

**COUNCIL MEETING**  
**Wednesday, 10th December, 2014**

Present:- The Mayor (Councillor John Foden) (in the Chair); Councillors Ali, Andrews, Astbury, Atkin, Beaumont, Beck, Buckley, Burton, Clark, Cowles, Currie, Cutts, Dalton, Doyle, Ellis, Finnie, Gilding, Godfrey, Gosling, Havenhand, Hoddinott, Hunter, Hussain, Jepson, Kaye, Lakin, Lelliott, McNeely, Middleton, Parker, Pitchley, Read, Reeder, Reynolds, Robinson, Roche, Roddison, Rushforth, Sangster, Sharman, Sims, Steele, Swift, Turner, Tweed, C. Vines, M. Vines, Wallis, Watson, Whelbourn, Whysall, Wootton and Wyatt.

**A73            MINUTE'S SILENCE**

The Mayor referred to the recent death of former Councillor and Mayor of Rotherham, Jack Carr. A minute's silence was held as a mark of respect.

**A74            COUNCIL MINUTES**

Resolved:- That the minutes of the meetings of the Council held on 22nd October, 2014, be approved for signature by the Mayor.

Mover:- Councillor Lakin

Seconder:- Councillor Hoddinott

**A75            COMMUNICATIONS**

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

- Containing 40 signatures relating to the volume and speed of traffic on the A631 through Maltby.
- Containing 700 signatures from the Rotherham Deaf Trust requesting that the Council give consideration to employing a person on a part time basis to assist with British Sign Language in Riverside House.
- Containing 600 signatures against the closure of Abbey School.

(2) The Interim Chief Executive submitted apologies for absence from Councillors Ahmed, J. Hamilton, N. Hamilton, Johnston, Sansome and Smith.

**A76            QUESTIONS FROM THE PUBLIC**

(1) Mr. D. Smith asked were party politics more important than the rights and opinions of the Councillors' constituents?

The Leader reported that all Members of the Council should ensure that the interests of their constituents were at the forefront of their considerations.

In a supplementary question Mr. Smith referred to discussions in Parish

Council meetings about the Core Strategy and comments by some Members of the Council about doing a deal with the Leader to vote against a decision when really they should have abstained. It would appear that the political party was more important than the lives of people that elected them.

The Leader did not pass comment.

(2) Mr. B. Cutts referred to the eleventh day of the eleventh month at 11.00 a.m. when the principal flag was not lowered for the two minutes' silence. The dignitaries were placed at low level on the pavement, not at the Minster level as in the past and asked why did the Council illustrate such a lack of "National Pride"?

The Leader explained this Council did display a great deal of national pride, and was extremely supportive of current and past servicemen and women, as evidenced by the signing of the Armed Forces Covenant and the Remembrance Day event itself.

In terms of the flag, it was not national practice to lower the flag for Armistice Day as half-mast was an act of mourning not of remembrance.

In a supplementary question Mr. Cutts found the response bewildering as he had observed some of the flags being lowed on Armistice Day, but not the principal flag.

The Mayor confirmed the Council had a flag policy which was adhered to and protocol followed.

(3) Ms. L. Day was not in attendance so her question was not asked.

(4) Ms. C. Carrol asked why did the Council allow poor management at Abbey School for such a prolonged period of time?

The Cabinet Member for Education and Children's Services confirmed that after the Local Authority became aware of poor Leadership and management following a review in January 2013 it sought to supplement the leadership and management of the school through an Executive Head Teacher, a new Head of School, and a review of governance. Current management arrangements were strong (partnership with Winterhill seen as a strength in the Ofsted Report) but have not had sufficient time to move things forward.

In a supplementary question Ms. Carrol referred to the Ofsted report and the position with the new management now being in place, which had led to the school losing all its structure totally.

The Cabinet Member for Education and Children's Services referred to the Ofsted report which talked about the collaboration with Winterhill, which was seen as a strength in terms of management and leadership,

but which led to a disconnect with staffing levels in the school.

(5) Mr. V. Housley asked were all the Teachers/Management SEN trained and if not why were they allowed to teach children when they did not know how to deal with their problems and they were having to restrain them. Was this not a safeguarding issue?

The Cabinet Member for Education and Children's Services confirmed the vast majority of the current leadership/teaching structure was made up of staff from a special school background or with SEN expertise and experience.

The Head of School, Deputy and Behaviour and Safety Leader were all from Special School backgrounds. Both Leaders of Learning have led SEN in mainstream schools. There was one new Teaching Assistant appointed to the structure who was qualified in Child Development and all the others were existing staff.

In a supplementary question Mr. Housley asked why teachers with over sixty years experience were forced out and if they spoke out disciplinary action would have been taken. It was suggested that this be looked at.

The Cabinet Member for Education and Children's Services confirmed all matters would be looked at as part of the Independent Review.

(6) Mr. P. McLachlan asked why little or no transition arrangements were in place for the children being moved from the school at present, how could this be deemed to be acceptable, considering the needs of the children and the shambles of the transition arrangements after the restructure and the distress caused?"

The Cabinet Member for Education and Children's Services explained that good transition from one school to another was essential to ensure the well-being of the pupils and to ensure parents were happy with the arrangements. Transition arrangements were being managed by the Council's SEN Team. Individual conversations were being had with parents, Abbey School and the receiving school and being overseen by the Interim Executive Board.

All arrangements for the children were secure and being done to meet the individual needs of the pupils and in consultation with parents and receiving school. No move would take place as a result of parents or carers being pressurised into changing schools. All staff involved in the transition process appreciated the difficulty faced by children who were being moved, particularly, if they were leaving friends and staff who they have enjoyed working with.

All matters and areas of concern that had been highlighted would be looked at as part of the Independent Review.

A number of positive responses had also been received from parents and carers of children who had already moved schools.

In a supplementary statement Mr. McLachlan confirmed he was not surprised that some parents were happy with their children moving schools as the school was being driven into the ground. More proactive action should have been taken to move children from Pupil Referral Units and even following assurances at a public meeting parents were phoned the same day about moving their children. Every effort should be made to keep the school open and not being deliberately driven into the ground as children with special educational needs were now being put at risk and this was a disgrace.

(7) Mr. L. Simpson asked why was it that all the advice that the management team have been given to help to turn the school around had been ignored, why had this not been investigated?"

The Cabinet Member for Education and Children's Services explained that the advice that has been given to the school had been wide ranging and many aspects of this advice had been taken up by the school. However, it was disappointing that this had not resulted in rapid improvement in the school. The new Director of Children's Services, Ian Thomas, had commissioned an external review, which would identify the barriers to improvement that had prevented rapid improvement in the school.

All the issues raised would be included in the scope of the Independent Review that was being commissioned. The Independent Review would be looking into the circumstances leading up to the schools demise. This would be led by a Special Educational Needs Expert, from outside the Borough, who was leading two special schools that were outstanding and was due to be concluded by 26<sup>th</sup> January, 2015.

In a supplementary question Mr. Simpson asked if the views of Trades Unions would be taken into account as some of the advice had been ignored and again referred to the Ofsted report which judged the management team to be "inadequate".

The Cabinet Member for Education and Children's Services confirmed all stakeholders would be consulted as part of this Independent Review.

(8) Mr. F. Sprauge referred to the report to Cabinet Member dated 8th December, 2014 where it stated that "Following the proposed closure of Abbey School the site will be utilised for education purposes." and asked could he be informed what exactly this meant?"

The Cabinet Member for Education and Children's Services explained that under DfE requirements any education land and premises that were surplus e.g. due to closure/transfer etc. must firstly be considered by the Local Authority for other educational use or if there was no intended use by the Local Authority it must be offered to Academies and Free Schools

within the Borough for use by the respective Trust. Only at the point of no educational interest or use by educational establishments could the site be considered for alternative use.

