



# Council

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

**Rotherham**  
Metropolitan  
Borough Council 

# WELCOME TO TODAY'S MEETING

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## GUIDANCE FOR THE PUBLIC

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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](http://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. Questions can be emailed to [councilquestions@rotherham.gov.uk](mailto:councilquestions@rotherham.gov.uk)

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.

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## FACILITIES

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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:-

Contact:- James McLaughlin, Democratic Services Manager  
Tel:- 01709 822477  
[james.mclaughlin@rotherham.gov.uk](mailto:james.mclaughlin@rotherham.gov.uk)

Date of Publication:- 5 December 2017

# COUNCIL

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

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

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CHIEF EXECUTIVE (Sharon Kemp)

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## 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**

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**Time and Date:-**

Wednesday, 13 December 2017 at 2.00 p.m.

**Venue:-**

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

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**1. ANNOUNCEMENTS**

To consider any announcements by the Mayor in accordance with Council Procedure Rule 3(2)(ii).

**2. APOLOGIES FOR ABSENCE**

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

**3. 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.

**4. MINUTES OF THE PREVIOUS COUNCIL MEETING (Pages 1 - 20)**

To receive the record of proceedings of the ordinary meeting of the Council held on 18 October 2017 and to approve the accuracy thereof.

**5. PETITIONS**

To report on any petitions received by the Council received by the Council and receive statements in support of petitions in accordance with Petitions Scheme and Council Procedure Rule 13.

**6. 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.

**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 in accordance with Council Procedure Rule 12.



## **8. EXCLUSION OF THE PRESS AND PUBLIC**

Agenda Item 12 (Recommendation from Cabinet – Proposed Rother Valley Country Park Caravan Site) and agenda item 13 (Recommendation from Cabinet – District Heating Scheme Charges Review) have exempt appendices.

The presumption will be that these reports will be considered in public, however if Members consider it necessary to refer to the exempt information detailed in the appendices to the reports, the Mayor will move the following resolution:-

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

## **9. LEADER OF THE COUNCIL'S STATEMENT**

To receive a statement from the Leader of the Council in accordance with Council Procedure Rule 9.

## **10. MINUTES OF THE CABINET AND COMMISSIONERS' DECISION MAKING MEETING (Pages 21 - 51)**

To note the minutes of the Cabinet and Commissioners' Decision Making Meetings held on 16 October and 13 November 2017.

## **11. RECOMMENDATION FROM CABINET - INTERIM REVIEW OF POLLING PLACES 2017 (Pages 52 - 67)**

To consider recommendations from the Cabinet arising from the interim review of polling places in the borough.

## **12. RECOMMENDATION FROM CABINET - PROPOSED ROTHER VALLEY COUNTRY PARK CARAVAN SITE (Pages 68 - 107)**

To consider a recommendation from Cabinet to include the proposed caravan site project within the approved Capital Programme.

## **13. RECOMMENDATION FROM CABINET - REVIEW OF DISTRICT HEATING CHARGES (Pages 108 - 120)**

To consider recommendations from Cabinet arising from the review of District Heating Charges.

## **14. LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND (LGBCE) - NOTIFICATION OF FINAL RECOMMENDATIONS (Pages 121 - 126)**

To report on the Local Government Boundary Commission for England's final recommendations in respect of its review of ward boundaries in the borough.

**15. COMMUNITY GOVERNANCE REVIEW - ORGREAVE PARISH COUNCIL  
(Pages 127 - 170)**

To consider a proposal to undertake a Community Governance Review arising from a petition received from Orgreave Parish Council.

**16. NOTICES OF MOTION**

No motions have been received by the Proper Officer for this Council Meeting.

**17. AUDIT COMMITTEE (Pages 171 - 179)**

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

To confirm the minutes as a true record.

**18. HEALTH AND WELLBEING BOARD (Pages 180 - 191)**

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

To confirm the minutes as a true record.

**19. PLANNING BOARD (Pages 192 - 195)**

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

To confirm the minutes as a true record.

**20. STAFFING COMMITTEE (Page 196)**

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

To confirm the minutes as a true record.

**21. LICENSING (Pages 197 - 212)**

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

To confirm the minutes as a true record.

**22. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS**

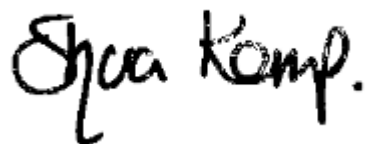
To put questions, if any, to the designated Members on the discharge of functions of the South Yorkshire Police and Crime Panel, South Yorkshire Fire and Rescue Authority, Barnsley, Doncaster, Rotherham and Sheffield Combined Authority and South Yorkshire Pensions Authority, in accordance with Council Procedure Rule 11(5).

**23. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRMEN**

To put questions, if any, to Cabinet Members and Chairmen (or their representatives) under Council Procedure Rules 11(1) and 11(3).

**24. URGENT ITEMS**

To consider 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 24 January 2018 at 2.00 p.m. at the Town Hall.**

**COUNCIL MEETING**  
**18th October, 2017**

Present:- The Mayor of Rotherham (Councillor Eve Rose Keenan) (in the Chair); Councillors Alam, Albiston, Allcock, Allen, Andrews, Atkin, Beaumont, Beck, Bird, Buckley, Carter, Clark, Cooksey, Cowles, D. Cutts, Elliot, R. Elliott, Ellis, Evans, Fenwick-Green, Hoddinott, Jepson, Jones, Lelliott, McNeely, Mallinder, Marles, Marriott, Napper, Price, Read, Reeder, Rushforth, Sansome, Senior, Sheppard, Short, Simpson, Steele, Taylor, John Turner, Julie Turner, Tweed, Walsh, Watson, Williams, Wilson, Wyatt and Yasseen.

**68. ANNOUNCEMENTS**

The Mayor reported she had attended 81 engagements since the last Council meeting, but wished to highlight in particular World Mental Health Day which involved readings and an act from the Yellow Wallpaper Play by representatives from RDash and Open Minds on 10<sup>th</sup> October, 2017.

The Town Hall also played host to Black History Month this morning with ladies enjoying morning coffee and another event was scheduled for the 30<sup>th</sup> October, 2017 during half term week to encourage family participation.

The Daniel Barnett Foundation were also holding a Christmas Smiles event for terminally ill children at the Town Hall involving artists and musicians during December, 2017 and Member involvement was encouraged.

**69. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Brookes, Cusworth, B. Cutts, M. Elliott, Hague, Ireland, Jarvis, Khan, Pitchley, Russell, Vjestica and Whysall.

**70. COMMUNICATIONS**

Further to Minute No. 60 of the meeting of the Cabinet and Commissioners held on 16<sup>th</sup> October, 2017, the Mayor confirmed the recommendation for Council approval on this agenda for the Swinton Town Centre Redevelopment.

**71. MINUTES OF THE PREVIOUS COUNCIL MEETING**

**Resolved:-** That the minutes of the meeting of Council held on 13<sup>th</sup> September, 2017, be approved for signature by the Mayor.

Mover:- Councillor Read

Seconder:- Councillor Watson

**72. PETITIONS**

The Mayor reported that 2 petitions had been submitted, but had not met the threshold for consideration by Council, and would be referred to the relevant directorate for a response to be prepared. The petitions were:-

- Containing 24 signatures requesting the Strategic Director of Adult Care and Housing to undertake meaningful consultation with the adult victims and survivors of child sexual exploitation
- Child A and Elizabeth addressed the Council as part of the presentation of the petition requesting the Strategic Director of Adult Care and Housing to undertake meaningful consultation with the adult victims and survivors of child sexual exploitation.
- Containing 1,000 signatures requesting that Cedar House be kept open.

Mrs. S. Thackery was unable to be present to address the Council, but this petition would be referred to the Overview and Scrutiny Management Board having met the threshold for debate.

**73. DECLARATIONS OF INTEREST**

(1) Councillors Hoddinott and Read declared personal interests in Minute No. 78 (Swinton Town Centre Redevelopment) on the grounds of a relative living close-by to the proposals and would not take part in the debate or vote.

(2) Councillor Atkin declared a personal interest in Minute No. 85 (Motion – Fracking) as Chair of the Planning Board and would not take part in the debate or vote.

(3) Councillor D. Cutts declared a personal interest in Minute No. 85 (Motion – Fracking) as a member of the Planning Board and would not take part in the debate or vote.

(4) Councillor Ellis declared a personal interest in Minute No. 85 (Motion – Fracking) on the grounds that her partner worked in the renewable energy industry and would not take part in the debate or vote.

**74. PUBLIC QUESTIONS**

Mr. P. Thirlwall referred to a question he had raised at the Cabinet and Commissioners' Meeting on the 16<sup>th</sup> October, 2017 regarding the 50 word question limit for Council as part of a review of Standing Orders, which on reflection, he had raised at the Council meeting on the 8<sup>th</sup> March, 2017 and asked for this to be taken forward.

In coming to the question submitted he was aware that remuneration for Members with special responsibilities was recommended by the 'Independent Remuneration Panel' and approved by Council and asked could the Leader explain why Members receiving special responsibility allowances have to be named and approved by Council when they have in fact already been chosen by you or Labour Group?

The Leader explained the procedure in respect of Members' Allowances was governed by the Local Authorities (Members Allowances)(England) Regulations 2003 which detailed provisions for the establishment of an Independent Remuneration Panel, which was principally responsible for recommending a Members' Allowances Scheme to the Council. In determining how to set the level of Members' Allowances, the Council must have regard to the recommendations of the Independent Remuneration Panel.

Both the law and the Council's own Procedure Rules required the Council to appoint members to committees and to elect Chairs and Vice-Chairs. This provision was enshrined in the Local Government Act 1972. Having considered the political composition of the authority, the Council received nominations from political groups for the positions available and appointments were agreed on the basis of those nominations. It should be noted that special responsibility allowances were paid to members of the Labour Group and the UKIP group for the Leader of the Opposition

The rules in respect of the appointment of members to the Council's executive, known as Cabinet in Rotherham, were different. The Local Government and Public Involvement in Health Act 2007 saw the introduction of a 'Strong Leader and Cabinet' model of governance. Following the Governance Review approved by the Council in 2016, Rotherham adopted this model of governance. Under this system, all executive power was invested in the Leader of the Council, including the determination of the size and composition of the Cabinet, which was reported into Council.

In a supplementary question the member of the public asked without a minute naming a person was the payment of a special responsibility allowance ultra vires? If this was the case why was the Leader of the Opposition not mentioned in the Council minutes at the Annual General Meeting, nor had any Leader of the Opposition who had received an allowance ever been named. How was Councillor Cowles confirmed and paid if he was not named in the minutes and if this was ultra vires would proceedings be sought for the recovery of the monies paid to all Leaders of the Opposition since 1974.

The Leader endeavoured to investigate this matter further regarding the naming of Leaders of the Opposition, but was confident Councillor Cowles was the Leader of the Opposition.

A response to this matter would be provided to the member of the public in writing.

**75. EXCLUSION OF THE PRESS AND PUBLIC**

**Resolved:-** That under section 100(A) of the Local Government Act 1972, the public be excluded from the meeting should the appendices be discussed for Minute No. 78 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.

**76. LEADER OF THE COUNCIL'S STATEMENT**

The Leader welcomed the opportunity to address the Council and was pleased to report the new procedure for receiving scrutiny review reports to give members of scrutiny the recognition for the work they carried out.

**77. MINUTES OF THE CABINET AND COMMISSIONERS' DECISION MAKING MEETING**

**Resolved:-** That the reports, recommendations and minutes of the meetings of the Cabinet/Commissioners' Decision Making Meeting held on 11<sup>th</sup> September, 2017, be received.

Mover:- Councillor Read

Second:- Councillor Watson

**78. RECOMMENDATION FROM CABINET - SWINTON TOWN CENTRE REDEVELOPMENT - DEVELOPMENT BRIEF AND ACQUISITION OF INTEGRAL SITE**

Further to Minute No. 60 of the meeting of the Cabinet and Commissioners held on 16<sup>th</sup> October, 2017 consideration was given to the request to acquire the integral site forming part of the redevelopment and to include the scheme in the Capital Programme.

Details of the indicative costs regarding the proposals were set out in detail as part of the exempt appendices to the report.

**Resolved:-** That the acquisition of the integral site forming part of the redevelopment site, on the basis outlined in Exempt Appendix E, be approved, subject to the agreement of satisfactory terms, and that this acquisition is added to the Council's Capital Programme 2017/18

Mover:- Councillor Sansome

Second:- Councillor Wyatt

**79. RECOMMENDATION FROM STANDARDS AND ETHICS COMMITTEE - REVIEW OF CODE OF CONDUCT AND ASSOCIATED PROCEDURES**

Consideration was given to the report which detailed recommendations from the Standards and Ethics Committee for the adoption of a revised procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct within Rotherham Borough Council.

There was provision at paragraph 36 of the procedure whereby the Complaints Hearing Sub-Committee would meet in public to consider the Monitoring Officer's report in respect of the complaint.

**Resolved:-** That the revised Procedure for Considering Complaints Alleging a Failure to Comply with the Members' Code of Conduct within Rotherham Borough Council be approved.

Mover:- Councillor McNeely

Seconder:- Councillor Allen

**80. AUTHORISATION OF OFFICERS TO REPRESENT THE COUNCIL IN MAGISTRATES COURT PROCEEDINGS AND THE DELEGATION OF THE POWER TO AUTHORISE OFFICERS TO THE ASSISTANT DIRECTOR OF LEGAL SERVICES**

Consideration was given to the report which sought authorisation from the Council under Section 223 of the Local Government Act 1972, for two newly recruited Technical Officers to the Council's Account Management Team to appear in the Magistrates' Court on behalf of the Council.

In order to efficiently deal with similar issues in the future and avoid delay, the report also sought delegation to the Assistant Director of Legal Services to authorise officers to appear in the Magistrates' Court on behalf of the Council in the future.

**Resolved:-** (1) That Sean Beesley and Martin Selman be authorised under Section 223 of the Local Government Act 1972 to prosecute, defend or appear in proceedings on behalf of the Council in the Magistrates' Court.

(2) That the power to authorise Council officers under Section 223 of the Local Government Act 1972 to prosecute, defend or appear in proceedings on behalf of the Council be delegated to the Assistant Director of Legal Services.

Mover:- Councillor Read

Seconder:- Councillor Watson

**81. MEMBERSHIP OF COMMITTEES, PANELS AND BOARDS**

Consideration was given to the proposed changes to the membership of committees, panels and boards.



**Resolved:-** (1) That Councillor Julie Turner replace Councillor Napper on Improving Lives Select Commission.

(2) That Councillor Ireland replace Councillor Allcock on Improving Lives Select Commission, leaving a vacancy for the Labour Group on Health Select Commission.

**82. OVERVIEW AND SCRUTINY UPDATE**

Councillor Brian Steele, Chairman of the Overview and Scrutiny Management Board, provided an overview of the work carried out by the Overview and Scrutiny Management Board and the 3 Select Commissions during the last few months, outlined the pre-scrutiny decision making process and the decisions taken and gave a further update on the work of each of the Commissions in turn.

Members involved in the role of scrutiny were thanked for their involvement and the challenge as part of the process.

**Resolved:-** That the report be received and the update noted.

Mover:- Councillor Steele

Seconder:- Councillor Cowles

**83. SCRUTINY REVIEW - ALTERNATIVE MANAGEMENT ARRANGEMENTS FOR CHILDREN'S SERVICES IN ROTHERHAM**

Consideration was given to the report which shared the findings and latest analysis and current thinking of the Improving Lives Select Commission's cross-party review group on the range of Alternative Management Arrangements (AMAs) for Children's Services. It evaluated the relative strengths and challenges of the primary options available to the Council and suggested initial recommendations for future management arrangements.

The review concluded that a Practice Partner model would secure the most rapid and sustainable improvements in the short term (2 years) and present the lowest risk to the Improvement journey. In particular, its evidence suggested that the Practice Partner model would:-

- Establish the right balance of political ownership, oversight and accountability for CYPS at the same time as rigorous external challenge.
- Enable the good progress being made on the improvement programme to continue at an accelerated pace with minimal disruption to partners, wider council priorities or management focus.
- Avoid high transition and operating costs associated with each of the AMAs and enable spend to be focused on front line delivery.

It was acknowledged that the peer practice partner model was by definition temporary. Once there was consistent good quality front-line practice, the Council would actively consider other options to work with others through integration, collaboration or further commissioning if this would secure more rapid and sustainable improvement.

The Cabinet and Commissioners would be required to respond formally to the recommendations and indicate agreement or otherwise, what action, would be taken to implement the recommendations, along with details of timescales and accountabilities.

Members welcomed the report and congratulated all those involved in the review and its recommendations.

**Resolved:-** (1) That the report and recommendations in respect of alternative management arrangements for Children's Services in Rotherham, as outlined in Section 11 of Appendix 1, be noted.

(2) That the response of Cabinet and Commissioners be fed back to Improving Lives Select Commission.

Mover:- Councillor Clark

Seconder:- Councillor Allcock

#### **84. SCRUTINY REVIEW - EMERGENCY PLANNING**

Consideration was given to the report which outlined the findings from a cross-party scrutiny review into the Emergency Planning process for Rotherham Metropolitan Borough Council. The existing Emergency Plan was considered to be out of date and called into question its resilience and was a determining factor for undertaking the review.

Details of the methodology to the review and the visits undertaken were outlined, further assisted by the experience of a live incident during the review period.

Members thanked those involved with the review and would take forward the recommended training, which would be arranged in due course.

**Resolved:-** (1) That the report and recommendations in respect of Emergency Planning be noted.

(2) That the response of Cabinet and Commissioners be fed back to Improving Places Select Commission.

Mover:- Councillor Wyatt

Seconder:- Councillor Mallinder

**85. NOTICE OF MOTION - FRACKING**

Proposed by Councillor Beck and seconded by Councillor Wilson

That this Council notes:-

- With concern that the Government has made fracking a central plank of the UK's energy policy.
- That a number of exploratory licences have been granted across the North of England, including covering a large part of the Rotherham borough.
- That in areas where exploratory drilling is under consideration, local residents have expressed concern.
- That the Labour Party manifesto at the 2017 General Election included a clear commitment to ban fracking.
- That UKIP's 2015 election manifesto declared it's "time to get 'fracking'" and that "UKIP supports the development of shale gas..." UKIP's 2017 manifesto stated that "UKIP will invest in shale gas exploration."
- That all planning applications relating to fracking must be considered on their merits in planning terms, within the rules set out by the Government.

