

**THE CABINET
27th November, 2013**

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

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

Apologies for absence were received from Councillors Smith and Stone.

C122 APPOINTMENT OF THE DEPUTY LEADER

Further to Minute No. 86 of the meeting of the Cabinet held on the 18th September, 2013, the Chief Executive read from a statement on behalf of the Leader of the Council, who was unable to attend the meeting, regarding the re-appointment of Councillor Jahangir Akhtar to the Cabinet and Deputy Leader of the Council.

Councillor Terry Sharman was thanked for his support whilst undertaking the duties of Deputy Leader.

C123 QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

C124 DECLARATIONS OF INTEREST

Councillors Akhtar and Doyle declared personal interests in Minute No. 30 (Business Case to consider the Selective Licensing of Private Rented Accommodation) on the grounds that they were owners of properties that were rented privately and left the room whilst this matter was discussed.

C125 PROPOSED EXTENSION OF PLANNED PLACES AT NEWMAN SPECIAL SCHOOL FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Further to Minute No. 80 of the meeting of Cabinet held on 18th September, 2013, 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 highlighted that further to the Green Paper: Support and Aspiration, and the Children and Families Bill, legislation would be forthcoming in 2014 to promote a new approach to special educational needs and disability (SEND) 0-25. It was intended, amongst other aims, to:-

- Ensure equal life chances, raise aspirations and improve attainment.
- Reform provision and significantly improve support to meet identified need.

- Empower young people and their families and to increase choice where this was not incompatible with the efficient use of resources or education of other children.
- Plan and commission support across education, health and social care.

In Rotherham, the findings of the Autism Spectrum Condition Scrutiny Review resulted in a number of recommendations for planning and developing specialist provision. One key outcome was for:-

- Proposals should be brought forward to build capacity locally, with the aim of keeping funding within Rotherham and reducing out of authority placements

It was proposed initially to expand the numbers on roll at Newman Special School from 90 to 110, an increase of 20 planned places for children with a Statement of Special Educational Needs naming that school in Part 4 of a Statement of SEN. In addition, it was proposed to offer 2 'assessment' places (total = 22 places) for children who were not in receipt of a Statement of SEN, but where professional advice indicated that the child/young person required an immediate placement in specialist provision whilst a statutory education assessment was underway. Local Authorities could refer, exceptionally, to a specific provision within the 2002 SEN Code of Practice (Paragraph 7:3-2) where all involved, including parents/carers, were in agreement to proceed on this basis. Thereafter the provision would expand to accommodate 30 children.

Pre-statutory consultation period had now been undertaken and this report sought approval to commence statutory consultation by the posting of a public notice for a four week period. Should the statutory consultation be approved, a further report would be submitted detailing any representations made during this period with a view to a final determination on the proposals.

Resolved:- That statutory consultation commence on the proposal to expand provision for children with SEN initially by 22 places from April, 2014 and to 30 places from September, 2014.

C126 PROPOSAL TO EXPAND DALTON LISTERDALE JUNIOR AND INFANT SCHOOL

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 pupil numbers were increasing in the central and surrounding area of the Authority. There was increasing pressure on school places due to the numbers of pupils and it was necessary to increase the number of school places in the area. Following pre-statutory and statutory consultation periods, approval was sought for a final determination in relation to the proposal to expand Dalton Listerdale Junior and Infant School from a Published

Admission Number (PAN) of 30 to 45 in FS2/Reception from 1st September, 2014 and subsequent FS2/Reception cohorts thereafter by expansion of the school premises.

A total of twenty-four representations had been received regarding the school's expansion, eight of which related to concerns about a dip in educational standards, when in fact these were on the increase, with the remainder relating to increased traffic implications, which would be a consideration for the Planning Board as part of their determination of the planning application.

Resolved:- (1) That, following consideration of representations received by the Strategic Director of Children and Young People's Services, the proposal to expand Dalton Listerdale Junior and Infant School on educational grounds from a Published Admission Number (PAN) of 30 – 45 in FS2 Reception from 1st September 2014 on a permanent basis and, subsequent FS2/Reception cohorts thereafter, be approved.

(2) That the objections to the proposal on local traffic implications be referred to the Planning Board for consideration in determining the planning application for the school expansion.

(3) That the Secretary of State for Education be informed accordingly by the School Admissions, Organisation and SEN Assessment Service.

C127 GOVERNING BODY PROPOSALS TO CLOSE THE EMOTIONAL AND BEHAVIOURAL DIFFICULTIES UNIT AT RAWMARSH THOROGATE JUNIOR AND INFANT SCHOOL - APPROVAL TO COMMENCE STATUTORY CONSULTATION

Further to Minute No. 43 of the meeting of the Cabinet Member for Children, Young People and Families Services, held on 18th September, 2013, 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 the request by the Governing Body at Thorogate Junior and Infant School for the current Emotional and Behavioural Difficulties (EBD) Unit to be closed and relocated elsewhere within the Borough.

