

**CABINET AND COMMISSIONERS'
DECISION MAKING MEETING
Monday, 26th June, 2017**

Present:- Councillor Read (in the Chair); Commissioner Kenny, Commissioner Ney, Councillors Beck, Hoddinott, Lelliott, Roche, Steele and Watson.

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

Apologies for absence were received from Commissioner Bradwell, Councillors Alam and Yasseen.

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

2. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) A member of the public referred to the appointment of Sir Derek Myers as a Commissioner to improve Rotherham's governance by the then Secretary of State, Eric Pickles during 2015. Sir Derek Myers was prior to this the Chief Executive of Kensington and Chelsea, the borough where the Grenfell Flats were located.

Kensington and Chelsea had been criticised including by the Government for the governance and way they performed following the disaster at Grenfell.

Sir Derek Myers was also the Chair of Shelter and he had had to resign because Shelter also had been criticised for its poor governance and who had not commented on the matter of Grenfell flats for which it had been criticised. Along with the resignation of Sir Derek his acquaintance, Tony Rice, involved with a company who provided cladding to buildings and which it was revealed provided the cladding to Grenfell Flats. The member of the public found it completely absurd that Commissioners were in charge in Rotherham at £800 a day when they ought to go back and put their own home in order. The Leader and Commissioner Ney were asked for any comments.

The Leader confirmed the member of the public was raising matters that were of local and national concern and in the public domain. He was unwilling to get drawn into discussions about individual responsibility at this stage.

Commissioner Ney had nothing further to add.

(2) A member of the public referred to question he made on the 11th April, 2017 regarding the expenses claim by Sir Derek Myers made for the day he attended the count. The member of the public did not think he should have claimed and should not have been at the count.

Commissioner Ney had responded in writing and referred to his activity on that particular day and so signed off his expenses, some of the time which was spent observing the count. That was the function of the Chief Executive, Commissioner Manzie, to oversee the count. Commissioner Kenny was also at the count, but did not claim. The letter from Commissioner Ney went on to refer to her own experiences as a Returning Officer, but the member of the public believed he had further experience as he had been involved in various roles including being a supervisor, a counting assistant, a candidate and an agent. For this reason he did not believe Sir Derek's attendance contributed to the count process.

It was difficult to understand or believe when Commissioner Ney signed off Sir Derek's expenses for that day if she had looked at his diary or even knew what he had done on both that day and all the other days she had signed expenses for. On this basis the member of the public suggested that the expenses for Commissioners should be vetted by some independent person, presumably the Director of Finance which would give some confidence in the process.

In response Commissioner Ney clarified the letter she had written spelt out more reasons that that for signing off the payment. Commissioner Myers was to be Rotherham for the two days that week and had decided to base himself at the count as Commissioners to support the smooth running. Also this was an excellent opportunity to meet first hand Councillors and staff in the first few months of intervention. In terms of referring to past Returning Officer experiences this was merely about legitimacy of count observations and the motivation for staff and Commissioner Manzie was not in charge of the count this was for the Returning Officer. In terms of external vetting for the Commissioners' expenditure claims these already go through the normal Council processes through the Finance Department. The Commissioners were more than happy for Strategic Director of Finance to look at those claims.

In a Point of Information regarding the asking of additional questions the member of the public referred to agenda Item 3 (to receive questions from the public who wish to ask a question) to which he believed was not set down in the Constitution so he was entitled to ask several questions unless this had been altered.

The Leader referred to the schedule which outlined the rules about questions from members of the public and which did specify one question.

To assist the Monitoring Officer confirmed there was a recommended procedure regarding questions from members of the public, included within the Executive Procedure Rules of the Constitution, and would provide the link.

In a supplementary question the member of the public referred to Commissioner Myers doing other work on the day of the count, when his diary actually indicated he did three hours and forty-five minutes of work. The remainder that day was booked to the count and on the Friday he had nothing in his diary other than the Parliamentary count.

In terms of Commissioner Manzie it was indicated in her job description that she was responsible for the count, but again the member of the public could not see what purpose Commissioner Myers could have served at that count and he asked Commissioner Ney if she agreed.

Commissioner Ney did not agree with the member of the public, but suggested should he wish to take matters further then he was advised to contact DCLG as part of the Commissioners' protocol on the website.

(3) Councillor Cowles referred to his area where some OAP bungalows had recently been clad. He asked for assurances that the OAP bungalows were safe and also buildings like Oakwood School and the hospital. He considered it a pity that Commissioner Myers was not present as he was an authority on cladding and could possibly help.

The Leader confirmed no-one from Housing was present today, but with buildings like the Beeversleigh tower in the borough he had lots of questions about other potential buildings with different cladding along with private rented properties and suggested that a full breakdown of this information be provided and for this to be shared with all Members.