That this Council, therefore:-

- a) Regrets the decision of the then Liberal Democrat Secretary of State for Energy and Climate Change, Ed Davey, to lift the national ban on fracking in 2012.
- b) Commits to not allow any fracking activities, including survey work, on Council owned or controlled land and property.

Councillor Carter proposed and Councillor Jepson seconded the following amendment for the motion to now read:-

That this Council notes:-

- With concern that the Government has made fracking a central plank of the UK's energy policy.
- That a number of exploratory licences have been granted across the North of England, including covering a large part of the Rotherham borough.
- That in areas where exploratory drilling is under consideration, local residents have expressed concern.

- That all planning applications relating to fracking must be considered on their merits in planning terms, within the rules set out by the government.

That this Council, therefore:-

- a) Regrets the decision of the Government to make fracking a central part of the UK's energy policy.
- b) Commits to not allow any fracking activities, including survey work, on Council owned or controlled land and property.
- c) Pledges to write to the Government and local MPs asking them to lobby for changes to the UK's energy policy to invest more money in renewable energy technologies and ban fracking.
- d) Pledges to not sell council land or property to companies involved in fracking.

On being put to the vote the amendment to the motion was put and LOST.

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

## **86. NOTICE OF MOTION - INDEPENDENT INVESTIGATION REPORTS**

Proposed by Councillor Read and seconded by Councillor Watson

This Council notes:-

1. The publication of independent reports on Wednesday 6<sup>th</sup> September 2017 into issues raised by Professor Jay's 2014 report into child sexual exploitation in Rotherham over the period between 1997 and 2013.
2. With great disappointment that the reports were unable to recommend disciplinary action or sanctions relating to the pensions of any former or current member of staff at Rotherham Borough Council, relating to the failings at the council between 1997 and 2013.
3. That the Leader of the Council has subsequently written to the Secretary of State for Communities and Local Government to ask him to consider the iniquity of the current law, under which senior managers can oversee systematic failures of public services seemingly without consequences, if they leave their jobs before those failings are exposed.
4. That the Independent Police Complaints Commission continue to formally examine allegations of misconduct against 30 police officers during the time period covered by the Jay Report.

5. That the National Crime Agency continue to pursue criminal investigations relating to the period covered by the Jay Report, the largest ever criminal investigation into non-recent child sexual exploitation in the UK.
6. That significant progress has been made since the publication of the Jay Report in Rotherham, resulting in 30 perpetrators of child sexual exploitation offences being sentenced to a total of more than 350 years in prison.

The Council, therefore, resolves to:-

1. Express our deep sorrow for the failings of the past within the Council, and to continue to prioritise dealing with child sexual exploitation.
2. Ensure that the new Senior Leadership Team of the Council take responsibility for ensuring the recommendations of the September 6<sup>th</sup> reports are followed through.
3. Recognise the bravery of Rotherham's child sexual exploitation survivors and their families, who were so badly let down.
4. Continue to support all efforts to bring perpetrators of child sexual exploitation, and any professional who colluded in such abuse or otherwise engaged in any other related criminal activity, to justice.
5. Make formal representation to the Home Office with regards to the "Fusion Bid" for additional essential financial support to ensure that survivors of child sexual exploitation in Rotherham have the best possible support during forthcoming criminal trials of alleged perpetrators.
6. Condemn unequivocally those former members of staff and Elected Members of the Council who declined to take part in the independent investigations that reported on September 6<sup>th</sup>; their unwillingness to try to help survivors to seek justice is utterly unacceptable.
7. Make formal representation to the Government in order to ensure that new guidelines to the Criminal Injuries Compensation Board make it clear that a child under the age of 16 cannot consent to their own abuse; it is not acceptable that victims of child sexual exploitation offences have been refused compensation for this apparent reason.

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

**87. NOTICE OF MOTION - PUBLIC INQUIRY INTO CHILD SEXUAL EXPLOITATION (CSE)**

Proposed by Councillor Cowles and seconded by Councillor Jepson

This Council wishes to show both solidarity and support with the victims of CSE, their families and the wider general public of Rotherham in requesting the following:

That the Prime Minister should without delay authorise a full public inquiry to be conducted by an agreed independent body of the period covered by the Jay Report into CSE. This inquiry should have the authority to investigate all persons from all functions and departments both public and private sector, in order to identify those who were aware of what was taking place and who took little or no action to prevent further harm to victims and to make them both responsible and accountable for their actions.

Councillor Read proposed and Councillor Watson seconded an amendment for the motion to replace the words in the second paragraph "... without delay authorise ..." with the word "consider".

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 unanimously carried by the Council.

**88. STANDARDS AND ETHICS COMMITTEE**

**Resolved:-** That the reports, recommendation and minutes of the meetings of the Standards and Ethics Committee be adopted.

Mover:- Councillor McNeely

Seconder:- Councillor Allen

**89. AUDIT COMMITTEE**

**Resolved:-** That the reports, recommendation and minutes of the meetings of the Audit Committee be adopted.

Mover:- Councillor Wyatt

Seconder:- Councillor Walsh

**90. HEALTH AND WELLBEING BOARD**

**Resolved:-** That the reports, recommendation and minutes of the meetings of the Health and Wellbeing Board be adopted.

Mover:- Councillor Roche

Seconder:- Councillor Mallinder

**91. PLANNING BOARD**

**Resolved:-** That the reports, recommendation and minutes of the meetings of the Planning Board be adopted.

Mover:- Councillor Atkin

Seconder:- Councillor Tweed

**92. LICENSING BOARD SUB-COMMITTEE**

**Resolved:-** That the reports, recommendations and minutes of the meetings of the Licensing Board Sub-Committee be adopted.

Mover:- Councillor Ellis

Seconder:- Councillor Beaumont

**93. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS**

There were none.

**94. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRMEN**

(1) Councillor Simpson asked could RMBC add to his request to the Transport Board for a feasibility study of a cable car from Waverley to Sheffield especially linked to park and ride and other areas?

Councillor Lelliott confirmed the Council was developing a business case which sought to identify connectivity improvements to and from Waverley and the Advanced Manufacturing Innovation District. This included walking, cycling and sustainable transport.

In terms of the cable car the Cabinet Member would ask the Transport Section to take a look at the scheme but wider these schemes were typically expensive and may not demonstrate value for money.

In a supplementary question Councillor Simpson was aware this issue had gone to second stage to try and get some funding. He hoped the Council could be positive about new forms of transport especially things like cable cars which have provided successful in other countries as a commuting mechanism, which not only assisted congestion, but tourism and could be implemented in such schemes, for example Gullivers.

Councillor Lelliott had used similar transport systems abroad and agreed connectivity was the key and the aspirations, but the costs associated with cable car technology and the success of such schemes within the UK were expensive and limited.

(2) Councillor Carter asked why was it that 13 roads in the Leader's Ward were scheduled to be repaired in the next year, whereas only 4 roads in Brinsworth and Catcliffe ward were scheduled for repair?

Councillor Hoddinott advised the Leader took road repairs very seriously and if Councillor Carter had attended the highways seminar last week he would see £50 million was being invested on roads over 5 years locally. There was only seven road repairs in the Leader's Ward, 8 in the Sitwell Ward, 19 in Aston and Woodsetts and 14 in Rother Vale.

Roads were assessed by officers to a set criteria. There were more plans for Brinsworth this year, but in order to minimise disruption to residents these rolled forward to next year due to works with Virgin Media. Residents of Brinsworth would see the benefit of Labour's investment in roads over the next few years.

(3) Councillor Mallinder asked if she could have a progress report on the community allotments in Dinnington.

Councillor Hoddinott thanked Councillor Mallinder and local residents for raising the issue of the Victoria Street allotments and working together to address some of the issues. Some improvement had been made including:-

- Formal notices being served on allotment plot owners, which had resulted in waste being cleared and fencing erected to prevent further fly-tipping. The exception being however, that fencing to the community allotment was still awaited, but it was anticipated this would be a start date would be confirmed by the end of this week.
- Conifers have been cut back along the footpath that ran across the back of the Victoria Street allotments following enforcement action against the owners. This had allowed more light onto the footpath and allotments.
- A range of warnings have been issued to landlords and tenants on Leicester Road, Scarsdale Street and Victoria Street, to tackle fly-tipping, accumulations of waste and housing safety. Whilst most landlords and tenants have complied, 7 fines have been issued to landlords on Leicester Road together with action being taken for breaches of Selective Licensing.
- Joint patrols have been organised with the Police on a weekly basis around the allotments and neighbouring streets to ensure continued action and a sustainable approach.

Progress was pleasing and tribute was paid to the Ward Councillors and local residents for their support and it was hoped that the progress made would be maintained.

(4) Councillor Cowles asked, with reference to the recent CSE reports, who from the Council agreed the 'Terms of Reference' for the investigations with the interim Chief Executive and in particular for the Gowlings report?



The Leader confirmed the Terms of Reference were agreed by the Interim Chief Executive, Jan Ormondroyd, in consultation with the former Director of Legal and Democratic Services, Jacqueline Collins.

In a supplementary question Councillor Cowles asked, even though Councillor Read was not Leader at the time, how soon after he became Leader was he aware the reports had been commissioned.

The Leader confirmed he was aware of the reports being commissioned as he was present in the Council Meeting when the then Leader, Paul Lakin, asked for them. It would have been some time after that he became aware they had been commissioned as external pieces of work.

(5) Councillor Carter referred to the fantastic news that Clifton Park had been named as one of the nation's best parks and was sure everyone would agree that everyone deserved a fantastic winning local park within walking distance. He asked could the Cabinet Member explain the plans to do this now the new officer was in post?

Councillor Yasseen explained Rotherham residents were fortunate to access a number of parks across the Borough of high quality green spaces. It was an honour for Clifton Park and for Rotherham to be recognised by public vote across Yorkshire.

However, in times of Tory damaging austerity maintaining the quality and standards of all parks across the Borough meant the Council had to work in more innovative ways and one such partnership with Sheffield and Rotherham Wildlife Trust across 4 pilot areas was to encourage local residents to become involved with parks and green spaces and take greater ownership.

(6) Councillor Allock was unable to ask his question so in accordance with the procedure would receive a response in writing.

(7) Councillor Napper asked what was the Council's policy with regards to parking on double yellow lines in the town?

Councillor Lelliott advised the Council has a duty to undertake parking enforcement activities under the auspices of the Traffic Management Act 2004. The Council's Civil Enforcement Officers undertook enforcement action, including yellow line contraventions where Traffic Regulation Orders were in place in the Town Centre.

Penalty Charge Notices were issued where appropriate, however, observation times were taken into consideration where loading and unloading was permitted.

The aim was to maintain and improve the free and safe flow of traffic, thereby making Rotherham a more pleasant and safe place for all highway users.

In a supplementary question Councillor Napper referred to the double yellow lines and the indiscriminate parking on Wellgate directly under the traffic lights near the turn off with Hollowgate. He also referred to direct flaunting after 5.00 p.m. on both Westgate and Fitzwilliam Road and asked if Enforcement Officers could patrol after 5.00 p.m. in these areas.

Councillor Lelliott advised extra patrols of the Enforcement Officers activities did take place. On Wellgate action had been taken to remove and clamp offending vehicles. The Cabinet Member gave her assurance that indiscriminate parking was taken seriously and some measures had been placed on Wellgate to stop such activity. Work would continue with the Highway Enforcement Team under difficult circumstances, especially when it came to issuing tickets and the difficulties encountered when vehicles had no registered keeper.

(8) Councillor Cowles asked who acted as the project manager facing off to the consultants throughout the process, in particular for the Gowlings investigation?

The Leader explained there was no one person as project manager, but there were main points of contact:-

- Gowling WLG report - initially the Deputy Monitoring Officer, Stuart Fletcher, and one of the Human Resources Managers, Simon Cooper, and following the departure of the Human Resources Manager, the Monitoring Officer and the Deputy Monitoring Officer.
- Weightman report - initially the Deputy Monitoring Officer, Stuart Fletcher, and one of the Human Resources Managers, Simon Cooper, and following the departure of the Human Resources Manager, the Monitoring Officer and the Deputy Monitoring Officer.
- Internal Audit – The then Assistant Director for Audit, ICT and Procurement and after his departure the Head of Internal Audit.
- A to O report – the then Human Resources Manager, Simon Cooper.

In a supplementary question Councillor Cowles asked if the Leader ever personally attended any of the update meetings or did he rely solely on these people to monitor progress.

The Leader confirmed he had not attended the meetings with report authors, but was dependent upon the updates on progress from officers.

(9) Councillor Carter referred to earlier this year when assurances were given of a review into waste management and the possibility of plastic being recycled at the kerbside and asked for an update on progress made here and whether residents could look forward to kerbside plastic recycling in the near future.

**COUNCIL MEETING - 18/10/17**

Councillor Hoddinott advised the waste collection service review was progressing and a report would be presented to Cabinet in November.

The unique BDR plant at Manvers was removing plastics included in residents' domestic waste during processing as part of the waste diversion operation which was sent for re-use. The plant had recycled 10,000 tonnes of plastic since commissioning.

Members did have the opportunity to visit the site and look how waste was treated.

In a supplementary question Councillor Carter asked if there was any literature, videos or media that could be shown to residents in the interim period.

Councillor Hoddinott agreed there was a need to promote the plant activity and the good work and had asked if a video could be produced on how plastic being recycled. However, the recycling process was within an enclosed box, so any video material would be limited. Huge progress had made over the last 16 years when only 3% of waste was recycled as opposed to now 40% moving towards 50%, but more could be done.

(10) Councillor Cowles asked was it the internal project manager who was responsible for reporting the progress made and was it then them who authorised invoices for payment?

The Leader confirmed officers with the point of contact roles reported on progress. They then checked invoices and payment was authorised by the Monitoring Officer, and his predecessors in that role.

(11) Councillor Napper confirmed he was involved in this matter, to which he declared, as it related to the use of Urban Green Space land for charity events. He asked if the Council thought charging £11.00 per hour and £15.50 administration fee was fair?

Councillor Yasseen confirmed fees and charges for events organised by charities and community groups were very reasonable and necessary to allow for the provision of the required level of service.

The Council was facing a budget gap of £42 million and if it did not charge for the use of some of its green spaces or for its assets it would not make any inroad to responding to the cuts.

The fees only partially cover the costs for work including site inspection, litter picking, site reinstatement, issue and processing of application forms, checking risk assessments, insurance and other documentation, providing advice and guidance, and query handling. Comparable charges made by other local authorities included £61 administration fee at Doncaster, compared to Rotherham's £15.50. Sheffield was a £60 minimum hire charge, Kirklees a minimum of £53.

Members were encouraged to use their devolved budget through the Community Leadership Fund for this type of purpose and utilise it to support communities and engage activity in the Ward.

In a supplementary question Councillor Napper confirmed the fees had been paid to the Council, but asked once it was confirmed the land was not Council-owned would the fees and administration fee paid be reimbursed.

Councillor Yasseen confirmed the land in question was in the process of transferring to the Council and where there had been an error a reimbursement would be made.

(12) Councillor Carter asked when would construction of the new library in Brinsworth commence?

Councillor Yasseen suggested, as she had done previously, that Councillor Carter make links with the Parish Council as essentially this was their development and the library was connected to their Community Hub development. Demolition of the existing Community Hall commenced on 16<sup>th</sup> October, 2017 and the Parish Council have proposed that works commence early in the New Year for the library to be open by Summer 2018.

(13) Councillor Cowles asked if the Leader was ever concerned about the length of time taken, that the bill was growing and, that it was evident from an early stage that senior people had left the organisation and could not be held to account for their lack of intervention?

The Leader became increasingly concerned about the length of time for the reports and less concerned about the cost of the work as this needed to be completed. Towards the end of the process the Leader had asked for update on the progress, but due to the legal work required around the publication of the reports the end date had been uncertain.

(14) Councillor Carter asked would the Council be in favour of further Supertram expansion to other areas of Rotherham?

Councillor Lelliott confirmed extensions to the Tram Train network offered the opportunity to considerably enhance the public transport network and provide a step change in accessibility. However, the Council did not have any further developments under consideration at the moment.

In a supplementary question Councillor Carter asked about the difficulties in engaging people in the town centre and asked what current plans were being used to get residents into the town centre.

Councillor Lelliott explained about the content within the Town Centre Masterplan, the improved work near the interchange and the parade along with works to the tram train and pedestrian links and working closely with businesses and the proposed developments within the Master Plan to look at opportunities for tendering.

(15) Councillor Cowles asked, given that it was evident from an early stage that the terms of reference for the Gowlings Report were limited to this organisation and that other organisations needed to be involved, did the Leader never feel that it was time to draw stumps in favour of a wider brief?

The Leader confirmed he did not and still maintained that had he intervened to change the Terms of Reference, this would have cast a shadow on the whole process.

(16) Councillor Carter asked how was the Leader going to rebuild trust in the Sheffield City Region project following the catastrophic breakdown in relationship between the 4 South Yorkshire boroughs?

The Leader could not describe the breakdown in communications as catastrophic, but a difference of opinion on the devolution deal. The 4 South Yorkshire Councils continued to work on the economic development activity across the Sheffield City Region which brought employment and financial benefits to Rotherham. He would continue to pursue these as long as he could.

In a supplementary question Councillor Carter referred to Rotherham missing out on £30 million investment and having to fund the bill for a new almost powerless Elected Mayor in May, 2018 and asked the Leader if he would review his position within the region and his leadership role in the Council.

The Leader confirmed he would not, but would continue to seek the benefits for Rotherham under the existing arrangements for the Sheffield City Region or continue to pursue options under a further devolution deal.

(17) Councillor Napper asked, now the Government had set up a group to look at taxi licensing laws and set up a minimum standard, would the Leader write to the L.G.A. Chairman of Safety and Stronger Communities Board, Councillor Simon Blackburn, and suggest that the group look at Rotherham's Taxi Licensing Policy?

Councillor Hoddinott confirmed she had already been in touch with the group and they had a copy of the taxi licensing policy. She had actually met Councillor Blackburn, Chair of the LGA Board, and they were fully aware of the work in Rotherham.