Following discussions with the Department for Education (DfE), the closure of an Emotional and Behavioural Difficulties Unit attached to a School was classed as a 'prescribed alteration' under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.

Following pre-statutory consultation on the proposals, approval was sought to commence statutory consultation by the posting of a public notice for a six week period on proposals to formally close the Thorogate Emotional and Behavioural Difficulties Unit.

Should pupils be relocated to an alternative location prior to formal closure, the Governing Body have been informed that they would remain the accountable body until formal closure was approved under the requirements of the above Regulations.

Resolved:- That statutory consultation on proposals to close Thorogate Junior and Infant School's attached Emotional and Behavioural Difficulties Unit commence and that a further report be submitted with details of the outcome of that consultation.

C128 MID YEAR TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS MONITORING 2013-14

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Finance which detailed how revisions to the regulatory framework of treasury management during 2009 introduced a requirement that the Council receive a mid-year treasury review, in addition to the forward looking annual treasury strategy and backward looking annual treasury report required previously.

This report set out this revised requirement and also incorporated the needs of the Prudential Code to ensure adequate monitoring of the capital expenditure plans and the Council's prudential indicators (PIs).

The report, as detailed, was structured to highlight the key changes to the Council's capital activity (the PIs), the economic outlook and the actual and proposed treasury management activity (borrowing and investment).

It was also noted that the Council had reappointed Sector Treasury Services as its Treasury and Asset Finance Advisers.

Cabinet Members welcomed an update on the Council's financial arrangements and received clarification on the progress of the review of its banking provision.

(1) Resolved:- That the contents of the report and the treasury activity be noted.

(2) Recommended:- That the changes to the 2013/14 prudential indicators be approved.

C129 REVENUE BUDGET MONITORING FOR THE PERIOD ENDING 30TH SEPTEMBER 2013

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Finance which provided details of progress on the delivery of the Revenue Budget for 2013/14 based on performance of the Revenue Budget for 2013/14 based on performance for the first six months of the financial year. It was currently forecast that the Council would overspend against its Budget by £5.460m (+2.5%). This represented a slight improvement in

the forecast outturn by £15k since the last (August) monitoring report. The main reasons for the forecast overspend continued to be:

- The continuing service demand and cost pressures for safeguarding vulnerable children across the Borough.
- Income pressures within Environment and Development Services.
- Continuing Health Care income pressures within Adult and Children's Services, with concern that this pressure is increasing further.
- 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.
- ICT income pressures.
- Some savings targets are currently pending delivery in full in 2013/14.

When the last Budget Monitoring report was presented to Cabinet on 16th October, 2013 agreement was given to the immediate implementation of a moratorium on all except 'essential' spend. Evidence of the impact of the moratorium would take four to five weeks before there was an expectation to see the forecast overspend reducing. Further, the recent opening of the offer for staff to apply for Voluntary Early Retirement/Voluntary Severance (VER/VS) would also generate savings which would contribute to both reducing the in-year pressure and contribute to closing the 2014/15 Budget Gap.

It was proposed that more frequent budget monitoring reports than were planned into the 2013/14 budget monitoring timetable would now be brought to Cabinet to enable close monitoring of progress towards delivering a balanced outturn.

The report, as submitted, set out in detail an explanation of the key areas of forecast over/underspend by Directorate.

Cabinet Members expressed some concern about the income pressures arising from Continuing Health Care within adult and children's services and received an update regarding the discussions and actions that remained ongoing to address the current pressures and the risks of this increasing further.

Resolved:- (1) That the current forecast outturn and significant financial challenge presented for the Council to deliver a balanced revenue budget for 2013/14 and the actions implemented to address the forecasted overspend be noted.

(2) That the concern about access to and timely payment of Continuing Health Care income for clients with Continuing Health Care needs continue to be progressed with the Clinical Commissioning Group (CCG).

C130 INTEGRATION TRANSFORMATION FUND

Councillor Wyatt, Cabinet Member for Health and Wellbeing, introduced a report by the Strategic Director of Neighbourhoods and Adult Services, which detailed the Department of Health's joint letters on 10th and 17th October, 2013 relating to the Integration Transformation Fund, followed up further on the 1st November, 2013 with initial guidance notes.

These guidance notes were intended to assist commissioners to address issues highlighted in two reports published earlier in the year by NHS England and Monitor which warned of impending challenges driven by an ageing population, increase in long term conditions, rising costs and public expectations.

