



CABINET AND COMMISSIONERS' DECISION MAKING MEETING

Monday, 14 November 2016

10.00 a.m.

**Council Chamber, Town Hall,
Moorgate Street, Rotherham. S60 2TH**

Cabinet Members:-

Leader of the Council
Deputy Leader of the Council
Adult Social Care and Health Portfolio
Corporate Services and Finance Portfolio
Housing Portfolio
Jobs and the Local Economy Portfolio
Neighbourhood Working & Cultural Services Portfolio
Waste, Roads and Community Safety Portfolio

Councillor Chris Read
Councillor Gordon Watson
Councillor David Roche
Councillor Saghir Alam
Councillor Dominic Beck
Councillor Denise Lelliott
Councillor Taiba Yasseen
Councillor Emma Hoddinott

Commissioners:-

Lead Commissioner Sir Derek Myers
Commissioner Patricia Bradwell
Commissioner Julie Kenny
Commissioner Mary Ney

CABINET AND COMMISSIONERS' DECISION MAKING MEETING

Date: Monday 14 November 2016

Time: 10.00 a.m.

Venue: Town Hall, The Crofts, Moorgate Street, Rotherham. S60 2TH

A G E N D A

1. Apologies for Absence.

To receive apologies of any Member or Commissioner who is unable to attend the meeting.

2. Declarations of Interest.

To invite Councillors and Commissioners to declare any disclosable pecuniary interests or personal interests they may have in any matter which is to be considered at this meeting, to confirm the nature of those interests and whether they intend to leave the meeting for the consideration of the item.

3. Questions from Members of the Public.

To receive questions from members of the public who wish to ask a general question.

4. Minutes of the previous meetings held on 12 September and 10 October 2016 (Pages 1 - 33)

To receive the records of proceedings of the Cabinet and Commissioners' Decision Making Meetings held on 12 September and 10 October 2016.

5. Exclusion of the Press and Public.

If necessary, the Chair to move the following resolution:-

That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in paragraph(s) of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

DECISION FOR COMMISSIONER BRADWELL

6. The Implementation of the Regional Adoption Agency (RAA) (Pages 34 - 43)

Report of the Strategic Director of Children and Young People's Services

Cabinet Member: Councillor Watson (in advisory role)

Commissioner: Bradwell

Recommendations:

1. That the report be received and the progress made and date and work completed be noted.
2. That the planned delegation of a range of adoption functions to the new Regional Adoption Agency be endorsed.
3. That the proposal to develop a detailed business case to underpin a new model with Doncaster Children's Services Trust (DCST) hosting the new RAA on behalf of all Local Authority members be supported.

DECISIONS FOR COMMISSIONER KENNY

7. Bassingthorpe Farm: Proposed disposal of land forming part of Bassingthorpe Farm housing allocation (Pages 44 - 59)

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott (in advisory role)

Commissioner: Kenny

Recommendations:

1. That the land owned by the Council forming part of the Bassingthorpe housing allocation be disposed of, as part of the Council's commitment to deliver more homes in the Borough.
2. That the recommended delivery route to secure a 'Promoter Partner' or 'Delivery Partner' be progressed by undertaking an Official Journal of the European Union (OJEU) procurement exercise to market the site, in partnership with Fitzwilliam Wentworth Estates.
3. That the Strategic Director of Regeneration and Environment Services be authorised to negotiate the Collaboration Agreement and Equalisation Agreement, the final terms of which will be reported to a future Cabinet and Commissioners' Decision Making Meeting for consideration.
4. That the Assistant Director of Legal Services be authorised to prepare the Collaboration Agreement and Equalisation Agreement between the landowners.

5. That approval be given to an exemption under Standing Order 38 from Standing Order 48 (requirement for contracts valued at more than £50,000 to be tendered) to enable the work detailed in item 3.4 of this report to be awarded to the contractor.

8. Town Centre Regeneration - Strategic Acquisition of Units at Riverside Precinct (Pages 60 - 67)

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott (in advisory role)
Commissioner: Kenny

Recommendations:

1. That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate the acquisition of the assets as described at Option 2 at paragraph 4.3 below and the Assistant Director of Legal Services is authorised to complete the necessary legal documentation for the acquisition.
2. That funding for the acquisition be authorised from the £17 million town centre allocation in the Capital Strategy (2016-2021).
3. That the Council be recommended to approve inclusion of the scheme in the Capital Programme to cover the cost of acquisition.

