

**CABINET AND COMMISSIONERS'
DECISION MAKING MEETING
10th April, 2017**

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

Apologies for absence were received from Commissioner Bradwell and Watson.

Also in attendance:- Councillor Steele (Chair of Overview and Scrutiny Management Board).

194. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

195. QUESTIONS FROM MEMBERS OF THE PUBLIC

A member of the public asked a question in respect of the former Lead Commissioner's attendance at the General Election count for the three parliamentary constituencies within the borough area in May 2015. He referred to a previous question where former Commissioner Myers had indicated that he had not claimed expenses for attending the election count. However, the response received to a Freedom of Information enquiry had subsequently revealed that expenses had been claimed by former Commissioner Myers and had been approved by Commissioner Ney.

In response Commissioner Ney indicated that she was glad that a response to the Freedom of Information request had been received. She further indicated that she would review the point made and would follow up with the member of the public.

The member of the public indicated that former Commissioner Myers should return the payment made and any expenses incurred by the Council for his overnight stay in Rotherham. As a supplementary question, clarification was sought on how the expenses would be recovered and what checks and balances would be introduced to avoid such instances occurring in future.

In response, the Leader of the Council confirmed that Commissioner Ney would write back to the member of the public to answer the points raised.

196. MINUTES OF THE PREVIOUS MEETING HELD ON 13 MARCH 2017

Resolved:- That the minutes of the Cabinet and Commissioners' Decision Making Meeting held on 13th March, 2017, be agreed as a true and correct record of the proceedings.

197. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That under section 100(A) of the Local Government Act 1972, the Public be excluded from the meeting should the appendices be discussed for Minute No. 204 on the grounds that it involves 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.

198. ROTHERHAM PLAN

Consideration was given to the report which detailed how the Rotherham Plan had been developed as Rotherham Together Partnership's (RTP) long-term strategy for the borough. It provided a framework for partners' joint efforts to create a borough that was better for everyone who wanted to live, work, invest or visit here.

The plan was based around five "game changers": *building stronger communities, skills and employment, integrated health and social care, a place to be proud of and the town centre.*

Rotherham Together Partnership's supporting theme boards – the Health and Wellbeing Board, Business Growth Board, Children and Young People's Partnership and Safer Rotherham Partnership - would be central to its successful implementation. A reporting framework was being put in place to dovetail with theme boards' existing performance management arrangements.

Resolved:- That the Rotherham Plan be endorsed and consideration be given to the Council's role in ensuring its effective delivery, including the relationship with the Council Plan for 2017-20.

199. FEBRUARY 16/17 REVENUE BUDGET MONITORING REPORT

Consideration was given to the report which set out the financial position for the Revenue Budget at the end of February, 2017 and was based on actual costs and income for the first eleven months of the financial year and forecast costs and income for the remaining one month of 2016/17.

The revenue position, compared with the revised budget approved by Council on 7th December, 2016, showed a forecast overspend of £2.017m. This forecast overspend had reduced by £526k since the December monitoring report to Cabinet.

It was currently anticipated that this level of forecast overspend could be funded from a combination of in-year capital receipts and capitalisation of some spend in relation to Highways.

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The additional budget approval was to be funded from reserves and the extent to which in-year revenue spend across the whole Council could or could not be reduced, would affect the eventual call on reserves. The above expected position was positive in that the expected call on reserves was lower than that which was reported within the December financial monitoring report.

To help further mitigate the potential impact on reserves the robust procurement and recruitment controls remained in place.

The majority of the approved budget savings for 2016/17 have or were being achieved, the main exception being the £1m saving from the review of staff terms and conditions of employment agreed by Council in March, 2016 which would not now be delivered in 2016/17. Positive, constructive discussions with the Trade Unions have been taking place about how this saving could be achieved and it was expected that the £2m FYE savings would be achieved from April 2017. The non-delivery of the 2016/17 £1m saving was reflected in the forecast outturn in this report.

