

**THE CABINET
21st May, 2014**

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

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

C249 QUESTIONS FROM MEMBERS OF THE PUBLIC

A member of the public asked about the circulation of election information to prospective candidates as part of their election campaigns, if they were directed to dispose of this information in any particular way after they had been used, if it was also provided in electronic format, whether information about postal voters was also circulated and if this left the elderly, infirm and sick vulnerable.

The Monitoring Officer confirmed that the Council was obliged to provide such information in hard copy format to election candidates and that the information provided was not sensitive or confidential as it was publically available. The Council did not impose restrictions as to how a candidate must dispose of the information they received.

In a supplementary question the member of the public referred to election material received by his own and a neighbour's wife referred to them as postal voters and expressed some concern that certain individuals were being targeted.

The Deputy Leader confirmed that all prospective candidates signed for the documentation and were bound by law to use it for campaigning purposes only. For people with postal votes it was normal practice for direct mail to be issued, but candidates would not be given any personal or confidential information or indications if the voter was elderly, infirm or sick.

C250 DECLARATIONS OF INTEREST

There were no Declarations of Interest to make.

C251 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 25th April, 2014.

Discussion took place on the Local Plans and Policies Document and it was noted that the final report from the Inspector, following the hearing last week, would be issued within one month, which would be eventually submitted to Cabinet and Council for approval.

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 25th April, 2014 be received.

C252 SCRUTINY REVIEW OF CARERS

Further to Minute No. 177 of the meeting of the Cabinet held on 5th February 2014 Councillor Doyle introduced a report by the Strategic Director of Neighbourhoods and Adult Services, which was welcomed and provided an opportunity to focus on unpaid carers who provided a valuable support and resource to people with disabilities and older people across Rotherham.

Their contribution was valued and this Scrutiny Review provided an opportunity to improve the support to carers in Rotherham.

All the recommendations from the review have been accepted and would continue to be monitored in due course.

Resolved:- (1) That the response to the Scrutiny Review of Carers be approved.

(2) That everyone involved in this review be thanked for their input.

(3) That the response to the Scrutiny Review be submitted to the next available meeting of the Overview and Scrutiny Management Board.

(4) That the report be submitted to the Health and Wellbeing Board for information and action.

C253 SCRUTINY REVIEW - ACCESS TO GPS

Councillor Hoddinott, Chairman of the Review Group, introduced the report which set out the findings and recommendations of the scrutiny review of access to G.P. services by the Health Select Commission.

The key focus of Members' attention was to identify any anomalies, issues or barriers which impact on patients in Rotherham accessing their G.P. and in particular in respect of obtaining a convenient appointment within 48 hours.

Members recognised the national and local pressures that impacted upon access to GPs. On the supply side there was reducing funding, shortages of GPs and nurses, and premises that were not always suitable for the increasing range of services now delivered at GP practices.

Patients' experiences of accessing G.P.s varied from practice to practice with some long waiting times reported. Expectations and preferences were changing and it was a question of striking a balance between clinical need, patient expectations and convenient access, with practices needing to work with their patients to develop systems that worked well for both. Patient education and information was also important.

G.P.s offered a range of appointment booking systems and one size did not fit all given the variations in practice size and practice populations. Members noted some very good practice and willingness to trial new systems, but would like all practices to consider opening up some time each day for sit and wait appointments.

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

- Establish the respective roles and responsibilities of NHS England and GP practices with regard to access to GPs.
- Ascertain how NHS England oversees and monitors access to GPs.
- Identify national and local pressures that impact on access to GPs – current and future.
- Determine how GP practices manage appointments and promote access for all patients.
- Identify how NHS England Area Team will be responding to changes nationally.
- Consider satisfaction data from the GP Patient Survey on a practice by practice basis and to compare Rotherham with the national picture.
- Identify areas for improvement in current access to GPs (locally and nationally).