9. All Saints Toilets - Review of Service Provision (Pages 68 - 78)

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott (in advisory role)
Commissioner: Kenny

Recommendations:

1. That a Public Toilet Facility in All Saints Square continues to be provided by the Council.
2. That an increase to the entrance charge of 10p (raising the charge up to 30p) for adults only be approved.
3. That the opening times of the facility be reduced by 2 hours per day, from 08:30-17:00 to 09:30-16:00.

10. Delivery of the Holmes Tail Goit Pumping Station (Pages 79 - 84)

Report of Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott (in advisory role)

Commissioner: Kenny

Recommendations:

1. That the commitment in the Council's approved Capital Programme to the value of £1,599,632 inclusive of the Environment Agency (EA) contribution of £212,000 be noted and the fixed contribution by RU Estates of £684,258 be endorsed.
2. That it be noted that the contingency with the current works estimate is only £66,113 and that this figure may be exceeded, and that expenditure over and above this figure would also rest with the Council.
3. That the Assistant Director Legal Services be authorised to negotiate with R U Estates to finalise heads of terms for a formal deed of settlement and variation to the lease setting out the respective rights and responsibilities of the parties as set out at 8.1 of this report.
4. That tenders be sought to procure a contractor to deliver the project subject to the tender prices received being within the threshold of the current estimates outlined above.

DECISIONS FOR COMMISSIONER MYERS

11. Corporate Plan 2016-17 Quarter 2 Performance Report (Pages 85 - 161)

Report of the Assistant Chief Executive

Cabinet Member: Councillor Alam (in advisory role)

Commissioner: Myers

Recommendations:

1. That the overall position and direction of travel in relation to performance be noted.
2. That consideration be given to measures which have not progressed in accordance with the target set and the actions required to improve performance, including future performance clinics.
3. That the future performance reporting timetable for 2016/17 be noted.

12. Day Care and Transport Charges (Pages 162 - 178)

Report of the Strategic Director of Adult Care and Housing

Cabinet Member: Councillor Roche (in advisory role)
Commissioner: Myers

Recommendations:

1. That the information contained in this report be received.
2. That the proposed charges for Day Care be increased on a phased basis from £4.47 to £15.00 per session from 1 January 2017, with a further increase to £30.00 per session from 1 October 2017.
3. That the charges for Transport be increased to £5.00 per return journey.

13. Consultation on the modernisation of the Learning Disability Offer and the Future of In-House Services for Adults with a Learning Disability and/or Autism (Pages 179 - 197)

Report of the Strategic Director of Adult Care and Housing

Cabinet Member: Councillor Roche (in advisory role)
Commissioner: Myers

Recommendations:

1. That approval be given to commence consultation on the reconfiguration of the Learning Disability services including options for the future of in-house services.
2. That a further report be submitted on the outcome of the consultation with recommendations of the new Learning Disability offer.

DECISIONS FOR CABINET

14. Devolution Deal Implementation - Sheffield City Region

This item was withdrawn from the agenda on 2 November 2016 as the Secretary of State has not yet confirmed the detail of the parliamentary orders in respect of implementation of the Devolution Deal for the Sheffield City Region.

15. September Financial Monitoring Report (Pages 198 - 256)

Report of the Strategic Director of Finance and Customer Services

Cabinet Member: Councillor Alam

Commissioner: Commissioner Myers (in advisory role)

Recommendations:

That Cabinet:

1. Notes the current forecast overspend after management actions of £8.635m for 2016/17.
2. Endorses the need for additional management actions to be urgently developed, agreed and implemented and for these to be documented in future Cabinet Financial Monitoring Reports.
3. Require that Directorate management actions to mitigate forecast overspends are clearly and comprehensively documented, including an evaluation of the likely financial impact of these actions (quality assured by Finance Business Partners), and a detailed implementation plan is produced which is regularly reviewed by each Directorate Leadership Team.
4. Note the Recovery Plans included within this report that provide a summary of the current proposed management actions, and performance against those actions currently used to help mitigate the forecast overspend.
5. Recommend any additional actions which could be implemented to help manage down the current forecast overspend.
6. Note and approve the recovery strategy for the forecast overspend on the Dedicated Schools Grant High Needs Block.
7. Note that this report should be considered in conjunction with the Medium Term Financial Strategy (MTFS) update report elsewhere on this agenda.
8. Note and approve Appendix 3 which details the budget savings approved by the Council in March 2016 that are now to be delivered by other means.
9. Notes the current forecast outturn position on the approved Capital Programme for 2016/17 and 2017-2021. (Sections 3.57 to 3.73 and Appendix 4)
10. That the following projects be supported for inclusion in the Approved Capital Programme 2016/17.
 - Area Assembly – Neighbourhood Investment - £140,000 (already approved 'in principle' by Council on 2nd March 2016).
 - Swinton Civic Hall Refurbishment - £44,868
 - Replacement of Damaged Waste Bins - £150,775
 - Capitalisation of Cleansing Equipment - £40,000
 - Capitalisation of GIS Transport Software - £25,000
11. That Council be recommended to include the above schemes in the Approved Capital Programme.
12. That Council be recommended to approve the changes to budgets identified in Appendix 6 for projects which are already included in the Approved Capital Programme.