(4) Councillor Reeder confirmed she had recently been to the Local Plan Drop-in session where she saw Herringthorpe Playing Fields was still designated for building on and wanted the Cabinet and the Labour Group to look at this again with a view to removing this site altogether. She had walked through Moorgate and there were sites that had been empty or for sale for years so why should there be building on our open spaces for Sheffield people.

Councillor Lelliott explained all sites allocated had been put forward via the Local Plan which had been vigorously consulted upon and which was currently sitting with the Inspectors. The 14,000 housing capacity was for future growth for the people of Rotherham.

Housing had to be built somewhere and the Council had been successful in arguing that the 23,000 housing number was too high and this was reduced to just over 14,000 houses which the Inspector agreed for future development and the growth of Rotherham.

In a supplement question Councillor Reeder again asked what action was being taken about sites on Moorgate which had been empty for years.

The Strategic Director for Regeneration and Environment explained the projections were for a fifteen year plan. Local Plans took account of growth, employment and housing projections on all brownfield sites, planning permissions that were already in existence and growth projections for future years. This was a long five year process requiring strategic marketing assessments, employment land assessments, research into what projections were required including engagement with landowners to ensure any sites were sustainable and deliverable in that time. Some sites were allocated, but where permissions were not brought forward some sites did get deallocated.

The Inspector appointed had produced a report following his inspection of the Local Plan during July to December, 2016 and was in agreement with the Local Authority's projections subject to some modifications.

Councillor Reeder just asked if the Labour Group could look at this site one more time.

The Leader reiterated this Local Plan was compliant with Government rules in order to meet estimated housing need projections going forward. It had been produced on the expectation of that need and whilst there were still some concerns about the sites being developed, by law the Plan had to set out the sites to ensure developers were not building on sites where they wanted. He understood the concerns, but could not confirm the site referred to would be looked at again.

3. MINUTES OF THE PREVIOUS MEETING HELD ON 15 MAY 2017

Further to Minute 208(1) Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, confirmed, having reviewed the criteria, Thrybergh Primary School was eligible for 20 mph road restrictions, which would address the road safety concerns.

Resolved:- That the minutes of the Cabinet and Commissioners' Decision Making Meeting held on 15th May, 2017, be agreed as a true and correct record of the proceedings.

4. DEMOLITION OF CHARNWOOD HOUSE, SWINTON AND INCLUSION IN THE CAPITAL PROGRAMME

Consideration was given to the report which detailed how Charnwood House, Swinton was a former adult residential unit and day care centre which had been declared surplus to requirements by the Learning and Disability Service in Adult Care.

The property was now vacant, in a poor condition and provisionally included in the regeneration proposals currently being progressed for Swinton. In addition to this, the vacated property was attracting anti-social behavior and acts of vandalism.

A range of options have been considered including re-use by another Directorate in the Council, letting or sale to a third party and demolition for consideration as part of the wider regeneration proposals.

Commissioner Kenny agreed:-

That the demolition of Charnwood House at Swinton be approved.

5. COUNCIL PLAN 2017 - 2020

Consideration was given to the report which set out in detail the Corporate Plan for 2016-2017 which set out the headline priorities for the Council and informed wider service planning and performance management down to the levels of individual staff in the course of the year. The refreshed Plan (now named the Council Plan) continued with the same priorities identified as part of the work to create the Corporate Plan, but now covered a three year period and included a more focused set of indicators.

The 2017-2020 Council Plan was the core document that underpinned the Council's overall vision, setting out headline priorities, indicators and measures that would demonstrate its delivery. Alongside it sat the corporate Performance Management Framework, explaining to all Council staff how robust performance monitoring and management arrangements (including supporting service business plans) were in place to ensure focus on implementation.

In turn Cabinet Members gave a brief progress update on key indicators for their own respective portfolio areas.

Councillor Steele, Chair of the Overview and Scrutiny Management Board, confirmed this report had been considered as part of the pre-scrutiny process. The recommendations were supported, but it was suggested the term 'domestic abuse' be used consistently in relevant Council documentation and that information be provided on baseline indicators for all measures in order to enable a comparison to be made at year end.

Resolved:-

That the Council Plan for 2017-2020 to recommended to Council for approval, subject to the inclusion of the suggested additions above.

6. APPOINTMENT OF COUNCILLORS TO SERVE ON OUTSIDE BODIES

Consideration was given to the report which detailed the nominations for the appointment of Councillors to serve on outside bodies following the approval of the procedure rules by Council on the 19th May, 2017.

Resolved:-

That Councillors be appointed to serve on Outside Bodies as detailed on the list in Appendix A, subject to the removal of the nomination to the Local Government Information Unit as the Council no longer subscribed.

