

COUNCIL MEETING
Wednesday, 27th January, 2016

Present:- The Mayor (Councillor Maggi Clark) (in the Chair); Councillors Ahmed, Alam, Astbury, Atkin, Beaumont, Beck, Buckley, Burton, Cowles, Currie, Cutts, Elliot, Ellis, Evans, Fleming, Godfrey, Hague, Hoddinott, Jones, Khan, Lelliott, Mallinder, McNeely, Middleton, Parker, Pickering, Pitchley, Price, Read, Reeder, Reynolds, Robinson, Roddison, Rose, Rushforth, Russell, Sansome, Sims, Smith, Steele, Taylor, Julie Turner, Tweed, C. Vines, M. Vines, Wallis, Watson, Whelbourn, Whysall, Wyatt and Yasseen.

110. ANNOUNCEMENTS

The Mayor confirmed she had attended the Holocaust Memorial Day 2016 event in All Saints' Square.

The Holocaust and subsequent genocides took place because the local populations allowed insidious persecution to take root. Whilst some actively supported or facilitated state policies of persecution, the vast majority stood by silently – at best, afraid to speak out; at worst, indifferent. Bystanders enabled the Holocaust, Nazi Persecution and subsequent genocides.

As part of the Holocaust Memorial Day 2016 a two and a half minute film was viewed which showed Susan Pollack, a survivor of the Holocaust, telling a unique story of surviving genocide for the first time.

The film was available for viewing on Youtube and could also be found via this link - <https://www.youtube.com/watch?v=mk6xNumdgc>

A Symbolic Message Tree was also on display in the Council Chamber. The aim of the Holocaust Memorial Day was to learn from the past in order to create a safer, better future. The national theme this year was 'Don't Stand By,' which considered individual responsibilities here in Rotherham not to be bystanders when people around faced hate crime, prejudice or victimisation.

Members were invited to leave their own message after the meeting and place it on the Symbolic Message Tree considering how they 'won't stand by...'

The Mayor also wished to share with the Council the contents of a letter she had received from Anne Hidalgo, the Mayor of Paris which she read out.

The Mayor was also pleased to announce how she had represented Rotherham on 45 occasions since the previous Council meeting. Many were events celebrating Christmas with music and carols with Sitwell Rotary, Shiloh, Liberty and Hope Churches, South Yorkshire Federation

of Women's Institutes, Rotherham Choral Society and the Lanes Community Association. She also saw St. Joseph's School perform a wonderful nativity.

The Mayor had attended parties with Rotherham Headway, Rotherham foster children and parents, Kimberworth Park over 50's, Alzheimer's Dementia Memory café, and Military Community Veterans Centre and opened the Hidden Treasures charity shop on Vicarage Lane and the Hospice furniture shop at Wath.

The Mayor had hosted visits from the Red Cross and Aston Lodge School Wise Owls, attended Rotherham Holiday Aid AGM, carnival for MAGNA, a Frozen party raising funds for MIND, as well as making presentations to South Yorkshire Schools' Association and St John's Ambulance and the Looked After Children's Awards.

The Mayor had also visited a number of couples celebrating their 60th wedding anniversaries including former Councillor and Mayor Sheila Walker.

111. APOLOGIES FOR ABSENCE

The Managing Director submitted apologies for absence from Councillors Ali, Finnie, Gosling, Hamilton, Hughes, Hunter, Jepson, Roche and John Turner.

112. PETITIONS

The Managing Director confirmed no petitions had been submitted for consideration.

113. COMMUNICATIONS

No communications had been received.

114. DECLARATIONS OF INTEREST

Councillors Astbury, Currie, Ellis, Pickering, Reeder, Whelbourn and Wyatt declared personal interests in Minute No. 118 (Council House Rents 2016/17) on the grounds that they were, related to or associated with Council tenants.

Councillors Astbury, Atkin, Currie, Elliot, Ellis, Hoddinott, Mallinder, Pitchley, Price, Read, Rose, Sansome, Sims, Steele, Wallis, Whelbourn, Wyatt and Yasseen declared disclosable interests in Minute No. 126 (Motion – Trades Union Bill) on the grounds that they were Trade Union members or those that received financial support from Trades Unions.

A dispensation had been granted by the Standards Committee at its meeting on the 14th January, 2016 to ensure the business to be transacted was not impeded if the number of persons prohibited from participating in the business were of a great proportion.

115. MINUTES OF THE PREVIOUS COUNCIL MEETING

Resolved:- That the minutes of the meeting of Council held on 9th December, 2015, be approved for signature by the Mayor.

Councillor Currie, in speaking to the minutes, suggested that information relating to former roles undertaken by Members be included on their websites.

Mover:- Councillor Read

Seconder:- Councillor Watson

116. PUBLIC QUESTIONS

(1) Mr. D. Smith asked whether it was true that RMBC were sending out letters in an attempt to fill empty properties, and who the letters were directed at?

Councillor Wallis, Advisory Cabinet Member for Housing, thanked Mr. Smith for his question and confirmed the Council had written to some people to advise them of the option that they have to place their names on the housing register and apply for Council housing.

The Council had changed its allocations policy on two occasions recently. On the first occasion in 2014 the eligibility criteria for inclusion on the housing register was tightened to ensure that only those in the greatest need of Council housing were eligible to apply. This policy change saw the numbers on the housing register fall to approximately 5000 applicants.

However, this meant that a small number of properties were not attracting interest. Consequently the policy was changed again to allow those in lesser housing need to apply for these properties.

In November the Housing Options Service wrote to those who had previously been on the register, to advise them they could once again apply but that they would be placed in Band 4, and only be able to apply for particular houses when there was a lack of interest from those in higher bands.

In a supplementary question Mr. Smith asked about the type of properties being discussed?