16. Medium Term Financial Strategy (MTFS) Update Report (Pages 257 - 315)
Report of the Strategic Director of Finance and Customer Services

Cabinet Member: Councillor Alam
Commissioner: Myers (in advisory role)

Recommendations:

Cabinet are asked to:

1. Note the contents of this report;
2. Approve the proposed additional resource allocations required by the Children's Services Sustainability Strategy, Adult Social Care and Corporate Support Services as summarised in section 2.6;
3. Note that the additional funding requirement for the demand cost pressure in Children's Services of £7.848m in 2016/17 will be subject to the final outturn at year end but is likely to require funding from reserves should the current year budget not be brought back in balance;
4. Approve that the specific investment proposals of £608k in 2016/17, summarised in paragraph 2.6 and detailed throughout the report, be funded in 2016/17 from the Transformation Reserve and for the addition of these items to the MTFS for future years.
5. Approve that all other corporate earmarked reserves, where there is no formal planned use in the current year, be earmarked for consideration as part of the funding strategy for the proposals in this report and the wider financial strategy as part of budget considerations.
6. Note the revised Estimated Funding Gap for the period 2017/18 to 2019/20 of £24.130m, £7.854m and £18.863m respectively, outlined in paragraph 2.6 in light of these proposed funding allocations and in advance of any use of reserves.
7. Approve that tight monitoring and control is implemented in relation to the investments and that the additional budgets are only allocated as the expenditure and investment action is secured and implemented.

17. Adoption of Community Infrastructure Levy (CIL) Charging Schedule (Pages 316 - 343)

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott

Commissioner: Ney (in advisory role)

Recommendations:

1. That the Rotherham CIL Charging Schedule be approved and recommended to Council to be adopted, with a provisional implementation date of 6 April 2017.
2. That the Rotherham CIL Instalments Policy be approved.
3. That the procurement of appropriate software to implement and monitor the CIL charge be approved, subject to the Council's normal procurement policies.

18. School Crossing Patrol Consultation Update (Pages 344 - 352)

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott

Commissioner: Kenny (in advisory role)

Recommendations:

1. That school crossing patrols at crossing points be funded only where national and local road safety criteria are met.
2. That schools currently in receipt of a patroller at a crossing which does not meet this criteria be offered a charged Service Level Agreement to allow the service to continue.
3. That a full independent survey review of school crossing patrol points take place every four years, with the first survey being undertaken in 2017/18.

19. Rotherham Construction Partnership Framework (Pages 353 - 360)

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott

Commissioner: Kenny (in advisory role)

Recommendations:

1. That approval be given to the procurement of a framework of contractors to cover the works detailed in this report.
2. That the Council enter into framework contract agreements with the contractors appointed.

20. Exclusion of Press and Public

If necessary, the Chair to move the following resolution:-

That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

21. Procurement of Electoral Management Software System - Renewal of Maintenance Contract (Pages 361 - 366)

Report of the Strategic Director of Finance and Customer Services

Cabinet Member: Councillor Alam
Commissioner: Myers (in advisory role)

Recommendations:

1. That the contract for support and maintenance of the Electoral Management Software system remain with Xpress Software Solutions until after the City Region Mayoral election scheduled to take place in May 2017.
2. That an exemption be granted under Standing Order 38 from the provisions of Standing Order 47 (contracts valued at less than £50,000).
3. That a full competitive tender exercise be undertaken so that any changes can be implemented after the City Region Mayoral election has taken place.

22. Discretionary Rate Relief Application (Pages 367 - 371)

Report of the Strategic Director of Finance and Customer Services

Cabinet Member: Councillor Alam
Commissioner: Myers (in advisory role)

Recommendation:

That the request for discretionary business rate relief for the premises listed in this report be declined.



SHARON KEMP,
Chief Executive.