7. PROPOSAL TO INCREASE HACKNEY CARRIAGE TARIFFS

Consideration was given to the report which detailed the representation which had been received on behalf of members of the Rotherham Hackney Carriage Association requesting a rise in the metered fares currently being charged in hackney carriage vehicles.

In addition, the association was requesting an additional multiplier to be applied when carrying five or more passengers, and an increase of the soiling charge.

The tariffs were set by the Council in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. Unlike many other licensing functions, the setting of Hackney Carriage fares was an executive function, and, therefore, the fees must be set by the Cabinet and not the Licensing Board.

Hackney Carriages were able to take bookings directly from a taxi rank, or be flagged down in the street (as opposed to Private Hire Vehicles that must be booked via a licensed operator).

The current and recommended tariffs were detailed in Appendices 1 and 2.

A report was presented to the Licensing Board on 20th February 2017 in order for the Board to provide comment in relation to the proposals. The Licensing Board made several comments in relation to the proposals, in particular:

- The rationale behind the “large group surcharge”
- Whether other local authorities have a different tariff for Sundays.

Further information had been obtained as a result of these queries, and this had been incorporated into the detail of the report.

It was noted should any comments be received on the proposals then these would need to be considered prior to the tariffs being implemented. Final approval would be made by the Cabinet.

Resolved:-

- (1) That the requested increase in tariffs 1, 2 and 3 be approved.
- (2) That the requested amendments to the incremental distance charge or 'drop' across all tariffs be refused.
- (3) That the requested introduction of a 'large group surcharge' and an increased soiling charge be approved.
- (4) That following the period of consultation, if no objections are received or any objections received are subsequently withdrawn, then the proposed tariff advertised will take immediate effect.
- (5) That following the period of consultation, should any objections be received, a report is brought back to Cabinet.

8. ROTHERHAM LOCAL PLAN: ADDITIONAL CONSULTATION ON THE SITES AND POLICIES DOCUMENT

Consideration was given to the report which sought approval to consult on additional housing sites in the Wath upon Dearne, Brampton Bierlow, West Melton area. This was necessary to accommodate the changes required by the Planning Inspector.

The Inspector has written to the Council setting out his initial conclusions. He had taken into account the Council's evidence, and submissions from others, and decided that limited changes to the document were required to make it sound and able to be adopted in due course. These changes, otherwise known as "Proposed Main Modifications", would be subject to consultation at a later stage.

The Inspector also required the Council to identify and consult on additional housing sites in the Wath upon Dearne, Brampton Bierlow, West Melton area. This was to remedy a shortfall against the Core Strategy housing target for this area that had come to light as part of the examination. This consultation was required as an additional stage before the Council consulted on the Inspector's Proposed Main Modifications.

This additional consultation stage would lengthen the examination period, but the Inspector considered it necessary to ensure a robust and transparent process.

It was recommended that the details within Appendix 1 setting out these additional housing sites be approved for public consultation.

The public consultation on the additional housing sites would take place during July and August 2017. Officers would forward any comments received to the Inspector, who may then hold further hearing sessions. The Inspector would then confirm whether the additional housing sites were to be included in the Proposed Main Modifications.

Councillor Steele, Chair of the Overview and Scrutiny Management Board, confirmed this report had been considered as part of the pre-scrutiny process and the recommendations supported.

Resolved:-

That the commencement of public consultation on additional housing sites in the Wath upon Dearne, Brampton Bierlow, West Melton area be approved.

9. ACQUISITION OF 3-7 CORPORATION STREET, ROTHERHAM

Consideration was given to the report which sought approval to continue to negotiate the purchase of 3-7 Corporation Street, Rotherham and continue to attempt to contact the owners with a view to acquiring the site by agreement if possible.

In addition, the Assistant Director of Planning, Regeneration and Transportation was asked to procure a developer partner to produce a development scheme in relation to 3-7 Corporation Street, Rotherham and a further report be submitted to Cabinet/Commissioners regarding proposals for the site.

In the event that the Council was unable to negotiate an acceptable acquisition of the site and was unable to persuade the owner to bring forward a suitable development proposal for the site, a further report would be submitted in relation to possibly acquiring the site by compulsory purchase, which was the last resort and only when all other attempts to contact the owner had been unsuccessful.

For a Compulsory Purchase Order (CPO) to be successful then the Council must successfully resolve a number of key criteria, which were:-

- There needed to be a properly defined development area and scheme for the site, which must enhance the economic, environmental or social wellbeing of the area.
- There needed to be a clear planning justification for the scheme.
- The scheme needed to be financially viable.
- The scheme needed to be commercially deliverable.

