



Council

Wednesday, 13 September 2017

2.00 p.m.

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

Rotherham
Metropolitan
Borough Council 

WELCOME TO TODAY'S MEETING

GUIDANCE FOR THE PUBLIC

The Council is composed of 63 Councillors, who are democratically accountable to the residents of their ward.

The Council Meeting is chaired by the Mayor, who will ensure that its business can be carried out efficiently and with regard to respecting the rights and responsibilities of Councillors and the interests of the community. The Mayor is the Borough's first citizen and is treated with respect by the whole Council, as should visitors and member of the public.

All Councillors meet together as the Council. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints its Leader, Mayor and Deputy Mayor and at its Annual Meeting will appoint Councillors to serve on its committees.

Copies of the agenda and reports are available on the Council's website at www.rotherham.gov.uk. The public can also have access to the reports to be discussed at the meeting by visiting the Reception at the Town Hall. The Reception is open from 8.00 a.m. to 5.30 p.m. each day. You may not be allowed to see some reports because they contain private information and these will be marked accordingly on the agenda.

Members of the public have the right to ask questions or submit petitions to Council meetings. A member of the public may ask one general question in person which must be received in writing to the Chief Executive by 10.00 a.m. on the Friday preceding a Council meeting on the following Wednesday and must not exceed fifty words in length.

Council meetings are webcast and streamed live or subsequent broadcast via the Council's website. At the start of the meeting the Mayor will confirm if the meeting is being filmed. You would need to confirm your wish not to be filmed to Democratic Services. Recording of the meeting by members of the public is also allowed.

Council meetings are open to the public, but occasionally the Council may have to discuss an item in private. If this occurs you will be asked to leave. If you would like to attend a meeting please report to the Reception at the Town Hall and you will be directed to the relevant meeting room.

FACILITIES

There are public toilets, one of which is designated disabled with full wheelchair access, with full lift access to all floors. Induction loop facilities are also available in the Council Chamber, John Smith Room and Committee Rooms 1 and 2.

Access for people with mobility difficulties can be obtained via the ramp at the main entrance to the Town Hall.

If you have any queries on this agenda, please contact:-

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Date of Publication:- 5 September 2017

COUNCIL

Wednesday, 13 September 2017 at 2.00 p.m.
Council Chamber, Town Hall, Moorgate Street, Rotherham. S60 2TH

THE MAYOR (Councillor Eve Rose Keenan)
DEPUTY MAYOR (Councillor Alan Buckley)

CHIEF EXECUTIVE (Sharon Kemp)

MEMBERS OF THE COUNCIL

ANSTON AND WOODSETTS

IRELAND, Jonathan C.
JEPSON, Clive R.
WILSON, Katherine M.

KEPPEL

CLARK, Maggi
CUTTS, Dave
HAGUE, Paul

SITWELL

COWLES, Allen
SHORT Peter, G. J.
TURNER, Julie

BOSTON CASTLE

ALAM, Saghir
MCNEELY, Rose M.
YASSEEN, Taiba K.

MALTBY

BEAUMONT, Christine
PRICE, Richard
RUSHFORTH, Amy L.

SWINTON

CUSWORTH, Victoria
SANSOME, Stuart
WYATT, Kenneth J.

BRINSWORTH AND CATCLIFFE

BUCKLEY, Alan
CARTER, Adam
SIMPSON, Nigel G.

RAWMARSH

BIRD, Robert
MARRIOTT Sandra
SHEPPARD, David R.

VALLEY

ALBISTON, Kerry
REEDER, Kathleen
SENIOR, Jayne E.

DINNINGTON

MALLINDER, Jeanette M.
TWEED, Simon A.
VJESTICA, John

ROTHER VALE

ALLCOCK, Leon
BROOKES, Amy C.
WALSH, Robert J.

WALES

BECK, Dominic
WATSON, Gordon
WHYSALL, Jennifer

HELLABY

ANDREWS, Jennifer A.
CUTTS, Brian
TURNER, R. A. John

ROTHERHAM EAST

COOKSEY, Wendy
FENWICK-GREEN Deborah
KHAN, Tajamal

WATH

ATKIN, Alan
ELLIOT, Jayne C.
EVANS, Simon

HOLDERNESS

ELLIOTT, Michael S.
PITCHLEY, Lyndsay
TAYLOR, Robert P.

ROTHERHAM WEST

JARVIS, Patricia A.
JONES, Ian P.
KEENAN, Eve.

WICKERSLEY

ELLIS, Susan
HODDINOTT, Emma
READ, Chris

HOOBER

LELLIOTT, Denise
ROCHE, David J.
STEELE, Brian

SILVERWOOD

MARLES, Steven
NAPPER, Alan D.
RUSSELL, Gwendoline A.

WINGFIELD

ALLEN, Sarah A.
ELLIOTT, Robert W.
WILLIAMS, John

Council Meeting Agenda

Time and Date:-

Wednesday, 13 September 2017 at 2.00 p.m.

Venue:-

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

1. ANNOUNCEMENTS

To consider any announcements by the Mayor or the Leader.

2. APOLOGIES FOR ABSENCE

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

3. PETITIONS

To report on any petitions received by the Council.

4. COMMUNICATIONS

Any communication received by the Mayor or Chief Executive which relates to a recommendation of the Cabinet or a committee which was received after the relevant meeting.

5. DECLARATIONS OF INTEREST

To invite Councillors 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.

6. MINUTES OF THE PREVIOUS COUNCIL MEETING (Pages 1 - 26)

To receive the record of proceedings of the ordinary meeting of the Council held on 12 July 2017 and to approve the accuracy thereof.

7. PUBLIC QUESTIONS

To receive questions from members of the public who may wish to ask a general question of the Mayor, Cabinet Member or the Chairman of a Committee.

8. MINUTES OF CABINET AND COMMISSIONERS' DECISION MAKING MEETING (Pages 27 - 40)

To note the minutes of Cabinet and Commissioners' Decision Making Meeting held on 10 July 2017.

9. PROPOSED AMENDMENTS TO THE CONSTITUTION - STANDING ORDERS AND EMPLOYMENT PROCEDURE RULES & CODE OF CONDUCT (Pages 41 - 120)

To consider proposed amendments to the Constitution in respect of Standing Orders and the introduction of Officer Employment Procedure Rules.

10. MEMBERSHIP OF COMMITTEES, PANELS AND BOARDS

To note the following membership changes to Committees, Panels and Boards:-

- Councillor M. S. Elliott to fill the UK Independence Party Group vacancy on Licensing Board.
- Councillor S. Sansome to replace Councillor S. Tweed on Health Select Commission.
- Councillor S. Tweed to replace Councillor S. Sansome on Improving Lives Select Commission.

11. NOTICE OF MOTION - NJC (NATIONAL JOINT COUNCIL) PAY TO COUNCILS

Rotherham Metropolitan Borough Council notes that:-

- NJC basic pay for local government workers has fallen by 21% since 2010 in real terms.
- NJC workers had a three-year pay freeze from 2010-2012.
- Local terms and conditions of many NJC employees have also been cut, impacting on their overall earnings.
- NJC pay is the lowest in the public sector.
- Job evaluated pay structures are being squeezed and distorted by bottom-loaded NJC pay settlements needed to reflect the increased National Living Wage and the Foundation Living Wage.
- There are growing equal and fair pay risks resulting from this situation.

This Council therefore supports the NJC pay claim for 2018, submitted by UNISON, GMB and Unite on behalf of Council and school workers and calls for the immediate end of public sector pay restraint. NJC pay cannot be allowed to fall further behind other parts of the public sector.

This Council also welcomes the joint review of the NJC pay spine to remedy the turbulence caused by bottom-loaded pay settlements. This Council also notes the drastic ongoing cuts to local government funding and calls on the Government to provide additional funding to fund a decent pay rise for NJC employees and the pay spine review.

This Council therefore resolves to:-

- Call immediately on the LGA to make urgent representations to Government to fund the NJC claim and the pay spine review and notify us of their action in this regard.
- Write to the Prime Minister and Chancellor supporting the NJC pay claim and seeking additional funding to fund a decent pay rise and the pay spine review.
- Meet with local NJC union representatives to convey support for the pay claim and the pay spine review.

Proposer:- Councillor Hoddinott

Seconder:- Councillor Andrews

12. STANDARDS AND ETHICS COMMITTEE (Pages 121 - 125)

To receive and consider reports, minutes and recommendations of the Standards and Ethics Committee.

To confirm the minutes as a true record.

13. AUDIT COMMITTEE (Pages 126 - 133)

To receive and consider reports, minutes and recommendations of the Audit Committee.

To confirm the minutes as a true record.

14. HEALTH AND WELLBEING BOARD (Pages 134 - 146)

To receive and consider reports, minutes and recommendations of the Health and Wellbeing Board.

To confirm the minutes as a true record.

15. PLANNING BOARD (Pages 147 - 152)

To receive and consider reports, minutes and recommendations of the Planning Board.

To confirm the minutes as a true record.

16. LICENSING BOARD SUB-COMMITTEE (Pages 153 - 156)

To receive and consider reports, minutes and recommendations of the Licensing Board Sub-Committee and Licensing Sub-Committee.

To confirm the minutes as a true record.

17. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS

To put questions, if any, to the designated Members on the discharge of functions of the South Yorkshire Police and Crime Panel, South Yorkshire Fire and Rescue Authority, Barnsley, Doncaster, Rotherham and Sheffield Combined Authority and South Yorkshire Pensions Authority, in accordance with Standing Order No. 7(5).

18. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRMEN

To put questions, if any, to Cabinet Members and Chairmen (or their representatives) under Standing Order No. 7(1) and 7(3).

19. URGENT ITEMS

Any other public items which the Mayor determines are urgent.

A handwritten signature in black ink that reads "Sharon Kemp". The signature is written in a cursive, flowing style.

SHARON KEMP,
Chief Executive.

**The next meeting of the Council will be on
Wednesday 18 October 2017 at 2.00 p.m. at the Town Hall.**

COUNCIL MEETING
Wednesday, 12th July, 2017

Present:- The Mayor of Rotherham (Councillor Eve Rose Keenan) (in the Chair); Councillors Alam, Allcock, Atkin, Beaumont, Beck, Bird, Brookes, Buckley, Carter, Clark, Cooksey, Cowles, Cusworth, B. Cutts, D. Cutts, Elliot, M. Elliott, R. Elliott, Ellis, Evans, Fenwick-Green, Hague, Hoddinott, Ireland, Jarvis, Jepson, Jones, Khan, Mallinder, Marles, Napper, Pitchley, Read, Reeder, Roche, Rushforth, Russell, Sheppard, Short, Simpson, Steele, Taylor, John Turner, Julie Turner, Tweed, Vjestica, Walsh, Watson, Wilson, Wyatt and Yasseen.

25. ANNOUNCEMENTS

The Mayor welcomed all in attendance at the meeting and made special reference to the presence of members of the Rotherham Youth Cabinet.

In opening the meeting, the Mayor invited all Members to reflect in silence on the tragedies in both London and Manchester which had occurred since the previous Council meeting. The Council rose to stand in silent tribute to the victims of the terrorist attacks.

The Mayor invited Members to join with her in paying tribute to the Vicar of Rotherham, Canon David Bliss, who was shortly to retire from his ministry in the town. On behalf of the people of the town and all Members of the Council, the Mayor thanked Canon Bliss for his service and presented him with a token of thanks on behalf of the Council and the people of Rotherham. Canon Bliss responded in kind to thank the Mayor for her kind words and to thank Members and the people of Rotherham for their support for his ministry in the town.

The Mayor reported that since 19 May 2017 she had undertaken 93 engagements and was pleased to highlight the Vintage Tea Party for the Veterans which took place in June and referred to one veteran who had told her that he had buried his wife of 64 years the day before the event. The Mayor indicated that she had never felt so humble in her life and referred to the prestige in which the office of Mayor of Rotherham was held by the people of the Borough.

The Leader of the Council indicated that he had no announcements to report to the meeting.

26. APOLOGIES FOR ABSENCE

The Chief Executive reported that Councillors Allen, Lelliott, Marriott, McNeely, Price Sansome, Senior and Whysall had submitted apologies for the meeting.

27. PETITIONS

It was reported that five petitions had been received by the Council since the previous meeting. The petitions received covered the following issues:-

| Issue | Number of Signatures |
|--|-----------------------------|
| Access into Beech Road, Avenue Road and Sandymount Road through the removal of a pub fence to facilitate a safer walking route | 313 |
| Against residents of No. 62 Thomas Street, Swinton | 17 |
| Wales High School's request for the roads around the school site to be free from congestion and dangerous parking | 1792 |
| Action to improve road safety around Thrybergh Primary School. | 304 |
| Removal of the Heras fencing around The Meadows and The Pastures, Todwick | 189 |

It was noted that none of the lead petitioners were present to address the meeting on the call for action in each petition. It was reported each petition would be responded to by the appropriate Strategic Director and the petition in respect for Wales High School had met the threshold to be considered by the Overview and Scrutiny Management Board.

Resolved:-

That the petitions received by the Council be noted.

28. COMMUNICATIONS

The Mayor reported that a recommendation had been received from the Cabinet following its meeting on 10 July 2017 in respect of the 'Interim Review of Polling Places 2017' and would be put forward for determination later on the agenda.

29. DECLARATIONS OF INTEREST

The Monitoring Officer provided advice to all Members of the Council in respect of the agenda item concerning the recommendations of the Independent Remuneration Panel on Member Allowances.

Councillor Carter declared a personal interest in respect of the Minute No. 40 (Notice of Motion – NHS) on the basis of his employment in the NHS.

Councillor Wyatt declared a personal interest respect of the Minute No. 40 (Notice of Motion – NHS) on the basis of his spouse's employment.

30. MINUTES OF THE PREVIOUS COUNCIL MEETING

Resolved:-

That the minutes of the previous Council meeting held on 19 May 2017 be approved as a true and correct record of the proceedings.

31. PUBLIC QUESTIONS

It was reported that no questions had been received from the public.

32. MINUTES OF CABINET AND COMMISSIONERS' DECISION MAKING MEETINGS

Resolved:-

That the minutes of the meeting of the Cabinet and Commissioners' Decision Making Meeting held on 15 May 2017 be noted.

33. RECOMMENDATION FROM CABINET - ASSET MANAGEMENT POLICY AND STRATEGY

Consideration was given to a recommendation from the Cabinet and Commissioners' Decision Making Meeting on 15 May 2017 which sought the adoption and approval of the Asset Management Policy and Strategy.

It was reported that Commissioner Kenny had recommended approval of the Asset Management and Policy Strategy to guide the use of the Council's Land and Property Assets. The proposed approach to the management, usage and development of the Council's Land and Property Assets supported the Council's Corporate Plan and the Asset Management Improvement Plan.

Resolved:-

That the Asset Management Policy and Strategy be approved and adopted.

34. RECOMMENDATION FROM CABINET - COUNCIL PLAN 2017 - 2020

Consideration was given to a recommendation from the Cabinet and Commissioners' Decision Making Meeting held on 26 June 2017 in respect of the adoption and approval of the Council Plan for the period from 2017 to 2020.

It was reported that the Cabinet recommended the Council Plan as the core document that underpinned the Council's overall vision, setting out headline priorities, indicators and measures that would demonstrate its delivery.

In presenting the plan for approval, Cabinet Members set out the key priorities within their portfolios for the three year period covered by the plan and reflected on the achievements in the previous plan which had covered the previous year 2016-17.

Resolved:-

That the Council Plan 2017-2020 be approved.

35. RECOMMENDATION FROM THE STANDARDS AND ETHICS COMMITTEE - AMENDMENTS TO THE CONSTITUTION - STANDING ORDERS

Consideration was given to recommendations from the Standards and Ethics Committee concerning proposed amendments to the Constitution, specifically in respect of Standing Orders governing the conduct of Council and committee meeting.

In view of the report failing to reflect two recommendations from the Constitution Working Group, the Council determined to defer consideration of the proposals at its next meeting on 13 September 2017.

Councillor Jepson referred to the proposal within the report in respect of the number of Members required to initiate a recorded vote and asked if the Leader of the Council could revisit this proposal before re-submitting to the Council meeting on 13 September 2017.

Councillor Carter asked the Leader of the Council whether it would be possible for Members Questions to be brought forward on the Council Agenda to follow Public Questions to demonstrate democratic accountability.

Resolved:-

That consideration of the recommendation from the Standards and Ethics Committee be deferred until 13 September 2017.

36. PROPOSED AMENDMENT - MEMBER ALLOWANCES SCHEME

Consideration was given to a recommendation from the Independent Remuneration Panel concerning a proposed reduction in the level of allowances for Members to reflect the recent reduction in the salaries of employees of the authority.

It was reported that the Independent Remuneration Panel had expressed support for a proposed reduction of 1.15% to be applied to both the basic and special responsibility allowances paid to Members. It was recommended that the effective date for the reductions be agreed as 1 April 2017, so as to be commensurate with the reduction in staff salaries which were effective from that date.

Members expressed broad support for the proposal to reduce the level of allowances paid to Councillors in the Borough. A concern was highlighted in respect of the continuing reduction in allowances and the potential negative impact on attracting younger people to stand as a candidates for election to the Council.

Resolved:-

1. That the Basic Allowance for Members be reduced by 1.15% from £11,605 to £11,471, with the reduction to be effective from 1 April 2017.
2. That Special Responsibility Allowances be reduced by 1.15%, with the reduction to be effective from 1 April 2017.
3. That Appendix 8 of the Constitution, detailing the Member Allowances Scheme, be updated accordingly.

37. OVERVIEW AND SCRUTINY ANNUAL REPORT 2016-17

Consideration was given to the Overview and Scrutiny Annual Report for the 2016-17 municipal year, which was presented by the Chair of the Overview and Scrutiny Management Board.

It was noted that the Annual Report provided a retrospective look over the past year in terms of work completed and outcomes achieved. It offered a look ahead for the coming municipal year in terms of future priorities through a headline work programme. Members further noted that the report provided a further opportunity to provide vital information to Members, officers, partner agencies and the general public about the role and work of Scrutiny and to formally thank the co-optees for their contributions.

The gratitude of the Chair of the Overview and Scrutiny Management Board to all those who had been involved in the previous year and embedding the new pre-decision scrutiny arrangements was expressed and supported by Members.

Resolved:-

That the Overview and Scrutiny Annual Report 2016-17 be approved.

38. APPOINTMENT OF COUNCILLORS TO COMMITTEES, BOARDS, PANELS AND OTHER BODIES

Consideration was given to a report which detailed a proposed change in the membership of the Standards and Ethics Committee and appointments to other bodies within the Council's governance framework.

Resolved:-

1. That Councillor Jeanette Mallinder replace Councillor Tajamal Khan on the Standards and Ethics Committee.
2. That the schedule of appointments to other bodies be approved.

39. LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND'S REVIEW OF WARD BOUNDARIES IN ROTHERHAM

Consideration was given to a report detailing the recommended warding scheme for the Borough from the Local Government Boundary Commission for England (LGBCE).

It was reported that the Commission's proposals had been published on 4 July 2017 and confirmed that there should be 59 councillors in the Borough elected from 25 Wards, which would be four Wards more, but four councillors fewer than there were presently. The Commission also proposed changes to all of the current Ward boundaries in the Borough. The report detailed what would be involved in the next stage of the review and outlined a recommended approach for the Council to respond to the proposals from the LGBCE by way of delegating authority to the Chief Executive, in consultation with the Constitution Working Group, to respond formally to the consultation.

Resolved:-

1. That the Local Government Boundary Commission for England's draft recommendations on the new electoral arrangements for Rotherham be noted.
2. That the timetable for the remainder of the Ward boundary review be noted.
3. That authority be delegated to the Chief Executive, in consultation with the Constitution Working Group, to submit a response on behalf of the Council in respect of warding arrangements to the Local Government Boundary Commission for England.

40. NOTICE OF MOTION - NHS

Proposed by Councillor Cooksey and seconded by Councillor Sheppard:-

This Council recognises that our NHS is struggling to cope. Earlier this year the Red Cross described the situation as a 'humanitarian crisis' and more than twenty hospitals in England declared 'black alert' as they faced unprecedented pressure on their services.

At present here in Rotherham 12% of patients in the area are waiting more than four hours to be seen in A&E thereby exceeding the official target of 5%. Moreover, there is a £571m funding gap for the NHS locally.

The government plans to deal with waiting times and deficits, such as the one in our area, by setting up 44 Footprint Areas across the UK including one for South Yorkshire and Bassetlaw to prepare its Sustainability and Transformation Plan which will:-

1. Contribute to cuts of at least £2.5bn nationally this year, and £22bn within the next five years, to wipe out the NHS's so-called financial deficit.
2. Achieve this by implementing 'new models of care' that are set out in NHS England's 5-Year Forward View (2014).
3. By NHS England's own admission, thus provide an "enormous opportunity" to the private sector.

We welcome the focus in the STP on prevention, mental health and primary and community care. We recognise the important proposals set out in Rotherham's Health and Adult Social Care Plan to ensure that health and social care work more closely together to better support people who need these services. However, the government's promise of investment in these areas is just not credible when the plans set to deliver such huge cuts in public spending.

Drastic underfunding and privatisation go hand in hand. Whilst the internal market of the NHS wastes at least £4.5bn a year, cuts and crisis in turn pave the way for more of our NHS to be privatised.

In view of the limitations NHS bodies have to oppose these cuts, as opposition could risk losing access to the £8bn NHS Transformation Fund, we recognise that as a local authority we are in a strong position to make clear our opposition to the proposed cuts to expenditure.

We therefore resolve to:-

- Write to the government to demand more money for the NHS and social care in Rotherham
- Lobby MPs for more money for health and social care

- Continue to work alongside Rotherham CCG and Foundation Trust in order to deliver the joined up services that local residents deserve, in line with our Health and Adult Social Care Plan.
- Continue to support the work of the Health select Commission in holding local decision makers to account and support our local health services.
- Increase awareness of the STP amongst the Rotherham public.
- Call for more openness and transparency from the government and the NHS about STPs so that local residents can assess the true impact of government policy.
- Reserve the option of not signing the STP in the future.

Councillor Carter proposed and Councillor Jepson seconded the following amendment:-

To insert the words:

- Write to the Government asking for more funding for health and social care in Rotherham
- Lobby MPs to stand up for more funding for health and social care in Rotherham
- Hold local decision makers to account for decisions made locally by close scrutiny of their work through the Health Select Commission
- Work with Rotherham CCG and Foundation Trust to provide better outcomes for patients to deliver more joined up local healthcare and social care
- Engage in developing the Sustainability and Transformation Plan (STP) so it works for the people of Rotherham
- Call for more openness and transparency from the Government and NHS about STPs so that local residents can assess the true impact of government policy
- Reserve the option of not signing the STP in the future

On being put to the vote, the amendment was accepted by the Council and became the substantive motion.

On being put to the vote, the substantive motion was carried by the Council.

41. NOTICE OF MOTION - VOTES FOR 16 AND 17 YEAR OLDS

Councillor Wilson proposed and Councillor Beck seconded:-

Rotherham Metropolitan Borough Council notes:-

- That currently 1.5 million 16 and 17 year olds are denied the vote in public elections in the UK.

- That the campaign to lower the voting age is supported by thousands of young people across the UK and that the following a nationwide consultation, the UK Youth Parliament voted it as their national campaign for 2017.

This Council believes:-

- 16 and 17 year olds are knowledgeable and passionate about the world in which they live and are as capable of engaging in the democratic system as any other citizen;
- Lowering the voting age to 16, combined with strong citizenship education, would empower young people to better engage in society and influence decisions that will define their future;
- People, who can consent to medical treatment, work full-time, pay taxes, get married or enter a civil partnership and join the armed forces should also have the right to vote.

This Council resolves to write to the Minister for the Constitution, local MPs and the local media to inform them of their decision to support Votes at 16 and to promote this policy through its communications.

On being put to the vote, the motion was carried.

42. HEALTH AND WELLBEING BOARD

Resolved:-

That the minutes of the meetings of the Health and Wellbeing Board be adopted.

Mover:- Councillor Roche Seconded:- Councillor Watson

43. PLANNING BOARD

Resolved:-

That the minutes of the meetings of the Planning Board be adopted.

Mover:- Councillor Atkin Seconded:- Councillor Tweed

44. STAFFING COMMITTEE

Resolved:-

That the minutes of the Staffing Committee be adopted.

Mover:- Councillor Alam Seconded:- Councillor Read

45. LICENSING BOARD SUB-COMMITTEE

Resolved:-

That the minutes of the Licensing Board Sub-Committee be noted.

Mover:- Councillor Ellis Second:- Councillor Beaumont

46. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS

It was reported that no questions had been received for designated spokespersons.

47. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRMEN

- (1) **Councillor B. Cutts** asked "At the 8th March, 2017 Council meeting my question 31 referred to the two demonstrations on 25th February, and asked who was responsible for the "detailed" programme and approval of the programme. Police for planning, "other" for approval, who are the others?"

Councillor Read, Leader of the Council, explained that the Police took the lead in planning and responding to all demonstrations, including the demonstrations held on 25 February. The Police had the discretion to call on other partner agencies to support this. In such circumstances a multi-agency Silver (tactical) level group would develop tactical plans which require approval and ratification at a Gold (strategic) forum. Both Silver and Gold planning meetings were held for the demonstrations on 25th February. The Strategic and Tactical groups were both chaired by South Yorkshire Police, and partner agencies, including Local Authority, South Yorkshire Fire & Rescue and Yorkshire Ambulance Service provide support to assist in planning for, and managing the demonstrations. One of the Council's strategic leads would represent the Council at this multi-agency forum. The Council had a duty under the Crime and Disorder Act to work with Police for the prevention and detection of crime.

As a supplementary question, Councillor B. Cutts asked why the Leader was not concerned to attend a demonstration with him to view the extent of the impact of the demonstrations on the town centre. In response, the Leader of the Council indicated that, whilst he had met with numerous people who had been adversely affected by the demonstrations, he did not think it would be helpful to attend a demonstration with Councillor Cutts on that date.

- (2) **Councillor Fenwick-Green** asked “Since being an Elected Councillor for Rotherham East last year, I have seen many changes and improvements to the Ward, one of these changes being ‘the Eastwood Improvement Plan’. A year on from its introduction, can you advise whether this plan has been a success in bringing improvement to the Ward?”

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, explained that the Eastwood Deal was launched in July 2016 and had been running for 12 months. She had requested a full one-year review to establish what had worked well in the first year and areas for further partnership work to focus on during the year ahead. Some areas of note regarding the Plan were:

- The successful joined up multi-agency approach to tackling the issues
- The Plan being led at a local level by Ward Members
- The focus on sustainable environmental improvements, tackling crime and anti-social behaviour

Key areas had included

- tackling fly-tipping, waste in gardens and litter – 128 Fixed Penalty Notices issued from 26th April to 5th July 2017 and 2 successful prosecutions for the illegal disposal of waste (with a further 4 being prepared). Fly-tipping had decreased in the area
- additionally 1 prosecution for accumulations of waste in gardens and 3 prosecutions of landlords relating to Selective Licensing issues had been successful
- formal enforcement work had included 15 abatement notices served in relation to noise, 42 notices issued due to accumulations of waste in yards and gardens, and 98 formal warnings to landlords which if breached would lead to prosecution.
- A regular proactive police presence in the area which had lead to some significant arrests and disruption of crime (including drugs offences)
- Early Help services supporting vulnerable children and families
- The tackling of noise nuisance through the Council's Enforcement Teams and out-of-hours team
- Fortnightly front-line officers meetings being held in Eastwood which included officers from the Council's Regulation and Enforcement team, Early Help, Streetscene, Housing and Anti-Social Behaviour, together with partners including Clifton Learning Partnership and South Yorkshire Police.
- Excellent collaborative working with partner agencies including the schools, the Clifton Learning Partnership and the Canals and Rivers Trust

- Improved housing standards and effective enforcement action through the Council's Selective Licensing Scheme, including regular meetings with tenants and attendance at the Landlords Forum
- Effective communication with residents and a proactive approach to better community engagement
- Building community spirit and pride – particularly with the Council's Love Where You Live Campaign and the recruitment of volunteers in the area

Although there had been an increase in reported crime over the past two years from 936 incidents for July 2015 to June 2016, compared to 1013 for July 2016 to June 2017, there had been a significant decrease in the anti-social behaviour that had been reported in Eastwood with a decline from 713 incidents between July 2015 and June 2016, to 558 incidents between July 2016 and June 2017.

The second year would see the continued drive for further improvements maximising on the effective partnership working already in place.

- (3) **Councillor M. Elliott** asked "I recently raised the issue of the fire ravaged derelict buildings on Corporation Street, only to be informed that not much could be done because they are in private ownership. The recent news that attempts are being made to contact the owners is pleasing. Have you established contact yet?"

Councillor Read, Leader of the Council, responded to indicate that the Council had attempted to make contact with the owners of the building on several occasions. The Cabinet had agreed measures to tackle the issue which could result in the use of compulsory purchase powers by the Council.

Councillor Elliott asked a supplementary question and referred to the objective in the Council Plan to deliver a cleaner and greener Rotherham and why it had taken 12 years to address the issues with these properties. In response, Councillor Read indicated that the Council was examining every avenue to improve the state of the buildings and stated that the owners of the building should be ashamed.

- (4) **Councillor Cowles** asked "You may recall that a couple of years ago we/RMBC provided BT £1M upfront for additional high speed broadband services. Can you provide an update on progress?"

Councillor Alam, Cabinet Member for Corporate Services and Finance, explained that at the Cabinet Meeting of 9 July 2014 it was agreed to underwrite the required local funding contribution of £1.596m, with an additional contingency budget of £124,000 pending a bid to the Sheffield City Region for SCRIF (Sheffield City Region Investment Fund) funding for the project. This funding bid had been successful, so therefore no payments were made to BT by the Council in respect of that contract.

As a supplementary question, Councillor Cowles referred to the lack of high speed broadband connection in his Ward and queried when it would be likely in place. Councillor Alam explained that it was hoped that this would be achieved in by the end of the 2018/19 financial year.