There was also a significant forecast overspend (£5.375m) on the Dedicated Schools Grant (DSG), split between the High Needs Block £5.292m and the Schools Block of £0.083m. Whilst this overspend did not directly affect the Council's financial position at this time, this position must be addressed to avoid any risk to the Council in the future. The pressure on the High Needs block was presented to the Schools Forum meeting on 17th March, which also considered the draft SEND Sufficiency Strategy and Financial Plan which would address the remaining deficit and future level of provision. In 2017/18 the forecast deficit carry forward would be partially mitigated by the transfer of £3m from the Schools Block into the High Needs Block, leaving an estimated £2.3m deficit, which would need to be met from an expected re-basing and uplift for Rotherham of the High Needs Budget from 2018/19 following implementation of the new High Needs national Funding Formula.

Clifton Community School was now scheduled to convert to a sponsored Academy on 1st May (it was reported previously that the conversion would take place first in February and then in March 2017). The school had an estimated deficit of £1.2m. A reserve of £1.2m was created in finalising the 2015/16 accounts specifically to mitigate deficit balances falling on the Council as a result of sponsored academy conversions during 2016/17.

In response to reduced Government funding, the Council needed to find savings of £24m in 2017/18 and then needed to identify around a further £42m savings in the following two years. A robust budget for 2017/18 including £24m of savings was approved by Council on 8th March, 2017.

Control over spending was critical to a robust medium term financial strategy as unplanned spending impacts on reserves levels which were the bedrock of a financially stable organisation and unplanned spending depletes reserves.

Appendix 1 to this report showed the detailed reasons for forecast revenue under and over spends by Directorate.

It was noted that the Overview and Scrutiny Management Board had made the following recommendations, which were supported by the Cabinet:

- a) That Cabinet be advised that the recommendations be supported.
- b) That Cabinet continue to monitor the budget on a monthly basis to identify potential variances at an early stage and implement management actions to deal with potential overspends or underspends.
- c) That Overview and Scrutiny Management Board receive a quarterly financial budget monitoring report.

Resolved:- (1) That the current 2016/17 forecast overspend of £2.017m be noted after the allocation of additional in-year budget and that the Council anticipates a balanced outturn position will be achieved through a combination of continued management actions, use of in-year capital receipts and capitalisation of highways spend. (Paragraphs 3.2 -3.3)

(2) That the detailed Dedicated Schools Grant (DSG) High Needs Sufficiency Strategy and Financial Plan be noted to address the remaining deficit and future level of service provision which were discussed and consulted upon at the 17^h March, 2017 Schools Forum meeting. (Paragraph 3.15).

(3) That the approved capital programme forecast to underspend by £9.038m in 2016/17 be noted. Underspends in the Children and Young People's Service, Regeneration and Environment and Finance and Customer Services Directorates will in the majority of cases be re-profiled into 2017/18, however the underspend in the Adult Care & Housing Directorate is the result of changes to Government policy leading to a reduction in available funding which has required a review of HRA investment. (Paragraph 3.40)

200. NON DOMESTIC RATES RELIEF – REVISED RELIEFS

Consideration was given to the report which detailed the Government announcement of changes to specific business rates reliefs for 2017-18 in the 2016 Budget and Autumn Statement and the proposed changes affecting rural rates relief and local newspaper offices. The Government had asked that Councils use their discretionary relief powers under section 47(3) of the Local Government Finance Act 1988 to:-

- Award 100% relief to rural business rate payers with effect from April this year, resolving an anomaly in the relief system.

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- Award a temporary discount to offices used by local newspapers, where the office space was used wholly or mainly for journalists and reporters.

The Government have stated that they would reimburse the Council for the actual cost of granting these additional reliefs.

In addition, information had been circulated by the Government in respect of a new 100% mandatory business rates relief for Telecom fibre optic infrastructure. Although this was planned to take effect from April 2017, details of the changes have yet to be confirmed in legislation and relief would, therefore, be backdated to the start of the financial year once details were known and the legislation was in place.

