

**COUNCIL MEETING
20th May, 2016**

Present:- Councillor Maggi Clark (in the Chair); Councillors Alam, Allcock, Allen, Andrews, Atkin, Beaumont, Beck, Bird, Brookes, Cooksey, Cusworth, Cutts, Cutts, Elliot, Elliott, Elliott, Ellis, Fenwick-Green, Hoddinott, Ireland, Jarvis, Jepson, Jones, Rose, Khan, Lelliott, McNeely, Mallinder, Marles, Marriott, Napper, Pitchley, Price, Read, Reeder, Roche, Roddison, Rushforth, Russell, Sansome, Sheppard, Short, Simpson, Steele, Taylor, John Turner, Julie Turner, Tweed, Walsh, Watson, Williams, Wilson, Whysall, Wyatt and Yasseen.

1. ELECTION OF CHAIRMAN.

Resolved:- That Councillor Lindsay Pitchley be elected Chairman of the Rotherham Borough Council for the ensuing Municipal Year and that she be entitled to the style of Mayor by virtue of Section 245(1) of the Local Government Act 1972.

Mover:- Councillor Taylor

Seconded:- Councillor Russell

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

(Councillor Pitchley assumed the Chair)

2. VOTE OF THANKS TO THE RETIRING MAYOR (COUNCILLOR MAGGI CLARK)

Resolved:- That the Council tender its sincere thanks to Councillor Maggi Clark for the excellent manner in which she has carried out all her duties as Mayor of the Metropolitan Borough of Rotherham and that the best thanks of this Council be recorded for the kind and admirable way in which Mr. Peter Clark performed the duties of Mayor's Consort.

Mover:- Councillor Read

Seconded:- Councillor Atkin

3. ELECTION OF VICE-CHAIRMAN.

Resolved:- That Councillor Rose Keenan be elected Vice-Chairman of the Rotherham Borough Council for the ensuing Municipal Year and that she be entitled to the style of Deputy Mayor by virtue of section 245(1) of the Local Government Act 1972.

Mover:- Councillor Jones

Seconded:- Councillor Clark

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

4. VOTE OF THANKS TO THE RETIRING DEPUTY MAYOR (MR. CHRISTOPHER MIDDLETON)

Resolved:- That the Council tender its sincere thanks to Mr. Christopher Middleton for the excellent manner in which he has carried out all his duties as Deputy Mayor of the Metropolitan Borough of Rotherham and that the best thanks of this Council be recorded for the kind and admirable way in which Mrs. Anne Middleton performed the duties of Deputy Mayoress.

Mover:- Councillor Read

Seconder:- Councillor Clark

5. ANNOUNCEMENTS

The Leader of the Council announced the membership of the new Cabinet following the municipal elections held on 5 May 2016:

Portfolio	Cabinet Member
Leader of the Council	Councillor Chris Read
Deputy Leader of the Council & Children's Services	Councillor Gordon Watson
Adult Social Care & Health	Councillor David Roche
Corporate Services & Budgeting	Councillor Saghir Alam
Housing	Councillor Dominic Beck
Jobs and the Local Economy	Councillor Denise Lelliott
Neighbourhood Working & Cultural Services	Councillor Taiba Yasseen
Waste, Roads & Community Safety	Councillor Emma Hoddinott

6. APOLOGIES FOR ABSENCE

The Chief Executive reported that apologies for absence had been received from Councillors Albiston, Buckley, Cowles, Evans, Finnie, Hague and Senior.

7. PETITIONS

The Chief Executive reported that no petitions had been received.

8. COMMUNICATIONS

No communications had been received.

9. DECLARATIONS OF INTEREST

There were no declarations of interest.

10. MINUTES OF THE PREVIOUS COUNCIL MEETING

Resolved:- That the minutes of the meeting of the Council held on 2 March 2016 be approved as a true and correct record of the proceedings.

11. MINUTES OF THE CABINET AND COMMISSIONERS' DECISION MAKING MEETINGS

Resolved:-

(1) That, subject to the amendment of minute 64 by the deletion of the word "consider" and the addition of the word "approve", the minutes and recommendations of the Cabinet and Commissioners' Decision Making Meetings held on 14 March and 11 April 2016 be approved.

