

THE CABINET
6th November, 2013

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

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

An apology for absence was received from Councillor Smith.

C106 QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

C107 DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

**C108 FIXED PENALTY NOTICES (FPNS) FOR UNAUTHORISED HOLIDAYS
TAKEN IN TERM TIME**

Councillor Lakin, Cabinet Member for Children, Young People and Families Services, introduced a report by the Strategic Director of Children and Young People's Services which set out the amendments that were made to the Pupil Registration Regulations and the Penalty Notices Regulations. These amendments came into force on 1st September, 2013.

Amendments to the Pupil Registration Regulations removed references to 'family holiday' and extended leave as well as the statutory threshold of ten school days. The amendments made it clear that Head Teachers may not grant any leave of absence during term time unless there were exceptional circumstances.

Head Teachers were to determine what circumstances were to be considered 'exceptional' reasons for taking a holiday in term time and must also determine the number of school days a child would be permitted to be away from school if the leave was granted.

Under the provisions of the Anti-social Behaviour Act, 2003 it was possible that in certain cases of unauthorised absence a fixed penalty notice may be issued to the parents of compulsory school age children. These notices required an out of court fine to be paid by parents of pupils who have unauthorised absence from school.

Amendments to Penalty Notice Regulations have reduced the timescales for paying a fixed penalty notice fine. Parents must, from 1st September, 2013, pay £60 within 21 days or £120 within 28 days of a penalty notice being issued.

After a period of consultation, with all schools including academies and the Police, every Local Authority was required to draw up and publish a code of conduct for issuing fixed penalty notices for unauthorised absence from school. The code should set out the criteria that would be used to trigger the use of a penalty notice. This should include arrangements to issue penalty notices for unauthorised holidays.

DfE guidance required that the local authority administered the fixed penalty notices scheme for all schools in its area, including academies and free schools and set out three options for consideration:-

- Omitting unauthorised holidays in term time from the local code of conduct.
- Developing a local code of conduct that would permit individual Head Teachers to issue fixed penalty notices for unauthorised holidays in term time.
- A local code of conduct permitting Education Welfare Services to manage and issue fixed penalty notices for unauthorised absence, including for holidays in term time.

Cabinet Members expressed some concerns about restrictive working practises and holidays for some parents and were advised that consideration would be given each request for absence alongside the child's attendance history.

Resolved:- (1) That Option 3 be approved as the preferred recommendation permitting the Education Welfare Service to administer and issue fixed penalty notices, until the end of July, 2015, for unauthorised absence, including for holidays in term time, ensuring consistency, fairness and transparency.

(2) That the Education Welfare Service undertake quarterly reviews of the fixed penalty notice scheme until August, 2014 to assess the service impact, volume of requests and the number of penalty notices issued, paid, referred to court and withdrawn and a report submitted to Cabinet for consideration.

(3) That the Education Welfare Service reserve the right to amend the code of conduct, via consultation, transferring the responsibility to issue fixed penalty notices to schools and individual Head Teachers.

C109 COMMISSIONING STOP SMOKING SUPPORT IN PREGNANCY

The Leader introduced a report by the Director of Public Health which detailed how stop smoking support in pregnancy was currently provided by Rotherham NHS Foundation Trust (RFT) as part of the Rotherham NHS Stop Smoking Service.

The published tender for the general Stop Smoking Service did not include smoking in pregnancy. This would require it to be commissioned separately in the future in line with the Tobacco Control commissioning plans for 2014/15 and beyond. These plans were approved by Cabinet in April this year. Over the last four years a Stop Smoking in Pregnancy Service had been developed that was embedded within routine antenatal care, with the Stop Smoking Specialist Team working alongside Midwifery Services. This followed a trial of different models of care and after listening exercises to develop a service that Rotherham women wanted. This model resulted in significantly lower levels of smoking at delivery.

