

**THE CABINET
19th March, 2014**

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

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

Apologies for absence were received from Councillors Lakin, Rushforth and R. S. Russell.

C204 QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

C205 DECLARATIONS OF INTEREST

Councillors Akhtar, Doyle and Hussain declared personal interests in Minute No. 216 (Selective Licensing) on the grounds that they or their families were rented property owners and left the room whilst the report was discussed.

Councillor Akhtar declared a disclosable pecuniary in Minute No. 224 (Magna Loan Request) on the grounds that he was a member of the Magna Board and left the room whilst the report was discussed.

C206 ROTHERHAM LOCAL PLAN STEERING GROUP

Councillor Smith, Cabinet Member for Regeneration and Development Services, introduced the minutes of the Rotherham Local Plan Steering Group held on 14th February, 2014.

Reference was made to the discussions on the Inspector's Main Modifications to the Core Strategy, the arguments on the lower housing target and the developments on brownfield rather than greenfield land.

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

(2) That the minutes of the Local Plan Steering Group held on 14th February, 2014 be received.

C207 REVENUE BUDGET MONITORING FOR THE PERIOD ENDING 31ST JANUARY 2014

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 ten months of the

financial year. It was currently forecast that the Council would overspend against its Budget by £1.183m (+0.5%). This represented an improvement in the forecast outturn of -£934k since the December 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.
- 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 16th October, 2013. The impact of this and the approval of 102 applications for Voluntary Early Retirement/Voluntary Severance (VER/VS) were now reflected in this monitoring report. 45 applications were also currently under consideration.

Cabinet Members noted the increases in agency, consultancy and non-contractual overtime costs, compared to the same period last year, which was as a result of meeting the demands of various reviews and restructures, the ongoing investigations and due to the need to maintain statutory staffing levels of in residential, home care, day care and social work posts.

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.

C208**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.

The budget process that led to the original Capital Programme for 2013/14 to 2016/17 ensured that the Council's capital investment plans were aligned with its strategic priorities and vision for Rotherham.

In order to maintain that strategic link and make best use of the capital resources available to the Council, it was important that the programme was kept under regular review and where necessary revisions were made. This programme was initially reviewed in July, 2013, following the finalisation of the 2012/13 outturn capital expenditure and financing and had now been the subject of further reviews, the result of which was reflected in the Directorate summary table as set out in the report along with the detailed analysis of the programme for each Directorate.

Cabinet Members noted the £41 million to be spent providing new school buildings and expansions, £40 million in highways, including the major improvements to the A57, £123 million on Council housing, which also included acquisitions for additional properties at Wath, Wickersley and Rawmarsh.

(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.

C209 NON DOMESTIC RATES - PROPOSED RETAIL RELIEF SCHEME FOR 2014/15 AND 2015/16

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Finance, which detailed how in the Autumn Statement on 5th December, 2013 the Chancellor announced several changes to the Business Rates system that would take effect from April, 2014.

One of these measures was the introduction for two years (2014/15 and 2015/16) of Retail Relief of up to £1,000 per annum for retail properties with a rateable value of £50,000 or less. The proposals required Councils to use their discretionary relief powers under the Localism Act to grant rates discounts. This report, therefore, sets out the Council's proposed Non-Domestic Rate Retail Relief Scheme for 2014/15 and 2015/16 and how it was proposed to implement the scheme.

Resolved:- (1) That the proposed Retail Relief Scheme set out in the report for the two financial years 2014/15 and 2015/16 be approved.

(2) That the application process, as described, be approved and be used, when appropriate, in respect of other Business Rates Reliefs.

C210 UNIVERSAL INFANT FREE SCHOOL MEALS

Further to Minute No. 179 of the meeting of the Cabinet held on 5th February, 2014, the Leader introduced a report by the Strategic Director of Children and Young People's Services which detailed how the Universal Infant Free School Meal scheme would provide free meals to all pupils in Year 2 and below.

From September 2014 all pupils in receipt of full time education up to Year 2 would be eligible to receive a free school meal under the Universal Infant Free School Meals Scheme. It was anticipated that an additional 2,900 meals would be supplied per day to Rotherham pupils.

The increase in meals supplied by individual kitchens would vary between 10 and 150 meals per day. Education Catering Services were assessing which schools required new/additional ovens (including extraction canopies), servery counters, dining furniture, etc.

