

THE CABINET
9th April, 2014

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

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

Apologies for absence were received from Councillor Whelbourn.

C226 QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

C227 DECLARATIONS OF INTEREST

Councillors Akhtar, Doyle and Hussain declared personal interests in Minute No. 236 (Selective Licensing) on the grounds that they or their families were rented property owners and left the room whilst the item was discussed.

C228 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 March, 2014.

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 March, 2014 be received.

C229 MEMBERS' TRAINING AND DEVELOPMENT PANEL

Councillor Akhtar, Deputy Leader, introduced the minutes of the Members' Training and Development Plan held on 17th March, 2014.

Resolved:- (1) That the emerging issues be noted.

(2) That the minutes held 17th March, 2014 be received.

C230 OUTCOME OF INSPECTION BY THE OFFICE OF SURVEILLANCE COMMISSIONERS

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Legal and Democratic Services, which detailed the findings on an inspection report by His Honour Norman Jones QC of the Office of

Surveillance Commissioners (OSC) in respect of its Regulation of Investigatory of Powers Act 2000 (RIPA) policy and procedures, which related to the Council's use of covert surveillance in the carrying out of its functions and duties.

During the Inspection, His Honour Jones spoke to the Senior Responsible Officer, Jacqueline Collins, the Regulation of Investigatory of Powers Act Co-ordinator, Stuart Fletcher (Service Manager, Commercial and Governance, Legal Services) and three officers involved with Regulation of Investigatory of Powers Act operationally, namely Alan Pogorzelec (Business Regulation Manager), Lewis Coates (Community Protection Manager) and Shawn Senior (Fraud Investigation Manager).

The Inspector examined the relevant Policy and completed forms and found these to be largely commendable, although there was some room for improvement. The Inspector commented that the management of Regulation of Investigatory of Powers Act was appropriate, but relevant processes could be improved by more robust procedures in respect of quality control.

The Inspector stated that it was encouraging that the previous recommendations had been fully discharged and that the Council had developed an impressive training programme.

Although the Council did not currently use those parts of Regulation of Investigatory of Powers Act involving establishing covert relationship with suspects, it was recommended by the Inspector that the Council maintain and develop the ability to manage these situations and that the future training programme should reflect this. This was due to the likelihood in the future of using these techniques for the investigation in particular involving social network sites, such as Trading Standards investigations involving illegally counterfeited goods.

The Inspector commented that the Council had established a good relationship with the Magistrates' Court in dealing with applications for judicial approval. Further, the Inspector found that the Council policy was fit for purpose and practical, and contained excellent prompts and guidance for officers. The Inspector was impressed that the improvements reported at the last inspection continue to be made.

The recommendations from the report were in respect of establishing a better "chasing up" procedure for the collation of forms from different services, to address weaknesses in the documentation through future training for investigating and authorising officers, to ensure all authorising officers attended Regulation of Investigatory of Powers Act corporate training courses, and to ensure that Councillors were kept informed of Regulation of Investigatory of Powers Act activity.

These recommendations have been accepted and acted upon by the Senior Responsible Officer formulating an action plan to incorporate the following:-

- A new “chasing up” procedure established and included in the Regulation of Investigatory of Powers Act Policy.
- Training which had been organised which all appropriate officers were to attend.
- Councillors to be updated in terms of the number of applications, via the Deputy Leader’s meeting. In relation to the Policy and appropriateness of Council Regulation of Investigatory of Powers Act operation generally, as recommended by the new Code of Practice, Councillors to be kept informed by means of an annual report to Cabinet.

Resolved:- (1) That the outcomes of the inspection by the Office of Surveillance Commissioners be noted.

(2) That the implementation of the recommendations from the Inspector’s report be approved.

C231 ROTHERHAM VOLUNTARY BUS PARTNERSHIP AGREEMENT

Councillor Smith, Cabinet Member for Regeneration and Development Services, introduced a report by the Strategic Director of Environment and Development Services, which sought agreement to enter into the Rotherham Voluntary Bus Partnership with the South Yorkshire Passenger Transport Executive (SYPTTE) and major public transport operators regarding improvements to the bus offer in Rotherham, and to note the results of the consultation undertaken during the Autumn of 2013.

The report referred to the key role of the bus in supporting economic growth by linking people to key facilities, education and job opportunities, the Partnership being proposed for Rotherham, the development of the Rotherham Voluntary Bus Partnership (RVBP), the network proposals that have been the subject of public consultation, the key points arising from the consultation and the outcome of this collaborative work which proposed the partners enter into a non-binding Voluntary Partnership Agreement.

The report set out in detail what the Voluntary Partnership Agreement covered, how the network had been developed with the key objective of delivering passenger growth by improving journey opportunities, the investment and the ticket discussions aimed at introducing a simplified ticket range offering more affordable fares to customers centred on improving the multi-operator Travelmaster range of products, along with

information and promotion to help both existing and potential customers and the support to the Partnership through a Legal Agreement.

Cabinet Members welcomed this Agreement and noted the positive contribution towards the continuation of the Free Bus between Rotherham and Parkgate.