As the proposal to close Abbey school was a 'proposal' and currently in the early stages of pre-statutory consultation at this stage, it would be inappropriate for the Local Authority to be considering alternative use.

In a supplementary question Mr. Sprauge pointed out that if the school should close and the site was used for other educational purposes, i.e. another special school or by Winterhill, then this would not be received very well by the stakeholders of Abbey School.

The Cabinet Member for Education and Children's Services pointed out that as part of the consultation process all parties could express their views.

(9) Mr. I. Cammock pointed out that in a meeting last month, it was stated that there was a need for more special school places because of an increase in the number of children needing such places as a justification to expand Kelford School and asked why was the Council, therefore, wiping out the places offered by Abbey School?

The Cabinet Member for Education and Children's Services confirmed this would be considered as part of the Independent Review.

## **A77 CABINET MINUTES**

A number of questions were raised in relation to the minutes of the meetings of Cabinet as follows:-

Minute C100 (Improvements to ICT Use Within Social Care) – Councillor Cowles referred to his own email to the Leader last week about ICT systems in Riverside House and asked why significant sums of money were being spent on improvements to ICT when the systems were fundamentally flawed. He asked if the Leader agreed with him that there was no point in spending further money until the problems were put right.

The Leader explained that the ICT system used for children's social care had been highlighted as a serious problem by Ofsted and the Children's Commissioner in his letter to the Secretary of State and also by the Acting Strategic Director of Children and Young People's Services who described the system as the worst she had ever worked with. The problem was not an asset to the Service and simply did not allow for the depth of data that was required, which was why consideration was being given to an alternative system.

Minute No. C71 (Post-Abuse Support Arrangements) – Councillor Parker referred to the second paragraph which detailed how £120,000 had been made available for the period until 31<sup>st</sup> March, 2015 whilst a future service

model was being commissioned and asked if a new model had acquired additional funding for the support to operate properly and where this funding came from.

The Deputy Leader confirmed £120,000 of funding for victims up to 31<sup>st</sup> March, 2015 and a further £180,000 a year for the next three years. Work was taking place with partner agencies, the Police and Crime Commissioner and Health about a package of support for survivors in the short term and which would feed into proposals for support for the next three years.

Minute No. C71(1) (Post-Abuse Support Arrangements) – Councillor Parker referred to the current number of referrals for support and whether there had been a marked increase following the publication of the Jay Report and asked if this included the Roma Community in terms of the numbers of underage marriages in Rotherham.

The Deputy Leader confirmed there had been an increase in the number of referrals for support and dealing with the increased demand would form part of the ongoing discussions.

In terms of the Roma Community an answer to the queries would be provided in writing (**see addendum attached to the minutes**).

In a supplementary question Councillor Parker referred to the seriousness of concerns about underage marriages taking place within the Roma Community and suggested that a report on this matter be submitted to the Council for consideration.

The Deputy Leader confirmed that it was unacceptable for children who were underage to be married and explained that appropriate action would be taken if this was found to be the case.

Minute No. C90 (Revision to Standing Orders – Quorum for Cabinet) – Councillor Parker referred to the numbers of Cabinet Members reducing from ten to nine and then down to seven and the suggestion that the quorum for Cabinet be subsequently reduced from five to four Members and asked if there was any possibility of an Opposition Member being elected onto the Cabinet.

The Deputy Leader confirmed there were no proposals to include an Opposition Member on the Cabinet.

Minute No. C93 (Questions from Members of the Public) – Councillor Parker referred to Question 7 and the expected return of £40,000 for the sale of the units on the Advanced Manufacturing Park and asked if this was for all three units or £40,000 for just one unit.

The Cabinet Member for Business Growth and Regeneration confirmed the sale was in connection with one unit only and the investment had

been made to pump prime business growth in Rotherham. A further report was to be presented to the Cabinet on the 17<sup>th</sup> December, 2014 for consideration to sell a further unit, which was split into two and if sold the Council would have made approximately £80,000 from the sale of the units. The Council never intended to retain the assets, but was a means to stimulating growth in the Borough, which in turn would create more jobs at the same time.

In a supplementary question Councillor Parker pointed out that it was not the Council's job to invest, but to run services and whilst the essence of the purchase was to pump prime business growth in Rotherham, create jobs and stimulate the global economy, the use of £4.2 million when services were being cut, was not good practice. The Council had been very lucky on this occasion to secure sales on the units.

The Cabinet Member for Business Growth and Regeneration highlighted the success of the Advanced Manufacturing Park in attracting businesses such as Rolls Royce and Boeing to Rotherham. It was the responsibility of the Council to invest in the local economy and in business growth as this was not something the Government were supporting. The units built on the Advanced Manufacturing Park were the first of their specification in Yorkshire since 2008 and had raised some interest in the commercial sector. The investment funding for the purchase of these units had not made from the Revenue Budget, but from the Capital Budget which was ringfenced for projects such as this for investments in the Borough. It was suggested that arrangements be made for Elected Members to visit the Advanced Manufacturing Park to view and to show how well the Council was supporting the people of Rotherham.

Minute No. C99 (White Ribbon Campaign) – Councillor Parker referred to equal opportunities and the Council not being sexist when domestic violence occurred against males as well as females and asked that there be some acknowledgement that male victims as well as female victims be involved in this project.

The Cabinet Member for Adult Social Care and Health confirmed abuse was not gender specific, but was predominantly men against women and girls. The White Ribbon Campaign was a national campaign and involved men sending a clear message that domestic abuse against women would not be tolerated. The Cabinet Member himself had become an Ambassador and had suggested that a male member of the Strategic Leadership Team also volunteer. All male members of the Strategic Leadership Team had subsequently agreed to put themselves forward as Ambassadors and were in full support of the campaign.

In a supplementary response Councillor Parker was happy to support the campaign, but pointed out that men were often abused as well.

In a supplementary response Councillor Currie also pointed out that he was an Ambassador for the White Ribbon Campaign, which had been

formerly launched at the Youth Cabinet and was due to be launched at the Football Club this week.

Minute No. C90 (Scrutiny Review of Standing Orders and Cabinet Response) – Councillor Read referred to the completion of the Scrutiny Review which recommended following the motion to Council on the 10<sup>th</sup> September, 2014 and the request that this be recommended back to today's meeting for approval.

The Mayor invited Councillor Watson, Chairman of the Review Group, to comment on the outcome of the Review which was supported by the cross party membership. The Review, therefore, proposed to remove the thirty minute guillotine for the answering of general questions, revise the length of notice required for submission of general questions and align public questions to the same timeframe, for all written responses to be captured and appended to the minutes and to allow for supplementary questions at subsequent meetings and a new provision to ask for urgent questions to be introduced.

The Review Group were mindful that they were not able to undertake a full review of the Council's Scheme for Handling Petitions so recommended a couple of changes and for this to remain in place pending completion of a wider constitutional review.

Minute No. C90 (Revision to Standing Orders – Quorum for the Cabinet)– Councillor Reeder referred to the quote by Sir Kevin Barron M.P. and Sarah Champion M.P. about the Labour Party being swift to act on suspensions and asked if Members were still suspended?

The Leader explained that this was the wrong minute number and should have been Minute No. C82(3) (Questions from Members of the Public). There were no further comments to make.

Minute No. C67(5) (Questions from Members of the Public) – Councillor Gilding referred to the roles of Senior Adviser and Adviser and whether or not they received the same information as the Cabinet Member and asked how they could give advice if they were not given the same information.