Councillor Wallis, Advisory Cabinet Member for Housing, explained this was housing that was in low demand, but confirmed a more detailed response would be provided in writing.

(2) **Mr. M. Eyre** asked whether, after the events this week at Clifton school and the fear of many parents to ever send their children there again, would the Leader agree with him that the evidence suggested this school is failing?

Councillor Watson, Deputy Leader thanked Mr. M. Eyre for his question and pointed out this was a serious event, which, as a teacher for thirty-six years, he found fighting in schools untenable.

The fighting between pupils which was reported in the press was very worrying for parents pupils and staff. Council officers visited the school to support it the following day.

Clifton School went into Special Measures in September 2014 and since then the school had received four monitoring visits from OFSTED; the last was in December 2015. All the OFSTED monitoring visits have judged that the school was taking effective action towards the removal of special measures. The school had also been identified as a Local School of Concern and was monitored by the Local Authority's School Improvement Service. This involved a number of quality assurance visits to the school and also formal meetings where evidence must be provided, by the school, to show that it was continuing to make progress towards the removal of special measures. In 2015 the % of young people achieving 5 or more GCSEs including English and Maths increased from 28% to 43% which was above the national floor target of 40%.

Any incidence of poor behaviour in a Rotherham school was a concern and the Council monitored issues of this nature very closely. The Council was working closely with the school to ensure that parents were kept informed regarding actions taken to keep the school community safe and restore 'business as usual'. Following the incident to which you referred, Council officers carried out extended visits to the school and reported a calm atmosphere, both in lessons and during social time. In addition, any parents requesting a meeting with the school's leaders to discuss any worries have been accommodated quickly. The Council was also supporting the school to look at strategies for improving support for its community.

In summary Councillor Watson confirmed technically Clifton School was classed as a failing school, but did not believe Clifton School was continuing to fail.

In a supplementary question Mr. Eyre confirmed he had spoken to various pupils around the school which appeared to have a climate of fear; one pupil confirmed she was terrified to return and another said he was not involved, may be a soft target and could possibly be attacked. With this in mind would the Council do everything possible to make sure this school was looked into and progressed? With regards to more pupils achieving more A-C grades if there was to be a climate of fear at the school pupils would be unable to concentrate and grades would slip.

Councillor Watson, Deputy Leader, agreed it was not tolerable to have a climate of fear in a school and confirmed this was not witnessed on visits into the school. This was not to say that the two individuals Mr. Eyre referred to were not fearful and suggested that if the pupils or their families would like to approach officers or via Mr. Eyre any alternative help could be considered. Assurance was given that the Authority was doing everything it could to see the school succeed and were not prepared to leave anyone behind in Rotherham.

(3) Mr. B. Cutts asked whether “educational religious establishment”, could be defined and it be confirmed whether they were governed by OFSTED, how many were there in R.M.B.C. and where was the Mosque in Wellgate?

Councillor Watson, Deputy Leader thanked Mr. Cutts for his question.

An educational religious establishment was referred to by the Government as a ‘religious supplementary school’ and defined in terms of the number of hours in a week that children could be taught there. Rotherham currently had eleven educational religious establishments within this definition. The Mosque on Wellgate was on Gerard Road.

Any religious establishment where children may be taught for 6-8 hours or more would need to be registered with the Department for Education and it was the Government’s intention that OFSTED would in the future be given the powers to inspect. The Government’s consultation on the plans to require these establishments to register and to give OFSTED the power to inspect concluded on January 11th 2016. The results of the consultation are not yet available.

Councillor Watson, Deputy Leader, kindly invited Mr. Cutts to contact him to discuss the nature of his question in order to clear up any confusion.

117. CALCULATION OF THE COUNCIL TAX BASE FOR 2016/17

Consideration was given to the report which detailed the Council’s proposed Council Tax base for the forthcoming financial year 2016/17.

This calculation took into account the Council’s own Local Council Tax Reduction Scheme (CTRS), the discretionary discounts and exemptions awarded to empty properties and second homes, future tax collection rates in 2016/17 and estimates of the changes and adjustments in the tax base that occur during the financial year.

In accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012 governing its calculation, it was determined that the Council’s Tax Base for the financial year 2016/17 was 67,149.57 Band D Equivalent Properties.

Councillors Cowles and Parker expressed their discontent with the third bullet point down on page 28 of the agenda pack relating to Council Tax being charged on empty properties undergoing major structure repairs and on the grounds that this was grossly unfair for people who may have been admitted to hospital or those who may inherit a property following a bereavement.

Clarification was also sought on the Council Tax Reduction Scheme and if there were to be any changes these would need to be subject to consultation. However, it was pointed out by the Leader that no change was recommended.

Resolved:- (1) That Rotherham's Council Tax Reduction Scheme for 2016/17 be unchanged from 2015/16.

(2) That the 25% Council Tax empty property discount allowed for the first six months a property is empty should be revised to 0%.

(3) That the full Council Tax be charged on empty properties undergoing major structural repairs for the financial year 2016/17.

(4) That the amount calculated by Rotherham Metropolitan Borough Council as its Council Tax Base and those of the Parish Councils shown at Appendix A for 2016/17 shall be a total of 67,149.57 Band D Equivalent Properties.

Mover: Councillor Read

Seconder:- Councillor Watson

118. HOUSING RENTS 2016/17

Consideration was given to the report which sought approval for the setting of the housing rent and non-dwelling rents for 2016-17, in line with Section 21 of The Welfare Reform and Work Bill 2015/16.

The report submitted also set out the proposed charges for garages, garage plot sites, cooking gas and communal facilities for 2016/17 and summarised the draft HRA budget.

Councillor C. Vines expressed his concern at the decrease in revenue and the impact this would have on repairs.

Councillor Wallis confirmed a response would be provided in writing for Councillor Currie when he asked about the impact on the thirty year business plan and the Medium Term Financial Strategy.