The Local Government Association had hosted several regional seminars where Rotherham Councillors, and Officers, have provided details of these enhancements to other Councils throughout the country, which had been widely acknowledged. The Council should take every opportunity to push the Government to adopt Rotherham's policy and standards and ensure CCTV in all taxis across the country.

(18) Councillor Carter asked at the last meeting the Cabinet Member stated "great swathes" of Greenbelt land would be reclassified so that developers could be free to build there and asked what assurances could this Council give that they will protect our countryside?

Councillor Lelliott explained every local authority had to produce a Local Plan. If they did not the Government would produce one for them instead.

When embarking on the Local Plan process, Rotherham was successful in renegotiating its housing number from 20,000 new properties to 14,000. The Local Plan was currently under inspection and would be finalised by September, 2018.

Whilst it was acknowledged that Rotherham's Local Plan would release some Green Belt land for development, this had been kept to a minimum, amounting to around 2% of the current Green Belt, but also allowed a realistic target for future growth to be met.

(19) Councillor Carter asked how did the Council think we should reduce congestion around Junction 33 and 34 of the M1?

Councillor Lelliott confirmed that, through the Department for Transport's Local Large Majors Fund, the Council was developing a business case which sought to identify what highway improvements were required to minimise congestion at Junction 33 and 34 and working in partnership with Sheffield City Council.

In addition, the Council was also developing a business case for the A630 widening between the Catcliffe Interchange and the M1 at J33. This scheme would widen the highway to 3 lanes in each direction, providing more capacity for this strategic link with the priority objective to reduce congestion.

In a supplementary question Councillor Carter asked if one of the options being considered was the opening of Wood Lane in Brinsworth or any routes through the village to open the junction and reduce congestion and asked if this was something the Council was in favour of.

Councillor Lelliott advised that officers would explore all options.

(20) Councillor Carter asked about the number of new sets of traffic lights which had to be switched off within days because they were unfit for purpose and asked what steps were being taken to ensure this would not happen again?

Councillor Lelliott advised the traffic lights at Poplar Way Roundabout, Catcliffe, were carried out by the developer of the Waverley site and did not operate correctly at first. As soon as this was understood, the developer was able to resolve the problem, with support from Council officers.

The new traffic lights at the junction of A618 with the A57 was a very different scenario, but have not performed as expected. Having monitored the junction, the signals on the roundabout have been turned off to undertake a full review of the situation. Officers have investigated all aspects of the scheme and were in the process of understanding the reasons behind the event which in this case were focused on exit blocking from the roundabout and how this had been modelled. Once this was fully understood then appropriate mitigation measures would be developed.

Clearly lessons were learnt by all parties on the Catcliffe Waverley development, and any new issues that came from further understanding of the A618/A57 would be recorded to prevent a reoccurrence in any future schemes of this nature.

**95. URGENT ITEMS**

There were none.

**CABINET/COMMISSIONERS'  
DECISION MAKING MEETING  
16th October, 2017**

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

Apologies for absence were received from Councillors Commissioner Bradwell and Commissioner Ney.

The webcast of Cabinet and Commissioners' Decision Making Meetings can be viewed at:-

<https://rotherham.public-i.tv/core/portal/webcasts/enctag/Executive%252BArea>

**48. DECLARATIONS OF INTEREST**

Councillor Steele declared a personal interest in Minute No. 53 (Advice Service Review) on the grounds of being a non-voting member on the Citizens Advice Bureau Board.

Councillors Hoddinott and Read declared disclosable pecuniary interests in Minute No. 60 (Swinton Town Centre Redevelopment) on the grounds of a family member living very close to this area and left the room whilst this report was discussed.

**49. QUESTIONS FROM MEMBERS OF THE PUBLIC**

(1) A member of the public made reference to a question he had asked previously regarding the Council's Standing Orders and the fifty word limit to questions from members of the public. He was assured by the Deputy Leader at the time that a review was to take place and this would be considered. Nothing further happened. He raised this matter again in March, 2017 and was advised by the Leader that Standing Orders was at that time subject to review. Unfortunately, no revision had been made to the word limit for questions and this was still constrained at fifty words.

In addition, at an earlier Cabinet meeting the member of the public had taken issue with only being allowed one question and a supplementary and was advised by the Monitoring Officer about the procedure in place. Having trawled through the Standing Orders, its appendices and schedules the procedure referred to was included, but asked was it feasible to expect a member of the public to have to extensively search for such a document.

The member of the public asked if the Council was to do what it promised and revise Standing Orders.



Councillor Read, the Leader, addressed the two questions asked and confirmed the fifty word limit related to questions to Council which must be received in writing in advance. Standing Orders had been reviewed and no changes were proposed to the word limit, although some amendments had been made to the petition scheme.

In terms of questions to the Cabinet this was a little more relaxed approach as there was no word limit, questions could be asked from the floor and engagement was welcomed where appropriate.

The Leader did accept and had some sympathy with the location of the procedure for asking questions at Cabinet meetings and would discuss this further with the Democratic Services Manager to ensure the procedure for Cabinet and the submitting of questions to Council was more accessible and readily available on the Council's website.

In a supplementary question the member of the public asked why it was mentioned in March, when it was now October, that a review of Standing Orders would take place and nothing further had been done.

The Leader described the extensive process of looking at Standing Orders, which had been taken forward and updated to make them easier to understand.

In a further supplementary question the member of the public pointed out he had submitted a written question for the next Council meeting which was three words over the word limit. He had been asked to redraft, but for the sake of three words this should be allowed. However, it was not always possible to set out complex questions into fifty words and suggested the word limit be relooked at as this had been in operation for a number of years.

The Leader explained Standing Orders had been reviewed, but was unable to offer a commitment to look at the fifty word limit again.

(2) The member of the public referred to the publication of the investigations reports where he had asked a question of Commissioner Ney around why Rotherham, which was no worse than other areas such as Newcastle, Bradford, Oxford or Rochdale, had called for independent enquiries and the others had not. He asked why was Rotherham still paying for Commissioners to oversee the work of the Council and believed it was time they left. He asked that feedback be provided to the Secretary of State in this regard by Commissioners and civil servants.

## 50. MINUTES OF THE PREVIOUS MEETING HELD ON 11 SEPTEMBER 2017

**Resolved:-** That the minutes of the Cabinet and Commissioners' Decision Making Meetings held on 11<sup>th</sup> September, 2017, be agreed as a true and correct record of the proceedings.

**51. EXCLUSION OF THE PRESS AND PUBLIC**

**Resolved:-** That under section 100(A) of the Local Government Act 1972, the Public be excluded from the meeting should the appendices be discussed for Minute Nos. 60 and 61 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.

**52. CHILD AND ADOLESCENT MENTAL HEALTH SERVICES (CAMHS) SECTION 75 AGREEMENT**

Consideration was given to the report which provided details of the existing Partnership Agreement for the commissioning of Child and Adolescent Mental Health Services (CAMHS) between Rotherham Metropolitan Borough Council and Rotherham Clinical Commissioning Group, the Partners to this Agreement. The transition of this into a Section 75 Agreement restated the shared commitment of the two organisations to the further development of their commissioning partnership and joint market approach in relation to service improvement and transformation of CAMHS in Rotherham.

The Section 75 Agreement would build upon the existing partnership by adding a robust framework for managing the service including performance management and formalising a pooled funding arrangement for the provision of CAMHS services over the medium term.

The Clinical Commissioning Group would act as host and the lead commissioner for the pooled fund in partnership with the Council who would maintain existing financial contributions to CAMHS and continue as provider of the Rotherham Therapeutic Team.

**Commissioner Kenny agreed:-** (1) That a Section 75 Agreement be established outlining commissioning arrangements and a pooled fund for the provision of Child and Adolescent Mental Health Services.

(2) That authority be delegated to the Strategic Director for Children's Services to sign the Section 75 Agreement on behalf of the Rotherham Metropolitan Borough Council.

(3) That the Council's financial contribution into the pooled fund at the 2017/18 CAMHS budgeted cash limit be approved.

**53. ADVICE SERVICES REVIEW**

Consideration was given to the report which detailed the outcome of the review of advice services in Rotherham and made recommendations about future strategic direction for the services together with commissioning arrangements.

The review was set in the context of significant need for advice services by the residents of Rotherham, including those already impacted by welfare reforms, especially people with disabilities and families with children; and the anticipated additional demands arising from the full roll-out of Universal Credit from April, 2018.

The primary focus of the review were services provided in-house of Advocacy and Appeals and Financial Inclusion, together with external services provided by Citizen's Advice Bureau; Kiveton Park Independent Advice Centre; and Rotherham Diversity Forum immigration and nationality advisor.

The overall objectives of the review were to secure responsive and effective service provision meeting growing complex needs for these services, with maximum efficiency within the challenging budgetary climate.

The way forward sought to establish a streamlined and collaborative approach across advice services and providers over the medium term. This looked for a two stage approach. The initial stage invited a consortium approach to commissioning from voluntary sector providers through a co-production model. Funding would be awarded aligned to a three year service level agreement(s) commencing in April, 2018, with annual reviews to further the evolution of the full collaborative approach and ensure that priority needs continued to be met. The proposed processes for production of the model and commissioning were compliant with the "Rotherham Compact". The second stage, timed for 2019 would move to an integrated model of advice provision both in-house and with the voluntary sector.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, subject to consideration being given to the impact of the proposals on waiting times and level of demand in the Annual Review and for the Annual Review to be submitted to the Board for consideration.

**Resolved:-** (1) That the outcomes of the review be noted.

(2) That the progress arrangements for advice services in Rotherham be approved, including:-

- Co-design with voluntary sector organisations for services to be delivered by voluntary sector advice providers for three years commencing from April 2018;
- That the scope of services to be delivered by the voluntary sector focus on provision in levels two and three of the advice model through core service level agreements to a total value of £240k per annum, with the provision for additional project based arrangements

covering specific advice service demands and developments over the medium term;

- Collaboration to produce an integrated model of advice provision across advice services including in-house provision effective from April 2019;
- Commissioning and funding model options that will best provide flexibilities for service development over the medium term through a consortium approach in the voluntary sector; and
- Identify as part of the Council's Customer Services and Efficiency Programme, improvements to level one signposting and self-serve provision.

(3) That, subject to the achievement of the objectives of this approach, service level agreement(s) be entered into with voluntary sector providers, including the expectation of leverage of external funds; adoption of priorities; and performance arrangements.

(4) That the detailed arrangements be subject to annual review and participation in the further alignment and other developments of advice services in Rotherham in 2019 and that consideration also be given to the impact of the proposals on waiting times and level of demand.

(5) That the Annual Review be submitted to the Overview and Scrutiny Management Board for consideration.

(Councillor Steele declared a personal interest in Minute No. 53 (Advice Service Review) on the grounds of being a non-voting member on the Citizens Advice Bureau Board)

#### **54. SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND), SUFFICIENCY AND INCREASE IN EDUCATIONAL PROVISION - CONSULTATION**

Consideration was given to the report which outlined proposals to increase Special Education Needs and Disability (SEND) provision across the Authority up to 2021 and sought approval to commence a period of consultation.

The increase in SEND provision within the Authority was necessary as a result of the increased pupil population since 2010 as outlined in section 2.1 of this report and projected future growth, linked to a rising demographic profile and new housing developments in the local plan.

The creation of additional in-Borough provision would lead to a longer term saving on high needs funding as in-Borough placements cost on average £17.5k per annum as opposed to an out of authority placement which costs £35K on average, but could rise significantly up to £60k and beyond per annum dependant on the type of provision required.

**Resolved:-** (1) That a period of focused consultation on proposals to increase Special Education Needs and Disability (SEND) provision across the Borough be approved.

(2) That a further report be submitted in due course detailing the outcome of consultation and seeking approval of proposals.

**55. BUSINESS RATES DISCRETIONARY RATE RELIEF FOR SMALL BUSINESSES AND PUBS**

Consideration was given to a report which detailed how in the Spring Budget of 8th March, 2017, the Chancellor announced the introduction of a series of new Business Rates reliefs including Supporting Small Businesses and Support for Pubs and detailed:-

- Supporting Small Businesses - provided support for up to five years for those ratepayers facing large increases as a result of the loss of small business or rural rate relief following the 2017 revaluation. The support limits increased in their Non-Domestic Rates bills to the greater of £600 or the real terms transitional relief cap for small businesses each year.
- Support for Pubs - provided Business Rates Relief of up to £1,000 support to public houses with a Rateable Value of up to £100,000. The relief would be for one year from 1st April, 2017.

The new reliefs were to be granted by Authorities using their Discretionary Relief powers under Section 47 of the 1988 Local Government Finance Act. Further guidance was subsequently issued by the DCLG on 20th June, 2017 to cover the implementation of these reliefs and updated billing software was released by the Council's providers – Northgate on 21st August, 2017.

Both reliefs would be subject to the De-Minimis State Aid regulations, which limited assistance (to a maximum of 200,000 Euros in three fiscal years which was around £183,000) and it would, therefore, be necessary to obtain a State Aid declaration from ratepayers (as had been the case with other reliefs such as retail relief).

Billing authorities would be fully compensated through a Section 31 grant for the cost of the authority granting these reliefs.

**Resolved:-** (1) That the implementation of the Supporting Small Businesses and Support for Pubs Discretionary Business Rates schemes be approved.

(2) That the two schemes be implemented in accordance with guidance issued by the Department for Communities and Local Government.

**56. BUSINESS RATES DISCRETIONARY RELIEF APPLICATION**

Consideration was given to a report which provided details of an application for the award of a discretionary business rate relief for Chesterwood Trading Ltd. This was in accordance with the Council's Discretionary Business Rates Relief Policy (approved 12th December 2016).

**Resolved:-** That 100% discretionary rate relief be awarded to Chesterwood Trading Ltd for the period 1st April, 2017 to 31st March, 2018.

**57. ROTHERHAM SIDE BY SIDE - HOUSING RELATED SUPPORT REVIEW**

Consideration was given to a report which outlined review recommendations for the future commissioning of externally provided Housing Related Support Services in Rotherham. Housing Related Support services delivered positive outcomes with the vulnerable people they supported, preventing and dealing with emergency homelessness and averting the need for other costlier forms of service provision. Though Housing Related Support services sat within the Adult Care and Housing Directorate portfolio, the preventative element provided whole system benefits.

Homelessness and the risk of homelessness was the focus for all Housing Related Support services. Through the Rotherham Side by Side programme the Council had worked closely with existing providers, service users and wider stakeholders to co-produce the future model of externally commissioned Housing Related Support.

The review was undertaken to remodel the provision, to meet changing demand, and offer better value for money in addition to delivering the savings required for 2018/19.

Further information was provided on the high quality preventative services to vulnerable people of all ages (16+) across the many client groups, cost/benefit and social return on investment and the service user profile.

The report set out in detail the recent changes, including three services for young being redesigned, HRS tender outcomes, the case for change and the breakdown of savings.

Cabinet Members welcomed the priority given to the Domestic Abuse Pathway and the protection afforded to the current funding. Whilst some areas had closed their refuges Rotherham still remained part of the National Refuge Network.

The Council had 23 HRS services with external providers, including accommodation based and floating support for service users, including ethnic and minority groups. The contracts were outcome focused based on a number of service level outcomes which would be closely monitored and any issues reported to Elected Members and through the scrutiny process.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations as long as a post-implementation review was submitted to the Board subject to further discussion with officers about timescales.

**Resolved:-** (1) That the remodeling of the existing externally commissioned housing related support offer in Rotherham to deliver four Pathways of support to vulnerable people who are at risk of homelessness or are homeless as outlined in sections 4.0 to 4.2 of the report be approved. The four pathways were:-

- Vulnerable Adults
- Complex Need
- Domestic Abuse
- Young People and Young Parents

(2) That the redefinition of the existing offender, single homeless, homeless families, and mental health client groups as **Vulnerable Adults** to better meet multiple needs and redefine the age range across Vulnerable Adults' contracts to **21+** to prevent duplication of service be approved.

(3) That further efficiencies within the **Vulnerable Adults** pathway through the merger of 3 floating support services, currently providing 205 units in total, into one service providing 220 units, be approved.

(4) That the creation of a pathway for people with **Complex Needs** based on a Housing First model to support 20 – 30 people with complex needs be approved. To achieve this, it was proposed that the Council renegotiate existing contracts of dispersed accommodation. As outlined in sections 4.18 to 4.22 of the report.

(5) That the **Domestic Abuse Pathway** be approved as a priority and that current funding be protected, at this stage, as outlined in sections 4.23 to 4.34 of the report and to extend the Rotherham Rise refuge contract for 18 months under an exemption from Contract Procedure Rules.

(6) That the joint commissioning of the **Young People Pathway** with the designated lead for Children and Young People and designated Adult Care and Housing commissioning lead be approved, as outlined in section 4.35 to 4.40 of the report and the YWCA Yorkshire Fleming

Gardens contract be extended for 18 months under an exemption from Contract Procedure Rules.

(7) That subject to the remaining efficiencies from the **Vulnerable Adults Pathway** being forthcoming an exemption from Contract Procedure Rules be granted for up to 18 months for the contracts currently provided by South Yorkshire Housing Association at Browning Court and Action Housing & Support Ltd at Elliott House. Further information relating to this approach was outlined in section 4.7 and Table 7 of the report.

(8) That the proposal to transfer the governance and ownership of the Learning Disabilities contract with KeyRing to the remit of the Head of Service for Learning Disabilities, following conclusion of recommended savings activity as outlined in Section 5.1 of the report, be approved.

(9) That the existing Outcomes Framework for Housing Related Support be adapted as outlined in Section 6 of the report to better reflect the nature of the Pathways.

(10) That a post-implementation review be submitted to the Overview and Scrutiny Management Board, subject to further discussions with officers about timescales.

#### **58. OUT OF AREA CROSS CHARGING POLICY FOR SEXUAL HEALTH SERVICES - UPDATE 2017**

Consideration was given to the report which described proposed changes to the sexual health out of area cross charging policy detailing how the Authority would manage non contracted sexual health out of area Genito-Urinary Medicine activity (Rotherham residents attending sexual health services commissioned by other Local Authorities in England).

The amendment to the policy provided clarity on the conditions and payment terms for cross charging (see section 3 of Appendix A). This was based on the agreed Yorkshire and Humber approach endorsed by the Regional Directors of Public Health Network.