The Leader explained that in relation to the delegated powers meetings the Advisers were provided with the same information in order to assist the Cabinet Member in coming to a decision.

In a supplementary question Councillor Gilding referred to the answer in the minute provided by the Leader that certain information was provided to Cabinet Members only.

The Leader confirmed there were occasions when the Cabinet Member only was involved in discussions with Senior Officers.

Minute No. C72 (Recruitment of Headships During School Amalgamation

Policy) – Councillor Gilding asked what this new Policy was and if the practice of one Head Teacher being appointed to a school where amalgamation of two schools was still taking place.

The Cabinet Member for Education and Children's Services confirmed that this was a new Policy and process for the open recruitment of Head Teachers to newly amalgamated schools.

Minute No. C90 (Revision to Standing Orders – Quorum for Cabinet) – Councillor Gilding referred to the reduction in the quorum and expressed his concerns about placing too much power in a smaller number of hands.

Minute No. C93(4) and (6) (Questions from Members of the Public) – Councillor Gilding stated concern that correspondence had not received a reply and whether this had been investigated and why the management of the school were still in place if this was an unsuitable position for the children to be in.

The Cabinet Member for Education and Children's Services confirmed all correspondence had been responded to. In terms of the management position it was a model that had been used successfully across Rotherham for the last three years, but this was not the case at Abbey School for various reasons and actions were being taken to address this.

In a supplementary question Councillor Gilding asked in what way was this now being addressed?

The Cabinet Member for Education and Children's Services confirmed the commissioning of the Independent Review which would look at all areas raised as a concern.

Resolved:- That the reports and minutes of the meetings of the Cabinet (Section C) (pages 71C to 114C) be adopted.

Mover:- Councillor Lakin

Seconder:- Councillor Hoddinott

## **A78 DELEGATED POWERS**

A number of questions were raised in relation to the minutes of the meetings of Cabinet Members as follows:-

Minute No. F21 (Youth Offending Services – Performance Management) – Councillor Cowles referred to the information which indicated an increase in the second paragraph on Page 15F, yet in the fourth paragraph of the same page there was reference to a decline in numbers and asked if there was a rise or a fall in performance.

The Cabinet Member for Education and Children's Services confirmed that the rise referred to in the second paragraph was a one off situation, yet in fourth paragraph this referred to the trend in decline numbers within

the Youth Justice System.

Minute No. F24 (Children and Young People's Service Revenue Budget Monitoring Report to 30<sup>th</sup> September, 2014) – Councillor Cowles referred to the fifth paragraph after the bullet points where it was suggested that some overspends were off set against underspends in other areas and asked where these came from and how much they were.

The Deputy Leader confirmed that all the figures relating to the outturn of the budget were set out in full as part of the revenue budget monitoring report which was to be presented to the Cabinet on 17<sup>th</sup> December, 2014, which was now published.

Minute No. G35 (Parking Services – Financial and Statistical Report for the Financial Year 2013/14) – Councillor Middleton made reference to the income and expenditure for Parking Services and asked how much this was, issuing of few penalty notices and asked what was the previous year's figures and the year reported, what was the effect of the vehicle-mounted circuit television system and whether the opening of the new Tesco store had had an effect on parking with statistics as to if the car park was used for town centre shopping.

The Cabinet Member for Environment confirmed that all the questions asked could be answered via the detail in the report and assured Councillor Middleton he would provide a full copy for information.

In terms of the vehicle-mounted circuit television system, this was used outside schools and had had a large impact on the safety for pupils. In addition, it had been used as part of providing photographic evidence for fixed penalty notices and in evenings to ensure the free flow of vehicles.

With regards to the opening of the new Tesco store on Walker Place as predicted this had had an impact in terms of free parking.

The Cabinet Member for Business Growth and Regeneration confirmed he was working closely with the Cabinet Member for Environment and, to mitigate the effect on the town centre, had arranged for the former Tesco store on Forge Island to be used as parking with sixty bays being allocated for free parking on a short term basis. There had been some problems with the pedestrianisation, but this was being addressed.

Minute No. I19 (Rotherham Town Centre Business Grants) – Councillor Parker referred to the awarding of a grant and whether any impact assessment on existing businesses had been undertaken following any expansion.

The Cabinet Member for Business Growth and Regeneration confirmed this was a scheme designed to encourage and support existing retail and catering businesses to improve in the town centre, launched by Mary Portas, as long as the eligibility criteria was satisfied.

One such successful recipient had moved from the precinct area that was beginning to suffer as a result of the Tesco relocation and moved into the Old Town Hall near the market.

In a supplementary question Councillor Parker asked if any impact assessment was, therefore, undertaken on existing businesses following a relocation or if there was any measurement of any adverse impact.

The Cabinet Member for Business Growth and Regeneration confirmed no such assessment was undertaken.

Minute No. J56(12) (Area Assembly Chairs) – Councillor Parker asked why, following the publication of the Jay Report, Area Assembly meetings were cancelled.

The Cabinet Member for Safe and Attractive Neighbourhoods explained that the relevant meetings were not cancelled merely postponed to allow for the relevant officers to be present and give information that was relevant to that particular situation at that time.

In a supplementary question Councillor Parker disagreed that they were postponed, but pointed out that these were meetings where members of the general public could obtain information relevant to their area and where they could hold Councillors and officials to account. The people of Rotherham wanted questions answering and those in charge ran away rather than dealing with the issues.

The Cabinet Member for Safe and Attractive Neighbourhoods confirmed the timescales for holding Area Assembly meetings were revised to allow for relevant staff to attend in order to properly address members' of the public concerns and the concerns that people wanted to raise.

Minute No. L4 (Independent Review into CSE in Rotherham) – Councillor Middleton referred to the paragraph after the bullet points which indicated those previous victims of child sexual abuse did not meet the various Adult agencies' thresholds for service intervention and asked why they did not or was it simply because they were too young.

The Cabinet Member for Adult Social Care and Health explained that in terms of Adult Services there were certain eligibility criteria that must be met and even if a person was over the age of eighteen, they still may not meet the criteria require for a particular service, which was why there was a need for Departments to work together to ensure services were put together throughout social care.

In a supplementary question Councillor Middleton asked if the children were too young to be eligible were their cases considered or dealt with?

The Cabinet Member for Adult Social Care and Health explained that it

was not about being too young or too old, but about having a partnership arrangement with agencies to ensure the services were provided in an appropriate way.

Minute No. L5 (Best Practice) – Councillor Middleton referred to the use of obscure and silly jargon in the report, such as in the words of “Embedding of Peer Challenge Models” and asked for an explanation.

The Cabinet Member for Adult Social Care and Health accepted that jargon often became a barrier to communication and would endeavour to ensure that language used was a little clearer in the future.

Resolved:- That the reports and minutes of the meetings of Cabinet Members as listed below be adopted, subject to an amendment to Minute No. F24 (Children and Young People’s Services Revenue Budget Monitoring to 30<sup>th</sup> September, 2014) which the bullet point should be revised to read Looked After Children 3.046 millions and not 3,046 millions as written:-

- Children and Education Services (Pages 4F-20F) (Section F)
- Adult Social Care and Health – Pages 9H to 31H (Section H)
- Business Growth and Regeneration – Pages 10I to 12I (Section I)
- Safe and Attractive Neighbourhoods – Pages 20J to 40J (Section J)
- Joint Meeting of Cabinet Members for Adult Social Care and Health and Children and Education Services – Pages 1LK to 5L (Section K)

Mover:- Councillor Lakin

Seconder:- Councillor Hoddinott

## **A79      AUDIT COMMITTEE**

Resolved:- That the reports and minutes of the meeting of the Audit Committee (Section N) (Pages 16N to 21N) be adopted.