The assessment of the kitchen and dining facilities and the forecast of additional meals at each school would be used to allocate the capital funding to ensure that schools could meet the food production, service and dining requirements. Schools with low additional meal requirements would not receive any investment. Head Teachers should be aware of the investment for their school by the end of March, 2014.

The Voluntary Aided and Academy schools would be advised on the investment necessary to meet the increased meal provision.

The increase in the number of meals supplied would also require an increase in the crockery, cutlery, cooking containers and utensils which was not funded through the capital allocation. Education Catering Services would work with the schools to ensure that these were financed through the Service Level Agreements and the charges levied for meals.

The finance for the meals supplied under this scheme was to be made direct to schools at the value of £2.30 per meal. Schools would be financed based on take up as recorded at the January, 2015 Schools' census.

Cabinet Members welcomed the offer of a report to a future meeting which would highlight the uptake and any impact of the increase of free school meals.

Resolved:- (1) That the announcements and the action being taken to provide meals for our eligible pupils be noted.

(2) That a further report be submitted to a future meeting of the Cabinet on the uptake and impact of free school meals.

C211 DEBT MANAGEMENT AND RECOVERY POLICY FOR ADULT SOCIAL CARE DEBT

Further to Minute No. 74 of the meeting of the Cabinet Member for Adult Social Care held on 17th February, 2014, Councillor Doyle, Cabinet Member for Adult Social Care, introduced a report by the Strategic Director of Neighbourhood and Adult Services, which sought approval of the Debt Management and Recovery Policy for Adult Social Care Debt.

The Policy provided a high level policy for how debt would be pursued and ensured staff and customers were clear how a fair and firm approach was taken to recover the money owed to the Council for the provision of adult social care services.

Recommended:- That the Debt Management and Recovery Policy for Adult Social Care Debt be adopted by Council.

C212 CHILDREN'S CENTRE BUILDING PRINCIPLES FOR USE

The Leader introduced a report by the Strategic Director of Children and Young People's Services, which detailed the proposals for future use of Children's Centre buildings which would be determined following the outcome of the current consultation being undertaken on the future of Children's Centre service delivery in Rotherham.

The principles underlying the process that would take place involved schools and other relevant stakeholders once the public consultation had ended and decisions have been reached about the changes to the delivery of Children's Centres.

The current services delivered by the twenty two Children's Centres would continue to be provided throughout the next year (2014/15). Any changes to Children's Centre delivery, including any day care provision in Children's Centres proposed to be closed, would only take effect from 1st April, 2015.

The forthcoming year would enable public consultation to take place, to include explaining the reasons for the proposed changes and to explore the nature of any changes that may be required. The proposals included closing a number of Children's Centres. However, any changes would ensure the Early Years and Child Care Service continued to deliver its statutory duties whilst achieving the revenue reductions required by the Government. The time would also enable the commissioning and restructuring of services to take place, in line with the changes agreed following consultation, to be implemented before the 1st April, 2015.

All Children's Centres delivered Early Years Services to the community and some also delivered childcare. The proposal was that the 'community delivery areas' and 'childcare areas' of the buildings were considered separately. It was important that the level of childcare available in Rotherham was maintained to enable the Local Authority to meet statutory requirements.

Proposals A and B, as set out in the report, outlined the principles of the process which would take place for the closure of any Children's Centres.

The options detailed took into account the fact that most of the current Children's Centre buildings were on school sites and in many cases integrated within the school. This could present safeguarding and

operation challenges if an external organisation were to take on responsibility for these areas of the building.

The implementation of any of the proposals in this document were dependent upon the outcome of the public consultation.

Cabinet Members asked if some analysis had been given so far to the concerns raised and it was noted that many of the concerns related to the child care elements of the service provided by the Children's Centres, but a full in-depth analysis would be undertaken once the consultation period had ended.

Resolved:- (1) That the implementation of the Children's Centre Building proposed principles following the outcome of the current Children's Centre public consultation be approved.

(2) That the proposals be put on the Children's Centres public consultation website for information.

C213 DIRECTOR OF PUBLIC HEALTH - ANNUAL REPORT

The Leader introduced a report by the Director of Public Health which was the first Annual Report in Rotherham since the 2012 Health and Social Care Act placed the responsibility for Public Health with Councils.

The Director of Public Health now had a statutory responsibility to produce an annual report and the Council had a statutory duty to publish it.

The core purpose of the Annual Report was to provide an analysis, to help planners and policy makers to plan and monitor local programmes and services that impacted on health and set out to influence and inform policy across the Council particularly in the areas of air pollution and keeping people active.

