, but pointed out that the Local Plan set out Rotherham's need for the next fifteen years and that whilst any offer of land was welcomed, it was not possible to incorporate land that was not in the Borough.

(3) A member of the public asked why the Council had not acted on this information about land available in Doncaster that Rotherham could use when it was raised initially three years ago?

The Strategic Director of Environment and Development Services was aware of the issues that had been reported in the press and which had been responded to in writing, but reiterated that land could not be incorporated into Rotherham's plan what was not within Rotherham's boundary.

**C2 ROTHERHAM LDF MEMBERS' STEERING GROUP**

Councillor Smith, Cabinet Member for Town Centres, Economic Growth and Prosperity, introduced the minutes of the Local Development Framework Members' Steering Group held on 20<sup>th</sup> April, 2012.

Members noted the major work that was ongoing which would form part of the Rotherham Local Development Framework Core Strategy.

Resolved:- (1) That the progress to date and the emerging issues be noted.

(2) That the minutes of the Local Development Framework Members' Steering Group held on 12<sup>th</sup> April, 2012 be received.

### **C3 PUBLICATION CORE STRATEGY**

Councillor Smith, Cabinet Member for Town Centres, Economic Growth and Prosperity, introduced a report by the Strategic Director of Environment and Development Services, which sought Cabinet endorsement of the Publication Core Strategy and approval to undertake public consultation on issues of soundness and legal compliance.

The Core Strategy had been produced following significant community engagement and comment, much of which was site specific rather than focused on the overall strategy and vision. The submitted report outlined the issues that had been brought together in the Core Strategy.

The Publication Core Strategy set out the Council's vision for the future development of the Borough between 2013 and 2028. Alongside this were the strategic policies that would guide investment and development decisions to achieve this vision. The vision was underpinned by seventeen objectives that would address the key issues facing Rotherham over the next fifteen years, including the provision of sufficient new homes, to the protection of the environment.

In anticipation of the abolition of regional strategies, a lower local housing target of 850 new homes per year had been proposed. This was based on the assessment of the latest evidence on future household growth and the capacity available on suitable sites. This target would ensure that the Council could meet housing requirements, whilst also reducing the need to release Green Belt land. The level of proposed growth was broadly comparable with the Borough's growth over the previous fifteen years of more than 10,000 new homes. Within this plan it was anticipated that the development at Bassingthorpe Farm would deliver 1,700 homes and not 2,400 as originally reported.

It was the intention to submit the Core Strategy to Government following approval by Council, subject to there being no major objections received as a result of consultation of the Publication Core Strategy.

Cabinet Members welcomed the sensible growth across Rotherham and noted the principal settlements for growth.

**Recommended:- (1) That the Publication Core Strategy be endorsed.**

**(2) That the Publication Core Strategy for public consultation be approved.**

**(3) That subject to there being no major changes as a result of the consultation on the Publication Core Strategy, the Core Strategy be submitted to Government Office.**

**C4 LOCAL DEVELOPMENT SCHEME**

Councillor Smith, Cabinet Member for Town Centres, Economic Growth and Prosperity introduced a report by the Strategic Director of Environment and Development Services that detailed an update to the Local Development Scheme. The update was in response to requirements of the Localism Act, 2011, and to new National Planning Policy Framework published in March 2012.

The submitted report detailed the requirements under the Planning and Compulsory Purchase Act, 2004 (as amended by the Planning Act, 2008 and Localism Act, 2011), for local planning authorities to prepare and maintain a local development scheme.

Rotherham's Local Development Scheme set out a revised project plan for the preparation of the Development Plan Documents that would comprise the Rotherham Local Plan. The Local Development Scheme intended to:-

- Set out the subject matter, geographic coverage, development plan status and inter-relationships of Local Plan documents and if any are to be prepared jointly with other local planning authorities;
- Establish and reflect priorities for the Local Plan to steer associated work programming and resource allocation;
- Give a timetable and set milestones for the preparation and review of documents.

It was noted that, at future examinations of the Council's Development Plan Documents, a legal compliance check carried out by the planning inspector would be whether the Development Plan Document had been produced in conformity with the Local Development Scheme. It was therefore important to ensure that the Local Development Scheme was up to date for the submission of the Core Strategy in 2012.

Permission was now sought to implement the revised Local Development Scheme to enable progress towards the adoption of programmed Development Plan Decisions, including: -

- Provision of an up-to-date planning policy framework for the Borough's future growth and development
- Future decision making on planning applications;
- Failure to achieve timely progress on the Local Plan could delay the spatial strategy required to guide future decision making on planning applications;
- A Local Plan would provide a steer for any neighbourhood plans that may emerge under the provisions of the Localism Act;
- Failure to progress the Local Plan would risk delayed provision of new homes and employment opportunities for the Borough.