The report set out the practical implications of the planning guidance that was so far available which would require action in an extremely tight timescale and provided further information on:-

- The purpose of the fund.
- The funding involved.
- Producing a robust plan.
- Developing a vision.
- Working with Providers.
- Critical requirements.
- Role of the Health and Well Being Board.
- Programme Management.

Whilst trying to set out the current position and determining how best to plan a way forward a next steps approach was proposed which would:-

- Develop a simple local vision for Integration in Rotherham which supports the delivery of locally determined priorities and is consistent with the national definition.
- Adopt a programme management approach, with NHS Commissioners, to produce a five year strategic plan which is informed by the priorities set out in the JSNA.
- Jointly review existing pooled budget arrangements to help agree a two year operational plan.
- Jointly develop a single framework that ensures that the views of providers from the health and social care economy drive change from a bottom up perspective.
- Seek to align planning and commissioning arrangements to operate to a similar timetable.
- Consider the development of a single Market Position Statement for NHS and Social Care Services.
- Develop a shared risk register.

Cabinet Members noted the tight timescales for producing an initial draft strategic plan to deliver this Fund, but sought collaborative agreement

within the timescale to ensure the plan was right for Rotherham's people.

Resolved:- (1) That the approach set out under the section of this report headed Next Steps be supported.

(2) That a further report be submitted to the Cabinet setting out detailed proposals in relation to a vision for integration in Rotherham.

(COUNCILLORS AKHTAR AND DOYLE LEFT THE MEETING BEFORE THE NEXT ITEM AND COUNCILLOR LAKIN ASSUMED THE CHAIR)

C131 BUSINESS CASE TO CONSIDER THE SELECTIVE LICENSING OF PRIVATE RENTED ACCOMMODATION IN ROTHERHAM

Further to Minute No. 7 of the meeting of the Cabinet held on 22nd May 2013, Councillor McNeely, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director of Neighbourhoods and Adult Services, which presented the findings of the business case to assess the potential introduction of selective licensing in some parts of the borough which were suffering from the effects of low housing demand and/or anti-social behaviour.

The review identified areas which met the primary low housing demand criteria in the Housing Act 2004 which have:-

- Low values of residential premises in the area when compared with similar areas.
- High proportions of empty properties.
- High turnover of occupiers of residential property.

The analysis concluded that there were consistent indicators of low housing demand in three areas of the borough compounded by high anti-social behaviour rates in all the areas, high rates of disrepair complaint in most and increasing crime rates in more than half of the individual Super Output Areas considered.

The areas identified as suffering from low housing demand and to be prioritised for consideration for licensing were:-

- Rotherham Central, including the Town Centre, Canklow, South Central and Boston Castle, Eastwood and Masbrough.
- Dinnington.
- Maltby South East.

A designation would require all privately rented properties within the identified boundary (subject to statutory exemptions) to be licenced for up to five years.

The Council would provide a dedicated landlord liaison officer, direct support for landlords in the scheme and regular landlord and tenant meetings through the life of the scheme with potential benefits for the landlords involved in this scheme and well as the wider community, the Council and partners..

As this was a key decision twenty-eight days' notice period had been provided under the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as there was likely to be a significant effect on communities living or working in an area comprising two or more wards.

Cabinet Members sought clarification on the options appraisal and were satisfied that Option 1 provided for the largest scheme, which would benefit from dedicated staff providing support and advice to landlords and tenants, along with a licence fee which would be as low as possible for landlords.

Resolved:- (1) That consideration of selective licensing in the areas identified by Option 1 of this report be approved.

(2) That the required public consultation be commenced to introduce selective licensing and a report on the outcome be submitted to Cabinet.

Councillors Akhtar and Doyle declared personal interests in Minute No. 30 (Business Case to consider the Selective Licensing of Private Rented Accommodation) on the grounds that they were owners of properties that were rented privately and left the room whilst this matter was discussed.

(COUNCILLORS AKHTAR AND DOYLE RETURNED TO THE MEETING AND COUNCILLOR AKHTAR RESUMED THE CHAIR)

C132 HOUSING GROWTH REPORT

Councillor McNeely, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director of Neighbourhoods and Adult Services, which identified, both in the local and national context, that there was an immediate and increasing need to provide more homes both public and private across the Borough.

Whilst the Council was successfully enabling the delivery of around 540 new homes each year, this did not meet overall housing need nor the Local Planning Authority target of 850 homes.

This report introduced concepts to enable growth, if supported these would be described in more detail in subsequent reports. The report also explored delivery mechanisms for a medium to long term programme of

building new public and private sector homes, and considered the Council's enabling role and financing options to support a housing growth agenda. Growth delivery mechanisms included using the Housing Revenue Account (HRA) 30 Year Business Plan as a catalyst for growth, using up to £500,000 per year from corporate capital resources, making best use of public land and buildings and establishing a 'growth' capital fund.