Calculations of life expectancy used current death rates to calculate a figure in years that the average person in the community could expect to live today.

The intention of this report was to sit alongside the Health and Wellbeing Strategy which focussed on the wider determinants of Health to advise on the practical interventions the health system could make to reduce the risk of early death.

This report focussed on an analysis of the causes of death and disability in the Borough and the health inequalities that existed between Rotherham and the rest of England and included a clear set of recommendations that were aimed at different partners on the Health and Wellbeing Board.

The recommendations were as realistic and achievable as possible and their implementation would have a significant impact in reducing death and disability in Rotherham. Future reports would be submitted on progress against the recommendations.

Reference was made to the information contained within the Annual Report about the delivery of a significant reduction in the mortality and disability and the integration required to reduce risk, the obesity within Rotherham which was a significant contributor to high levels of disability and the growing evidence about air pollution on health.

Cabinet Members were surprised to learn about the evidence about particulate air pollution and the increased risk of heart disease and welcomed the co-ordinated approach to suicide prevention and self harm in Rotherham.

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

(2) That the report be referred to the Health and Wellbeing Board for them to consider the recommendations.

C214 PUBLIC HEALTH COMMISSIONING PLAN

The Leader introduced a report by the Director of Public Health which set out the local framework for the use of the Public Health Grant to support the Council's statutory functions of health improvement, health protection and healthcare public health advice to the Rotherham Clinical Commissioning Group.

The Public Health Grant to Local Authorities needed to be employed to make the most impact on the Public Health Outcomes Framework (PHOF) indicators and the Health and Wellbeing Strategy.

The report as submitted set out the framework for the future delivery of Public Health Services and was split into three areas which outlined the commissioned activities, statutory functions and future opportunities. Public Health needed to have a mix of proactive and reactive commissioned activities to make the most impact on Public Health in the short, medium and long term.

Cabinet Members welcomed the positive inclusion of domestic violence as a supported area and the drug and alcohol contracts for services with established problems along with the ongoing work on lifestyle which also included drug and alcohol issues.

The Director of Public Health also confirmed that Rotherham had been successful in a funding bid and had secured £850,000 for a dedicated drug and alcohol hub in the Borough.

Resolved:- (1) That the Public Health Commissioning Plan and its proposed impact on the public health priorities and areas for improvement be approved.

(2) That the prioritisation of Public Health Outcomes Framework priorities in the reallocation of resources to Council services to deliver improved health for Rotherham people be approved.

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

C215 NATIONAL TEAM AWARD FOR UNSUNG HEROES

The Leader invited the Strategic Director of Children and Young People's Services to share the information that Rotherham Multi-Agency CSE Team had won the National Team Award for Unsung Heroes at the CSE National Working Group Awards under the criteria for the "Longest Journey under Challenging Conditions".

Resolved:- That the Team be congratulated on their achievement and a presentation by the Mayor be made at the next Council meeting on the 16th April, 2014.

C216 INTERIM REPORT IN RESPECT OF SELECTIVE LICENSING CONSULTATION

Owing to the withdrawal of three Members from the meeting, Cabinet was inquorate. For this item Cabinet considered the report on an informal basis.

Further to Minute No. 131 of the meeting of the Cabinet held on 27th November, 2013, Councillor McNeely, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director of Neighbourhoods and Adult Services, which highlighted the agreement to proceed with a public consultation exercise on a proposal to introduce selective licensing of private rented accommodation in Rotherham.

Public consultation concerning the proposals opened on 13th January, 2014 and was due to close on 24th March, 2014, after the statutory ten weeks. However, the report now submitted provided an update to advise Members on some of the key themes emerging from the consultation process to date.

The approach to consultation had been successful. It prompted the return of questionnaires, interest at the drop-in sessions that were held and a large influx of correspondence by letter, email and formal Freedom of Information requests.

Some local landlords and letting agents had strongly expressed their opposition to the scheme and an Action Group had been established. In addition, the National Landlord Association had also indicated its opposition.

The consultation to consider introducing a scheme started a debate, which had also been aired in the local press and on radio, and allowed for a constructive series of meetings with landlords and Action Group representatives to hear their views on improving private sector housing management.

An indication of the interest in the proposal was shown by the numbers of returned questionnaires to date being in excess of 1,600 (10%). Of these some 70% were showing support for the proposal. However, the final analysis needed to consider not only the number of returns (where the numbers were dominated by local residents/tenants), but also the qualitative commentary put forward. In particular, the Council needed to stay firmly focussed on the best way of achieving the objective of improving management and standards within the private rented sector.

