

**THE CABINET  
17th December, 2014**

Present:- Councillor Lakin (in the Chair); Councillors Beaumont, Beck, Doyle, Godfrey, Hoddinott and Hussain.

Also in attendance were:-

Councillor Steele, Chairman of the Overview and Scrutiny Management Board.

Councillors Cowles, Reynolds and V. Vines (UKIP Opposition Party).

**C102 QUESTIONS FROM MEMBERS OF THE PUBLIC**

(1) A member of the public asked how this Council expected to increase demand if they were increasing the cost of this to run in the area both for tenants and landlords?

The Cabinet Member for Safe and Attractive Neighbourhoods confirmed this matter would be referred to as part of the discussion around Minute No. 112 on this agenda (Private Rented Sector – Selective Licensing).

**C103 QUESTIONS FROM ELECTED MEMBERS**

(1) Councillor Cowles referred to 2012 when the Council claimed funding would not be available for a landlord accredited scheme, yet had found funds to facilitate consultation for the selective licensing proposals providing for 15,597 items of mail and asked what the cost of this exercise was?

The Director of Neighbourhoods and Adult Services confirmed an answer to this question would be provided in writing.

(2) Councillor C. Vines asked why the recommendations of the report presented on Selected Licensing today was a complete reversal of those considered at the meeting of the Improving Places Select Commission held on 23<sup>rd</sup> July, 2014?

The Cabinet Member for Safe and Attractive Neighbourhoods pointed out that the report made it clear that as a result of the consultation process relevant officers had looked closely at the areas identified for inclusion in the Selective Licensing proposal and narrowed this down to the areas where there were more entrenched problems with the most significant low housing demand. On this basis it was proposed that a mandatory scheme was the way forward to deal with the situations rather than through a voluntary route to do this.

The Director of Housing and Neighbourhoods also pointed out that an alternative proposal by a group of landlords had been taken into account and as a result the spread of the area of the proposal had been reduced by approximately one third to concentrate on the more acute problem areas. Landlords had to take their responsibility seriously, as did other agencies and the Council and this could only be achieved by the introduction of a mandatory scheme.

In a supplementary question Councillor C. Vines asked why did the recommendation request that the Mayor exempt this report from the call-in process and bring this to an early conclusion? This was clearly not right and should not be rushed through, therefore, not allowing Opposition Members to question it.

The Director of Legal and Democratic Services clarified the position with regards to the statutory call-in procedure and pointed out the request had been made on the grounds that it was urgent as publicity was required to start within seven days of the decision to designate. This proposal had been the subject of deliberation for a long period of time and had been presented for consideration by Scrutiny on two occasions.

(Councillor Cowles declared an interest in Minute No. 112 (Selective Licensing) as he was a landlord in the Rotheram Borough, but not in the areas proposed within this scheme. He had consulted Legal Services regarding his interest and was informed there was no reason for him to leave the meeting as he had not vested interest in those areas)

#### **C104      DECLARATIONS OF INTEREST**

Councillors Doyle, Hoddinott and Hussain declared personal interests in Minute No. 112 (Selective Licensing) on the grounds that they or their families were rented property owners and left the room whilst the report was discussed.

#### **C105      REVENUE BUDGET MONITORING FOR THE PERIOD ENDING 31ST OCTOBER 2014**

Councillor Hoddinott, Deputy Leader, introduced a report by the Strategic Director of Resources and Transformation which provided details of progress on the delivery of the Revenue Budget for 2014/15 based on performance for the first seven months of this financial year. It was currently forecast that the Council would overspend against its Budget by £2.976m (+1.4%); an improvement of £129k since the last report to Cabinet in October (August monitoring report).

The current forecast outturn excluded the costs of implementing recommendations from the Jay report and the Ofsted Inspection, and the costs which would be borne by the Council in respect of the Corporate Governance Inspection.

The main reasons for the forecast overspend were:-

- The continuing service demand and cost pressures for safeguarding vulnerable children across the Borough.
- Cost pressures arising from some schools converting to academies.
- Continuing Health Care income pressures and demand pressures for Direct Payments within Older People and Physical and Sensory Disability clients.