Resolved:- That the revised and updated Local Development Scheme be approved.

**C5 LOCALISM ACT 2011 AND STANDARDS REGIME**

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Resources, which contained details of the changes to the standards regime in consequence of the enactment of Chapter 7 (Sections 26 – 37) of the Localism Act 2011 (“the Act”); and the options for consideration by the Cabinet with a view to making recommendations to the full Council.

The report has been considered by the Standards Committee, the response of which formed part of the report. The Committee’s views were also reproduced in the body of the report in bold italics with the Monitoring Officer’s comments immediately following.

The Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for Elected and Co-opted Councillors and the date for implementation of these changes was proposed to be 1st April 2012, but is now expected to be 1st July, 2012.

This report described and set out in detail the changes and recommended the actions required for the Council to implement the new regime.

There would be some costs associated with the transition from the current arrangement to the new arrangements including the costs of advertising and appointing Independent Persons.

Cabinet Members referred to the criteria for the role of an Independent Person and how their services may be utilised across South Yorkshire.

**Recommended:- (1) That the Standards Committee be comprised of eight Elected Members of the Council and five Independent Members.**

**(2) That the Leader of the Council be requested to consider whether to nominate to the Standards Committee one or more members who are members of the Cabinet.**

**(3) That the Parish Councils be invited:-**

- **to indicate whether they wish to delegate their functions in relation to the standards of conduct of their members to the Council and to adopt the Council’s code of conduct, and if so**
- **to nominate a maximum of three Parish Councillors to be co-opted as voting members of the Committee.**

**(4) That with regards to the “arrangements” for dealing with standards complaints the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the code of conduct.**

**(5) That having regard to the current Standard Committee’s Local Assessment Criteria and in particular Paragraph 6 (seriousness of the complaint) the Monitoring Officer be delegated to determine whether the complaint should be referred for consideration by a sub-committee of the Standards Committee, comprising not less than three and no more than five co-opted independent members of the Standards Committee, or otherwise**

dealt with by her.

(6) That the sub-committee's terms of reference be to consider complaints of failure to comply with the code of conduct and to make recommendations to the Standards Committee for consideration by the Committee as to whether or not to direct the investigation of a complaint.

(7) That the Monitoring Officer be instructed to seek resolution of complaints without formal investigation wherever practicable and to report quarterly to the Standards Committee on the discharge of this function.

(8) That where the investigation finds no evidence of failure to comply with the code of conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the Member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information.

(9) That where the investigation finds evidence of a failure to comply with the code of conduct, the Monitoring Officer, in consultation with the Independent Person, be authorised to seek local resolution, in appropriate cases, with a summary report for information to the Standards Committee. Where such local resolution is not appropriate or not possible, she be required to report the investigation findings to a consideration and hearings panel of the Standards Committee for hearing and determination by the panel, the panel having first sought and taken into account the independent person's views.

(10) That the full Council be requested to delegate to consideration and hearings panels such of its powers as can be delegated to take decisions in respect of a Member who is found on hearing to have failed to comply with the code of conduct, such actions to include:-

- reporting its findings to the full, or to the Parish Council, for information;
- recommending to the full Council publication of the decision that the member had breached the code of conduct;
- recommending to the full Council formal censure of the Member through an appropriate motion;
- recommending to full Council for recommendation to the Member's Group Leader (or in the case of ungrouped members, recommend to full Council) that he/she be removed from any or all committees or sub-committees of the Council;
- recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular portfolio responsibilities;
- recommending to the full Council, or to the Parish Council, the removal

of the member from all outside appointments to which he/she has been appointed or nominated by the Council or by the Parish Council;

- instructing the Monitoring Officer to, or recommending that the Parish Council, arrange training for the Member.

(11) That with regard to Independent Persons the Monitoring Officer, in consultation with the Leader and Deputy Leader and leader of the Opposition, and with the advice of the Director of Human Resources be authorised to set the initial allowances and expenses for the Independent Person, and this function subsequently be delegated to the Independent Remuneration Panel having regard to the views of the Chair from time to time of the Standards Committee.

(12) That the Monitoring Officer be authorised to advertise a vacancy for the appointment of one Independent Person.

(13) That a sub-committee comprising the Chair and three other Members of the current Standards Committee be set up to short-list and interview candidates and to make a recommendation to full Council for appointment.

(14) That the Monitoring Officer liaise with the Monitoring Officers of Barnsley, Doncaster and Sheffield Councils, in relation to their respective appointment of an Independent Person or persons, with a view to agreeing an arrangement whereby each council may utilise the services of the independent persons appointed by the others in cases where its own independent person is conflicted from acting.

(15) That with regards to the preparation of the registers the Monitoring Officer be instructed to prepare and maintain a new register of Members' interests to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act.

(16) That the Monitoring officer be instructed to ensure that all Members are informed of their duty to register interests.

