

**COUNCIL MEETING
2nd July, 2014**

Present:- Councillor Clark (Deputy Mayor) (in the Chair); Councillors Ahmed, Ali, Andrews, Astbury, Atkin, Beaumont, Beck, Buckley, Cowles, Currie, Cutts, Dalton, Doyle, Ellis, Finnie, Foden, Gilding, Gosling, J. Hamilton, N. Hamilton, Hoddinott, Hunter, Hussain, Jepson, Johnston, Kaye, Lakin, McNeely, Middleton, Read, Reeder, Reynolds, Robinson, Roche, Roddison, G. A. Russell, Sangster, Sansome, Sharman, Sims, Smith, Steele, Stone, Swift, Turner, Tweed, Vines, Wallis, Watson, Whelbourn, Whysall, Wootton and Wyatt.

(THE CHAIRMAN AUTHORISED CONSIDERATION OF THE FOLLOWING URGENT ITEM IN ORDER TO PROCESS THE MATTER REFERRED TO)

A19 ELECTION OF CHAIRMAN

Resolved:- That Councillor John Foden be elected Chairman of the Rotherham Borough Council for the remaining part of the Municipal Year and that he be entitled to the style of Mayor by virtue of Section 245(1) of the Local Government Act 1972.

Mover:- Councillor Stone

Seconder:- Councillor Lakin

Councillor Foden thereupon made and subscribed the statutory declaration of acceptance of office.

(The Mayor (Councillor John Foden) assumed the Chair)

A20 COMMUNICATIONS

(1) The Acting Chief Executive submitted the following petitions which had been referred to the appropriate Directorates for consideration:-

- Containing 5,758 signatures asking for 'Rotherham Metropolitan Borough Council to withdraw the plans to close the following thirteen centres – Brampton Cortonwood, Dinnington, Kimberworth, Marcliff, Meadows, Park View, Rockingham, Ryton Brook, Silver Birch, Sue Walker, Thorpe Hesley, Thurcroft and Wath Victoria.
- Containing 90 signatures from residents requesting speed humps at High Hazel Crescent, Highfield View and Nunnery Crescent, Catcliffe.

(2) The Acting Chief Executive submitted apologies for absence from Councillors Dodson, Godfrey, Havenhand, Johnston, Lelliott, Pitchley, Rushforth and M. Vines.

A21 QUESTIONS FROM THE PUBLIC

A member of the public asked would the Chairman define what was "Bullying", in relation to the RMBC Code of Conduct?

Councillor Gosling, Chairman of the Standards Committee, referred to the section of the Code of Conduct and explained that Elected Members were obliged not to bully any person. The Code did not define bullying. Therefore, when an allegation of bullying was being considered account would be taken of any reasonable definition that was available for example in dictionaries, H.R. policies or from the Advisory, Conciliation and Arbitration Service (ACAS).

In a supplementary question the member of the public expressed his disappointment that bullying could not be specifically defined and referred to a complaint at a Parish Council and asked how this could be addressed if there was no definition.

Councillor Gosling, Chairman of the Standards Committee, referred the member of the public back to his original answer above.

A22 STANDARDS COMMITTEE

Resolved:- That the reports and minutes of the meeting of the Standards Committee (Section B) (pages 1B to 5B) be adopted.

Mover: Councillor Gosling

Seconder: Councillor Sims

A23 CABINET MINUTES

Resolved:- That the reports and minutes of the meetings of the Cabinet (Section C) (pages 1C to 12C) be adopted.