The moratorium on non-essential spend implemented on 2nd September was noted and would continue until the end of March, 2015. This would assist with reducing the forecast overspend.

Continued close management of spend remained essential if the Council was to deliver a balanced outturn and preserve its successful track record in managing both its in year financial performance and its overall financial resilience.

Cabinet Members again referred to the requirement of the Local Authority to pick up the deficits for schools converting to sponsored academies and asked why this was allowed as this could lead to a precedent being set for other schools to follow and was informed that this was a Central Government directive and the designated Strategic Director of Children and Young People's Services would be adopting a more robust approach when dealing with schools.

Resolved:- That the current forecast outturn and the continuing financial challenge for the Council to deliver a balanced revenue budget for 2014/15 be noted.

#### **C106 CAPITAL PROGRAMME MONITORING 2014/15 AND CAPITAL PROGRAMME BUDGET 2015/16 TO 2016/17**

Councillor Hoddinott, Deputy Leader, introduced a report by the Strategic Director of Resources and Transformation which provided details of the current forecast outturn for the 2014/15 programme and enabled the Council to review the capital programme for the financial years 2015/16 and 2016/17.

The budget process that led to the original Capital Programme for 2014/15 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 this programme was kept under regular review and where necessary revisions made. This programme was last reviewed in September, 2014, and had now been the subject of a further review, the results of which were reflected in the Directorate summary table presented as part of the report. A detailed

analysis of the programme for each Directorate was attached as part of the report.

The financial implications of the Programme were reflected in the Council's Medium Term Financial Strategy (MTFS) and Treasury Management and Investment Strategy.

This updated programme had been prepared in light of the capital resources known to be available to the Council over these financial years and estimated on a prudent basis.

The Council was continuing to undertake a comprehensive review of its assets and buildings portfolio, with the aim to rationalise both its operational and non-operational asset holdings, which may contribute both a future capital receipt and a revenue saving.

(1) Resolved:- That the contents of this report be noted.

**(2) Recommended:- That the updated 2014/15 to 2016/17 Capital Programme be approved, in particular noting the following major additions to the Capital Programme and supplementary approvals to existing schemes:-**

- **New Central Primary School, Eldon Road. (Additional cost of £1.050m, Minute F5 Cabinet Member for Children and Education Services, 16th September 2014).**
- **Rawmarsh St. Mary's PRU (Cost of £0.069m. Works approved by the former Strategic Director of Children and Young People's Services, Joyce Thacker, 23rd July 2014).**
- **Thrybergh Country Park Phased Improvements (Cost of £0.136m. Works approved by the Director of Internal Audit and Asset Management, Colin Earl, 5th November 2014 and reported to CSART, 27th November 2014).**
- **Aston, Aughton and Swallownest Phase 2 Drainage Works (Cost of £0.145m. Grant funding allocated by the Environment Agency.).**
- **Bailey House Renovation project (Additional cost of £0.034m approved by CSART, 23rd October 2014. Original project approval, Minute C34 Cabinet, 21st July 2010).**

**Where not funded by grant or by the service, the revenue implications from these schemes has been built into the Council's MTFS assumptions.**

## **C107 MID YEAR TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS MONITORING REPORT 2014/15**

Councillor Hoddinott, Deputy Leader, introduced a report by the Strategic Director of Resources and Transformation which detailed how the regulatory framework of treasury management required the Council to

receive a mid-year treasury review, in addition to the forward looking annual treasury strategy and backward looking annual treasury report required previously.

This report met that requirement. It also incorporated the needs of the Prudential Code to ensure adequate monitoring of the capital expenditure plans and the Council's prudential indicators (PIs).

The report was structured to highlight the key changes to the Council's capital activity (the PIs) and the actual and proposed treasury management activity (borrowing and investment).

A technical and complex report the key messages for Members were:-

- a. Investments - the primary governing principle remained security over return and the criteria for selecting counterparties reflected this.
- b. Borrowing - overall this would remain fairly constant over the period covered by this report and the Council would remain under-borrowed against the borrowing requirement due to the cost of carrying debt. New borrowing would generally only be taken up as debt matures.
- c. Governance - strategies and monitoring were undertaken by Audit Committee which considered this report on 19th November, 2014 and also received the associated training to fully comprehend the content.