- (5) **Councillor Simpson** asked “Given continuing child abuse, curb crawling of young girls and residents belief that 101 isn’t working, can the Council make a special case for more Police street patrols, and more 101 staff for South Yorkshire including the expanding villages of e.g. Waverley, with the addition of local Police feedback sessions.”

Councillor Read, Leader of the Council, explained that there was an acknowledgement from South Yorkshire Police that the Countywide 101 telephone service required improvement and he was aware that remedial action was being taken to address this. In particular, the local Borough Commander had confirmed that recruitment was taking place, at a county level, to increase the number of call-handlers and reduce waiting times. In addition, new technology would be introduced in March 2018 to further assist and improve and streamline the service provided to the public.

Reducing the demand on the 101 service was recognised as being key to achieving improvements. A new neighbourhood policing model, which would be implemented alongside the Council’s plans for greater locality based working would bring further prevention based problem solving at a local level. The Council was fully committed to working with the police on a locality based approach to tackle issues at the heart of communities.

With regard to Police feedback sessions, the Leader indicated that he was aware that, as part of the new neighbourhood policing model, regular local drop-in sessions would be arranged across the Borough to enable residents to have the opportunity to meet their local policing team and discuss issues that were important to them.

Finally, the Leader reiterated that any information relating to child abuse (or any crime for that matter) should continue to be reported to the police as a matter of urgency. The police would continue to prioritise all issues relating to vulnerable people across the Borough.

As a supplementary question, Councillor Simpson asked whether a special case could be made for resources to not only “cure” the problem, but prevent further issues in future. In response, Councillor Read explained that the authority was trying to improve its work with the Police and ensure that resources were targeted to deal with the issues described. However, the question of finding more police resources was a question for central government to answer.

- (6) **Councillor Cooksey** asked “Since Kingdom began providing environmental protection services to Rotherham earlier this year, how many fixed penalty notices have been issued in Eastwood Village?”

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, reported that 137 fixed penalty notices had been issued in Eastwood.

As a supplementary question, Councillor Cooksey enquired as to how successful the rate of recovery was on the fines. Councillor Hoddinott confirmed that the current payment rate within deadline was around 70%, which was reported as being on average for most local authorities.

- (7) **Councillor Reeder** asked “Yes or no, would this Council be willing to have houses built on Herringthorpe Playing Fields?”

Councillor Read, Leader of the Council, responded to confirm that there were no plans to build on the playing fields, but there were two sites adjacent to the Playing Fields which had been earmarked for development in the Local Plan.

Councillor Reeder, as a supplementary question, asked what the two sites were known as. Councillor Read referred to comments made at a recent meeting of the Overview and Scrutiny Management Board by Councillor Short encouraging officers to dispose of vacant plots of land, specifically referred to the sites alluded to next to Herringthorpe Playing Fields. Councillor Read indicated that he was in agreement with Councillor Short’s comments that the land should be disposed of and developed as soon as possible.

- (8) **Councillor Carter** asked “I welcome the appointment of a sponsor for the new Waverley Primary School. What is the timescale for the next steps in the process?”

Councillor Watson, Deputy Leader of the Council, explained that the timescale for the next steps in the process to establish the new Primary school at Waverley following the appointment of Aston Community Education Trust (ACET) as sponsor were:

- September 2017 - Commence 'consultation and design of new school' period, following release of 5% of total funding agreement in April 2017
- May 2018 - 750th dwelling occupied – leading to start of processes to the release of 45% of total funding agreement for the building of a 1 form entry primary school
- August 2018 - Design code approval
- September 2018 - Submit planning application
- December 2018 - Planning Board determination of planning application
- January 2019 - Application to discharge pre commencement conditions
- June 2019 - Commence build of school
- September 2020 - School opens

Councillor Carter asked for the response to be sent to him in writing and enquired when the waiting list would be opened. Councillor Watson indicated that he would provide that information to him in writing.

- (9) **Councillor M. Elliott** asked “The £10million allocated to this Council for essential road repairs. Has it all been spent or is there scope for further much needed resurfacing work?”

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, indicated that it was part of the 2020 Roads Programme, with the £10m being staggered over three years. 40 roads had been put forward for the current year and there would be an opportunity for Councillors to nominate roads for inclusion in next year's programme in the autumn.

As a supplementary question, Councillor Elliott enquired whether Streetpride had plans to extend the programme of works for the Multihog machine. Councillor Hoddinott explained that there was a programme to do larger patches, as well as a re-surfacing programme. She indicated that she was happy to link Councillor Elliott up with local highways inspector for his Ward.

- (10) **Councillor Cowles** asked “What has gone wrong at Wath School? The Ofsted report is damning in all aspects, not just leadership and why was it not being effectively monitored by the Council?”

Councillor Watson, Deputy Leader of the Council, explained that Rotherham's education service had a strong track record in ensuring children at all ages received a good education. Wath Comprehensive School was one of three remaining non academy secondary schools. The School was last inspected in 2011 when it was deemed to be a "Good" school by Ofsted. As a good school, it received a light touch monitoring approach by the Council and Ofsted. The headline data for the school had remained positive; however recently the Directorate had become aware of some dips in performance. In September 2016 a new head teacher had been appointed and at this point the Local Authority sought to strengthen the monitoring of the school. However, since becoming aware of the Ofsted outcome, officers had been working closely with the school, and they had been instrumental in getting national leaders in education and governance into the school to work on the inadequate areas, ahead of the school being taken over by an academy sponsor, which would be appointed by the Regional Schools Commissioner in due course.

As a supplementary question, Councillor Cowles asked why the report had come without warning to the Council. In response, Councillor Watson reiterated that the School Improvement Service was not linked the school and the Council did not have the power to force the governing body to use the service to improve.

- (11) **Councillor John Turner** asked "Is it true that the relatively new court building is to be knocked down and the town police station is to become redundant?"

Councillor Read, Leader of the Council, confirmed that it was correct that the former Magistrates Court was to be demolished. The Cabinet agreed in principle at its meeting on 13 March 2017 to the potential demolition with the decision to be delegated to the Strategic Director of Regeneration and Environment in consultation with the Cabinet Member for Jobs and Local Economy and Commissioner Kenny. The meeting of the Asset Management Board on 18 April considered a paper on the Court buildings and agreed to the demolition (minute 15/17 refers). The demolition was scheduled to start on Monday 17th July 2017 following a tender exercise. The Council had spoken to South Yorkshire Police and no decision had been made on withdrawing from the Main Street Police Station. Officers had asked South Yorkshire Police to update the Council should any decisions be made.

As a supplementary question, Councillor John Turner queried what the cost of the building was when it was built. In response, Councillor Read confirmed that he did not know and would need to check the figure.

- (12) **Councillor Reeder** asked “Why has this Council decided to end Area Assemblies without consultation. What was the hurry? Is there a hidden agenda as usual with this Labour Council?”

Councillor Yasseen, Cabinet Member for Neighbourhood Working and Cultural Services, indicated that Council on 19 May 2017 had adopted a new model of citizen engagement and neighbourhood working, which arose from an action in the Rotherham Corporate Improvement Plan, ‘A Fresh Start’: Phase Two - Action Plan. The view reached by the Elected Member Working Group was that whilst the Area Assembly structure had its strengths and had undoubtedly had many successes over the years, the meetings themselves were not however the most effective way of engaging residents, citizens, partners and businesses. The previous Area Assembly structure had run for over 15 years and the time was right to adopt more innovative, flexible and modern ways of neighbourhood and locality working. Thus a series of recommendations were made to Council on 19th May 2017 including replacing the requirement under the Council’s Constitution to hold a minimum of 4 Area Assembly meetings annually. Instead a new model with the 21 Wards becoming the building blocks of future neighbourhood working was recommended. Ward Councillors will have a dedicated officer resource who will work with them to develop a Ward Plan and use a Ward Budget to help implement the Plan. These Plans will be informed by engagement with local residents and stakeholders, and Officers are now in the process of talking to their Ward Councillors about local engagement opportunities.

- (13) **Councillor Napper** asked “What in-house properties does the Council own to generate revenue from these days?”

Councillor Beck, Cabinet Member for Housing, responded to indicate that the Asset Management Service - Estates Team within Regeneration and Environment administered the Councils Non Operation Commercial/Investment Estate which comprised of 137 individual retail units located throughout the Borough, 6 office units mainly located within the Town Centre and the periphery and one large industrial unit at the Advanced Manufacturing Park. These properties generate an annual income excess of £575,000.

As a supplementary question, Councillor Napper queried how much of the town centre would be owned by the Council. In response, Councillor Beck confirmed that there would be a significant amount of housing as part of the masterplan, but the stage had not yet been reached where the numbers to be financed by the Council had been determined.

- (14) **Councillor Carter** asked “In the event of a catastrophic event in the borough, such as the recent tragedy of Grenfell Tower, does the Council have contingency plans in place for dealing with such major incidents?”

Councillor Alam, Cabinet Member for Corporate Services and Finance, confirmed that the Council had a Major Incident Plan that had recently been refreshed and updated. This outlined amongst other things, activation processes, command and control arrangements and roles and responsibilities of different departments and stakeholders in responding to a Major Incident. Training on this plan took place every month. Additionally, the Council had a corporate framework for recovery that outlined, again command and control in a recovery phase, links with multi-agency partners, roles and responsibilities and highlighted areas for consideration and return to normality, such as Human Aspects, Infrastructure and Economic impacts and potential aspects for consideration.

As a supplementary question, Councillor Carter queried whether the plans had been practiced and if there had been in-house simulation of an exercise and if there had been collaboration with other authorities. In response, Councillor Alam confirmed that exercises had been carried out and referenced the Emergency Planning Shared Service with Sheffield City and work with other public agencies.

- (15) **Councillor M. Elliott** asked “In Holderness Ward a limited number of footpaths have been top dressed with microasphalt or as I am informed “slurry sealing”. Whilst this vastly enhances the appearance of the footpaths, how many more footpaths is the Council intending to treat with this process?”

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, confirmed there had been 24 footpaths improved using footway micro asphalt during the current financial year (2017/18). There were no further footways to be improved using this process in year. The process was the Council’s preferred method of extending the life of footways and would continue next summer. It was further explained that Micro Asphalt was not constructional but was a thin surface treatment. Pre-patching was undertaken to small areas prior to the process being carried out, before being over-laid with the Micro Asphalt material. Micro Asphalt was used throughout the Borough and was a nationally recognised footway treatment. It was used to repair imperfections and seal surfaces. Micro Asphalt provided a protective layer against water ingress, helped to prevent deterioration caused by loss, or ageing and helped to extend the life of the footway.

Councillor Elliott queried whether the Council were prepared to pursue Virgin to remedy paths after installing fibre optic cables. Councillor Hoddinott indicated that she shared similar concerns on the quality of work in the Borough and asked all Members to contact officers if any problems were being experienced so that this could be tackled and fines potentially issued.

- (16) **Councillor Cowles** asked “It is roughly the anniversary of the much vaunted Eastwood deal, excluding the successes the police had had, could you provide an update on the costs of the plan to date to the taxpayer and a measure of the progress made?”

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, explained that the Eastwood Deal recognised the need to ensure that improvements were affordable and sustainable. As such, it was designed to support the community and strengthen the projects in place to provide the sustainability required. It was focused on activity to encourage and nurture effective community engagement; working with new and established community groups to jointly deliver sustainable solutions. This included working with schools, young people and families to develop and encourage pride in the area. The costs of street cleansing and enforcement activity in Eastwood were not easily identifiable as budgets were not broken down into ward areas, however when information was requested in December 2016, the costs for the 4 month period of June to September 2016 was £69k. This comprised of £21k for street cleansing and £48k for enforcement activity. From October 2016 to end of June 2017, the estimated cost of regulation and enforcement equated to approximately £136K, whilst the street cleansing costs amounted to £64k. Councillor Hoddinott confirmed that the costs of ongoing work in the area remained stable on a monthly basis. The cleansing work carried out was on the same basis/same type of work as that carried out throughout the Borough and the type/costs of activity was similar to that of any heavily populated part of the Borough. For enforcement, the estimated costs related to litter and fly tipping investigations, statutory nuisance work around noise and accumulations of waste in yards, selective licensing, inspections and regular meetings with the police.

In relation to progress, the Eastwood Deal was launched in July 2016 and has been running for 12 months. Councillor Hoddinott had therefore requested that a full one-year review took place to establish what had worked well in the first year and areas for further partnership work to focus on during the year ahead. Some areas of note regarding the Plan were highlighted:

- The successful joined up multi-agency approach to tackling the issues
- The Plan being led at a local level by Ward Members
- The focus on sustainable environmental improvements,

tackling crime and anti-social behaviour

- Key areas have included
 - tackling fly-tipping, waste in gardens and litter – 128 Fixed Penalty Notices issued from 26th April to 5th July 2017 and 2 successful prosecutions for the illegal disposal of waste (with a further 4 being prepared). Fly-tipping has decreased in the area
 - A regular proactive police presence in the area leading to some significant arrests and disruption of crime (including drugs offences)
 - Early Help services supporting vulnerable children and families
 - The tackling of noise nuisance through the Council's Enforcement Teams and out-of-hours team
 - Fortnightly front-line officers meetings taking place in Eastwood
 - Excellent collaborative working with partner agencies including the schools, the Clifton Learning Partnership and the Canals and Rivers Trust
 - Improved housing standards and effective enforcement action through the Council's Selective Licensing Scheme, including regular meetings with tenants and attendance at the Landlords Forum
 - Effective communication with residents and a proactive approach to better community engagement
 - Building community spirit and pride – particularly with the Council's Love Where You Live Campaign and the recruitment of volunteers in the area

The second year would see the continued drive for further improvements maximising on the effective partnership working already in place.

As a supplementary question, Councillor Cowles queried how soon the Council's approach to tackling issues in Eastwood would become proactive, rather than reactive. In response, Councillor Hoddinott confirmed that being proactive was exactly the point of plan and noted that some things could be achieved quickly, whilst other matters required longer term projects, such as work with schools and 'Love Where You Live'.

(17) Councillor John Turner asked "Does the Labour Group acknowledge that we are creating a concrete jungle in Rotherham by way of the excessive hedonistic programme? Congestion is ascending and pollution accelerating and amenity disappearing."

Councillor Read, Leader of the Council, explained that without sufficient new homes and jobs Rotherham would not prosper and would not provide the new homes and jobs that residents needed. To meet those needs the Council had adopted the Local Plan Core

Strategy setting targets for new homes and jobs over the next 15 years. The Council fought hard at the public inquiry into the Core Strategy to secure an appropriate housing target. We achieved a growth target that was significantly less than the development lobby wanted and the government Inspector initially proposed. Developers wanted the previous regional plan target of 24,000 new homes for Rotherham. The inspector proposed 17,000. The Council had successfully argued for a target of 14,000 new homes. This had given a challenging but achievable target for growth that minimised the loss of Green Belt and greenfield land.

As a supplementary question, Councillor Turner queried whether the Council would make representations to central government to challenge the intrusion into green space. Councillor Read, in response, confirmed that the Council had made numerous representations to central government on this subject, as well as taking measures to protect greenfield sites. However, the annual housing need for the borough was 900 dwellings and presently only half that figure were being delivered. The priority would continue to be providing homes and jobs.

- (18) Councillor Carter** asked "How is the new Brinsworth Library business case progressing?"

Councillor Yasseen, Cabinet Member for Neighbourhood Working and Cultural Services, explained that the Brinsworth Library business case was progressing well. The Council and Brinsworth Parish Council were working together positively to identify opportunities to improve service provision, to work through the detailed capital and revenue costs associated with current and potential future delivery and to draw up joint proposals for further discussion and consideration. Council officers had been invited to a meeting of the Parish Council on 6 July 2017 to discuss current progress with attendees. Briefings would be given to Members, senior officers and appropriate decision making bodies in the coming weeks, once there was a clear proposition on the table.

As a supplementary question, Councillor Carter asked "Have we been successful in finding additional funding arrangements for Brinsworth Library, after the recent unsuccessful grant application?" In response, Councillor Yasseen, Cabinet Member for Neighbourhood Working and Cultural Services, responded to state that the potential for further bids for external and additional funding would be considered once the future service model had been determined.

- (19) **Councillor Jepson** asked “Following the National Audit Office report on the Sheffield-Rotherham Tram Train project and its predicted £60million increase in costs, can he confirm that none of this will have to be met by the local authority and does he agree that as a result of this failure heads should roll?”

Councillor Read, Leader of the Council, stated that the Sheffield – Rotherham Tram Train project was a Department for Transport led pilot scheme, funded by central government in partnership with Network Rail. The costs associated with the construction of the scheme had been met by the Department for Transport without any contribution from the Council.

- (20) **Councillor Reeder** asked “Why does this Council charge for using a credit card to pay for a parking fine and do we charge for other services?”

Councillor Read, Leader of the Council, stated that the authority did not charge a credit card fee for payment of a Penalty Charge Notice. The Traffic Management Act 2004 did not allow charges to be levied for card payments for PCNs. All other services had a charge of 1.75% for payments made by credit card, but there was no fee for paying by debit card, by Paypoint or at a Post Office.

- (21) **Councillor Cowles** asked “Whiston residents decided to take a proactive approach to fly-tipping on Doles Lane, are you aware of this? We are hoping to ‘Stop Up’ Doles Lane to prevent vehicle access, court hearing 25/07, is there any likelihood that Whiston residents will be required to contribute further towards the costs?”

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, stated that the Council had worked closely with the Whiston Action Group to seek to stop-up Doles Lane to prevent access to vehicles and mitigate against the risk of fly-tipping. Consultation had been undertaken on the proposed order to stop up Doles Lane, but no objections had been received. The consultation had included adverts being placed in both local and national press. Prior to the Court hearing on 25th July 2017, the Council intended to submit a file to the Court to enable an assessment to take place. If on 25th July a number of objectors attended the hearing, the hearing would be re-scheduled so that both the supporters and objectors to the order could make their cases. The total costs to Whiston Action Group relating to the stopping up of Doles Lane, amount to £3,205 which could be broken down into £3,000 for the legal order and £205 for the Magistrates Court application fee. Those costs were above and beyond the associated costs to the Council and it was understood that the outstanding balance due from Whiston Action Group remained at £2,205. The Whiston Action Group had signed the Council’s “Procedure for Stopping up and downgrading orders (under section 116 of the Highways Act 1980)”. Appendix B had

clearly outlined all costs the Whiston Action Group were responsible for. The Whiston Action Group had also agreed to fund the vehicular barriers (a gate) associated with the stopping up order.

As a supplementary question, Councillor Cowles asked if it was considered reasonable to spend £200,000 in Eastwood, would it be acceptable to spend £2,000 for residents of Whiston. In response, Councillor Hoddinott indicated that Councillor Cowles could choose to use some of the devolved ward budget for this purpose.

- (22) **Councillor Jepson** asked “Further to the new enforcement team beginning work in Rotherham can she give details as to when their remit will be extended to include fly tipping and parking offences?”

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, explained that, as part of the ‘Time for Action’ initiative to deliver additional capacity to the Council’s enforcement functions, the fixed penalty pilot for additional parking enforcement started on 10 July 2017. Similarly, additional capacity to tackle fly-tipping offences would begin delivery for the week beginning 17 July 2017.

As a supplementary question Councillor Jepson queried whether this would be a seven day per week service and Councillor Hoddinott confirmed this to be the case.

- (23) **Councillor Cowles** asked “Would you kindly inform me as to the costs incurred to date and/or budgeted figure for the involvement of RMBC re the sacking of David Crompton?”

Councillor Alam, Cabinet Member for Corporate Services and Finance, stated that costs incurred in 2016/17 in relation to the Police and Crime Panel would be reimbursed by the Home Office, it was anticipated that the element of the total costs incurred in 2017/18, which totalled £9244.40 was also expected to be reimbursed. As of 1 April, 2017, the host authority for the Police and Crime Panel was now South Yorkshire Joint Secretariat at Barnsley MBC.

Councillor Cowles, as a supplementary question, queried whether the Council would condemn the actions of the Police and Crime Commissioner and demand that he spend no more on legal action. In response, Councillor Alam confirmed that it was a matter for the Police and Crime Commissioner to determine how to proceed, but that the Council would not incur any costs.

- (24) **Councillor Carter** asked “How does the tram-train project fit in with the latest town centre masterplan?”

Councillor Read, Leader of the Council, stated that the Town Centre Masterplan recognised that improving connectivity to and from the town centre was a key component to unlocking its economic and recreational potential. Enhancement to the current transport offer, such as the Tram Train project, had been highlighted as a mechanism to improve the vibrancy, investment proposition and attractiveness of the town centre as a destination to live and do business.

As a supplementary question, Councillor Carter queried whether the development of Parkgate would be supported at the expense of the Town Centre. In response, Councillor Read explained that Parkgate was a private development and the challenge was to find complimentary ways for the Town Centre to link with this facility.

- (25) Councillor Napper** asked “With the news that South Yorkshire is the fifth worst place in the UK for crimes, including sexual and drug offences, has Rotherham seen a rise or drop in offence reporting in the last year?”

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, stated that enquiries had been made with South Yorkshire Police in respect of the reference to South Yorkshire being the fifth worst place in the UK for crime, but they had no knowledge of that claim and had been unable to find any such claim in their records.

In respect of overall crime, a total of 22,000 crimes were reported in Rotherham in the last financial year. This was an increase of 15% (2,881 offences) compared to the previous financial year when 19,119 crimes were recorded. During the same period, South Yorkshire Police recorded 121,445 across South Yorkshire. This was an increase of 19% (19,452 offences) compared to the previous financial year when 101,993 crimes were recorded. Over the last 3 years overall reported crime in Rotherham had increased steadily. Some of the increases in reported crime, particularly sexual offences, could be attributed to an increased reporting of historic offences, plus a reported increased willingness and confidence of victims to come forward to report offences to the Police due to national publicity and improved local practice and procedures.

As a supplementary question, Councillor Napper queried what the Council and partners were doing to keep children away from drugs and other substances. Councillor Hoddinott confirmed that she did not have the information to hand, but would report back to Councillor Napper on this important issue.

- (26) **Councillor Cowles** asked “Reported figures show that there is already a budget problem, projected £6.9m overspend already. We raised concerns in March around the ability to achieve reported savings together with the need for stringent controls. What action will be taken to bring the overspend under control?”

Councillor Alam, Cabinet Member for Corporate Services and Finance, stated that Members would be aware that towards the end of the previous financial year a variety of spending controls were put in place. These had proved to be effective and through a variety of measures the Council ended the year drawing down £2.7m less from reserves than planned. The stringent spending controls that were in place at the end of last year were still in place across the Council. The services that were overspending were working through financial recovery plans and identifying actions to try to bring their budgets back on track.

As a supplementary question, Councillor Cowles queried whether the plan was to use reserves to bridge the budget gap. In response, Councillor Alam confirmed that plans were in place with the Cabinet Members for Children and Young People’s Services and Adult Social Care to get the budget back on track

- (27) **Councillor Carter** asked “Residents are concerned about speeding and dangerous driving on Sheffield Lane in Catcliffe. Does the council have any plans to address this?”

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, explained that, as a general rule, traffic calming was introduced where vehicle speeding was a known contributory factor to recurring traffic accidents on a particular section of highway. An examination of the accident record for Sheffield Lane at Catcliffe indicated that there had not been any accidents in the last three years. For that reason the Council did not have any plans to introduce traffic calming at the location. However, as the residents were concerned about speeding and dangerous driving, they could discuss speed enforcement with South Yorkshire Police (SYP). SYP also operated an initiative called Community Speed Watch whereby local residents can be trained in the use of a hand held radar speed gun and with a uniformed Police Officer present undertake speed awareness on local roads.

48. URGENT ITEMS

As reported under minute 28, the Mayor invited the Leader of the Council to introduce an urgent recommendation from the Cabinet to give authority to commence an interim review of polling places.

The Leader of the Council referred to the recent General Election which had deferred the planned review of polling places in the borough. Following feedback received on polling day on 8 June 2017 and having regard to the likelihood of another General Election in the calendar year, it was recommended that a review of polling places be undertaken.

Resolved:-

1. That approval be granted to undertake an interim review of polling places in 2017 following the process described in this report.
2. That the scope of the review and the proposals for changes be noted.
3. That the outline timetable for the review, as set out in Appendix 1, be agreed.
4. That the power to designate polling places in accordance with section 18B of the Representation of the People Act 1983 be delegated to the Chief Executive, such power to be exercised only in circumstances where a decision is required at short notice and it is not possible to await a decision of Council.

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

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

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

Apologies for absence were received from Commissioner Bradwell and Councillor Lelliott.

12. DECLARATIONS OF INTEREST.

There were no declarations of interest.

13. QUESTIONS FROM MEMBERS OF THE PUBLIC.

- (1) A member of the public referred to the proposals to amend the district heating scheme in respect of the Fitzwilliam Estate in Swinton and queried why the new scheme would be higher. In response, Councillor Beck explained that the charges that had been operated previously were on a basis of full cost recovery for the Council. Previously, the scheme had been operated solely on the basis of the Fitzwilliam Estate and the report on the agenda for the meeting proposed a pooled scheme across the district. The aim was also to ensure that no one was disadvantaged irrespective of which scheme they were in. It was also explained that the £2 standing charge would be credited to individual meters in every home and the credit would be built up that way.
- (2) A member of the public queried why the costs of the scheme appeared higher in the Borough than in neighbouring authorities. In response, Councillor Beck explained that the Council had decided several years ago to operate a model of full cost recovery and there was an expectation that costs of providing the scheme would come down in the coming years.
- (3) A member of the public queried whether the Council had recovered costs from individuals who had received heating without paying. In response, it was confirmed that some monies had been recovered, but the figures in the report did not take account of under-recovery. The focus of the report on the agenda was to achieve full cost recovery. It was confirmed that residents were not paying for the under-recovery.

- (4) A member of the public queried why water had been included in the scheme. In response it was confirmed that the Council could pass on charges for costs incurred.
- (5) A member of the public queried why it had taken so long to bring forward proposals in respect of the operation of the scheme on the Fitzwilliam Estate. The Leader indicated that the Council were trying to get the charging for the scheme right and paid tribute to the Ward Councillors and residents and apologised for the historical problems associated with the scheme. The Assistant Director of Housing and Neighbourhood Services confirmed that officers would talk to residents to confirm the position in respect of payments and how the scheme was funded. Councillor Wyatt, who was also in attendance at the meeting, suggested that RotherFed be commissioned to work with residents to inform the decision to be taken by Council in September 2017. The Leader indicated that Councillor Wyatt was right in saying that the Council needed to talk to residents over the summer.

14. MINUTES OF THE PREVIOUS MEETING HELD ON 26 JUNE 2017

It was noted that the minutes of the previous meeting held on 26 June 2017 would be submitted for consideration at the next Cabinet and Commissioners' Decision Making Meeting in September 2017.

15. THE INTRODUCTION OF A RESOURCE ALLOCATION SYSTEM (RAS) FOR CHILDREN AND YOUNG PEOPLE

Consideration was given to a report which proposed the introduction of a Resource Allocation System (RAS) for Children and Young People.

It was reported that the use of a RAS in Children and Young People's Services would create a more equitable system and also provide some bench-marking and calculation of social care costs for children with SEND in Rotherham. Furthermore, the implementation of the RAS would take a year, and pilot use of the tool had demonstrated that in the majority of instances, care packages would remain unchanged by the system. However, plans for children and young people would become more clearly understood by all parties involved in a child or young person's care and plans would be more child-centred. It was noted that where the pilot had demonstrated a lower figure for care than the family was receiving, that had been mitigated by the improved Care and Support plan which was the key feature of the proposed RAS. Families would be given sufficient time and support to find alternative packages of care, which would demonstrably meet their child or young person's identified needs.

Commissioner Ney agreed:-

1. That approval be given to the implementation of the Children's RAS, as a tool to support social care assessments, associated financial allocation and the offer of Personal Budgets to disabled children, young people and their families from August 2017.
2. That approval be given to a twelve month implementation period for the RAS tool based on the need to review children and young people's current packages of care to inform their new packages of support supported by a personal budget.
3. That approval be given to a three month notice period for packages of care assessed as lower than previously calculated, as new arrangements are being put into place.

16. EARLY HELP STRATEGY: PHASE TWO, WHOLE SERVICE REVIEW

Consideration was given to a report which sought approval of the vision, objectives and guiding principles of the Early Help Whole Service Review and set out the timeline for full consultation and implementation on 1st April 2018.

It was noted that the Early Help Service was an essential component of Rotherham's Improvement Plan. It was designed to meet the needs of children, young people and families quickly, when they first emerge and to prevent the escalation of issues and the requirement for statutory intervention. Working Together (2015) set out the statutory requirement for Early Help services whilst Ofsted findings suggest that effective, high-performing children's social care was always accompanied by a high quality Early Help offer.

It was reported that, in January 2016, a new Early Help Service was launched with locality teams made up of practitioners with a blend of complementary skills and the launch of a single point of access to the service, through the Early Help Request for Support and a single Early Help Assessment. The Council's stated aim was to continue to develop an Early Help Service that would meet the needs of children, young people and families as soon as such needs were identified. This should be delivered in a way that feels relevant to Rotherham's families and should be flexible enough to respond to needs as they emerge.

The re-design of the Early Help Service was also anticipated to achieve £421k of savings in 2017/18, together with further savings in 2018/19, which would contribute to the Council's overall savings target. It was reported that the Early Help Whole Service Review would be undertaken in line with the vision and objectives set out in the Early Help Strategy.

Commissioner Ney agreed:-

1. That the guiding principles for the Early Help Whole Service Review be approved.

2. That the associated timeline for the whole Service Review in order to achieve implementation by 1 April 2018 be approved.

17. CORPORATE PERFORMANCE REPORT FOR QUARTER 4 2016-17

Consideration was given to a report detailing performance against the targets and priorities within the Corporate Plan 2016-17 for the final quarter of the year from January to March 2017.

The Performance Report and Performance Scorecard, set out in Appendices A and B to the report, provided an analysis of the Council's current performance against 14 key delivery outcomes and 103 measures. The report was based on the current position of available data, along with an overview of progress on key projects and activities which also contributed towards the delivery of the Corporate Plan.