(2) That the Council approve the following amendments to the Constitution:

a) The Democratic Services Manager be instructed to consider on an annual basis whether any of the policies in the policy framework set out in Article 3 of the Constitution are due for review or renewal and to liaise with the Council's officers to ensure that any such policies are brought to Council for consideration.

b) Article 7(3) of the Constitution shall be amended so as to read:

"The Leader will be a councillor elected to the position of Leader by the Council at its annual meeting for a term of four years, or until the day of the first annual meeting of the Council held after the expiry of their term of office as a councillor, if the latter is a shorter period. He or she will hold office until

- he or she resigns from the office; or
- he or she is no longer a councillor; or
- he or she is removed from office by resolution of the Council, whereupon his or her term of office as leader shall end on the day of that Council meeting."

c) "Executive Procedure Rule 7(2) be amended so as to read:

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- (1) The Assistant Director of Legal Services will arrange for the monthly publication of the plan of key decisions covering the forthcoming 2 months and shall circulate a copy of the plan to all councillors”.
- d) Overview and Scrutiny Procedure Rule 14(4) be amended so as to read:
- “4) The Chair of Overview and Scrutiny Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The leader of the main opposition group shall be consulted on any decision to designate a Cabinet decision as urgent.”
- e) A new Article 8(2A) shall be inserted into the Overview and Scrutiny Procedure Rules which shall read:
- “(2A) The Overview and Scrutiny Management Board shall consider the plan of key decisions referred to in Rule 7 of the Executive Procedure Rules on a regular basis and shall identify decisions to be scrutinised and shall also meet prior to each meeting of the Cabinet to consider what recommendations to make to the Cabinet in respect of matters on the agenda for the Cabinet meeting.
- f) That a Constitution Working Group with the same elected member representation as the Governance Working Member’s Group be established with responsibility for:
- Reviewing the scheme of delegation to officers
 - Carrying out an annual review of the operation of the Constitution
 - Reviewing the arrangements for recording Council decision making on-line
 - Reporting back to Cabinet on these issues with a view to Cabinet making recommendations to Council
- g) Paragraph (2) of Schedule 1 to the Overview and Scrutiny Procedure Rules be amended so as to read:
- “(2) The membership of the OSMB shall comprise –
- a chairperson who shall be a councillor appointed by the Council;
 - a vice-chairperson who shall be appointed by the Council and who shall be a member of the main opposition group
 - the chairs and vice-chairs of the overview and scrutiny select commission who shall be councillors appointed by the Council so as to reflect the political balance of the Council
 - the chair and vice-chair of audit committee;

- sufficient opposition councillors nominated by Opposition Parties or councillors and appointed by the Council, to ensure political balance”
- h) Rule 13(6) of the Overview and Scrutiny Procedure Rules be amended so as to read:

“6) During the notification period

- in the case of a decision that does not relate to an education function, a member of the Council who is supported by at least three other members may request the chairman of the OSMB to call-in the decision for scrutiny by that board; and
 - in the case of a decision that relates to an education function, a member or education representative who is supported by three members or three education representatives (or a combination of both members and education representatives) may request the chairman of the OSMB to callin the decision.”
- i) Rules 5.4 and 5.5. of the Access to Information Rules be amended so as to read:

“5.4. In relation to reports to be considered at full Council or committee meetings or executive meetings held in public, a member of the Council has, subject to rule 5.5, the right to inspect any document that:

5.4.1 contains material that relates to an item to be considered a full Council or committee meeting, or
5.4.2 is in possession or under the control of the executive and contains material relating to any business to be transacted at an executive meeting held in public, whether or not he or she is a member of the particular committee or the executive. and to receive copies of all reports to be considered at an executive meeting, including reports containing confidential or exempt information.”

5.5. The right mentioned in rule 5.4 does not extend to a document or part of a document that in the opinion of the Assistant Director Legal Services –

5.5.1. contains confidential or exempt information (please see the Appendix), except where the exempt material is included within reports to Cabinet which are to be provided to the Chair of Overview and Scrutiny Management Board, the Chairs of Select Commissions and the leaders of the two largest opposition groups, or

5.5.2. discloses advice provided by a political adviser or assistant to the executive but Rule 5.5 does not apply:-

5.5.2.1 to confidential or exempt information disclosed to members in accordance with rule 5.4.