General Stop Smoking Support Services were being competitively tendered in a joint procurement with Doncaster Metropolitan Borough Council with a view to continuing the necessary integration of stop smoking support in pregnancy with Midwifery Services. Cabinet approval was, therefore, being sought to waive the requirement for competitive tendering and to continue to commission the service from Rotherham NHS Foundation Trust.

Smoking in pregnancy rates were part of the Public Health Outcome framework and Borough Health Profiles. Reducing smoking in pregnancy was a key measure to address health inequalities.

Resolved:- That the requirement be waived for competitive tender for stop smoking in pregnancy support due to its necessary integration with NHS midwifery services at Rotherham NHS Foundation Trust.

C110 SCRUTINY REVIEW - HOSPITAL DISCHARGES

Councillor Whelbourn, Chairman of the Overview and Scrutiny Management Board, introduced the report which set out the findings and recommendations of the scrutiny review into Hospital Discharges undertaken by the Health Select Commission.

There were four main aims of the review which were to consider:-

- Definition of a good discharge from hospital and, therefore, how was a failed discharge identified.
- Reasons for failed discharges.
- Discharge arrangements for those with care plans and those without.
- Patient experiences.

The review conducted was a spotlight review and formulated eight recommendations, which were set out in detail as part of the report.

Resolved:- (1) That all those involved in the Scrutiny Review be thanked for their input.

(2) That the Scrutiny Review of Hospital Discharges and its recommendations be noted and a response be submitted within two months as outlined within the Council's Constitution.

(3) 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.

C111 SCRUTINY REVIEW OF DOMESTIC ABUSE SERVICES IN ROTHERHAM

Councillor Burton, Chairman of the Review Group, introduced the report which set out the findings and recommendations of the scrutiny review of domestic abuse services in Rotherham, by the Improving Lives Select Commission.

The review focused on the following areas:-

- What does a 'good' service look like? (drawing on national guidance and best practice elsewhere).
- How well partners work together at a strategic level.
- How well groups work together operationally.
- How well we listen to the voice of the victim and their families.

A full review was carried out, chaired by Councillor Burton and evidence gathering commenced in April, 2013, concluding in July, 2013. This comprised a number of evidence sessions involving Cabinet Members, officers from various council services, the manager of the domestic abuse team in Sheffield and witnesses from partner agencies.

There were twenty recommendations, with the focus being towards developing a more integrated domestic abuse service, with clear protocols and pathways for all risk levels that were understood by every partner agency. Domestic abuse also needed to be integrated at a strategic level to ensure other workstreams were addressing the impact it had on victims and families.

Resolved:- (1) That all those involved in the Scrutiny Review be thanked for their input.

(2) That the Scrutiny Review of Domestic Abuse Services in Rotherham and its recommendations be noted and a response be submitted within two months as outlined within the Council's Constitution.

(3) 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.

C112 ROTHERHAM LOCAL SAFEGUARDING CHILDREN BOARD CHILD SEXUAL EXPLOITATION ACTION PLAN

Councillor Lakin, Cabinet Member for Children, Young People and Families Services, introduced a report by the Strategic Director of Children and Young People's Services which detailed how keeping children and young people safe and, therefore, the eradication of child sexual exploitation was one of the highest priorities of the Council, the Rotherham Local Safeguarding Children's Board (RLSCB), the Safer Rotherham Partnership and the Police and Crime Commissioner. Working together in partnership and with local communities was key if the Council was to improve its collective response to this dreadful form of child abuse.

Rotherham's Child Sexual Exploitation (CSE) Strategy was a three year plan published in April 2013 accompanied by a multi-agency delivery action plan and which highlighted the achievements made in the first six months of the plan and the next steps across the three key priorities of Prevent, Protect and Pursue.

A summary of achievements since the publication of the strategy was highlighted and which was set out in detail as part of the report along with the next steps for developments against each of the action plan's strategic actions. In addition, a data summary table was provided for each of the priorities to compare data for 2012/13 and the first six months of 2013/14.