Cabinet Members sought information on the current position with regards to the investments in Icelandic Banks and received an update which confirmed that around £106,000 was still outstanding. The recovery auction co-ordinated by the Local Government Association led to much of the other investment being recovered and left a shortfall of £46,000. However, it was anticipated that the £106,000 still outstanding from Heritage would be expected to be recovered in full, hopefully sooner than the timescales projected.

It was also noted that whilst it was normal practice for Banks to undertake stress tests, this was not something the Council performed and was undertaken through the Financial Services Association and the Bank of England. However, the Council did receive a counterparty list on a daily basis and only ever made investments with higher rated institutions with premium security.

It was suggested that when training was undertaken in the future for the Audit Committee this be extended to include Cabinet Members due to the complex nature of the report. However, it was acknowledged that future reports be indexed for acronyms and plain English be used as standard.

(1) Resolved:- That the treasury activity report be noted.

**(2) Recommended:- That the changes to the 2014/15 prudential indicators be approved.**

**C108 EDUCATION OUTCOMES IN ROTHERHAM SCHOOLS AND SETTINGS**

Councillor Beaumont, Cabinet Member for Education and Children's Services, introduced a report by the Head of School Effectiveness, which provided the education outcomes in Rotherham for 2014, how they compare to previous years and to the national average.

Results included in this report for Key Stage 2 and Key Stage 4 in 2014 were provisional, final published data was to be released by the Department for Education in January, 2015.

The National Curriculum was divided into Key Stages that children were taken through during their school life and these and their respective results were set out in detail as part of the report.

However, it was noted that the outcomes for Rotherham's young people was progressing at all stages, including KS1 and KS2, and work with schools would continue to ensure that progress was speeded up to catch up with the progress demonstrated within Early Years and KS4.

In response to queries about the level of challenge to maintained schools and academies it was noted that the Local Authority had responsibility to challenge performance to all schools if it was felt not to be appropriate or if there were particular concerns or issues with effective leadership.

Pupil Premium progress was also maintained and groups of young people monitored closely where there may be significant gaps. All schools had to report on the use of Pupil Premium on their website. The responsibility of the Local Authority for Pupil Premium for looked after children was to be updated early in the new year.

Clarification was also sought on the use of two averages in the report (state funded and independent) and more detailed information would be provided to all Cabinet Members in due course.

Cabinet Members sought further information on the curriculums at KS4 and 5 and the move away from the vocational qualifications for young people who were less successful with the academic route and how these qualifications were captured within the results. It was noted that the curriculums were set by schools whilst complying with the rules and regulations of the qualifications that needed to be offered.

Cabinet Members welcomed the work being undertaken with Post-16 providers and noted the good progress being made, the links to the labour market and the dynamic response to the needs of young people and the needs of employers.

Resolved:- (1) That the contents of this report be noted.

(2) That the responses to queries relating to the differences between state funded and independent averages would be provided and circulated to all Cabinet Members for information.

**C109 ROTHERHAM LOCAL SAFEGUARDING CHILDREN BOARD ANNUAL REPORT 2013-14**

Consideration was given to the 2013-14 Rotherham Local Safeguarding Children's Board Annual Report which was introduced by Mr. Steve Ashley, Independent Chairman. Background information on the key priorities within the Business Plan were highlighted as part of the report under the areas of:-

- Child Sexual Exploitation.
- Child Neglect.
- Domestic Abuse.
- Early Help.

It was pointed out that this report did not take account of any of the recommendations from the Jay Report or the Ofsted inspection as this was based on activity from the previous year.

As part of the service developments the Council, Police and other partners were implementing a Multi-Agency Safeguarding Hub (MASH). As part of the MASH a domestic abuse hub was also being developed that would see Police Officers, Social Workers, independent domestic violence advocates and other professionals working together to provide an effective and timely response possible to domestic abuse. This would include the use of a Domestic Abuse Risk Assessment Matrix to enable professionals to identify risks, protective factors and the most effective response for individual children and their families.