(17) That the Monitoring Officer be instructed to prepare and maintain new registers of Members' interests for each Parish Council to comply with the Act and any code of conduct adopted by each Parish Council and ensure that it is available for inspection as required by the Act.

(18) That the Monitoring Officer be instructed to arrange to inform and train Parish Clerks on the new registration arrangements.

(19) That with regards to the power to grant dispensations the Council delegate the power to grant dispensations:-

- on grounds 1 and 4 as set out in this report to the Monitoring Officer with an appeal to the Standards Committee; and
- on grounds 2, 3 and 5 as set out in this report to the Standards Committee, after consultation with the independent person.

**C6            AUDIT COMMITTEE ANNUAL REPORT 2011/12**

Councillor Sangster, Chairman of the Audit Committee introduced the Audit Committee's Annual Report for 2011/12, which showed how the Audit Committee had successfully fulfilled its terms of reference and helped to improve the Council's governance arrangements and its overall control environment.

The Audit Committee oversaw the management of risks within the Council, the operation and effectiveness of the Council's internal control arrangements and fulfilled this role by considering and approving reports from officers responsible for financial management and governance within the Council and from the Council's external auditors. Where relevant, the Committee also made recommendations for action to address any deficiencies identified by or reported to the Audit Committee.

Resolved:- (1) That the Audit Committee's Annual Report for 2011/12 and in particular the Audit Committee's ongoing compliance with best practice and its successful achievement of its terms of reference be noted.

(2) That the proposal to present the report to the next full Council meeting be approved.

**C7            RBT LIQUIDATION**

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Resources, which asked for authorisation for Councillors Rose McNeely and/or Alex Sangster to act on behalf of the Council in the liquidation of RBT.

Resolved:- That Councillor Rose McNeely and/or Councillor Alex Sangster be authorised to act as the authorised representative of the Council in its capacity as shareholder in RBT (Connect) Limited and accordingly to do anything which in his or her discretion is necessary or desirable in connection with the processes outlined in Paragraph 7 of this report and for the voluntarily winding up of the company.

**C8            UPDATE ON THE SHEFFIELD CITY REGION LOCAL ENTERPRISE PARTNERSHIP (LEP)**

Councillor Smith, Cabinet Member for Town Centres, Economic Growth and Prosperity, introduced a report by the Strategic Director of Environment and Development Services, which provide an update on progress to date with the operation of the Sheffield City Region (SCR) LEP; including their management of the Regional Growth Fund (RGF) Round 3, the Growing Places Fund and the setting up of a sub-regional development fund using ERDF JESSICA money.

The Sheffield City Region Local Enterprise Partnership was approved in October, 2010 as part of the Government's first wave and this number had now risen to 39; covering all but one of England's local authorities

The Sheffield City Region Local Enterprise Partnership Board comprised a mixture of private and public sector reps; with the Chair being from the private sector, which in addition included Councillor Simon Greaves instead of

Councillor Graham Oxby at Bassetlaw and Councillor Eion Watts from Bolsover.

Details were provided on:-

- Inward Investment.
- Regional Growth Fund (RGF).
- Growing Places Fund (GPF).
- City Deals.
- JESSICA.

Central Government funding was secured to run the Local Enterprise Partnership until 31st March, 2012. These costs were now being picked up by the Local Authorities, with the understanding that these would be reimbursed by the increased business rates take from the Enterprise Zone, which would come to the Local Enterprise Partnership.

With a number of the Enterprise Zone sites located in Rotherham, predominantly around the AMP/Waverley area, any uplift in business rates for the Enterprise Zone going to the Local Enterprise Partnership would have an impact on future receipts coming into the Council's resources.

Cabinet Members welcomed this report and received information about an initiative that was not supported in and around the AMP/Waverley area.

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

(2) That the Council underwrite investment in the South Yorkshire Development Fund, along with the three other South Yorkshire local authorities, subject to endorsement of the final inter-authority agreement by Legal Services.

## C9

### **SCRUTINY REVIEW REGENERATION FUNDING AND NEIGHBOURHOOD RENEWAL**

Further to Minute No. 117 of the Cabinet held on 21st December, 2011, Councillor McNeely, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director of Neighbourhoods and Adult Services, regarding the response to the scrutiny review which was commissioned following the publication of the latest indices of multiple deprivation, which showed a deterioration for a number of areas in Rotherham.

Following detailed consideration the Select Commission made thirteen recommendations, all of which, bar one were accepted. The action plan included as part of the report provided full details of these recommendations and the proposed actions.

Many of the recommendations would be met in part or in full by the emerging approach to tackling the problems of the eleven most deprived neighbourhoods, Community First and Troubled Families activity. This work was being given the highest level of priority and being led by the Council's Cabinet and Senior Leadership Team.