Resolved:- (1) That discretionary relief powers be used to award 100% relief to rural ratepayers with effect from 1st April, 2017.

(2) That a temporary discount be awarded to eligible local newspapers for the 2017-18 and 2018-19 years, subject to State Aid rules.

(3) That, pending confirmation in legislation, the Government's intention to allow 100% relief for Telecom fibre optic infrastructure from April 2017 be noted.

201. REVIEW OF PETITIONS SCHEME

Consideration was given to the report which confirmed the Council adopted a petitions scheme in May, 2010 in accordance with the Local Democracy, Economic Development and Construction Act 2009. This scheme was subject to a subtle change following the review of Standing Orders in 2014. However, a more fundamental review of the scheme was required as part of the wider review of governance in the Council.

The report set out opportunities to amend the scheme to improve its operation and its wider understanding amongst Members, officers and the public.

It was noted that the Overview and Scrutiny Management Board had made the following recommendations, which Cabinet supported:

- a) That the Cabinet be advised that the recommendations be supported.
- b) That petitions with 600 signatures be referred to Overview and Scrutiny Management Board for review or investigation and lead petitioners be given 15 minutes to present the petition to that meeting.

- c) That, where appropriate, petitions be logged corporately as complaints.

Resolved:-

- (1) That the existing Petitions Scheme be replaced with guidance on petitions (as set out in Appendix B)
- (2) That a log of petitions be maintained on the Council's website detailing the nature of the petition, the directorate referred to, the response provided to the lead petitioner and the action taken.
- (3) That a period of up to 15 minutes be allocated at the beginning of Council meetings for members of the public to formally present their petitions to the Mayor.
- (4) That associated constitutional changes be incorporated within the wider review of Standing Orders being undertaken by the Association of Democratic Services Officers.
- (5) That petitions with 600 signatures be referred to Overview and Scrutiny Management Board for review or investigation and lead petitioners be given 15 minutes to present the petition to that meeting.
- (6) That, where appropriate, petitions be logged corporately as complaints.

202. UPDATE ON THE DELIVERY OF SPECIALIST HOUSING

Consideration was given to the report which detailed how Rotherham's 2016-19 Housing Strategy was approved by Cabinet in February, 2016, and included a chapter on 'specialist housing' with the key objectives focused on the housing needs of older people. Although these objectives remained relevant, there have been a number of significant developments since the production of the Housing Strategy including:-

- Increased pressure on Council budgets and a more urgent requirement to reduce Adult Social Care expenditure.
- A general movement away from the term 'specialist housing', in favour of consideration of homes that are designed in such a way that people can continue to live there as they develop support needs, or as their needs change. The home therefore adapts with the person through minor modifications, rather than people needing to move out, or the home requiring major adaptations.
- A more ambitious housing growth programme with recently secured financial resources from government to deliver a range of new tenures.

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- Consideration of the needs of a wider cohort including people with physical and learning disabilities.
- The Government's proposed introduction of Local Housing Allowance caps for supported housing is causing great uncertainty in the market with providers considering new development financial viability and long term sustainability.

A more focused set of strategic objectives had, therefore, been developed for specialist housing, to complement and enhance the Housing Strategy, and this was presented to Cabinet for approval. Appendix 1 set out outcomes, objectives and a detailed action plan.

The report demonstrated the key contribution housing could make to improving people's health and wellbeing, preventing people from requiring residential care, and savings on adult social care expenditure.

The Council had ambitious housing growth plans, to achieve the overall target of 900 new homes each year and it was essential that appropriate targets for housing for adults with support needs were established, across a range of tenures and types, to ensure the needs of Rotherham's residents could be met now and in the future.

Resolved:- That the revisions to the strategic objectives and action plan within the Housing Strategy 2016-19, included at appendix 1, be approved.

203. MUNSBOROUGH TENDER REPORT

Consideration was given to the report which sought approval for RMBC to accept and proceed with the winning tender for external works for 200 properties at Munsbrough, Rotherham.