Resolved:- (1) That the proposal to enter into an agreement in respect of a Voluntary Bus Partnership for Rotherham be endorsed on the basis set out within the main body of the report.

(2) That the results from the Consultation undertaken during the Autumn of 2013 be noted.

C232 RESPONSE TO THE PLANNING INSPECTOR'S CHANGES TO THE LOCAL PLAN CORE STRATEGY

Councillor Smith, Cabinet Member for Regeneration and Development Services, introduced a report by the Strategic Director of Environment and Development Services, which sought approval of the Council's response to the Inspector's Main Modifications to the Core Strategy, as part of the Examination in Public (EIP) of Rotherham's Core Strategy.

With this in mind, the Council's proposed consultation response to the suggested Main Modifications were:-

- Challenges to the way the housing backlog was calculated and accommodated and put forward an alternative lower figure. The Council's own calculations to take account of the backlog would result in an overall target of 15,583. This was 1,550 homes below the higher target proposed by the Inspector.
- Proposed that the backlog should be accommodated across the entire fifteen years of the plan rather than in the first five years as proposed by the Inspector. Delivery of the backlog within the first five years would require the release of many more sites for development, particularly within the Green Belt, with no realistic prospect of the backlog being addressed.
- Proposes that this revised housing target should be used within the plan and reflected in terms of housing distribution between settlements.
- Strongly supports retaining a policy wording which allows for the phasing of development sites (i.e. identifying which sites should come forward first) – this would allow the Authority to take account of the brownfield status of sites.

- Proposes that the proposed provision of local facilities at Waverley should remain identified as a 'local centre' within the retail centre hierarchy.

The report also set out the detailed response to each Main Modification which, subject to approval by Cabinet, would be submitted to the Inspector for his consideration by the consultation deadline on 17th April, 2014.

The Inspector would then consider all duly made representations to the Main Modifications consultation and take them into account when writing his final report. The Inspector had also indicated that he intended to hold a further two days of hearing sessions on 15th and 16th May, 2014 prior to finalising his report with the expectation that the report would be able to recommend that the Core Strategy was sound subject to the inclusion of his final wording of Main Modifications. The Council would then be in a position to proceed to adoption of the Core Strategy.

Cabinet Members welcomed the opportunity to challenge the Inspector's suggestions with proposals that would best meet the needs of Rotherham which were supported by the public.

Resolved:- That the Council's consultation response to the Inspector's Main Modifications to the Local Plan Core Strategy be approved.

C233 APPROVAL OF REVISED TERMS OF REFERENCE FOR THE LOCAL PLAN STEERING GROUP

Councillor Smith, Cabinet Member for Regeneration and Development Services, introduced a report by the Strategic Director of Environment and Development Services, which set out the proposed revisions to the Local Plan Steering Group Constitution and Terms of Reference following recommendations arising from a spotlight review and after consultation at various meetings and with the Director of Legal and Democratic Services.

It was generally accepted that the existence of a Steering Group, together with effective corporate support and adequate resources, was an essential pre-requisite of successful Local Plan delivery. Many other Local Planning Authorities have similar informal officer/Member steering groups to guide Local Plan preparation.

Further information was provided on the Steering Group's role, why there was a suggestion to change the remit with an update to the wording of the Constitution and Terms of Reference and the need to balance efficiency with democratic accountability.

The principal function of the Steering Group was to promote the timely and efficient preparation of the Local Plan with public engagement in the plan's preparation continuing.

The Constitution and Terms of Reference have, therefore, been revised to:-

- Give greater scope for Ward Members and Parish Council Chairs to attend special meetings on issues of local importance, i.e briefing on potential development sites in local areas.
- Update and future proof the document by referring in general terms to relevant officers and services input rather than listing named services, to reflect changes to Council structures.
- Refer to correct job titles for officers in the Council's Scheme of Delegation.
- Allow greater scope for all Member briefing sessions and scrutiny overview of the Local Plan process.
- Reflect the revocation of regional strategies and other legislative changes.
- Reconfirm that Cabinet and full Council must approve a development plan document before it was published and submitted to Government.

Recommended:- That the revised Local Plan Steering Group Constitution and Terms of Reference be adopted.

C234 OUTCOMES FROM YOUTH CABINET REVIEW ON IMPROVING ACCESS FOR YOUNG PEOPLE SEEKING HELP AND SUPPORT AROUND SELF-HARM

Councillor Steele, Vice-Chairman of the Overview and Scrutiny Management Board, introduced the report which outlined the process, findings and recommendations on the work undertaken by the Youth Cabinet to improve access for young people seeking help and support around self-harm. The recommendations from the review were endorsed by Overview and Scrutiny Management Board at its Children's Commissioner Day meeting on the 27th February, 2014 and agreed to forward these to the Cabinet for its consideration.

The process undertaken by the Youth Cabinet replicated a scrutiny review and case studies were collected from young people to identify issues around accessing information and support services relating to self-harm. The work was supported by relevant professionals from Public Health and Mental Health Services. These case studies formed the basis of questioning for providers and commissioners.