It was noted that, at the end of the final quarter (January – March 2017), 33 measures had either met or had exceeded the target set in the Corporate Plan. Although this represented only 31.4% of the total number of measures in the Plan, it equated to 49.3% of the total number of indicators where data was available or where targets had been set. A total of 27 (40.3% of those measured in the quarter) performance measures had not hit their target for the year (25.7% overall).

Consideration was also given to the Asset Management Plan Improvement Report (AMIP) and associated scorecard which set out the progress on delivering the AMIP.

Commissioner Ney agreed:-

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 2017/18 be noted.
4. That the progress made on delivering the Asset Management Improvement Plan (AMIP) in the period be noted.

18. 2016/17 BUDGET OUTTURN REPORT

Consideration was given to a report which outlined the pre-audit revenue, capital and Housing Revenue Account (HRA) outturn positions for 2016/17.

It was reported that the outturn position showed an underspend of £765k against the revenue budget, inclusive of traded services balances, which were carried forward in accordance with Council policy. The outturn position took account of the carry-forward of unspent balances in respect of specific projects/programmes (Rotherham Partnership, Emergency Planning Shared Service with Sheffield City Council and the Members' Community Leadership Fund). Those amounted in total to £0.160m.

It was noted that the Council's General Fund Working Balance remained at £11.269m and the use of reserves to support the additional budget allocation agreed in December 2016 was £5.723m. This was £2.733m less use of reserves than that anticipated when the revised budget was approved. It was reported that the outturn position should be seen in the context of the significant increasing cost and demand for Children's Social Care Services, the increase in demand for Adult Care Services and the delays in implementing some aspects of the Adult Care Development Programme.

It was reported that the delivery of the overall position had necessitated the implementation of a moratorium on all but essential spend through stringent procurement controls and recruitment controls (via the newly established Workforce Management Board) and the concerted efforts of both Elected Members and senior officers in managing the reducing levels of funding at a time of increasing service need, and also the generally good and responsible financial management on the part of budget managers and budget holders.

It was noted that the outturn meant that the required call on the reserves to fund the additional £8.456m budget approved by Council in December would be less by £2.733m. The use of reserves had been actioned in accordance with Council's approval in December but instead of drawing down the whole of the available Transformation Reserve (£4.936m), only £2.203m had been used leaving a balance on that reserve of £2.733m.

It was further noted that the Housing Revenue Account (HRA) underspent by £7.224m in 2016/17. Schools out-turned (including Declared Savings) with a combined balance of £1.304m which would be carried forward into 2017/18 in accordance with Department for Education (DfE) regulations. The Capital Programme outturn showed an underspend of £9.850m (14.8%) against the estimated spend in 2016/17.

19. ANNUAL TREASURY MANAGEMENT REPORT AND ACTUAL PRUDENTIAL INDICATORS 2016/17

Consideration was given to the Annual Treasury Management Report, which was submitted to review the treasury activity for 2016/17 against the strategy agreed at the start of the year.

The report covered the actual Prudential Indicators for 2016/17 in accordance with the requirements of the Prudential Code. The report met the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. It was noted that the Council was required to comply with both Codes through Regulations issued under the Local Government Act 2003.

Resolved:-

1. That the Treasury Management Prudential Indicators outturn position as set out in section 3 and Appendices A and B of the Annual Treasury Management Report for 2016/17 be noted .
2. That the report be forwarded to Audit Committee for information

20. MAY 2017/18 FINANCIAL MONITORING REPORT

Consideration was given to a report which set out the financial position for the Revenue Budget at the end of May 2017 and was based on actual costs and income for the first two months of 2017/18 and forecast for the remainder of the financial year.

It was reported that, as at May 2017, the Council had a forecast overspend on General Fund of £6.9m. The majority of the £24m budget savings approved within the 2017/18 were being achieved. £11.9m of those savings were Directorate budget savings. However, in addition to those budget savings, Directorates were also required to achieve £5.4m of budget savings in 2017/18, which were agreed in previous budgets. Total Directorate savings for 2017/18 therefore were £17.3m. It was noted that the current position was that around £5.3m of those total savings were at risk of not being achieved in the current financial year (and were reflected in the current overspend projection).

It was further reported that the overall budget position would continue to be monitored closely with regular updates on progress in maintaining a balanced budget position reported regularly through Financial Monitoring reports to Cabinet. The projected outturn position also assumed that the savings of £1.1m for 2017/18 set against staff terms and conditions of employment are met from Directorate staffing budgets. The process for identifying and capturing those savings against workforce budgets was being agreed.

It was noted that the forecast overspend should be set against a backdrop of the Council having successfully addressed cost pressures of £138m over the last six financial years and having to save a further £24m in the current year and to deliver an additional £42m in efficiencies and savings in the following two financial years in order to balance the Council's General Fund Revenue Budget by 2019/20.

It was further noted that a significant in-year pressure of £4.880m on the Dedicated Schools Grant (DSG) High Needs Block would continue to be an issue. It was anticipated that a recovery strategy set in place last year would resolve £3m of the deficit and mitigate the in-year pressure through a series of measures including: a revised Special School funding model; a review of high cost out of authority education provision with a view to reducing cost and moving children back into Rotherham provision where possible; and a review of inclusion services provided by the Council. Whilst the pressure did not directly affect the Council's financial position at that time it was considered imperative that the recovery strategy should be implemented in order to address the position and avoid any risk to the Council in the future.

Resolved:-

1. That the current forecast overspend for 2017/18 of £6.9m be noted.
2. That management actions continue to be developed to address areas of overspend and to identify alternative and additional savings to mitigate shortfalls in achieving planned savings in 2017/18.
3. That it be noted that a detailed Dedicated Schools Grant (DSG) Recovery Strategy which will transfer £3m in 2017/108 to reduce the forecast High Needs Block deficit and mitigate the in-year pressure through a series of measures, has been set in place.
4. That the Capital Programme position and Treasury Management key indicators for the first quarter of 2017/18 be reported as part of the July monitoring cycle.

21. INTERIM REVIEW OF POLLING PLACES 2017

Consideration was given to a report which sought a recommendation from Cabinet to Council for approval of the commencement of an interim review of polling places in 2017 and the grant of delegation to the Chief Executive to designate polling places where a decision to do so is required at short notice.

It was reported that the Representation of the People Act (Section 18C(3)) allowed a local authority to conduct an interim review of polling places within its area, outside the timescales for a compulsory review. As the next planned elections (City Region Mayoral elections) were not scheduled until May 2018, it was considered appropriate to carry out an interim review to address issues which have arisen with the current provision of polling places.

It was noted that since the last review, issues have arisen with four of the Council's designated polling places in Anston & Woodsetts, Brinsworth & Catcliffe, Maltby and Rother Vale Wards. The report indicated that,

although the process for an interim review is not stated in Legislation, the Electoral Commission guidance suggested that a failure to follow a full review process would leave an authority open to potential challenge. The interim review should therefore comply with the provisions of Schedule 1A to the Representation of the People Act 1983, and reflect the Electoral Commission guidance on the review of polling districts and polling places.

Resolved:-

1. That Cabinet recommend to Council that:
 - a) approval is granted to undertake an interim review of polling places in 2017 following the process described in this report.
 - b) the scope of the review and the proposals for changes be noted.
 - c) the outline timetable for the review, as set out in Appendix 1, be agreed.
 - d) power to designate polling places in accordance with Section 18B of the Representation of the People Act 1983 be delegated to the Chief Executive, such power to be exercised only in circumstances where a decision is required at short notice and it is not possible to await a decision of Council.
2. That following the outcome of the consultation on the review, the Assistant Director of Legal Services report to Cabinet with final interim review proposals for determination in order for Cabinet to make final recommendations to Council.

22. BUSINESS RATES DISCRETIONARY RELIEF APPLICATIONS

Consideration was given to a report which sought consideration of four new applications for the award of a discretionary business rate relief for four organisations in the Borough in accordance with the Council's Discretionary Business Rates Relief Policy, which was approved on 12 December 2016.

Resolved:-

1. That applications for Discretionary Rate Relief for New 2 You, Shiloh Rotherham and Open Minds Theatre Company be approved.
2. That consideration of the application by Chesterwood Trading Ltd. be deferred to the next meeting pending the receipt of further information.

23. STRATEGIC ACQUISITION OF HOUSING WAVERLEY HC5

Consideration was given to a report which sought approval to purchase six two bedroom apartments and four three bedroom houses at Waverley (parcel HC5) from Avant Homes.

It was reported that the properties were Section 106 planning gain units and would be purchased by the Council at approximately 62% of the open market value (including additional specification items and fees). The forecasted completion dates were March 2018 for two of the houses and December 2018 for the remaining two houses and six apartments.

It was noted that there was evidenced demand for both two and three bedroom properties in this location and resources were available in the Strategic Acquisitions budget. This was part of an ongoing programme of acquisition of new Council homes to replace properties sold under "Right to Buy" and maintain stock levels.

Resolved:-

That the purchase of ten homes at Waverly parcel HC5 from Avant Homes, using the Housing Revenue Account Strategic Acquisition Budget, be approved.

24. SITE CLUSTER II

Consideration was given to a report which summarised the extensive works that have been completed as part of the pre-development phase and sought approval for the development agreement, development programme, and the proposed financial arrangements.

It was reported that approval of the recommendations would allow the Council to proceed with the construction stage, which would deliver new homes across the seven sites in Maltby, Canklow, East Herringthorpe and Dinnington. It was noted that work would start on site in autumn 2017 with completion of the first phase in summer 2018.

Resolved:-

1. That the Assistant Director for Housing and Neighbourhoods, in consultation with the Council's Section 151 Officer, be authorised to approve the implementation of the development programme and phasing plan.
2. That the Assistant Director for Legal Services be authorised to enter into a development agreement and construction contracts.
3. That all development costs associated with the Construction Stage be funded from the Housing Revenue Account (HRA).

4. That the Assistant Director for Housing and Neighbourhoods in consultation with the Council's Section 151 Officer be authorised to determine the appropriate tenure for 21 of the units that have been identified as shared ownership or rent to buy homes under the government's Shared Ownership and Affordable Housing Programme (SOAHP).

25. DISTRICT HEATING SCHEME CHARGES REVIEW

Consideration was given to a report which detailed the outcome of a review of district heating and sought approval of a standing charge.

It was reported that the review of district heating had been undertaken following capital investment made to infrastructure that had improved the efficiency and concerns raised by tenants on the Swinton Fitzwilliam Estate about high running costs. The review focused on reviewing anticipated costs for 2017-18 based on full year operating costs for 2016-17 now being available and the known cost reductions from significant investment in district heating infrastructure over the last 3 years now coming to fruition.

The report recommended the introduction of a standing charge so tenants at Swinton Fitzwilliam do not have a significant payment spike over the winter period and a reduction in the kwh charge across all district heating schemes. Those cost reductions would mean that charges for district heating in Rotherham were comparable with other local authorities in the sub-region whilst ensuring full cost recovery.

Having received representations from local Ward Members and residents from the Fitzwilliam Estate in Swinton, an amendment was proposed to apply the charges from 2 October 2017 on all schemes across the borough, rather than retrospectively from 1 April 2017.

Resolved:-

1. That the revised district heating cost model be approved.
2. That the unit Kwh charge across all district heating schemes be reduced to 5.65p per kwh (incl. VAT) and apply retrospectively from 1 April 2017.
3. That a standing charge of £2 per week (incl. VAT) be introduced on all schemes across the Borough and apply from 2 October 2017.
4. That weekly pre-payment charges be reduced on all pooled schemes as detailed at 3.10 of the report.

26. OUTCOME OF THE CONSULTATION AND RECOMMENDATIONS ON THE LEARNING DISABILITY OFFER AND THE FUTURE OF IN HOUSE SERVICES FOR ADULTS WITH A LEARNING DISABILITY AND OR AUTISM

Consideration was given a report which further built on the outlined direction of travel provided within “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’ that was reported to Cabinet in November 2016 and set out the subsequent next steps and recommendations for consideration

It was reported that the review of the Learning Disability Offer and future of In-House Services for Adults with a Learning Disability and/or Autism was integral to the Council’s overall vision for transforming Adult Social Care. This entailed developing a Service that would enable people with a learning disability to:

- have the opportunity to get a job and contribute to their community
- have the opportunity to choose where they live and have access to a good quality health service
- be kept safe and protected from all forms of exploitation
- access services of the highest quality which make a difference in assisting people to be as independent as possible
- offer services that are affordable, are personalised and are what people would want to choose

It was noted that the steps that had been taken over the previous two years had built on the principles of the Care Act 2014 and the need to enhance the Council’s offer to move away from an offer of traditional based support to a model which promoted independence for young people and adults. However, it had been recognised that some customers with significant and complex needs would require support in a safe and secure environment but optimising their independence wherever possible.

In order to achieve this, the Council would need to work more closely with users, family carers, and key partners from the Rotherham Clinical Commissioning Group (RCCG), Rotherham, Doncaster and South Humberside Trust (RDaSH) and Health Stakeholders. There would need to be a focus on timely advice and information, technology and the delivery of improved outcomes for people in more cost effective ways, with an emphasis on what people can do rather than what they are unable to do. In real terms, this meant that people would have access to enablement services to ensure people’s independence would be optimised as much as possible and this would be to ensure their best outcomes. This would include employment opportunities, leisure opportunities and a real choice as to where and how they live. The current building based offer of day care, respite and residential care could restrict the independence, choice and control of current customers and was not cost effective, although it was still considered that such care remained

appropriate in the short to medium term for a small cohort of people with complex needs. In addition, it was recognised that the Service spent £21.5m (2016/17) on Learning Disability Services for approximately 725 people. The proposed new service 'offer' had to be supported by proactive and innovative commissioning.

The approach was outlined in the Cabinet Report of 26 May 2016, which would shape future services, ensuring there was a choice for people to access their support in a different way, such as being based in supported living or using shared lives rather than defaulting to residential care. The agreed commissioning approach would ensure that the market responds to the needs of individuals now and in the future. This would continue to be co-produced with people with a learning disability to facilitate the shaping of the market and in so doing inform the quality of support and the management of risk.

In order to support that process, the Council had commissioned Community Catalysts to develop small local and community based options that would offer individuals a range of activities to meet their support needs. This would also increase the preventative offer so those people who need short term assistance could build confidence or make contacts with relevant support groups. There would also be a focus upon providing an enablement service which was not currently provided when the Council reviewed the enablement offer, and there was evidence and good practice which showed the positive impact on people's outcomes when enablement was used effectively.

Resolved:-

1. That approval be given to the key principles for the Adult Social Care pathway as outlined in section 5 which clearly defines the aspirations and the overall offer to the residents of Rotherham and underpins the Adult Social Care Vision and Strategy (March 2016).
2. That approval be given to a Prevention and Technology Strategy to be developed in line with the Care Act 2014 by August 2017 for all user groups.
3. That approval be given to a 12 week period of consultation with customers, staff and stakeholders on the options for Oaks Day Centre (Wath), and following the completion and analysis of the consultation agree to receive a further report outlining future recommendations.
4. That approval be given to a 12 week period of consultation with customers, staff and stakeholders on the options for Addison (Maltby) and following the completion of the consultation and analysis agree to receive a further report outlining future recommendations.

5. That approval be given to a 12 week period of consultation with customers, staff and stakeholders on the options regarding the re-provision of respite care to enable a closure of Treefields and Quarryhill respite and following the completion and analysis of the consultation agree receive a further report outlining future recommendations.
6. That approval be given to the retention of the REACH Day service with the option of reviewing the current accommodation.
7. That it be noted that all current customers will be individually re-assessed to ensure they receive the appropriate package of care.
8. That final proposals be received following analysis of the consultation responses.

27. PROPOSAL FOR NEW COUNCIL BUNGALOWS ON CATHERINE AVENUE, SWALLOWNEST AND ST MARY'S DRIVE, CATCLIFFE

Consideration was given to a report which set out an immediate opportunity for the Council to build six bungalows on two Housing Revenue Account (HRA) owned sites on Catherine Avenue, Swallownest and St. Mary's Drive, Catcliffe.

It was reported that grant funding was available, but approximately £323,500 would also be required from the Housing Revenue Account (HRA). The report sought approval to allocate HRA resources to allow the project to progress, thus increasing the amount of homes suitable for older people in the Council's housing stock.

Resolved:-

1. That the use of £323,500 from Housing Revenue Account (HRA) capital resources to fund the development of four bungalows at Catherine Avenue, Swallownest and two bungalows at St Mary's Drive, Catcliffe be approved.
2. That the use of £230K of Affordable Housing commuted sums monies to part fund the scheme be approved.
3. That the use of £180K of grant funding from the Homes and Communities Agency's Shared Ownership and Affordable Homes Programme to part fund the scheme be approved.
4. That the Assistant Director of Housing and Neighbourhood Services be authorised to accept a Tender for the construction works and enter into a development contract with the successful construction company.

28. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Consideration was given to the report which detailed the outcome of the meeting of the Overview and Scrutiny Management Board held on 5 July, 2017 to scrutinise the following reports on the agenda for consideration:-

- 2016/17 Budget Outturn Report
- May 2017/18 Financial Monitoring Report
- Site Cluster II
- Outcome of the consultation and recommendations on the Learning Disability Offer and the future of in house services for Adults with a Learning Disability and/or Autism

Having reviewed the papers and the recommendations, the Board made its own recommendations, which would be considered, taken account of and incorporated as part of the decision making on each report on this agenda.

Resolved:-

That the recommendations of Overview and Scrutiny Management Board be received and accepted.

Summary Sheet

Council – 13 September 2017

Title:

Recommendation from Standards and Ethics Committee – Proposed Amendments to the Constitution – Standing Orders and Officer Employment Procedure Rules & Code of Conduct

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

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Ward(s) Affected

All

Summary

At the Standards and Ethics Committee meeting on 29 June 2017, Members agreed to recommend the Council to approve amendments to Appendix 4 of the Constitution, Standing Orders.

In order to give effect to the proposals of the Standards and Ethics Committee, consideration and approval by Council must be given to the recommendation set out below. The report detailing the reasoning behind the recommendation is appended in order to provide Members with sufficient knowledge to agree the proposals.

Recommendations

1. That the amendments to Standing Orders be agreed and the Constitution amended accordingly.
2. That Contract Standing Orders be removed from Appendix 4 and included in Appendix 5 of the Constitution, with Financial Regulations, and the new Appendix 5 be renamed Financial Procedure Rules.
3. That Standing Orders be renamed Council Procedure Rules.

4. That a New Appendix 7 entitled Officer Employment Procedure Rules & Code of Conduct be adopted within the Constitution.
5. That the name of the Appeals and Grievance Panel in Appendix 9 of the Constitution, Scheme of Delegation, be amended to Appeals Panel and the Grievance Policy be amended to reflect the removal of the provision for an appeal to Members under that policy.

List of Appendices Included

- Appendix 1 Report to Standards and Ethics Committee – 29 June 2017 ‘Proposed Amendments to the Constitution – Standing Orders’
- Appendix 2 Revised Council Procedure Rules
- Appendix 3 Officer Employment Procedure Rules and Code of Conduct

Background Papers

Minutes of Standards and Ethics Committee – 29 June 2017
Schedule of Recommendations from ADSO (Association of Democratic Services Officers)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Standards and Ethics Committee – 29 June 2017
Constitution Working Group – 4 August 2017

Council Approval Required

Yes

Exempt from the Press and Public

No

Recommendation from Standards and Ethics Committee – Proposed Amendments to the Constitution – Standing Orders and Officer Employment Procedure Rules & Code of Conduct

1. Recommendations

- 1.1 That the amendments to Standing Orders be agreed and the Constitution amended accordingly.
- 1.2 That Contract Standing Orders be removed from Appendix 4 and included in Appendix 5 of the Constitution, with Financial Regulations, and the new Appendix 5 be renamed Financial Procedure Rules.
- 1.3 That Standing Orders be renamed Council Procedure Rules.
- 1.4 That a New Appendix 7 entitled Officer Employment Procedure Rules & Code of Conduct be adopted within the Constitution
- 1.5 That the name of the Appeals and Grievance Panel in Appendix 9 of the Constitution, Scheme of Delegation, be amended to Appeals Panel and the Grievance Policy be amended to reflect the removal of the provision for an appeal to Members under that policy.

2. Background

- 2.1 The Council has sought to strengthen its governance arrangements as part of Rotherham's improvement journey and has reviewed various aspects of its Constitution in the past two years. Commencing with the implementation of the recommendations of the Governance Review Working Party in May 2016, the Council has made the changes in respect of:
 - definitions of a Key Decision
 - delegated decision making by officers
 - financial regulations and contract standing orders
- 2.2 One of the recommendations from the Governance Review Working Group was that an external review of the Constitution should be undertaken. The Council commissioned the Association of Democratic Services Officers (ADSO), the national professional body for local authority governance and democratic services, to undertake a review of the following areas of the Constitution:-
 - Executive Procedure Rules
 - Overview and Scrutiny Procedure Rules
 - Access to Information Rules
 - Standing Orders
 - Scheme of Delegation

- 2.3 This report is principally concerned with the recommendations from ADSO on Standing Orders. The Constitution currently requires any proposal to amend Standing Orders to be considered by the Standards and Ethics Committee, before any recommendation can be considered by the Council. This requirement was met when the proposals were reviewed by Standards and Ethics Committee on 29 June 2017.
- 2.4 The proposals to amend Standing Orders have been prepared following a review of the current provisions and extracting good practice from other local authorities identified by ADSO.

3. Key Issues

- 3.1 The principal changes are set out in Appendix 1, which is the detailed paper considered by the Standards and Ethics Committee on 29 June 2017. The Committee resolved to recommend:
- a) That the Council be recommended to approve the amendments relating to Standing Orders set out in Appendix A.
 - b) That the Council be recommended to approve the renaming of Standing Orders to Council Procedure Rules.
 - c) That the Financial Regulations and Contract Standing Orders be included in an enlarged Appendix 5, to be known as Contract Procedure Rules.
- 3.2 A revised version of the Council Procedure Rules is enclosed at Appendix 2.
- 3.3 If the recommendations from Standards and Ethics Committee are approved by Council, it will be necessary to consider the adoption of Officer Employment Procedure Rules alongside the existing provisions of the Code of Conduct for Officers, which currently stands alone at Appendix 7 of the Constitution. The proposed new Officer Employment Procedure Rules are enclosed with this report as Appendix 3.
- 3.4 Following receipt of the Commissioners' 27 Month Progress Report, the Secretary of State has proposed to return further decision making powers to local democratic control. In his recent letter to the Chief Executive setting out proposed revisions to the intervention package, the Secretary of State has referred to the review of the provisions for HR staffing appeals, which has been undertaken by Commissioners since February 2015. The letter indicates that the Secretary of State expects the Council to have reviewed its arrangements for such appeals as part of the return of decision making powers for human resources.
- 3.5 The Constitution Working Group met on 4 August 2017 and gave consideration to which staffing appeal matters would require Member-level decision making. The broad consensus of the group was as follows that appeals arising from the Disciplinary Policy should continue to be heard by Members, but that appeals under the Grievance Policy would be determined by the relevant Strategic Director.

3.6 To give effect to recommendation from the Constitution Working Group it will be necessary to amend the Scheme of Delegation's provisions for the existing Appeal and Grievance Panel, which currently read:

1. The determination of an appeal against any decision made by or on behalf of the Council (no member of the executive or other member of the Council who was involved in making the decision appealed against may sit on the panel that considers the appeal).
2. Appeal and Grievance Panels shall comprise three members of the Council selected from a pool of eight members (two of whom shall be Cabinet members, four of whom shall be Scrutiny Panel members and two of whom shall be members of the opposition party), who have received appropriate training on employment related issues.

3.7 In view of the recommendation to remove grievance appeals from the remit of the Appeals and Grievance Panel, it is proposed to amend the name of the Panel so that it will be known as the Appeals Panel. It will be necessary for the relevant Grievance Policy and Disciplinary Policy to be updated accordingly.

3.8 Whilst decision making powers for human resources are proposed to be returned to local democratic control, the Secretary of State's directions indicate that he is minded for Commissioners to retain the power to appoint and dismiss the authority's three statutory officers – Head of Paid Service (Chief Executive), Chief Finance Officer (Strategic Director of Finance and Customer Services) and Monitoring Officer (Assistant Director of Legal Services). Whilst the Officer Employment Procedure Rules detail provisions for the Council to appoint and dismiss the post-holders for the statutory officer roles, these provisions are effectively dormant until the Secretary of State formally returns that power to the Council.

4. Options considered and recommended proposal

4.1 The Council has committed to review various parts of the Constitution as part of its improvement journey. The proposals set out above in this report have been put forward by ADSO on the basis of strengthening governance arrangements.

5. Consultation

5.1 The Constitution Working Group and Standards and Ethics Committee have been consulted in the development of the proposals submitted to Council for approval.

6. Timetable and Accountability for Implementing this Decision

6.1 If Council were minded to approve the recommendations set out above, then the changes to the Constitution could be implemented with immediate effect.

6.2 The Assistant Director of Legal Services is responsible for ensuring implementation of the changes once agreed.

7. Financial and Procurement Implications

- 7.1 The proposals from ADSO incorporate a recommendation to consolidate all financial and procurement matters within one single area of the Constitution. Presently, the rules concerning procurement and contracts form part of Standing Orders. If the Council were minded to approve this change, the effect of this would be to establish a new Financial Procedure Rules part of the Constitution

8. Legal Implications

- 8.1 As a creature of statute, the Council should require the Constitution to be current and coherent as the key enabling document that enables the authority to exercise its decision making powers and procedures. The changes proposed within this report are compliant with the provisions of the Local Government Act 2000, which introduced the requirement for local authority constitutions, and subsequent legislation which has further strengthened local authority governance.

9. Human Resources Implications

- 9.1 The Human Resources implications are discussed earlier in this report. Beyond these, there are no further human resources implications arising from the proposals.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are no implications for children and young people or vulnerable adults arising from the proposals.

11. Equalities and Human Rights Implications

- 11.1 There are no equalities or human rights implications arising from the proposals.

12. Implications for Partners and Other Directorates

- 12.1 There are no implications for partners or other directorates arising from the proposals.

13. Risks and Mitigation

- 13.1 As Standing Orders have not been reviewed in full for some time, any update to change their provisions creates the potential for confusion and misunderstanding. Whilst the purpose of making changes to improve the Constitution is to remove confusion and misunderstanding, there are risks in making the changes:

| Risk | Mitigation |
|---|---|
| Members may be unaware of the new procedure rules | <p>Clear communication of the changes is needed</p> <p>Make them available online</p> <p>Consider a training programme to explain the effect of the changes</p> |
| New rules may be unclear or have ambiguities | <p>Monitor the application of the new rules</p> <p>The Monitoring Officer to provide advice and guidance where required</p> <p>Review and revise where required after one year of operation</p> |
| New rules may have gaps | The Monitoring Officer to issue guidance on an interim basis until the next review addresses the gaps permanently |
| External changes (e.g. new legislation) | The Monitoring Officer will ensure that a report is brought forward to propose any necessary changes at the earliest opportunity |

14. Accountable Officer(s)

Dermot Pearson, Assistant Director of Legal Services and Monitoring Officer
James McLaughlin, Democratic Services Manager

*Report Author: James McLaughlin, Democratic Services Manager
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Summary Sheet

Standards and Ethics Committee – 29 June 2017

Report Title

Proposed Amendments to the Constitution – Standing Orders

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

James McLaughlin, Democratic Services Manager
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Ward(s) Affected

All

Summary

Good governance is at the centre of Rotherham's improvement journey and so the Council has continually reviewed the effectiveness of its Constitution in the past two years to strengthen accountability and transparency in decision making. The latest stage of this review has been undertaken by the Association of Democratic Services Officers (ADSO) to provide external challenge and recommendations to strengthen various parts of the Constitution.

This report is specifically concerned with ADSO's recommendations to amend Standing Orders, which are found at Appendix 4 to the Constitution. It has been some time since Standing Orders have been reviewed in full and ADSO have compared the council's current procedures to the good practice in other local authorities. This report summarises the main proposed changes to be made, which include simplifying language and removing unnecessary provisions or procedures which do not add value to the Council's governance framework.

Recommendations

1. That the Council be recommended to approve the amendments relating to Standing Orders set out in Appendix A.
2. That the Council be recommended to approve the renaming of Standing Orders to Council Procedure Rules.

3. That the Financial Regulations and Contract Standing Orders be included in an enlarged Appendix 5, to be known as Contract Procedure Rules.

List of Appendices Included

Appendix A – Proposed amendments to Standing Orders

Background Papers

The Council's Constitution

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Constitution Working Group – 28 June 2017

Council – 12 July 2017

Council Approval Required

Yes

Exempt from the Press and Public

No

Proposed Amendments to the Constitution – Standing Orders

1. Recommendations

- 1.1 That the Council be recommended to approve the amendments relating to Standing Orders set out in Appendix A.
- 1.2 That the Council be recommended to approve the renaming of Standing Orders to Council Procedure Rules.
- 1.3 That the Financial Regulations and Contract Standing Orders be included in an enlarged Appendix 5, to be known as Contract Procedure Rules.

2. Background

- 2.1 The Council has sought to strengthen its governance arrangements as part of Rotherham's improvement journey and has reviewed various aspects of its Constitution in the past two years. Commencing with the implementation of the recommendations of the Governance Review Working Party in May 2016, the Council has made the changes in respect of:-
 - definitions of a Key Decision
 - delegated decision making by officers
 - financial regulations and contract standing orders
- 2.2 One of the recommendations from the Governance Review Working Group was that an external review of the Constitution should be undertaken. The Council commissioned the Association of Democratic Services Officers (ADSO), the national professional body for local authority governance and democratic services, to undertake a review of the following areas of the Constitution:-
 - Executive Procedure Rules
 - Overview and Scrutiny Procedure Rules
 - Access to Information Rules
 - Standing Orders
 - Scheme of Delegation
- 2.3 This report is principally concerned with the recommendations from ADSO on Standing Orders. The Constitution currently requires any proposal to amend Standing Orders to be considered by the Standards and Ethics Committee, before any recommendation can be considered by the Council.
- 2.4 The proposals to amend Standing Orders have been prepared following a review of the current provisions and extracting good practice from other local authorities identified by ADSO.
- 2.6 A headline change proposed is to rename this part of the Constitution as 'Council Procedure Rules', rather than 'Standing Orders' to better reflect the purpose of this section of the document and good practice elsewhere.