Mover:- Councillor Sangster

Seconder:- Councillor Kaye

## **A80      LICENSING BOARD**

Councillor Gilding referred to Minute No. P17 (Hackney Carriage and Private Hire Licensing Policy), specifically Section C(iv), where it strengthened the wording so that applicants were directly informed that they must not make a false statement or a false declaration during any part of the application process and asked how basic could this be if applicants could not understand this they should not be issued with a licence.

In addition, he asked for an explanation on Section D(i) where reference

was made to the distinction between sexual offences against another person and other offences involving indecency and asked on Section D(iii) for clarification of how the service would know if a licensed driver had been absent from the United Kingdom for a continuous period exceeding one month

Referring to Section D(v) Councillor Gilding believed that this was originally a condition of being issued with a licence that when carrying passengers who were vulnerable or who had a disability that they be asked if they required assistance.

Referring to Section E(v) and the consultation to take place on a Cabsafe Scheme incorporating Gold, Silver and Bronze rating standards, Councillor Gilding suggested that given the experiences over the last few months that every taxi in Rotherham should be looking to become Gold standard, but noted there was still to be no age limit on vehicles transporting the people of Rotherham and asked why this was the case.

The Chairman of the Licensing Board explained the distinction between sexual offences and indecency and provided an example of the two.

There was a requirement for licensed drivers to hand in their licences should they be wishing to leave the country for a period longer than four weeks and to receive them back on their return. This was part of the consultation process and was not yet adopted.

It was pointed out that the intention of the Cabsafe Scheme was to drive up standards. There were some aspects to be included that would seek to improve standards for the comfort of the travelling public of Rotherham and it would induce the operators to improve standards by aspiring in the higher categories. The Licensing Board discussed the option of C.C.T.V. and it was the view that this should be mandatory and standard in each vehicle.

Basic requirements of the policy such as providing assistance were included to ensure that the public of Rotherham could expect this level of service.

In a supplementary question Councillor Gilding asked if he could be told who would be operating the Cabsafe Scheme, how much this would cost, how this would be monitored and how would the general public know how a particular vehicle was rated. Would this result in a member of the public choosing to take a particular rated vehicle over and above another rated lower?

The Chairman of the Licensing Board advised that the costs of the scheme would be borne by the operators and the Council would operate and direct the scheme. This was still a proposal and much of the detail was yet to be worked through. The consultation did not finish until the end of December and any comments could be fed into the process via the

Council's website.

Resolved:- That the reports and minutes of the meeting of the Licensing Board (Section P (Pages 11P to 18P) be adopted.

Mover:- Councillor Dalton

Seconder:- The Mayor  
(Councillor John Foden)

#### **A81 LICENSING BOARD SUB-COMMITTEE**

Resolved:- That the reports and minutes of the meeting of the Licensing Board Sub-Committee (Section Q) (Pages 12Q to 15Q) be adopted, subject to noting that the minutes of the meeting held on 8<sup>th</sup> October, 2014 had been presented to the previous Council meeting on the 22<sup>nd</sup> October, 2014.

Mover:- Councillor Dalton

Seconder:- The Mayor  
(Councillor John Foden)

#### **A82 HEALTH AND WELLBEING BOARD**

Resolved:- That the reports and minutes of the meeting of the Health and Wellbeing Board (Section S) (Pages 29S to 47S) be adopted.

Mover:- Councillor Doyle

Seconder:- Councillor Beaumont

#### **A83 PLANNING BOARD**

Resolved:- That the reports and minutes of the meetings of the Planning Board (Section T) (Pages 24T to 32T) be adopted.

Mover:- Councillor Atkin

Seconder:- Councillor Tweed

#### **A84 STAFFING COMMITTEE**

Resolved:- That the reports and minutes of the meetings of the Staffing Committee (Section U) (Pages 3U to 4U) be adopted.

Mover:- Councillor Lakin

Seconder:- Councillor Hussain

#### **A85 MEMBERSHIP ARRANGEMENTS 2014/15**

The Director of Legal and Democratic Services submitted details of the revised membership arrangements for the current municipal year.

Resolved:- That the following revised arrangements be approved:-

Barnsley, Doncaster, Rotherham and Sheffield Combined Authority:-

- For Councillor N. Hamilton to replace Councillor Foden on the Transport Committee.

- For Councillor Sangster to be included on the Audit Committee.

#### Improving Places Select Commission:-

- For Councillor C. Vines to replace Councillor Finne.

#### Planning Board

- For Councillor Whelbourn to be the named substitute for Wentworth South.

#### Health Select Commission:-

- For Councillor Watson to be included on the membership and for him to replace Councillor Wyatt as Chairman.

#### Self Regulation Select Commission:-

- For Councillor Wyatt to be included on the membership and for him to replace Councillor Watson as Vice-Chairman.

#### Standards Committee:-

- For Councillor Roddison to be added to the membership of the Standards Committee.

#### Police and Crime Panel:-

- For Councillor Sangster to replace Councillor Sharman.

### **A86**

#### **MOTION - COMMITTEE FORM OF GOVERNANCE**

Moved by Councillor C. Vines and seconded by Councillor M. Vines.

“UKIP Councillors recognises that the Cabinet System of Governance creates a democratic deficit in local government, with key decisions made by very few elected members.

And especially with the reduction in numbers of Cabinet posts recently announced.

We believe that this will allow less democracy in decision making and with the portfolio members taking on further responsibilities without the appropriate skills this will lead to detrimental decisions being made.

And in light of the events and revelations of the past months which is now know that Cabinet Members were part of the problem with recognising child sexual exploitation in Rotherham Council.

We put forward our motion to change the Council's form of governance in accordance with Section 9K and 9KC of the Local Government Act 2000 to a committee form of governance as provided in Section 9B (1) (b). This

new form of governance will come into force from the Council's 2015 AGM."

The motion was put and LOST.

(Councillors Cowles, Cutts, Finnie, Gilding, Hunter, Jepson, Middleton, Parker, Reeder, Reynolds, Turner, C. Vines and M. Vines requested that their vote in favour of the motion be recorded).

#### **A87 MOTION - STANDARDS COMMITTEE**

Moved by Councillor C. Vines and seconded by Councillor Reynolds.

"UKIP believes in openness and transparency and above all fairness and full accountability.

We believe that the present arrangement of the Standards Committee is fundamentally flawed and puts the Monitoring Officer and the Legal Department of the Council in an unattainable position.

It is like putting a fox in charge of the chickens and telling it which one be killed with the farmer holding a gun to its head.

With the fox being the Monitoring Officer, the chicken being the accused and the farmer the ruling party.

Over the years the Standards Committee has and still is a toothless waste of time in its present situation and should be disbanded.

We put forward our motion to change the Council's un-transparent Standards Committee from its present form where the Monitoring Officer is responsible for making the decision of who goes before it or who does not, this is unfair and unacceptable for the Council's own Legal Department to be judge and jury.

We believe this Committee should be made up of five Independent Members and four Elected Members; one from each Party and Independent.

All cases go to the Committee to be decided on whether a full hearing is required or not.

The Council's Monitoring Officer or Legal Representative should only be involved in giving legal advice and guidance.

This new method of governance of the Committee should come into force at the Council's 2015 Annual Meeting to give time to set it up."

The motion was put and LOST.

(Councillors Cowles, Cutts, Finnie, Hunter, Parker, Reeder, Reynolds, Turner, C. Vines and M. Vines requested that their vote in favour of the motion be recorded).

(Councillors Gilding, Jepson and Middleton abstained from taking a vote)

#### **A88 MOTION - SHOUT (SOCIAL HOUSING UNDER THREAT)**

Moved by Councillor Godfrey and seconded by Councillor Ellis.