The tender submission covered essential external upgrade works and repairs to domestic properties, including roof, fascia and fall pipe renewals, re-pointing of brickwork, installation of new bin stores and repairs to concrete/metal balustrades to various properties at Munsbrough, Rotherham.

Following formal evaluation the preferred tender was submitted by **Geo Houlton & Sons Ltd**, dated 23rd December, 2016. Details of all the bids submitted and reviewed were listed in Appendix A.

The tendered work covered essential capital investment improvements ensuring the buildings remained safe and sustainable.

Resolved:- (1) that the tender submitted by Geo Houlton & Sons Ltd, dated 23rd December 2016 (see Appendix A) be accepted and approved.

(2) That an increase to the budget, as detailed in Appendix B, be approved.

204. APPLICATION FROM MALTBY TOWN COUNCIL TO START THE PROCESS OF DEVELOPING A NEIGHBOURHOOD PLAN

Consideration was given to the report which detailed how Maltby Town Council had notified the Council of their intention to produce a neighbourhood plan covering the Parish of Maltby. It was proposed that the Council approve the application from Maltby Town Council as a relevant neighbourhood planning body and the designation of Maltby Parish as a Neighbourhood Area.

Resolved:- (1) That the neighbourhood area application from Maltby Town Council as the relevant neighbourhood planning body be approved.

(2) That the Parish of Maltby be designated as a Neighbourhood Area.

205. COMMUNITY OCCUPATIONAL THERAPY SERVICES - EXTENSION TO CONTRACT

Consideration was given to the report which confirmed the Community Occupational Therapy (COT) service was a jointly commissioned service between the Council and the Rotherham Clinical Commissioning Group (CCG), via a pooled budget arrangement under a Section 75 agreement covering the Better Care Fund (BCF).

The COT Service was currently delivered under a block contract agreement by The Rotherham Foundation Trust (TRFT) and the current contract would expire on 31st March, 2017.

The service provided assessments for adults, older people and children who were permanently or substantially disabled and their carers. The overall cost of COT services in 2016/17 was £746,000 per annum, with the Council contributing £372,000 towards the service and the CCG contributing £374,000 per annum. The Council was the lead commissioner for this service and was accountable to the Health and Wellbeing Board and the Better Care Fund Executive Group.

A formal review had recently been completed by the Council and CCG in order to:-

- (a) Ensure that the service was meeting the needs of customers and their carers.
- (b) Reduce the waiting times for assessment.
- (c) Reduce the number of customers being referred to the service by signposting them to alternative services at the first point of contact.
- (d) Carry out analysis of performance data to predict demand and capacity of service.

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- (e) Carry out analysis and evaluation of customer and carer satisfaction rates and outcomes.
- (f) Examine whether the service promotes Value for Money.

The review demonstrated that the COT service was carrying out assessments for low level/single need customers and that resources needed to be diverted towards providing assessments to support complex needs (e.g. moving and handling techniques to support carers, prescribing major adaptations). In addition to this, it was identified that Assistant Practitioners/OT Assessment Officers (formerly known as Technical Officers/Social Services Officers) could be upskilled to carry out assessments for level access showers, straight stair-lifts and ramps and that the level of paperwork completed was onerous and needed to be streamlined.

It was, therefore, recommended that the contract for the Community Occupational Therapy Service be extended for one further year to allow alignment with the Adult Care Development Programme (including the BCF Work Programme) and the evolving Specialist Housing Strategy. Within the extended period to April 2018, providers would be expected to achieve all recommendations highlighted in the COT review report and to work with the Council and the CCG to implement new models of service delivery.

The Lead Commissioner arrangements for the Community Occupational Therapy Service were proposed to be assigned to the Clinical Commissioning Group (CCG) as they have the largest financial stake and greater capacity to lead this activity. The Better Care Fund Section 75 agreement with Rotherham CCG allowed for the assignment of the Lead Commissioner responsibilities, which had been approved by the Better Care Fund Executive Group.