- 2.7 The proposed Council Procedure Rules are detailed at Appendix 1, showing tracked changes to highlight what the current provisions are and what amendments are recommended.

3. Key Issues

- 3.1 Whilst the proposed changes are highlighted in Appendix A of this report, there are matters which are broader than improved wording of the provisions of this part of the Constitution. As referred to in paragraph 2.6 above, ADSO have proposed that this Appendix 4 of the Constitution, which is currently called Standing Orders, be renamed 'Council Procedure Rules. The effect of this is to consolidate all of the procedural rules for Council and committee meetings in one area of the Constitution and remove other provisions concerning contract and procurement procedures, which form a significant part of the existing Standing Orders.

- 3.2 The main changes are set out below with reference to the relevant Standing Orders:-

- Removal of the prescriptive requirement for the Council to meet every six weeks and asserting the authority of Council to determine the dates on which it will meet (Standing Order 1). ADSO have also drafted a provision for a guillotine procedure if Council were minded to include this within the new procedure rules
- Clarifying the business of the Annual Meeting of the Council in years where whole council elections are held and those of other years where elections are not held (Standing Orders 1 and 4).
- A succinct summary of quorum for Council meetings and the implication of a Council meeting becoming inquorate during proceedings (Standing Order 2)
- Remove the requirement for Cabinet and Committee minutes to be reported to Council for approval as only the Cabinet or the relevant committee itself can approve minutes of its meetings as a true and correct record (Standing Orders 4 and 6)
- Introduce a provision for the Leader of the Council to make a statement on matters relating to the Council or the Borough and remove the existing provision for Communications by the Mayor or Chief Executive (Standing Order 5)
- Remove the requirement for the 'Orange Book' to be printed (Standing Order 6)
- Consolidate provisions for questions to Cabinet Members, Committee Chairs and councillor representatives on certain outside bodies (Standing Order 7)
- Removal of recommendations being considered through Cabinet or committee minutes. Practice will be for Council to consider reports detailing the recommendations of Cabinet or committees so that Members can make decisions with all relevant information before them (Standing Order 9)
- Introduce a requirement for the Chair of Overview and Scrutiny Management Board to submit a written report with the opportunity to address Council for 5 minutes and answer questions on the activities of the scrutiny function (Standing Order 9A)

- Introduce a requirement for motions to relate to or affect the residents of the Borough of Rotherham (Standing Order 10)
- Introduction of provision for a Member seconding motion to have the right to speak for 5 minutes (Standing Order 13)
- Clarification of provisions in respect of Points of Order and Personal Explanations (Standing Order 13)
- Introduction of provisions for recorded votes (Standing Order 14)
- Deletion of detailed provisions in respect of the approval and adoption of draft plans and strategies, setting of council tax and precepts and voting upon budget and council tax setting decisions on the basis that they can be dealt with elsewhere under the Rules of Debate (Standing Order 19A, 19B and 19C)
- Removing staffing appointment provisions and including within a separate part of the Constitution to be called 'Employment Procedure Rules' (Standing Order 30)
- Removal of detailed legislative provisions which are attached as an appendix to Standing Orders

4. Options considered and recommended proposal

- 4.1 As Standing Orders have not been reviewed in full for a considerable period of time, it is necessary to ensure that procedures are modern, reflect good practice and are understood and applied by Members and officers. The option of not making any changes was not appropriate.
- 4.2 This report details the recommended proposals from ADSO to strengthen the Council's governance arrangements. The committee is asked to recommend the proposed changes to Council for adoption and recommend the naming of Standing Orders to Council Procedure Rules.

5. Consultation

- 5.1 Consultation has taken place with the Assistant Director of Legal Services and the Democratic Services Manager prior to the publication of this report. Further consultation will take place with the Constitution Working Group on 28 June 2017 and the comments of the working group will be verbally reported to this meeting.

6. Timetable and Accountability for Implementing this Decision

- 6.1 If this committee were minded to agree to the proposal to recommend the amendments to the Constitution to Council, these would require consideration by Council on 12 July 2017. Subject to Council's approval, the changes would be implemented with immediate effect.
- 6.2 The Assistant Director of Legal Services is responsible for ensuring implementation of the changes once agreed.

7. Financial and Procurement Implications

- 7.1 The proposals from ADSO incorporate a recommendation to consolidate all financial and procurement matters within one single area of the Constitution. Presently, the rules concerning procurement and contracts form part of Standing Orders. If the committee were minded to recommend this change to Council, the effect of this would be to establish a new Financial Procedure Rules part of the Constitution.

8. Legal Implications

- 8.1 As a creature of statute, the Council requires the Constitution to be current and coherent as the key enabling document that enables the authority to exercise its decision making powers and procedures. The changes proposed within this report are compliant with the provisions of the Local Government Act 2000, which introduced the requirement for local authority constitutions, and subsequent legislation which has further strengthened local authority governance.

9. Human Resources Implications

- 9.1 The recommendations from ADSO include a suggestion to consider the establishment of Employment Procedure Rules to capture all staffing and human resources provisions in a single part of the Constitution, rather than spread out across various areas of the document. Beyond this recommendation, there are no other implications arising from this report.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are no implications arising from this report.

11 Equalities and Human Rights Implications

- 11.1 There are no equalities and human rights implications arising from this report.

12. Implications for Partners and Other Directorates

- 12.1 The proposals will give confidence to the Council's partners as a demonstration of the authority's commitment to improving its governance arrangements.
- 12.2 The proposals will have some implications for officers of the Council who will require briefing and training on the new provisions.

13. Risks and Mitigation

- 13.1 As Standing Orders have not been reviewed in full for some time, any update to change their provisions creates the potential for confusion and misunderstanding. Whilst the purpose of making changes to improve the Constitution is to remove confusion and misunderstanding, there are risks in making the changes:

| Risk | Mitigation |
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14. Accountable Officer(s)

Dermot Pearson, Assistant Director of Legal Services
James McLaughlin, Democratic Services Manager

Approvals Obtained from:-

| | Named Officer | Date |
|--|----------------------|-------------|
| On behalf of Strategic Director of Finance & Customer Services | | |
| On behalf of Assistant Director of Legal Services | | |
| On behalf of Head of Procurement (if appropriate) | | |
| On behalf of Head of Human Resources (if appropriate) | | |

Report Author: James McLaughlin, Democratic Services Manager

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**PART I
COUNCIL MEETINGS**

Annual meeting etc

1. Annual Meeting and other Council meetings

- (1) Dates and times of Council meetings will be agreed by the Council at the Annual Meeting. Additional meetings will be agreed by the Council as required. They will start at 2.00pm, unless otherwise determined by the Mayor.
- (2) There will be an Annual Meeting, a Budget Council meeting and no fewer than six further ordinary meetings of the Council in each municipal year.

2. Timing and Business of the Annual Council Meeting

- (1) In the year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days following the retirement of the outgoing councillors. At this meeting, the Council will elect a Leader to serve for a four-year term or until the next Annual Meeting after ordinary whole Council elections.
- (2) In any other year, the Annual Meeting will take place at a time of the Council's determination in April or May and will consider the following business:-
 - (i) Elect a person to preside if the Mayor or Deputy Mayor of the Council are not present;
 - (ii) Elect the Mayor of Rotherham as Chairperson of the Council
 - (iii) Elect the Deputy Mayor of Rotherham as Vice-Chairperson of the Council
 - (iv) Approve the minutes of the last meeting
 - (v) Receive any announcement from the Mayor, as chairperson of the meeting
 - (vi) Note the decision of the Leader as to the number of Members of the Executive; who he/she has appointed to those roles; the scope of their respective portfolios and the terms of delegation to them and officers;
 - (vii) Appoint Members to all committees, boards and panels, as appropriate, to deal with matters which are neither reserved to the Council nor are executive functions;
 - (viii) Agree the scheme of delegation; and
 - (ix) Consider any urgent business requiring consideration at the meeting.

(3) The Council will:-

- (i) decide which member level bodies to establish for the municipal year;
- (ii) decide the size and terms of reference for those bodies;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Members to serve on committees and joint committees; and
- (v) appoint to those committees and joint committees, except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

3. Ordinary Council meetings

(1) Ordinary meetings of the Council will take place in accordance with the calendar of meetings decided at the Budget Council Meeting.

(2) The order of business at ordinary meetings will be as follows:-

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) Mayor's announcements;
- (iii) to approve as a correct record and sign the minutes of the last meeting of the Council;
- (iv) receive any declarations of interest from councillors;
- (v) to deal with any business required by statute to be done before any other business;
- (vi) to receive and consider any petitions received in accordance with the Council's Petition Scheme
- (vii) to deal with any other business expressly required by statute (not required under (v) above) or specified in the summons including reports from the Executive, Proper Officers, Overview and Scrutiny Committees or Joint Committees and Partners;
- (viii) to answer questions asked under [Procedure Rule 10](#);
- (ix) to consider motions; and
- (x) other business, if any, specified in the summons

4. Budget Council Meetings

(1) A meeting of the Council will take place before 10 March each year in order to calculate the budget requirement and set the Council Tax.

(2) This meeting will be deemed to be a Budget Council meeting, but will operate within the meaning of an Ordinary meeting, as set out at Procedure Rule 3.

(3) The Calendar of Meetings for the forthcoming municipal year, including dates of Council and Committee meetings, will be submitted for approval to this meeting annually.

5. Extraordinary Council Meetings

- (1) Those listed below may request the Chief Executive to call extraordinary Council meetings:-
 - (i) the Council by resolution;
 - (ii) the Mayor, on advice from the Chief Executive and/or Monitoring Officer;
 - (iii) the Monitoring Officer;
 - (iv) any five members of the Council if they have signed a requisition presented to the Mayor and he/she refused to call a meeting or has failed to do so within seven days of the presentation of the requisition.
- (2) The business to be carried out at an extraordinary meeting shall be restricted to those items referred to in the notice convening the meeting unless the Mayor decides otherwise.

6. Declarations of interests

- (1) In discharging his/her duties as a councillor, a Member of the Council shall abide by the guidance contained in the Council's *Code of Conduct for Members and Co-opted Members and the Member/Officer Protocol*.
- (2) Officers of the Council must abide by the provisions of the Council's *Code of Official Conduct* and any guidance issued from time to time by the Council's Standards and Ethics Committee.
- (3) At the start of a Council meeting, or upon reaching the relevant item in the agenda, Members and officers shall make any declarations of interests that they are required to make in accordance with this procedure rule.
- (4) On and after the coming into force of the provisions in relation to disclosable pecuniary interests in Chapter 7 (standards) of Part 1 of the Localism Act 2011, except where the Monitoring officer or the Standards and Ethics Committee, as the case may be, has granted a Member a dispensation in relation to an item of business of which the Member has a disclosable pecuniary interest, the Member must not take part in the discussion or vote on the item and must withdraw from the meeting room, including the public gallery, before the item is considered by the meeting.
- (5) In the case of personal interests under the Code of Conduct, except where the Monitoring Officer or Standards and Ethics Committee as the case may be, has granted a Member a dispensation in relation to an item in which a Member has a personal interest, the Member must not take part in the discussion or vote on the item and consider whether the interest is of such significance that it warrants withdrawal from the meeting.

- (6) Declarations of interests by Members shall be recorded in the minutes of the meeting at which the interest is declared.
- (7) The Assistant Director of Legal Services shall keep a Register of Members' Interests.

7 Quorum for Council meetings

- (1) The quorum for any meeting of the Council is at least one third of the total number of Members of the Council.
- (2) No business will be considered at a meeting of the Council unless there is a quorum present. If during any meeting the Mayor, after counting the number of councillors present, declares the meeting to be inquorate, the meeting will be adjourned. Any business not carried out will be adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Council.

8 Appointment of Mayor and Deputy Mayor of the Council

- (1) The members of the Council shall elect annually a chairperson and vice-chairperson of the Council (the Mayor and Deputy Mayor), who shall hold office on the terms and conditions set down in the Local Government Act 1972 and preside at Council meetings.
- (2) In the absence of the Mayor and Deputy Mayor, another Member of the Council, who is chosen by the Members of the Council present at the meeting, shall preside and exercise the powers and duties conferred on the Mayor by these Procedure Rules.

9. Leader's Statement

- (1) The Leader of the Council may make a report or statement to the meeting providing an update on any matters relating to the Borough or the Council.
- (2) There will be an opportunity for questions to be put to the Leader of the Council by any Member for a period of up to 10 minutes.

10 The minutes of Council meetings

- (1) The minutes of the proceedings of Council meetings shall be drawn up and entered in a book or books kept for that purpose and a copy sent to Members with the summons for the next following Council meeting.
- (2) The minute books for each Council meeting shall comprise the Council Minute Book and the Orange Book. Minutes within the Council Minute Book shall be submitted to the Council meeting for consideration. Minutes within the Orange Book shall be circulated to Members for information, but not considered at the Council meeting.

(3) The Council Minute Book shall contain:–

- the minutes of meetings of the Council;
- the minutes of meetings of the Cabinet;
- the minutes of delegated powers meetings of Members of the Cabinet;
- the minutes of meetings of the Audit Committee;
- the minutes of meetings of the Licensing Board and Licensing Board Sub-Committee;
- the minutes of meetings of the Planning Board;
- the minutes of meetings of the Standards Committee.

(4) The Orange Book shall be available electronically and contain the minutes of the Appeals Panel, Staffing Committee and Select Commissions.

(5) The Mayor shall put the question that the minutes of the preceding Council meeting be approved as a correct record.

(6) Except upon the question of their accuracy, the minutes of a Council meeting shall not be debated.

(7) A question on the accuracy of a minute or minutes shall be raised by motion.

(8) If the minutes are approved without question, or any question on their accuracy is resolved, the Mayor shall certify and sign them as a true record of the Council meeting on the specified date.

(9) Where an extraordinary meeting of the Council is called between programmed Council meetings, the next programmed meeting of the Council shall be treated as a suitable meeting for the purposes of certifying and signing the minutes of the extraordinary meeting.

11 General questions by Members at Council meetings

General questions to Members of the Cabinet and committee chairpersons

(1) A Member may, subject to Procedure Rule 11(7), ask a general question of a Member of the Cabinet (or his/her representative) or the chairperson (or his/her representative) of a committee that is relevant to the affairs of the Council or the Borough.

(2) A general question asked under Procedure Rule 11(1) must not exceed 50 words in length and –

- (a) must not relate to an individual case; and
- (b) must not, without the Mayor's consent, repeat or substantially repeat any question that has been asked and answered in the preceding three Council meetings.

- (3) Following the reply to a question put under Procedure Rule 11(1), the Member who asked the question may ask a supplementary question of the Member of the Cabinet (or his/her representative) or the chairperson of the committee (or his/her representative) who responded to the question.
- (4) A supplementary question under Procedure Rule 11(3):–
 - (a) must relate to the subject matter of the original question and answer; and
 - (b) must be fair and reasonable.

Questions to be put to representatives nominated to joint authorities and other bodies

- (5) On the conclusion of questions asked under Procedure Rule 11(1) and (3), a Member may, subject to Procedure Rule 11(7), ask a question of a Member (or his/her representative) who –
 - (a) sits as a member of one or more of the joint authorities or other bodies specified in Procedure Rule 11(6); and
 - (b) who has been nominated by the authority concerned to answer questions on the discharge of the functions of the authority;

and following the reply to a question put under this procedure rule, the Member who asked the question may ask the member who responded to the question a supplementary question in accordance with Procedure Rule 11(4).

- (6) The authorities and bodies referred to in Procedure Rule 11(5) are –
 - (a) the South Yorkshire Police and Crime Panel;
 - (b) the South Yorkshire Fire and Rescue Authority;
 - (c) the South Yorkshire Passenger Transport Authority;
 - (d) the South Yorkshire Pensions Authority; and
 - (e) the Sheffield City Region Combined Authority.

Notice of questions

- (7) A Member must submit a question to be put at the Council meeting, in writing to the Chief Executive by 10.00am three working days before the day of the Council meeting (ordinarily by 10.00am the Friday preceding a Council meeting the following Wednesday),

- (a) to a Member of the Cabinet or the chairperson of a committee; or
 - (b) to a Member who is both a representative of the Council and the nominee of a joint authority specified in Procedure Rule 11(6).
- (8) (a) The Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall draw up a list of questions, and may group together questions addressed to the same Member of the Cabinet or chairperson of a committee that relate to the same subject matter. If a question from a Member substantially duplicates a question of which another Member has already given notice, the Assistant Director of Legal Services may exclude the latter question after consulting the member who submitted it.
- (b) If a question is determined to substantially duplicate a question from another Member and is excluded from the agenda, the original Member asking the question is allowed to ask a supplementary question that relates to the subject of his/her original question.

Manner of answering questions

- (9) In accordance with this procedure rule, a question and reply shall be put and answered without debate, but the Member to whom a question has been addressed may decline to answer.
- (10) Questions may be answered by:—
- (a) responding directly to the question put;
 - (b) referring the Member to a publication of the Council; or
 - (c) undertaking to provide a written answer for circulation to the Members of the Council.

Absence of member

- (11) In the absence of a member who gave notice of a question and who has submitted his or her apologies, the question will receive a written answer.
- (12) In the absence of either a Cabinet Member or Committee Chair, the Leader of the Council or the Vice-Chair of the relevant committee will answer a question on behalf of the absent Member.
- (13) If an emergency issue or event occurs in the period between the deadline for submission of questions and 12.00pm on the day of the Council meeting, a Member may approach the Chief Executive to ask that a question relating to the event can be asked to a Member of the Cabinet, the chair of a committee or to a Member who is both a representative of the Council and the nominee of a joint authority or other body specified in Procedure Rule 11(6).

12 General questions by members of the public at council meetings

General questions to the Mayor, Members of the Cabinet and committee chairpersons

- (1) A member of the public may ask one general question of the Mayor, a Member of the Cabinet or the chairperson of a committee.

Notice of questions

- (2) A member of the public must submit a question to be put to the Mayor, a Member of the Cabinet or the chairperson of a committee, in writing to the Chief Executive by 10.00am three working days before the day of the Council meeting, (ordinarily by 10.00am the Friday preceding a Council meeting the following Wednesday)
- (3) The notice must contain the text of the question and the question must not exceed 50 words in length.

Acknowledgement of receipt of notices etc

- (4) The Chief Executive shall date and number the notice on receipt and enter it in a book kept for that purpose in his/her office.
- (5) The Mayor, after taking such advice from the Assistant Director of Legal Services that he/she considers appropriate, may:—
 - (a) exclude a question from the order of business for the meeting on the ground that the question concerns a matter which is outside the Council's area of responsibility or influence or is offensive or unlawful; or
 - (b) make clerical amendments to a question in order to render it fit for adding to the order of business for the meeting.

Manner of answering questions

- (6) The Mayor shall invite the member of the public to read aloud any question submitted in accordance with this procedure rule and invite the appropriate Member of the Cabinet or chairperson of the appropriate committee to reply.
- (7) In accordance with this procedure rule, a question and reply shall be put and answered without debate, but the Member to whom a question has been addressed may decline to answer.
- (8) A question may be answered by:—
 - (a) responding directly to the question put;

- (b) referring to a publication of the Council; or
- (c) undertaking to provide a written answer and to circulate the answer to the Members of the Council.

Supplementary questions

- (9) If a question put in accordance with this procedure rule is answered, the member of the public may ask with the Mayor's permission one supplementary question, which must relate to the initial question or response received to the initial question. They will not be permitted to make a statement and the Mayor's discretion will be applied to determine whether a question or statement has been made.
- (10) The Member to whom a supplementary question has been put may decline to answer, may reply in one of the ways specified in Procedure Rule 12(8), or may nominate another member of the Council to reply on his/her behalf.

Questions by members of the public at the Annual Council Meeting

- (11) A member of the public may submit a written question prior to the Annual Meeting in accordance with this procedure rule. Any such questions will not be considered at the Annual Meeting or listed upon the agenda. However a written response will be provided in accordance with Procedure Rule 12(8)(c).

13 Petitions

- (1) A member of the public may present a qualifying petition and speak for a maximum of five minutes. A period of not longer than 15 minutes will be allocated for the presentation of petitions, which allows for three petitions to be presented to a Council meeting.
- (2) A member of the public may ask a Member to present a qualifying petition on his/her behalf, and the Member may speak for a maximum of five minutes in presenting the petition.
- (3) A petition will not be considered if it meets the criteria set in paragraphs 3.1 and 3.3 of the Council's Guidance on Petitions and/or it has not been received by the Council at least ten days before the date of the next Council meeting.
- (4) A qualifying petition with signatures meeting the threshold set out in paragraph 1.1 of the Council's Guidance on Petitions will automatically trigger a debate of the Council, except where the petition is asking for a senior Council officer to give evidence at a public meeting.
- (5) A petition meeting the criteria set out in Procedure Rule 13(4) may be debated at the meeting at which it is presented, or at a later meeting.

- (6) There shall be a guillotine on the debate of a petition of 15 minutes, after which the vote will be put, unless the Mayor at his/her discretion extends the debate.
- (7) The Council shall decide how to respond to the petition and shall decide either:—
 - (a) to take the action the petition requests;
 - (b) not to take the action the petition requests for reasons stated in the debate;
 - (c) to commission further investigation into the matter, which may include reference to a particular committee for its views, prior to consideration at a future meeting of the Council; or
 - (d) to refer the petition to the Cabinet where it relates to an executive function, in which case the Council may make recommendations to the Cabinet, but Cabinet will not be bound by those recommendations in discharging its executive functions.

14 Report of the chairperson of the Overview and Scrutiny Management Board

- (1) At alternate meetings of the Council, the chairperson of the Overview and Scrutiny Management Board (“OSMB”) (or his/her representative) shall make a written report to the Council on the work currently being undertaken by the OSMB and the Select Commissions since the previous meeting at which he/she last addressed the council meeting.
- (2) Questions upon the chairperson’s report may be asked by any Member of the Council and shall be answered by him/her.

15 Notices of motions, order of motions, consideration of motions and unconnected business

Notice of motion

- (1) A notice of motion must be signed by the proposer and seconder and given in writing to the Assistant Chief Executive, or the officer delegated by him/her to carry out this task, who shall date and number the motion on receipt and enter it in a book kept for that purpose in his/her office.
- (2) The book shall be open for inspection by every Member during office hours.
- (3) Every motion shall relate to the authority’s powers or duties or an issue that affects the Borough.
- (4) The Mayor, after taking such advice from the Assistant Director of Legal Services that he/she considers appropriate, may:—

- (a) exclude a motion from the order of business for the meeting on the ground that the proposal is offensive or unlawful; or
- (b) make clerical corrections to the motion, in order to render it fit for adding to the order of business for the meeting.

Order of motions

- (5) In each summons for a Council meeting, the Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall add to the order of business –
 - (a) in the case of a Council meeting on Wednesday, motions for which notice has been received before 12 noon on the Monday of the preceding week; and
 - (b) in other cases, motions for which notice has been received before 12 noon on the day preceding the day for summoning the meeting.
- (6) Motions for which the Assistant Chief Executive, or the officer delegated by him/her to carry out this task, has duly received notice, shall be considered by the Council in the order in which they were received.
- (7) Such motions may be submitted by email and the identification of the proposer and seconder in the email (or any form of Motion attached to the email) shall be deemed to satisfy the requirements of Procedure Rule 15(1) above.

Consideration of motions

- (8) If a motion set out in the summons is not moved and seconded, either by a Member who gave notice or by some other Member, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

Limit on number of motions

- (9) A Member shall not give more than two notices of motion in all, at any one meeting of the Council.

16 Motions that may be moved without notice

The following motions may be moved without notice:–

- A motion to appoint a chairperson at the meeting at which the motion is made.
- A motion to use the electronic voting system for the whole of the meeting or for an item of business on the agenda for the meeting.

- A motion relating to the accuracy of the minutes.
- A motion that an item of business specified in the summons should take precedence.
- A motion that an item of business should be referred to the Cabinet or a particular committee or a council meeting.
- A motion to appoint a committee or working party (comprising members or officers or both) to deal with an item on the agenda for the meeting.
- A motion to amend the recommended minutes being discussed.
- A motion to adopt the reports and recommendations of the Cabinet, committees or officers and any consequent resolutions.
- A motion that leave be given to withdraw a motion.
- A motion that another motion be amended.
- A motion that the Council proceed to the next item of business.
- A motion that the motion being debated be put to a vote.
- A motion that the debate be adjourned.
- A motion that the Council meeting be adjourned.
- A motion that a procedure rule be suspended, in accordance with Procedure Rule 31(Suspension of Procedure Rules).
- A motion to exclude the press and public from the meeting or part of the meeting.
- A motion that a Member named under Procedure Rule 19 (Misconduct by a Member at a Council meeting) be not further heard or must leave the meeting.
- A motion that the consent of the Council be given, where the consent of the Council is required.

17 Previous Decisions and Motions

- (1) A motion or amendment to rescind a decision made at a meeting of the Council within the past six months cannot be moved unless the notice of motion is signed by at least five Members.

- (2) A motion of amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least seven Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

18 Rules of debate for Council meetings

Respect for the chairperson

- (1) If the Mayor rises during the meeting, any Member then standing will resume his seat and the Members of the Council shall be silent. Only one Member may rise at one time
- (2) A Member must rise and address the Mayor when speaking.
- (3) If two or more Members simultaneously rise to their feet, the Mayor will call on one to speak and the other or others to return to their seats.
- (4) Except where a Member rises to a point of order or to give a personal explanation, Members must remain seated when one of their number rises to speak.
- (5) Members must address each other by their formal titles when transacting Council business.

Motions and amendments

- (6) Motions and amendments must be formally moved and seconded as set out on the agenda. If a motion or amendment is not moved and seconded, it is treated as withdrawn and cannot be moved without fresh notice.
- (7) The proposer of a motion may, with the permission of the meeting, withdraw the motion. If a motion is withdrawn, a Member cannot speak on it.
- (8) Usually only one motion may be discussed at a time but the Mayor may allow two or more motions to be discussed together if this is conducive to the efficient conduct of business.
- (9) An amendment to a motion must be in writing and contain the names of the proposer and seconder. It must be delivered to the Assistant Director of Legal Services at least four hours before the start of the meeting (no later than 10.00am). Amendments will be listed for each agenda item in the order in which they were received. Copies of every amendment received will be made available to every Member at the meeting.

- (10) An amendment must directly relate to the subject matter of the motion and may:-
- (i) Refer the motion to a committee or sub-committee for consideration.
 - (ii) Leave out words.
 - (iii) Add words.
 - (iv) Leave out words and add words.
- (11) Amendments must not have the effect of nullifying the motion before the meeting.
- (12) An amendment may be moved and seconded either by the Members who submitted it or other members on their behalf.
- (13) The proposer of an amendment may withdraw it with the permission of the meeting. If the proposer asks to withdraw an amendment, there shall be no discussion on the amendment until the vote has been taken.
- (14) The proposer of a motion may, with the consent of the mover of an amendment, incorporate the amendment into the motion. If this happens, unless the motion and amendment stand in the same name, the proposer of the amendment will still have the same speaking rights as if the amendment had been dealt with separately.
- (15) Amendments will be discussed together unless the Mayor decides to discuss each one separately.
- (16) Amendments will be put to the vote in the reverse of the order in which they were moved at the meeting. The first amendment to be carried will become the substantive motion and other amendments will not be put to the vote.
- (17) The order of speeches on a motion and any amendment shall be:-
- (i) Proposer of the motion.
 - (ii) Proposer of the first amendment.
 - (iii) Proposer of the second amendment and so on until all movers of amendments have spoken.
 - (iv) Any member who has not already spoken under paragraphs (i) to (iii) above.
 - (v) Right of reply of movers of amendments in reverse order until right of reply of proposer of second amendment.
 - (vi) Right of reply of proposer of first amendment.
 - (vii) Right of reply of proposer of motion.

(18) A Member may only speak once on a motion except:-

- (i) In reply at the conclusion of the debate.
- (ii) On a point of order.
- (iii) On a point of personal explanation.
- (iv) If the first speech was formally to move or second a recommendation or amendment.

(19) A Member may nominate another Member to exercise any of the above rights to speak.

(20) When a motion is being debated, the only motions that may be moved are to:-

- (i) Put the question to the vote immediately.
- (ii) Move immediately to the reply of the chairperson of the committee or sub-committee about whose work the motion is concerned, then the reply of the proposer of the motion, then to the vote.
- (iii) Refer the matter to the next ordinary meeting or to the Executive, a committee or sub-committee.
- (iv) Move to the next business.
- (v) Adjourn the debate or the meeting.
- (vi) Exclude the public.

Secunder's speech

(21) In seconding a motion or an amendment to a motion, a Member may declare his/her intention to reserve his/her speech on the motion or amendment until a later part of the debate.

Length and contents of speeches

(22) A Member must restrict his/her comments to the matter being discussed.

(23) The following time limits shall apply to speeches:-

- a proposer of a motion or an amendment to a motion must restrict his/her speech proposing the motion or amendment to a maximum of ten minutes;
- a seconder of a motion or an amendment to a motion must restrict his/her speech seconding the motion or amendment to a maximum of ten minutes;
- a Member who speaks to a motion or an amendment to a motion must restrict his/her speech to a maximum of five minutes.

When a Member may speak again

- (24) Having spoken to a motion, a Member must not speak again to the motion while it is being debated, except –
- (a) to speak once on an amendment to the motion moved by another Member;
 - (b) to move a further amendment if the motion has been amended since he/she last spoke;
 - (c) to speak to the motion if his/her first speech was on an amendment moved by another Member (regardless of whether the amendment to which he/she first spoke was carried);
 - (d) to exercise a right of reply in accordance with Procedure Rule 18(22);
 - (e) to speak once on a point of order; or
 - (f) to give a personal explanation to the meeting.

Alteration of a motion

- (25) With the consent (given without discussion) of the Members of the Council, a Member may:–
- (a) alter a motion of which he/she has given notice, or
 - (b) alter with the consent of his/her seconder a motion which he/she has moved;

providing that the alteration is one which could be made as an amendment to the motion.