The process was supported by three Scrutiny Members, with young people leading on discussions and questioning. There were two evidence gathering sessions, with the Youth Cabinet undertaking its own planning

and preparation outside of the meetings. Assistance with report writing and forming recommendations was provided by Scrutiny Services.

Since the presentation to Overview and Scrutiny Management Board, the Youth Cabinet were invited to present the outcomes and recommendations from this review to a Borough-wide conference on suicide prevention on 3rd April, 2014.

The recommendations from the review were:-

1. That a consistent, concise and simple message be developed and disseminated for use by ALL organisations (including schools, health and social care, youth services and the voluntary and community sector).
2. That agencies work together to develop clear, consistent referral routes that were shared with ALL relevant organisations.
3. In line with recommendations 1. and 2. ensure that resources/training/support were available for schools, colleges, parents, young people etc.
4. That young people be involved in developing user-friendly information/media messages (including new technology/social media).
5. That young people be involved in service design e.g. commissioning of school nurses.
6. That advice to young people on self-harm be available through drop-ins, one-to-one sessions as well as web-based materials.
7. That consideration be given to ways in which the service could 'fit' around the young person and that appropriate 'out-of-hours' advice/support be available.
8. That the provision of information on self-harm to all schools and colleges be improved and standardised.
9. That schools and colleges be encouraged to establish a forum to share best practice around support and advice (for example work around peer support and strategies to address stress and exam pressure).
10. Examine ways in which student access to school nurses could be improved.

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

(2) That the report 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.

(4) That a meeting be arranged with the Overview and Scrutiny Management Board and the Youth Cabinet in six months' time after this point to discuss progress.

C235 FUTURE OF THE YORKSHIRE AND HUMBER GRID FOR LEARNING (YHGFL) CONSORTIUM

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Environment and Development Services, which detailed how the Council was a member of the Yorkshire and Humber Regional Grid for Learning Consortium.

The Grid was established, as the local part of a national initiative, by the regional Local Education Authorities in 2001 to provide broadband connectivity to schools throughout the region. This task was completed by the mid- 2000s. The issue for consideration was whether the current structure of the Consortium was the best one for the changed circumstances in which it was operating.

Factors to be considered were if the Consortium was to be wound up, Member Authorities would each need to decide to serve notice to withdraw from the Consortium. If sufficient Member Authorities withdrew the Joint Committee Agreement would automatically terminate.

The termination of the Joint Committee Agreement would formally bring to an end the Consortium. For the Joint Committee Agreement to be terminated each Authority would have to agree to the proposed termination from a given specific date. In this case it was suggested that the termination should be effective from 1st April, 2015.

The Consortium did not employ any staff, nor were there staff within the Lead Authority employed principally in providing services to the Consortium, so there were no employment considerations in winding up the Consortium, nor did it own any property and any legal rights that it had in contracts were either transferred to the Foundation or expired when the contracts did some years ago - there being no current contracts.

With regard to the informal arrangements consideration would need to be given to exactly what form these should take and it was proposed that these should be further discussed by the Consortium Advisory Board. It would then be open to each member Authority to decide whether to participate in the new structure.

Each Member Authority would retain their relationship with the YHGfL Foundation as a service provider irrespective of any decision it may make with regard to the informal arrangements put in place to replace the Consortium.

Resolved:- (1) That the principle of the Consortium Advisory Board's recommendation of the 18th September, 2013 with regard to the future of the Consortium be approved and the Director of Internal Audit and Asset Management be authorised to serve notice on the Secretary to the Joint Committee of the Council's decision to withdraw from the Consortium such notice to take effect not before 1st April, 2015 and to be conditional on all the other Consortium Members serving a notice in the same terms.

(2) That the Joint Committee Agreement be terminated and the Consortium continue to meet under its own auspices, but on an informal basis.

C236 UPDATE IN RESPECT OF SELECTIVE LICENSING CONSULTATION

Further to Minute No. 216 of the meeting of the Cabinet held on 19th March, 2014, the Chief Executive reported on the decisions he had taken under his delegated powers, which were subsequently referred back to the Cabinet to note.

Resolved:- That the decisions taken by the Chief Executive under his delegated powers be noted.

(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 item was discussed)

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

C237 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 5 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information in respect of which a claim for legal professional privilege could be maintained in legal proceedings).

C238 PROPERTY SEARCHES LITIGATION

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Legal and Democratic Services, which provided an update in respect of litigation brought by Property Search Companies against the Council, (amongst several other Local Authorities) and to recommend settlement of part of the litigation on terms proposed nationally.

Details of the litigation against the Council were set out in detail as part of the report, along with the advice from counsel and settlements for the first claims.

In relation to the second set of claims these were currently stayed while negotiations were ongoing. A further report would be brought to Cabinet when matters have progressed further.

Resolved:- (1) That the current status of the property searches litigation be noted.

(2) That the terms of the proposed settlement in respect of the first set of claims, brought by Rosemount Legal Services Limited be approved.