There were twelve recommendations, set out in full as part of the review report and these were summarised below, covering the following areas:-

- Improving access – ensuring patients' views on access and ways to improve are heard; maintaining access to professional interpretation services; and adopting hybrid and flexible approaches to appointment systems.
- Sharing good practice – showcasing best practice and sharing successes on providing good access to patients.
- Improving information for patients – maintaining up to date information about each GP practice; the importance of cancelling unneeded appointments; and accessing the right health care service and health care professional at the right time.

- Capacity to deliver primary care – mitigating risk to primary care in Rotherham in light of future challenges; encouraging GPs to remain in Rotherham after training; and being proactive about future increases in demand.

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

(2) That the Scrutiny Review of Access to G.P.s 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 consideration be given as to how to take this forward in order to elicit support from appropriate health partners.

C254 SCRUTINY REVIEW - DEPARTMENT FOR WORK AND PENSIONS SANCTIONS

Councillor Whelbourn, Chairman of the Review Group, introduced the report which set out the findings and recommendations of the scrutiny review of the Department for Work and Pensions Sanctions by the Overview and Scrutiny Management Board which was requested by the Leader in his capacity as Chair of the Welfare Reform Steering Group.

The areas of focus for the review were as follows:-

- Understanding the step-by-step process for applying a sanction, including how this is communicated to claimants.
- The relationship between JCP and Work Programme (WP) providers and the role of WP providers in making sanctions referrals.
- Examining local statistics on the application of sanctions, including – if possible – the figures for different claimant groups and comparisons with other areas.
- The impact of sanctions on particular groups (e.g. lone parents, carers, disabled people, homeless people, those with mental health problems).
- The extent to which local partnership working is mitigating any possible deficiencies or inflexibilities in the system and how relationships can be strengthened.
- The potential impact of further changes to the system, including the claimant commitment and ongoing expansion of conditionality (e.g. in work conditionality linked to the introduction of universal credit).
- Ability of the council's *fund for change* scheme to support sanctioned claimants.

The key findings of the review were grouped under four headings; Communication, Flexibility and Discretion, Vulnerable Claimants and Local Working Protocol. There was one main recommendation of the review, directed to the partners on the Welfare Reform Steering Group, which was to establish a local working protocol with the aim of ensuring complete fairness in the process of implementing sanctions in Rotherham. In implementing this recommendation they were also requested to consider:-

- Inclusion of advice agencies
- How to include Work Programme providers
- Clear and consistent communication mechanisms
- Clear and consistent standards of referral within the partnership
- Rotherham MBC to review its eligibility criteria for the Fund for Change
- DWP partners to investigate the possibility of having the mandatory reconsideration process carried out locally instead of via the centre in Hanley.

Some information had also been received after the report had been submitted from Job Centre Plus relating to the Work Programme, on Page 9 "A brand new claim would stay with Job Centre Plus for 39 weeks". This would only apply for 18 to 24 year olds, it was 52 weeks for those aged 25 plus and voluntary access to the Work Programme was available from day one of a new claim for certain disadvantaged claimants i.e. Homeless, Ex-Armed Forces, Drug/Alcohol, Health Conditions etc. so the above may not apply in all cases.

It was also suggested that the issues highlighted within the report be discussed with the Rotherham Members of Parliament at the earliest opportunity.

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

(2) That the Scrutiny Review of the Department for Work and Pensions Sanctions 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.

C255 HOMELESSNESS SCRUTINY REVIEW

Councillor Falvey, Chairman of the Review Group, introduced the report which set out the findings and recommendations of the scrutiny review of Homelessness by the Improving Places Select Commission.

The scope of the review included:-

- Short Term Focus - Improving information for clients who are faced with homelessness, along with a better understanding of the 28 day rule.
- Temporary accommodation was concerned with the availability and quality of temporary accommodation and the overall customer experience of using the service.
- Crash pads, their locations and standard of and service available to the customers.
- Longer Term Focus - Sub Regional Collaboration, concerned with the number of bedspaces/direct hostel spaces available and the out of hours emergency phone service.

The following three points were introduced into the scope of the review after it had begun.