Withdrawal of a motion

- (26) With the consent of his/her seconder and the Members (given without discussion), a Member may withdraw a motion or an amendment to a motion.
- (27) Where the Members have consented to the withdrawal of a motion, a Member may not speak to the motion or propose its amendment.

Right of reply of the proposer of a motion

- (28) Immediately before a motion is put to a vote, the proposer of the motion has the right of reply at the close of the debate. The right of reply will be permitted for ten minutes.

- (29) Where an amendment to a motion is moved, the proposer of the original motion has the right of reply at the close of the debate on the amendment but must not otherwise speak to the amendment.
- (30) Following the debate on an amendment to a motion, the proposer of the amendment to the motion does not have the right of reply.

Closure of motions

- (31) At the conclusion of a Member's speech, another member may move without comment:—
- that the question be put;
 - that the meeting proceed to the next item of business;
 - that the debate be adjourned; or
 - that the meeting be adjourned.
- (32) Unless he/she is of the opinion that the item of business being considered by the meeting has been insufficiently discussed, on the seconding of a motion under Procedure Rule 18(31) the Mayor shall —
- (a) put to a vote a motion that the question be now put or that the meeting proceed to the next item of business, then if the motion is passed, give the proposer of the original motion the right of reply under Procedure Rule 18(28) before putting the motion to a vote; or
 - (b) put to a vote a motion to adjourn the debate or the meeting without giving the proposer of the original motion the right of reply.

Points of order

- (33) A Member may only raise a point of order at the end of the speech to which it relates. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The Members' speech will be limited to one minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the matter will be final.

Personal explanation

- (34) A Member may only make a point of personal explanation at the end of a speech to which it relates. A personal explanation may only relate to some material part of the earlier speech by the Member, which may appear to have been misunderstood in the present debate. The Member's speech will be limited to one minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the admissibility of a personal explanation will be final.

19 Voting

- (1) The method of voting at Council meetings shall be by a show of hands or, where requested or required by law, a recorded vote.
- (2) Before a vote is taken, a Member may request a recorded vote. That Member must be supported by five other Members who show their support by standing in their places. The Mayor will have the discretion to refuse a recorded vote if he/she considers the request to be unreasonable to impede the proper discharge of the business of the meeting. The vote will then be recorded in the minutes of the meeting to show how each Member present voted (or whether they abstained from voting). The Mayor will announce the numerical result as soon as it is known.
- (3) In the case of an equality of votes, the Mayor shall have a second or casting vote.
- (4) Subject to Procedure Rule 19(5), where a Member present at a Council meeting requires the manner in which he/she cast his/her vote or abstained from voting to be recorded in the minutes of the meeting, immediately after the vote is taken the Clerk to the meeting (Democratic Services Manager) shall record in the minutes of the meeting whether that Member cast his/her vote for the question or against the question or whether he/she abstained from voting.
- (5) For the purpose of Procedure 19(4), the leader of the majority opposition group may indicate to the Clerk to the meeting (Democratic Services Manager) how his/her colleagues had cast their votes for or against the question put to the vote or abstained from voting.
- (6) Where the Council votes to set its budget and on any decision relating to the making of a calculation in respect of setting the level of Council Tax, the names of those voting for or against the decision or who abstained from voting will be recorded in the minutes of the meeting by means of a recorded vote in accordance with Procedure Rule 19(2) above.
- (7) For the avoidance of doubt, the rule detailed in Procedure Rule 19(2) above applies to proposed amendments, as well as to a substantive motion.

20 Misconduct by a Member at a Council meeting

Misconduct

- (1) No Member shall impute unworthy motives to, or use offensive or unbecoming words about another Member or be guilty of tedious repetition.

Member not to be heard further

- (2) If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

Member to leave the meeting

- (3) If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

General disturbance

- (4) If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

21 Disruption of a Council meeting by a member of the public

- (1) If a group or an individual member(s) of the public interrupts the proceedings at any meeting, the Mayor shall warn the person(s) concerned. If the interruption continues, the Mayor shall order their removal from the meeting room.
- (2) In case of general disturbance in any part of the room open to the public, or of the premises where the meeting is being held, the Mayor will order that part to be cleared. If in the Mayor's view, this is not practicable and it is not possible to continue the meeting in the light of the disturbance, he/she may rule that the meeting should be reconvened in a different venue.

22 The Council in committee

- (1) The Council may by vote resolve itself into a committee of the whole Council.
- (2) While sitting as a committee of the whole Council, the restriction on the number of times a Member may speak to a question will not apply.

23 Recording Council meetings

- (1) In accordance with the Openness of Local Government Bodies Regulations 2014 the filming and recording of the public sessions of any Council, Cabinet, committee or panel meetings through any audio, visual or written methods will be allowed, providing this does not disturb the conduct of the meeting.
- (2) The Chairperson of the relevant meeting will have the power to withdraw this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example, through flash photography, intrusive camera or lighting equipment, noise interrupting the meeting or those observing the meeting or the behaviour of the person filming the meeting.
- (3) Subject to Procedure Rule 23(1) and (2) above, reasonable facilities will be provided for anyone wishing to record or film at a meeting. Whilst notice is not formally required, anyone intending to film or record at a meeting is asked to contact the relevant Democratic Services Officer in advance of the meeting so that the Chairperson, other Members and any members of the public present can be informed and the necessary arrangements made.
- (4) All those visually recording a meeting must remain in designated areas within the meeting room and are requested to only focus on recording Members, officers and the public directly involved in the conduct of the meeting. Should any member of the public participating in the meeting object to being filmed then the Chairperson will, wherever possible, make arrangements for that individual to be excluded from the recording.
- (5) Covert recording/filming at meetings will not be permitted and the person filming will be asked to provide an assurance that:-
 - (a) recordings will include sound and vision;
 - (b) the original version will be available to the Council on request; and
 - (c) that recordings will not be edited in a potentially misleading way.
- (6) If a meeting passes a motion to exclude the press and public then all right to record the part of the meeting to which the exemption applies will be removed.

24 Members' record of attendances

- (1) The Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall keep a record of the attendances of each Member of the Council at meetings of the Council, the Cabinet, a committee of the Cabinet or a committee.

PART II
ELECTION OF THE LEADER AND APPOINTMENT OF COMMITTEES OF THE COUNCIL

25 Election of the Leader

- (1) At any Annual Meeting held on a day when the Leader's term of office is to end, or any ordinary meeting where the Leader's term of office is not co-terminous with the Annual Meeting, the Members of the Council shall elect a Leader.
- (2) The Leader may announce at the Annual Meeting of the Council the names of the Members he/she has appointed to the Cabinet, their portfolios and any amendments made to the Council's *Scheme of Delegation* in relation to executive functions. If the Leader does not do this at the Annual Meeting of the Council, he/she must notify such appointments, portfolios and changes to the Assistant Chief Executive directly when they are made. The Assistant Director of Legal Services will amend the Council's *Scheme of Delegation* in relation to executive functions accordingly, notify all Members of the Council of such appointments, portfolios and changes and formally report these to the next ordinary meeting of the Council.
- (3) The process outlined in Procedure Rule 25(2), with any necessary modification, will apply on any other occasion when the Leader:-
 - removes a Member of the Cabinet from office;
 - appoints another Member of the Council as a Member of the Cabinet;
 - makes any changes to the portfolios of Members of the Cabinet; or
 - makes any changes to the Council's *Scheme of Delegation* in relation to executive functions.

26 Appointment of committees

- (1) At the Annual meeting of the Council, the Members of the Council shall determine:-
 - (a) the committees that they consider necessary to discharge the Council's non-executive functions for the municipal year;
 - (b) the terms of reference of each committee; and
 - (c) the delegation arrangements as set out in the Council's *Scheme of Delegation* in relation to Council committees and officers in relation to non-executive functions.
- (2) A committee of the Council shall continue in being until the next following annual meeting of the Council, unless the committee is dissolved by resolution of the Council at an earlier date.

- (3) A Member of a committee shall hold that position until the next following Annual Meeting of the Council, unless before that date the Member is removed from that position by resolution of the Council or he/she retires or resigns from office or is suspended from being a Member or is disqualified from holding the office of councillor.

27 Appointment of the Chairperson and Vice-Chairperson of the Cabinet and each committee

- (1) The Leader shall be the chairperson of the Cabinet and the Deputy Leader shall be the vice-chairperson.
- (2) The chairperson and vice-chairperson of each committee shall be appointed at the Annual Council meeting, failing which the members of each committee shall choose a chairperson and vice-chairperson at the first meeting of the committee, who shall hold office until such time as appointments to those positions are made or ratified at a subsequent meeting of the Council.
- (3) In the absence of the chairperson, the vice-chairperson shall preside, and in the absence of both the chairperson and vice-chairperson, the Members of the Cabinet or the particular committee shall appoint a chairperson for the meeting.
- (4) The chairperson and vice-chairperson of a committee will hold those positions until the next following Annual Meeting of the Council unless, as the case may be, the chairperson or vice-chairperson –
 - (a) retires or resigns from office or is suspended from being a councillor or is otherwise disqualified from being a Member of the Council or removed from that position by resolution of the Council; or
 - (b) the particular circumstances make it impractical for him/her to perform his/her duties in that position.
- (5) In the event of the office of chairperson or vice-chairperson of a committee becoming vacant during the municipal year for any reason, the Council shall make an appointment to that position at an ordinary meeting of the Council.

28 The summoning of meetings of the Cabinet and committees

- (1) The Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall summon a meeting of the Cabinet, a committee of the Cabinet or a committee at the request of the chairperson or, in the absence of the chairperson, the vice-chairperson.

29 Procedure Rules in Part I to apply to committees

- (1) Procedure Rules [3 \(Ordinary Council Meetings\)](#), [17 \(Previous Decisions and Motions\)](#), [18 \(Rules of debate for Council meetings\)](#), [19 \(Voting\)](#), [20 \(Misconduct by a Member at a Council meeting\)](#), [21 \(Disruption of a Council meeting by a member of the public\)](#), [23 \(Recording council meetings\)](#) and [24 \(Members' record of attendances\)](#), in Part I, shall apply with any necessary modification to meetings of the Cabinet and committee meetings.

30 Attendance by a non-Member of the Cabinet or a committee at the invitation of the Chairperson of the Cabinet or committee

- (1) A Member invited to attend a meeting of the Cabinet or a committee shall not be entitled to vote on any matter before the Cabinet or the committee.

PART III
SUSPENSION ETC AND INTERPRETATION OF PROCEDURE RULES

31 Suspension of Procedure Rules

- (1) Procedure Rules 1 to 9 and 19 may not be suspended.
- (2) Subject to Procedure Rule 31(1), a Member may request the Mayor's permission to move the suspension of a procedure rule for a stated purpose.
- (3) On the granting of permission under Procedure Rule 31(2), the question shall be put immediately and without amendment or debate to a vote of the Members.
- (4) If on the question being put or a division being taken it appears that not less than two-thirds of the Members present and voting are in favour of the request, the motion for the suspension of the procedure rule shall be put immediately and without amendment or debate to a vote.

32 Variation, revocation or supersession of Procedure Rules

- (1) These procedure rules shall not be altered, revoked or superseded without the prior recommendation of the Cabinet.

33 Interpretation of Procedure Rules

- (1) The ruling of the Mayor on the construction or application of any of these Procedure Rules, or on any proceedings of the Council, shall be final and not challenged at any Council meeting.
- (2) Except for the powers and duties conferred or imposed on the Strategic Director of Finance and Customer Services and the Assistant Director of Legal Services, any power or duty conferred or imposed on a director of service, in accordance with these Procedure Rules, may be exercised by the Strategic Director for the directorate concerned or the Chief Executive.
- (3) A reference in these Procedure Rules to the masculine gender includes the feminine and, where the context requires, the singular includes the plural and vice-versa.
- (4) The term "committee" includes a joint committee or joint authority and a sub-committee.

OFFICER EMPLOYMENT PROCEDURE RULES AND CODE OF CONDUCT

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PART 1
EMPLOYMENT PROCEDURE RULES

1. Purpose

- 1.1 These procedure rules are to be applied with reference to the relevant sections of Part 9 of the Constitution – Scheme of Delegation – which details the responsibilities delegated to the Staffing Committee, Appointments Panels, Appeals Panels and officers.

2. Definition of Chief Officer

- 2.1 For the purpose of these procedure rules, the term “Chief Officer” means any Strategic Director, Assistant Chief Executive or Assistant Director.

3. Attempts to Influence an Appointment

- 3.1 Candidates for any appointment will be disqualified if they directly or indirectly canvass members.
- 3.2 A member of Council shall not provide a reference for any candidate for appointment to the employment of the Council and must not in any way seek to influence improperly the choice of candidate for any appointment.
- 3.3 An officer who has agreed to act as a referee for a candidate may not take part in the recruitment process.

4. Candidates Related to Members or Officers

- 4.1 Candidates for any appointment with the Council must state in their application if a member or Senior Officer is a relative. Anyone who fails to do this will be disqualified, or if appointed, liable to instant dismissal on grounds of gross misconduct.
- 4.2 Members and Senior Officers must inform the appropriate Strategic Director, Director, Deputy Director, or Assistant Director if they know that any candidate is related to them. The Strategic Director, Director, City Solicitor, Deputy Director, or Assistant Director must ensure that the appointing body is made aware of the relationship.
- 4.3 Members and Senior Officers must inform the appropriate Strategic Director, Director in writing if they know that a relative is appointed. The Strategic Director will inform the Monitoring Officer who will record the appointment.
- 4.4 All candidates must be made aware of the Rules contained in paragraph 4.
- 4.5 For the purposes of these Rules:

4.5.1 “Relative” means spouse, partner, parent, parent-in-law, son, daughter, stepson, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons.

4.5.2 “Partner” in paragraph 4.5.1 above means a member of a couple who live together.

5 Appointments to Chief Officer Posts – Chief Executive

5.1 Where there is a vacancy in the post of Chief Executive an appointment panel will be established by the Staffing Committee to decide how the post will be filled, including on what terms and conditions, advertising, short listing and interviewing.

5.2 The appointment panel must include at least one member of the Executive.

5.3 Where the appointment panel decides that the appointment will not be made exclusively from among the Council’s existing officers, the panel shall:

5.3.1 Draw up a statement specifying the duties of the post and any qualifications or qualities to be sought in the person to be appointed.

5.3.2 Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.

5.3.3 Make arrangements for a copy of the statement in paragraph 5.3.1 above to be sent to any person on request.

5.3.4 Where a post has been advertised, the appointment panel shall either interview all qualified applicants for the post or select a shortlist of qualified applicants and interview those included on the shortlist.

5.4 Where the appointment panel has selected a candidate for appointment they must notify the proper officer of the name of that candidate together with any other relevant details.

5.5 The proper officer will send the information under paragraph 5.4 to every member of the Executive and will inform them of the timescale during which any objection to the proposed offer of appointment should be made to the Leader of Council.

5.6 The Council must approve the appointment of the Chief Executive. The Panel’s recommendation for appointment will not be referred to the Council for a decision until one of the following is satisfied:

- 5.6.1 The Leader of Council has notified the appointment panel within the specified timescale that no member of the Executive has objected to the proposed offer of appointment.
- 5.6.2 The proper officer has notified the appointment panel that s/he has received no objection from the Leader of Council within that specified timescale, or
- 5.6.3 The appointment panel is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.
- 5.7 Full Council must also approve any salary package, as defined in the Council's Pay Policy Statement, of £100,000 per annum or more before it is offered in respect of a new appointment.
- 5.8 Where no qualified person has applied or where the panel is unable to make a recommendation for appointment the panel shall make further arrangements for advertisement in accordance with paragraph 5.3.2 above.

6 Appointments to Chief Officer Posts - Other Chief Officers

- 6.1 If there is a vacancy in a chief officer post, other than that of Chief Executive, the Staffing Committee will decide whether to fill the post. If the Committee decides not to fill the post, it must determine how the duties of the post are to be carried out.
- 6.2 If the Staffing Committee decides to fill the post, the Committee must establish an appointments panel to make the appointment or delegate the power to make the appointment to the Chief Executive, or her/his nominee. Either the appointments panel, the Chief Executive, or her/his nominee, as the case may be, shall have full delegated powers to decide how the post will be filled, including on what terms and conditions, advertising, short listing and interviewing.
- 6.3 An appointment panel must include at least one member of the Executive.
- 6.4 Where the appointment panel, the Chief Executive or her/his nominee, decide that the appointment will not be made exclusively from among the Council's existing officers, the panel, Chief Executive or her/his nominee shall:
 - 6.4.1 Draw up a statement specifying the duties of the post and any qualifications or qualities to be sought in the person to be appointed.
 - 6.4.2 Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.

- 6.4.3 Make arrangements for a copy of the statement in paragraph 6.4.1 above to be sent to any person on request.
- 6.4.4 Where a post has been advertised, the appointment panel, the Chief Executive or her/his nominee, shall either interview all qualified applicants for the post or select a shortlist of qualified applicants and interview those included on the shortlist.
- 6.5 Where the appointment panel, Chief Executive or her/his nominee, has selected a candidate for appointment they must notify the proper officer of the name of that candidate together with any other relevant details.
- 6.6 The proper officer will send the information provided under Paragraph 6.5 to every member of the Executive and will inform them of the timescale during which any objection to the proposed offer of appointment should be made to the Leader of Council.
- 6.7 No offer of appointment shall be made by the appointment panel, Chief Executive or her/his nominee, as the case may be, until one of the following is satisfied:
 - 6.7.1 The Leader of Council has notified the appointment panel or Chief Executive or her/his nominee within the specified timescale that no member of the Executive has objected to the proposed offer of appointment.
 - 6.7.2 The proper officer has notified the appointment panel, Chief Executive or her/his nominee, that s/he has received no objection from the Leader of Council within that specified timescale, or
 - 6.7.3 The appointment panel, Chief Executive or her/his nominee, is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.
- 6.8 Full Council must approve any salary package, as defined in the Council's Pay Policy Statement, of £100,000 per annum or more before it is offered in respect of a new appointment.
- 6.9 Where no qualified person has applied, or where the Panel, Chief Executive or her/his nominee, is unable to make an appointment from the candidates that have been interviewed, the Panel, Chief Executive or her/his nominee, shall make further arrangements for advertisement in accordance with Paragraph 6.4.2 above.
- 6.10 The provisions detailed in paragraphs 6.1 to 6.9 above do not apply where an interim appointment is to be made exclusively from among the Council's existing officers, and where that interim appointment is for a period not exceeding 6 months duration.

7. Appointments to Other Officer Posts

- 7.1 The appointment of officers below Chief Officer is the responsibility of the Chief Executive or her/his nominee, and members may not make or be involved in such appointments.

8. Disciplinary Procedures - The Chief Executive (Head of Paid Service), Monitoring Officer, and Chief Finance Officer

- 8.1 For the purpose of these procedures, disciplinary action has the meaning set out in the Local Authorities (Standing Order)(England)(Regulations) 2001 (as amended), namely: "any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill health, or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract".
- 8.2 The Chief Executive, Monitoring Officer or Chief Finance Officer (referred to below in each case as the "relevant statutory officer") may be suspended on full pay for the purpose of investigating alleged misconduct by her/him.
- 8.3 Subject to the provisions set out below, the Chief Officer Disciplinary Committee may take disciplinary action short of dismissal against a relevant statutory officer or recommend to full Council that a relevant statutory officer be dismissed for disciplinary action as defined in paragraph 8.1 above.
- 8.4 Where a potential disciplinary matter in respect of the Chief Executive, Monitoring Officer or the Chief Finance Officer arises, the steps to be taken under the disciplinary procedure may be summarised as follows:
- 8.4.1 A preliminary investigation will be carried out by a group of not fewer than three elected members appointed by the Leader of Council.
- 8.4.2 If the preliminary investigation shows there is a case to answer, a full investigation will be set up and heard by the Chief Officer Disciplinary Committee.
- 8.4.3 Where, following the full investigation and hearing, the Chief Officer Disciplinary Committee considers that dismissal is the appropriate course of action in respect of a relevant statutory officer they must notify the proper officer giving particulars, in addition to the person's name, that are relevant to the proposed dismissal.
- 8.4.4 The proper officer will send that information, including the person's name, to every member of the Executive and will inform them of the timescale during which any objection to the proposed dismissal should

be made by the Leader of Council, on behalf of the Executive, to the proper officer.

- 8.5 The Chief Officer Disciplinary Committee must include at least one member of the Executive. Where dismissal is to be considered, the Chief Officer Disciplinary Committee must also include two Independent Persons appointed in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 8.6 Only full Council can approve the dismissal of the Chief Executive, Monitoring Officer, or Chief Finance Officer, and must do so before notice of dismissal (if required) is given. The Chief Officer Disciplinary Committee's recommendation for dismissal will not be referred to Council for a decision until one of the following is satisfied:
- 8.6.1 The Leader of Council has notified the Committee within the specified timescale that neither s/he nor any other member of the Executive has objected to the proposed dismissal,
- 8.6.2 The proper officer has notified the Committee that s/he has received no objection from the Leader of Council within that timescale, or
- 8.6.3 The Committee is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.
- 8.7 Where the proposed dismissal is for disciplinary action as defined in paragraph 8.1 above, Council must take into account, in particular:
- (a) any advice, views or recommendations of the Chief Officer Disciplinary Committee. The advice, views or recommendations of the Independent Persons on that Committee to be separately detailed;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant statutory officer before the taking of a vote at the meeting on whether or not to approve such a dismissal.
- 8.8 The Chief Officer Disciplinary Committee must be appointed by the Authority at least 20 days before the relevant meeting and must include two Independent Persons.
- 8.9 In relation to action short of dismissal, the relevant statutory officer has a right of appeal to Staffing Committee. There is no right of appeal beyond this level.
- Disciplinary Procedures - Other Chief Officers, Deputy Directors, and Assistant Directors**
- 8.10 Where a potential disciplinary matter arises which concerns a Strategic Director, Deputy Director, or Assistant Director (referred to below in each case

as the “relevant officer”), other than the Monitoring Officer or Chief Finance Officer the disciplinary procedures contained in the Joint Negotiating Committee (JNC) Agreement for Chief Officers will apply.

- 8.11 Subject to the provisions set out below, the Chief Officer Disciplinary Committee may dismiss for disciplinary action as defined in paragraph 8.1 above or take disciplinary action short of dismissal against Strategic Directors, Deputy Directors or Assistant Directors.
- 8.12 Where a potential disciplinary matter in respect of a relevant officer (other than the Monitoring Officer or Chief Finance Officer) arises, the steps to be taken under the disciplinary procedures are:
 - 8.12.1 When the matter involves a Strategic Director, the Chief Executive will undertake a preliminary investigation of the complaint. The preliminary investigation may in certain circumstances, including the prior involvement in the matter by the Chief Executive, be undertaken by another Chief Officer or by not fewer than two elected members. Where the matter involves a Deputy Director or Assistant Director, the Strategic Director will undertake a preliminary investigation of the complaint. This preliminary investigation may in certain circumstances, including the prior involvement in the matter by a Strategic Director, be undertaken by the Chief Executive, another Chief Officer or by not fewer than two elected members.
 - 8.12.2 Unless the decision on the preliminary investigation is either that the complaint does not warrant a full investigation, or, if established, could be resolved informally, for example, through an unrecorded informal warning, the matter will be referred to the Chief Officer Disciplinary Committee, acting as the Investigating Committee under the JNC Agreement for Chief Officers. The Committee must include at least one member of the Executive and will have full delegated powers to act.
 - 8.12.3 The employee will have a right of appeal against any disciplinary action to the Staffing Committee which must include at least one member of the Executive. There is no right of appeal beyond this level.
- 8.13 Where the Chief Officer Disciplinary Committee considers that dismissal is the appropriate course of action they must notify the proper officer giving particulars, in addition to the person’s name, that are relevant to the proposed dismissal.
- 8.14 The Proper Officer will send that information, including the person’s name, to every member of the Executive and will inform them of the timescale during which any objection to the proposed dismissal should be made by the Leader of the Council, on behalf of the Executive, to the proper officer.
- 8.15 The Committee must not give notice of the dismissal until one of the following is satisfied:

8.15.1 The Leader of Council has notified the Committee within the specified timescale that neither s/he nor any other member of the Executive has objected to the proposed dismissal,

8.15.2 The proper officer has notified the Committee that s/he has received no objection from the Leader of Council within that timescale, or

8.15.3 The Committee is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.

9. Dismissal other than for Disciplinary Action (for example dismissal by reason of redundancy) - The Chief Executive, Monitoring Officer, and Chief Finance Officer

9.1 Only full Council can approve the dismissal of the Chief Executive, Monitoring Officer, or Chief Finance Officer ("relevant statutory officers") and must do so before notice of dismissal is given.

9.2 Where the Staffing Committee considers that dismissal is the appropriate course of action in respect of a relevant statutory officer, they must notify the proper officer giving particulars, in addition to the person's name, that are relevant to the proposed dismissal.

9.3 The proper officer will send that information including the person's name, to every member of the Executive and will inform them of the timescale during which any objection to the proposed dismissal should be made by the Leader of Council on behalf of the Executive, to the proper officer.

9.4 The Staffing Committee's recommendation for dismissal will not be referred to Council for a decision until either paragraph 8.6.1 or 8.6.2 or 8.6.3 is satisfied.

Dismissal other than for Disciplinary Action (for example dismissal by reason of redundancy) - Other Chief Officers, Deputy Directors, and Assistant Directors ("relevant officers")

9.5 Where the Staffing Committee considers that dismissal is the appropriate course of action in respect of a relevant officer, they must notify the proper officer giving the particulars in addition to the person's name that are relevant to the proposed dismissal.

9.6 The proper officer will send that information, including the person's name, to every member of the Executive and will inform them of the timescale during which any objection to the proposed dismissal should be made by the Leader of the Council, on behalf of the Executive, to the proper officer.

9.7 The Committee must not give notice of the dismissal until one of the following is satisfied:

- 9.7.1 The Leader of Council has notified the Committee within the specified timescale that neither s/he nor any other member of the Executive has objected to the proposed dismissal,
- 9.7.2 The proper officer has notified the Committee that s/he has received no objection from the Leader of Council within that timescale, or
- 9.7.3 The Committee is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.

PART 2

CODE OF CONDUCT FOR OFFICERS

Introduction

This Code of Conduct for Employees is based on key principles arising from the work of the Nolan Committee on standards in public life; it outlines the minimum standards that all Council employees, casual workers, agency staff, contractors and volunteers must adhere to.

The purpose of this code is to promote consistency and make all employees aware of their responsibilities whilst engaged in work for the Council, by specifying standards of behaviour and by clearly defining rules concerning official conduct.

Employees must comply with this Code as it forms part of their terms and conditions of employment. Some directorates e.g. Adult Social Services also issue supplementary codes of practice on employee conduct. These and the Council's security policies and codes of practice must also be complied with.

The Council believes that employees are responsible for their actions. It is the responsibility of employees to read the Code. If any of the provisions contained within this Code of Conduct and related codes of practice are not fully understood employees must, in their own interests, seek clarification from their Manager or Human Resources Managers. Managers should take in to account the translation and interpretation needs of the individual. This Code can be made available in other languages and formats on request.

In instances which do not clearly fall within the guidance of this code and following discussion between a Strategic Director, the Assistant Chief Executive and the Assistant Director of Legal Services, individual cases will be referred to the Standards Committee for consideration.

Failure to observe this Code of Conduct, failure to properly perform employee duties, serious misconduct or criminal offences committed during or outside working hours which could bring the Council into disrepute may result in disciplinary action being considered, including the possibility of dismissal.

10. Standards

10.1 General

The Citizens of Rotherham expect the highest standards of behaviour and customer care from Rotherham Metropolitan Borough Council employees. Public confidence in employees' integrity would be shaken by the least suspicion that they could be influenced by improper motives. Employees must not put themselves in a position where their honesty or integrity could be called into question. Employees should be aware at all times about the potential for public perception to be different to their own and avoid placing themselves at risk of allegation of wrongdoing at all times.

10.1.2 The Council reserves the right to monitor its employees, including surveillance, in accordance with Council Policy and the law to ensure that the provisions of this Code of Conduct are adhered to.

10.1.3 Employees will be expected, without fear of recrimination, to bring attention to the appropriate level of management, concerns about how Council resources and services are managed or provided. The Council operates a Confidential Reporting Code and employees must report to the appropriate manager any impropriety or breach of procedure.

10.1.4 Other general standards of conduct are set out in the Council's disciplinary procedure and summarised below. The standards of conduct and behaviour are intended to promote fair and consistent treatment of individuals, apply to all employees of the Council and will be regarded as part of each employee's contract of employment.

10.2 Attendance

All employees are expected to attend regularly and punctually, not to absent themselves from duty without permission and to perform their duties in a manner, which combines prompt and efficient service with a concern for the feeling of others, including colleagues, managers and members of the public.

10.3 Health and Safety

In respect of Health and Safety all policies and procedures must be observed at all times. All employees are reminded that the Council operates a no smoking policy, in all of its premises. Staff who absent themselves from work during their working hours to smoke outside public buildings will be subject to the disciplinary procedure.

10.4 Discrimination, Bullying and Harassment

Employees must conduct themselves in accordance with the Council's Equal Opportunities in Employment Policy. Employees should not themselves discriminate, induce or attempt to induce, other employees to discriminate and

should not harass, abuse or intimidate other employees on grounds or gender, marital status, age, race, disability, sexuality or religion.

10.4.1 All employees have a responsibility to discourage any forms of bullying and harassment whatsoever. Sexist or racist language or behaviour, for example, is wholly unacceptable.

10.4.2 All members of the local community, customers and other employees have a right to be treated with fairness and equity. Employees should ensure that policies and practices relating to equality issues, as agreed by the Council, are complied with in addition to the requirements of the law.

10.5 Performance

The Council expects its employees to carry out all reasonable duties and instructions, given by Supervisors and Managers, efficiently and to the required standard. If employees are in any doubt about required standards of performance they should raise the matters with their Supervisor/Line Manager at the earliest opportunity. Managers are expected to discuss performance standards as part of the probationary review process and subsequently in one-to-one supervision sessions or at performance and development reviews. Except in the case of probationary employees, capability issues will be dealt with under the Council's capability procedure.

