

**THE CABINET
18th December, 2013**

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

Also in attendance Councillor Steele (Vice-Chairman of the Overview and Scrutiny Management Board)

An apology for absence was received from Councillor Whelbourn.

C136 QUESTIONS FROM MEMBERS OF THE PUBLIC

A member of the public referred to a Member of Parliament's comments about charges for telephone calls and asked if the Council was still operating a system of extending calls by playing music?

The Leader of the Council confirmed that the Council did not operate a premium cost telephone system, which was used by some public sector organisations. Any member of the public that contacted the Council were subject to normal phone charges and only occasionally, when a call was placed on hold or transferred to another area, was music played to the caller.

C137 DECLARATIONS OF INTEREST

Councillor Lakin declared a personal interest in Item 9 (Proposal to Amalgamate Thrybergh Sports Academy and Dalton Foljambe Junior and Infant Schools) on the grounds that he was a Governor at both named schools and left the room whilst that item was discussed.

C138 REVENUE BUDGET MONITORING FOR THE PERIOD ENDING 31ST OCTOBER 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 for the first seven months of the financial year. It was currently forecast that the Council would overspend against its Budget by £4.625m (+2.1%). This represented an improvement in the forecast outturn by -£835k since the September 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 and ICT Services.
- Continuing Health Care income pressures within Adult and Children's Services, with concern that this pressure was 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.
- Some savings targets were currently pending delivery in full in 2013/14.

The moratorium on all except 'essential' spend had been in place since the 16th October, 2013 and was starting to see a slow down in spend as hasd been experienced in previous years when a spending moratorium had been imposed. Services were also exploring opportunities to maximise the flexible use of grant funding, whilst ensuring grant conditions were complied with. 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 reduce the in-year pressure and potentially contribute to closing the 2014/15 Budget Gap.

Monthly budget monitoring reports would now be brought to Cabinet to enable close monitoring of progress towards delivering a balanced outturn.

Members were asked to note that since the last report meetings have taken place with the Clinical Commissioning Group (CCG) about concerns over access to and timely payment of Continuing Health Care income for clients with Continuing Health Care needs. An Action Plan was being developed and updates presented to a series of future meetings between early December and the end of the financial year.

Cabinet Members noted the changes to the last report and specifically the changes to Environment and Development Services and the services matrix managed by them.

Resolved:- 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 forecast overspend be noted.

C139 CAPITAL PROGRAMME MONITORING 2013/14 AND CAPITAL PROGRAMME BUDGET 2014/15 TO 2016/17

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Finance, which provided details of the current forecast outturn for the 2013/14 programme and enabled the Council to review the capital programme for the financial years 2014/15 to 2016/17.

Ongoing restrictions on Government funding for local government capital investment plans continued to limit the level of funding available to regenerate and enhance the Borough's infrastructure.

Concurrently, the Council had continued to be proactive in looking to rationalise its asset and buildings portfolio so as to realise revenue savings and potential capital receipts from any future asset sale. Generally, such capital receipts were expected to be used to reduce future capital financing costs so as to reduce the revenue cost of borrowing.

The budget process that had led to the recommended capital programme for 2014/15 to 2016/17 ensured that the Council's capital investment plans were aligned with strategic priorities and available funding. The financial implications of the programme were reflected in the Council's Medium Term Financial Strategy (MTFS) and Treasury Management and Investment Strategy.

In 2013/14 the Council would have invested £82.395m in capital schemes across the Borough. A further £133.817m would be invested in regeneration and enhanced infrastructure schemes over the following three year period, including £59.348m in 2014/15.

It should be noted that some grant funding notifications have not been received at this time, which had limited the development of schemes to be undertaken in 2015/16 onwards. Once those notifications were received reports would be brought before Members, which would expand the current programme.

The expenditure plans and profiles were reflected in the Directorate summary forecast capital spend table presented within the report and a detailed copy of the programme for each Directorate was provided.

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

(2) Recommended:- That the updated 2013/14 to 2016/17 Capital Programme be approved.

C140 CORPORATE RISK REGISTER

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Finance, which provided details of the current Corporate Risk Register summary. The summary showed the risks associated with the Council's most significant priorities and projects and actions being taken to mitigate these risks.