- To identify plans to re-populate the town centre(s) via empty properties, flats over the shops etc.
- The partnership with private sector landlords to improve housing choices and the potential impact on the prevention of homelessness.
- An update on efforts to enforce and improve standards within the private rented sector.

The findings from the review were set out in detail as part of the report, which also gave a detailed explanation of "Homelessness" along with some statistical data regarding rent arrears and the bedroom tax and a summary of the recommendations included:-

- Raise awareness of the "28 day rule".
- Trends relating to rent arrears in relation to Welfare Reform to be reported to Improving Places Select Commission.
- Improved communications between the Private Sector Housing Officer and the Homelessness Team in relation to improving work with private sector landlords, increasing support to tenants and reducing the number of empty properties in the borough.
- Further exploration at regional level at officer and member level into the option of increasing bedspace provision.
- Homelessness as an issue is considered at the planning stage of any future regeneration schemes in the borough.

- For the Council to explore how it invests in property and assets with the aim of reducing homelessness and out of authority

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

(2) That the Scrutiny Review of Homelessness 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.

C256 DISPOSAL OF FOUR HRA SITES TO ARCHES HOUSING ASSOCIATION TO ENABLE AFFORDABLE HOUSING DEVELOPMENT

Councillor McNeely, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director of Neighbourhoods and Adult Services which sought approval for the freehold disposal of four Housing Revenue Account sites to Arches Housing Association. The sites were located at:-

- St. Mary's Avenue/ Church Lane, Catcliffe
- Catherine Avenue, Aston
- Brameld Road, Swinton
- Brookfield Avenue, Swinton

Subject to approval, the sites would be developed by Arches Housing to provide thirty-five new affordable homes. Of these seventeen units would be bungalows for older people and two were "Disabled Person Units" (DPU's), which were larger bungalows suitable for families with a disabled family member. The Council would receive 100% nomination of residents from the Council waiting list, in perpetuity for all the new homes.

The proposal required a grant allocation (subject to a successful bid outcome from the National Affordable Homes Programme) from the Homes and Communities Agency (HCA), private finance from Arches and Section 106 Commuted sums from the Council, to enable delivery of the more costly mobility standard bungalows and disabled person units.

The estimated development cost of the thirty-five units across the five sites was £3,780,000 (£3.7 million).

To enable the developments to proceed, Arches Housing required the land to be transferred from the Council at £5,000 per plot. This was in line with previous land transfers by the Council to Housing Associations.

Resolved:- That the freehold disposal of four Housing Revenue Account sites to Arches Housing Association for £5,000 per plot, enabling thirty-five affordable homes to be built.

C257 SUCCESSFUL APPLICATION TO DEPARTMENT OF HEALTH FOR CAPITAL FUNDS TO ESTABLISH A 'RECOVERY HUB' FOR DRUG USERS IN ROTHERHAM

The Leader introduced a report by the Director of Public Health which detailed how Rotherham MBC in partnership with Lifeline had been successful in securing £875,000 capital funding following the recent expression of interest to the Public Health England Centre for a Rotherham Recovery Hub to support recovery from drug and alcohol dependence.

This investment supported the Government's significant interest in drug and alcohol recovery and followed allocations by the National Treatment Agency to the substance misuse sector in previous years.

There was a substantial level of interest, with over 200 bids submitted and, this interest significantly exceeded the £10m that was available nationally. Rotherham had done well to secure such a substantial proportion of the funding and was the single largest grant agreed.

The proposed additional funding, however, would fund only a building, it was proposed that the existing operation from Lifeline would be transferred into the new building and the portion of the service contracted from RDaSH, which was focussed around recovery and would also be relocated into the new building once a suitable site had been identified. No site had as yet been identified.

Cabinet Members welcomed the good news about this successful funding bid and the need to find a most suitable and easily accessible site.

Resolved:- (1) That the development of the 'recovery' hub' in Rotherham be approved.

(2) That the Council work with Lifeline to clarify how to ensure that the building, once renovated remained available as a resource for Rotherham should Lifeline cease to be a current provider of services.