Under the new terms of the policy the Authority would only reimburse:-

- Invoices for Genito-Urinary Medicine (GUM) activity within the tariff cost envelope (agreed and set by the Yorkshire and Humber Regional Network of the Association of Directors of Public Health), taking into account efficiency savings reflecting the national Public Health grant reduction.

Under the terms of the policy the Authority would not:-

- Reimburse invoices for contraception activity.
- Pay charges for Market Forces Factor (MFF).



Before making payment invoice supporting data would be reviewed and the data would clearly provide all the required information to ensure Rotherham Metropolitan Borough Council (RMBC) were the responsible Authority (these were clearly outlined in the policy).

**Resolved:-** That the changes to the out of area cross charging policy (appendix A), which was based on the agreed regional approach endorsed by the Yorkshire and Humber Directors of Public Health Network, be approved.

#### 59. **TRANSPORT FOR THE NORTH**

Consideration was given to a report which detailed how the Council, as Local Highway Authority, was to consider consenting to the making of Regulations by the Secretary of State to establish Transport for the North (TfN) as a Sub-National Transport Body under Section 102J of the Local Transport Act 2008.

The consent of each Highway Authority within the area of each Combined Authority, which was a Constituent Authority of TfN, was required to the making of Regulations by the Secretary of State because the Regulations contained provisions giving TfN highway powers to be exercised concurrently with the Local Highway Authorities.

The stated purpose of TfN was to transform the transport system of the North of England by planning and delivering the improvements needed to truly connect the region with fast, frequent and reliable transport links, driving economic growth and creating a Northern Powerhouse.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations.

**Resolved:-** That Rotherham Metropolitan Borough Council formally consent under Section 102J of the Local Transport Act 2008 to the making by the Secretary of State of Regulations to establish Transport for the North (TfN) as a Sub-National Transport Body and giving TfN concurrent highway powers.

(This decision was exempt from the call-in process in order to meet the deadline from Government on 20th October, 2017. The Chair of the Overview and Scrutiny Management Board and the Leader of the Opposition Group have consented to this request)

#### 60. **SWINTON TOWN CENTRE REDEVELOPMENT - DEVELOPMENT BRIEF AND ACQUISITION OF INTEGRAL SITE**

Consideration was given to a report which sought approval for the Development Brief for Swinton Town Centre and its proposed submission to developers and further approve the acquisition of the integral site

identified in Exempt Appendices D and E, subject to agreement of satisfactory terms, as part of the Council's Town Centres regeneration ambitions.

The regeneration of Swinton Town Centre had been under consideration for some time. The proposal had been underpinned by a number of demolitions and this had resulted in a largely clear site which was ready to be redeveloped.

Certain public buildings were proposed to be retained as part of the development, namely the community centre, the parade of shops together with the residential accommodation above and also a library function, in some form, as part of the proposals. However, the main intended outcome of the development would be the delivery of new homes in a range of sizes and tenures.

Councillor Sansome, on behalf of the Swinton Ward Councillors, welcomed the proposals and looked forward to the progress in due course.

**Resolved:-** (1) That the content of the Development Brief for Swinton Town Centre and the proposed submission to developers with a view to obtaining design submissions be approved.

(2) That Council be recommended to approve the acquisition of the integral site forming part of the redevelopment site on the basis outlined in Exempt Appendix E, subject to the agreement of satisfactory terms, and that this acquisition be added to the Council's Capital Programme 2017/18.

(3) That the Assistant Director for Planning, Regeneration and Transport be authorised to negotiate and agree the terms of the acquisition outlined in Appendix E.

(4) That the Assistant Director of Legal Services be authorised to complete the necessary documentation relating to the acquisition of the integral site.

(Councillors Hoddinott and Read declared disclosable pecuniary interests in Minute No. 60 (Swinton Town Centre Redevelopment) on the grounds of a family member living very close to this area and left the room whilst this report was discussed)

**61. RESIDENTIAL DEVELOPMENT OF MILLFOLD HOUSE, SHEFFIELD ROAD CAR PARK AND THE FORMER HENLEY'S GARAGE SITE**

Consideration was given to the report which set out proposals to kick start residential development as early as possible on land at Millfold House, Sheffield Road car park and the former Henley's garage on Wellgate. These sites had previously been identified as possible "go early" sites,

under the Starter Homes programme. However, there have been key developments at both the national and local level since the submission of the Starter Homes bid, which have influenced the decision to consider alternative outcomes for the sites.

The Council launched a soft market testing exercise in July in order to seek the opinion of prospective developer partners regarding opportunities and challenges presented by Sheffield Road car park and Millfold House. The soft market testing resulted in a number of positive responses and the report proposed that the Council procured a construction partner to deliver approximately 130 homes on these sites.

The report further proposed that the former Henley's garage site on Wellgate be developed into a scheme of low cost home ownership homes, and that procurement of a construction partner be carried out simultaneously with the other sites.

Cabinet Members sought reassurance that the existing tenants in Millfold House would be supported as part of the decamp proposals and assistance provided into alternative premises.

**Resolved:-** (1) That the Council, acting as the strategic housing enabler to develop Sheffield Road car park, Millfold House and the former Henley's garage on Wellgate into residential accommodation, be approved.

(2) That the Assistant Director of Planning, Regeneration and Transport be authorised to purchase additional land, as set out in exempt Appendices 3 and 4, to improve the scale of development potential.

(3) That expenditure on these acquisitions be capped at the limit set out in appendix 2, and be funded from resources allocated to the town centre regeneration programme.

(4) That officers be authorised to explore further possible acquisitions, to maximise the regenerative impact of these residential development schemes.

(5) That a further report be submitted setting out a detailed financial business case and development proposals.

**CABINET AND COMMISSIONERS'  
DECISION MAKING MEETING  
Monday, 13th November, 2017**

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

Apologies for absence were received from Commissioner Bradwell and Commissioner Kenny.

Also in attendance were Councillors B. Cutts, Reeder and Sansome.

The webcast of Cabinet and Commissioners' Decision Making Meetings can be viewed at:-

<https://rotherham.public-i.tv/core/portal/webcasts/enctag/Executive%252BArea>

**62. DECLARATIONS OF INTEREST**

There were no declarations of interest reported.

**63. QUESTIONS FROM MEMBERS OF THE PUBLIC**

(1) A member of the public referred to the district heating standard charge across all the schemes and asked why was this charged at the same rate when the schemes had different efficiencies and cost bases.

Councillor Beck advised, for the benefit of those present, that a discussion had taken place on this issue. The Council made a decision some years ago that all the tenants across all the schemes for 1300 households should be charged the same rate. In the past there had been huge discrepancies on the charges people paid and dependent upon location. There were different costs associated with running the schemes, but Council believed it only fair that all people paid the same.

(2) A member of the public referred to his own tenancy agreement and challenged anyone to show him where it stipulated he had to pay more for his heating to subsidise another. He claimed this was cross subsidisation and not included in his tenancy agreement.

Councillor Beck pointed out details about heating would not be included in the tenancy agreement. Rotherham was not a loan stander of charging for district heating and it was unfair for people to having pay different rates of charges depending on where someone lived. The Council had made a significant amount of investment over the past four years across all the schemes which had brought all the charges down as a result. The report on the agenda today proposed to do this. Councillor Beck disagreed with the premise that someone should be charged differently as a result of location.

(3) In a further question the member of the public had noted from the figures he had received that printing and postage costs were no longer in the Council costs. He asked if tenants would no longer receive statements and if they were who was to pay for these.

The Assistant Director of Housing confirmed statements would still be received by tenants. The cost of this would be borne by the Housing Revenue Account.

(4) A member of the public referred to the removal of the £2.00 standing charge, the confusion around it and the refunds on 5p and then 6p, asked how was this worked out and when was this going to be resolved. Over the last four weeks she had placed £95.00 on her prepaid meter for heating, despite not being home much, and was still in debit by £11.50.

Councillor Beck confirmed implementation of the new charges would take place on the 14<sup>th</sup> December, 2017 pending approval of the report on today's agenda. Refunds would be backdated to the 1<sup>st</sup> April, 2017, to the 6.28 p kW level of charge and refunded by cheque. From the 1<sup>st</sup> to 13<sup>th</sup> December, 2017, any refunds would be credited back to residents' meters.

The Assistant Director of Housing explained about the combined effect of the previous charge of 7.09 p/kW with the factored in standing charge, which had since been reduced taking out the staffing and administration costs. This was now 6.28p/kW.

In a supplementary question the member of the public explained how three days ago her meter recorded her in debit of £24. She rang the Council for help with regards to the £10 emergency credit and was told by officers to contact her gas supplier. She sought an explanation as to why officers were unable to help if they were not trained or aware of district heating schemes.

The Assistant Director of Housing noted the particular circumstances and would pick these up outside this meeting. Staff had gone through a learning process following the review and were well aware how the district heating schemes worked.

The member of the public pointed out the district heating schemes had been in for many years and could not understand why staff needed to be trained further.

(5) A member of the public asked, on behalf of a number of residents on the Swinton Fitzwilliam estate, about variances on the kW/hour per house. Some properties were only getting charged 4p kW/hour where some were paying up as high as 16p kW/hour. This was having a big impact on cost house to house and tenant to tenant. Certain tests had been undertaken and costs identified when heating had been placed on for one hour resulting in some tenants paying 34.8p at 4 kW/hour, but if the boiler recorded 12kW this was at a cost of £1.04.

The Assistant Director of Housing confirmed all the meters were the same on the Swinton Fitzwilliam estate and all on the same tariff. The amount the consumer used to heat their home would be recorded on that tariff with no difference in cost.

The Leader clarified that it was how much gas was required to heat a property per hour.

The member of the public pointed out that there was a large difference. Tests had been undertaken on four properties for the heating alone for one hour. For some the heat was pumping through at 4kW/hour and resident charged at 34.8p kW/hour and others £1.04 kW/hour.

Councillor Beck apologised for any confusion. The member of the public was correct he too had seen this on meters, but offered his reassurance that it was not how much anyone was getting charged, but an indication of how hard the boilers were working.

The member of the public disputed the comments and pointed out the meter clearly displayed how much a resident was paying per kW and then the cost. Unfortunately, there were some houses on the estate which were paying more than others to run their heating.

Councillor Beck was aware there had been problems with some properties, but this had been rectified. If the member of the public was aware of other properties experiencing a problem he asked for the details to be shared so this would be investigated.

The member of the public further asked if every individual property on the Swinton Fitzwilliam estate could be checked for their functionality to see what it was costing each property per hour for heating and heating and water. Some were being charged a variable and this matter had been raised as part of the discussions previously.

The Leader confirmed these matters would be picked up if the details of the four addresses, following consultation with the occupiers, could be provided as a starting point.

(6) A member of the public referred to the current pooled system for seventeen districts, some of which were making a loss and some a profit. This pyramid type situation meant some residents were paying more money to subsidise other less efficient systems and he did not see how this was viable or fair.

Councillor Beck disagreed with the premises that people should pay differently because of where they lived. The Council had invested into improving the efficiency across all schemes and this would continue. The cost of district heating would be subject to review annually as part of the budget setting process. If efficiencies were then demonstrated costs may be reduced further.

The member of the public appreciated the Council had implemented the same tariff to simplify the payment processes, but some areas were still being charged more to cover the districts making a loss. This was found to be unfair and the member of the public asked who was paying more, why and over what timeframe.

The Leader further explained the rationale for the basis of the scheme pointing out the three year programme of investment and the process of paying the same tariff for residents which would see costs reduce year on year.

(7) A member of the public further asked about the houses on the Swinton Fitzwilliam Estate that had been identified as having no cavity wall insulation altogether. The disagreements spanning three/four years had resulted in the member of the public personally drilling into one particular property to prove to the Council that there was no cavity wall insulation. He asked if the tenant would be reimbursed or compensated for the costs associated with heating that particular property because of the lack of insulation.

The Assistant Director of Housing confirmed the Council was continuing to improve the thermal imaging of its stock. Some benefits had already been made to properties on the Swinton Fitzwilliam estate and now the weather had got colder it was easier to identify any properties where there were problems with insulation. A programme of works had already commenced to remedy issues going forward.

The member of the public confirmed works had already started on this particular property, but this had been an ongoing battle for four years. He had to prove there was no insulation and that there was a serious issue due to the cost to heat the home per week. He asked if the tenant was to be compensated for the four years of high costs to heat that property through the Council's error that there had been insulation in the property when clearly there had not.

Unfortunately, there was still a problem with the property and a decision was still awaited from the Council due to the need to lower the footpath due to it being higher than the damp course. Works were now on hold with no guarantee that the remediation would be completed this year. This house remained cold and the tenant was still in a position where she was still having to try and maintain some level of warmth at a high cost for her children.

The Leader confirmed there was no compensation or discretionary scheme. Works would be completed as quickly as they could and the Council was trying to put right any difficulties. The individual circumstances of this case would be picked up separately.

(8) A member of the public, having lived on the Swinton Fitzwilliam estate for eighteen years believed the Council was no further forward with the district heating scheme. Properties on the estate were getting charged at different kW/hour for heating. The tenant's meter was running at 4kW for heating and hot water and her parents on the same street were running through at 16 kW and she asked for a reason why.

The Leader, having answered a similar question, confirmed this was to do how hard the boilers working at any given time. He could not confirm what this meant for payment and asked that the details be forwarded on.

The member of the public confirmed she had attended a meeting on the estate and passed on relevant details to a Council Officer

The Leader confirmed this would be picked up.

(9) A member of the public suggested that the only way of charging fairly was to give everyone the same pay as you go meters.

Councillor Beck explained that the report brought forward today for all the people on district heating schemes would be to see a 28% reduction in the cost of heating their home which was a significant reduction. The Council acknowledged about the difficulties residents, but had listened and would taking the report forward to make it easier for residents to heat their own homes, particularly on the Swinton Fitzwilliam estate.

The member of the public pointed out that tenants on the Swinton Fitzwilliam estate were the only ones that had meters pay as you go. It would make sense for each district to pay for what they were using with no profit or loss in the same way as other gas suppliers.

(10) Councillor Cooksey asked about the proposed redevelopment of York Road given the high number of privately rented properties in this area and asked would any properties in the development be made available for potential owner occupiers.



The Strategic Director of Regeneration and Environment explained the proposal in the brief was in-keeping with the Council's request for affordable housing so at the most 25% of the properties would be affordable depending on the viability and the remaining being market houses or intermediaries.

In a supplementary question Councillor Cooksey asked what was considered to be affordable housing.

The Strategic Director of Regeneration and Environment explained this was to do with affordable to rent and restricted through Government legislation. There were other combinations including intermediate properties which were partially rented and partially owned.

**64. MINUTES OF THE PREVIOUS MEETING HELD ON 16 OCTOBER 2017**

**Resolved:-** That the minutes of the Cabinet and Commissioners' Decision Making Meetings held on 16<sup>th</sup> October, 2017, be agreed as a true and correct record of the proceedings.

**65. EXCLUSION OF THE PRESS AND PUBLIC**

**Resolved:-** That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the agenda items 15, 16 and 17 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.

**66. SEPTEMBER 2017/18 - FINANCIAL MONITORING REPORT**

Consideration was given to the report which set out the financial position for the Revenue and Capital Budgets at the end of September, 2017 based on actual costs and income for the first six months of 2017/18 and forecasts for the remainder of the financial year. This was the third of a series of monitoring reports for the 2017/18 financial year which would continue to be brought forward to Cabinet and Commissioners on a regular basis.

Delivery of the Council's Revenue and Capital Budget and Medium Term Financial Strategy within the parameters agreed at the start of the current financial year was essential if the Council's objectives were to be achieved. Financial performance was a key element within the assessment of the Council's overall performance framework.

As at September 2017 the Council had a forecast overspend on the General Fund of £4.0m, an increase of £0.6m over the £3.4m as at July. The main reason for this increase was a continuing rise in the projected overspend by the Children and Young People's Directorate of £0.961m, chiefly attributable to continued increases in the number of children in care.

Offsetting this increased overspending, the Adult Care and Housing forecast overspend had reduced from £5.142m to £5.066m.

As reported for July, Central Services was still predicted to deliver some £5m in savings the product of a review of Business Rates and Treasury Management.

Management actions to address areas of overspend were also ongoing and the overall budget position would continue to be monitored closely. Overall, however, monitoring showed that the Council's Revenue Budget position had deteriorated by £0.6m since July and to the extent that expenditure could not be contained within budgets by management actions or by identifying additional savings, the Council would need to call on its reserves in order to balance the revenue budget for 2017/18.

In light of this, all services would, therefore, continue to develop mitigating actions and alternative savings to compensate for financial pressures and delays in delivering the full amount of savings. The financial effects of the mitigating actions that have been identified and implemented to date were reflected in the current forecast outturn. Regular updates on the progress made in maintaining a balanced budget position would be reported regularly through these Financial Monitoring reports .

A significant in-year pressure on the Dedicated Schools Grant (DSG) High Needs Block remained – the projected overspend having increased by £760k from July to the current projection of £7.220m. Whilst this pressure did not directly affect the Council's financial position at this time it was imperative that the recovery strategy was implemented, clearly setting out how this position would be resolved and to avoid any risk to the Council in the future. This included the planned transfer of £3m DSG in 2017/18 to reduce the forecast High Needs Block deficit.

The service had developed a recovery plan which aimed to mitigate as far as possible the in-year pressure and achieve the previously reported position of an overall cumulative deficit of £1.796m by April, 2019.

The 2017/18 Capital Programme was currently forecasting an in-year underspend of £6.676m – a change of £7.7m from the over-commitment reported in the first 2017/18 monitoring report in July.

The majority of the forecast underspend had been re-profiled into 2018/19. This revised and re-profiled Capital Programme would continue to be closely monitored and any further revisions and adjustments to the Programme included within the next monitoring report for Cabinet approval.

Councillor Watson, Deputy Leader, reported on the pressure facing Children's Services, the number of children being brought into care, which was a reduction on last year's numbers due to additional funding, and the potential for these numbers to increase.

In terms of the Dedicated Schools Grant a recovery plan had been developed which aimed to mitigate as far as possible the in-year pressures.