Resolved:- (1) That dwelling rents be reduced by 1% for 2016/17 in line with the requirements outlined in the Welfare to Work Bill 2015/16. The average dwelling rent for 2016/17 will be £73.71 per week over 52 weeks, an average reduction of £0.68 per week.

(2) That the average rent for the energy efficient council properties be also reduced by 1% to £95.43 per week, an average reduction of £0.97 per week.

(3) That there be no increase to charges for garage rents, communal facilities and cooking gas in 2016/17.

(4) That the draft Housing Revenue Account budget for 2016/17 be noted.

(5) That rent and non-dwelling charges be charged over 52 weeks rather than the current 48 weeks.

Mover:- Councillor Wallis

Seconder:- Councillor Watson

(Councillor Astbury, Currie, Ellis, Pickering, Reeder, Whelbourn and Wyatt declared personal interests in this item on the grounds that they were, related to or associated with Council tenants)

119. DISTRICT HEATING SCHEME CHARGES 2016/17

Consideration was given to the report which sought approval for the proposed charges for the Council's District Heating schemes for 2016-17, which had taken into account the cost of the schemes, weekly pre-payment charge and the impact of the level of refunds and tenant arrears owed to the Council.

Approval was also sought to charge for district heating over 52 weeks in line with Council rents and non-dwelling charges, with a further review of all schemes to be undertaken during 2016/17.

Councillor Parker noted the request for district heating charges to remain at current prices, but asked if consideration would be given at some point to the charge being reduced if oil prices continued to fall. He was advised that whilst this was not under consideration at this point in time, officers should look at this in the future.

Councillor Wyatt welcomed the proposals as unlike other tenants, those in district heating schemes were unable to shop around and find a better deal.

Councillor Beck referred to the Scrutiny Review undertaken four years ago which made a number of recommendations which were taken forward.

Resolved:- (1) That there be no increase to the unit charge for the pooled district heating schemes.

(2) That there be no increase to the pre-payment weekly charge for the pooled and unmetered scheme at Beeversleigh.

(3) That there be no increase to the unit KWh charge at the Swinton district heating scheme.

(4) That a further review of the pooled schemes be undertaken in 2016/17 including achievement towards full cost recovery.

(5) That approval be given to charge for district heating over 52 weeks in line with council rents and non-dwelling charges.

Mover:- Councillor Wallis

Seconder:- Councillor Watson

120. MID-YEAR TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS MONITORING REPORT - 2015/16

Consideration was given to a report 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 incorporated the needs of the Prudential Code to ensure adequate monitoring of the capital expenditure plans and the Council's prudential indicators (PIs) for 2015/16 were approved by Full Council.

This report had been considered by the Audit Committee during November, 2015 which highlighted the key changes to the Council's capital activity (the PIs) and the actual and proposed treasury management activity (borrowing and investment).

Following further discussions with the Council's external auditor it was recommended that further clarification should be included within the wording of the current policy statement.

Councillor Parker sought clarification on the inclusion of PFI Schemes on the balance sheet, why it was not included as part of this report as Rotherham was still liable for the money and asked what the actual figure was.

Councillor Alam confirmed PFI Schemes were not included, but would provide a more detailed response setting out the figures in full in writing.

Councillor Currie suggested that, as the funding and expenditure was intricate, a seminar be arranged for all Members for them to gain a better understanding of the budget.

The Leader welcomed such a suggestion and would ensure appropriate arrangements were made.

Resolved:- (1) That the changes to the 2015/16 prudential indicators be approved.

(2) That the update to the wording of the current Minimum Revenue Provision Policy Statement be approved.

(3) That an all Member Seminar be arranged on this topic in due course.

Mover:- Councillor Alam

Seconder:- Councillor Watson

121. SUBMISSION OF THE ROTHERHAM COMMUNITY INFRASTRUCTURE LEVY

Consideration was given to a report which sought approval for the submission to Government of Rotherham's Community Infrastructure Levy (CIL). This was a new means of securing funding for the infrastructure required as a result of development proposed in the Council's Local Plan.

Previously the Council had used Section 106 obligations to fund off-site provisions, but this new levy was more transparent with an upfront cost to developers. Development was not to be stifled so CIL charges would reflect development type and geographical location.

An independent examination would then be held on whether the Council's proposals struck an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects upon the economic viability of development in the Borough.

If the Inspector approved the Community Infrastructure Levy Charging Schedule it was anticipated that this could be in operation by the Autumn.

Councillor Cowles referred to Section 3.4 in the report where it referenced the levy paying for off-site provision for secondary school places, health facilities/new surgery, library and community centre as part of the Bassingthorpe Farm development. If these were being paid for by the levy what was being lost that the levy would have paid for that it was now covering in the report.

Councillor C. Vines understood the levy to be a tiered system based on value of location and the value of land for building on, why then was Bassingthorpe Farm put into the lowest grade, when this was an attractive piece of land.

Councillor Parker also asked if this was to replace the Section 106 Agreements had a comparison of costs been undertaken and would this inflate cost to developers or would the costs roughly be the same.

Councillor Lelliott in addressing the questions posed confirmed that this report was only asking for agreement for the submission of the charging schedule for independent inspection.

This would then be open for consultation and questions such as those above could be asked at the relevant point.

This levy was an upfront cost and applicable to all developers and placed into a central pot. It was priced according, fair to the viability of the area and certain pockets of land in the borough were more viable as development sites than others.

The levy would be used for the funding infrastructure in terms of Bassingthorpe Farm development and to enable such a scheme as this to be ahead.

Councillor Lelliott was more than happy to provide further clarification on any points Members may have if they wished to contact her and she would provide this in writing.

Resolved:- That the Community Infrastructure Levy Charging Schedule be submitted to Government for examination.