The one recommendation which had not been accepted, but deferred, related



to preparing a report on the feasibility of establishing community budgets. At this present time funding had been secured as part of the Big Lottery and Community First Initiatives, for the most deprived areas of the Borough. It needed to be noted that whilst extremely welcome, these funds were relatively modest compared to the scale of the challenge faced by these communities and in comparison with monies that have previously been invested into some of these communities. This was particularly the case given that they were spread over periods of up to ten years. Beyond this resource, in view of the current climate faced by the Local Authority and its partners, it would prove extremely difficult to establish community budgets. What may be more likely was that existing limited resources were diverted to tackle the Borough's most pressing problems. There would also be an opportunity to consider this issue further as part of a review of the medium term financial strategy and forthcoming budget discussions.

Resolved:- That the proposed response to the scrutiny review be approved.

#### **C10 EARLY HELP STRATEGY**

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 of the refreshed strategy to set out Rotherham's partnership approach to delivering prevention and early intervention services for children, young people and families in the Borough.

The new Early Help Strategy adopted the terminology used by Eileen Munro in her influential review of child protection published in May ,2011, which had been adopted to show that children, young people and families would be supported across the continuum of need (or windscreen) as their needs shifted between preventative services delivered through universal provision, to more targeted, complex or acute needs.

The report set out in detail the context for delivering early help to these families.

Resolved:- That the new Early Help Strategy be approved.

#### **C11 EXCLUSION OF THE PRESS AND PUBLIC**

Resolved, that under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act (as amended March, 2006 (information relates to finance and business affairs).

#### **C12 MALTBY ACADEMY - PROCUREMENT OF MALTBY ACADEMY CAPITAL PROJECT**

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Resources which provided an update on the procurement of the Academy Project and requests approval for the Local Authority representative to sign (a) the Design and Build contract with the selected contractor and, (b) the Development Agreement with the Academy.

The financial information and risks and uncertainties associated with this Project were set out in detail as part of the report.

Resolved:- (1) That the update on the Procurement of the Maltby Academy Project be noted.

(2) That the signature be authorised of the Design and Build Contract between the Local Authority and the Selected Panel Member; BAM Construction Ltd.

(3) That the signature be authorised of the Development Agreement between the Local Authority and Maltby Academy.

### **C13 DISCRETIONARY RATE RELIEF REVIEW**

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Resources which listed details of thirty-six organisations which were currently in receipt of Section 47 Discretionary Rate Relief.

The financial information and risks and uncertainties associated with this relief were set out in detail as part of the report.

Resolved:- That the rate relief of £526,068.51 for 2012/2013 be granted as shown on the listing for the period 1st April 2012 to 31st March, 2013 for one year only.

(Councillor Whelbourn declared a personal interest in application 703282 on the grounds of his involvement with the organisation)

### **C14 DISCRETIONARY RATE RELIEF REVIEW**

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Resources which listed details of applications from two organisations for Section 47 Discretionary Rate Relief.

The financial information and risks and uncertainties associated with this relief were set out in detail as part of the report.

Resolved:- (1) That application DRR/12/037 be granted 70% discretionary rate relief on both properties for both financial years.

(2) That application DRR/12/038 be refused.

### **C15 DISCRETIONARY RATE RELIEF REVIEW**

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Resources which listed details of applications from seventy-two organisations currently in receipt of Section 43 Mandatory Relief which have been previously granted 20% Discretionary Relief top up.

The financial information and risks and uncertainties associated with this relief were set out in detail as part of the report.

Resolved:- That £136,644.75 discretionary relief top up be granted for the period 1st April, 2012 to 31st March, 2013 for one year only.

[Councillors Akhtar, Lakin and Stone declared personal interests in applications 718543 and 752775 (Akhtar), 705222 and 705271 (Lakin) and 714557 (Stone) on the grounds of their involvement with the organisations]

#### **C16 NEW DISCRETIONARY RATE RELIEF TOP UP APPLICATIONS**

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Resources which listed organisations currently in receipt of Section 43 Mandatory Relief which have applied for 20% Discretionary Relief top up.

The financial information and risks and uncertainties associated with this relief were set out in detail as part of the report.

Resolved:- (1) That 20% top up be granted to applications DRRTU/12/74, DRRTU/12/76, DRRTU/12/77 and DRRTU/12/78 for one year only.

(2) That all other applications be refused.

#### **C17 COMMUNITY AMATEUR SPORTS CLUBS**

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Resources which detailed how from 1st April, 2004 the Government introduced mandatory rate relief of 80% for Community Amateur Sports Club (CASC) who registered with the Inland Revenue.

The financial information and risks and uncertainties associated with this relief were set out in detail as part of the report.

Resolved:- That 20% relief be granted to all Community Amateur Sports Clubs which obtain registration with the Inland Revenue.