It was also noted that the number of children and young people in the Borough who were at risk of significant harm, were taken into care or have concerns about them referred more than once was high/increasing. Providing the right help at the right time for children and their families could and did prevent problems from escalating.

In the past twelve months, the Local Authority had developed an early help dashboard to provide the Local Safeguarding Children Board members and advisors with an overview of activity in the Borough. This included caseload information relating to child/young person/family support provided by, amongst others:-

- Children's Centres.
- Targeted Family Support Team.
- Integrated Youth Support Service.
- Learning Support Service.

As previously reported there were still concerns over data quality and the concerns over information interpretation which may be misleading or incorrect. However, it was noted that the concerns relating to front door referrals into children's social care had led to significant improvements in a short period of time.

The Local Safeguarding Children's Board in taking account of the results of the Ofsted Inspection had made changes with regards to the position of the sub-groups and how these would be managed. As a result the Child Sexual Exploitation Sub-Group would be chaired by the Independent Chairman of the Local Safeguarding Children's Board in order to give the independent oversight for the agencies involved. Partner agencies had also joint funded a short term position for the auditing of child sexual exploitation multi-agency work up to the 1<sup>st</sup> April, 2015. The first report by the postholder was to be considered on Friday.

The Improvement Plan also recognised the progress made last year on the relocation of services into Riverside House into a multi-agency team and this would continue to be monitored and challenged where appropriate by the Local Safeguarding Children's Board.

Responses were provided to queries by Cabinet Members about the right information and data being available in a timely fashion and it was noted that action was already being taken to address concerns with South Yorkshire Police by the four Local Safeguarding Children's Boards.

Rotherham's Local Safeguarding Children's Board was making good progress of the auditing process and had robustly improved its processes. In addition, any outstanding actions were submitted to agencies in writing asking that they respond with what action was being taken, when this would be completed and specific dates. In the event that this request was not forthcoming this would be escalated to senior priority within the respective agency.

Concerns expressed by Cabinet Members with regards to "big data" and the detail in the report about incidents resulting in investigation were clarified, which were closely monitored by the Local Safeguarding Children's Board.

The Acting Strategic Director of Children and Young People's Services also pointed out that the successful in principle Challenge Award Bid had been placed on hold pending the outcome of the Corporate Governance Inspection.

When looking at the I.T. systems and the need to share information between agencies, the Child Sexual Exploitation Team had an added advantage with the inclusion of a Police Data Analyst.



It was also reported that the first meeting between the Chairmen of the Health and Wellbeing Board and the Local Safeguarding Children's Board had taken place as to how they could work together in more joined up way.

The Ofsted Inspection had also made reference to the low number of Serious Case Reviews over the past four years and the Local Children's Safeguarding Board were aware of the thresholds and also expressed some surprise at the low number of referrals to the Department for Education in terms of incidents. The Serious Case Review Panel assessed requests against set criteria or offered challenge as to whether a Serious Case Review was recommended or not. It was noted that the numbers had been lower nationally over the last three to four years and not just in Rotherham, but Serious Case Reviews were expensive and few people were in a position to be authors of Serious Case Reviews.

The consideration of specific cases against Serious Case Review criteria were not published in the public domain by the Local Safeguarding Children's Board due to the nature of their confidential content and Serious Case Reviews were not the only or necessarily the best method for learning or improving services. In cases that did proceed to a Serious Case Review the final report was published in the public domain in full.

The Chairman of the Local Safeguarding Children's Board assured Cabinet Members that the audit process was much improved and more effective and information was shared with relevant teams for improvements, which was welcomed and also endorsed by Children and Young People's Services. This provided additional capacity and the different roles and responsibilities all had the same aims to work towards improving services for children.

The powers of the Local Safeguarding Children's Board were limited when unsatisfactory outcomes were identified, but as noted previously any concerns of unmet requests for action were escalated to the most senior level. In terms of the involvement of Elected Members, the Cabinet Member for Education and Children's Services also sat on the Local Safeguarding Children's Board and the Annual Report was also considered by the relevant Scrutiny Select Commission.

Resolved:- That the report be received as an introduction to the 2013-14 Rotherham Local Safeguarding Children Board Annual Report, updating on the requirements and work of Rotherham's Local Safeguarding Children Board to safeguard children and young people in the Borough.