Councillor Roche, Cabinet Member for Adult Social Care and Health, reported on the forecasted overspend and the measures being taken to bring this down. This was an issue nationally and only three Local Authorities last year had kept within budget for Adult Social Care.

The Leader, in response to a question raised about the issues facing Local Government and future funding, confirmed that a number of professional organisations were lobbying Central Government and making representations to the Treasury.

The level of cuts since 2010 had removed £200 million from Council budgets and this was having a huge impact on the services being provided and on the workforce numbers.

**Resolved:-** (1) That the current forecast overspend for 2017/18 of £4.012m be noted.

(2) That the management actions that continue to be developed to address areas of overspend be noted and alternative and additional savings be identified to mitigate shortfalls in achieving planned savings in 2017/18.

(3) That the detailed Dedicated Schools Grant (DSG) Recovery Strategy be noted which would transfer £3m in 2017/18 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 current forecast outturn position on the approved Capital Programme for 2017/18 and 2018-2022 and the proposed re-profiling of expenditure be noted.

**67. INTERIM REVIEW OF POLLING PLACES 2017**

Further to Minute No. 39 of the Council Meeting held on 12<sup>th</sup> July, 2017 consideration was given to the report which dealt with an interim, partial review of polling places within the Borough. A public consultation on the current polling scheme and the Returning Officer's proposals commenced on 21st July and ended on 29th September, 2017. This report, therefore, outlined the consultation responses and made recommendations for the implementation of revised polling arrangements.

**Resolved:-** That Council approve the proposals for polling places as outlined in Appendix 1, in particular that:-

- a. The polling place for AD polling district be changed from Anston Hillcrest Primary School to the Methodist Community Hall, Sheffield Road.
- b. The polling place for CG and KG polling districts be changed from the AMRC Design Prototyping & Testing Centre, Wallis Way to the AMP Technology Centre, Brunel Way.
- c. The polling place for ID polling district be changed from the Maltby Service Centre, Braithwell Road to the Wesley Centre, Blyth Road.
- d. The polling place for KB polling district be changed from the mobile library to Aston Fence Junior & Infant School.

**68. CESSATION OF CHARGING FOR PAYMENTS MADE BY CREDIT CARD**

Consideration was given to the report which detailed how in June 2015 the Council introduced a surcharge of 1.75% for payments made to the Council by credit card in order to offset charges being levied upon the Council by the card schemes, Mastercard and Visa. This was detailed in Budget Savings Proposal RES24 which was approved within the Council's Budget for 2015/16. Whilst surcharging was a legitimate and widely accepted practice, it was noted at the time that the European Commission was considering legislation to stop surcharging card payments at some point in the future.

The detail of changes had now been released by the European Commission within the 'Payment Services Directive 2', which H.M. Treasury have announced would be incorporated into UK legislation from 13<sup>th</sup> January 2018. It would, therefore, be against the law to surcharge for most credit card payments from this date.

Making the change ahead of the mandatory January, 2018 deadline would benefit the citizens of Rotherham.

**Resolved:-** That surcharging credit card payments be stopped across all Council services and payment platforms from 30th November, 2017.

**69. BUSINESS RATES DISCRETIONARY RELIEF FOR REVALUATION SUPPORT**

Consideration was given to the report which set out how in the Spring Budget of 8th March, 2017, the Chancellor of the Exchequer announced the introduction of a series of new Business Rates reliefs including Revaluation Support to assist businesses impacted by an increase in Business Rates as a result of the 2017 revaluation. Two national relief schemes – Supporting Small Business and Support for Pubs, which were also announced by the Chancellor have already been implemented by the Council following a report to Cabinet on 16<sup>th</sup> October, 2017

The new relief was to be granted by Authorities using their Discretionary Relief powers under Section 47 of the 1988 Local Government Finance Act. Each authority had been given their own allocation, being the total relief that they could offer, and still be compensated through a Section 31 grant for their 49% share. Authorities would not be compensated for relief granted above their allocated funding and unused funding **could not** be carried forward to future years.

Rotherham's allocated funding was as follows:-

- 2017/2018 - £365k
- 2018/2019 - £85k
- 2019/2020 - £35k
- 2020/2021 - £5k

No national scheme had been proposed, as the Government believed that local authorities were best placed to judge the particular circumstances of local ratepayers and direct the funding where it was most needed to support local economies. There were, however, some conditions and requirements for local schemes that have been set out:-

- Billing authorities were expected to consult with their major precepting authorities (Fire and Rescue authority).
- De-Minimis State Aid regulations applied.
- Other discretionary reliefs funded by Section 31 Grant should be awarded first before Revaluation Support.

Although councils were free to design their own schemes analysis of a number of other authorities proposed schemes had highlighted some common themes and it was with these in mind that Rotherham's scheme had been designed.

Rotherham's scheme, details of which could be found in Appendix A, had been designed to support small and medium businesses who have seen their Non Domestic Rates bills increase significantly as a result of an increase in the Rateable Value of their properties in the 2017 revaluation.

**Resolved:-** That the implementation of the Revaluation Support Scheme, as outlined in Appendix A, be approved.

## **70. WASTE OPTIONS APPRAISAL - CONSULTATION**

Consideration was given to the report which sought approval to carry out consultation on proposed changes to the Council's waste collection service.

Waste collection services in Rotherham have developed over the last fourteen years and currently consisted of a hybrid of previous kerbside sorting regimes and current collection operations.

The Council was keen to consider how the service could be modernised ensuring full consideration was given to maximising recycling and reducing costs and the views of residents on a range of improvements would be sought on:-

- Materials for recycling and the use of wheeled bins.
- Residual waste.
- Garden waste.

The eight week consultation, commencing on 27<sup>th</sup> November 2018 would ensure customers understood the proposed changes, the reasons for them and communicate how they could contribute to the consultation. Engagement would take place using a combination of drop-in sessions and online feedback. Communications around the proposed changes and the subsequent consultation would be undertaken using a combination of mechanisms, including social media, traditional media and printed material.

Details of the proposed changes for consultation demonstrating how waste collections could be provided in the future over a rolling four week period were outlined.

In terms of garden waste the consultation process included the introduction of a full year round charged green waste collection on an opt-in subscription basis of around £40 per annum.

Cabinet Members sought clarification on the recycling of plastic at kerbside and whether or not this was to be included. It was noted that the waste treatment facility at Manvers currently extracted plastic material and to include this at kerbside was prohibitive due to cost.

Engagement with the public would include a number of drop-in sessions and online feedback, but in addition all households would be written to and given the opportunity to comment on the proposals.

Concerns over the capacity of the residual waste bin and the proposals for this to be reduced were as a result of the improved facilities for recycling.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, subject to further consideration being given to consultation on the waste options appraisal with newly arrived communities and those who did not have English as a first language and that the outcome of the consultation and final proposals be submitted to the Overview and Scrutiny Management Board prior to the final decision.

**Resolved:-** (1) That consultation with the residents of Rotherham on proposed changes to household waste and recycling collection services be approved.

(2) That further consideration be given to how newly arrived communities and those who do not have English as a first language are consulted on the Waste Option Appraisal.

(3) That the outcome of the consultation and final proposals be submitted to the Overview and Scrutiny Management Board prior to the final decision.

(4) That a further report be submitted to the Cabinet in February 2018 to report on the outcome of the consultation and the recommended options for approval.

## **71. EQUALITY ACT 2010 LICENSED DRIVER MEDICAL EXEMPTION POLICY**

Consideration was given to the report which detailed how the operative parts of Sections 165 and 167 of the Equality Act 2010 came into effect in April 2017. Section 167 of the Act gave Local Authorities the power to publish a list of wheelchair accessible vehicles (known as the Section 167 list). Section 165 placed duties on the drivers of those vehicles in relation to the carriage of passengers in wheelchairs.

Drivers of vehicles that were on the Section 167 list were able to apply for a medical exemption from any of the duties listed under Section 165. In order to process an application for a medical exemption, the Council was required to set out a policy for exempting drivers on medical grounds.

This report, therefore, sought approval of that policy, and proposed arrangements for the maintenance of the Section 167 list.

**Resolved:-** That the Licensed Driver Medical Exemption Policy, attached at Appendix 1, be approved.

**72. PROVISION OF PUBLIC HEALTH SERVICES - INTEGRATED WELLNESS SERVICE**

Consideration was given to the report which provided an overview and overall context for the design and commissioning of an Integrated Wellness Service model within Rotherham.

The following services were included in the Integrated Wellness Service model:-

- NHS Health Checks Programme (statutory programme).
- Alcohol screening.
- Smoking Cessation Service.
- Smoking in Pregnancy.
- Single point of access (used for weight management services).
- Adult Weight Management Service.
- Health Trainer Service.

The key focus for these services were within the seven most deprived wards, but the services were open to all.

The Public Health Services listed supported the delivery of the Health and Wellbeing Strategy, Public Health indicators in the Corporate Plan and The Public Health Outcomes Framework (PHOF). NHS Health Checks was a statutory Public Health function as specified in The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012.

The procurement process, assessment and tender scoring process have followed the relevant Council policies and best practice have been adhered to during this process, including the completion of any declaration of interest and confidentiality agreements.

Based upon the results the Director of Public Health would be awarding the Integrated Wellness Service contract to Parkwood Healthcare Ltd.

**Resolved:-** (1) That the award of the contract for the provision of the Integrated Wellness Service to Parkwood Healthcare Ltd (for the period advertised in the specification of three years with the option of extending for a further two years on a year by year basis, contractually defined as 3+1+1 years) be noted.

(2) That the significant change to the model of delivery of Public Health lifestyle and behaviour change services brought about by the awarding of the contract be noted.



### 73. VOLUNTARY AND COMMUNITY SECTOR INFRASTRUCTURE SERVICES REVIEW

Consideration was given to the report which detailed how infrastructure services provided support that helped voluntary and community sector (VCS) organisations across the borough to become more effective and sustainable.

Active and vibrant community groups and voluntary organisations were the backbone of local communities and work collaboratively with residents and with the Council to make a positive difference. The Council's funding for infrastructure support meant that local groups and organisations could access capacity building support and be part of a Rotherham-wide network.

Community and voluntary organisations have an important role in helping to build resilient communities across the borough and in supporting residents - particularly the most vulnerable.

The current infrastructure services were provided by Voluntary Action Rotherham (VAR) with the engagement of Rotherham Ethnic Minority Alliance (REMA). The current arrangements ran until the end of March 2018.

As part of considering arrangements for the next three years, a review into the infrastructure support needs of the VCS in Rotherham had been completed. The purpose of this review was to assess the effectiveness of the existing service and to identify future needs. The outcome of this was the recommended continuation of infrastructure support (in line with the commitments of the Rotherham Compact), with a priority focus on activity and support aligned to communities and neighbourhoods as set out in the Council and Rotherham plans.

The next stage in the process was to invite bids for there to be a lead infrastructure organisation to work with the Council to develop full proposals and then lead the delivery over the next three years.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, subject to there being greater clarity on the outcomes arising from the activity (as outlined in Recommendation 1.3) to ensure that value for money was achieved on the Council's investment.

**Resolved:-** (1) That the activities and outcomes of the review into voluntary and community sector infrastructure services be noted.

(2) That the start of the grant bidding process and to the appointment of a lead provider for voluntary and community sector infrastructure services delivery; with a grant funding agreement to be in place for the period 1 April 2018 to 31 March 2021 with a three year value of £560,578 be approved.

(3) That within the generality of infrastructure services, umbrella support and communications, the grant funding agreement be to prioritise the following activity:-

- a) Supporting the move to North, South and Central community based working and the evolving Council approach to neighbourhood working by providing capacity building support to current, new and emerging community and voluntary sector organisations based in the areas across the borough;
- b) Supporting the development of active citizenship by helping to build social capital in communities through volunteering (both informal and formal);
- c) Encouraging greater participation of the VCS at both strategic and operational level across networks and partnerships in the borough;
- d) Providing the support and development opportunities for individuals working in the voluntary and community sectors to participate in policy development and partnership working with the Council and other local partners;
- e) Providing external funding support to community and voluntary sector organisations, achieving increased external funding into the borough; and
- f) Promoting equalities and tackling inequalities, including building stronger communities through helping different communities to work together (particularly those facing social exclusion) to foster community cohesion.

(4) That there be greater clarity on the outcomes arising from the activity (as outlined in Recommendation 1.3) to ensure that value for money is achieved on the Council's investment.

#### **74. MEMBER DEVELOPMENT STRATEGY**

Consideration was given to the report which detailed how the Member Development Panel had worked with councillors, officers and the Local Government Association to prepare a strategy to direct the Council's approach to learning and development for Members.

The approach to learning and development set out in the strategy was already being implemented following involvement with the Local Government Association and work continued to develop a plan of activity which reflected the objectives of the strategy and the overriding themes which have emerged from personal development plan interviews with Members.

This strategy had been prepared to reflect the ambitions in the Council Plan and enhance the skills, knowledge and behaviours of Members and sought formal approval by the Cabinet.

Cabinet Members welcomed the strategy and sought assurances that all Members of the Council received training on Safeguarding and were advised this was mandatory.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendation.

**Resolved:-** That the Member Development Strategy be approved.

## **75. PROPOSED ROTHER VALLEY COUNTRY PARK CARAVAN SITE**

Consideration was given to the report which detailed the extensive work that had been undertaken to develop outline proposals for a new caravan site at Rother Valley Country Park and to assess its business potential.

Financial projections suggested that such a development could enable the park to generate a significant net revenue stream for the Council, particularly if it were operational by the time that Gullivers opened in 2019. It would also improve greatly the availability of affordable overnight accommodation in Rotherham, and enhance Rotherham's reputation as a welcoming and enjoyable visitor destination.

Operating cost estimates were based on trade data and, where appropriate, experience gained from operating similar facilities elsewhere in the park. All such costs, including any additional staff required, would be met entirely from caravan site income. The modelling indicated that the proposed caravan park would generate profits to support the Council's wider revenue budget.

It would meet Gulliver's requirement for a caravan site within the vicinity of their major new visitor attraction on the adjacent Pithouse West site.

Cabinet Members welcomed this proposal and the enhancement this would bring to the borough and the value to the economy.

**Resolved:-** (1) That Council include Rother Valley Country Park Caravan Site project within the approved Capital Programme as an invest-to-save initiative.

(2) That the project be developed further in accordance with the preferred options detailed in the report, including obtaining planning and any other required permissions, and obtaining tender prices for construction of a caravan site with additional pitches for tents, both with and without an optional second toilet and shower block.

(3) That, following receipt, tenders be evaluated to identify which option was most economically advantageous and, following consultation with the Cabinet Member, the preferred contractor to build the caravan site be appointed.

## **76. DISTRICT HEATING SCHEME CHARGES REVIEW**

Consideration was given to the review of district heating which 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 the high cost of heating.

A previous report to Cabinet in July 2017 recommended that a weekly standing charge of £2 be introduced to enable a reduction in kwh charge to 5.65p so mitigating a payment spike for residents on the Swinton Fitzwilliam Estate who were on pre-payment meters. The equivalent charge per kwh if no standing charge was levied would have been 7.09p per kwh. There were concerns expressed by some tenants and Ward Members that prompted a further review of charges to be undertaken.

Subsequently, the review focused on 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 three years now coming to fruition.

Option 3 was the favoured option and this would limit cost recovery to fuel costs only. All staffing, administration and metering costs have been omitted and would in future be funded through general HRA resources which was the same as staffing costs associated with Gas Servicing and Safety inspections for individual central heating systems. All charges would be applied retrospectively from 1st April, 2017 and relevant refunds placed on the rent account and issued as part of district heating quarterly billing cycle. Tenants on pre-payment meters would be issued with refunds for the period 1st April to 30th November, 2017 following decision by the Council. The remaining refund for the period 1st December to 13th December, 2017 would be applied as a credit to the heat meter. By processing the refunds in this way it would ensure tenants received a refund prior to Christmas. The new charge rate would be applied to the meter remotely on 14th December, 2017.

This report, therefore, recommended the reduction of the kwh charge to 6.28p per kwh with no standing charge for 2017-18 which would be applied retrospectively from 1st April, 2017. These cost reductions would mean that charges for district heating in Rotherham for 2017-18 were comparable to both Sheffield and Doncaster.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations.

Individual circumstances relating to specific concerns would be investigated further and work would continue with Ward Members.

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

(2) That Council:-

- a) Approve the revised district heating cost model.
- b) Reduce the unit Kwh charge across all district heating schemes to 6.28p per kwh (incl. VAT) and apply retrospectively from 1st April, 2017.
- c) Reduce weekly pre-payment charges on all pooled schemes as detailed in Option 3 of the report.

## **77. DEVELOPMENT BRIEF FOR SITE AT YORK ROAD, EASTWOOD**

Consideration was given to the report that sought approval for the Development Brief for York Road, Eastwood and its proposed submission to developers.

The redevelopment of York Road, Eastwood by the Council, in partnership with a developer, would enable control of the nature and quality of the development to be retained, ensuring that all needs were met.

In addition, the Brief requested that developers approach the proposal with a focus on creativity and a view to providing a catalyst for further improvements in the area. It was expected that the redevelopment would be innovative in design and quality terms and that the homes provided would enhance the community further, creating a new customer base for existing businesses and increasing the viability of the area. However, the detail of the eventual development would depend upon its viability and on developer's views on deliverability.

A number of options were considered (as set out in detail as part of the report) with some soft market testing and on this basis Option 5 was preferred.

**Resolved:-** That the content of the Development Brief for York Road, Eastwood and its proposed submission to developers with a view to obtaining design submissions/development proposals be approved.

## **78. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

Consideration was given to the circulated report, the contents of which were included as part of the relevant items and the details included accordingly



## Summary Sheet

### Committee Name and Date of Committee Meeting

Council – 13 December 2017

### Report Title

Recommendation from Cabinet – Interim Review of Polling Places 2017

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

Yes

### Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

### Report Author(s)

Claire Wardle, Electoral Services Manager  
01709 823521 or [claire.wardle@rotherham.gov.uk](mailto:claire.wardle@rotherham.gov.uk)

### Ward(s) Affected

Anston and Woodsetts, Brinsworth and Catcliffe, Maltby, Rother Vale

### Summary

At its meeting on 13 November 2017, the Cabinet considered a report in respect of the Interim Review of Polling Places 2017.

The original report providing detail to the proposals is appended in order to provide Members with sufficient knowledge to agree the proposals.