Mover:- Councillor Stone

Seconder:- Councillor Lakin

A24 DELEGATED POWERS

Resolved:- That the reports and minutes of the meetings of Cabinet Members as listed below be adopted:-

- Children, Young People and Families Services – Pages 59D to 72D (Section D)
- Communities and Cohesion – Pages 39E to 43E (Section E)
- Culture and Tourism – Pages 34F to 36F (Section F)
- Regeneration and Development – Pages 55G to 75G (Section G)
- Adult Social Care – Pages 50H to 53H (Section H)

- Safe and Attractive Neighbourhoods – Pages 60J to 73J (Section J)
- Health and Wellbeing – Pages 30K to 34K (Section K)
- Waste and Emergency Planning– Pages 36L to 42L (Section L)
- Deputy Leader – Pages 31N to 34N (Section N)
- Education and Public Health – Pages 1F to 3F (Section F)
- Adult Social Care – Pages 1H to 11H (Section H)
- Safe and Attractive Neighbourhoods – Pages 1J to 10 J (Section J)

Mover:- Councillor Stone

Seconder:- Councillor Lakin

A25 AUDIT COMMITTEE

Resolved:- That the reports and minutes of the meeting of the Audit Committee (Section P) (Pages 22P to 28P) be adopted.

Mover:- Councillor Kaye

Seconder:- Councillor Sims

A26 LICENSING BOARD

Resolved:- That the reports and minutes of the meeting of the Licensing Board (Section Q) (Pages 26Q to 3Q) and Section P (Pages 1P to 2P) be adopted.

Mover:- Councillor Dalton

Seconder:- The Mayor
(Councillor John Foden)

A27 HEALTH AND WELLBEING BOARD

Resolved:- That the reports and minutes of the meeting of the Health and Wellbeing Board (Section S) (pages 76S to 91S) be adopted.

Mover:- Councillor Doyle

Seconder:- Councillor Lakin

A28 PLANNING BOARD

Resolved:- That the reports and minutes of the meetings of the Planning Board (Section T) (pages 60T to 73T) be adopted.

Mover:- Councillor Atkin

Seconder:- Councillor Smith

A29 QUESTIONS TO CABINET MEMBERS

(1) Councillor C. Vines why could the revenue not be raised from the disposal and sale of assets to fund some of the Children's' Centres you were closing?

Councillor Wyatt explained that the Council did not want to close Children's Centres, but found itself in a position where the funding had been withdrawn by Central Government. However, in disposing or selling any of its assets, the Council would receive a capital receipt. Under Local Authority legislation, regulations and professional accounting rules, the Council was not able to use a capital receipt to fund the ongoing operational cost of its services.

Councillor Vines confirmed that he would be willing to forego his Special Responsibility Allowance and £1,000 from his basic allowance if other Councillors followed suit in order to keep some of the Children's Centres open.

Councillor Wyatt pointed out that the cost of keeping the Children's Centres open would be in the region of £2 million.

(2) Councillor Hunter asked about the new build school for the Eastwood area and asked if this school be a PFI financed school project and if so what cost would this add further to the already overstretched Council debt and budget burden to RMBC?

Councillor Wyatt explained that this was not a PFI project. Funding had been obtained from the DfE with Rotherham Council providing an additional £2 million of borrowing to meet the project's total costs.

(3) Councillor Cutts asked did RMBC employ through agency staff ex-employees of RMBC dismissed or made redundant on seasonal work.

If so did the Council endorse the zero hour contracts imposed upon most of the agency staff they supplied to RMBC?

Councillor Lakin explained that there had been much interest in the media of late over zero hour contracts with concerns being expressed about increasing use of this method of employment by some organisations in a manner that could be perceived to be exploitative.

The Council had always made use of casual workers who registered an interest in undertaking a particular type of work on an as and when basis.

Casual work by its nature was generally infrequent, for instance to cover for short term sickness absence or for very particular types of work which only occurred in specific short term circumstances, an example being exam invigilators around May/June.

Casual workers applied for such work understanding that its nature would be infrequent and equally that they were free to turn down any offers of work when they arose. Indeed, this could be part of its attraction.

Casual workers received the same rates of pay and holiday entitlement as contracted hour employees. Holiday entitlement was calculated by aggregating any periods of work that they may undertake over a period of time for which they were recompensed with appropriate sick pay. Statutory sick pay and maternity pay was paid in appropriate circumstances subject to qualification rules.