10.6 Sickness

In respect of sickness all employees must comply with the notification requirements and complete self-certification forms on their return to work. Unauthorised absence or repeated short absences will be investigated and may lead to disciplinary action.

10.7 Gross Misconduct

Certain actions constitute gross misconduct and will result in summary dismissal unless mitigating circumstances are accepted. Set out below are examples of such conduct which in the Council's view may constitute gross misconduct. This list is purely illustrative and not exhaustive.

- Dishonesty, including theft or fraud. (Examples may include falsification of timesheets, bonus sheets, claims for reimbursement of expenditure or failure to declare information/earnings in respect of benefit claims/grant applications made to the Authority);
- Violent or threatening behaviour (Including bullying or intimidating behaviour);
- Breaches of the Council's Health and Safety at work rules and procedures which cause (or could cause) unacceptable loss, damage or injury;
- Breach of Confidence and Trust - including breaches of professional protocol and ethics;
- Negligence, including dereliction of duty;

- Willful damage to property or equipment;
- Willful breach of confidentiality;
- Refusal to carry out duties or reasonable instructions;
- Corruption and the receipt of gifts as inducements or reward (see sections 14 and 15);
- Criminal offences (whether committed during or outside the employees hours of work for the Council) which have employment implications;
- Unfitness for duty through alcohol or misuse of drugs. (Any such occurrence to be considered in the light of the Council's substance misuse policy).
- Discrimination or harassment on the grounds of sex, race, disability, age, religion or sexuality.
- Inappropriate use of internet and or the internal e-mail system.

11. Disclosure of Information

- 11.1 The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The authority itself may decide to open other types of information. Employees must be aware of which information within their authority is open and which is not, and act accordingly.
- 11.2 Confidential, personal or financial information about any employee, such as salary details, must not be disclosed to any unauthorised person, or normally, to any external organisation/agency, without the express approval of the person concerned.
- 11.3 Where the request relates to references, arising as a consequence of job applications, applications for mortgages, etc, these may be issued only after verifying the identity of the enquirer either by replying in writing or in case of telephone enquiries, by telephoning the person/organisation back. However, in the case of references relating to job applications for colleagues or ex-Council employees, Council employees can only act in a personal capacity. Only the applicant's line manager can provide employment references. Any misrepresentation of the Council will be treated as misconduct.
- 11.4 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
- 11.5 Employees may be personally prosecuted for offences under the Data Protection legislation. If any employee is in doubt about their responsibilities, they must consult their manager or the Monitoring Officer. The Council also has a Data Protection and Information Security Officer who can help.

12. Communications with the Media

- 12.1 It is Council Policy that all media liaison relating to Council activities is handled by the Communications Team in conjunction with Directors and Strategic Directors. If an employee has ideas for positive stories about the

Council's policies or activities or is approached by a journalist who is unaware of, or avoiding, the Council's procedures, the approval of the Head of Communications must be obtained before any information is given verbally, via e-mail or in writing.

- 12.2 Where an employee is writing material for publication which does not refer specifically to the Council, but does relate to his/her profession/occupation e.g. articles in professional journals, the employee should notify his/her Director prior to publication.
- 12.3 Employees are expected to raise any concerns, including concerns of a critical nature within the Council, directly with Line Managers or within Employee Forums. Public comments of a critical nature which undermine the Council or bring the Council into disrepute, other than those disclosed under the protection of the Confidential Reporting Code or statute, could be construed as a fundamental breach of confidence and trust, which may have implications for continued employment. This may include comments made by employees when participating in an outside group if such comments bring them into conflict with the Council.

13. Political Neutrality

- 13.1 Employees serve the authority as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 13.2 Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways, which do not compromise their political neutrality.
- 13.3 Employees, whether or not politically restricted (see Appendix 3), must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 13.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 13.1 to 13.3.
- 13.5 Whilst engaged in Council business employees must not wear or display on their person, vehicle or items such as tools and equipment, objects indicating affiliation with or opposition to any political party or related pressure group.

14. Relationships

14.1 Between Employees

14.1.1 All employees have a responsibility to treat their colleagues with dignity and respect.

14.1.2 The Council requires all its employees to act responsibly to ensure

their own and colleague's health and safety by: complying with safety clothing and equipment; contributing to the review and improvement of working methods; acting in accordance with their training and instructions and current best practice and taking necessary emergency action having regard to their own or others' safety. Any work situation considered by an employee to be a serious and immediate danger, or any matters considered to be a failure or inadequacy in the health and safety precautions relevant to their work, must be notified to their immediate line manager.

5.2 Councillors

Employees are responsible to the authority through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors. In certain circumstances they may blur accountability, endanger the democratic process and lead to ineffective and inefficient management. Over familiarity should therefore be avoided. Appendix 4 to this document is the Council's approved protocol in respect of relationships between Officers and Councillors.

5.3 The Local Community and Service Users

- 5.3.1 Employees, in providing services to the Community, are acting on behalf of the Council and should always act in a way that preserves public confidence in the Council.
- 5.3.2 Employees have a duty at all times, to uphold the law and relevant guidance bearing in mind the public's trust placed in Council employees.
- 5.3.3 Employees working with young people or vulnerable adults are in a particular position of great trust. Any breach of that trust, assault or sexual misconduct or breach of policies and procedures meant to safeguard vulnerable service users and other recipients of Council services will be regarded as potential gross misconduct. Employees must, in their own interests read their Department codes of practice and conduct in conjunction with this Corporate Code Of Conduct and must observe the Children's Act, the Rotherham Area Child Protection and Adult Abuse Protection Procedures.

5.4 Relationships with prospective or current Contractors

- 5.4.1 Employees involved in the tendering process and dealing with contractors should be clear on the distinction between client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for

accountability and openness.

- 5.4.2 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship in writing to their Director.
- 5.4.3 Employees who are privy to confidential information on contracts out to tender, or costs for either internal or external contractors, must not disclose that information to any unauthorised party or organisation.
- 5.4.4 Employees must ensure that no special favour is shown to current or former employees or their partners, close relatives or business associates in awarding contracts to businesses run by them or employing them.
- 5.4.5 Employees contemplating a 'management buyout', must as soon as they have a definite intent inform the Chief Executive and the relevant Strategic Director and Director. They must withdraw from all aspects of preparation, tendering, evaluation and award processes.
- 5.4.6 Where the competitive tendering of Council Services is being carried out employees involved directly in the process must declare their membership of or affiliation to, any organisation which may have an interest in tendering for the service to their Director/Strategic Director.

6. Recruitment and other employment matters

- 6.1 In accordance with the Council's Equal Opportunities in Employment Policy, employees must take care that they are not open to any charge of discrimination in recruitment or employment practices, by fully adhering to the Council's Recruitment and Selection Code of Practice.
- 6.2 To avoid any possible accusation of bias, employees must not be involved in selection and appointment processes where they are related to an applicant or have a personal or business relationship with them. They should declare an interest where there is a potential conflict of interest in such cases.
- 6.3 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

7. Information Technology and Data Security

- 7.1 Employees must ensure that they follow the Council's security procedures in relation to the use of computers and the proper management of computer-held information. Particular care must be taken to observe established procedures when using passwords and when logging on and off. Employees must never share passwords, which may lead to unauthorised access to

Council systems. Where this practice is found, employees should be aware it may lead to disciplinary action.

- 7.2 In respect of internet and intranet access, employees must comply with Council Policies such as the Codes of Practice on Information Security, Internet and e mail usage, the Use of Communications Policy and relevant legislation such as the Regulatory and Investigatory Powers Act, Data Protection Act, Obscene Publications Act, Computer Misuse Act and the Theft Act.

8. Use of Council Systems, Property and Facilities

- 8.1 The Council's property such as telephones, mobile phones, the internet, intranet, e-mail, stationery, photocopiers, word processors and other machines or tools, materials, offices, car parks and facilities, may only be used for Council business unless permission for private use is given under the terms of the Council's codes of practice or by management. This also applies to all automatic processing equipment such as laptops, PC's, software including computer games and data, none of which may be used for private purposes or removed from the premises without the express permission of the appropriate manager.
- 8.2 Employees will be required to pay for telephone calls using land lines or mobile phones, or the use of facsimile equipment, for private purposes, through the approved systems in place for the collection of such monies. Employees will be expected to keep calls to a minimum level and managers will have the discretion to determine what is, or is not excessive.
- 8.3 Telephone call and e-mail/internet logging systems are in operation in the Council and may be used to identify usage for private purposes. Any communications using Council systems can be monitored.
- 8.4 Employees must adhere to all of the Council's specific system security measures that are currently in place or introduced in the future.
- 8.5 Care in the use of language contained in e-mails is essential as misuse could leave employees and the Council liable to legal action. In the case of employees internal proceedings under bullying and harassment procedures or the disciplinary procedure may also result.

9. Dress and Personal Appearance

- 9.1 Council employees act as ambassadors for Departments. Consequently employees must maintain a standard of dress and appearance that is appropriate or required for the workplace and to the work being undertaken. Employees' appearance contributes to the quality of customer care provided. Employees must be clean and tidy and ensure good personal hygiene. Where particular clothing is provided for health, safety and hygiene and/or uniform purposes it must be worn. This includes name badges. In particular,

managers and employees on Council reception areas are expected to dress smartly and portray a business-like and professional image.

- 9.2 The Council seeks to promote diversity within its workforce and recognises the importance of cultural dress to its employees. Cultural dress is a visible sign of this commitment and employees will be supported in observing cultural dress codes within the general principles referred to at 9.1 above.

10. Criminal convictions

- 10.1 Where an employees job involves working with children or vulnerable adults the Council will require the employees to apply for disclosure of criminal convictions to the Criminal Records Bureau. Employees are required under the Rehabilitation of Offenders Act 1974 (Exemptions Amendment Order), to disclose all convictions (spent or unspent), cautions or bind overs, before commencement of employment. In the case of other jobs an employee must disclose any "unspent" criminal convictions before commencement of employment.
- 10.2 Employees whose work involves driving a Council vehicle must declare any motoring offences to their manager, including parking fines.
- 10.3 As a matter of fundamental confidence and trust employees must inform their manager of any pending criminal proceedings against them before or during their employment.
- 10.4 Any declaration made under 10.2 or 10.3 must be recorded in writing by Managers and placed on the employee's personal file as a matter of record.
- 10.5 Failure to disclose convictions or to comply with any of the above constitutes possible gross misconduct and may result in disciplinary action, including the possibility of dismissal.

11. Drugs and Alcohol

- 11.1 Council employees act as ambassadors for the Council and must attend work in a fit condition to undertake their duties in a safe manner.
- 11.2 The Council believes that the consumption of alcohol impairs performance and may constitute a health and safety risk. It therefore discourages its employees from drinking before work or at lunch times. Employees should be aware of the impact consuming alcohol can have on their image and performance and the way that subsequent actions/behaviour may be perceived by the public and other employees. Drinking during working hours is a disciplinary offence and employees adjudged to be under the influence of alcohol while at work may be suspended from duty.
- 11.3 The use of illegal substances at work or which impact adversely on performance at work will not be tolerated and may result in the Council reporting the matter to the police and potential disciplinary action.

- 11.4 Employees are advised to acquaint themselves with the Council's substance misuse policy. Managers have responsibility to ensure staff who may experience such problems are provided with copies of the policy. Support and advice will be given to employees willing to accept help and follow a programme of rehabilitation. A failure to follow any such programme and continuing problems in the workplace will result in issues of conduct being dealt with under the Council's disciplinary procedure.

12. Outside commitments

- 12.1 The Council's duty of care under the Working Time Regulations requires that reasonable steps are taken to ensure that workers do not exceed an average 48 hours per week. The Council prefers its full time employees not to have paid secondary employment of any kind. The Council recognises that many of its part time employees may have secondary employment. However, all employees are required to declare to their Director any secondary employment. It will be the responsibility of managers to confirm with the employee whether this conflicts with their Council employment.
- 12.2 All employees should be clear about their contractual obligations and should not take outside employment, which conflicts with the authority's interests. This will include any activities which might be approved, monitored or regulated as part of their Council employment.
- 12.3 An employee's declaration of secondary employment, does not remove the right of the Council to take disciplinary action against any employee whose secondary employment is deemed to be, or has been, detrimental to the interests or reputation of the Council.
- 12.4 Employee appointments as School Governors, Councillors to other Local Authorities, membership of the Territorial Army, appointment as a Justice of the Peace or as a Member of the Employment Tribunal do not constitute secondary employment as described in this Code. Nonetheless the principles of employees making line managers aware of these duties and seeking appropriate time off in a reasonable and timely manner apply.
- 12.5 Guidance on payment and receipt of fees for other work is shown in Appendix 2.
- 12.6 Employees of the Council will not be permitted to hold voting rights or trusteeships of external bodies who have contracts with or otherwise grant funded by, the Council, without the express consent of their Director. There is a potential conflict of interest between an employee's responsibilities to protect the interests of the Council and the legal duties of a Trustee or voting member of an independent organisation. It is also extremely doubtful whether employees will be covered by the Council's indemnity in such circumstances.

- 12.7 The copyright in all records and documents made by employees in the course of their employment shall belong to the Authority.

13. Personal interests

- 13.1 Employees must declare to their Director any non-financial interests that may bring about conflict with the authority's interests. All such declarations should be recorded in Service's registers of interests.
- 13.2 Employees must declare to an appropriate manager any financial interests, which could conflict with the authority's interests.
- 13.3 Employees should declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. A definition of what constitutes a secret society is shown at Appendix 1.
- 13.4 Any employee contemplating purchasing or leasing of Council owned land should raise the matter with their Director or Strategic Director to ensure that there is not or could not reasonably be seen to be any opportunity for influencing the disposal process or use or information not generally available to purchasers. Certain employees holding designated posts directly concerned with land disposal will be precluded from purchasing or leasing Council land.

14. Corruption

- 14.1 Council employees must not use their position to confer on or secure for himself/herself, or any other person, an advantage or disadvantage.
- 14.2 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity.
- 14.3 Rotherham Metropolitan Borough Council acknowledges the responsibility it has for the administration of public funds, and emphasises to the public and its employees the importance it places on probity, financial control and honest administration. The Council is also committed to the fight against fraud, whether perpetrated by employees, contractors or the public.
- 14.4 To demonstrate this commitment and the Council's proactive approach to the prevention and detection of fraud and corruption and the action it will take, the Council has adopted policy statements on reporting and investigating fraud and corruption as shown at Appendices 5a and 5b.
- 14.5 Employees must use public funds responsibly and lawfully. They must work to ensure the Council uses its resources prudently and within the law and that

the local community gets value for money. The Council's Standing Orders and Financial Regulations must be observed.

- 14.6 Defrauding and stealing (or attempting to do so) from the Council or any person or organisation in any way will not be tolerated. This includes falsification of claims, e.g. time sheets, mileage and travel/subsistence allowances with the intention of obtaining payment. Employees should be aware that the Council shares data with other Government agencies such as Department for Work and Pensions and the Inland Revenue.
- 14.7 Employees should not use Council procurement processes for personal purchases, unless authorised to do so.

15. Gifts and Payments

15.1 Gifts and payments to employees related to employment

- 15.1.1 Employees must be careful in the exercise of their duties not to show by their behaviour that they may be influenced by any gifts whilst acting in an official capacity.
- 15.1.2 The Prevention of Corruption Acts 1906 and 1916 make it a criminal offence for employees to demand or accept any gift or reward in return for allowing themselves to be influenced in their official capacity by any person seeking to obtain a contract from a local authority.
- 15.1.3 As a general rule, therefore, all gifts and other benefits must be refused. If gifts are delivered or sent by post to the place of work, they should be returned if the sender can be identified with an appropriately worded letter. Offers should be declined tactfully, with an explanation that this is Council policy. Where it is not possible to return a gift, or if it is considered that refusal would cause unnecessary offence, then the gift may be appropriated for the benefit of the Council and donated to the Mayor's Charity or other suitable similar purpose.
- 15.1.4 Employees must record any gift, received or offered, in a Gifts and Hospitality Book, to be held and monitored by each Director. The record should include the following information:
- 1) the date and time of offer/receipt;
 - 2) the person making the offer;
 - 3) persons present;
 - 4) the nature of the gift;
 - 4) the approximate value;
 - 5) whether accepted or declined;
 - 6) reasons for acceptance (if applicable).

- 15.1.5 The only gifts not required to be recorded in accordance with the above paragraph are those of a nominal value issued for publicity purposes such as pens, diaries and calendars.

15.2 Gifts and payments to employees unrelated to employment

- 15.2.1 Employees on occasion receive payment or gifts for personal care/work, which is unassociated with their employment with the Council. All employees who carry out such work for members of the public who are in receipt of services from the Authority and particularly Adult Social Services (e.g. meals-on-wheels, home care, warden service, social work support) must declare these arrangements to their Director in writing. Any such declaration must be acknowledged and the service user advised that next of kin should be made aware of the arrangement.

16. Hospitality

- 16.1 Employees should exercise discretion in offering and accepting hospitality. Acceptance of meals and refreshments for example may be a necessary part of Council business, i.e. provided to enable the parties to continue discussion. The meals or refreshments must be of a modest kind and if possible the employee should pay for their own meal and claim for reimbursement under the Conditions of Service.
- 16.2 In deciding whether to accept hospitality, regard should be given to the following: -
- (i) whether the person or firm offering the hospitality is likely to benefit from the hospitality;
 - (ii) whether that person or firm is seeking a contract, or one has already been awarded;
 - (iii) the timing of the hospitality in relation to decisions which the Council may take which will affect those offering it;
 - (iv) whether it is preferable in the circumstances to entertain the person or persons concerned at the Council's premises or at the Council's expense;
 - (v) the scale and location of the hospitality and whether it falls within working hours;
 - (vi) whether a proposed visit is genuinely instructive or constitutes more of a social function;
 - (vii) the frequency of the hospitality.

In all cases employees should be able to justify the arrangements they have made in the interests of the Council.

- 16.3 If an employee has any doubt about the acceptance of an invitation, this should be discussed with his/her Director. Employees must discuss any

offers of hospitality over and above meals and refreshments with their Head of Service prior to accepting or declining them.

- 16.4 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 16.5 Employees must record any hospitality, received or offered, in the Gifts and Hospitality Book, to be held and monitored by each Director. The record should include the following information:
- 1) The date and time of offer/receipt;
 - 2) the person making the offer;
 - 3) persons present;
 - 4) the type of hospitality;
 - 5) the approximate value;
 - 6) whether accepted or declined;
 - 7) reasons for acceptance (if applicable).
- 16.6 The only hospitality not required to be recorded in accordance with the above paragraph, is hospitality of a modest kind received during normal working hours in the course of conducting the Council's business. This would include light refreshments such as tea, coffee, biscuits and sandwich lunch or similar.

17. Legacies

- 17.1 Occasions have arisen when employees who work, for example, in residential homes for the elderly, and Home Carers have been included in the Wills of people whom they have looked after. On the one hand this can reflect the genuine wish of a client to register their thanks to someone who has looked after them, perhaps over a number of years. On the other hand, such gestures could be open to misinterpretation, particularly if a large sum of money is involved. It is, therefore, a rule that an employee must notify their Director if they are left a legacy, which is connected with their employment or if the person in question was in receipt of a personal Council service. Failure to disclose receipt of a legacy may result in disciplinary action. Director must report the circumstances of all cases to the appropriate Cabinet Member.

18. Sponsorship – Giving and Receiving

- 18.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

- 18.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the employee's Director of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

19. Investigations and Monitoring

- 19.1 Each Director and Strategic Director is responsible for the monitoring of his/her employee's activities in accordance with the provisions/declarations of this Code of Conduct and related Codes of Practice. Any such monitoring will comply with relevant legislation such as the Regulatory and Investigatory Powers Act, the Data Protection Act and the Human Rights Act.
- 19.2 Where the Monitoring Officer is undertaking an investigation in accordance with regulations under section 66(2) of the Local Government Act 2000 employees of the Council must comply with any requirement made by the Monitoring Officer in connection within such an investigation.

20. Summary

- 20.1 Employees requiring further information or requiring advice concerning the appropriate course of action to adopt in any situation, should contact their Line Manager, Director, the Director of Human Resources, the Internal Audit Manager or the Monitoring Officer.
- 20.2 This Code of Conduct should be read in conjunction with its appendices and with any other Council codes of practice or policies that relate to employee conduct and/or workplace or system security policies and procedures.

21. Date of implementation

- 21.1 This Corporate Code of Conduct applies to all employees of Rotherham Metropolitan Borough Council with effect from December 2003.

The Corporate Code of Conduct will be kept under review in the light of recommendations and guidance issued nationally in relation to standards of conduct in public life and revised as necessary.

APPENDIX 1

DEFINITION OF WHAT CONSTITUTES A MEMBERSHIP OF SECRET SOCIETY

The following is the Council's definition of what constitutes a society with secret rules (secret society).

'Any lodge, chapter, society, trust or regular gathering or meeting, which:

- a) is not open to members of the public who are not members of that lodge, chapter, society or trust; and
- b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

A lodge, chapter, society, trust, gathering or meeting as defined above should not be regarded as a secret society if it forms part of the activity of a generally recognised religion.

APPENDIX 2

OTHER EMPLOYMENT RELATED ACTIVITIES – FEES

Employees may be asked on occasions to give lectures or undertake work using their professional skills and expertise. If the work forms part of the duties of a post and the employee is carrying out an official duty, he/she must forward all fees to their employing Department. Any expenses incurred will be reimbursed through the normal procedures.

Employees in receipt of 'fees' in respect of undertaking work and/or lecturing to an outside organisation/persons) may retain the 'fees' providing:

- a) preparation and delivery of the work is undertaken outside working hours (unless covered below);
- b) equipment and/or materials are not being provided by the Council;
- c) the employee is not acting as a representative of the Council.

Where the work or lecture is undertaken during working hours the equivalent working hours must be re-arranged, in agreement with the line manager to accommodate the employee's request or annual leave, flexi leave or time off in lieu must be used. The employee concerned may also be granted unpaid leave, subject to the agreement of the line manager in consultation with their Human Resources Manager.

POLITICALLY RESTRICTED POSTS

In order to uphold the principle of political neutrality of local government employees, under the Local Government and Housing Act, 1989, some Council posts are designated as 'politically restricted'.

Political Restriction applies to:

- Chief and deputy chief officers
- Employees who give advice on a regular basis to the Council or speak on a regular basis to journalists or broadcasters on the Council's behalf.
- Employees who work in politically sensitive areas, i.e. Elections staff

The following restrictions apply to any employee who is appointed to a politically restricted post:

- The post holder must not announce an intention to be a candidate for election to the House of Commons, the European Parliament or a local authority.
- Where an officer announces that he/she wishes to resign his/her post because he/she intends to be a candidate for election to the House of Commons, his/her appointment shall terminate.
- The post holder must not act as an election agent or sub-agent.
- The post holder shall not be an officer of a political party or branch, or a committee or sub-committee member of a party, if this involves him/her in general management of or acting on behalf of the party or branch. This does not prevent membership of a political party or, for example, social activity unrelated to the general management of the party or branch.
- The post holder shall not canvass on behalf of a political party or on behalf of a candidate for election.

Post holders other than political assistants are also prevented from:-

- Speaking to the public with the apparent intention of affecting support for a political party.
- Publishing or causing to be published written or artistic work if intended to affect public support for a political party. This would not, however, apply to for example displaying a poster on private property.

There is an Independent Adjudicator whose role is to consider applications from local government employees for exemption from political restriction in respect of their posts. In making an application to the Independent Adjudicator, an employee is required to provide a certified job description together with a certificate of opinion to state whether or not in the opinion of the Council, the duties of the post include advising the Council on a regular basis or speaking on a regular basis to journalists or broadcasters. In other words, exemptions can only be granted to those whose posts are politically restricted because of salary alone but whose duties do not include those just mentioned.

MEMBER / OFFICER RELATIONS PROTOCOL**Introduction**

- A With the adoption of the Code of Conduct for Members, which came into effect on 24 April 2002, the opportunity has been taken to produce a Protocol with regard to member/officer relations. It seeks to set out guidance and promote greater clarity and certainty and the setting of good standards in accordance with the Nolan Report and subsequent Government guidance. This also includes some general guidance on Access to Information.
- B Given the variety and complexity of member and officer relations, this protocol does not seek to cover everything or be prescriptive in its application. General guidance is offered on some of the issues that most commonly arise or cause concern. It is hoped, therefore, that the approach which this protocol adopts will serve as a guide to dealing with other issues that may arise from time to time.
- C This protocol seeks to encourage best practice and to promote greater clarity and certainty between the various relationships. If any member is unsure about any matter, he or she should contact the Monitoring Officer (Assistant Director of Legal Services) for appropriate advice and assistance. If any officer is unsure about any matter, he or she should contact the relevant Chief Officer and/or the Assistant Director of Legal Services.
- D The Standards and Ethics Committee may issue further general guidance on Rotherham's Code of Conduct for Members. In addition, a specific code is being considered for planning matters.

1. Underlying Principles

- 1.1 Members and officers are bound by their respective Codes of Conduct which seek to promote the highest ethical standards. This protocol supports those codes and is intended to promote mutual respect between members and officers with regard to their respective roles as set out below and in the Council's Constitution.
- 1.2 In order to ensure the business of the Council is transacted in an effective and efficient manner and with a view to ensuring that the Council is not brought into disrepute, the key guiding principles for members and officers have to be openness, honesty, fairness, transparency and treating everyone with respect.

2. The Role of Members

- 2.1 To promote the social, economic and environmental well being of the community.

- 2.2 Collectively be the ultimate policy makers and decision-makers and carry out a number of strategic and corporate functions.
 - 2.3 Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities.
 - 2.4 Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances.
 - 2.5 Balance different interests identified within the ward and represent the ward as a whole.
 - 2.6 Be involved in decision making.
 - 2.7 Be available to represent the Council on other bodies.
 - 2.8 To promote the highest standards of conduct and ethics.
 - 2.9 To act collectively as the employer of the staff.
 - 2.10 To act in a specific capacity listed below where appointed so to do by the Council in accordance with the Constitution:
 - Chairman of the Council
 - Leader of the Cabinet
 - Member of the Cabinet
 - Portfolio holder (with or without delegated authority)
 - Chairman of a Scrutiny Committee
 - Member of a Scrutiny Committee
 - Chairman of a committee other than Scrutiny
 - Member of a committee other than Scrutiny
 - Representing the Council on outside bodies
 - 2.11 Political Group meetings, whilst they form part of the preliminaries to Council decision-making, are not formal decision-making bodies of the Council and, as such, are not empowered, even under the new constitutional arrangements, to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions and it is essential that members and officers understand and interpret them accordingly;
3. The Role of Officers
 - 3.1 To initiate and to implement the policies set and the decisions made by members.
 - 3.2 To provide impartial professional and technical advice to members.
 - 3.3 To carry out those functions delegated to officers.

- 3.4 To provide reasonable help, support and advice to all members.
- 3.5 To represent the Council on outside bodies.
- 3.6 To act in a specific capacity listed below where appointed so to do by the Council:

- **The Chief Executive as Head of Paid Service** (as defined by the Local Government and Housing Act 1989 section 4) has the following functions and duties:

to prepare proposals for the consideration of the Council as to the co-ordination of the discharge of the Council's functions; the number and grades of staff that are required to discharge those functions; the organisation of the Council's staff; and the appointment and proper management of the Council's staff.

- **The Assistant Director of Legal Services as Monitoring Officer** (as defined by the Local Government and Housing Act 1989 section 5) has the following functions and duties:

to prepare reports for the consideration of the Council where it appears that any proposal, decision or omission by the Council, a committee, sub-committee, or officer has given rise or is likely to give rise to a contravention of any statute or maladministration or injustice as mentioned in part III of the Local Government Act 1974.

- **The Strategic Director of Finance and Customer Services as Chief Finance Officer** (as defined by the Local Government Act 1972 section 151) has the following functions and duties:

to prepare reports for the consideration of the Council where it appears that any committee, sub-committee, or officer has or is about to make a decision which involves or would involve the Council incurring expenditure which is unlawful; or has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and is likely to cause a loss or deficiency to the Council; or is about to enter an item of account, the entry of which would be unlawful.

4. The Relationship Between Officers and Members

- 4.1 The relationship between officers and members should be characterised by mutual respect which is essential to good local government.
- 4.2 A distinction must be drawn between good working relationships and close personal familiarity between individual members and officers which can damage professional relationships and prove embarrassing to other members and officers. Situations should be avoided that could give rise to suspicion and any appearance of improper conduct. This includes excessive socialising between members and officers.

- 4.3 Whilst it is recognised that in some circumstances a close personal relationship will develop between Council members and staff, both the member and the member of staff must disclose that relationship to the Chief Executive. The member must also disclose that relationship to his or her group leader.
- 4.4 At all times the member and member of staff will ensure, as far as possible, there is no conflict of interest between them.
- 4.5 Any dealing between members and officers should be conducted with courtesy and respect and neither party should seek to take unfair advantage of their position. In particular, members should recognise and pay due regard to their role as an employer in their dealings with officers. Equally officers should understand that decisions of the Council are made by the Council as a whole and should not be attributed to individual members unless specific delegated powers exist.
- 4.6 The Council has statutory duties with regard to equalities issues to positively promote equality. Members and officers shall not by their behaviour or speech be discriminatory with regard to a person's gender, marital status, age, race, disability, religion or sexual orientation. Such principles shall apply to the implementation of all personnel policies, recruitment and promotion as they apply to day to day operations.
- 4.7 Members should not raise matters relating to the conduct or capability of a Council employee or of the employees collectively at meetings held in public or in the Press. Employees have no means of responding to criticism like this in public. (If members feel they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of a Council employee they should raise the matter with the Director concerned if they fail to resolve it through direct discussion with the employee.)
- 4.8 Members should not require any officers to change their professional advice nor take any action which the officer considers unlawful or illegal or which would amount to maladministration or breach of a statutory code of conduct.
- 4.9 Members should consult with the Monitoring Officer and the Chief Finance Officer about legality, maladministration, financial impropriety and probity or where they have any doubt as to whether the particular decisions were or are likely to be contrary to the policy framework or budget.
- 4.10 In seeking advice and support members should have due regard to the seniority of the officer with whom they are dealing and the fact that, while those officers owe duties to the Council as their employer such duties are first expressed to their respective manager and the Chief Executive and not to any individual member. For this reason members should not give direct instructions to staff unless authorised so to do by the Constitution. If so authorised, instructions shall be given to the relevant chief officer rather than a more junior member of staff.