“That this Council:-

- (a) Supports the launch of the SHOUT (Social Housing Under Threat) campaign on 18 June 2014.
- (b) Agrees with SHOUT that building social housing - social rented homes - is at the core of tackling the housing crisis nationally and locally in Rotherham and that social rented housing meets needs that other tenures cannot address.
- (c) Notes under the Coalition Government the funding of social housing has become increasingly marginalised with the latest prospectus for bidders from the Homes and Communities Agency stating that 'social rent provision will only be supported in very limited circumstances.'
- (d) Welcomes the proposal to build 125 new affordable homes by the Council and Housing Associations over the next 3 years and to acquire a further 63 new homes. However, this provision only makes a small contribution towards meeting the identified housing need and is significantly less than the amount of social housing lost each year through the Right to Buy scheme.
- (e) Regrets that social housing faces great challenges in meeting the needs of those affected by welfare cuts and rule changes over the last three years, including the damaging “bedroom tax”, and increased pressure from the escalating number of Council homes lost through the Right to Buy scheme.
- (f) Resolves to support the work of the SHOUT campaign and take a lead in affirming the positive value and purpose of social rented housing.”

The motion was put and carried and was adopted by the Council.

(Councillors Cowles, Cutts, Finnie, Gilding, Middleton, Parker, Reynolds, Turner, C. Vines and M. Vines abstained from taking a vote)

#### **A89 QUESTIONS TO CABINET MEMBERS AND CHAIRMEN**

(1) Councillor M. Vines asked why were the children at Abbey School being removed to other schools when this school was still open and there was no mandate as yet to close it?

The Cabinet Member for Education and Children's Services explained that after considering the findings of the recent inadequate Ofsted Report, coupled with the well known long standing historic issues at Abbey School, the Local Authority decided that the best option for the pupils, to ensure their educational needs were being met and they receive a good quality education in a safe and secure environment, was to propose closure and to offer parents the opportunity to transfer pupils to other good special schools across the borough.

Discussions were being held with individual parents/carers to ensure that any new school would be able to meet their child's needs.

In a supplementary question Councillor M. Vines asked if this was still only a proposal why were staffing ringing parents to ask if they wished their children to move places, why had staff left Abbey School and the Ofsted inspection where it would appear it was the management that was a problem not the children or the staff.

The Cabinet Member for Education and Children's Services pointed out that the proposal was still out for consultation, but SEN staff were telephoning parents asking if their children did wish to transfer schools in the best interests of their children in order to move their education forward.

In terms of the relationship with management and staff at the school, Ofsted had regarded the leadership as a strength, but this was disconnected from the school, which was a problem and needed to be resolved.

(2) Councillor C. Vines asked should RMBC publish on its website the names and photos of all Rotherham licensed taxi drivers to give customers more confidence and would aid identification if any offences was committed especially in light of CSE linked to taxi companies mentioned in the Jay report?

The Chairman of the Licensing Board confirmed that the Council were currently working with a software provider that would allow the online publication of all of the Council's licensing registers. This facility would allow members of the public to view information in relation to licensed drivers, and would include details of licence number, date that the licence was granted, date of licence expiry, details of operator, conditions attached to the licence and details of any Licensing Board meetings relevant to the licence holder.

It may be possible to include photographs of individual licence holders, however this was something that would need to be discussed further with

the software provider. This was because the online register drew information from the Council's database as a text field and it was not clear whether this could be tailored to include images. If this is possible then this is something that could be brought before the Licensing Board for consideration.

However, as the questioner was aware, the Council was in the midst of a public consultation with regard to the processes and procedures that were in place around the licensing of drivers, vehicles and operators. One of the proposals related to the identification of drivers and vehicles. The current requirement was for all drivers to wear an identification badge issued by the Council, and for vehicles to have a sign fixed to each front passenger door of the vehicle and a licence plate fixed to the rear of the vehicle. The introduction of the following additional requirements was being proposed:-

- A licence plate to be fixed to the front of the vehicle.
- A notice fixed to each rear quarterlight of the vehicle giving details of the vehicle licence (the notice must be able to be read from both inside and outside the vehicle).
- A notice fixed to the front windscreen giving details of the vehicle licence (again, the notice must be able to be read from both inside and outside the vehicle).
- A notice to be displayed within the passenger compartment of the vehicle that gives details of the current driver of the vehicle (the notice must be clearly visible and able to be read from the passenger seats in the vehicle).

It was envisaged that these additional requirements would make it much easier for passengers to identify both the vehicle and the driver and should give reassurance to the passenger that the appropriate licenses were held and also allow them to obtain the details of the driver/vehicle in cases of complaint.

In a supplementary question Councillor C. Vines did not believe it was a problem to include photographs, but provided the general public with the assurance that if an incident arose then they could clearly identify the person in question.

The Chairman of the Licensing Board pointed out the importance of a victim of a crime reporting any complaint either to the Licensing Board or to the Police who would investigate any crime involved. As there are over 1100 licensed drivers, it was considered that the involvement of the Police in this way would be a far more effective method of investigating crimes, and would minimise the chances of incidents occurring as a result of mistaken identity.

(3) Councillor Jepson asked following the recent A57 improvements at Todwick, £100,000 was being spent on a footpath in the area with no proven need and asked why had this surplus contract money not been spent repairing the local roads damaged by the resulting traffic diversions or on a much needed pedestrian crossing at South Anston.

The Cabinet Member for Safe and Attractive Neighbourhoods explained

that the completion of the A57 major highway scheme resulted in a short 'missing link' of footway on the eastern side of Todwick Road, the B6463. The construction of a new footway to Todwick Road in 2010 extended only as far as Pocket Handkerchief Lane; the A57 scheme, in essentially its present form, and the associated CPO orders were published in 2009 and the eventual construction of the scheme removed most of the hazards that had made the route inaccessible. The missing link between the two schemes was on a bend in the road at a place where the verge was narrow or non-existent.

Various and numerous representations and enquiries have been made regarding this missing link, that would open up a pedestrian route along the whole of the B6463. These included the Clerk to Todwick Parish and Sir Kevin Barron MP. An earlier planned scheme, to link the public footpath at the approximate mid-point of the bend, to Pocket Handkerchief Lane was, therefore, adapted to instead complete the missing footway link.

The scheme was funded from the Local Transport Plan Integrated Transport Budget under the theme of 'connectivity – walking road crossings' and was not funded from surplus contract monies from the major scheme budget. Any surplus main contract funding would be ploughed back into highway maintenance.

To support the answer to the question Councillor Watson confirmed when the road was built the original footpath was detailed, but concern had been expressed to him at surgeries that there was not a safe walking route to Dinnington.

In a supplementary question Councillor Jepson asked if the Cabinet Member would be prepared to meet with himself and other Ward Members and representatives of the Parish Council to discuss concerns within South Anston in the New Year to see if matters could be moved forward given the number of the complaints.

The Cabinet Member for Safe and Attractive Neighbourhoods agreed she would meet with Councillor Jepson along with the Transport Manager to see if matters could be progressed.

(4) Councillor Reeder asked could the Leader explain why a school in Rotherham had been allowed to overspend by nearly £1 million pounds and why was this allowed to happen by the L.E.A. and Governors?

The Cabinet Member for Education and Children's Services explained the school was not £1 million pounds overspent, this was a projected figure. The Council would be ensuring that a sound financial Recovery Plan was put in place.

In a supplementary question Councillor Reeder asked if she could be told the exact overspend figure and had it affected the children who were in

attendance at the school.

The Cabinet Member for Education and Children's Services was unable to confirm the exact overspend figure, but explained the projection was based on staffing resources, which were now being reduced. A recent monitoring report from H.M.I. had confirmed that the situation at the school as now improving and good structures were now in place.