Casual workers may at any time opt to join the Local Government Pension Scheme and teachers working on a casual basis were enrolled into the pension scheme from day one.

The usage of these employees was also monitored and where it became clear that a casual worker had been asked to work on a very frequent and continuous basis, then they would normally be offered a contract of employment with guaranteed contractual hours.

The hours worked by casual employees over the 2012/13 tax year equated to only 63 full time equivalent employees or 1% of the Council full time equivalent workforce.

It was possible that workers supplied by an Agency may have previously been employed by the Council. It would not be the Council's intention to work with someone who the Council had dismissed where this was for grounds of gross misconduct. Agencies were responsible for undertaking their own pre-employment checks, which would vary dependant on the job performed and also would take up references on behalf of their employees. Currently the only limitation on organisations covered by the Redundancy Modifications Order (1996) such as local Councils, was that anyone made redundant from a public body must have a minimum of a four week break in employment.

While invoices for time worked by any Agency worker would ultimately come through to the Council to be paid via Procurement colleagues, local service managers were responsible for accepting employees supplied on the day.

(4) Councillor Reynolds asked why did RMBC not record all Council meetings and put the unedited recording on the Council website so as to make it available for all citizens to see as they were many people with disabilities who could not get into the Town Hall including service men and women from the town who were based or serving away.

The Leader explained the Council was committed to openness and transparency and had been considering the recording and transmission of Council meetings. There were proposed new regulations (the Openness of Local Government Bodies Regulations 2014) which, if introduced,

would allow the public to film, photograph or make audio recordings of meetings. These regulations would inform the development of the Council's approach to the recording and transmission of its proceedings.

Councillor Reynolds pointed out that it was a relative easy procedure to stream the content of the meeting on the Council's website.

The Leader confirmed that with new technology it was relatively easy for those that were more technology minded.

(5) Councillor Turner asked what was the total cost to RMBC to get out of or replace the RBT Contract?

Councillor Wyatt explained that as previously explained by the Leader to this Council Chamber on the 17th April 2013, there was no 'cost' to the Council for ending the RBT Partnership. The Council made no payment for getting out of the contract early.

The Council paid BT for the investments it made in services, financial investments that RBT had been recovering through the charges for the delivery of services and payments that ended sooner than originally envisaged.

The Council had achieved substantial financial benefits since the early completion of the partnership through (a) savings made while re-integrating services into the Council and (b) income generated by providing a HR and payroll service to Doncaster Council. The ability and freedom to achieve these benefits was one of the key reasons for ending the partnership early.

Councillor Turner also asked why the Council had spent thousands of pounds on the joint venture only to realise that it had made a fatal error and was disappointed with the response.

Councillor Wyatt pointed out that even without the joint venture there would have been a cost to the services that were provided and the joint venture provided that level of investment that was required at the time. However, as time progressed it was decided that the contract would be terminated early in order to access the benefits that were achievable.

(6) Councillor Reeder asked had the Council already got enquiries for the land left vacant after the demolition of Doncaster Gate Hospital. If so what was the land to be used for by these potential developers, would it be commercial, hotel or housing?

Councillor Smith explained that the Council had received some informal interest from developers, but this had not included any details of developers' ideas or proposals. There would be a further formal marketing process commencing in July when the site was cleared. Any proposals

submitted to the Council at the end of the marketing exercise would be brought forward for Cabinet to consider, before the site was finally sold.

The site could be suitable for C2 (care homes nursing homes etc.) C3 residential) and D1 non-residential institutions (clinics/health care etc.). This was included in the current draft of the sites and strategies plan to be consulted on later this summer so may be subject to change.

Councillor Reeder also asked what had been done with the stone.

Councillor Smith confirmed that this was in store.

(7) Councillor Cowles explained that a manifestation of mass immigration was that many school children did not speak English as a first language, affecting the education of existing pupils. What was the percentage of pupils in Rotherham whose first language was not English and were there schools where this percentage was greater than the national average?