Mover:- Councillor Lelliott

Seconder:- Councillor Atkin

122. APPOINTMENT OF A HEAD OF PAID SERVICE, RETURNING OFFICER, ELECTORAL REGISTRATION OFFICER AND DEPUTY ELECTORAL REGISTRATION OFFICER

Consideration was given to a report which recommended the appointment of the new Chief Executive, Sharon Kemp, as Head of Paid Service, Returning Officer for Elections and Electoral Registration officer and the incoming Assistant Director of Legal Services as Deputy Electoral Registration officer.

Resolved:- (1) That the Chief Executive, Sharon Kemp be designated as the Head of Paid Service.

(2) That the Chief Executive, Sharon Kemp, be appointed as Returning Officer for local government elections.

(3) That the Chief Executive, Sharon Kemp, be appointed as Electoral Registration Officer.

(4) That the new Assistant Director of Legal Services, Dermot Pearson, be appointed as Deputy Electoral Registration Officer when he commences employment on the 7th March. 2016.

(5) That Stuart Fletcher, Commercial, Property and Information Governance Service Manager, Legal Services, be appointed as the Deputy Registration Officer pending the commencement of employment of the new Deputy Electoral Registration Officer on the 7th March, 2016.

(6) That the temporary amendments to the Council's Constitution and Scheme of Delegation be reversed in respect of Proper Officer arrangements as adopted at the Council meeting on the 16th September, 2015, and revert to the previous Scheme of Delegation which provide for the Chief Executive and the incoming Assistant Director Legal Services to undertake the "Proper Officer Provisions" described in the Scheme of Delegation.

Mover:- Councillor Read, Leader

Seconder:- Councillor Watson

123. CONSTITUTION UPDATE AND REVIEW OF SPECIAL RESPONSIBILITY ALLOWANCE STATUS

Consideration was given to the report which provided an update to the Council's Constitution to reflect the duties and responsibilities of the Advisory Cabinet Members and the decision of the Lead Commissioner to pay a proportion of Special Responsibility Allowance (SRA) to certain office holders.

Council were asked to agree amendments to the Constitution in respect of the arrangements for call in of Executive decisions and the amendments to the Executive Procedure Rules as set out in the report, to include arrangements for the public asking questions at Cabinet meetings.

Councillor C. Vines pointed out that the Secretary of State was still to sign off the return of certain powers to the Council and the consultation period had not yet expired.

Councillor Currie welcomed the return of asking public questions at Cabinet, but asked the public to have the opportunity rather than Elected Members taking up the time.

Councillor Hoddinott welcomed the return of public questions at the Cabinet and the return of the call-in arrangements.

Councillor Steele welcomed the report and supported the work going forward.

Councillor Parker supported the concept of public questions at Cabinet meetings, but pointed out Councillors should not be asked to leave Cabinet meetings. He believed they should be permitted to stay whilst pointing out severe disciplinary action should be administered to those who then divulged confidential information.

The Leader confirmed a review had recently concluded and as a result it was anticipated that all Councillors would be granted permission to attend full meetings and be provided with all relevant papers.

Resolved:- (1) That the changes to the Constitution to reflect the new portfolios of Advisory Cabinet Members be noted.

(2) That the decision of the Lead Commissioner in December 2015 be noted to pay fifty percent of the SRA in respect of the three new Advisory Cabinet Members (Councillors Alam, Wallis and Yasseen) with effect from 9th December, 2015 and eighty percent of the SRA to all Advisory Cabinet Members from 15th February 2016.

(3) That the previous “call-in” arrangements, as set out at Appendix 2, be reinstated to the Council’s Constitution.

(4) That the Executive Procedure Rules within the Council’s Constitution apply to these meetings and Cabinet meetings be held every four weeks.

(5) That the procedures regarding members of the public asking questions at Cabinet meetings be reinstated, as set out in Appendix 3.

Mover:- Councillor Alam

Seconder:- Councillor Watson

124. AUTHORISATION OF OFFICER TO APPEAR IN COURT PROCEEDINGS

Consideration was given to a report which sought authorisation from the Council under Section 223 of the Local Government Act 1972, for a newly recruited Technical Officer to the Council’s Account Management Team to appear in the Magistrates’ Court on behalf of the Council.

Resolved:- That Vivian Wadsworth be authorised under Section 223 of the Local Government Act 1972 to prosecute, defend or appear in proceedings on behalf of the Council in the Magistrates’ Court.

Mover:- Councillor Read, Leader

Seconder:- Councillor Watson

125. REVISED MEMBERSHIP ARRANGEMENTS 2015/16

Consideration was given to the revised membership arrangements for the current municipal year as recommended.

Councillor Currie asked if Licensing was still on the risk register and if so would it be impartial for the Chair of the Licensing Board to be included on the membership of the Audit Committee.

Councillor Wyatt, Chair of the Audit Committee, confirmed that it was the Committee’s duty to look at all risk registers.

Resolved:- (1) That Councillor Buckley replace Councillor Wallis as Vice-Chairman of the Advisory Licensing Board.

(2) That Councillor Ellis replace Councillor Alam on the Audit Committee.

(3) That Councillor Roddison replace Councillor Wallis on the Improving Places Select Commission.

(4) That Councillor McNeely replace Councillor Alam on the Health Select Commission.

(5) That Councillor McNeely replace Councillor Alam on the Standards Committee.

(6) That Councillor Khan replace Councillor Yasseen on the Planning Board and for Councillor McNeely to be named as substitute.

(7) That Councillor Sansome replace Councillor Roche on the Planning Board and for Councillor Roche to be named as substitute.