In order to give effect to the recommendations from Cabinet, consideration and approval by Council must be given to the recommendation set out below.

### Recommendation

1. That Council be recommended to approve the proposals for polling places as outlined in Appendix 2, in particular that:
  - a. The polling place for AD polling district be changed from Anston Hillcrest Primary School to the Methodist Community Hall, Sheffield Road.
  - b. The polling place for CG and KG polling districts be changed from the AMRC Design Prototyping & Testing Centre, Wallis Way to the AMP Technology Centre, Brunel Way.

- c. The polling place for ID polling district be changed from the Maltby Service Centre, Braithwell Road to the Wesley Centre, Blyth Road.
- 2. The polling place for KB polling district be changed from the mobile library to Aston Fence Junior & Infant School.

**List of Appendices Included**

Appendix A - Report to Cabinet and Commissioners' Decision Making Meeting (11 November 2017) – Interim Review of Polling Places 2017

Appendix 1 - Polling place scheme, Returning Officer's proposals and responses to the consultation

**Background Papers**

Review of Polling Districts and Polling Places Consultation Paper – 21 July 2017

[Electoral Commission guidance on the review of polling districts and polling places](#)

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Cabinet and Commissioners' Decision Making Meeting – 13 November 2017

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No



Public Report  
Cabinet and Commissioners' Decision Making Meeting

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## Summary Sheet

### Committee Name and Date of Committee Meeting

Cabinet and Commissioners' Decision Making Meeting – 13 November 2017

### Report Title

Interim Review of Polling Places 2017

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

Yes

### Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

### Report Author(s)

Claire Wardle, Electoral Services Manager  
01709 823521 or [claire.wardle@rotherham.gov.uk](mailto:claire.wardle@rotherham.gov.uk)

### Ward(s) Affected

Anston and Woodsetts, Brinsworth and Catcliffe, Maltby, Rother Vale

## Summary

This report deals with an interim, partial review of polling places within the Borough of Rotherham. Following approval from Council on 12 July 2017 to undertake a review, a public consultation on the current polling scheme and the Returning Officer's proposals started on 21 July and ended on 29 September 2017. This report considers the consultation responses and makes recommendations for the implementation of revised polling arrangements.

## Recommendations

1. That Council be recommended to approve the proposals for polling places as outlined in Appendix 1, in particular that:
  - a. The polling place for AD polling district be changed from Anston Hillcrest Primary School to the Methodist Community Hall, Sheffield Road.
  - b. The polling place for CG and KG polling districts be changed from the AMRC Design Prototyping & Testing Centre, Wallis Way to the AMP Technology Centre, Brunel Way.

- c. The polling place for ID polling district be changed from the Maltby Service Centre, Braithwell Road to the Wesley Centre, Blyth Road.
- d. The polling place for KB polling district be changed from the mobile library to Aston Fence Junior & Infant School.

**List of Appendices Included**

Appendix 1 - Polling place scheme, Returning Officer's proposals and responses to the consultation

**Background Papers**

Review of Polling Districts and Polling Places Consultation Paper – 21 July 2017

[Electoral Commission guidance on the review of polling districts and polling places](#)

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Council – 13 December 2017

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

## **Interim Review of Polling Places 2017**

### **1. Recommendations**

- 1.1 That Council be recommended to approve the proposals for polling places as outlined in Appendix 1, in particular that:
- a. The polling place for AD polling district be changed from Anston Hillcrest Primary School to the Methodist Community Hall, Sheffield Road.
  - b. The polling place for CG and KG polling districts be changed from the AMRC Design Prototyping & Testing Centre, Wallis Way to the AMP Technology Centre, Brunel Way.
  - c. The polling place for ID polling district be changed from the Maltby Service Centre, Braithwell Road to the Wesley Centre, Blyth Road.
  - d. The polling place for KB polling district be changed from the mobile library to Aston Fence Junior & Infant School.

### **2. Background**

- 2.1 Under the Representation of the People Act 1983 (the 1983 Act), the council has a duty to divide its area into polling districts and to designate a polling place for each district.
- 2.2 The following definitions may be helpful when considering the report.
- “Polling districts” are geographical electoral areas into which wards and constituencies may be sub-divided.
  - “Polling places” are the buildings or areas designated by the council where electors in a polling district go to vote in person.
  - “Polling stations” are the number of issuing desks in the building that is the designated polling place.
- 2.3 The Electoral Administration Act 2006, as amended, introduced a duty on all local authorities in Great Britain to review their polling districts and polling places at least once every five years. The Council undertook the last full compulsory review between November 2013 and December 2014. The next full compulsory review is due to take place between November 2018 and December 2019. That full review will take into account the new borough ward boundaries which will be in place for the May 2020 local government elections, as well as potential new parliamentary constituency boundaries.
- 2.4 The 1983 Act (Section 18C(3)) allows a local authority to conduct an interim review of polling places within its area, outside the timescales for a compulsory review. The Council gave approval to undertake an interim review of polling places on 12 July 2017, to address issues which had arisen with four of the council’s designated polling places in Anston & Woodsetts, Brinsworth & Catcliffe, Maltby and Rother Vale wards.

- 2.5 Although the process for an interim review is not stated in legislation, the interim review has been undertaken with regard to the Electoral Commission guidance on the review of polling districts and polling places, which includes publishing the scheme of polling places and the Returning Officer's proposals for changes. A consultation started on 21 July and ended on 29 September 2017, inviting views on the proposals and any alternative venues for polling places.

### **3. Key Issues**

#### **3.1 Anston and Woodsetts Ward**

The current polling place for AD polling district is Anston Hillcrest Primary School. The Council has been asked to consider designating a different polling place. Returning Officer staff have provisionally identified a potentially suitable alternative site for a polling place, at the Methodist Community Hall on Sheffield Road. Consultees were invited to comment on this proposed change, and there have been no objections raised about the use of the Community Hall, though concerns have been raised by a ward councillor about traffic volumes on an already busy stretch of road. Highways have confirmed that they would support Electoral Services in an attempt to prevent any on street car parking in proximity to the polling station, thereby avoiding any potential obstruction of the road.

#### **3.2 Brinsworth and Catcliffe Ward / Rother Vale Ward**

The current polling place for CG / KG polling district is the AMRC Design Prototyping & Testing Centre, Wallis Way. The Council has been asked to look at alternative venues. Returning Officer staff have provisionally identified a potentially suitable alternative site, a meeting room at the AMP Technology Centre, Brunel Way. Consultees were invited to comment on this proposed change, and there have been no objections raised.

#### **3.3 Maltby Ward**

The current polling place for ID polling district is the Maltby Service Centre, Braithwell Road. Due to the expansion of services provided here, the centre is no longer ideal as a polling place. Returning Officer staff have provisionally identified a potentially suitable alternative site for a polling place, at the Wesley Centre, Blyth Road. Consultees were invited to comment on this proposed change, and there have been no objections raised.

#### **3.4 Rother Vale Ward**

A new polling place will need to be designated for KB polling district, with the withdrawal of the mobile library service. No suitable premises have been identified in the district, but the relatively nearby Aston Fence J & I School, which is already used as a polling place, can accommodate a further polling station. Consultees were invited to comment on this proposed change, and there have been no objections raised.

- 3.5 Further details about the existing polling scheme, the proposals for changes and responses to the consultation are outlined in Appendix 1.

#### **4. Options considered and recommended proposal**

- 4.1 Option 1 – Do not change any polling places before the next full compulsory review. This option has been discounted. Although there are some premises which the Returning Officer has a right to use, this is not the case for all polling places, and where places become unavailable we must designate alternative venues.
- 4.2 Option 2 – Consider the results of the interim review and determine changes in time for the next scheduled elections in May 2018.
- 4.3 It is recommended that the proposals for changes to polling places as outlined in this report and Appendix 1 be approved.

#### **5. Consultation**

- 5.1 The consultation period for the review ran from 21 July 2017 to 29 September 2017. Public notice of the review was given, and information about the review made available on the council's website and in Customer Service Centres. Any registered elector was entitled to make representations.
- 5.2 Details of the review and the consultation paper were also sent to Ward Members, MPs, Parish Councils, and local groups including those representing disabled people. Electoral Services staff also attended a meeting with a local "Speakup" group, to discuss the review and to address any concerns about the accessibility of polling places. The meeting also provided the opportunity to provide additional information about what assistance is available to make the voting process accessible for disabled and learning disabled voters.

#### **6. Timetable and Accountability for Implementing this Decision**

- 6.1 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provides for decisions on polling districts and places to be made by the Council.
- 6.2 Once the council has made its determination, the conclusion of the review will be published. Certain persons, on specific grounds, can appeal to the Electoral Commission about the alteration of polling places.
- 6.3 The Assistant Director for Legal Services will be responsible for implementing the decisions. Electoral Services will take the measures to bring the changes into effect, so that new polling places are used for the next scheduled elections and any by elections which may occur.
- 6.4 Rotherham will undergo another full compulsory review in 2018/19, in time for the May 2020 local government and Police and Crime Commissioner elections, and taking into account new electoral boundaries.

## **7. Financial and Procurement Implications**

- 7.1 The financial and resource implications arising from this report will be met from within existing budgets.

## **8. Legal Implications**

- 8.1 The council has a legal duty to review polling districts and polling places, as described in this report. Reviews of polling districts and places must take place in accordance with section 18C and Schedule A1 to the Representation of the People Act 1983 [as amended].

## **9. Human Resources Implications**

- 9.1 None arising directly from this report.

## **10. Implications for Children and Young People and Vulnerable Adults**

- 10.1 The voting age is 18 or over. The recommendations link to the council priority - every adult secure, responsible and empowered.

## **11 Equalities and Human Rights Implications**

- 11.1 The council must ensure that, so far as is reasonable and practical, every polling place for which it is responsible is accessible to people who are disabled. Provision of reasonably convenient polling arrangements is an essential element of the free and fair elections required under Protocol 1, Article 3 of the Human Rights Act.

## **12. Implications for Partners and Other Directorates**

- 12.1 None arising directly from this report.

## **13. Risks and Mitigation**

- 13.1 Polling places are essential for the conduct of elections. Inadequate provision of polling places and polling stations could have a detrimental effect on voter turnout and could be the source of an election challenge.

## **14. Accountable Officer(s)**

Dermot Pearson, Assistant Director – Legal Services

Approvals on behalf of:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services	Lisa Darnell	09/10/2017
Assistant Director of Legal Services	Dermot Pearson	06/10/2017
Head of Procurement (if appropriate)	N/A	
Head of Human Resources (if appropriate)	N/A	

*Report Author: Claire Wardle, Electoral Services Manager*

This report is published on the Council's website or can be found at:-  
<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

**Polling station scheme and responses to the Returning Officer's Proposals**

Electoralates as at 1 February 2017

**Anston and Woodsetts Ward, Rother Valley Constituency**

<b>Polling District</b>	<b>Parish</b>	<b>Electorate</b>	<b>Current Polling Place</b>	<b>Number of polling stations</b>
AA	Anston	1678	Anston Greenlands Primary School, Edinburgh Drive	1
AB	Anston	1609	Anston Park Junior School, Park Avenue	1
AC	Anston	2114	Anston Parish Hall, 15A Ryton Road	1
<b>AD</b>	<b>Anston</b>	<b>1989</b>	<b>Anston Hillcrest Primary School, Hawthorne Avenue</b>	<b>1</b>
AE	Woodsetts	1468	Woodsetts Village Hall, Gildingwells Road	2 (polling place is also used for district DF – Dinnington Ward)

The Headteacher at Anston Hillcrest Primary School has asked the Returning Officer to consider alternative venues to avoid closing the school.

Two alternative venues have been suggested, South Anston Methodist Community Hall on Sheffield Road and the Pre-School building at the rear of the school. The Pre-School is small with limited parking, so it is not considered to be suitable. The Methodist Community Hall is considered to be a suitable venue for polling, containing a large room with good facilities for voters, and having disabled access.

Consultees were asked whether they approved of the use of the Methodist Community Hall as a polling place.

**Responses**

Cllr Jepson has responded that whilst he has no objections with regard to the use of the Community Hall, he does have concerns with regard to the amount of traffic in and out of the polling station on an already busy stretch of road, and has asked for some form of traffic management system to be put in place.



Colleagues in Highways would support Electoral Services in an attempt to prevent any on street car parking in proximity to the polling station, thereby avoiding any potential obstruction of the road.

No other responses have been received.

**Recommendation**

It is recommended that the Methodist Community Hall, Sheffield Road is used as a polling place for AD polling district in future elections.

**Brinsworth and Catcliffe Ward, Rotherham Constituency**

<b>Polling District</b>	<b>Parish</b>	<b>Electorate</b>	<b>Current Polling Place</b>	<b>Number of polling stations</b>
CA	-	802	Rotherham West Community Centre, Brinsford Road	1
CB	Brinsworth	2909	Brinsworth Community Hall, Brinsworth Lane	2
CC	Brinsworth	1240	Brinsworth Howarth Primary School, Whitehill Lane	1
CD	Brinsworth	1554	Brinsworth Whitehill Primary School, Howlett Drive	1
CE	Brinsworth	1220	St Andrews Church, Bonet Lane	1
CF	Catcliffe	1528	Catcliffe Memorial Hall, Old School Lane	1
<b>CG</b>	<b>Catcliffe</b>	<b>307</b>	<b>AMRC Design Prototyping &amp; Testing Centre, Wallis Way</b>	2 (polling place is also used for district KG – Rother Vale Ward)

The council has been asked to consider an alternative venue for polling district CG and KG, as the AMRC Design Prototyping and Testing Centre has become much busier in recent times, and is not ideal for polling.

The Returning Officer's staff have visited the area and consider that the nearby AMP Technology Centre, Brunel Way, is a more suitable venue. A large meeting room is available on the first floor, with lifts available. There is also on-site parking and good facilities.

Consultees were asked whether they approved of the use of the AMP Technology Centre as a polling place.

**Responses**

There have been no responses received about this proposal.

**Recommendation**

It is recommended that the AMP Technology Centre, Brunel Way is used as a polling place for CG and KG polling districts in future elections.

**Maltby Ward, Rother Valley Constituency**

<b>Polling District</b>	<b>Parish</b>	<b>Electorate</b>	<b>Current Polling Place</b>	<b>Number of polling stations</b>
IA	Maltby	1340	Maltby Linx Youth Centre, Lilly Hall Road	1
IB	Maltby	527	The Grange Warden Centre, St. Bartholomew's Close	2 (polling place is also used for district IH)
IC	Maltby	1659	Maltby Manor Academy, Davy Drive	1
ID	Maltby	<b>1199</b>	<b>Maltby Service Centre, Braithwell Road</b>	<b>1</b>
IE	Maltby	1135	Edward Dunn Memorial Hall, Tickhill Road	1
IF	Maltby	1158	Maltby St Marys Catholic Primary School, Muglet Lane	1
IG	Maltby	918	Ascension Close Warden Centre, Ascension Close	1
IH	Hooton Levitt	101	The Grange Warden Centre, St. Bartholomew's Close	2 (polling place is also used for district IB)
II	Maltby	650	Charles Foster Community Centre, Woodland Gardens	1

As part of the council's Library Strategy, Maltby Library is scheduled to move into the Maltby Joint Service Centre on Braithwell Road in spring/summer 2017. This means that we will no longer be able to use the meeting room on the ground floor of the Service Centre as a polling place. There are meeting rooms on the first floor, but these are not as accessible or convenient for voters, and there could be issues with congestion.

The Maltby Linx Youth Centre, in Lilly Hall Road, which is currently used as a polling place for the IA polling district, could easily accommodate another polling station. However, this would not be the preferred option, due to problems with parking in the area.

The Returning Officer's staff have approached other venues, including the Wesley Centre in Blyth Road. The Wesley Centre is considered to be a suitable venue for polling, containing a large hall with good facilities for voters, and having disabled access.

Consultees were asked whether they approved of the use of the Wesley Centre as a polling place.

**Responses**

One member of the public has responded that he fully supports the relocation of the polling station from Maltby Service Centre to Matlby Wesley Centre.

**Recommendation**

It is recommended that the Wesley Centre, Blyth Road is used as a polling place for the ID polling district in future elections.

**Rother Vale Ward, Rother Valley Constituency**

<b>Polling District</b>	<b>Parish</b>	<b>Electorate</b>	<b>Current Polling Place</b>	<b>Number of polling stations</b>
KA	Treeton	2435	Treeton Youth Centre, Church Lane	1
<b>KB</b>	<b>Orgreave</b>	<b>577</b>	<b>Mobile Library Unit, Rotherwood Avenue</b>	<b>1</b>
KC	Aston-cum-Aughton	1497	Swallownest Community Centre, Rotherham Road	2 (polling place is also used for district FD – Holderness Ward)
KD	Aston-cum-Aughton	617	Aston Fence J & I School, Sheffield Road	1
KE	Ulley	137	Ulley Village Hall, Main Street	1
KF	Thurcroft	4223	Gordon Bennett Memorial Hall, Green Arbour Road	2
KF	Thurcroft		Gordon Bennett Memorial Hall, Green Arbour Road	
<b>KG</b>	<b>Orgreave</b>	<b>771</b>	<b>AMRC Design Prototyping &amp; Testing Centre, Wallis Way</b>	2 (polling place is also used for district CG – Brinsworth and Catcliffe Ward)

The council's Mobile Library service has been withdrawn from April 2017, and is no longer available for use as a polling station.

There are no obvious options for a polling place in KB polling district, and it is not considered practical to site a portacabin on-street nor at the recreation ground.

However, Aston Fence Junior and Infant School, in Sheffield Road, which is currently used as a polling place for the KD polling district, could easily accommodate another polling station. This has good facilities for voters, and is around a 3 minute drive from Rotherwood Avenue.

Consultees were asked whether they approved of the use of Aston Fence Junior and Infant School as a polling place for the KB polling district.

**Responses**

There have been no responses received about this proposal.

**Recommendation**

It is recommended that Aston Fence J & I School is used as a polling place for the KB polling district (as well as the KD polling district) in future elections.

It is also recommended that the AMP Technology Centre, Brunel Way is used as a polling place for CG and KG polling districts in future elections (see p.3).