- 4.11 Members of the Cabinet, Scrutiny Committees and Regulatory Committees shall, at all times, respect the political impartiality of officers and must not expect or encourage officers (save for any political assistants to the political groups) to give a political view on any matter.
5. The Relationship Between the Overview and Scrutiny Committees and Officers (when Executive decisions are being scrutinised).
 - 5.1 The Council's Overview and Scrutiny Committees shall seek the advice of the Monitoring Officer where they consider there is doubt about the legality of Executive decisions or the Monitoring Officer and other appropriate officers where they consider a decision of the Executive might be contrary to the policy framework.
 - 5.2 When considering calling officers to give evidence the Committee shall not normally, without the consent of the relevant Chief Officer, request the attendance of a junior officer to ensure that more junior officers are not put under undue pressure.
 - 5.3 When asking officers to give evidence before the Committee questions should be confined, so far as possible, to questions of fact and explanation and professional opinion relating to policies and decisions.
 - 5.4 Where they consider it appropriate the Committee may ask officers to explain advice given to members (of the Executive) prior to decisions being taken and explain decisions they themselves have taken under the Scheme of Delegation.
 - 5.5 The Committee shall not question officers in such a manner whereby the nature and frequency of the questions or tone or language used could be considered by a reasonable person to be harassment, discriminatory or otherwise unacceptable, nor deal with matters which are of a possible disciplinary/capability nature.
 - 5.6 The Committee shall at all times respect the political impartiality of the officers and must not expect officers to give a political view.
6. Officer Relationships with Party Groups
 - 6.1 It must be recognised by all officers and members that in discharging their duties officers serve the Council as a whole and not exclusively any political group, combination of groups, or any individual members.
 - 6.2 Officers may properly be called upon to support and contribute to the deliberations of political groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual members, treat them in a fair and even handed manner.

- 6.3 The support provided by officers can take many forms, ranging from a briefing with the Leader of the Executive, the leaders of other political groups, or chairs of committees, to a presentation to a full party group meeting.
- 6.4 When attendance is requested for political group meetings:
 - 6.4.1 the request to attend a group meeting must be made through the Chief Executive;
 - 6.4.2. unless otherwise agreed by the Chief Executive, officers will not attend party group meetings which include persons who are not members of the Council or be present at purely party political discussions;
 - 6.4.3 such a request can only be made in relation to Council business;
 - 6.4.4 officers must respect the confidentiality of any party group discussions at which they are present.

7. Members in their Ward Role

- 7.1 When acting in their ward role members need to be mindful of their competing roles, i.e. acting for the Council and acting for constituents, and the possible conflicts of interest that can arise and the pressure this can bring on officer time.
- 7.2 Whenever a public meeting is organised by the Council to consider a local issue all the Members representing the ward or wards affected should be invited to attend the meeting.
- 7.3 Members may request officers to attend meetings or site visits or provide other assistance in their ward role. Such requests should be made to the relevant Strategic Director and not to individual officers.

8 Member Access to Documents and Information

- 8.1 Save as provided below every member of the Cabinet or of a committee, sub-committee of the Council has a right to inspect documents about the business of the Cabinet, that committee, or sub-committee.
- 8.2 A member who is not a member of a specific committee, sub-committee (or the Cabinet) may have access to any documents of that part of the Council if they satisfy the Council's Monitoring Officer that they reasonably need to see the documents to perform their duties (commonly known as the "need to know" principle).
- 8.3 A member is not entitled to inspect any document or have access to any information about a matter in which they have a prejudicial interest or where to do so would be in breach of any statutory provision.
- 8.4 The Local Government (Access to Information) Act 1985 (Section 100F of the

Local Government Act 1972 was introduced by that Act), gives further rights to elected members in addition to those at common law above. Section 100F makes it clear that any document which is in the possession or under the control of the Council and contains material relating to any business to be transacted at a meeting of the Council, or a committee or a sub-committee of the Council, will be open to inspection by any member of the Council unless it contains confidential or certain classes of exempt information.

9. Press Releases and Correspondence (including e-mails)

- 9.1 Press releases must operate within the limits of the Local Government Act 1986 which prohibits the Council from publishing material which appears to be designed to affect public support for a political party. During the election period special rules apply with regard to Local Authority publicity.
- 9.2 Council press releases are produced and distributed by the communications team, from information supplied by officers. Press releases will usually quote the Leader, or the Member with responsibility for the area covered by the press release. On occasions, officers are also quoted. Contact with the media should be channelled through the communications team.
- 9.3 All correspondence written on behalf of the Council must be written on the relevant headed paper.
- 9.4 When members are writing they must make it clear whether they are writing on behalf of the Council or as the ward member.

10. Sanctions for Breach

- 10.1 Complaints regarding any breach of this Protocol by a member should be made in the first instance to the Chief Executive or to the Monitoring Officer.. If the complaint cannot be resolved it may be referred to the Council's Standards and Ethics Committee.
- 10.2 Complaints regarding any breach of this Protocol by an officer may be referred to the relevant Strategic Director or Director, the Chief Executive or the Monitoring Officer, and may lead to disciplinary action. Complaints should be made in the first instance to the officer's Director.

APPENDIX 5a

PROCEDURE FOR REPORTING OF SUSPECTED FRAUD AND CORRUPTION

This procedure and the employee obligations contained within it have been adopted as Council policy and it is therefore incorporated into all employees' terms of employment.

If you suspect a fraud within your workplace, including fraud perpetrated by council contractors, or receive information from an external source regarding fraud, the following procedure should be followed: -

Make an immediate note of all relevant details.

These should include date and time of the event, record of conversations (including telephone), names of persons present (or description if the name is not known), vehicle details where appropriate e.g. type, colour, registration etc.

Report your suspicions as rapidly as possible together with the relevant details to an appropriate level of authority and experience.

This can either be your Line Manager **OR**
the Head of Internal Audit Tel. 823282 Ext. 23282 **OR**
the Assistant Director of Legal Services, Tel. 255768 Ext. 55768 **OR**
the Chief Executive, Tel 822771 Ext. 22771.

Alternatively you may prefer to put your suspicions in writing to the Head of Internal Audit, Riverside House, Main Street, Rotherham S60 1AE and mark the envelope "CONFIDENTIAL – TO BE OPENED BY THE ADDRESSEE ONLY". The Council would prefer you not to provide information anonymously as it may be necessary for you to provide further information. However all anonymous information that is received will be investigated.

All reported suspicions will be dealt with sensitively and confidentially.

DO NOT: -

- **Confront or accuse anyone directly.**
- **Try to investigate the matter yourself.**
- Discuss your suspicions with anyone else than the appropriate level of authority.
- Be afraid to report a matter on the basis that your suspicions may be groundless, all reports will be treated on the basis that they are made in good faith.

FURTHER ADVICE

If you are unsure whether, or how, to use this procedure or you prefer independent advice at any stage, you may contact the independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about fraud or other serious malpractice in the workplace.

**PROCEDURE FOR THE INVESTIGATION OF
SUSPECTED FRAUD AND CORRUPTION**

1. Responsibilities

The responsibility for the prevention of fraud, other irregularities and error rests with management.

Auditors are responsible for reporting to management on areas of weakness and deficiencies in internal controls on the financial systems, together with investigating circumstances where occurrence of fraud is suspected.

2. Procedures

Once management has discovered or suspect a fraud, Internal Audit should be notified immediately.

When Internal Audit discover or suspect a fraud, management of the relevant department should be contacted and discussion take place and agreement reached on how the matter will be investigated.

Where the investigation involves employees of the Council it will be necessary to consult with a Human Resource Manager to discuss procedures for possible suspension of the employee pending further investigation.

Members shall be informed of any investigation into Council affairs that requires reporting the District Auditor as soon as is practical without prejudicing the investigation as per Minute 2920 (7) (ii) (D) of May 1977

3. Objectives of an Investigation

The objectives of any investigation shall be to: -

- Prove or disprove the original suspicions of fraud.
- Provide evidence in an appropriate format to substantiate proven cases of fraud.
- To implement appropriate controls to prevent a recurrence of the incident.

4. Conduct of an Investigation

The investigation should be conducted by the Internal Audit Section in conjunction with management of the department in the following manner: -

Secrecy and confidentiality shall be maintained at all times.

An early decision may be required at the start of the investigation to determine whether to suspend an employee to ensure evidence is not tampered with, subject to the proviso that the suspension does not prejudice the outcome of the investigation.

All documentation and evidence that is relevant to the investigation should be requisitioned and secured at an early stage by either management or Internal Audit.

Evidence and relevant information should be properly documented, considered and evaluated.

5. **Interviewing**

Interviews with potential perpetrators of fraud will normally be held both at the beginning and at the end of the investigation. However this procedure may be subject to alteration dependent upon circumstances. Interviews will be held in accordance with the Council's disciplinary procedure and in cases where the person(s) under investigation are employees of the Council, they will be allowed to have a "friend" or trade union representative present.

At all interviews a person shall be nominated to take notes of the meeting.

6. **Conclusion of Investigation**

Once a decision has been reached after interviewing the suspect, the following further matters will need to be considered: -

(a) Involvement of Police

The Council should always, except in exceptional and extenuating circumstances, have a consistent and fair approach to the involvement of the police in proven cases of fraud and deception. This is especially crucial in the cases where recompense for any losses suffered is sought from the Council's insurers. The Fidelity Guarantee Policy includes a clause which reserves the right of the insurance company to involve the police in the name of the Council, but at the expense of the insurance company, in order to recover losses met within the terms of the policy.

Where the sums involved in an investigation are significant the question of police involvement should be discussed by the relevant Strategic Director, the Head of Finance in his role as Section 151 Officer and the Head of Legal Services, and the Director of Human Resources. The Chief Executive should then be informed of the decision reached.

(b) Informing the District Auditor

The District Auditor should always be informed of the outcome of all fraud investigations as part of his role in gathering statistics and information relating to fraud.

(c) Review of Systems

Where a fraud has occurred as a result of weaknesses in existing systems

then steps must be taken to remedy the problem to prevent recurrence.

(d) Insurance / Recovery of losses incurred

Appropriate action shall be taken to ensure that the losses incurred by the Council are minimised including: -

- (i) Recover losses directly from the perpetrator of the fraud.
- (ii) Recovery from an employees contributions to the Superannuation Fund where appropriate.
- (iii) Claim on the Council's insurers.

Code of Official Conduct

Revised: July 2012

STANDARDS AND ETHICS COMMITTEE
29th June, 2017

Present:- Councillor McNeely (in the Chair); Councillors Allen, Andrews, Brookes, Ireland and Simpson, Mr. D. Bates, Mr. D. Rowley and Mr. R. Swann (Parish Council Representatives) and also Ms. A. Dowdall and Mr. P. Edler (Independent Co-optees).

Along with Mr. P. Beavers (Independent Person).

Apologies for absence were received from Mrs. J. Porter and Mr. D. Roper-Newman.

34. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

35. MINUTES OF THE PREVIOUS MEETING HELD ON 9TH MARCH, 2017

Consideration was given to the minutes of the previous meeting held on 9th March, 2017.

Resolved:- That the minutes of the meeting of the Standards and Ethics Committee held on 9th March, 2017 be approved as a true and correct record of the proceedings.

36. PROPOSED AMENDMENTS TO THE CONSTITUTION - STANDING ORDERS

Consideration was given to the report presented by James McLaughlin, Democratic Services Manager, and John Austin, Chairman of the Association of Democratic Services Officers, which detailed the proposals following the review of the effectiveness of the Constitution to strengthen accountability and transparency in decision making, which had been undertaken by the Association of Democratic Services Officers (ADSO) to provide external challenge and recommendations to strengthen various parts of the Constitution.

This report focused specifically on Association of Democratic Services Officers' recommendations to amend Standing Orders, which were found at Appendix 4 to the Constitution. It has been some time since Standing Orders have been reviewed in full and Association of Democratic Services Officers have compared the Council's current procedures to the good practice in other local authorities. This report summarised the main proposed changes to be made, which included simplifying language and removing unnecessary provisions or procedures which do not add value to the Council's governance framework.

A further updated copy of the recommended changes was circulated to all those present following consideration by the Constitution Working Group on 28th June, 2017 and their detailed comments identified.

The Committee discussed the suggested amendments in detail and were in agreement with all suggested and combined with the comments from the Constitution Working Group were happy to recommend to Council.

Resolved:- (1) That the Council be recommended to approve the amendments relating to Standing Orders set out in Appendix A.

(2) That the Council be recommended to approve the renaming of Standing Orders to Council Procedure Rules.

(3) That the Financial Regulations and Contract Standing Orders be included in an enlarged Appendix 5, to be known as Contract Procedure Rules.

37. TRAINING UPDATE AND STANDARDS BULLETIN (RECENT UPDATES IN STANDARDS AND ETHICS)

Consideration was given to the report presented by Sumera Shabir, Legal Services, which provided an update on recent training provided to members of Parish and Town Councils (15th June, 2017) on codes of conduct and standards and ethics generally

The report detailed the evening training session which was well attended.

The training highlighted the need for good governance and general discussion was facilitated around transparency.

The training was very well received as attendees were able to network with others in the session in groups and future themes for training were suggested. An invitation was also extended to the Chair, Vice-Chair and/or Independent Person to observe some Parish and Town Council meetings.

A further separate meeting with Parish Clerks was currently being arranged at a suitable location.

It was also noted that the Yorkshire Local Councils Association also provided specific training for Clerks as well as Town and Parish Councillors. Liaison would take place as to whether some joint training sessions could be accommodated.

Discussion ensued on the merits of providing voluntary training, location accessibility, whether training could be made mandatory and Parish Council training budgets.

Additionally, a bulletin was circulated to all those present which reported on recent and key updates in standards and ethics (based on versions produced by the North Yorkshire Fire and Rescue Authority Bulletin and other such material) and for this to also be widely circulated to members of Parish and Town Councils in Rotherham.

Discussion again ensued on accessibility of the information links, length of the bulletin and ensuring it was as user friendly as possible.

Resolved:- (1) That the information about the training session be noted.

(2) That the actions to be taken following the training session be noted.

(3) That any future training initiatives to be undertaken with Parish and Town Councils be identified.

(4) That the content of the bulletin be noted.

(5) That the bulletin be distributed to Members and Parish and Town Councils in Rotherham.

38. STANDARDS AND ETHICS COMMITTEE - REVIEW OF CODE OF CONDUCT AND ASSOCIATED PROCEDURES

Consideration was given to the report presented by Stuart Fletcher, Deputy Monitoring Officer, which provided an update on the progress of the Standards and Ethics Committee Working Group, in its review of the Code of Conduct and associated procedures.

It was felt appropriate by the Working Group, following consultation with Commissioner Sir Derek Myers, that the Code of Conduct, having recently been reviewed, should remain in its current form.

The Working Group, having made several amendments to the procedure, were of the view that the version as now presented was more efficient and easier to use.

Further information was provided on the changed elements of the procedure and whether or not any complaints had a right to confidentiality. It was formally agreed that the decision notices on the outcome of the hearing should be made public.

Resolved:- (1) That the Working Group recommendation that the Code of Conduct remain the same be noted.

(2) That the revised Procedure for Considering Complaints Alleging a Failure to Comply with the Members' Code of Conduct within Rotherham Borough Council be recommended for approval by Council on the 13th September, 2017.

39. A REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY

Consideration was given to the report presented by Stuart Fletcher, Deputy Monitoring Officer, which provided an update on concerns raised pursuant to the Whistleblowing Policy and the actions taken to address these matters.

A copy of the anonymised Whistleblowing record was circulated to all those present.

The Committee welcomed the report, but suggested for all future submissions an issue conclusion column be included.

Resolved:- That the Whistleblowing concerns raised since September, 2016 and the actions taken to address these matters be noted.

40. STANDARDS AND ETHICS COMMITTEE - CONSIDERATION OF COMPLAINTS

The Assistant Director, Legal Services (and Monitoring Officer) submitted a report detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Co-opted Members. The report listed nine current cases of complaint and the action being taken in respect of each one and also the conclusion date for a further five listed.

The Committee discussed the cases highlighted within the submitted report and commented on the timeframes for some of the investigations and the need for these to be concluded a little quicker.

The Deputy Monitoring Officer reported to the Committee that as part of the investigation of complaints a panel to consider one case had been convened and briefly shared the outcome. Further details would be provided to the next meeting in due course.

In addition, it was further reported that evidence had been requested in writing from the Secretary of State following letters to the Members of Parliament on the sanctions and powers that the Standards and Ethics Committee could impose on individuals that had been found guilty for breaches of the code of conduct.

Resolved:- (1) That the report be received and its contents noted.

(2) That the progress in respect of each case be noted.

41. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 28th September, 2017 at 2.00 p.m.

AUDIT COMMITTEE
19th July, 2017

Present:- Councillor Wyatt (in the Chair); Councillors Cowles, Evans and Walsh and Bernard Coleman (Independent Person).

Debra Chamberlin, KPMG, was also in attendance.

An apology for absence was received from Councillor Sansome.

1. QUESTIONS FROM MEMBERS OF THE PUBLIC OR THE PRESS

There were no members of the public or the press present at the meeting.

2. MINUTES OF THE PREVIOUS MEETING HELD ON 19TH APRIL, 2017

Consideration was given to the minutes of the previous meeting of the Audit Committee held on 19th April, 2017. The Committee noted that:-

(a) (Minute No. 56 – Audit Committee Self-Assessment) – David Webster gave a synopsis of the responses received from the self-assessment. It was felt that the Committee had scored itself very harshly and that it was very effective because of the challenging questions that were asked.

(b) Training – training sessions would be held prior to the Audit Committee as follows:-

| | |
|------------------------------|-----------------|
| Statement of Accounts | September, 2017 |
| Code of Corporate Governance | November |
| Treasury Management | February, 2018 |
| Risk Management | April |

3. DRAFT STATEMENT OF ACCOUNTS

Further to Minute No. 59 of 19th April, 2017, Graham Saxton, Assistant Director Financial Services, presented the Draft Statement of Accounts 2016/17 which had been published on the Council's website on 30th June, 2017, as required under the Accounts and Audit Regulations 2015.

The publication of the unaudited accounts triggered a period of 30 working days (ending on 11th August, 2017) for local electors to exercise their rights to inspect the accounts and supporting records and to ask questions of the external auditor.

The external audit of the unaudited accounts was also underway with KPMG to report their findings to the September meeting of the Committee.

The deadline for publishing the audited accounts was 30th September, 2017.

The main changes to the 2016/17 accounts were:-

- Change of the format of the Comprehensive Income and Expenditure Statement
- The introduction of the new Expenditure and Funding Analysis disclosure note
- The change in discount factor used to value Council dwellings

The Highlights Report (Appendix B) summarised the key financial disclosures reported in the 2016/17 draft Statement of Accounts and provided further detail on each of the key financial issues referred to above.

Discussion ensued on the report. The reassessment of the stock evaluation which had caused significant alteration in the Housing Revenue Account figures was queried together with the significant increase in rent arrears. It was noted that these issues would be picked up in the further report to be submitted in September.

Resolved:- That the draft 2016/17 Statement of Accounts be received.

4. ANNUAL GOVERNANCE STATEMENT 2016-17

Consideration was given to the 2016-17 draft Annual Governance Statement (AGS) presented by Judith Badger, Strategic Director of Finance and Customer Services.

In producing the 2016-17 AGS, the Council had gathered sufficient evidence to support the statements that it had made. Each Strategic Director had been asked to oversee a self-assessment of governance in their Directorate. This had comprised of completion of a self-assessment form based on the Principles and Sub-Principles in the Local Code by each Assistant Director as well as a review and update of the detailed issues raised in the 2015-16 AGS. Each Strategic Director was also required to sign a Statement of Assurance based on the information arising from their review of current and previous governance issues.

The Corporate Governance Group had reviewed evidence contained within the returned Statements of Assurance as well as considering which issues were of sufficient significance to require reporting in the Statement. The Group had then produced the AGS.

The AGS would be updated by 30th September to reflect any issues that emerged between now and the completion of the final Statement of Accounts. It would also take account of any comments made by the Committee and external auditor.

The overall conclusion of the review of governance was that the Council had continued to make good progress on its improvement journey throughout 2016-17. Positive progress continued to be made on

delivering the commitments made in the Council's Improvement Plans which was further supported by the restoration of additional powers to the Council throughout 2016-17 by the Secretary of State.

Although there remained 6 service areas where powers were yet to be returned, the evidence in place throughout 2016-17 supported a conclusion that, overall the Council had demonstrated good governance and met its Best Value duty throughout the year.

Consultation had taken place with the Strategic Directors, the Strategic Director of Finance and Customer Services, the Assistant Director Legal Services and the Chief Executive.

Recommended practice required the Leader of the Council and the Chief Executive to sign the Annual Governance Statement prior to its publication.

Resolved:- (1) That the 2016-17 draft Annual Governance Statement be noted.

(2) That the requirement for the Leader and Chief Executive to sign the Statement prior to the publication of the Annual Governance Statement in September, 2017, be noted.

(3) That the final version of the Annual Governance Statement be submitted to the September meeting of the Audit Committee following completion of the audit of accounts by KPMG.

5. EXTERNAL AUDIT 2016-17 - INTERIM AUDIT REPORT

Further to Minute No. 61 of 19th April, 2017, consideration was given to a report presented by Debra Chamberlain, KPMG, summarising the key findings arising from interim audit work conducted in relation to the Council's 2016-17 financial statements and work done up to June 2017 to support the Value for Money conclusion.

Section 2 of the External Interim Audit 2016-17 summarised the headline messages from KPMG's work to date, Section 3 financial statements and Section 4 the Value for Money conclusions. The recommendations were:-

- Timely removal of leavers from IT systems
- Appropriate approval of new joiners onto IT systems
- Segregation of duty over the preparation and approval of journals

Together with 2 significant Value for Money risks:-

- Governance arrangements
- Reserves and financial position

It was noted that KPMG had IT trained auditors with use of their IT experts for the more complex areas.

Resolved:- That the report be received and its contents noted.

6. ANNUAL TREASURY MANAGEMENT REPORT AND ACTUAL PRUDENTIAL INDICATORS 2016/17

In accordance with Minute No. 20 of the Cabinet and Commissioners' Decision Making Meeting on 10th July, 2017, consideration was given to a report presented by Graham Saxton, Assistant Director of Financial Services, which detailed how the Council approved the Treasury Management Strategy in March, 2016, and received a mid-year report on 25th January, 2017, representing a mid-year review of treasury activity during 2016/17.

The Annual Treasury Management report was the final treasury report for 2016/17. Its purpose was to review the treasury activity for 2016/17 against the Strategy agreed at the start of the year.

The report also covered the actual Prudential Indicators for 2016/17 in accordance with the requirements of the Prudential Code.

Presentation of the report met the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities.

The Council was required to comply with both Codes through Regulations issued under the Local Government Act 2003.

Appendix A of the report submitted gave a summary of the Prudential Indicators.

Resolved:- That the Annual Treasury Management Report be approved.

7. INTERNAL AUDIT QUALITY ASSURANCE IMPROVEMENT PROGRAMME

David Webster, Head of Internal Audit, reported that Internal Audit was a major source of assurance to the Council on the framework of control, risk management and governance. It was, therefore, important that it operated in conformance with Public Sector Internal Audit Standards.

An internal self-assessment had been completed in January 2017 which had showed partial conformance with the standards. As a result the Quality Assurance and Improvement Programme had been produced to address the areas where conformance was not achieved.

The Improvement Programme would be implemented throughout the year and progress would be reported to the Audit Committee.

Resolved:- That the report be noted.

8. AUDIT COMMITTEE PROSPECTUS AND FORWARD WORK PROGRAMME

David Webster, Head of Internal Audit, presented a draft 2017-18 Prospectus which outlined the Audit Committee's objectives, how the Committee would operate and how it would deliver its objectives through its work plan.

It highlighted key activities to be carried out in relation to risk management, corporate governance, accounting and internal and external audit.

It was noted that advice had been sought from the Assistant Director of Legal Services with regard to the relationship between the Committee and the Overview and Scrutiny Management Board and as to whether the Committee should contribute to the Board's discussions on work programme.

Resolved:- That the 2017-18 Audit Committee Prospectus be approved.

9. ITEMS FOR REFERRAL FOR SCRUTINY

There were no items for referral to Scrutiny.

10. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That under Section 100A(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 (information relates to finance and business affairs).

11. PROCESSES IN PLACE IN RESPECT OF THE SALARY PAYMENT

This item was deferred until the next meeting.

12. STRATEGIC RISK REGISTER

Simon Dennis, Corporate Risk Manager, presented the current Strategic Risk Register which took account of updates from Directorates, the Strategic Leadership Team and the Audit Committee.

The Register was currently reviewed six weekly by the Strategic Leadership Team and reported quarterly to the Committee.

The current Register had been constructed from updates provided by risk owners. There was one new risk and no risks had been removed; there were now nineteen risks on the Strategic Risk Register.

It was noted that the format of the Register had been amended to improve the focus and actions that needed to be carried out in order to reduce the level of risk and clarity of the risk scoring. However, assurance was provided that the detail was still there and contained within the individual Directorate Risk Registers.

Work with Risk Champions over the coming months would include investigating how risk management linked to performance management.

Resolved:- That the updated Strategic Risk Register be noted.

13. RISK REGISTER - REGENERATION AND ENVIRONMENT

Councillor Lelliott, Cabinet Member, Jobs and the Local Economy, together with Damian Wilson, Strategic Director, presented the Regeneration and Environment's Directorate Risk Register and risk management activity in particular highlighting:-

- How the Register was maintained/monitored and at what frequency
- Cabinet Member involvement
- How risks were included on/removed from the Register
- Anti-fraud activity in the Directorate

Discussion ensued with the following issues raised:-

- The new Emergency Plan had been tested at desktop but needed a "live" test
- The performance of the Risk Register was monitored fortnightly at Directorate Leadership Team meetings
- The recent retendering of the Home to School Transport contract and the proposed changes to Policy which was to be submitted to Cabinet in September 2017
- Current status of the Local Plan

Resolved:- That the progress and current position in relation to risk management activity in the Regeneration and Environment's Directorate be noted.

14. INTERNAL AUDIT ANNUAL REPORT

Consideration was given to a report presented by David Webster, Head of Internal Audit, on the role of Internal Audit, the work completed during the 2016/17 financial year and highlighted the key issues that had arisen. It provided the overall opinion of the Head of Internal Audit on the adequacy of the Council's control environment as well as the performance of the Internal Audit function during 2016/17.

Appendix 1 of the report submitted included:-

- Legislative requirements and Professional Standards
- The Head of Internal Audit's annual opinion on the control framework, risk management and governance
- Resources and audit coverage during the year
- Summary of audit work undertaken during 2016/17 including both planned and responsive/investigatory work
- Summary of other evidence taken into account for control environment opinion
- Summary of audit opinions and recommendations made
- Internal Audit Performance Indicators

Consideration was also given to Appendix A which set out a summary of the audit opinions and recommendations that had arisen from audit work completed during the period.

Discussion ensued on the report with issues raised/clarified around:-

- Staffing of the Internal Audit team/use of external consultants and agency staff
- Internal Control
- Audits with opinion of Partial or No Assurance
- Pursuance of outstanding Audit recommendations
- CYPS Improvement Plan

Resolved:- (1) That the Internal Audit work undertaken during the 2016/17 financial year and the key issues that had arisen therefrom be noted.

(2) That the overall opinion of the Head of Internal Audit be noted.

(3) That the information contained regarding the performance of Internal Audit during 2016/17 be noted.

15. INTERNAL AUDIT PROGRESS REPORT FOR THE PERIOD MID-MARCH 2017 TO 31ST MAY 2017

Consideration was given to a report presented by David Webster, Head of Internal Audit, which provided a summary of Internal Audit work completed during March to May, 2017, and the key issues that had arisen therefrom.

Performance against Key Indicators was generally positive, however, productive time had been hit by sickness during the period impacting upon the completion of the Audit Plan.

Summary conclusions in all significant audit work concluded during March to May 2017 were set out in Appendix B of the report submitted. Three Partial Assurances and one No Assurance audit opinions had been issued during the period.

Discussion ensued with the following issues raised/clarified:-

- Confidential waste disposal linked into the disposal of buildings
- The refreshed Asbestos Management Plan

Resolved:- (1) That the performance of the Internal Audit Service during March and May 2017, and the key issues that had arisen therefrom be noted.

(2) That the actions taken by management in respect of performance be noted.

(3) That an update be submitted to the next meeting on the actions that had been completed and those that are over 12 months old.

16. DATE OF NEXT MEETING

Resolved:- That future meetings be held on Tuesdays at 4.00 p.m. subject to room availability.

HEALTH AND WELLBEING BOARD
5th July, 2017

Present:-

| | |
|----------------------|--|
| Councillor D. Roche | Cabinet Member for Adult Social Care and Health (in the Chair) |
| Dominic Blaydon | Associate Director of Transformation, RFT (representing Louise Barnett) |
| Tony Clabby | Healthwatch Rotherham |
| Dr. Richard Cullen | Strategic Clinical Executive, Rotherham CCG |
| Chris Edwards | Chief Operating Officer, Rotherham CCG |
| Diane Graham | RDaSH (representing Kathryn Singh) |
| Carole Lavelle | NHS England |
| Mel Meggs | Deputy Strategic Director, CYPS (representing Ian Thomas) |
| Robert Odell | South Yorkshire Police |
| Dr. Jason Page | Governance Lead, Rotherham CCG |
| Terri Roche | Director of Public Health, RMBC |
| Councillor G. Watson | Deputy Leader |
| Janet Wheatley | Voluntary Action Rotherham |

Report Presenter:-

| | |
|---------------------|---|
| Ruth Fletcher Brown | Public Health Specialist, Public Health, RMBC |
|---------------------|---|

Officers:-

| | |
|------------|----------------------|
| Kate Green | Policy Officer, RMBC |
|------------|----------------------|

Observers:-

| | |
|-----------------------|---------------|
| Ian Atkinson | Rotherham CCG |
| Robin Carlisle | Rotherham CCG |
| Councillor S. Sansome | |

Approximately 10 members of the public were in attendance.