The average timescale for obtaining a site by Compulsory Purchase Order was 12-18 months from the approval by Cabinet to proceed.

Councillor Steele, Chair of the Overview and Scrutiny Management Board, confirmed this report had been considered as part of the pre-scrutiny process and the recommendations supported.

Resolved:-

(1) That in accordance with the emerging Town Centre Masterplan and the emerging Local Plan, the burnt out buildings, comprising 3-7 Corporation Street, Rotherham be acquired by the Council to facilitate the redevelopment of the site.

(2) That the Assistant Director of Planning, Regeneration and Transportation continue to attempt to contact the owners of 3-7 Corporation Street, Rotherham with a view to acquiring the site by agreement if possible.

(3) That the Assistant Director of Planning, Regeneration and Transportation procure a developer partner to produce a development scheme in relation to 3-7 Corporation Street, Rotherham and a further report be submitted to Cabinet/Commissioners regarding proposals for the site.

(4) That if the Assistant Director of Planning, Regeneration and Transportation is unable to negotiate an acceptable acquisition of the site and is unable to persuade the owner to bring forward a suitable development proposal for the site, a further report will be submitted in relation to possibly acquiring the site by compulsory purchase.

10. THE ROTHERHAM INTEGRATED HEALTH AND SOCIAL CARE PLACE PLAN

Consideration was given to the report which provided an update on:-

- 1) The content of the Rotherham Integrated Health and Social Care Place Plan.
- 2) The proposed governance arrangements to oversee strategic objectives and ensure tactical delivery of the identified actions.
- 3) The links of health and social care integration to key Council strategic drivers such as The Rotherham Plan - *A new perspective 2025*.

The Rotherham Integrated Health and Social Care Place Plan summarises local ambitions for bringing together health and social care as one single system. The Plan had been jointly produced by the Rotherham Clinical Commissioning Group (RCCG), Rotherham Metropolitan Borough Council (RMBC), The Rotherham NHS Foundation Trust, (TRFT), Rotherham, Doncaster & South Humber NHS Foundation Trust, (RDASH) and Voluntary Action Rotherham (VAR).

The Place Plan demonstrates the commitment across partners in Rotherham to the direction of travel for Rotherham and provides for the continuation of collaborative and transformational activity across the whole health and care system. The Plan constituted the foundations for delivery of one of the game changers contained within the Rotherham Plan - *A new perspective 2025* – integrated health and social care.

The Rotherham Integrated Health and Social Care Place Plan, along with the other footprint areas Plans, underpinned the wider regional submission. The Rotherham Place Plan outlined the priorities and highlights the proposed system solutions for the borough, linking into the wider ambitions for the footprint. The final draft of the South Yorkshire and Bassetlaw STP was submitted in October 2016. The Council was consulted on the content of the STP submission and has been assigned Core Place Based partner status within the emerging governance framework.

The South Yorkshire and Bassetlaw STP submission was identified by NHS England as one of the nine exemplars across the country, being singled out as the only plan demonstrating a wider system commitment incorporating the local authority and voluntary sector offer.

In order to draw down potential future funding for the STP, each local area within the footprint must have formed Accountable Care Partnerships in each local place delivering integrated health and social care aligned to an Accountable Care System for South Yorkshire and Bassetlaw by September 2017.

In order to oversee the delivery of the Rotherham Integrated Health and Social Care Place Plan and to comply with the deadline for creating an Accountable Care Partnership by September 2017 outlined in the South Yorkshire and Bassetlaw STP, new governance arrangements have been created. These have been co-produced in consultation with key stakeholders from across the partnership, elected members and the Health and Wellbeing Board.

The Rotherham Place Plan Board would focus on delivery of the Integrated Health and Social Care Place Plan. The Board would be co-chaired by Sharon Kemp (Chief Executive, RMBC) and Chris Edwards (Chief Officer, RCCG). Councillor David Roche (Cabinet Member for Adult Care and Health) and Dr Richard Cullen (Chair and Chair of the Strategic Clinical Executive), would be in attendance at all meetings in a participatory and oversight capacity for both the Council and the CCG respectively. Operational activity would be driven by the Rotherham Place Plan Delivery Team who would report into the Rotherham Place Plan Board.

Councillor Steele, Chair of the Overview and Scrutiny Management Board, confirmed this report had been considered as part of the pre-scrutiny process. The recommendations were supported, subject to the Health Select Commission scrutinising the implementation of this plan.

Resolved:-

That the content of the Rotherham Integrated Health and Social Care Place Plan be noted and the priorities and delivery of outlined activity be supported.

11. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Consideration was given to the report which detailed the recommendations of the Overview and Scrutiny Management Board held on 21st June, 2017. The recommendations were considered and included within the relevant items on this agenda.