The Council's key current risks continued to relate to the financial pressures faced by the Council and the implications of the Welfare Reforms. The report summarised the management actions that were being taken to mitigate these and other risks in the register.

The risk score on the priority relating to achieving economic growth remained high in recognition of the on-going weak economic conditions.

Resolved:- (1) That the Corporate Risk Register summary attached at Appendix A be noted.

(2) That the current assessment of the Council's top corporate risks be approved.

(3) That any further risks or opportunities that it feels should be added to the risk register be identified.

C141 PROPOSAL TO AMALGAMATE THRYBERGH SPORTS ACADEMY AND DALTON FOLJAMBE JUNIOR AND INFANT SCHOOLS - FINAL DETERMINATION

Further to Minute No. 79 of the meeting of the Cabinet held on 18th September, 2013, the Strategic Director of Children and Young People's Services, introduced the report which provided details of the statutory consultation, which had taken place between 5th October and 15th November, 2013 on the proposed 'Prescribed Alteration' to Thrybergh Sports Academy to change its age range from 11-16 to 3-16 by the closure of Dalton Foljambe Primary School and the Foljambe site becoming the Primary education phase annex of the school.

Thrybergh Sports Academy had converted to Academy status during the consultation process and should the proposals be approved, Foljambe would then become part of the Academy. Approval of the proposals would then lead to the commencement of legal processes to transfer the land and assets at Foljambe to the Academy Trust by the established lease agreement process.

The proposal to change the age range at Thrybergh Sports Academy would mean that the Foljambe Primary annex would have a Published Admission Number (PAN) of 30 pupils per year group and pupils would automatically stay on roll at the school in the transition from Year 6 to Year 7 and transfer to the Secondary Education site to continue their education.

The Secondary aged phase would maintain a Published Admission Number (PAN) of 140 and children on roll at Dalton Foljambe in Y6 would not be required to apply for a Secondary School place in Y7 at Thrybergh. Children not on roll at Dalton Foljambe could express a preference for Thrybergh as part of normal secondary school admissions round.

There was no intention currently to increase or decrease either School's PAN.

Resolved:- (1) That, in the absence of any formal objections during the representation period, the proposal to amalgamate Thrybergh Sports Academy and Dalton Foljambe Junior and Infant Schools be approved.

(2) That the Secretary of State for Education be informed of the decision accordingly.

(Councillor Lakin on the grounds that he was a Governor at both named schools and left the room whilst that item was discussed)

C142 A STRENGTHENED APPROACH TO ENFORCEMENT

Councillor McNeely, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director of Neighbourhoods and Adult Services, which identified a change in the way in which the Council delivered services in order to maximise the resources available to undertake environmental enforcement activity and improve on the standards of service that were currently being delivered to address other local quality of life issues.

The approach complemented the introduction of a South Yorkshire Police Accredited Powers Scheme for specified uniformed Council Officers and a reciprocal arrangement for the authorisation of Police Officers and Police Community Support Officers to enforce Council powers with respect of littering and dog fouling.

A scoping exercise has been carried out in those areas where members of the public require support from Council interventions to help improve their living and neighbourhood standards. It was found that, in the main, enforcement activity will primarily still be held in specific services where the activity is embedded into a job role. It was also found that, in some teams, which had been trained as described above, over time the activity had stopped due to either post holder changes or a re-focusing of their job role during Council re-structuring.

The need to expand the enforcement capacity identified a number of positive reasons to introduce change including:-

- Giving customers a better deal from speedier and seamless responses.
- Providing greater efficiency to address the reduction of capacity within services.
- Giving more focus on early interventions as more of the workforce identify and address issues at the point of occurrence.

Functions which were currently assigned to specific services, but which could be assigned and better integrated into other areas of the Council, included enforcement and legal proceedings relating to:-

- Littering and dog fouling.
- Filthy & verminous premises.
- Rubbish and waste in gardens.
- Smoke-free premises and vehicles.
- On road vehicle repairs and sale.