**C110 RLSCB CHILD SEXUAL EXPLOITATION ACTION PLAN 2014/15  
SECOND QUARTER REPORT**

Councillor Beaumont, Cabinet Member for Education and Children's Services, introduced a report by the Acting Strategic Director for Children and Young People's Services which highlighted the progress made in the

delivery of the Rotherham CSE Strategy and Action plan in the second quarter of 2014/15 and the next steps across the three key priorities of Prevent, Protect and Pursue.

The recommendations of the Jay Report and the others added since have been incorporated into the Child Sexual Exploitation Action Plan and would be reported on in future progress reports to the Local Safeguarding Children's Board and Cabinet.

During September the Council underwent an inspection of Children's Services and were also one of eight authorities subject to a Thematic Inspection of Child Sexual Exploitation by Ofsted.

Although this report focused on progress achieved between June – September 2014, additional content and information on key development activity since the report publication had also been included.

The findings from the eight Thematic inspections were published in a single report on the 19<sup>th</sup> November, 2014. The report discussed good and poor practice across the eight authorities chosen, but did not identify any detail to a specific authority. The report highlighted twenty recommendations for all Local Authorities, their partners and Local Safeguarding Boards to take forward. These recommendations were currently being considered and any newly identified issues would be incorporated into the existing action plan.

It was also noted that a new child sexual exploitation lead had also been appointed who would assess the multi-agency contributions to child sexual exploitation and pull together the strategy and action plan. This operational team co-ordinator would pull all the relevant threads together.

The concerns about the appointment of a person to oversee the work of the multi-agency safeguarding hub were still being addressed to ensure the right sort of person to deliver on this was appointed.

The action plan with the inclusion of all the recommendations arising from the Jay Report and relevant inspections had made it a little unwieldy and it would form part of the operational co-ordinator's role to give the action plan more focus and actions include responsible named individuals. The responsibility for the success of the action plan lay with the Local Safeguarding Children's Board.

Cabinet Members also noted the data summary in relation to Pursue and suggested that a representative from South Yorkshire Police be present to answer any queries when the quarterly report was considered.

The Overview and Scrutiny Management Board had also commissioned two scrutiny meetings to consider the recommendations of the Jay Report on the 12<sup>th</sup> and 18<sup>th</sup> December, 2014 and would be looking further to the

Local Safeguarding Children's Board to ensure the contents and the subsequent actions in the action plan were right.

Cabinet Members also sought progress on the delays associated with the Crown Prosecution Service, position of the Single Line Manager recommended by Ofsted and whether the voice of the child had been included in the development plan, given that this report was for the second quarter ending 30<sup>th</sup> September, 2014 and were informed that the models used within other Local Authorities and the taking account of questions in listening to the needs of the child and their families.

In terms of the Crown Prosecution Service it was noted that this issue had been escalated, but a response was still awaited.

Resolved:- (1) That the progress be noted and the further development areas be endorsed.

(2) That Police attendance be considered when the next quarter report was presented to the Cabinet.

#### **C111 GENERAL ENFORCEMENT POLICY**

Councillor Godfrey, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a joint report by the Strategic Directors for Environment and Development Services and Neighbourhoods and Adult Services, which detailed the review and update of the Council's General Enforcement Policy following the publication of the new Regulators' Code (Better Regulation Delivery Office [BRDO]) in April, 2014. The Regulator's Code was a statutory document detailing how regulators should carry out their functions.

The Council had a wide enforcement remit covering many and diverse statutory functions. The General Enforcement Policy outlined Rotherham Council's approach to securing fair, practical, and consistent enforcement, conducted in a transparent manner. Legislation could at times appear complicated, but this Policy aimed to make the Council's practices clear, straightforward and accessible.

This Policy also details the enforcement methods deployed and was intended to provide general guidance as to these methods and the approach for individuals and businesses who lived, traded or visited the Borough.

(1) Resolved:- That the proposed wording of a new General Enforcement Policy be noted.