## **Summary Sheet**

### **Committee Name and Date of Committee Meeting**

Council – 13 December 2017

### **Report Title**

Recommendation from Cabinet – Proposed Rother Valley Country Park Caravan Site

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

Yes

### **Strategic Director Approving Submission of the Report**

Damien Wilson, Strategic Director of Regeneration and Environment

### **Report Author(s)**

Phil Gill - Leisure and Green Spaces Manager  
01709 822430 or philip.gill@rotherham.gov.uk

### **Ward(s) Affected**

Wales directly but wider impact across the borough

### **Summary**

At its meeting on 13 November 2017, the Cabinet considered a report in respect of the Proposed Rother Valley Country Park Caravan Site.

The original report providing detail to the proposals is appended in order to provide Members with sufficient knowledge to agree the proposals.

In order to give effect to the recommendation from Cabinet to include the project in the Capital programme, consideration and approval by Council must be given to the recommendation set out below.

### **Recommendation**

1. That the Rother Valley Country Park Caravan Site project be included within the approved Capital Programme as an invest-to-save initiative.

### **List of Appendices Included**

Appendix A - Report to Cabinet and Commissioners' Decision Making Meeting (11 November 2017) – Proposed Rother Valley Country Park Caravan Site

Appendix 1 – Outline Business Case (exempt)

Appendix 2 – Site Layout Plan- Recommended Option

Appendix 3 – Summary of Recommendations in Independent Business Case Review

**Background Papers**

Briefing Note and Executive Summary, 31 July 2017 Rother Valley Country Park - Caravan Site Proposals and Business Case Review, Smith Craven Chartered Accountants, June 2017

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Cabinet and Commissioners' Decision Making Meeting – 13 November 2017  
Improving Places Select Commission – 15 November 2017

**Council Approval Required**

Yes

**Exempt from the Press and Public**

An exemption is sought for Appendix 1; under paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report contains sensitive commercial information with regards to costing for works and commercial agreements which could disadvantage the Council in any negotiations if the information were to be made public.

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information, as the parties' commercial interests could be prejudiced by disclosure of commercial information.





Public Report with Exempt Appendix  
Cabinet and Commissioners' Decision Making Meeting

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## **Summary Sheet**

### **Name and Date of Committee Meeting**

Cabinet and Commissioner Decision Making Meeting - 13 November 2017

### **Report Title**

Proposed Rother Valley Country Park Caravan Site

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

Yes

### **Strategic Director Approving Submission of the Report**

Damien Wilson, Strategic Director of Regeneration and Environment

### **Report Author(s)**

Phil Gill - Leisure and Green Spaces Manager  
01709 822430 or philip.gill@rotherham.gov.uk

### **Ward(s) Affected**

Wales directly but wider impact across the borough.

## **Executive Summary**

Extensive work has been undertaken to develop outline proposals for a new caravan site at Rother Valley Country Park and to assess its business potential. Financial projections suggest that such a development could enable the park to generate a significant net revenue stream for the Council, particularly if it were operational by the time that Gullivers opens in 2019. It would also improve greatly the availability of affordable overnight accommodation in Rotherham, and enhance Rotherham's reputation as a welcoming and enjoyable visitor destination. In particular, it would meet Gulliver's requirement for a caravan site within the vicinity of their major new visitor attraction on the adjacent Pithouse West site.

## **Recommendations**

1. That Council be recommended to include the Rother Valley Country Park Caravan Site project within the approved Capital Programme as an invest-to-save initiative.

2. That the project be developed further in accordance with the preferred options detailed in the report, including obtaining planning and any other required permissions, and obtaining tender prices for construction of a caravan site with additional pitches for tents, both with and without an optional second toilet and shower block.
3. That, following receipt, tenders be evaluated to identify which option is most economically advantageous and, following consultation with the Cabinet Member, the preferred contractor to build the caravan site be appointed.

### **List of Appendices Included**

Appendix 1 Outline Business Case (exempt)

Appendix 2 Site Layout Plan- Recommended Option

Appendix 3 Summary of Recommendations in Independent Business Case Review

### **Background Papers**

Briefing Note and Executive Summary, 31 July 2017

Rother Valley Country Park - Caravan Site Proposals and Business Case Review,  
Smith Craven Chartered Accountants, June 2017

### **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

### **Council Approval Required**

No

### **Exempt from the Press and Public**

*An exemption is sought for **Appendix 1**; under paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report contains sensitive commercial information with regards to costing for works and commercial agreements which could disadvantage the Council in any negotiations if the information were to be made public.*

*It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information, as the parties' commercial interests could be prejudiced by disclosure of commercial information.*

## **Proposed Rother Valley Country Park Caravan Site**

### **1. Recommendations**

- 1.1 That Council be recommended to include the Rother Valley Country Park Caravan Site project within the approved Capital Programme as an invest-to-save initiative.
- 1.2 That the project be developed further in accordance with the preferred options detailed in the report, including obtaining planning and any other required permissions, and obtaining tender prices for construction of a caravan site with additional pitches for tents, both with and without an optional second toilet and shower block.
- 1.3 That, following receipt, tenders be evaluated to identify which option is most economically advantageous and, following consultation with the Cabinet Member, the preferred contractor to build the caravan site be appointed.

### **2. Background**

- 2.1 At the Cabinet and Commissioner Decision Making Meeting held on 26 May 2016, Commissioner Kenny approved the sale of the Pithouse West site for development as 'Gulliver's Valley' resort, a major new family attraction for South Yorkshire. At this point it was noted that, by agreement with Gulliver's, officers were developing a business case to look at the potential provision of caravanning and camping facilities on the adjacent Rother Valley Country Park.
- 2.2 Rother Valley Country Park (RVCP) is the largest green space in the Borough, and plays an important role in the provision of affordable outdoor recreation for local people. Such a facility would complement the accommodation offer at Gulliver's and make a substantial contribution to the development of Rotherham as a tourism destination, stimulating the local economy and jobs, and projecting a positive and welcoming image of the Borough to visitors from across the whole of the UK.
- 2.3 The net cost of running Rother Valley Country Park has decreased significantly over recent years. The net budget has reduced from £458,725 to £104,189 over the past 5 years, largely as the result of increased income generation from a number of capital investments. The aim now is to move the park into a cost-neutral or profit-making position to help secure its future when local authority revenue budget support can no longer be relied upon.
- 2.4 As well as contributing to the wider holiday accommodation needs in South Yorkshire, a caravan site has been identified as having the potential to generate substantial profits. Details are given in the attached Outline Business Case that has been prepared in accordance with the Council's capital project procedures. This is included as the exempt Appendix 1.

### **3. Key Issues**

- 3.1 Gulliver's has stated that they require a caravan site to be available within the vicinity of their new visitor attraction at Pithouse West, and have the option of developing one on their own land if the Council fails to build one. This is further evidence of demand for overnight accommodation and enhances the viability of the proposed caravan site.
- 3.2 The Council is well-placed to build and operate a caravan site at the park as it already owns the land. It has made good progress in developing project proposals and financial forecasts. The park is in a good location relative to the motorway network, Sheffield and the Peak District and there is limited alternative provision within the area. The park has proven business systems and expertise that would equip it to operate the site efficiently and effectively.
- 3.3 Critical success factors have been identified for the project as follows:-
- Average annual net income (net of loan repayments) over the first five years of operation to be sufficient to deliver a planned budget saving.
  - Completion and opening before the end of the 2018/19 financial year.
  - Site to achieve AA 5 Pennants standard, in accordance with research findings which suggest a quality offer is more likely to be successful.
  - Facility to be safe, secure, durable and easy to maintain, to ensure high levels of customer satisfaction and to minimise the risk of increasing running costs over time
- 3.4 The role of income generation through key assets such as Rother Valley Country Park is increasingly important in achieving necessary Council-wide savings because it can help to reduce the pressure to implement cuts to services.

### **4. Options considered and recommended proposal**

- 4.1 A wide range of options have been considered, including doing nothing, pursuing alternative invest to save projects, inviting an external body to develop and operate a caravan site at the park under a long lease, developing and operating a caravan site on other Council-owned land elsewhere, and developing and operating a caravan site on land within the park next to Delves Lane. Consequently, the option of developing and operating a caravan site on land at Delves Lane has been identified as being most likely to fulfil the project's identified critical success factors.
- 4.2 Further detailed options have been considered involving different numbers of caravan pitches and toilet and shower blocks, to optimise the visitor experience and likely income. It was found that options with 129 caravan pitches, 34 pitches for tents and either one or two toilet and shower blocks are similar in terms of their expected financial and other benefits. Details of the evaluation of options are provided in Appendix 1.

- 4.3 It is therefore recommended that firms be invited to tender for a site with 129 caravan pitches and 34 pitches, both with and without a second toilet and shower block, so that a final decision can be taken on which is the most economically advantageous option, once actual capital costs are known. A plan showing the proposed site layout for both these options is included as Appendix 2. The designs and specifications for these two options will not differ greatly from one another, meaning that the production of tender information for both options will not incur significant additional time or cost.

## **5. Consultation**

- 5.1 External consultation has included other caravan sites, the Caravan and Camping Club, prospective customers and a desk-based review of available trade intelligence such as Visit England, IBIS and Mintel. Additionally, an independent review of the business case was commissioned from Smith Craven Chartered Accountants who delivered their report in June 2017.
- 5.2 Internal officer consultation has included colleagues from Planning, Transportation, Asset Management, Highways, Drainage and Licensing.
- 5.3 The Cabinet Member for Neighbourhood Working and Cultural Services and Commissioner Kenny have been briefed about the proposal in July 2017, and again during the finalisation of this report in September 2017.

## **6. Timetable and Accountability for Implementing this Decision**

- 6.1 The Assistant Director, Culture, Sport and Tourism will be accountable for this project and will act as project sponsor. The Leisure and Green Spaces Manager will act as client project manager, and project implementation will be co-ordinated by the Building Design Team in Asset Management.
- 6.2 The anticipated timescale for implementation is as follows:-
- November 2017: Site surveys completed
  - January 2018: Planning and Building Regulations applications submitted
  - February 2018: Building Regulations application determined
  - March 2018: Planning application determined
  - April 2018: Technical design completed  
Tender period commences
  - May 2018: Tenders receipt, evaluation and approval
  - June 2018: Contractor appointment
  - March 2019: Completion and handover  
Caravan site opens.

## **7. Finance and Procurement Implications**

- 7.1 Capital expenditure estimates, shown in the exempt Appendix 1, are based on figures provided by a commercial contractor within the YORbuild framework. It is proposed that this will be an invest-to-save initiative. Interest rates are currently at a historically low level, making this an attractive option.
- 7.2 It is expected that loan repayments and all day-to-day running costs will be paid for entirely from caravan site income once the facility becomes established. For modelling purposes, a 20 year loan period has been assumed, on the basis of the commercial nature of the development. In addition, the Capital Strategy will incorporate a future requirement for lifecycle expenditure to maintain the asset in an excellent condition, in order to ensure that occupancy rates are maintained.
- 7.3 Operating cost estimates are based on trade data and, where appropriate, experience gained from operating similar facilities elsewhere in the park. All such costs, including any additional staff required, will be met entirely from caravan site income. The modelling in the exempt Appendix 1 indicates that the proposed caravan park will generate profits to support the Council's wider revenue budget.
- 7.4 Income forecasts are influenced mainly by proposed rates for pitch hire and projected occupancy levels. Proposed charges for pitch hire and sundries have been benchmarked with similar sites elsewhere and assessed by independent consultants as being reasonable. Occupancy projections take into account published advice by Visit England, and informal discussions with operators of comparable caravan sites elsewhere, including two located within country parks.
- 7.5 Financial return figures have been calculated for a range of shortlisted options identified as being most likely to meet critical success factors for the project. These are shown in Appendix 1.
- 7.6 A range of procurement routes have been evaluated. Consequently, a traditional full design, specification, tender and fixed price contract route is proposed, as this combines quality assurance, value for money, and familiarity of Council officers with this option. This will reduce risk and help to ensure a successful outcome. It is proposed that tenders be invited from firms within the YORbuild framework.

## **8. Legal Implications**

- 8.1 There are no direct legal implications arising from this report. The necessary legal agreements will be completed in due course by Legal Services.

## **9. Human Resource Implications**

- 9.1 There are no immediate Human Resource implications arising from this report.

- 9.2 Any new staff will be integrated into the existing park staffing structure where adequate management and administration resources are already in place to ensure compliance with Council HR and financial procedures, and to provide the necessary oversight and direction of the business.

## **10. Implications for Children and Young People and Vulnerable Adults**

- 10.1 The project will support the delivery of Rotherham's ambition to be a child-centred borough, by creating family-friendly holiday accommodation. This will also widen access to Gulliver's for children, families and vulnerable adults by providing an affordable accommodation offer. The project will support the continued operation of Rother Valley Country Park, which provides recreational, educational and employment opportunities for children, young people and vulnerable adults.

## **11. Equalities and Human Rights Implications**

- 11.1 The project will comply with all planning and building regulations with regard to meeting disabled access requirements. The project increases the availability of affordable holiday accommodation, supporting access to leisure for those of limited means.

## **12. Implications for Partners and Other Directorates**

- 12.1 There are no direct implications for partners and other directorates.

## **13. Risks and Mitigation**

- 13.1 A Risk Register has been prepared and is appended to the Outline Business Case (Appendix 1). Principal risks and associated mitigation measures are as listed below.
- 13.2 **Site Conditions:** The proposed development site, like most of Rother Valley Country Park and Pithouse West, is made ground resulting from restoration of open-cast coal workings. This affects its load-bearing properties and also increases the risk of soil contamination.
- 13.3 Mitigation: Detailed site investigations have been undertaken to inform the inclusion in costings of allowances for ground stabilisation and other works needed to allow construction to take place.
- 13.4 **Planning Permission** – Physical development cannot start unless planning permission is in place.

- 13.5 Mitigation: Discussions were held with Planning officers at an early stage, highlighting the need for various surveys and other evidence to support an application. Much of this work has been completed, and Planning's pre-application service is now being used to identify any outstanding requirements prior to submission of a full planning application. Planning has also advised that, in principle, a touring caravan site would not be seen as an inappropriate development in the proposed green belt location.
- 13.6 **Capital cost:** The profitability of the caravan site would be reduced if the capital cost (and loan repayments) were greater than estimated.
- 13.7 Mitigation: Outline proposals have been issued to a contractor on the YORbuild framework to obtain commercially tested cost estimates. The Council's quantity surveyor believes that, with firmed up designs and a competitive tendering process, the final tender figure is likely to be lower than the estimates provided.
- 13.8 **Programme:** It is important that a caravan site is operational by early 2019 to benefit from the publicity and associated demand arising from the opening of Gullivers in that year. In addition, submitted budget savings proposals assume profits from a site will start making a contribution to the Council's financial position by then.
- 13.9 Mitigation: A large amount of survey and design work has already been completed, helping to reduce the time it will take to prepare a detailed tender pack and planning application. A detailed project programme will be developed and the project team will meet regularly both pre and post tender to review progress against this.
- 13.10 **Income projections:** Income levels will be sensitive to a number of factors including weather, the quality of the facilities and service at the site, competition, general tourism trends, major events in the vicinity and the development of other attractions at the park and Gullivers.
- 13.11 Mitigation: A marketing plan will be developed and implemented to maximise income and to ensure synergy between the caravan site and the wider offer at Rother Valley Country Park and Gullivers. The site is to be built to a good standard providing durable, attractive and easily maintained facilities. This will reduce the risk of customer dissatisfaction and help the site to remain competitive.



**14. Accountable Officer(s)**

Polly Hamilton - Assistant Director, Culture, Sport and Tourism.  
 Phil Gill - Leisure and Green Spaces Manager.

Approvals obtained from:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services	Judith Badger	25/10/2017
Assistant Director of Legal Services	Stuart Fletcher	25/10/2017
Head of Procurement (if appropriate)	Karen Middlebrook	07/09/2017
Head of Human Resources (if appropriate)	John Crutchley	07/09/2017

*Report Author: Phil Gill, Leisure and Green Spaces Manager*

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

## Appendix 2

<b>Meeting:</b>	Cabinet/Commissioner Decision Making Meeting
<b>Date:</b>	13 <sup>th</sup> November 2017
<b>Item No. &amp; Title:</b>	<b>Proposed Rother Valley Country Park Caravan Site</b>
<b>Ward</b>	Wales

### Site Layout Plan for Recommended Options (overleaf)

129-pitch caravan site with 34 tent pitches, with or without a second toilet and shower block.



Additional items

- Grey water disposal and drinking water points to be located throughout the site (within 90m of any unit).
- Roads to be mainly one way, approximately 3m wide allowing for turning circles of users and delivery/emergency vehicles.
- Timber fencing with naturalistic/native planting to site boundaries where feasible.
- Fire points located within 90m of any unit throughout site.

Key

**Super Pitches:**

- All weather pitching surface. Handstanding 10x10m (Gravel)
- Illuminated electrical hook up bollard
- Booster TV aerial outlet
- Facilities for drinking water
- Ground level laid to accept grey water

**Standard Pitches:**

- All weather pitching surface. Handstanding 8x8m (Gravel)
- Shared electrical hook up bollard

**Tent Pitches:**

- Grass pitches, approximately 7.5x6m
- Most within 25m of shared electrical hook up bollard

Existing Trees/Shrubs

Indicative Structural planting

Grass

Vehicular Routes

Pedestrian paths

Redirected public footpath

Existing fencing to be retained

Proposed fencing

Proposed Vehicular Gates

Proposed Pedestrian Gate/Style

**Service point:**

- Facilities for drinking water
- Grey water disposal
- Refillage point
- Recycling point
- Fire point

Shared Electric hook up

Lighting bollard

Assembly Point

PA

LNA

MWP

CEP

R/S

TB

DOG

Dog Walk

Late Night Arrivals Area

Motorhome Waste Point

Chemical Toilet Emptying Point

Reception and Shop

Toilet Block

Pitch numbers

- 36No. (8x8m pitches)
- 93No. (10x10m pitches)
- 34No. (tent pitches)

Refer to Architects drawings for building details.