- Abandoned shopping trolleys.
- Anti Social Behaviour (ABCs/ASBO).
- Underage alcohol sales operations.
- Duty of care for waste management on commercial premises.

In order to ensure that the proposed changes were thoroughly worked through and implemented in a successful manner it was proposed to phase the implementation of the changes with initially the changes in authorisation/use of extended powers being introduced in Neighbourhoods and Adult Services where there was the greater activity of both enforcement and tenancy management. Uniformed officers of Streetpride would also initially be included in the phased introduction.

Consultation with officers and their Trade Unions across the services impacted by these changes had been undertaken and an overall positive response has been received albeit with some localised concerns which have been addressed. This feedback was in-line with the desire to improve processes and working to bring quicker response and resolution to the problems that residents faced. In addition Trade Unions and staff consultation had been undertaken to assess the need for job profile changes and any impact on the pay and grading of staff potentially affected by the proposals.

Resolved:- (1) That the widening of the enforcement capability, as detailed in the report, be approved.

(2) That the authorisation of the identified additional groups of officers for the legislative duties, associated guidance and enforcement procedures, as specified in Appendix 2, be approved.

(3) That with respect to the other legislative provisions identified in the report, appropriate training and development programmes be developed to allow for identified officers to be provided with "expert witness" status in the investigation and provision of evidence.

C143 FEEDBACK ON REPORTS INTO CSE - THE BARNARDO'S ROTHERHAM PRACTICE REVIEW REPORT - THE HMIC REPORT INTO SOUTH YORKSHIRE POLICE'S RESPONSE TO CHILD SEXUAL EXPLOITATION

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 described the two recent reports into Child Sexual Exploitation in Rotherham and the work which would be carried out in response to them by all partner agencies engaged in Child Sexual Exploitation work in the borough and across South Yorkshire. The report was published by the Council and Barnardo's on 11th December, 2013.

The Barnardo's Rotherham Practice Review Report was commissioned to carry out a practice review into the current work in the Borough on Child Sexual Exploitation and included a desktop review, followed by interviews with key professionals and Council Members, including an on-site visit to Maltby Public Protection Unit where the Child Sexual Exploitation team was based.

The review of current practice, which was commissioned as part of the Local Safeguarding Children's Board action plan, found positive examples of how agencies were working well together to tackle Child Sexual Exploitation. They were commended for their "transparency, openness and honesty" throughout the review process.

A number of areas were identified as good practice in the review report, which were set out along with areas for further development in the report.

The review also commended the links between Rotherham Council's Youth Service and local Protecting Young People Police Officers (PYPPOs), with their combined work in identifying and reducing the numbers of vulnerable people in the community, in schools and identified "hot spot" areas.

It was recommended that this approach be expanded to include links with faith groups, migrant communities and the local business community, including hotels and bed and breakfast accommodation; housing and social landlords; taxis and public transport; takeaways and food outlets, shopping centres and public spaces, pubs and clubs.

The HMIC Report into South Yorkshire Police's Response to Child Sexual Exploitation made a number of time specific recommendations and these were being managed through a Force Action Plan.

In addition, the Council would be seeking assurance that South Yorkshire Police have addressed concerns in the HMIC report around workload management, clear objectives for the CSE team in Rotherham and the need for a CSE outcome framework that had safeguarding children at its forefront.

The representative from South Yorkshire Police confirmed that HMIC recognised the current Sheffield model as good practice and it was recommended that other areas follow their model. However, upon further examination the key difference identified between the Rotherham and Sheffield models was the location of multi-agency teams. Work was being progressed to consider similar arrangements in Rotherham.

The findings from the Barnardo's and HMIC reports would be incorporated into the Rotherham delivery plan. This plan was previously presented to the Cabinet meeting on the 18th September, 2013.

The delivery plan had been discussed at the extraordinary Rotherham's Local Safeguarding Children's Board on the 13th December, 2013.

As reported separately, the Council had also committed to an Independent Inquiry of historic Child Sexual Exploitation cases and this commenced in November, 2013.

Clair Pyper, Interim Director of Safeguarding Children and Families, gave a summary of the close system of working with individual children and vulnerable groups and the actions to progress a single manager position overseeing staff from both the Police and Children's Services.