Extension of the current contracts for a period of up to 12 months would ensure that services could be redesigned, would allow time for the purpose and nature of future preventative services to be agreed in line with the Council's and CCG's Transformation programmes, Corporate Plan, Health and Wellbeing Strategy and the Better Care Fund Plan 2017/19. It would also ensure appropriate commissioning actions were taken to streamline services and ensure funding streams were appropriately placed prior to commencing a competitive tender process.

It was noted that the Overview and Scrutiny Management Board had made the following recommendations in respect of the report, which Cabinet noted in making the decisions below:

- a) That Cabinet be advised that the recommendations be supported.
- b) That if additional work is required at Member level, the Cabinet Member for Adult Social Care and Health be recommended to approach the Health Select Commission to support such activity.

Resolved:- (1) That the Clinical Commissioning Group be designated as Lead Commissioner for the Community Occupational Therapy Service.

(2) That the proposal to extend the contract for the Community Occupational Therapy Service for a period of up to 12 months from the 1st April 2017, for the reasons identified in Section 3 of this document, be noted.

206. REVIEW OF NEIGHBOURHOOD WORKING

Consideration was given to the report which referred to the Council's Corporate Improvement Plan, "A Fresh Start", which had a specific improvement theme of "strong, high impact partnerships". This included "active Ward Councillors working within neighbourhoods to build community and citizens' capacity".

The aim was to undertake a review which would herald the introduction of "a new model of citizen engagement and neighbourhood working linked to a review of Area Assemblies" to provide a focus on communities and introduce a new way of working.

The scope of the review comprised three elements:-

1. Creating a Council-wide policy and approach to neighbourhood working.
2. Developing a multi-agency approach to neighbourhood working.
3. Following the adoption of the new locality model, a review of the role and funding of the Neighbourhood Partnerships and Engagement Service.

A fourth connected element was agreeing a new "policy statement" on cohesion which was now also linked, in part, to the work of the Rotherham Together Partnership (RTP) and the new "Rotherham Plan" which would be launched in March 2017. This piece of policy work was being led by the Council's Head of Performance, Intelligence and Improvement. However, it was recognised that neighbourhood working played a crucial role in contributing to this agenda whilst it was being developed.

An Elected Member Working Group was established, chaired by Councillor Yasseen, Cabinet Member for Neighbourhood Working and Cultural Services, comprising:-

- Area Assembly Chairs/Vice Chairs.
- A member of the Opposition Group.
- Supported by the Chief Executive and senior internal/external partners.

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There have been six meetings of the Elected Member Working Group. The first four were as follows:-

- 11th July, 2016 - scene setting and internal partner footprints.
- 26th July, 2016 - external partner footprints.
- 24th August, 2016- externally facilitated - pre-circulated desktop research and feedback from visits to other local authorities, and results of Member Survey – considered Vision/Working Principles.
- 5th September, 2016 - approved a Vision/Working Principles.

The Elected Member Working Group then submitted a report to Cabinet on 10th October, 2016. Cabinet approved the Vision/Working Principles put forward by the Working Group:-

“Putting communities at the heart of everything we do by:-

- ***Councillors working with their communities on what matters to them,***
- ***Listening and working together to make a difference and***
- ***Supporting people from different backgrounds to get on well together . . . to help make people healthier, happier, safer and proud”***

Following Cabinet, there have been two further meetings of the Working Group:-

- 18th October, 2016 - considered three options for delivering the Vision
- 16th November, 2016 - received officer presentation on a potential working model

At the meeting of the Working Group on 16th November, 2016, there was support for a new neighbourhood working model which would result in the twenty-one electoral Wards becoming the key building blocks for supporting Councillors in their community leadership role. A complimentary project had been initiated by the Council and Rotherham Together Partnership to examine locality working across the wider partnership. This presented an opportunity to bring together other stakeholders e.g. South Yorkshire Police (SYP), Health, voluntary and community sector, and other Council services to develop a holistic locality model.