**(2) Recommended:- That the commencement of consultation on the revision of the new draft General Enforcement Policy be approved.**

**C112 PRIVATE RENTED SECTOR - SELECTIVE LICENSING**

Further to Minute No. 216 of the meeting of the Cabinet held on 19<sup>th</sup> March, 2014, Councillor Godfrey, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director for Neighbourhoods and Adult Services, which provided detail of the feedback from the consultation (in which over two thirds of residents expressed support for a mandatory Selective Licensing scheme), and made recommendations based on the responses, comments and representations made.

In considering the use of Selective Licensing powers the assessment provided a range of considerations which needed to be balanced in determining the way forward. There have been three options appraised:-

- To designate areas for Selective Licensing.
- Support for a landlord led voluntary scheme.
- To do nothing. These options were discussed and reflected the current position arising from the initial Business Case, consultation and the consequential changes highlighted as part of the report. The appraisal presented evidence for and against each option.

The appraisal presented as part of the evidence for and against each option was set out in detail as part of the report along with the finance and risks and uncertainties associated with each option.

Consideration was given to the option for a voluntary landlord led scheme and whilst this had some merits a voluntary scheme would not provide any compulsion to register or penalty for failing to register. It was noted that a voluntary scheme did not oblige the landlords, who needed to improve their tenancy and property management, to join and they were able to avoid any further obligations unless they were detected through routine enforcement methods.

Following appraisal of the consultation responses it was proposed that the scheme focus on specific areas in the four areas of:-

- Masbrough.
- Eastwood.
- South East Maltby.
- Dinnington.

This had also resulted in the number of properties for inclusion being reduced from 2,000 to 1,400. The originally suggested fee of £687 had been reviewed as a result of the expected reduction in the number of licensable properties and a review of the processing methods for applications, with the aim of reducing the burden on applicants. Comments in the consultation about allowing multiple applications on one form have been considered as appropriate and models from other authorities have been reviewed.

Presentation of the options were presented to the Improving Places Select Commission on 23rd July, 2014 and after considerable debate and questioning the Select Commission concluded that, in the areas identified, there was a need for action with regard to private rented sector properties, and, if legal advice was that the Council had to pursue a voluntary scheme, it should be the first course of action. The Improving Places Select Commission, however, made the caveat that, if a voluntary scheme failed, they would wish to see the Council move to a mandatory scheme as quickly as possible.

Cabinet Members were in support of the proposals and could only see this being a benefit to the people of Rotherham in the raising of standards in private rented accommodation.

Resolved:- (1) That there was evidence and considerable public support for the Selective Licensing of Private Rented properties in identified neighbourhoods of the Borough.

(2) That the four areas detailed in this report as Housing Act 2004 Part 3 Selective Licensing areas be designated as per the designations and maps in Appendix 5, together with the standard Licence Conditions in Appendix 9.

(3) That a further report be submitted to the Cabinet on the 18th March, 2015, to agree the licence fees.

(4) That it be noted, following decision to introduce a Selective Licensing scheme, a public notification period of three months is statutorily required ahead of implementation in order to communicate the decision to consultation respondents and the public.

(The Mayor agreed to exempt this item from the call-in procedure on the grounds that it was urgent in that it was legally required to start publicity within seven days of the decision to designate)

(Councillors Doyle, Hoddinott and Hussain left the room whilst this item was discussed on the grounds that they were or had family members who were landlords in the Borough)

## **C113 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 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 relates to finance or business affairs).

**C114 SALE OF UNIT AT THE ADVANCED MANUFACTURING PARK**

Councillor Beck, Cabinet Member for Business Growth and Regeneration, introduced a report by the Strategic Director for Environment and Development Services which sought approval to the proposed sale of Unit 4 R-evolution.

Further information on the details of the sale, expected financial return and alternative options were provided for Cabinet Members, who also received information on the employment expectations for the Borough to ensure the right people were accessing the right employment in the right place whilst continuing to live locally.

Resolved:- (1) That the sale of Unit 4 R-evolution as detailed in this report be approved.

(2) That the Director of Audit and Asset Management negotiates the terms of the disposal of the asset.

(3) That the Director of Legal and Administrative Services completes the contracts for sale to the proposed purchaser.