Cabinet Members noted a new inspection framework had been published for local authorities and Ofsted were now incorporating specific child sexual exploitation lines of enquiry within future inspections, beginning in November, 2013.

Cabinet Members also noted Strategic Action 4 under the Protect heading and the need for the funding streams to be maintained for identifying and safeguarding children who were at risk.

Cabinet Members were also aware that the publication of the multi-agency strategy and accompanying action plan in April, 2013 was not well publicised, but were mindful of an opportunity in December which would allow for all partners to come together to highlight the importance of their work and partnership activity.

Questions were also raised about the links with Children's Centres and the Youth Cabinet and it was noted that there was indeed awareness raising by the Midwifery Unit at the hospital and at the Rowan Centre. It was also pointed out that young people were being consulted to strengthen the first point of contact to ensure it was young person friendly.

Resolved:- (1) That the progress made be noted and the further development areas be approved.

(2) That the action plan's strategic actions be monitored by the Improving Lives Select Commission.

C113 RATIONALISATION OF PROPERTY ASSETS - LAND AT SECOND LANE, WICKERSLEY

Councillor R. Russell, Cabinet Member for Waste and Emergency Planning, introduced a report by the Strategic Director of Environment and Development Services which sought approval to dispose of approximately 4,500 square metres of allotment land to Wickersley Parish Council at less than best value following the request from Wickersley Parish Council to purchase an area of land at Second Lane which formed part of an allotment site.

The Parish Council had maintained an interest in this land since 1976, when a licence was initially granted to them for one year to allow them to develop this (and adjacent land which was already owned by the Parish Council) into allotments.

Since 1976 the Parish Council had paid an annual fee and maintained and developed the allotments, adding a pavilion building and recently purchasing further land from a private landowner for a nominal fee to allow expansion. The Parish Council now wished to buy the freehold title to the remaining land in Council ownership at less than best value, to regularise their position and to protect the allotments for future generations.

The area in question was designated as Green Belt in the Unitary Development Plan and had not been identified as a development site in the Rotherham Local Plan draft Sites and Policies document.

On the basis of the current planning designation for the site and its use as allotments, the Market Value of the site had been assessed at £5,000.

Two options, therefore, needed to be considered:-

- Option 1 – Sale at less than best value.
- Option 2 – Transfer of land under Asset Transfer Lease Agreement.

Resolved:- (1) That Option 1 be approved for the transfer of ownership of this asset to Wickersley Parish Council.

(2) That the Director of Audit and Asset Management negotiates the terms of disposal of the asset as described in the report.

(3) That the Director of Legal and Democratic Services completes the necessary documentation.

(THE CHAIRMAN AUTHORISED CONSIDERATION OF THE FOLLOWING URGENT ITEMS IN ORDER TO PROCESS AND SHARE THE INFORMATION REFERRED TO)

C114 INVESTING TO STIMULATE FURTHER DEVELOPMENT AT THE ADVANCED MANUFACTURING PARK

Councillor R. Russell, Cabinet Member for Waste and Emergency Planning, introduced a report by the Strategic Director of Environment and Development Services which detailed how the Advanced Manufacturing Park (AMP) continued to attract interest from businesses looking to invest. However, in the current financial climate financing speculative development, even at a premier location such as the AMP, through conventional means was not achievable. This was acting as a barrier to development and growth with some businesses being unable to find suitable property at the AMP that met their needs.

Working with the landowner and the European Union funded JESSICA (Joint European Support for Sustainable Investment in City Areas) programme the Council could unlock development by forward funding a development scheme. This would enable businesses to create jobs and wealth in Rotherham and generate additional business rates.

The proposal was a direct match to Priority 1 of the draft Rotherham Council Corporate Plan 2013-16, "We will market Rotherham as an attractive business location by investing in initiatives to promote business growth".