5.5.2.2. to exempt information that falls within paragraph 3(information relating to the financial or business affairs of any particular person (including the Council)) of Schedule 12A to the Local Government Act 1972, except to the extent that the information relates to any terms to be proposed or to be proposed by or to the Council in the course of negotiations for a contract, or

5.5.2.3. to exempt information that falls within paragraph 6 (information which reveals that the Council proposes to serve a notice on a person or to make an order or direction under any enactment) of Schedule 12A

- j) A new Rule 5.6 shall be inserted into the Access to Information Rules which shall read:

“5.6 The Democratic Services Manager will ensure that a copy of the agenda and the reports for each meeting of Cabinet that will be debated in the open part of the Cabinet meeting will be provided to all members who are not members of Cabinet and who are not referred to in Rule 5.5.1 above as soon as is practical after those documents are published.”

12. QUESTIONS BY MEMBERS

The Chief Executive reported that there were no questions submitted by Members in accordance with Standing Order 7(7).

13. MOTIONS

The Chief Executive reported that no motions had been received in accordance with Standing Order 10(4).

14. REPORT OF THE RETURNING OFFICER - BOROUGH ELECTION RESULTS

The Returning Officer reported that the persons indicated below had been elected Members of the Council at the election held on 5 May 2016:-

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Forename (s)	Surname	Ward	No of votes polled
Jonathan Charles	Ireland	Anston and Woodsetts	1183
Clive Robert	Jepson	Anston and Woodsetts	1240
Katherine Martha	Wilson Velez	Anston and Woodsetts	1038
Mohammed Saghir	Alam	Boston Castle	1662
Rose Margaret	McNeely	Boston Castle	1843
Taiba Khatoon	Yasseen	Boston Castle	1626
Alan	Buckley	Brinsworth and Catcliffe	1764
Andrew Scott	Roddison	Brinsworth and Catcliffe	1288
Nigel Gary	Simpson	Brinsworth and Catcliffe	1190
Ian Kenneth	Finnie	Dinnington	954
Jeanette Martin	Mallinder	Dinnington	913
Simon Andrew	Tweed	Dinnington	1012
Jennifer Mary	Andrews	Hellaby	1233
Brian	Cutts	Hellaby	1324
Richard Arthur John	Turner	Hellaby	1406
Michael Stuart	Elliott	Holderness	1208
Lyndsay	Pitchley	Holderness	1679
Robert Paul	Taylor	Holderness	1382
Denise	Lelliott	Hooper	1363
David John	Roche	Hooper	1204
Brian	Steele	Hooper	1185
Margaret	Clark	Keppel	1270
David	Cutts	Keppel	1227
Paul	Hague	Keppel	1153
Christine	Beaumont	Maltby	1181
Richard	Price	Maltby	984
Amy	Rushforth	Maltby	1037
Robert	Bird	Rawmarsh	1387
Sandra	Marriott	Rawmarsh	1100
David Roy	Sheppard	Rawmarsh	1234
Leon	Allcock	Rother Vale	996
Amy Caroline	Brookes	Rother Vale	1240

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Robert John	Walsh	Rother Vale	1146
Wendy	Cooksey	Rotherham East	1336
Deborah	Fenwick-Green	Rotherham East	1053
Tajamal	Khan	Rotherham East	1301
Patricia Anne	Jarvis	Rotherham West	1552
Ian Paul	Jones	Rotherham West	1589
Eve Rose	Keenan	Rotherham West	1387
Steven	Marles	Silverwood	1157
Alan Derek	Napper	Silverwood	1170
Gwendoline Ann	Russell	Silverwood	1200
Allen	Cowles	Sitwell	1466
Peter Gerard John	Short	Sitwell	1304
Julie	Turner	Sitwell	1277
Victoria	Cusworth	Swinton	1621
Stuart James	Sansome	Swinton	1510
Kenneth John	Wyatt	Swinton	1619
Kerry	Albiston	Valley	1227
Kathleen	Reeder	Valley	1087
Jayne Elizabeth	Senior	Valley	1115
Dominic Edward	Beck	Wales	1584
Gordon	Watson	Wales	1189
Jennifer	Whysall	Wales	1450
Alan	Atkin	Wath	1639
Jayne Christine	Elliot	Wath	1496
Simon	Evans	Wath	1182
Susan	Ellis	Wickersley	1814
Emma Elizabeth	Hoddinott	Wickersley	1424
Christopher	Read	Wickersley	1426
Sarah Ann	Allen	Wingfield	1162
Robert William	Elliott	Wingfield	1361
John	Williams	Wingfield	898