Mover:- Councillor Read, Leader

Seconder:- Councillor Watson

126. NOTICE OF MOTION - TRADES UNION BILL

Moved by Councillor Richard Price and seconded by Councillor Robert Taylor

This Council notes:-

As a major employer in the local area, this Council welcomes the positive benefits that arise from the relationship that we have with recognised trade unions and believes that the relationship between employers and their employees through their collective representatives would be damaged by removing the autonomy of local authorities with regards to facility time and the continuing use of check-off (where union members pay union dues direct from wages).

This Council believes that the Trade Union Bill, far from assisting employer-employee relations or improving workplace democracy, is an ideologically driven attack on the fundamental rights and freedoms of workers to organise or take strike action. The Council notes that the Bill and associated secondary legislation will:-

- Allow agency labour to be used to break strikes. This is currently allowed and would be deeply divisive, and with agency workers often doing unfamiliar jobs, could pose a serious health and safety risk to themselves and others.
- Massively limit the right to strike by introducing very high thresholds for industrial ballots, with an extra threshold in certain public services, without doing anything to improve the ability of workers to participate in ballots.

- Severely restrict the right to picket and peacefully protest, including organising campaigns through social media.
- Irrespective of the wishes of the employer; it will significantly reduce trade union facility time and withdraw check off union contributions in the public sector.

This Council, therefore, resolves to:-

- Call on the Government to scrap the Trade Union Bill and all associated regulation/secondary legislation.
- Commits to promote the positive role that trade unions bring to society.
- Write to the Secretary of State for Business Innovation and Science confirming the Council's unequivocal opposition to the Bill.
- Support the campaign against the unnecessary, anti-democratic and bureaucratic Trade Union Bill.
- Seek to continue its own locally agreed industrial relations strategy and will take every measure possible to maintain its autonomy with regard to facility time and the continuing use of check-off.

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

(Councillors Astbury, Atkin, Currie, Elliot, Ellis, Hoddinott, Mallinder, Pitchley, Price, Read, Rose, Sansome, Sims, Steele, Wallis, Whelbourn, Wyatt and Yasseen declared disclosable interests on the grounds that they were Trade Union members or those that received financial support from Trades Unions. A dispensation had been granted by the Standards Committee at its meeting on the 14th January, 2016 to ensure the business to be transacted was not impeded if the number of persons prohibited from participating in the business were of a great proportion.)

127. NOTICE OF MOTION - HOUSING AND PLANNING BILL

Moved by Councillor Emma Wallis and seconded by Councillor Maggie Godfrey

This Council notes:-

- That the Housing and Planning Bill is currently being debated in Parliament, and if passed would threaten the provision of affordable homes for rent and buy through:
 - forcing 'high-value' council homes to be sold on the open market;
 - extending the right-to-buy to housing association tenants; and
 - undermining section 106 requirements on private developers to provide affordable homes.

- That there is no commitment in the Bill that affordable homes will be replaced like-for-like in the local area.
- That whilst measures to help first time buyers are welcome, the 'starter homes' proposals in the Bill will be unaffordable to families and young people on ordinary incomes in most parts of the country. They should be built in addition to, and not in place of, genuinely affordable homes.
- That the Bill undermines localism by taking 32 new wide and open-ended powers for the Secretary over councils and local communities, including the ability to override local plans, to mandate rents for social tenants, and to impose a levy on stock-holding councils, violating the terms of the housing revenue account self-financing deal.
- That the Bill, whilst introducing some welcome measures to get to grips with rogue landlords, does not help with the high rents, poor conditions and insecurity affecting many of England's 11m private renters – including one in four families with children – and does nothing to help arrest the recent rise in homelessness.

This Council resolves:-

- To analyse and report on the likely impact of the forced sale of council homes, the extension of right-to-buy and the 'starter homes' requirement on the local availability of affordable homes.
- To analyse and report on any further likely impacts of the Bill on the local area.
- To use this information to:-
 - support the Leader of the Council in writing to the Secretary of State with our concerns about the Bill;
 - set up an urgent meeting between the Leader of the Council and the Chief Executive with the local Members of Parliament to raise our concerns;
 - make public our concerns, including by publishing the above information on the council's website and promoting through the local press.

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

128. HEALTH AND WELLBEING BOARD

Resolved:- That the reports and minutes of the meeting of the Health and Wellbeing Board be adopted.

Mover:- Councillor Watson

Seconder:- Councillor Yasseen

129. PLANNING BOARD

Resolved:- That the reports and minutes of the meetings of the Planning Board be adopted.

Councillor Currie referred to application RB2015/1169 (change of use of former Council offices and erection of a three storey building to form a residential institution at Rawmarsh Hill, Parkgate for Action Housing) and as a corporate parent and, being aware that there were over 300 objections to this proposal, asked if account was taken or asked of the Looked After Children Council and Youth Cabinet as this was not an environment he would want his own child to be in.

Councillor Whelbourn also referred to the same application. He had spoken in opposition against this application on the grounds that these were young, vulnerable and homeless people who would be living in this property and in an environment which could be detrimental to their wellbeing. He understood the Planning Board had limited grounds in planning terms on which to turn an application such as this down and as a result suggested that a local alliance group be formed once Phase 1 had been completed involving the young people, Elected Members and representatives of the sheltered housing development so that mutual issues of concern could be discussed.

He asked the Deputy Leader and Chair of Improving Lives Select Commission to consider inviting Action Housing and mutual interested parties to share with Members progress of the project and how the Council could be of help and support as corporate parents to Rotherham's young people.

Councillor Watson, Deputy Leader, agreed this was a sensible approach as this project could not be objected to on planning grounds. He, therefore, suggested a further step be taken to establish a liaison committee before the first person was resident and that work take place with Action Housing, local residents and Ward Members if vulnerable young people were moving into an area to resolve any misunderstandings before they arose. As Deputy Leader he was more than happy to be involved to make the necessary arrangements for this to be set up.