The Independent Economic Review identified that Sheffield City Region had a "private sector job deficit" of about 65,000 compared to the national average; which was spread across a wide range of sectors. Around half of these "missing" jobs were in higher skilled occupations. Unlocking development at the AMP was a significant intervention that the Council could make to attract high value jobs.

As the decision required investment of over £500,000, which was identified at the meeting, it was a key decision and permission was obtained from the Chairman of the Overview and Scrutiny Management Board to waive the twenty-eight days' notice period.

Resolved:- (1) That approval be given to forward fund development at the AMP on terms to be agreed by the Strategic Director, Environment and Development Services in consultation with Cabinet Member for Regeneration and Development subject to:-

- Confirmation of the detailed costs of purchase and anticipated revenues.

- That the purchase was predicated on the Council holding the asset for up to a maximum of five years and that the full overall cost and revenue showed a positive outcome.

(2) That the Strategic Director, Environment and Development Services enter into negotiations with the Local Enterprise Partnership to secure funding to further enhance the viability of the proposal.

C115 CHILD SEXUAL EXPLOITATION INDEPENDENT INQUIRY

Further to Minute Nos. 69 and 83 of the meetings of the Cabinet held on 4th and 18th September, 2013 respectively, the Chief Executive gave a verbal update as to the appointment of Alexis Jay, who had been identified by the Local Government Association/SOLACE to have the right set of skills, calibre and experience to carry out the Independent Child Sexual Exploitation Inquiry.

Alexis Jay would also be supported by Sheila Taylor and her team from the National Working Group and who had a good reputation nationally of having the expertise in matters relating to child sexual exploitation and the procedures and legislation dating back from the 1990's to the present time.

The Chief Executive had used his delegated authority to waive Standing Orders in order to appoint Alexis Jay and the National Working Group. Appropriate budget provision had, therefore, been made to allow the inquiry to be undertaken.

It was anticipated that a report on the outcome of the inquiry would be available by Summer, 2014, the results of which would be reported through to Cabinet. Alexis Jay was to visit Rotherham next week to scope out the inquiry with key personnel.

Resolved:- That the appointment of Alexis Jay and the National Working Group be noted.

C116 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 the paragraphs below of Part I of Schedule 12A to the Local Government Act (as amended March, 2006) (information relating to financial and business affairs of any particular person).

**C117 RATIONALISATION OF THE PROPERTY PORTFOLIO - 4 - 6
MOORGATE ROAD, ROTHERHAM**

Councillor R. S. Russell, Cabinet Member for Waste and Emergency Planning, introduced a report by the Strategic Director of Environment and Development Services, which sought approval for the disposal of the above-mentioned asset which was due to be declared surplus to the requirements of the Department of Children and Young People Services.

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

Resolved:- (1) That the Strategic Director of Children and Young People Services declare the asset surplus to its requirements.

(2) That the Director of Audit and Asset Management be given approval to dispose of the asset on the basis recommended in Option 2 in the report.

(3) That the Director of Audit and Asset Management negotiates the terms of the disposal of the assets as described in the report.

(4) That the Director of Legal and Democratic Services completes the necessary documentation.

(Exempt under Paragraph 3 of the Act – information relates to financial/business affairs)

**C118 RATIONALISATION OF THE PROPERTY PORTFOLIO - 99A
KNOLLBECK AVENUE, BRAMPTON**

Councillor R. S. Russell, Cabinet Member for Waste and Emergency Planning, introduced a report by the Strategic Director of Environment and Development Services, which sought approval for the disposal of the above-mentioned asset..

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

Resolved:- (1) That the Director of Audit and Asset Management be given approval to dispose of the asset on the basis recommended in Option 3 in the report.

(2) That the Director of Audit and Asset Management negotiates the terms of the disposal of the assets as described in the report.

(3) That the Director of Legal and Democratic Services completes the necessary documentation.