Following the completion of the consultation an options report with recommendations would be submitted to Cabinet and would analyse the response to the consultation questionnaire, along with letters and emails registering viewpoints from residents, landlords and businesses.

Cabinet Members sought clarification on whether consideration had been given to already established schemes across the U.K. and the steps that could be taken to improve the standards of homes for people.

The Chief Executive informed Cabinet that he would exercise his delegated powers, following consultation with Councillors McNeely, Smith, Stone and Wyatt and the Chair of the Overview and Scrutiny Management Board, and take the necessary steps to publicise the information contained in the report and the views expressed by Elected Members.

A further report upon the actions taken by the Chief Executive under his delegated powers was to be received at the next Cabinet meeting.

(Councillors Akhtar, Doyle and Hussain declared personal interests on the grounds that they or their families were rented property owners and left the room whilst the report was discussed)

C217 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 1972 (as amended March 2006) (information relating to the financial or business affairs).

C218 RATIONALISATION OF THE PROPERTY PORTFOLIO: CLIFTON COURT, DONCASTER GATE, ROTHERHAM

Councillor Smith, Cabinet Member for Regeneration and Development Services, introduced a report by the Strategic Director of Environment and Development Services, which sought approval for the disposal of the above-mentioned asset that had been declared surplus to the requirements of the Director of Health and Wellbeing.

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

Cabinet Members sought clarification as to any interested parties in this asset and the consultation process with Ward Members.

Resolved:- (1) That the Director of Audit and Asset Management be approved to dispose of the asset on the basis recommended in Option 2 of 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 be authorised to complete the necessary documentation.

C219 NEW DISCRETIONARY RATE RELIEF TOP UP APPLICATIONS

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Finance which set out details of four organisations currently in receipt of Section 43 Mandatory Relief, which had now applied for 20% Discretionary Relief top-up.

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

Resolved:- That 20% top up relief to the four organisations, in line with the policy agreed by Cabinet on the 24th April, 2013, be approved.

C220 NEW DISCRETIONARY RATE RELIEF APPLICATIONS

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Finance which set out details of two applications for Section 47 Discretionary Rate Relief.

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

Resolved:- That 100% top up relief to both organisations, in line with the policy agreed by Cabinet on the 24th April, 2013, be approved until the 31st March, 2015.

C221 REVIEW OF COUNCIL OFFICE ACCOMMODATION IN THE SOUTH OF THE BOROUGH

Councillor Smith, Cabinet Member for Regeneration and Development Services, introduced a report by the Strategic Director of Environment and Development Services, which covered the proposals for the future provision of office accommodation in the south of the Borough, which involved consolidating various services' office base into the Aston Joint Service Centre, thereby helping to maximise its use and relinquishing a costly lease of other offices in Dinnington.

Approximately £280,000 would be required to adapt Aston Joint Service Centre to accommodate additional staffing, but the proposals would generate savings of £40,000 per year after allowing for the repayment of the capital funding.

The proposals did not reduce the delivery of front line services to the south of the Borough and discussions had taken place with Ward Members about various options and the proposals going forward.

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

Resolved:- (1) That the bid for £280,000 capital funding required to enable the expansion of capacity at Aston Joint Service Centre to facilitate the relocation of staff into it be approved.

(2) That the lease at Dinnington MacAlloy Offices be surrendered by 31st August, 2014.

C222 FORMER COUNCIL OFFICES, NEW STREET, DINNINGTON

Councillor Smith, Cabinet Member for Regeneration and Development Services, introduced a report by the Strategic Director of Environment and Development Services, which sought approval for the transfer of the above-mentioned asset by way of a lease under the Asset Transfer Policy, subject to confirmation of business case details. This asset had

been declared surplus to requirements by the Director of Audit and Asset Management.

Further information was provided on the proposals received for this property, the range of support activities that benefitted local communities that could be delivered from this building, supported by other local organisations with the Council retaining ownership of the asset for future use, the options appraisal that had been carried out and the resultant recommendation.

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

Resolved:- (1) That the asset transfer lease for this property be approved and the Director of Audit and Asset Management be authorised to grant a lease under the Asset Transfer Policy on the basis recommended in Option 3 of the report, subject to confirmation of the business case details.

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

(3) That the Director of Legal and Democratic Services be authorised to complete the necessary documentation.