Councillor Lakin confirmed that the percentage of pupils in Rotherham whose first language was not English was 9.5%. The national average was 14.5% and there were seventeen schools who were above this.

Councillor Cowles also asked if this number had increased over the last two years and which areas were most affected?

Councillor Lakin confirmed this would be responded to in writing.

(8) Councillor Parker why did Rotherham Council believe they have the right to deny a debate on the closure of Rotherham Sure Start Centres when a petition of 6000 signatures has been received?

The Leader explained that the Council's Policy with regard to handling and responding to petitions was developed in accordance with the Local Democracy, Economic Development and Construction Act 2009. The Council resolved that for a petition to be considered in a Council debate it must be supported by 5% of the population of the Borough. As the numbers supporting the petition in respect of the closure of Children's Centres did not reach this level a Council debate was not triggered.

A request had been made for the petition scheme to be looked at and this would be given further consideration.

Councillor Parker also referred to the schemes in Hull and Sheffield were reflected lower figures than in Rotherham which was smaller in population and asked why Rotherham's was so high.

The Leader explained that the scheme was developed in accordance with the relevant Act and consideration would be given to the scheme to see if the numbers reflected could be reduced.

(9) Councillor Gilding asked if efforts could be made to improve the "Gateway" roads into the town, because at the moment the impression being conveyed to visitors was that Rotherham was a third rate town?

Councillor Smith explained that the Council had, over recent years, invested £5 million in a Highway (Capital) Maintenance Programme which had reduced the proportion of main routes (A roads) whose condition required significant works from 5% to 3%; this compared very favourably to a national average of 6%.

Additionally, a £3 million investment had been made in Street Lighting LEDs for all main routes in Rotherham and would be delivered over a three year programme. The Council had also committed some of the Department for Transport highway grants to deal with issues relating to some of the 'A' roads such as Moorgate Road, The Whins and Meadowbank Road.

Some of these principal routes such as Bawtry Road have also benefited from the wild flower planting scheme which had attracted many positive comments from both residents and visitors to the Borough.

With regards to grass-cutting and street cleansing, the Council had to strike a balance between the places where people lived and the principal roads and gateways; the current approach was to give each an equal weighting in terms of resources to other areas of the Borough. Whilst it was possible to increase for example the frequency of grass-cutting on the principal routes into town, this would mean reducing what was done elsewhere. Officers were, however, working up options to increase the frequency of grass-cutting and improve the quality, and they would be asked to give consideration to the point that was being made as part of this work.

(10) Councillor C. Vines asked was it true that the green bin collection was to be removed and it would only be available to people who paid for the service in addition to the Council Tax they were paying now for this service?

Councillor Smith reported there had been no decision taken to introduce charges for the collection of green waste. Under the Controlled Waste (England and Wales) Regulations 2012, green waste was classed as domestic waste for which a reasonable charge may be made for collection.

As part of the budget proposals for 2014/15 budget the Council took the decision to operate the green waste service during the main growing season only, i.e. the service would cease operation with effect from Friday 31st October, 2014 and re-commence in April, 2015. During the winter period, residents would still be able to dispose of green waste at any of the Council's Household Waste Recycling Centres.

(11) Councillor Hunter asked was the proposed new build school in the Eastwood area a direct result of the increase in Immigration in the area?

Councillor Lakin confirmed that there had been a shortage of primary school places in the central area of the Borough for several years due to the site location of the existing schools and the lack of space available to expand them which had been impacted upon due to a combination of factors such as rising birth rates in the area (rising birth rates was a national issue and several learning communities in the Borough have been impacted upon and school expansions have had to be facilitated to accommodate rising cohort numbers), relocation of people from other areas of the Borough due to financial/personal circumstances, relocation to Rotherham from other areas both regionally and nationally and new arrivals from outside the UK.

(12) Councillor Cowles referred to the numerous foreign visits which have taken place by senior Councillors during the past two years and asked if he could be informed of the ten most important tangible benefits to have accrued that have been implemented and how have they benefitted the lives of the ordinary tax payers of Rotherham?