Councillor C. Vines agreed fully with his Ward Colleague, Councillor Whelbourn, and pointed out that as part of the initial objection he sought further consultation as this had not be carried out properly in the first instance as young people were not involved. He believed there were

grounds in planning terms where this proposal could have been rejected because the full and proper consultation had not been undertaken.

Councillor Atkin, Chair of the Planning Board, confirmed each application would be judged on its merits and specific guidelines in planning terms had to be adhered to. The Planning Board did listen to initial objections to the application and referred on for further consultation, but made their final decision on planning grounds. Councillor Vines was issued with an apology following his request to visit one of Action Housing's other similar projects.

He explained some projects did meet with some problems, but pointed out this project did have Action Housing supervisory staff on site and who would provide support to those vulnerable young people who were placed in this environment.

Councillor Parker appreciated each application would be judged on planning grounds, but pointed out there was some leeway to set certain parameters. He described the establishment in his own ward which was supposed to have supervisory staff on site. Residents were experiencing serious problems in that area and the vulnerable young people appeared to have been abandoned by the Council. He did not want to see another area experiencing the same problems with no supervision and poor record keeping and suggested guarantees be obtained to ensure a similar problem did not occur with this project.

Councillor Atkin, Chair of the Planning Board, appreciated all the concerns raised, but pointed out these kind of issues were not grounds on which an application could be refused. These were areas of concerns for those who had responsibility and for Ward Members to act accordingly.

Councillor Currie reiterated his earlier question as to whether the Looked After Children Council had also been consulted to which Councillor Atkin was unable to comment on as he was not aware they had been written to as part of the formal consultation process.

Mover:- Councillor Atkin

Seconder:- Councillor Tweed

130. STAFFING COMMITTEE

Resolved:- That the reports, recommendation and minutes of the meetings of the Staffing Committee be adopted.

Councillor Watson drew particular attention to Minute No. 17 and the progress being made in Children and Young People's Services.

He confirmed the position of an Assistant Director was to be replaced by a Deputy Director position for Children and Young People's Services and would need Council approval as it attracted a salary of more than £100,000.

However, in order to attract the right calibre of personnel this was the comparable salary that would need to be offered.

Councillor Currie referred to the performance management arrangements now in place and supported the position going forward.

Councillors Parker and Reeder asked for the difference in salary between the two positions and was advised by Councillor Watson, Deputy Leader, that in monetary terms was £85,000 Assistant Director to £120,000 Deputy Director.

It was not just the difference in salary, but these two positions were very much different and the Deputy Director was very specific and would act as Deputy for the Strategic Director and have oversight of the Directorate as a whole in his absence.

Councillor Watson, Deputy Leader, gave his assurances that in the future a further Assistant Director position would not be warranted, but was part of a specific service management structure for Children and Young People's Services.

Councillor Parker placed on record his concerns that this salary was being increased substantially whilst the Council were making 300+ redundant and over the next ten years over 30% of staff would be made redundant.

Mover:- Councillor Watson

Seconder:- Councillor Alam

131. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS

Councillor Currie asked the Representative for South Yorkshire Fire and Rescue Authority was anyone, who was a member now, on the Authority between 2012 to 2014?

Councillor Atkin confirmed there are two serving Councillors who were on the South Yorkshire Fire and Rescue Authority during the period 2012 to 2014 and continued to remain so. These being himself and Councillor Alan Buckley.

In a supplementary question Councillor Currie asked about what he believed to be the findings of an immoral payment to managers during a strike and asked what Councillor Atkin's input was and why was that decision made when the workforce were on strike.

Councillor Atkin pointed out this was all documented in the minutes of the Special Audit Committee of the South Yorkshire Fire and Rescue where it was found the Chair of the Fire Authority made that decision without recourse to other members. As a result the Audit Committee made nineteen recommendations which were being implemented.

132. MEMBERS' QUESTIONS TO ADVISORY CABINET MEMBERS AND CHAIRMEN

(1) Councillor Cowles referred to hearing mention of a study/proposal/revamp, not sure exactly what, concerning re-development of the town centre and asked would this include a study as to whether or not the town centre or any part of it has a future for re-development as a centre as we know it?

Councillor Lelliott, Advisory Cabinet Member for Jobs and the Local Economy, confirmed the study underway concerning the town centre was a refresh of the Town Centre Masterplan.

The time was right to ensure the Council had an up-to-date plan for the town centre relevant to current conditions and circumstances and fit for purpose, in terms of guiding a strategy for the next ten years. Particularly important as the role of town centres was changing right the way across the country. The refresh would provide an analysis of the town centre, an assessment of opportunities and constraints and a vision for the town centre's future that was relevant to the needs of residents and visitors. It would also include recommended proposals for the Council and its partners to action and build the confidence of investors and businesses.

In a supplementary question Councillor Cowles explained he wanted things to happen properly and referred to claims about increased spending and increased footfall in the town centre, but the problem was he could not find any evidence to support this. He had spoken to market traders and businesses and the feedback he had received was this was the worst year for some time. He had also spoken to some small accountants, estate agents and solicitors and their view was different to what we believed was happening. He did not want to see the Council getting into any large studies that would need a large cost by Consultants until there was some idea of what was required and asked for some reassurance that this information be obtained before a further cost study was entered into.

Councillor Lelliott, Advisory Cabinet Member for Jobs and the Local Economy, listened to what Councillor Cowles had to say and confirmed local businesses were spoken to, visited and consulted through the Rotherham Voice. A Town Centre Partnership Group had also been established to look at this and once the masterplan had been considered by Scrutiny it would go out for consultation and questions could be asked. This masterplan would unpin what the Council wanted to see for its town centre and was there to attract investment. Some businesses were losing trade, but every effort had to be made to encourage investors and until it was known what was required it was not possible to move forward.