Resolved:- That the report of the Returning Officer be received.

Proposer – Councillor Read

Secunder – Councillor Watson

15. REVIEW OF THE COUNCIL'S CONSTITUTION AND APPOINTMENT OF A STATUTORY SCRUTINY OFFICER

Consideration was given to a report submitted by the Monitoring Officer in respect of a review of the Council's Constitution and the appointment of a Statutory Scrutiny Officer.

It was reported that Article 19 of the Council's Constitution provided for the Chief Executive, the Assistant Director (Legal Services) and the Director of Finance to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution were given effect.

In view of the consideration of the recommendations of the Members Governance Review Working Group at the Cabinet and Commissioners' Decision Making Meeting held on 11 April 2016, the Assistant Director (Legal Services) had concluded that it would not be necessary to undertake his own review of the Constitution until the Council had made a decision on that matter (see minute 172 above). Consequently the Council was only required to consider the appointment of a Statutory Scrutiny Officer.

Resolved:- That the Council's Democratic Services Manager be appointed as the Statutory Scrutiny Officer for the purposes of section 9FB of the Local Government Act 2000 (as amended).

Proposer – Councillor Read

Seconder – Councillor Watson

16. MEMBERSHIP OF POLITICAL GROUPS ON THE COUNCIL, POLITICAL BALANCE AND ENTITLEMENT TO SEATS

Consideration was given to a report submitted by the Assistant Chief Executive which detailed the membership of political groups on the Council, the political balance of the authority following the municipal election and the entitlement of political groups to seats on the Council's committees, boards and panels.

It was report detailed the proposed allocation of seats on committees, boards, panels and outside bodies, following the application of political balance rules and in accordance with the principles set out in Section 15 of the Local Government and Housing Act 1989. The process that had been followed when calculating the entitlement to seats on committees was outlined.

Resolved:-

(1) That the operation of two political groups on the Council and the detail of their designated Leaders be noted.

(2) That the entitlement of the membership of the political groups be agreed and that such entitlements be reflected in the appointment of councillors to committees.

17. APPOINTMENT OF MEMBERS TO COMMITTEES, BOARDS AND PANELS

The Chief Executive reported the appointment of members to committees, boards and panels, as set out below:

Executive:-

Leader of the Council	Councillor Read
Deputy Leader of the Council	Councillor Watson
Cabinet Member	Councillor Alam
Cabinet Member	Councillor Beck
Cabinet Member	Councillor Hoddinott
Cabinet Member	Councillor Lelliott
Cabinet Member	Councillor Roche
Cabinet Member	Councillor Yasseen

Area Assemblies

	<u>Chairman</u>	<u>Vice-Chairman</u>
Wentworth (Hooper, Wath & Swinton)	Sansome	Cusworth
Rotherham North (Keppel, Wingfield & Rotherham West)	Jones	Allen
Rotherham South (Rotherham East, Boston Castle & Sitwell)	McNeely	Yasseen
Wentworth South (Rawmarsh, Valley & Silverwood)	Sheppard	Marles
Rother Valley West (Brinsworth/Catcliffe, Rother Vale & Holderness)	Buckley	Allcock
Rother Valley South (Dinnington, Anston/Woodsetts & Wales)	Whysall	Wilson
Wentworth Valley (Maltby, Hellaby & Wickersley)	Beaumont	Price