Apologies for absence were received from Louise Barnett, (Chief Executive, TRFT), Sharon Kemp (Chief Executive, RMBC), AnneMarie Lubanski (Strategic Director, Adult Social Care), Councillor J. Mallinder and Kathryn Singh (Chief Executive, RDaSH).

13. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

14. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There were no questions from the members of the public in attendance.

15. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting of the Health and Wellbeing Board, held on 31st May, 2017, were considered.

Matters arising updates were provided in relation to the following items:-

Minute No. 3 (Sensory Impairment Centre), it was noted that the keys had been handed over to the Royal Society for the Blind and was due to open very shortly. The Centre would be officially opened in October by the Earl of Scarborough.

Minute No. 3 (National Review of Children's Mental Health Services), it was noted that the review was progressing well.

Minute No. 4 (I Age Well), it was the noted that the event had been very well attended.

Resolved:- That the minutes of the meeting held on 31st May, 2017, be approved as a correct record subject to the following clerical correction:-

Minute No. 11 (Better Mental Health for All Strategy) should read "... 2017-2025" and not 2020 as stated.

16. COMMUNICATIONS

There were no communications to report.

17. ROTHERHAM PLACE BOARD AND ACCOUNTABLE CARE SYSTEM

Chris Edwards, Chief Officer, RCCG, submitted for information, the draft terms of reference for the Rotherham Integrated Health and Social Care Place Plan Board ("Place Board") which was the forum where all the partners across the health and social care system would come together to undertake the regular planning of service delivery.

The Place Board's role would be:-

- Agreement and sign off of Rotherham Health and Social Care delivery plans
- Ensure a proactive approach to establishing the health and social care needs of Rotherham citizens and to react to the changes within the health and social care agenda
- Operate cost of care effectively in the context of the Rotherham health and social care financial circumstances
- Realise cost saving opportunities through system redesign to meet the Rotherham-wide efficiency challenge ensuring no adverse impact in regard to patient safety and experience

The report also set out the principles the Board would adhere to.

Recommendations for funding would need to be made by the Board to the relevant statutory bodies through individuals where responsibility was delegated by relevant statutory bodies. All recommendations from the Board would need consensus from its membership.

Each member organisation would have one representative on the Board with the joint Chairs of the Health and Wellbeing Boards attending to ensure the delivery was consistent with the strategic direction:-

| | |
|--|--|
| NHS Rotherham CCG | Chief Officer, Chris Edwards (Joint Chair) |
| Rotherham Metropolitan Borough Council | Chief Executive, Sharon Kemp (Joint Chair) |
| The Rotherham Foundation Trust | Chief Executive, Louise Barnett |
| Voluntary Action Rotherham | Chief Executive, Janet Wheatley |
| Rotherham Doncaster and South Humber NHS Trust | Chief Executive – Kathryn Singh |
| Connect Healthcare Rotherham Ltd. (Rotherham GP Federation) | Rotherham GP Chair Dr. Robert Thornton |
| Participating Observers | Joint Chair, Health and Wellbeing Board, RMBC – Councillor David Roche Joint Chair, Health and Wellbeing Board, RCCG – Dr. Richard Cullen |
| In Attendance | Deputy Chief Officer, RCCG – Ian Atkinson (as Chair of the Rotherham Place Plan Delivery Team) Director of Legal Services, RMBC – Dermot Pearson Chair of Partnership Communications Group – Gordon Laidlaw Senior Planning and Assurance Manager, RCCG – Lydia George (as Place Plan Board Manager) Policy and Partnership Officer, RMBC – Kate Green (H&WB Board Manager) |

It was suggested that consideration should be given to the holding of a health conference in Rotherham to showcase its Place Plan and what work was taking place within the Borough

It was noted that the Council had approved its side of the Place Plan which included a joint post of Deputy Director of Adult Social Care.

Resolved:- (1) That the report be noted.

(2) That the Board acknowledges that the Place Board should encompass all commissioners and providers who commissioned or provided health and social care across Rotherham and as such recognised that the membership of the Board may need revising periodically to include additional members.

18. UPDATE ON AIM 3: MENTAL HEALTH

Ruth Fletcher-Brown, Public Health, gave the following updates on Aim 3: Mental Health:-

Suicide Prevention and Self-Harm Action Plan Update 2016/18

Ruth highlighted the following issues contained within the report:-

- The Rotherham Suicide Prevention and Self-Harm Group met quarterly to review progress on the action plan, receive suicide audit data and recommend any necessary response, for example, for high risk groups
- Rotherham had an early alert approach to suspected suicides resulting in a response being made as soon as notification was received
- Partner organisations of the Rotherham Local Safeguarding Children's Board signed up to the Rotherham Suicide and Self-Harm Community Response Plan in September 2015. The process for activating the plan was the responsibility of RMBC's Early Help
- The My Mind Matters website had been reviewed and updated with input from the Youth Cabinet
- The Top Tips on suicide prevention for General Practitioners had been updated to include risk factors and at risk groups in Rotherham
- The campaign to target men, 'Breaking the silence on suicide' launched in July 2016 with resources distributed across the Borough and advertisements in local press in December, 2016
- 50 workplaces had engaged with the Workplace Wellbeing Charter
- Children and Youth People's Bereavement pathway continued to be positively received by families
- Families were visited within 48-72 hours of the suspected suicide by officers from the Vulnerable Persons Unit (South Yorkshire Police) and each family offered the Help is at Hand resource and offered telephone support from Rotherham Samaritans

Discussion ensued with the following points raised:-

- There had been an increase in adult suicides of those who had used Drug and Alcohol Services
- For those known to the Mental Health Services wraparound support was provided as much as possible to the people that self-harmed or felt suicidal. They were a high risk group and agencies wanted to make sure they could be supported
- A piece of work recently completed by RDaSH showed that people who suffered any kind of loss were at more risk of suicide. Work was now taking place on post-prevention of suicide. Officers from the VPU offered families telephone support from Rotherham Samaritans
- GPs were notified of any suspected suicide so they were aware should any family members registered with the practice request an appointment

Carole Lavelle commented on the fact that work on suicide prevention in Rotherham was further ahead than many other areas she visited.

Resolved:- (1) That the report on actions taken by the Rotherham Suicide Prevention and Self-Harm Group since the update submitted in May, 2016, be noted and endorsed.

(2) That the areas for future activity, including a commitment to continue Rotherham's early alert surveillance work, bereavement support and the social marketing campaign work be endorsed.

(3) That an update be submitted on the work of the Rotherham Suicide Prevention and Self-Harm Group annually and exception reports as appropriate.

Better Mental Health for All – Action Plan 2017-2020

Ruth presented the action plan which focussed on work that brought added value, used community assets and provided opportunities for the health and wellbeing partners to work collaboratively.

The action plan used the three tiered approach to mental health promotion and prevention. It took a whole life course approach from pre-birth to ageing well. Partner organisations had been encouraged to look at opportunities within their current interventions to promote good mental health.

The action plan aimed to link into community assets and connected people within their local community. It recognised the skills, knowledge and expertise of individuals and the assets that communities and organisations had to improve mental health and wellbeing.

Indicators from the Public Health Outcomes Framework and Quality Outcomes Framework would be used to monitor the overall progress of the Strategy. Output targets would measure progress of each action in the action plan.

Discussion ensued with the following issues raised/clarified:-

- There was contact with colleges with several engaging with the Youth Mental Health First Aid training which had been very popular. Schools and colleges would be visited as part of the launch of the Still campaign
- The work done across Rotherham had been referenced across South Yorkshire and the Humber
- VAR, Crossroads, Age Concern and the Council had been meeting to draw up an integrated action plan for isolation and loneliness which would be a key strand of Aim 3

Resolved:- (4) That the action plan be endorsed.

(5) That member organisations commit to lead by example and ensure that they follow best practice in relation to the Workplace Wellbeing Charter.

(6) That it be noted that there were some actions within the plan which required financial investment. The Better Mental Health for all sub-group would work with lead organisations to develop business cases accordingly.

(7) That the Health and Wellbeing Board continue to support Champions from their organisation to assist with the implementation of the action plan. It was envisaged that this would be quarterly meetings to update on progress and look at opportunities for collaborative working.

(8) That the Health and Wellbeing Board receive annual updates on progress.

19. SOCIAL PRESCRIBING

Janet Wheatley, Chief Executive, Voluntary Action Rotherham, gave the following powerpoint presentation:-

Rotherham Social Prescribing

- Sits alongside clinical interventions – helps people live their lives in a way that feels like living rather than coping and surviving. It provides an integrated response to patient care
- Where the NHS ‘meets’ the community and its assets – shifting the focus from conditions or ages to localities and communities
- ‘what matters to me’ as well as ‘what is a matter with me’

- Involved a leap of faith to working differently – there had to be another dimension to meeting patient needs
- Co-produced – between Rotherham CCG, VCS and service users
- Builds on/enhances local relationships, respect and trust between public sector and voluntary and community sector partners
- Flexible to meet changing needs – embedded within CCT and STP
- Supports and resources VCS – works with groups and patients
- Independent evaluation base – evaluated from onset

The 'Rotherham Model'

- Voluntary Action Rotherham (VAR) on behalf of Rotherham CCG delivers 2 Social Prescribing (SPS) programmes. VAR manages the programme and micro-commissions activity from the VCS – contracts/spot purchases/grants
- LTC SPS works with all GP practices as part of integrated case management approach. Referral pathway identifies patients referred to a VCS advisor aligned to each GP practice. Started 2012 – 5,835 referrals
- Mental Health SPS works with 2 cluster groups of patients referred by RDaSH to a VCS advisor. Operating since 2014 – 328 referrals
- Patients/service users build and direct their own packages of support, tailored to their specific needs by encouraging them to access services provided by the VCS

Rotherham SPS Research

- We have a rich and systematic evidence base to support our work – both schemes have been independently, academically evaluated from the start
- The evaluations track two main elements:-
Improvement in wellbeing and quality of life
Impact on services either in reduction in demand or potential for discharge/step down
- Plus patients/users stories through case studies

Research Findings

- Health and wellbeing – consistently large improvements in wellbeing for all patients/service users referred. Over 80% improvement for LTC patients and over 90% for MH service users
- Reduction in demand for services – for the LTC service consistent reductions in use of services 6-11% reduction in non-elective inpatient stays and 13-17% reduction in use of A&E services – more detailed analysis shows higher reductions in certain types of patients. For the MHS over 50% discharge from services for those eligible for discharge review
- Financial savings – the above evidence translates into definitive cost avoidance savings for the NHS

Additional Research Findings – Impact on Primary Care

Latest evaluation looks at impact from a GP perspective

- Face to face appointments reduced 28%/telephone consultations reduced 14% (tracked in 1 GP practice)
- Opportunity for holistic response to patient care. A person centred service especially for those with complex needs
- Helps patients manage symptoms. Some impact on medication usage
- Rotherham SPS also supports carers – helps with family and care breakdown

Additional Research Findings – Impact – Voluntary/Community Sector

- SPS is a route into delivering a community asset based approach to health – connects, through a single gateway, voluntary and small community groups into wider healthcare delivery. It taps into the potential out there in communities and within individuals
- It supports the VCS to deliver options and solutions to people's needs. Rotherham's model provides funding to front line VCS organisations. It is a resourced intervention rather than just signposting to already overstretched VCS services
- We work with VCS groups alongside SPS users – help secure additional funding, volunteers, diversify income, new activities, increase citizen engagement/independence/resilience. It helps rather hinders VCS sustainability

Essential Lessons Learned

- Be clear about the outcomes/target population and clarity on the model – is it SPS 'lite' or intensive/signposting or prescription
- Keep the model and referral mechanisms simple – single gateway
- Keep it local – knowledge and expertise out there from local VCS. The perils and benefits of scaling up
- Role of link workers/advisors – linked to practices/localities part of MDT team – build the relationships and combine expertise
- Importance of patient/user to be in charge/have responsibility for their care – do not overcomplicate some of the solutions
- Resource the sector to deliver the solutions – this will enable them to come up with further sustainable options
- Evidence base – what target needs are and what works
- 3 Rs – Relationship, Research, Resources

Rotherham's Success Story

- The Rotherham SPS model is seen as leading the way across England in the delivery of SPS. Praised in NHS Five Year Forward View
- We have been visited/visit over 120 different areas across England and Wales. We receive 2/3 enquiries monthly about our work
- We have presented at numerous conferences including Kings Fund major conference, met with the Secretary of State, attended a launch at the Home of Commons and won awards

- We anticipate a roll out of SPS nationally and we believe Rotherham will be asked to be at the forefront of it

SPS where next – National/Regional/Local

- Nationally – announcements on a national rollout of SPS are due
- Regionally via STP – inclusion in the Place Plans and STP workstreams. Also link between SPS and the Work and Health programme
- Locally – potential to target other cohorts e.g.
Isolated and lonely/vulnerable/socially excluded/disadvantages – linked to MECC
People with mild to moderate mental health conditions
People with health related employment issues e.g. MSK/Mental Health – linked to work and health
Certain health conditions – e.g. cancer patients/Diabetes or a specific community/locality based approach
Children and young people

Discussion ensued with the following issues raised/clarified:-

- Social Prescribing was not available to everyone. There was an ‘at risk’ register of intensive users of services
- £1M of identified benefits and thought that the GP benefits was understated – the social benefit had not been identified as yet
- This cohort of patients were the ones that medicines were not working for
- Opportunity to explore how it might work with children and families
- Ongoing discussions as to whether the resources could be utilised for those in mental health crisis and linking into prevention of suicides

Resolved:- That the presentation be noted.

20. BETTER CARE FUND

Nathan Atkinson, Assistant Director Strategic Commissioning, RMBC, presented the 2017-19 Better Care Fund Executive Summary and Plan on a Page which gave an overview of the direction of travel and key priorities for delivery.

The definitive guidance and submission template were still awaited but a draft plan had been prepared in anticipation of the release of the national guidance from NHS England.

The Executive Summary and Plan on a Page had been updated in line with the 2017-19 Integration and Better Care Policy published in March 2017.

The key priorities for 2017-19 were:-

- A single point of access into health and social care services
- Integrated health and social care teams
- Development of preventative services that support independence
- Reconfiguration of home enabling service and strengthening the 7 day social work offer
- Consideration of a specialist reablement centre incorporating intermediate care
- An integrated carers support service
- A single health and social care plan for people with long term conditions
- A joint approach to care home support
- A shared approach to delayed transfers of care

The following points were highlighted:-

- There was additional funding but it was for 3 years and was a year on year reduction i.e. £6.2M, £3.7M and £1.9M
- Some of the guidance had only been very recently released. There were 3 areas where spend could be made:- sustainability of Adult Social Care, the market/commissioning and delayed transfers from hospital
- Discussions would continue between the Council, Foundation Trust and CCG as to how the funding would be spent
- The Foundation Trust were looking at taking part in the national discharge process so as to use some of the findings
- Need to involve the voluntary and community sector

Resolved:- That the Better Care Fund Executive Summary and Plan on a Page be noted.

21. WORK AND HEALTH

Terri Roche, Director of Public Health, gave a verbal update on work and health.

In Marmot's Fairer Society, Health Lives (2010) he talked a lot about the benefits of work to health and the importance of work to address health inequalities and the social gradient of inequalities.

This could be summarised as: work good, unemployment bad for physical and mental health but the quality of work matters getting people off benefits into low paid, insecure health challenging work was not a desirable option.

One of the roles of the Board going forward might be to look at the wider determinants of health one of which was work. Good quality employment was key to addressing health inequalities. Work and Health was included within the Rotherham Plan 2025 and was a vital part of building stronger communities.

The Sheffield City Region's long term economic plan was for more jobs, more businesses, more highly skilled occupation and higher productivity. As part of this there was funding for working health projects which included:-

SCR Employment Support Pilot

- £8.7M DWP/European Social Fund
- Aim – to provide early intervention for claimants at risk of long term unemployed
- Key cohorts could include claimants with health conditions and disability, low skills, unstable housing, weak work history, lone parents
- Work taking place in Rotherham as to how this project could work alongside the Troubled Families Programme in the first instance
- Go live date expected September/October with a plan to see approximately 4,500 individuals over the 2.5 years of the programme = 736 Rotherham people
- Voluntary scheme with the referral route to be confirmed but could be Job Centre Plus as well as self-referral, Local Authority, third sector and college referrals
- Clients would be offered up to 18 months personalised support from an employment advisor
- Consideration being given in Rotherham to building on the learning from Social Prescribing projects to support the more holistic approach

Work and Health Unit Employment Trial

- £7M DWP and Department of Health
- Only one of two in the country
- Will introduce a new work health support service consisting of employment specialists working to individual placement support principles located within local health care settings e.g. GP practices, IAPT teams, MSK teams, community hubs
- Referrals primarily from the health system and also self-referral
- Voluntary participation and no implications for an individual's entitlement to DWP benefits or benefit conditionality
- There would be a Randomised Control Trial with 50% of referrals going onto the IPS trial and 50% being supported by existing mainstream employment and health support
- Aim – to provide innovative and evidence-based form of voluntary health aligned employment support to individuals with mild to moderate mental health and/or musculoskeletal (MSK) conditions who were either unemployed and seeking work or were in work but struggling or off sick

- 12 months personalised support focussed on what individuals needed to help them find or stay in work
- Improve links between work and health support by building better collaboration and connectivity for the work health system
- Go live date expected November/December 2017 and end Spring 2019 – 7,500 in total across the SCR, 3,750 seen by new services with the remainder seen by existing services
- Many issues still to be resolved

Local Integration Board

- A Rotherham group must be set up to oversee the work of the programmes
- SCR recommend setting up of a Local Integration Board (LIB) primarily for the Employment Support Pilot
- The LIB should consist of representatives of health, DWP (Job Centre Plus), Citizens Advice Bureau, Local Authority (including Troubled Families) and other voluntary and community sector organisations
- Aim – to receive cases from the Employers Advisors where they were encountering organisational barriers
- Workshop held on 29th June in Rotherham to discuss how the LIB might work

Discussion ensued with the following issues raised/clarified:-

- When the Work and Health Unit Employment Trial was discussed at the CCG some time ago, it was initially felt to be a good idea, however, subsequently when it became apparent there would be Randomised Control Trial the optimism amongst GPs had decreased. Jackie Tufnell at the CCG had done some work on the proposal
- Concerns regarding the ethical nature of the Randomised Control Trial
- It was not known as yet who would be running the Randomised Control Trial
- Need to understand the governance of the projects and links to what was already happening in Rotherham's communities
- Rotherham's educational outcomes were considerably better than the other areas of South Yorkshire, therefore, putting the young people in a better position to access the opportunities
- Concern that those people that, with a little intervention, would get the support they needed leaving those that needed harder intervention. Hopefully this would be assisted with the linkage to the Troubled Families work

Resolved:- (1) That the update be noted.

(2) That Terri Roche feedback the concerns raised regarding the Randomised Controlled Trial to the Sheffield City Region.

Action:- Terri Roche

22. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Health and Wellbeing Board be held on Wednesday, 20th September, 2017, venue to be agreed.

PLANNING BOARD
22nd June, 2017

Present:- Councillor Atkin (in the Chair); Councillors Bird, D. Cutts, M. S. Elliott, Fenwick-Green, Jarvis, Taylor, R.A.J. Turner, Tweed, Vjestica, Walsh and Whysall.

Apologies for absence were received from Councillors Andrews and Ireland.

6. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

7. MINUTES OF THE PREVIOUS MEETING HELD ON 1ST JUNE, 2017

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 1st June, 2017, be approved as a correct record for signature by the Chairman.

8. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

9. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following persons attended the meeting and spoke about the applications shown below:-

- Application to vary conditions 01 (proposed plans), 02 (site restoration), 15 (restoration works), 16 (site opening hours), 17 (loading of stone), 18 (recycling), 23 (deliveries), 26 (field noise level), 28 (blasting operations), 29 (blasting charges), 33 (topsoil and subsoil workings), 34 (controlled skipping), 36 (restoration work), 37 (graded tipped surfaces), 40 (trees, shrubs and hedgerows), 41 (phase plans) imposed by RB2010/1308 at Harrycroft Quarry, Worksop Road, South Anston for Tarmac (RB2016/1539)

Mr. D. Walker (agent for the applicant)

Mr. K. Pendlebury (objector)

Parish Councillor Mr. S. Thornton (objector, speaking on behalf of Anston Parish Council)

Borough Ward Councillor C. Jepson (objector)

- Change of use to house in multiple occupation (sui generis) at 20 Lindum Terrace, Doncaster Road, Eastwood for Living Property Solutions (RB2017/0625)

Ms. A. Taylor (objector)

Mr. H. Fashi (objector)

Mr. S. Foers (objector)

Borough Ward Councillor R. McNeely (objector)

(2) That applications RB201670268, RB2017/0452 and RB2017/0625 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report,

(3) Resolved:- That the Planning Board declares that it is not in favour of application RB2016/1539 and that the application be refused on the grounds of highway safety, because the current highway conditions are inappropriate to serve this proposed development and that the Chairman and the Vice-Chairman be authorised to approve the precise wording of the reasons for refusal.

10. UPDATES

Further to Minute No. 75(4) of the meeting of the Planning Board held on 30th March, 2017 and Minute No. 90 of the meeting of the Planning Board held on 11th May, 2017, the Planning Board was informed that the Secretary of State for Communities and Local Government had decided not to call-in application RB2015/1530 (Erection of bonded warehouse and offices to replace existing warehouse, offices and repair buildings at The Green Group, Warwick Road, Maltby for The Green Group) and therefore the planning approval notice would now be issued.

PLANNING BOARD
13th July, 2017

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bird, Cutts, M. Elliott, Taylor, John Turner, Tweed, Vjestica and Walsh.

Apologies for absence were received from Councillors Fenwick-Green, Price and Whysall.

11. DECLARATIONS OF INTEREST

There were no Declarations of Interest reported.

12. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 22nd June, 2017, be approved as a correct record for signature by the Chairman.

13. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

14. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following people attended the meeting and spoke about the following applications:-

- Two storey rear extension to No. 11 and first floor rear extension to No. 9 at 9 and 11 Swinston Hill Road, Dinnington for Mr. F. Newall (RB217/0121)

Mr. F. Newall (Applicant)
Mr. A. Paton (Objector)
Mrs. M. Paton (Objector)

- Erection of a dwellinghouse and widening of existing vehicular access at 166 Worksop Road, Swallownest for Mr. Lanera (RB2017/0644)

Mrs. Lanera (Applicant)
Mr. G. Boulton (Objector – unable to attend so letter read out on his behalf)

- Use of land for installation of electricity generation facility and associated works (see use Sui Generis) at land to west of Grange Lane, Brinsworth for Clearstone Energy (RB2017/0741)

Mr. B. Pratt (Applicant)

(2) That applications RB2017/0121 and RB2017/0644 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(2) That application RB2017/0741 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and further subject to a replacement second paragraph under the section – Development Plan Allocation and Policy to now read:-

“The application site is allocated for Industrial and Business purposes in the UDP. In addition, the Rotherham Local Plan ‘Publication Sites and Policies’ document allocates the site for Industrial and Business purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:”

15. UPDATES

The following update information was provided:-

- (a) The Community Infrastructure Levy was now in operation and had been since its adoption by Council and would apply to a variety of developments.
- (b) A training session would take place before the Planning Board meeting on the 14th September, 2017. Any specific areas that Members would like to be considered should be forwarded onto Sumera Shabir, Planning Solicitor.

16. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Regulatory Board take place on Thursday, 3rd August, 2017 at 9.00 a.m.

**PLANNING BOARD
24th August, 2017**

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bird, D. Cutts, M. Elliott, Fenwick-Green, Jarvis, Price, John Turner, Tweed, Vjestica, Walsh and Whysall.

Apologies for absence:- Apologies were received from Councillors Ireland and Taylor.

17. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

18. MINUTES OF THE PREVIOUS MEETING HELD ON 13TH JULY, 2017

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 13th July, 2017, be approved as a correct record for signature by the Chairman.

19. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

20. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following people attended the meeting and spoke about the following application:-

- Application to vary condition 16 (heavy goods vehicle operation hours) imposed by RB2005/1533 at T. K. Lynskey (Excavations) Ltd., Common Lane, Wath upon Dearne for T. K. Lynskey Ltd. (RB217/0796)

Mr. C. Ballam (Applicant)
Ms. C. Clark (Objector)

(2) That application RB2017/0609 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the report.

(3) That application RB2017/0796 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the report along with the inclusion of a further condition to read:-

“Within 1 month of the date of this permission, all vehicles designed for carrying skips shall have any chains sleeved in a material to be submitted to and approved in writing by the Local Planning Authority. Prior to any vehicle leaving the site, the chain sleeves shall be checked for wear and deterioration and shall be replaced if any part of the chain is exposed.

Reason

In the interests of the amenity of the occupiers of nearby residential properties and in accordance with the provisions of the NPPF.”

21. UPDATES

Members were reminded of the Shale Gas Exploratory Drilling information sharing seminar being held at 4.30 p.m. today.

22. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Regulatory Board take place on Thursday, 14th September, 2017 at 9.00 a.m.

LICENSING BOARD SUB-COMMITTEE
6th July, 2017

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Buckley, Hague and Wyatt.

28. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and 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 the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

29. APPLICATIONS FOR THE GRANT/RENEWAL/REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

The Sub-Committee of the Licensing Board considered a report, presented by the Licensing Manager, relating to applications for the grant of hackney carriage/private hire drivers' licences in respect of Messrs. S.B., W.K. and K.C.A.

Messrs. W.K. and K.C.A. both attended the meeting and were interviewed by the Sub-Committee.

Resolved:- (1) That the review of the hackney carriage/private hire driver's licence in respect of Mr. S.B. be deferred and he be afforded the opportunity of attending a future meeting of the Licensing Board Sub-Committee.

(2) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. W.K. be refused.

(3) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. K.C.A. be refused.

**LICENSING BOARD SUB-COMMITTEE
25th July, 2017**

Present:- Councillor Ellis (in the Chair); Councillors Elliot, Jones, Napper and Sheppard.

30. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and 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 the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

31. APPLICATIONS FOR THE GRANT/RENEWAL/REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

The Sub-Committee of the Licensing Board considered a report, presented by the Licensing Manager, relating to applications for the grant/review of hackney carriage/private hire drivers' licences in respect of Messrs. B.Y., M.T.I. and G.D.

Messrs. B.Y., M.T.I. and G.D. all attended the meeting and were interviewed by the Sub-Committee.

Resolved:- (1) That the application of the hackney carriage/private hire driver's licence in respect of Mr. B.Y. be approved and his licence be renewed for a period of three years.

(2) That no further action be taken with respect to the review of a hackney carriage/private hire driver's licence for Mr. M.T.I.

(3) That the hackney carriage/private hire driver's licence in respect of Mr. G.D. be suspended pending the undertaking of a speed awareness course.

**LICENSING SUB-COMMITTEE
7th July, 2017**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont and Jones.

CLUB/PREMISES CERTIFICATE (LICENSING ACT 2003) - TESCO EXPRESS, LAND ADJACENT TO THE CUTLER PUBLIC HOUSE, WOODSETTS ROAD, NORTH ANSTON

Consideration was given to an application for Premises Licence, under the provisions of the Licensing Act 2003, in respect of the Tesco Express, land adjacent to the Cutler Public House, Woodsetts Road, North Anston, Sheffield.

The Licensing Authority received representations which were not withdrawn and the Sub-Committee considered those representations.

The Sub-Committee heard that a planning application for the premises would be considered by the Planning Board later in the month.

No statutory authorities had objected to the application. The objection by the Local Authority had been withdrawn following the period of consultation and amended conditions submitted by the applicant.

The applicant's representative provided background information about the company and its trading practices. Tesco Express was the smallest form of store operated by Tesco (less than 3,000 sq ft.) and was aimed at the local community. It would stock 90-110 alcohol products carefully chosen and selected the majority of which would be red or white wine. The store's opening hours would be 6.00 a.m. – 11.00 p.m. with the peak times continually assessed with regard to staffing. The majority of alcohol sales took place between 11.30 a.m.-8.30 p.m. It was proposed that there would be 18-24 members of staff, both part-time and full-time with a management team of 3 within the store.

The company operated a strict anti-social behaviour policy as well as good neighbour and Tesco Think/Challenge 25 Policies. The company had won a good practice recognition award for the training, encouragement and empowering of members of staff with regard to the sale of alcohol. The policies were designed to take into account the location of stores i.e. next to schools, public houses etc.

The local Ward Councillor and residents, attending the meeting, referred to the problems of existing anti-social behaviour and youth nuisance in the area with the proposed opening hours of the store potentially exacerbating the problems with longer opening hours than those of the existing three licensed convenience stores (within 200 metres) all of whom had chosen to sell alcohol at a later time of day than they were entitled to and did not sell after 10.00 p.m. Concerns were also raised

with regard to the inadequacy of car parking and the position of the proposed store on the junction of a very busy road. It was also pointed out that there was a large Tesco store nearby in Dinnington.

It was noted that objectors had not been notified of the revised conditions proposed by the applicant.

The applicant's representative explained that discussions had taken place with the pub landlord with regard to the beer garden and car park of which Tesco had no operation over. There was an obligation under the lease to try and use all reasonable endeavours so that drinks were not taken into the beer garden with a condition specifically agreed to take this into account.

The applicant's representative stated that he would raise the issue of CSE training and CCTV provision on the car park with the company if so wished.

Resolved:- That the application a premises licence under the Licensing Act 2003 in relation to the premises known as Tesco Express, land adjacent to the Cutler Public House, Woodsetts Road, North Anston, Sheffield S25 4EQ, be approved subject to the amendment of the following condition:-

Condition 1 Appendix C "to include all car parking spaces allotted to the premises to the extent that this area is within Tesco's demise and control."