(2) Councillor Cowles, having been asked by residents, via the Area Assembly, to help and support them with some of the issues they have in Eastwood pointed out it was clear and repeated evidence that plan A was not working and asked if there was there a plan B?

Councillor Sims, Advisory Cabinet Member for Waste, Roads and Community Safety, confirmed she attended a first session of a community drop-in for local residents in Eastwood.

There were clearly issues in Eastwood which continued to cause concern to many of the residents living there, however, there was some evidence of improvement in the incidence of fly-tipping and noise nuisance.

Officers were tasked with producing plans to deal with the entrenched problems in Eastwood. This would be a partnership plan that involved the community as well as the Council and colleagues from other agencies and would be based on a three-prong strategy including Education, Enforcement and Waste Collection/Cleansing.

Councillor Sims was also part of a multi-agency meeting looking at issues across the central area of Rotherham and this included Eastwood.

(3) Councillor Currie asked the Leader whether he believed in taking on board best practice to ensure the best for Rotherham Council going forward?

The Leader confirmed he would always try to do so.

In a supplementary question Councillor Currie was pleased to see the governance arrangements were being looked at with an independent overview along with support from the Centre for Public Scrutiny and the Local Government Association and a suggestion that there be more opportunity for minority parties to chair meetings. However, he asked if the recommendations coming out of the governance review indicated such a proposal would this Council be supportive.

The Leader confirmed the review was currently ongoing on a cross party basis. It was not possible to prejudge on the findings of the report, but it was his view that it did strengthen the role of minority parties within scrutiny.

(4) Councillor Currie asked could the Deputy Leader ensure that all the recommendations that our looked after children have forwarded to the Corporate Parenting Panel be given a place in the scrutiny process?

Councillor Watson, Deputy Leader, thanked Councillor Currie for his question.

The Corporate Parenting Panel on 19th January, 2016 had a themed agenda of 'voice of the child'. The Panel received reports, questionnaire

responses and watched a DVD produced by our Looked After Children to provide feedback on their experiences.

The Panel was strongly of the view that all Councillors should be made aware of the views and issues for children in care and arrangements were taking place to set up an all Member Seminar to look at the voices. The offer would be repeated following the election for anyone new.

A meeting was set up with officers to ensure that their messages were fed into the scrutiny process as well.

In a supplementary question Councillor Currie referred to performance management data not getting through to Elected Members and how it was previously agreed for this to be placed on the Members' site so they could view the performance figures each month. This had been removed and the last time Improving Lives received this information was five months ago. He asked that the performance data be reinstated so that all Members could view this accordingly.

Councillor Watson, Deputy Leader, believed, but would check, that monthly performance data was circulated to all Elected Members. If this was not the case he would ensure that it was circulated.

(5) Councillor Currie asked whether the Advisory Cabinet Member could please reassure him that the selective licensing scheme would achieve the outcomes officers and Councillors have worked hard to implement?

Councillor Wallis, Advisory Cabinet Member for Housing, confirmed the Selective Licensing scheme implemented in May, 2015 aims to improve property and letting standards in the private rented sector in four areas of the borough. This was a five year programme and would be monitored by officers.

This will be measured by:-

- Reductions in occupier turnover of properties in the area.
- Reductions in empty property levels.
- Reductions in the level of anti-social behavior.

Selective licensing could not on its own solve all the problems in some of the more deprived communities, but was only one part of the Council's wider housing strategy and relied to some degree on partnership working.

Nevertheless, the Council were confident this would have a positive effect and early indications were that this was the case. Through the annual checks on license compliance which happen, more than eighty landlords were identified as failing to comply with the basic conditions on gas safety certificates, and through informal enforcement all but one of these was now fully compliant.

The further issues would be looked into further and prosecutions may arise as a result.

(6) Councillor Rose referred to the Government announcing that four year funding settlements were available to local councils and asked had the Leader looked at whether this would be beneficial to this Council?

The Leader confirmed that the Council had to rely on an estimate of what the Government grant would be often coming late in December. The intention to offer Council's a four year funding settlement was to be welcomed and would help future financial planning. However, based on the information currently available it was not possible to form a judgement as to whether signing up for a four year settlement would be in the best interests of the Council. More detail was expected on this when the Final Settlement was published during the first week in February. When this information was published the Council would be in a better position to make a recommendation.

In a supplementary question Councillor Rose asked whether this was four more years of Tory cuts and four more years of misery for the residents of Rotherham?

The Leader explained the reality was this Government had changed local government funding, which former Governments fought hard to achieve. There was an agreement that post industrial areas or those that had high levels of deprivation received higher levels of central Government funding. They had higher pressure on their children and adult services. There were greater costs associated with doing what the Council were doing in Rotherham than in other areas of the country. It was all down to fairness. The current Government had broken that agreement so it was already known that even with a four year settlement to give some certainty around planning the main grant from the Government would end by 2020 and in its place would be some arrangement around business rates so economic growth was important, but no detail was known to enable the Council to plan properly. If this deal was not right then by 2020 it would be the end of Local Government, not just in Rotherham, but across parts of the north.

(7) Councillor Fleming asked who was responsible for the upkeep and maintenance of the cemeteries in Rotherham?

Councillor Sims, Advisory Cabinet Member for Waste, Roads and Community Safety, confirmed burial grounds in Rotherham were owned and operated by a number of organisations.

Cemeteries and crematorium owned by the Council were operated on the Council's behalf by Dignity Funeral Services Ltd (Dignity). Dignity had a 35-year contract with the Council that commenced in August, 2008. They were responsible for the upkeep and maintenance of the Council's cemeteries at East Herringthorpe, Greasbrough, Wath, Maltby, Moorgate,

Masbrough, Rawmarsh High Street, Rawmarsh Haugh Road and Rawmarsh Greasbrough Lane.