The objective of this paper was to present a revised model of neighbourhood working, with more detail around ward level working, accountability and governance.

It was reported that the Overview and Scrutiny Management Board had made a number of recommendations following its consideration of the report on 31st March 2017, which Cabinet supported:

- a) That Cabinet be advised that the recommendations be supported.

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- b) That training be arranged and delivered for Ward Councillors on developing Ward Plans as a matter of urgency.
- c) That the Cabinet Member be recommended to initiate the development of an overall strategy for Neighbourhood Working.
- d) That an update report on implementation of the new model be submitted to Improving Places in October 2017.
- e) That a further report be submitted to Overview and Scrutiny Management Board in March 2018 detailing the review of the new arrangements.

Resolved:- (1) That the recommendations for a new model of Neighbourhood Working be approved.

(2) That the removal of the current Area Assembly governance framework be agreed.

(3) That the dissolution of the Area Assembly Co-ordinating Groups be agreed.

(4) That the approach for each Ward to be able to locally agree how to conduct citizen engagement in a flexible and innovative manner be approved. Wards can still choose to hold meetings e.g. in response to specific issues and can tailor the approach to best engage their citizens.

(5) That flexible clustering to allow Wards to work together based on geography and common interest, where needed, be approved.

(6) That a quarterly update from each Ward be submitted to the portfolio Cabinet Member for Neighbourhood Working and Cultural Services to provide oversight across the Borough.

(7) That a requirement be introduced for Ward plans to be produced and to publish outlining Ward priorities and activities aligned to the Corporate Plan.

(8) That a requirement be introduced for place profiles to be developed for each of the twenty-one Wards detailing the demographics and community assets of the area; to be piloted in four Wards.

(9) That the Community Leadership Fund of £1,000 per Elected Member be continued, but be spent in line with Ward plan priorities.

(10) That the £30,000 currently allocated for Area Assembly Chairs from the Community Engagement budget in 2017/18 be distributed evenly to all twenty-one Wards, which will equate to £1,428 per Ward and that this budget be reviewed as part of the overall corporate budget setting process for 2018/19.

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(11) That Council be recommended to add £210k to the Capital Programme in 2017/18, to be funded from capital receipts, and that this budget be reviewed as part of the overall corporate budget setting process for 2018/19.

(12) That £10,000 capital investment funding be allocated to each Ward from the £210k total allocation and that utilisation of this be determined by Ward priorities.

(13) That decision making be delegated to Wards with spend approved by the Assistant Director of Housing and Neighbourhood Services.

(14) That officers be required to explore the potential to provide support to Members to secure additional funding both internally and externally.

(15) That an Annual Report on Neighbourhood Working be submitted to both the Improving Places Select Commission (IPSC) and Council.

(16) That approval be given to a twelve month transitional plan to phase-in the new neighbourhood approach.

(17) That the review of staffing structure supporting neighbourhood working be noted and decisions arising from the review be taken under existing delegated powers.

(18) That the Council be recommended to amend the Constitution to:-

- Remove the reference to Area Assemblies in the heading of Part III of the Constitution and delete Article 12 of the Constitution [Area assemblies and area assembly co-ordinating groups].
- Remove references to Area Assemblies and Area Assembly Co-ordinating Groups from the Executive Procedure Rules.
- Delete Rule 16(6),(7) and (8) [Conflicts of interest – membership of area assembly co-ordinating groups and overview and scrutiny committee] and references to “Chairs of Area Assemblies” and all other references to “area assemblies” in the Overview and Scrutiny Procedure Rules.
- Delete references to area committees in the Access to Information Procedure Rules.
- Delete references to area committees and area assembly co-ordinating groups in the Standing Orders.
- Delete references to area committees in the Code of Conduct for Members and Co-opted Members.
- Delete the reference to Chair of Area Assembly in the Members' Allowances Scheme.
- Remove references to area assemblies from the Scheme of Delegation for Members and Officers.