Cabinet Members noted the good work taking place, which was acknowledged in both reports, the completion or nearing completion of the recommendations arising from both the reports and the significant area of growth in young people coming forward to report concerns.

Resolved:- That the responses be received and the contents noted.

C144 INTEGRATED HEALTH, EDUCATION AND SOCIAL CARE SERVICE FOR CHILDREN, YOUNG PEOPLE AND THEIR FAMILIES

Councillor Lakin, Cabinet Member for Children, Young People and Families Services, introduced a joint report by Children and Young People's Services and Rotherham's Clinical Commissioning Group which detailed a proposal to integrate services across Social Care, Education and Health for children with a Special Educational Need or Disability (SEND) in Rotherham. This proposal was in line with the government requirements for reforms in commissioning and provision for special educational need or disability across Education, Health, Social Care and wider partners as set out in the Department of Health's (DH) SEN Green Paper 'Support and Aspirations; a New Approach to Special Educational Needs and Disability and with joint commissioning as set out in the Children and Families Bill (DfE).

This report set out the improved outcomes for children and their families, legislative requirements for the Council, key principles, benefits and potential risks of this integrated approach and that the proposal was in line with the joint Health and Wellbeing Strategy for Starting Well, Developing Well and Living and Working Well.

Further information as provided on the current provision, examples of isolated joint working, the integrated social care, education and health approach, key principles enshrined in the legislation, the outcomes for children, young people and their families and the consultation process.

Cabinet Members welcomed the report and the approach to improving outcomes for children and their families and to meet the legislative requirements.

Resolved:- (1) That the proposal to work towards an integrated children's SEND, social care, education and health service be approved.

(2) That further report on progress be submitted to the Cabinet as part of the work to achieve an integrated SEND Service.

C145 HOUSING COMPLAINTS - DESIGNATED PERSONS, HOUSING OMBUDSMAN SERVICE AND HOUSING COMPLAINT PROCEDURE

Councillor McNeely, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director of Neighbourhoods and Adult Services, which proposed a change to the Council's existing three stage housing complaints process in response to new statutory requirements (Localism Act 2011) which included a right to have complaints heard by either an Independent Person or an independent Tenant Complaint Panel.

In order to minimise any additional burden as a result of the new statutory requirements it was proposed to retain an internal two stage process, prior to the required independent stage. In reality this was expected to affect less than a handful of cases each year. (In 2012-13 only two housing "Stage III" complaints were received.)

A summary of the changes were:-

- Complaints from tenants and leaseholders now fell under the jurisdiction of the Housing Ombudsman.
- Tenants and leaseholders could refer their complaint to an MP, Councillor or Tenant Complaint Panel following the final decision by the Council.
- A new two stage complaint procedure was created to respond to complaints from tenants and leaseholders on housing matters.

Further information was provided on the changes required by the new legislation, the roles of the Housing Ombudsman, Designated Person and the Designated Tenant Panel, the proposed Housing Complaint Procedure and required actions.

Cabinet Members sought clarification on the requests for a review by a Councillor and the potential conflicts of interests within wards that may arise and welcomed the proposal of understanding that would define basic operating procedures.

Resolved:- (1) That the new complaint procedure for Housing be approved.

(2) That a protocol or memorandum of understanding between the Council and a "designated person" be created.

(3) That the acceptance criteria to recognise a Tenant Complaint Panel be approved.

(4) That a briefing be provided for all Councillors and MPs to make sure that they are aware of their new responsibilities.

C146 REVISION OF RMBC'S COUNCIL HOUSING ALLOCATIONS POLICY

Councillor McNeely, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director of Neighbourhoods and Adult Services, which detailed how the Council's Allocations Policy was last substantially amended in January, 2010, and it now needed to be revised again to take into account the new flexibilities and opportunities offered to social housing landlords by the Localism Act, 2011, and to make the system as fair as possible. There was also a need to review the Allocation Policy because of the size of the Housing Register, the likelihood it would increase if nothing was done and to take account of the circumstances of local people and firmly base the Policy on addressing housing need.