(5) Councillor Hunter thanked the Council for its commitment to upgrade its low paid employee salaries from the minimum wage to the living wage and asked could the Council confirm that this transition would not be used to increase the already generous Councillors' allowance which was roughly based on the minimum wage?

The Leader explained that Members have for a number of years declined to take an increase in their allowances which reflected the national pay increase for staff. Members would need to consider whether they wished to accept the increase on this occasion. The current allowances were determined by the Council in 2011 following the recommendations of the Independent Remuneration Panel and they were not based on the minimum wage.

(6) Councillor Turner asked what was the final deal with Tesco's to encourage them to move from Forge Island to the valuable real estate in and around Walker Place?

The Cabinet Member for Business Growth and Regeneration explained that Tesco's lease their new store from a private developer who paid the Council the commercial value of the site around Walker Place. This capital receipt was £7,330,051. In addition there was a recent overall capital receipt to the Council of £2,934,664. In addition the Council have the option, until 31<sup>st</sup> December 2015, to purchase Forge Island.

In a supplementary question Councillor Turner pointed out that the relocation of the Tesco store had never been raised in Scrutiny, but it was his understanding that the sale of the town centre site had been negotiated through a third party and asked why was this necessary.

The Cabinet Member for Business Growth and Regeneration explained that he was unaware that it had been negotiated through a third party, but as part of the decision making process that area of town formed part of the Town Centre Masterplan when it was decided to build Riverside House. This Masterplan would have been presented to Scrutiny as part of this process, but the site vacated by the Council on Walker Place was identified and purchased by Tesco, who had also created two hundred extra jobs as a direct result of their relocation.

(7) Councillor Cowles referred to the last Council meeting where the Deputy Leader made an unfounded and unresearched allegation, that the register of interests of UKIP Councillors was incorrect. Legal Services

have now stated "There has been no failure to disclose an interest by any UKIP Councillor" and asked if she would apologise for her wild and unfounded allegations when he had, in fact, got four register of interests from Labour Councillors who were in the same position as UKIP Councillors?

The Deputy Leader found this to be an odd accusation seeing this started with Councillor Cowles himself making wild and unfounded allegations about the Deputy Leader.

As it was said last month two members of the UKIP Party did not declare an address in the Rotherham Borough, The Deputy Leader was pleased that the Monitoring Officer had advised these Members that they were not required to disclose their address as evidently it would have been a serious matter otherwise.

The Leader thanked Councillor Cowles for bringing the information about Labour Members to the Council's attention and welcomed the sharing of this information. In turn he would share the information from a UKIP Councillor's register of interests he had looked at yesterday which was not up-to-date.

In a supplementary question Councillor Cowles pointed out the allegations were not wild, but simply questioning how many days a week the Deputy Leader was in Rotherham being paid a substantial sum from the public purse and at that time the register of interests was not up-to-date. He believed that by making unsubstantiated statements it cast doubt on the statements made by some Members and also on the judgement of the people that elected them.

The Deputy Leader explained to Councillor Cowles that she had merely pointed out that some UKIP Members did not appear to live in the Borough as they did not declare that they lived in private rented accommodation. She was surprised to learn that privately rented properties do not have to be declared. She herself lived in private rented accommodation and did declare this on her register of interests, but had sought advice from the Monitoring Officer, Association of Labour Councillors and the Local Government Association.

(8) Councillor Middleton asked could the Cabinet Member for Education and Children's Services outline the disciplinary measures which would be considered in dealing with dereliction of duty displayed in the disastrous handling of the case of a twenty month old child in Rotherham recently dealt with by Mr. Justice Holman in the High Court?

The Cabinet Member for Education and Children's Services review of the practice regarding this case was being undertaken and appropriate management action would follow. It was important to note that the Department would not be operating a blame culture, but developing a learning culture. This was the best way of improving the many difficult

decisions which were taken every day to improve the lives of vulnerable children and their families.

(9) Councillor M. Vines confirmed she had been approached by parents of children who have been asked by the Education Authority to move their children to other schools and were now asking if they can bring their children back to Abbey School as many now feel the real reason is to reduce numbers to close the school?

The Cabinet Member for Education and Children's Services explained that the reason parents were being offered an alternative school place was to ensure that their educational needs were being met in a good special school. The Council have not had any parents contact them to return their children to Abbey School. What had been received was positive feedback that the Local Authority have taken action to ensure the children's needs were met in a good school.

In a supplementary question Councillor M. Vines asked if the responses from parents could be provided in writing.

The Cabinet for Education and Children's Services confirmed that the information could be provided, but this would have to be anonymised.

(10) This question was excluded by the Mayor as this referred to party political matters and not those related to the Borough.

(11) Councillor Hunter referred to the public noticing a large number of seemingly vacant Council properties across the Borough and were saying the Council was deliberately leaving them empty in order to save money. Could the Council impose a reasonable minimum turnaround period on empty properties to demonstrate that this is not the case?

The Cabinet Member for Safe and Attractive Neighbourhoods confirmed that in the last nine months the number of empty properties (Council stock) had, with the exception of three weeks over the summer, never exceeded 200 units. This was less than 1% of the total stock. There had been a recent increase due to evictions but the number was still around 1% (213 units as at Monday, 8<sup>th</sup> December, 2014).

The aim was to keep the number at 1% or less in normal circumstances i.e. around 35/40 terminations per week.

In terms of turnaround significant action had been taken to reduce this and currently it stood at 22 days (target 25 days) which compared with 29/30 days in 2013/14 financial year. This was an upper quartile performance and the best it has been for some years - possibly ever. This also needed to be considered in the context of improving quality set against a background of increasingly poor standard of returns due to abuse.

Clearly the position would be worked upon to maintain the position and improve where possible, but overall the position was excellent by which ever measure you choose.

The Council had a Key Performance Indicator for Void Council Houses, it monitored this on a weekly basis as it was very important this was as efficient as could be in the way voids were managed.

This financial year 1214 void properties have been brought back into use. Placing priority on investing in bringing void properties back into use would continue to ensure rent losses were kept to an absolute minimum and give residents in housing need the best opportunity to access affordable social housing.

In a supplementary question Councillor Hunter asked if there could be an opportunity placed on the website where members of the public could report when an property was empty. Some of the houses may be empty when residents leave and the Council may be unaware.

The Cabinet Member for Safe and Attractive Neighbourhoods confirmed she would forward any telephone numbers etc. where such information could be reported. It will be a minority of cases where the Council were unaware a property was empty.

To assist Councillor Swift confirmed that as part of his Ward arrangements the Housing Champion for his area would report into a housing surgery any properties that had been reported as empty.

(12) Councillor Turner asked was it not a fact that hundreds of thousands of pounds were spent by the Council in public and private consultation over several years to evolve a master plan for Forge Island culminating in an aesthetic state of the art model of the project incorporating cinemas and a theatre?

The Cabinet Member for Business Growth and Regeneration confirmed there had been no public consultation activity on Forge Island, or development of a master plan, since the original Town Team activity and the launch of Rotherham Renaissance. There was no Forge Island aesthetic model indicating development of a Cinema and Theatre, although it was no secret the Council still had aspirations to deliver a major leisure scheme in the town centre. No site had been earmarked, but would involve the Council working with investors. Resourcing had mostly been limited to officer time in discussing development and inward investment with private sector developers and operators.

In a supplementary question Councillor Turner expressed his confusion as he could recall lots of consultation taking place about regeneration in the town centre when he was a Councillor. A model of some kind was available and it was no secret to Tesco that their site was earmarked by the Council for some kind of development. If viable scrutiny had been

undertaken he may have been made aware of other information. He asked would it not have been better to negotiate a price for Forge Island before creating the plan for the town centre's future. The Council have hiked up this project to such an extent that Tesco were now able to command the price for this site.