It was proposed that the Housing Revenue Account capital resources be integrated into a much broader private sector housing growth agenda. The aim was to significantly increase the construction of new homes across the Borough. This would stimulate the local economy and meet our regeneration aims which would mean more opportunities to meet priorities around skills, jobs, deprived communities and relieve budget pressures through more New Homes Bonus and specialist housing.

As the decision required investment of over £500,000, 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 the release £20m of resources to fund a new affordable social house building programme be approved, utilising part of the borrowing headroom provided through the Housing Self-Financing Settlement, which was affordable within the Housing Revenue Account 30 Year Business Plan.

(2) That the draft Housing Growth Plan be developed and refined as set out in this report and progress be reviewed within appropriate Council Forums and decision making Boards.

(3) That the viability of establishing a capital investment pot of up to £10m be explored with Corporate Finance to help deliver the private sector elements of the Housing Growth Plan. In conjunction with this, to develop the principle of establishing a Housing Growth Joint Venture, which will be the subject of a more detail report setting out its operation, value and implications of entering into such a relationship.

(4) That a review be undertaken to identify Housing Revenue Account and General Fund land in the corporate property asset plan that could help deliver the Housing Growth agenda alongside other corporate objectives.

(5) That three New Housing Business Development staff be identified and resourced to work in the Strategic Housing Investment Service

(6) That the options for creating and funding a pump priming capital fund of up to £500,000 per annum be explored with Financial Services to mitigate any impact on the Council's Medium Term Financial Strategy.

(THE CHAIRMAN AUTHORISED CONSIDERATION OF THE FOLLOWING URGENT ITEM TO PROCESS THE MATTERS REFERRED TO)

C133 PAYDAY LENDERS

Councillor Hussain, Cabinet Member for Communities and Cohesion, introduced a report by the Strategic Director of Environment and Development Services, which provided a summary of the policy and practice issues relating to payday lenders, including initiatives in other areas aimed at discouraging their use and promoting lower cost alternatives. It also set out potential action that could be pursued locally, including blocking lenders' websites and building on existing efforts to support credit unions and provide money management advice.

This issue was discussed at the Welfare Reform Steering Group meeting on 20th November, 2013 where the recommendations were supported, subject to agreement by Cabinet.

It was noted that credit unions were currently not able to compete with payday lenders, particularly when it came to offering web or telephone based instant decision loans, but it was hoped that by providing a further £25,000 loan finance to Rotherham's Credit Unions support could be provided to vulnerable people over the Christmas and New Year break.

Cabinet Members noted the urgency of this item, which would enable the changes to the Council's computer systems to be put in place prior to the Christmas period, to ensure maximum impact at time of the year when access to payday lending and similar sources of finance were most attractive.

Cabinet Members sought clarification as to whether the positive steps being taken by the Council could be extended to all partners in the context of local and national initiatives.

Resolved:- (1) That the action to block the websites of payday lenders on all Council-run computers (both staff and public access) be approved.

(2) That £25,000 be ringfenced to ensure Rotherham's credit unions have sufficient loan finance to support vulnerable people over Christmas and the new year.

(3) That a task and finish group be established, chaired by the Cabinet Member for Communities and Cohesion, to investigate payday lending, debt and financial inclusion issues in more detail, making recommendations for action via the Welfare Reform Steering Group and Cabinet by April, 2014.

C134 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 item of business on the grounds that it involves 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).

C135 ADDITIONAL LONG TERM CAPITAL LOAN FINANCE IN SUPPORT OF THE REDEVELOPMENT OF NOS. 25 - 29 HIGH STREET, 'THE THREE CRANES', AND NO. 29A HIGH STREET

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Finance which detailed a formal request from a local businessman for an additional long term capital finance loan from the Council of £0.14m to bring the re-development of Nos. 25 – 29 High Street, 'The Three Cranes' and No. 29a High Street, a former Georgian Town House, to a successful conclusion.

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

Cabinet Members sought clarification on the redevelopment of these properties and the links to the Townscape Heritage Initiative, which would enable the Council to attract Heritage Lottery Funding.

Resolved:- That the provision of an additional capital loan facility of £0.14m to bring the re-development of the following listed buildings: Nos. 25 – 29 High Street, 'The Three Cranes' and No. 29a High Street (a former Georgian Town House) in the town centre to a successful conclusion be approved and responsibility for drawing up a loan agreement, on appropriate terms and conditions, be delegated to the Director of Financial Services and Responsible Legal Officer.