Church of England graveyards were the responsibility of the relevant parochial church council and some closed churchyards were maintained by the Council.

Other faith groups may also operate their own burial grounds, for example St. Bede's Roman Catholic Church.

Some Parish Councils in Rotherham operate their own cemeteries

South Yorkshire Woodland Burial Ground, near Aughton, was run by an independent operator (Peace Funerals).

In a supplementary question Councillor Fleming explained he had received a number of complaints about the upkeep of Maltby Cemetery in particular. The pathways were uneven and unsafe, the trees were overhanging and there were no benches. The company already mentioned had a contract in place until 2043 so asked what safeguards were in place to hold the company to account to take up their contractual responsibilities.

Councillor Sims, Advisory Cabinet Member for Waste, Roads and Community Safety, was aware of some complaints about the issues in Maltby having been informed by a Ward Member. She had taken this up with officers who confirmed if the remedial works had not already been done they were planned to be completed in the near future.

(8) **Councillor Mallinder** asked what impact would proposed reductions in PCSOs and Police Officers have on the Council's work on Community Safety.

Councillor Sims, Advisory Cabinet Member for Waste, Roads and Community Safety, confirmed that last year there was a reduction of fourteen Police Officers in Rotherham and next year there was a £10 million funding gap.

The Police and Crime Commissioner had confirmed his intention to keep numbers at the same level for the next four years.

(9) Councillor M. Vines referred to the 8th July, 2015 Council meeting where she asked the question regarding the missing Risky Business Files. The Leader answered they were awaiting the outcome of an audit report regarding the file and she further asked whether the audit been completed yet.

The Leader confirmed the audit was not yet complete. Information relating to the audit continued to be received until October 2015 and was subsequently assessed and, where appropriate, verified by Internal Audit.

A draft report had been produced and Internal Audit were currently consulting on the draft with appropriate individuals and organisations. A final report would be produced following all relevant consultations.

In a supplementary question Councillor M. Vines asked could a copy be provided once the Leader was in receipt of a copy.

The Leader confirmed he would endeavour to do so.

Questions 10 and 11 from Councillor Reeder were to be answered in writing as she had to leave the meeting prior to her questions being asked.

(12) Councillor Reynolds referred to the last Council meeting where the fact that Rotherham had won the Great British High Street Awards 2015 was applauded and asked how did this chime with the fact that W.H. Smith was set to close on the bottom of the High Street?

Councillor Lelliott, Advisory Cabinet Member for Jobs and the Local Economy, pointed out that it was always disappointing when a store was to close. However, whilst it had been intimated that they were closing no confirmation had been received despite them being contacted.

In terms of the High Street there was ongoing work taking place and the improvements were evident for all to see. Every effort would be made to support retailers in Rotherham.

In a supplementary question Councillor Reynolds pointed out that having won this award and receiving the applause a bid by the British Heart Foundation had already been made for the building and asked did this undermine the award that was won at all with it being yet another charity shop.

Councillor Lelliott, Advisory Cabinet Member for Jobs and the Local Economy, referred to her former answer in that W. H. Smith had not confirmed its intention to close. However, it should be viewed as a positive in that a retailer was already interested in a unit that would not be left vacant.

W. H. Smith had announced that it would be closing a number of stores up and down the country as people's shopping habits had changed, but Councillor Lelliott urged everyone to shop locally and support town centres.

(13) Councillor Reynolds asked could he be provided with visitor profiles and numbers to Magna, as a tourist attraction, since it opened.

Councillor Lelliott, Advisory Cabinet Member for Jobs and the Local Economy, confirmed that in the 2014/15 Financial Year, Magna's visitor numbers to the tourist attraction were as follows:-

Leisure – 92,151
Education – 27,745

Total – 119,896

Further information relating to previous financial years would be provided in a written response to Councillor Reynolds.

In a supplementary question, Councillor Reynolds asked what was the analysis of any customer feedback since Magna opened as a visitor attraction.

Councillor Lelliott, Advisory Cabinet Member for Jobs and the Local Economy, did point out to Councillor Reynolds that for this level of questioning the best people to contact were Magna and their business team.

(14) Councillor Reynolds asked as a tourist attraction only, had Magna ever made a profit

Councillor Lelliott, Advisory Cabinet Member for Jobs and the Local Economy, explained the accounts filed with Companies House for the Magna Trust did not specifically separate out costs and income relating to the tourist attraction.

If this level of information was required Councillor Reynolds himself could access Companies House or he could ask Magna direct.

In a supplementary question Councillor Reynolds asked should Magna remain open or closed as a visitor attraction.

Councillor Lelliott, Advisory Cabinet Member for Jobs and the Local Economy, referred back to her previous answer and suggested that Councillor Reynolds contact Magna direct. Like the town centre Rotherham should be proud of Magna as it was part of the town's heritage and would soon be lost as steel works up and down the country closed. She, therefore, urged everyone to support Magna especially when it had over 120,000 visitors last year, which showed this was an attraction people were interested in.

133. URGENT ITEMS

There were no urgent items.

134. EXCLUSION OF THE PRESS AND PUBLIC

There were no confidential matters for consideration.

135. COMMISSIONER STELLA MANZIE, MANAGING DIRECTOR

The Mayor asked for a few moments as this was Commissioner Manzie's last Council Meeting as she left Rotherham at the end of this week.

The Mayor asked everyone to join her in thanking Commissioner Manzie for all her work here in Rotherham since February, 2015 which had contributed to the Secretary of State for Communities and Local Government currently considering plans for the return of some decision-making powers and responsibility for the running of a limited number of services being given back to local Councillors.

The Mayor presented Commissioner Manzie with a small gift as an appreciation for the work undertaken in Rotherham and invited everyone to show appreciation by a round of applause.

Commissioner Manzie responded by thanking everyone and wished the town all the best for the future.