C223 COMMISSIONING EFFECTIVE WEIGHT MANAGEMENT SERVICES FOR ROTHERHAM

Councillor Wyatt, Cabinet Member for Health and Wellbeing, introduced a joint report by the Director of Public Health and Strategic Director of Neighbourhoods and Adult Services, which outlined the proposals for future weight management commissioning given that obesity was one of the six key priorities of the Rotherham Health and Wellbeing Strategy and performance against this priority was delivered through the Rotherham Healthy Weight Framework. The Healthy Weight Framework brought together strategies to both prevent and treat obesity in the population and was a referral mechanism for the Health Check Programme. Levels of overweight/obesity were high in Rotherham and the complex nature of the causes and management of obesity meant there was a continued need to provide treatment services with different levels of intervention.

Resolved:- That the proposals for future commissioning, specifically the need to undertake a procurement exercise for weight management services to commence in 2014 be approved.

C224 MAGNA TRUST LOAN REQUEST

The Leader introduced a report by the Director of Finance which sought approval for the Council to continue to provide a one year loan facility to the Magna Trust of £250,000. This would replace the existing loan facility, which would be repaid before the new loan was taken out.

Resolved:- (1) That the short term Council loan facility to the Magna Trust of £250,000 on the terms specified in Section 8 of this report be approved.

(2) That the progress on the sale of an area of land at Magna and the further work to be undertaken to secure the amendment of the Magna Inter-Creditor Deed be noted.

(Councillor Akhtar declared a disclosable pecuniary interest in this item on the basis that he was a Director on the Magna Board and left the room whilst matters were discussed)

C225 FORMATION OF A TRADING COMPANY FOR YORKSHIRE PURCHASING COMPANY

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Legal and Democratic Services, which highlighted how Rotherham was a founder member of the Yorkshire Purchasing Organisation and which now sought approval for the formation of a trading company, which would protect the current level of activity relating to schools/academies and allow the company to explore opportunities not currently available to a Joint Committee.

Details were provided on how the holding company would be established, how the current restrictions on the Joint Committee could be removed and the risks arising from legislative changes which could lead to difficulties for trade if it remained as a Joint Committee.

Resolved:- (1) That the preparation of Business Case by Yorkshire Purchasing Organisation Officers in support of the proposed exercise of the power to trade and the final Business Case as set out at Appendix 1 be approved.

(2) That the formation of the trading company limited by shares wholly owned by the Founder Members of Yorkshire Purchasing Organisation (to be known as Yorkshire Purchasing Organisation Procurement Holdings Limited) to act as a holding company for a range of special purpose vehicles in order to protect the business of the Yorkshire Purchasing Organisation joint committee be approved.

(3) That the Council become a shareholder of the company limited by shares under the name of Yorkshire Purchasing Organisation Procurement Holdings Limited which may trade accordance with Section

95 of the Local Government Act 2003 and the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009 and or Section 4 of the Localism Act 2011.

(4) That Councillor Terry Sharman be appointed as its Director on the company and Councillor Alan Atkin as an alternate Director for Elected Member Director.

(5) That the Chairman of the Board of the company be as set out in the Shareholder agreement.

(6) That the Council's Director of Finance be authorised to exercise the Council's powers of shareholder at general meetings in the company.

(7) That the governance and funding arrangements for the company as set out in this report be approved.

(8) That delegated authority to given to the Director of Legal and Democratic Services in consultation with the Council's Section 151 Officer to finalise the detailed arrangements for the formation of the company including relevant financial matters and, governance issues, such as matters to be reserved to the Council as shareholder and to delegate authority to the Director of Legal and Democratic Services or authorised representatives to enter into all necessary legal agreements or documentation and ancillary to the implementation of the above recommendations in accordance with the following documents substantially in the form set out in the:-

- The Memorandum and Articles of Association of the company.
- The Shareholder Agreement.
- The Management Services Agreement.

(9) That the Council be authorised to indemnify its nominated representative Directors on the Board of Yorkshire Purchasing Organisation Procurement Holdings Limited to the extent permitted by law under the Local Authorities (Indemnities for Members and Officers) Order 2004 and secures insurance cover in respect that this Indemnity.

(10) That the Council's external auditors be notified of its proposed participation of the company.

(11) That the Yorkshire Purchasing Organisation Joint Committee decision at its meeting of 31st January, 2014 where it resolved to recommend that Founder Member Councils agree to the formation of Yorkshire Purchasing Organisation Procurement Holdings Limited and confirmation of the decision be noted.