The proposals contained in the report have been considered by the Improving Places Select Commission, the Cabinet Member for Safe and Attractive Neighbourhoods, various stakeholders, applicants and staff. The consultation period spanned over a year and the three key messages that people said they would like to see change were:-

- Council houses should be for people in housing need.
- Rotherham Council homes should be for local people.
- Council tenants with breaches in their tenancy should not be given another Council home.

A summary of the feedback and a draft version of the Allocation Policy were provided and were set out in detail as part of the report which now required approval at Council for formal adoption in June, 2014. If the proposed policy was approved all applicants would be written to explain the changes during March 2014.

Recommended:- (1) That the amendments in the Allocation Policy as detailed in Sections 7.2, 7.3 and 7.4 of the report be approved.

(2) That the revised Allocation Policy, as detailed in Appendix 2, be approved.

C147 AMENDED HOME TO SCHOOL TRANSPORT POLICY

Councillor Doyle, Cabinet Member for Adult Social Care, introduced a report by the Strategic Director of Environment and Development Services which detailed how the Council had a statutory duty to provide free transport to and from school for "eligible" children. The criteria for

assessment of entitlement to free transport assistance was contained within the Home to School Transport Policy which was updated and published annually; this report sets out proposed changes to the Policy.

Sections 2.03 and 2.08 have been amended as a result of clarification and agreement with Children and Young People's Services and there have been some other minor text amendments. All of these amendments were identified in red text on the "Draft Home to School Transport Policy – September 2013" but none of these affected entitlement or qualification.

Resolved:- That the proposed amendments contained within the "Draft Home to School Transport Policy – September 2013" be approved and that this Policy be published.

C148 COMMUNITY RIGHT TO BID - DONCASTER GATE HOSPITAL SITE

Councillor Smith, Cabinet Member for Regeneration and Development, introduced a report by the Strategic Director of Environment and Development Services which referred to a recently received application under the Localism Act Community Right to Bid legislation, to have the former Doncaster Gate Offices listed as an asset of community value.

The application, as submitted and set out in detail as part of the report, did not fulfil the requirements of the legislation to have the site listed and it was recommended, therefore, that the application be rejected.

Following Cabinet's decision on 16th October, 2013 to demolish the building, there had been a degree of public interest in preserving the Doncaster Gate building itself. It should be noted that successful registration of any community asset did not, in any event, prevent demolition as the legislation applied only to the disposal of any site.

Demolition was scheduled to commence in February, 2014, but in view of the public interest, and in order to give those parties interested in putting together any proposals for the future use of the building, it was proposed to allow until 24th January, 2014 for any proposals to be brought forward for consideration.

Cabinet Members were aware of the community interest in this building, but were mindful of the need for any use proposal to be sustainable.

Resolved:- (1) That the application to have the former Doncaster Gate Offices listed as an asset of community value be rejected and the asset be added to the unsuccessful register.

(2) That any interested parties be allowed until 24th January, 2014 to bring forward to the Council any re-development proposals which retain all or a significant part of the building.

C149 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 Paragraph 3 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).

C150 MIGRATION OF BROADBAND CONTRACTS

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Environment and Development Services, which provided details of actions that would need to be taken following the announcement that Digital Region Limited (DRL) was to be wound up by August, 2014 and the necessity to make alternative provision of network lines to support broadband services within the borough.

Further information was provided on the replacement network, the costs and the funding of the migration and the implications for Rotherham in not meeting the national broadband targets.

Resolved:- (1) That the funding of the proposal by £1.3m of prudential borrowing be approved.

(2) That, in accordance with Standing Order 38.1 the waiving of Contract Standing Orders 46-50 (the Tendering Process), be approved as a valid framework agreement is in place for each proposed contract.

(3) That the awarding of contracts to BT, Virgin Media Business (VMB), 5 privately owned Council circuits and Kingston Communications (K Com) as described in the report be approved.

(4) That the impact of DRL's closure on the Council's ability to meet Central Government broadband targets be noted.

(The Mayor agreed to exempt this item from the call-in process due to the need for the contracts to be signed and actioned as a matter of some urgency)