The Cabinet Member for Business Growth and Regeneration explained that Forge Island would have appeared in the town centre masterplan and would do moving forward. Development of the town centre did just not include Forge Island, but also included the Guest and Chrimes building, Westgate and Royal Mail Depot. The town centre masterplan would have appeared in documents presented to Scrutiny. The Rotherham Growth Plan would also be circulated for consultation in the next few weeks and would appear at Scrutiny in the near year and Members of the relevant Select Commission would have the opportunity to consider and make comment on the content.

In terms of the deal with Tesco taking over the Walker Place site, this was completely separate to any discussions taking place around Forge Island. Other options were being considered for Forge Island potentially delivering a public sector hub via the Government given the positive development in Riverside House.

To assist Councillor Sangster shed a little more light on the comments about the model for the town centre. Yorkshire Forward were involved with the Rotherham Town Team about Forge Island and did have a model made showing a theatre and cinema development on this key site, but this was funded from Yorkshire Forward and not the Council.

(13) This question was excluded by the Mayor as this referred to party political matters and not those related to the Borough.

(14) Councillor Hunter referred to many Council employees being anxious at the proposals to contract out all Adult Services with the exception of Enablement after the May, 2015 election and asked could the Council shed some light on these anxieties?

The Cabinet Member for Adult Social Care and Health regarded the staff in Adult Social Care as some of the most dedicated, well trained and committed staff in the country. If there were options to change any way services were delivered then they would be subject to proper consultation with staff, trade unions and service users.

In a supplementary question Councillor Hunter took this as a yes that this would be considered.

(15) Councillor Cowles asked now that the perfidious Roger Stone had resigned and the immense embarrassment it has caused, due to the fact the Council were told there was no way of removing him, would the Council be in favour of a local recall system being put in place to make

Councillors more accountable to the public?

The Leader hoped that all Councillors were in favour of maximising accountability and transparency and it would of course be a matter for Central Government to determine whether to implement the system suggested by Councillor Cowles.

In a supplementary question Councillor Cowles was pleased to hear that the Leader was in agreement and gave the Council the opportunity to lift its reputation out of the gutter and give the people a chance to elect people to serve them. Councillor Cowles was happy that the Leader would should some leadership and introduce a system that would recall the Council's Constitution.

The Leader pointed out that he had not said what Councillor Cowles had suggested, but that would be up to Central Government to introduce a system not this Council.

(16) Councillor Cowles asked did the Council currently have an Elected Member on the Board of Magna, and if so, could you please tell him who that person was?

The Leader confirmed that Councillor Sharman was nominated as the Council's representative to the Magna Trust Limited by the Leader as his replacement on the 12<sup>th</sup> November, 2014.

In a supplementary question Councillor Cowles pointed out that Magna had over £500,000 in outstanding loans and over £300,000 to be repaid this year. In view of the fact that the customer facing side of the business was almost defunct and the organisation relied on corporate entertainment it must compete with other locations in times of financial risk would the Leader give his assurance that no further public money would be provided from this Council?

The Leader explained that the short term loan position was reviewed annually and this Council as part of its budget deliberations had asked for a report to be brought forward to consider on Magna.

(17) Councillor Cowles referred to the Shadow Work and Pensions Minister, Rachel Reeves, stating recently that the current welfare system was "never designed for the levels of migration we are now seeing". Would the Leader of the Council agree with these comments about the impact of immigration on our welfare state?

The Leader explained that as Elected Members would be aware the current welfare state had its origin in the post-World War Two era.

Founded by Beveridge, he put in place the core elements of the current welfare state namely social security, a national health service, free education, access to council housing and achieving full employment.

Clearly society had moved on and there were many factors that could not have been envisaged by Beveridge at the time. Therefore, the welfare state had evolved under successive Governments who have attempted to make adjustments to reflect demographic and other changes including the impact of migration.

However, the Leader believed the founding principles of the welfare state to provide support for those in greatest need from “cradle to grave” was still relevant today and there was nothing in the statement issued by The Shadow Work and Pensions Minister, Rachel Reeves, that contradicted this.

In a supplementary question Councillor Cowles pointed out that Rachel Reeves was not the only Labour Member who had recently discovered that immigration had damaged the lives of many people that Labour founded to support. Ed Milliband attacked the Prime Minister last week for missing his migration target and Yvette Cooper on the 18<sup>th</sup> November, 2014 asked for a call for action to control the impact of migration especially on low skills, jobs and wages. So in the space of a couple of years Labour had gone from screeching racist at anyone that mentioned this issue to saying it was now a massive problem. Academics like Harvard Professor Economics George Borger indicate that high income earners won while low income earners lost and the bosses of large companies were winners while the low skilled and low paid working class were losers. The Leader was, therefore, asked which one did he want to get rid of and which one did he wish to keep – immigration or the welfare state?

The Leader confirmed an answer to this question would be provided in writing **(see addendum attached to the minutes)**.

(18) Councillor Cowles referred to several Councils located in economically deprived areas carrying out extensive research into the lack of minimum wage enforcement in their wider Borough. Had this Council conducted any research recently into how effectively the minimum wage was being enforced and if not, why not?

The Cabinet Member for Environment was not aware of any research being undertaken into how many employers may or may not be paying below the national minimum wage. In the interest of collaboration the Cabinet Member gave an undertaking to go back and look at the enforcement around the minimum wage.

This is a matter of legal enforcement by the Authorities and not the Council. Any rates of pay below the national minimum wage are against the law and the advised route is for employees to report this practice to the HMRC who were responsible for taking action.

The minimum wage was one of the proudest achievements of the Labour

Government for the people of this country. It took people out of poverty and tackled the longstanding issues in communities. It was opposed by the Conservative Party and was proven to be a fantastic initiative in the long run.

The Council also needed to ensure that the enforcement referred to above would be lobbied to Government to put this into the hands of Local Authorities where it was found that companies were abusing the minimum wage which would allow the Council to have some control and be in a position to tackle the issues.

In a supplementary question Councillor Cowles pointed out that the Government's Migration Advisory Committee found that inspection regimes were insufficiently robust where it was found that the minimum wage was not being paid. Enforcement was not robust and penalties were feeble. An employer could expect a visit from HMRC once every 250 years and prosecutions never. In short Local Government would have to do something about this as Central Government was not interested in doing their job. Councillor Cowles was happy to hear that this Council wanted to see devolvement about the minimum wage enforcement down to a local level. He, therefore, asked if it could be investigated and any abuse stamped out?

The Cabinet Member for Environment explained the current Government had only prosecuted two organisations which was not right and agreed that Central Government did not see this as a priority. If the current Government were not prosecuting then the Labour Government would make it tougher, harder and enforce the minimum wage and make sure that workers were not exploited because they were trafficked from Europe into Britain, make sure that people locally were not under valued or under paid because other people were cutting them out. He quoted information in the press that an extra 51,000 people had been referred to food banks because of low pay. Rotherham did pay a local living wage and was doing everything in its power to make sure people got out of the cost of living issue and back into full employment.

(19) Councillor Cowles raised the issue on segregation within our education system to ensure that children within Rotherham integrate to ensure community cohesion. There were four schools within Rotherham (see below) where English was a second language. What action or review had the Leader taken into our catchment area system?

| School       | Number of Pupils | % Who do not speak English as first language |
|--------------|------------------|--|
| St. Ann's    | 437              | 86.9   |
| Broom Valley | 464              | 83.4   |
| Ferham       | 229              | 83   |
| Thornhill    | 322              | 70   |

The Cabinet Member for Education and Children's Services explained

that the majority of these schools were good schools. St Ann's, Broom Valley, Thornhill - Good with Outstanding - Ferham - Requires Improvement.