The Leader explained that the key benefit of such trips were:-

- It allowed the Council to work with other towns/cities; exchanging ideas and best practice, which could be used to improve our service delivery.
- Business links with these places, potentially leading to inward investment; delivering jobs and increased business rates.
- Raising the profile of Rotherham, which was seen as an outward looking place rather than insular and inward looking.

Some specific benefits from the visits also included:-

- The RMBC Business Incubator Network receiving accreditation as the only Soft Landing Incubator in England which formed the basis of growth and prosperity ERDF funded project which had attracted approximately £800K of European funding into Rotherham. The project worked with Rotherham companies to assist their growth into international markets and to date had created 50 new jobs and assisted 81 businesses.
- Some overseas small businesses have set up in the Council's incubation centres after foreign visits. This also helped to establish co-operation with overseas incubators which gave a direct route to advice and support for Rotherham companies looking to access markets in those countries (i.e. Poland & Russia)
- Researching the background of incoming communities gives a greater understanding of their culture; influencing community engagement and project delivery in those communities. Rotherham

continued to work with other UK towns on Roma migration issues and was considered to be an exemplar authority for its work with the Roma community.

- Arranging visits to the Borough by potential investors (i.e. China and Korea).
- Influencing European Policy making, and investment programmes. As an example, the EU (Going Local) Programme, which had involved LGYH and led to changes in the vehicle fleet and the use of electric vehicles.
- Encouraging inward investment in the city region:-
 - Sverdrup Steels Norway - August 2012 - New Investment.
 - Liebherr - Switzerland - August 2012 - New Investment.
 - Moller UK - Germany - September 2012 - New Investment.
 - Cetix Group - Norway - September 2012 - Takeover & Investment.
 - Webhelp TSC – France - February 2013 - Takeover.
 - Heckett Multiserve - USA - April 2013 - Investment.
 - Connexion 2 - USA - May 2013 - Take over.
 - Bradken - Australia - July 2013 - New Investment.
 - S3-ID - Singapore - July 2013 - New Investment.
 - Sarclad - USA - September 2013 - New Investment.
 - Intersnack (KP Nuts) - Germany - October 2013 - Takeover & Investment.
 - Maple Leaf - Mexico - October 2013 - Takeover.
 - Electro Enterprises - USA - November 2013 New Investment.
 - Norham Plastics France - November 2013 - New Investment.
 - AMG Superalloys - USA - January 2014 - Takeover.
 - Focus NDT - USA - June 2014 – Takeover.
 - Esco GB - Singapore - June 2014 - New Investment.

Answers to all questions that remained unanswered after the thirty minute guillotine would be provided for all Members in writing.

A30 QUESTIONS TO SPOKESPERSONS

There are none.

A31 MEMBERSHIP ARRANGEMENTS 2014/15

Consideration was given to requests for:-

- To add Councillor Roche to the membership of the Planning Board and for Councillor Currie to be added as substitute for Rotherham South Area Assembly for the Planning Board.

- To remove Councillor Pitchley from the Health Select Commission and to add Councillor Robinson to the membership of the Health Select Commission.

Resolved:- (1) That Councillor Roche be added to the membership of the Planning Board and Councillor Currie be named substitute for Rotherham South Area Assembly.

(2) That Councillor Robinson be added to the membership of the Health Select Commission and Councillor Pitchley be removed.

Mover:- Councillor Stone

Seconder:- Councillor Lakin

A32

SCRUTINY ANNUAL REPORT AND SCRUTINY UPDATE

Councillor Whelbourn presented the 2013/14 Annual Report which presented a summary of the work undertaken during the last municipal year and in doing so welcomed the opportunity to give an update on activity and achievements from 2013/14 for each of the Select Commissions and how the Overview and Scrutiny Management Board had overseen its own work programme as well as that of the Select Commissions.

Resolved:- That the Scrutiny Report for 2013/14 be received and the update noted.

Mover:- Councillor Whelbourn

Seconder:- Councillor Steele