(3) That this proposal be consulted on by Lifeline in relation to its proposed site, but that the nature of this project should be positive for its surrounding neighbours/businesses as the focus is on people who are ready to leave a drug/alcohol using lifestyle and would be attending for a range of programmes on a voluntary basis.

C258 MARKET FRANCHISE RIGHTS POLICY 2014

Councillor Smith, Cabinet Member for Regeneration and Development Services, introduced a report by the Strategic Director of Environment and Development Services which referred to the review of Rotherham Borough Council's Market Franchise Rights Policy in respect of market type events operated by defined organisations for sporting, social, charitable and political fund raising purposes and for those that were privately operated for commercial gain. The changes in policy outlined in this report would align the Council's policy with European Anti-Competition legislation and allow for the establishment of commercial market operations subject to eligibility criteria being met.

Rotherham Council, as a Markets Authority held the powers in the form of Market Franchise Rights to operate markets within the Borough free from disturbance from rival markets. These rights allow the Council to create and operate its own markets, license or if necessary prevent through injunctive relief all rival markets within a 6 and 2/3 mile radius of any market it currently operates or licences.

By virtue of its statutory powers the Council enjoyed market rights throughout Rotherham. All markets held in Rotherham were licenced and operated in accordance with the provisions of Part III of the Food Act 1984. The statutory powers afforded to the Council under the provisions of Part III of the Food Act 1984 enabled the Council to:-

- a) implement a markets policy within its area;
- b) operate markets within Rotherham;
- c) consider applications for other markets; and
- d) determine whether such markets can be held by way of consent.

The existing Council policy allowed defined organisations, who wished to hold a temporary market for fund raising purposes which would otherwise infringe the Council's market franchise rights; to operate up to three car boot/table top sales/community markets per annum for a one off licence fee of £20. This policy aimed to allow genuine fund raising organisations to all have a fair 'bite of the cherry' and stop any one organisation dominating to the detriment of others.

Current practice had also been to licence for a nominal fee, events not run by the Council if they were either of strategic value to the Council or of a specialist nature such as collectors or computer fairs etc. and they did not pose any financial risk to the Council's own operations. Historically, Council policy had always been to exclude the licensing of commercial retail markets that would have a detrimental effect on the Council's own retail markets.

The Council's consent to a market, by the grant of a market licence, must be given prior to the event taking place. Any market that takes place without such a licence was in breach of the Markets Policy and may be

subject to the enforcement action described in the Policy. Markets were only licensed once an application for a markets licence had been approved (and signed by both the Council and the Market Operator) and the appropriate fee received by the Council.

Recent legislative changes, in particular the European Services Directive have cast doubt upon whether market franchise rights could continue to be used to control rival operations suggesting that such actions could be considered to be anti-competitive and in breach of competition laws. This view was not shared by the National Association of British Market Authorities (NABMA) who had taken Counsel's opinion on this matter and advising its members that market rights were still valid and fell outside of the scope of the European Services Directive.

However, it was important to ensure that any market rights policy was fair and consistent, enabling prospective market operators, whether charitable or commercial to submit an application which would be considered against reasoned criteria. These criteria included:-

- Public safety.
- The creation of new business opportunities and employment.
- Supporting a balanced market offer.
- Maintaining market standards.

It was proposed that the existing Council policy be updated and replaced with a new policy and pricing structure as detailed in the report submitted, which allowed for the licensing of private markets.

Recommended:- That the revised Market Rights Policy and pricing structure as outlined in the body of this report be approved and reviewed in twelve months' time.

C259 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 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relating to the financial or business affairs).

C260 NEW DISCRETIONARY RATE RELIEF TOP UP APPLICATIONS

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Finance which set out details of an organisation currently in receipt of Section 43 Mandatory Relief which had applied for 20% Discretionary Relief top up on two additional properties.

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

Resolved:- That 20% Discretionary Relief top up, in line with previous decision on the other property and in line with the policy agreed at Cabinet on 24th April 2013, be granted.