All these schools were community schools and, therefore, reflected the communities which they served. The issue of community cohesion was developed through the school and Local Authority mission.

There were a number of activities including the school's linking project which sought to develop partnerships, and understanding between communities. All schools, as expected by Ofsted, were encouraged to develop British values through the curriculum as well as celebrating the diversity within the school and town.

Under the Admission to School code of practice, parents/carers have the right to make a preference for any school they would like their child to attend. If a place was available it must be offered to that child.

Catchment area category only came into force where there was oversubscription criteria to consider e.g. during the annual Foundation Stage 2 (Reception), Y2-3 Transfer and Y7 applications. In these cases the catchment area resident with a sibling in school, catchment area resident then distance from the school would be the criteria used to allocate places.

Catchment area boundaries were determined by the location of the school, housing in proximity to the school, distance to the school and local infrastructure e.g. major roads, transport routes etc.

Even if the catchment area boundaries were changed to the above named schools, under the parental preference regulated by the Admission to School code of practice, parents/carers would still have the right to express a preference for any school.

Anyone not offered a place at their preferred school had the right of appeal to an independent Appeal Panel.

In a supplementary question Councillor Cowles pointed out at the last meeting that leading academics had stated that this was a problem for working class children. They suffered from a lack of opportunity and their education went on to continuously suffer. Yet again it was the children of the wealthy who got all the benefits. Those who suffered the consequences were working class children. This should show why Rotherham needed to transform its school catchment area system at primary and secondary level in order to ensure this was eliminated as a problem and ensure that those could be integrated who came here and British working class children were not the ones who were made to suffer. It was too important not to take seriously and everyone needed to agree on a way forward so whoever was in office this problem was dealt with. So as a matter of priority would the Leader of the Council look into this

matter, as he said he would, and come back to this Council Meeting with a solution everyone could agree on?

The Cabinet Member for Education and Children's Services asked if Councillor Cowles was suggesting that the education being received by children in the four mentioned schools was not good?

Councillor Cowles pointed out that academic were suggesting that where there was a high percentage of children who did not have English as a first language the education of working class children was impeded.

The Cabinet Member for Education and Children's Services explained that from her own experience of teaching at one of the mentioned schools children went on to attend University and have achieved employment success and referred to a former pupil of St. Ann's who was studying at Oxford University.

Councillor Wallis wished to draw Councillor Cowles' attention to the fact that these figures were about children who did not speak English as a first language and suggested that the Council should be praising these children that they were learning English, Maths and other subjects in a second language. Praise should also be offered to these children who were sharing their language skills with their parents. Councillor Wallis represented one of the Wards of one of the schools indicated by Councillor Cowles and observed people's attempts to integrate and suggested some Members should be a little more tolerant and should be offering support instead of submitting questions such as this.

Councillor Parker, on a point of order, asked about Standing Orders and why the Mayor had allowed other Members to ask a supplementary question, other than the original Member who put the question. He believed this was discrimination against the opposition with this practice being allowed and asked this be ruled fairly and impartially.

The Mayor pointed out this was allowed as Chairman's discretion and had not denied anyone the chance to speak.

Councillor Currie referred to Councillor Cowles' interest in the education of young people and asked if Councillor Cowles would like to volunteer as a school governor.

Councillor Roche pointed out education was a wonderful thing and it was factual that some of the high performing and most improved schools in this country, as recorded by Ofsted, were in areas where children did not speak English as a first language. One of the most highest performing schools in London had the highest percentage of children whose first language was not English.

Councillor Parker referred to Councillor Roche's comments above and pointed out that the location of the school was not shared, nor how

affluent the children's parents were who did not speak English as a first language who went to that school. It was ridiculous to come up with a statement such as this.

To come back to the catchment area part of the original question the Cabinet Member for Education and Children's Services pointed out that the reason that people chose St. Ann's was because the school was good at teaching children and massive expertise at teaching children who had at least thirty different languages as their first language.

Councillor Reeder asked for proof that these children whose first language was not English were not holding back British born children as a great deal of time was taken to teach bilingual children. She was led to believe that a problem did exist in at least one school she had previously quoted.

The Deputy Leader pointed out that there had been quite a lot of debate about this issue and suggested to Councillor Cowles that he visited the schools with the Cabinet Member and the Director of Children's Services and had a proper look at what was happening in those schools.

## **A90 QUESTIONS TO SPOKESPERSONS**

Councillor Vines asked could the Transport Spokesperson please inform him what was the total cost of building this bus route from Sheffield to Rotherham, why had this project risen by reported a staggering £8 million, who was expected to pick up the bill for this and who was responsible for this gross incompetence?

The Cabinet Member for Safe and Attractive Neighbourhoods, as the Transport Representative, agreed to provide a fuller answer to Councillor C. Vines, but confirmed that the Bus Rapid Transport North project was being delivered in Partnership with SYPT, Sheffield City Council and Rotherham Council and was part financed by the European Union's European Regional Development Fund through the Yorkshire and Humber ERDF Programme 2007-13, Department for Transport, the Growing Places Fund from the Sheffield City Region Local Enterprise Partnership and the South Yorkshire Local Transport Plan.

The current estimated final cost of the scheme, which included highways infrastructure in Rotherham and Sheffield including a new link road under the M1 at Junction 34 south was £37,665,479 which had raised from £29,762,744 at Full Approval a total change of £7,902,735.

Each partner led on the delivery of infrastructure for which they were responsible, and carried the risks associated with any cost overrun on this. In summary the infrastructure to be delivered included:-

- RMBC: new bus lanes on A6178 Sheffield Road and improvements to Ickles Roundabout (all complete).

- SCC: new link road under the M1 Tinsley Viaduct and bus priority measures along the Lower Don corridor.
- SYPTE: new bus stop and shelter infrastructure.

The cost change has been brought about by a combination of on-site issues relating to the new link road under the M1 including:-

- Unexpected notification of the need to divert a Yorkshire Water Sewer. The Statutory Undertaker surveys and enquiries undertaken during the design process failed to identify the service which was located in a critical area for the construction of one of the main bridge structures in a timescale which would have allowed the works to be included in the works schedule and programme.
- The discovery of asbestos fibres on site has necessitated a comprehensive testing and land remediation work phase.
- The discovery of asbestos on site was unforeseen as the pre start asbestos surveys that were undertaken did not indicate or identify the presence of asbestos. The introduction of CIRIA guidance in February 2014 has required that a specific and thorough approach be followed in dealing with the asbestos.
- The discovery of unexploded ordnance on site. Since the commencement of the asbestos remediation there have been six incidents which have required the site team to invoke the unexploded bomb (UXB) protocol. Four of these incidents were confirmed bombs which were safely removed from site. All of these incidents have required evacuation of the site until the items have been made safe and have delayed the works.

In terms of the funding, Sheffield City Council were leading on the project and they would be responsible for the cost not other partners.

In a supplementary question Councillor C. Vines was surprised to hear that it was not known about the ordnance and asbestos on site and had Engineers consulted with local people they would have learnt about the history of that particular area.

Councillor Turner made a request that the bus shelter on Morthen Road adjacent to Council properties be erected. He had made the request to the South Yorkshire Passenger Transport Executive who confirmed that they could not afford such a scheme, yet this scheme was already £8 million over budget.

The Mayor suggested that this matter be fed into the Transport Committee at one of their meetings.

**WRITTEN ANSWERS - 10TH DECEMBER, 2014**