(Exempt under Paragraph 3 of the Act – information relates to financial/business affairs)

C119 PROPERTY RATIONALISATION - POTENTIAL CAPITAL RECEIPTS FROM THE SALE OF YEB SUBSTATIONS IN THE MISCELLANEOUS PROPERTY PORTFOLIO

Councillor R. S. Russell, Cabinet Member for Waste and Emergency Planning, introduced a report by the Strategic Director of Environment and Development Services, which detailed how the Council owned land on which 183 electricity substations were located. This land was tied up in long term agreements and generally had little use. This report, therefore, proposed to generate capital receipts by selling the land.

Consequently, the report sought approval for the sites to be declared surplus to the requirements of the Department of Audit and Asset Management and the subsequent disposal of the land.

Any sites that could be of any future strategic significance would be excluded from disposal.

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

Resolved:- (1) That the Director of Audit and Asset Management be approved to dispose of YEB substations within the Borough of Rotherham and only retain the substations that may be required strategically for future investment purposes.

(2) That the Director of Audit and Asset Management declares the relevant assets surplus to its requirements on the basis set out in the report.

(3) That the Director of Audit and Asset Management negotiates the terms of the disposal of the assets as described in the report.

(4) That the Director of Legal and Democratic Services completes the necessary documentation.

(Exempt under Paragraph 3 of the Act – information relates to financial/business affairs)

C120 CAPITAL PROGRAMME - CAPITAL RECEIPTS UPDATE

Councillor Wyatt, Cabinet Member for Health and Wellbeing (Finance), introduced a report by the Strategic Director of Environment and Development Services, which highlighted changes to the forecast of capital receipts. Receipts of £524,350 have been achieved to date this year and a further £2m was anticipated to be completed in the near future (by December 2013).

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

Resolved:- That the position on the current status of the capital receipts be noted.

(Exempt under Paragraph 3 of the Act – information relates to financial/business affairs)

C121 RE-COMMISSIONING OF LEAVING CARE AND LOOKED AFTER CHILDREN'S SERVICES

Councillor Lakin, Cabinet Member for Children, Young People and Families Services, introduced a report by the Strategic Director of Children and Young People's Services, which detailed how the provision of a Looked After Children and Leaving Care Service was a statutory duty on the Local Authority as detailed in the Children Act 1989 and the Children (Leaving Care) Act 2000. This provision had been fulfilled in relation to the Looked After Children Service for young people aged 16 and 17 and in respect of a Leaving Care Service, by Action for Children under a contract with the Council. In addition, Action for Children were also commissioned on a separate Supporting People contract to provide a Leaving Care Accommodation Service. Both contracts would expire on 31st March, 2014.

The process for re-commissioning the Looked After Children, Leaving Care, and Leaving Care Accommodation Services commenced in March, 2013. A needs analysis and service specifications have been developed for the purpose of re-commission these services.

The Looked After Children and Leaving Care Re-Commissioning Project Group have reviewed the needs analysis and considered different models of service provision. The end of the current contract provided a real opportunity to re-model the service to improve provision and outcomes for children and young people.

Decisions were now needed about the most effective model of provision, taking account of the overriding aspiration to improve outcomes for looked after children and care leavers and the need to achieve cost efficiencies of at least 10% on the existing service cost from 1st April, 2014.

This report set out a model for an improved, more child centred and more efficient service and recommended that this be adopted in April 2014.

Discussion ensued as to whether this was a key decision, but Cabinet Members were advised this was not the case as the current funding and budget had already been allocated and, therefore, did not fall within the definition.

Resolved:- That the proposal to bring the Looked After Children Service for young people aged 16 and 17, the Leaving Care Service and the Leaving Care Accommodation Service in-house, as detailed in Section 7.3 of the report, be approved.

(Exempt under Paragraphs 3 and 4 of the Act – information relates to financial/business affairs and negotiations or contemplated negotiates in connection with any labour relations matters)