REGULATORY BOARDS

Standards Committee:-

Council Members	Independent Members	Parish Members
Councillor Allcock	Ms. A. Dowdall	Councillors D. Bates
Councillor Allen	Mr. P. Edler	Councillor D. Rowley
Councillor Finnie	Ms. J. Porter	Councillor R. Swann
Councillor Ireland	Mrs. C. Saltis	
Councillor Khan (Vice-Chairman)	Vacancy	
Councillor McNeely (Chairman)		
Councillor Simpson		
Councillor Yasseen		

Advisory Licensing Board:-

Councillor Allcock	Councillor Finnie	Councillor Senior
Councillor Beaumont	Councillor Hague	Councillor Sheppard
Councillor Beck	Councillor Jones	Councillor Taylor
Councillor Buckley (Vice-Chairman)	Councillor McNeely	Councillor Williams
Councillor Clark	Councillor Napper	Councillor Wilson
Councillor Elliot	Councillor Reeder	Councillor Wyatt
Councillor Ellis (Chairman)	Councillor Rushforth	Vacancy – UKIP

Advisory Licensing Committee:-

Councillor Beaumont	Councillor Finnie	Councillor Reeder
Councillor Buckley (Vice-Chairman)	Councillor Hague	Councillor Sheppard
Councillor Clark	Councillor Jones	Councillor Taylor
Councillor Elliot	Councillor McNeely	Councillor Wilson
Councillor Ellis (Chairman)	Councillor Napper	Councillor Wyatt

Planning Board:-

Councillor Andrews	Councillor Khan	Councillor John Turner
Councillor Atkin (Chairman)	Councillor Price	Councillor Tweed (Vice-Chairman)
Councillor Bird	Councillor Roddison	Councillor Walsh
Councillor D. Cutts	Councillor Sansome	Councillor Whysall
Councillor Ireland	Councillor Short	Vacancy

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Substitutes:

Councillor Beaumont	Wentworth Valley
Councillor Fenwick-Green	Rotherham South
Vacancy	Rotherham Valley South
Councillor Jarvis	Rotherham North
Councillor Pitchley	Rother Valley West
Councillor Roche	Wentworth North
Vacancy	Wentworth South

Audit Committee:-

Councillor Allen	Councillor Walsh (Vice-Chairman)
Councillor Cowles	Councillor Wyatt (Chairman)
Councillor Ellis	

SELECT COMMISSIONS

Overview and Scrutiny Management Board:-

Councillor Albiston	Councillor M. Elliott	Councillor Steele (Chairman)
Councillor Allcock	Councillor Mallinder	Councillor Julie Turner
Councillor Clark	Councillor Price	Councillor Walsh
Councillor Cowles (Vice-Chairman)	Councillor Sansome	Councillor Wyatt

Health Select Commission:-

Councillor Albiston	Councillor Ellis	Councillor Roddison
Councillor Andrews	Councillor Evans	Councillor Sansome (Chairman)
Councillor Brookes	Councillor Fenwick- Green	Councillor Simpson
Councillor Cusworth	Councillor Ireland	Councillor John Turner
Councillor Elliot	Councillor Marles	Councillor Williams
Councillor R. Elliott	Councillor Marriott	Councillor Wilson

Improving Lives Select Commission:-

Councillor Albiston	Councillor Cusworth	Councillor Marriott
Councillor Allcock (Vice-Chairman)	Councillor Elliot	Councillor Napper
Councillor Beaumont	Councillor Hague	Councillor Pitchley
Councillor Bird	Councillor Jarvis	Councillor Senior
Councillor Clark (Chairman)	Councillor Keenan	Councillor Short
Councillor Cooksey	Councillor Khan	Councillor Tweed

Improving Places Select Commission:-

Councillor Allen	Councillor Jones	Councillor Rushforth
Councillor Atkin	Councillor Mallinder (Chairman)	Councillor Sheppard
Councillor Buckley	Councillor Marles	Councillor Taylor
Councillor B. Cutts	Councillor McNeely	Councillor Walsh
Councillor M. Elliott	Councillor Price (Vice-Chairman)	Councillor Whysall
Councillor Jepson	Councillor Reeder	Councillor Wyatt