## Appendix 3

<b>Meeting:</b>	Cabinet/Commissioner Decision Making Meeting
<b>Date:</b>	13 <sup>th</sup> November 2017
<b>Item No. &amp; Title:</b>	<b>Proposed Rother Valley Country Park Caravan Site</b>
<b>Ward</b>	Wales

### Summary of Recommendations in Independent Business Case Review by Smith Craven Chartered Accountants

<b>Recommendation.</b>	<b>Response</b>
1. The Council must confirm that Gulliver's will not be including a caravan site of its own on the purchased land, if this project is to go ahead.	Discussed and agreed with Gullivers prior to final decision.
2. Financial projections should be adjusted to reflect the impact of the timing of Gulliver's opening with respect to occupancy levels and pricing structure.	Current aim is to open by 2019 to co-incide with Gullivers opening. Impact of 5%, 10% and 15% reduction in occupancy has been included in projections.
3. The opening of Gulliver's, the type of accommodation their site will offer and the prices levied for that accommodation, will have a significant effect on the viability of this project. As such, it also needs to be accounted for within the financial forecasts.	Already agreed in principle with Gulliver's to discuss issues such as joint/reciprocal pricing and marketing arrangements.
4. The Council needs to understand with certainty what (if any) involvement will be required from the Environmental Agency? What time frames are realistic if intervention is required? Will specific licences need to be obtained? It is appropriate that these aspects are understood now, to ensure nothing is encountered at a later date that will significantly impact on the costs already accounted for.	Discussed the issue with Environment Agency advisor and they confirm a permit would not be required if we are discharging clean rainwater from roofs, public roads, small parking areas etc. Currently preparing to submit application for local authority caravan site licence. This will not impact on overall delivery timetable.
5. Whilst it appears that much of the	Request submitted to Planning



Recommendation.	Response
<p>investigation work has been carried out and indeed an agreement in principle obtained. The Council should establish how long it will take to obtain planning permission, so that this can be built into overall programming. Any significant delay could have implications on a proposed opening date and the future budgets of RVCP.</p>	<p>to use their formal pre-application service to ensure all timescales and requirements are understood and factored into implementation programme.</p>
<p>6. The timing of the proposed site at RVCP is critical to its success. If it opens to coincide with Gulliver's Theme Park opening, then RVCP would benefit from the marketing activity Gulliver's carries out. This will considerably reduce the initial pre-launch marketing spend necessary to raise awareness that the caravan site exists.</p>	<p>Implementation programme assumes opening by 2019 to coincide with Gullivers opening. Marketing plan will factor in shared communications opportunities.</p>
<p>7. Before any site plan and costings are finalised, further exploration should be undertaken as to the likelihood of any change in legislation in respect of this standard. An increase in the spacing regulations could obviously have a significant impact on the proposed site, as the current business case has been drafted on the basis of a caravan site with a 3 metre spacing between pitches. Any increase would necessitate a reduction in the proposed number of pitches, which would ultimately impact on cost and income projections.</p>	<p>Confirmation received from Licensing department that proposed specification exceeds requirements.</p>
<p>8. Pre-launch marketing of the site will be key, in order to stand any chance of meeting the assumed occupancy rates and therefore serious consideration should be given to marketing/advertising/promotional activity and the associated costs prior to the commencement of trade on the site.</p>	<p>Initial marketing budget has been increased by a factor of 5. Subsequent years' budgets doubled .</p>
<p>9. Whilst the capabilities of the Council running the proposed site can be demonstrated, given that Thrybergh is also a caravan site under the Councils control, lessons should be learnt to ensure the positives are replicated and the negatives eradicated.</p>	<p>RVCP would have competitive advantages compared to TCP:</p> <ul style="list-style-type: none"> <li>• 5 pennant site offering new and better facilities.</li> <li>• Wide range of activities e.g. cycling, watersports, train, play areas, golf and cable ski.</li> <li>• High profile events</li> <li>• 2 miles from junction 31 of</li> </ul>

Recommendation.	Response
	<p>the M1 motorway.</p> <ul style="list-style-type: none"> <li>• 20 mins drive from Sheffield Arena, Ponds Forge, Ice Sheffield, Meadowhall and Magna</li> <li>• 24 hour coverage by staff or security.</li> <li>• Larger size of proposed site appeals to many.</li> <li>• Existing estate management capability</li> <li>• Existing management and admin capability</li> </ul> <p>Recent improvements at Thrybergh include better site security and amended booking procedures.</p>
<p>10. The Business Case Review should include details of the main people who will run and manage the caravan site. Supporting Curriculum Vitae's and examples of how they will be trained and the budget allocated to this, should be included.</p>	<p>Person specifications will be produced for each of the proposed new job roles. Some current casual staff already have the necessary capabilities, so it is expected that it will be possible to recruit people of the required calibre. Performance would be monitored through existing PDR arrangements, and training provided as required. Costs for this are not expected to have a significant impact on the business case.</p>
<p>11. As it is already in excess of two years since the capital costs were estimated, it would be advisable to confirm with the Architect etc. what variance there is likely to be (if any) at today's cost and what future increases could be if, for example, work commenced on the project in 2019.</p>	<p>Up to date capital cost estimates have been provided in September 2017 by a commercial contractor.</p>
<p>12. Smith Craven would recommend that clarification is sought from the professionals in relation to the percentages that have been applied for preliminary, design cost risk and internal Council costs. This will establish if the figures are realistic or if they should be revised upwards.</p>	<p>Up to date capital cost estimates have been provided in September 2017 by a commercial contractor.</p> <p>Fee estimates have been confirmed by Asset</p>

Recommendation.	Response
	Management.
13. Staff recruitment and pre-launch marketing, promotion and website costs should be included in any updated financial forecasts.	Increased marketing allowance now included (see Rec.8). Recruitment costs factored in to estimates.
14. A detailed forecast should be prepared to substantiate the decision not to proceed with the reduced scheme.	Detailed economic appraisals of three options, including two reduced schemes, have been included in the Outline Business Case. Consequently, it is recommended that tenders be obtained for the full scheme, and the reduced scheme.
15. Review the ratio of super and standard pitches with clear rationale. Revise cost projections and financial forecasts accordingly.	Application of higher rates for super-pitches (see Rec. 16) suggests these will significantly enhance income. However, can be reviewed again as part of any value engineering exercise.
16. The income projections need to split site fees between standard pitches and super pitches of which there are 96 proposed at RVCP. Section 2.4.1 of Appendix 1 suggests that a super pitch will typically levy an additional charge.	Financial projections have now been amended to include higher rates for super pitches.
17. Research into the demand for super pitches should also be obtained as justification for additional cost of super pitch over a standard pitch. (It is interesting to note that from the information supplied in Appendix 1.2.6, only one of the six sites listed (Chatsworth) actually offers the option of a super pitch, which is quoted at a higher rate than a standard pitch.) Research into the demand for the different types of pitches will also enable occupancy levels on the assumptions to be more realistic.	There is limited evidence from other sites due the relatively low number currently offering super-pitches. However, published market analysis states "Camping and caravanning is gradually repositioning itself. Rather than just being the default option for those looking for an affordable way of holidaying, it is starting to be seen as an activity which offers people a high standard and wide choice of accommodation" (Michael Oliver, Senior Leisure and Media Analyst).
18. A revision of the peak and off peak projections is needed. At present, peak is	Financial projections have now been amended to include peak



Recommendation.	Response
quoted as school holidays only. No provision has been made to include weekends outside of school holidays but within the summer months, within RVCP's peak occupancy rates.	rates over summer week-ends.
19. A broader review of site tariffs should be taken, as it would appear that many of the assumptions made by RVCP have been against Caravan Club sites. Care should be taken when benchmarking fees against the Caravan Club alone, as their brand attracts a guaranteed standard of site with consistent facilities and a perception that they can demand a higher price.	2017 benchmarking with 7 other local authority-run sites suggests proposed rates above average, but within range of charges elsewhere. This would reflect high standard of modern facilities at RVCP.
20. The case for an on-site café needs to be reviewed, including a clear indication of the capital costs of providing one. It would also be advisable to provide assumptions that show direct income in line with demand for pitches as evidence that the café will 'pay for itself'.	Architect and QS advise it depends on the scale of works anticipated (ie. a simple coffee machine or fully equipped baristo coffee bar), but suggest there would not be a significant impact on the overall capital cost assuming the building is fit for retro fitting. This can be reviewed as part of any value engineering.
21. A detailed Marketing Plan is required to incorporate activities both pre and post launch. A significant allowance should be made for marketing pre-launch once activity has been carefully researched and planned.	Marketing plan would be prepared if project is to be developed further (i.e. as part of detailed pre-launch business plan), and the budget allowance for marketing has been increased.
22. The occupancy rates / financial forecasts need to be adjusted once the timeframe of opening has been determined.	See response to recommendation 2.
23. The financial forecasts need to provide for the following: <ul style="list-style-type: none"> <li>• Wages costs to bring them in line with the minimum wage legislation and appropriate wage inflation rates for the jobs envisaged.</li> <li>• Marketing costs as per the recommendation in section 3.4 above.</li> <li>• Associated costs for the removal of commercial waste.</li> <li>• Ongoing costs for the septic tank licence if required.</li> </ul>	<p>Amended to include living wage</p> <p>Now included Continuing to develop reliable estimates for commercial waste and septic tank licence.</p>

Recommendation.	Response
<ul style="list-style-type: none"> <li>Repairs (maintenance and sundries) should be reviewed in the financial forecasts.</li> </ul>	<p>Done.</p>
<p>24. The Designer/Architects' opinion should be sought as to whether they feel that the caravan site proposed, along with the specifications intended and the repairs envisaged, would have an economic life of 40 years and beyond.</p>	<p>Adjusted loan repayment period to 20 years, as agreed by Strategic Director, Regeneration and Environment.</p>
<p>25. Confirmation is needed that the interest rate of 4.6% quoted is still realistic and that the Council's lending policy has not changed, specifically given the fall in the Bank of England's Base Rate during 2016.</p>	<p>Finance advises interest rate is now 4.09% - projections amended accordingly.</p>
<p>26. It is evident that revenue is being lost by virtue of the fact that several facilities which attract visitors to the park are leased out to private companies. RVCP are only therefore able to benefit from the secondary spend that occurs from elsewhere in the park in areas they control outright such as those documented within Appendix ii. A review of all lease arrangement is recommended before they are renewed.</p>	<p>This does not affect business case for caravan site. A timetable for review of lease arrangements is in development.</p>

## **Summary Sheet**

### **Committee Name and Date of Committee Meeting**

Council – 13 December 2017

### **Report Title**

Recommendation from Cabinet – Review of District Heating Charges

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

Yes

### **Strategic Director Approving Submission of the Report**

Anne Marie, Strategic Director of Adult Care and Housing

### **Report Author(s)**

Paul Elliott, Business and Commercial Programme Manager  
01709 822494 or paul.elliott@rotherham.gov.uk

Kath Andrews, Principal Finance Officer

01709 255987 or kathleen.andrews@rotherham.gov.uk

### **Ward(s) Affected**

Swinton

### **Summary**

At its meeting on 13 November 2017, the Cabinet considered a report in respect of the review of the District Heating Charges Scheme for the Fitzwilliam estate in Swinton.

The original report providing detail to the proposals is appended in order to provide Members with sufficient knowledge to agree the proposals.

In order to give effect to the recommendations from Cabinet, consideration and approval by Council must be given to the recommendation set out below.

### **Recommendations**

1. That the revised district heating cost model be approved.
2. That the unit Kwh charge across all district heating schemes be reduced to 6.28p per kwh (incl. VAT) and apply retrospectively from 1 April 2017.
3. That the weekly pre-payment charges on all pooled schemes be reduced as detailed in Option 3 of the report.

**List of Appendices Included**

Appendix A - Report to Cabinet and Commissioners' Decision Making Meeting (11 November 2017) – Review of District Heating Charges

Appendix 1 - Options Analysis (Exempt)

**Background Papers**

Review of District Heating Charges, 10 July 2017

District Heating Scheme Charges 2017/18 (9 January 2017)

Self-Regulation Select Commission – Review of RMBC's District Heating Schemes (November 2012).

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Cabinet and Commissioners' Decision Making Meeting – 13 November 2017

Overview and Scrutiny Management Board – 7 November 2017

**Council Approval Required**

Yes

**Exempt from the Press and Public**

*An exemption is sought for Appendix A under paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report contains sensitive commercial information with regards to the potential acquisition of land and negotiation strategy which could disadvantage the Council if the information were to be made public.*

*It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information, as the parties' commercial interests could be prejudiced by disclosure of this commercial information.*

Public Report with Exempt Appendix  
Cabinet and Commissioners' Decision Making Meeting

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**Summary Sheet**

**Name of Committee and Date of Committee Meeting:**

Cabinet and Commissioners' Decision Making Meeting – 13 November 2017

**Council Report:**

Review of District Heating Charges

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

Yes

**Strategic Director Approving Submission of the Report**

Anne Marie Lubanski, Strategic Director for Adult Care and Housing

**Report Author(s)**

Paul Elliott, Business and Commercial Programme Manager  
01709 822494 or paul.elliott@rotherham.gov.uk

Kath Andrews, Principal Finance Officer

01709 255987 or kathleen.andrews@rotherham.gov.uk

**Executive Summary**

A review of district heating has been undertaken following capital investment made to infrastructure that has improved the efficiency and concerns raised by tenants on the Swinton Fitzwilliam Estate about the high cost of heating.

A previous report to Cabinet in July 2017 recommended that a weekly standing charge of £2 be introduced to enable a reduction in kwh charge to 5.65p so mitigating a payment spike for residents on the Swinton Fitzwilliam Estate who are on pre-payment meters. The equivalent charge per kwh if no standing charge was levied would have been 7.09p per kwh. There were concerns expressed by some tenants and ward Members that prompted a further review of charges to be undertaken.

Subsequently, the review has focused on 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.

This report recommends the reduction of the kwh charge to 6.28p per kwh with no standing charge for 2017-18 which will be applied retrospectively from 1 April 2017. These cost reductions will mean that charges for district heating in Rotherham for 2017-18 are comparable to both Sheffield and Doncaster.

## **Recommendations**

1. That the content of the report be noted.
2. That the Council be recommended:-
  - a) To approve the revised district heating cost model.
  - b) To reduce the unit Kwh charge across all district heating schemes to 6.28p per kwh (incl. VAT) and apply retrospectively from 1 April 2017.
  - c) To reduce weekly pre-payment charges on all pooled schemes as detailed in Option 3 of the report.

## **List of Appendices**

Appendix 1 – Options Analysis (Exempt)

## **Background Papers**

Review of District Heating Charges, 10 July 2017

District Heating Scheme Charges 2017/18 (9 January 2017)

Self-Regulation Select Commission – Review of RMBC's District Heating Schemes (November 2012).

## **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Overview and Scrutiny Management Board – 8 November 2017

## **Council Approval Required**

Yes – 13 December 2017

## **Exempt from the Press and Public**

*An exemption is sought for Appendix A under paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report contains sensitive commercial information with regards to the potential acquisition of land and negotiation strategy which could disadvantage the Council if the information were to be made public.*

*It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information, as the parties' commercial interests could be prejudiced by disclosure of this commercial information.*

## **Review of District Heating Charges**

### **1. Recommendations**

- 1.1. That the content of the report be noted.
- 1.2. That Council be recommended:-
  - a) To approve the revised district heating cost model.
  - b) To reduce the unit Kwh charge across all district heating schemes to 6.28p per kwh (incl. vat) and apply retrospectively from 1 April 2017.
  - c) To reduce weekly pre-payment charges on all pooled schemes as detailed in Option 3 of the report.

### **2. Background**

#### **District Heating Charges**

- 2.1 The Council operates two distinct district heating schemes:

- A pooled metered scheme and;
- A pre-paid card meter scheme at Swinton.

Over the last few years charges for each scheme have been brought into line with a phased increase in the kilowatt hour charge towards achieving full cost recovery.

- 2.2 District heating charges are based on a metered charge per kilowatt hour of heat used. A weekly charge is paid by tenants through their rent account for all schemes with the exception of Swinton Fitzwilliam which is via pre-payment meter. Weekly charges for most pooled schemes exceed the actual metered costs and hence 19% of all income received from weekly charges was returned to customers via a refund in 2016/17. This refund is calculated on each individual tenant's kwh usage and does not represent a reduction in kwh charge rate. The Cabinet in January 2013 recommended that the cost of district heating is fully recovered on a phased basis and therefore charges are set at the appropriate level. For 2016-17 there was no increase in charges at 8.72p per kwh. This was the second consecutive year that charges had been unchanged.
- 2.3 In July 2017 the Cabinet agreed to recommend to Council that charges for District Heating should be reduced to 5.65p per kwh and a weekly standing charge of £2 payable from the 2<sup>nd</sup> October 2017. Subsequent to this decision a number of tenants at Swinton Fitzwilliam and local Members expressed concerns that; the standing charge element is confusing and removes choice and they questioned whether staffing and administration costs should be passed onto tenants as they created financial difficulties. As a result a further review of the cost model has been undertaken with the aim of trying to address these concerns.

### **Investment in District Heating**

- 2.4 Over the past 3 years there has been considerable investment upgrading the district heating infrastructure. This has included replacement boilers, distribution pipework and heat meters. Total investment funded through the Housing Revenue Account over the period has been £3.2m.
- 2.5 Given this significant investment in new infrastructure it has resulted in some district heating schemes being more energy efficient so reducing the Council's running costs. This has been particularly evident at the Swinton Fitzwilliam Estate where new boiler installations have reduced operating costs and new heat meters have ensured heat use is now recorded and billed accurately.

### **Swinton Fitzwilliam Estate**

- 2.6 Tenants on the Swinton Fitzwilliam Estate, supported by ward Members have raised concerns about the difficulties they were having in being able to afford the costs of heating their homes. Many tenants were experiencing difficulty paying to heat their homes during the winter period based on the prevailing 8.72p per kwh charge rate. This rate had been agreed by Council in January 2016 for the 2016-17 financial year.
- 2.7 Given the upgrade to the district heating system was ongoing at the time of 2016-17 budget setting, potential cost savings from installation of new infrastructure were not known and so the previous decision by Cabinet in January 2012 to pursue full cost recovery across the district heating schemes the charge rate of 8.72p per kwh was retained for 2017-18 pending a review.
- 2.8 Within the budget setting report a commitment was made that after a full year of operation any over recovery of income would be refunded to tenants. This was also confirmed in writing to tenants living on the estate.
- 2.9 An interim refund was issued to tenants prior to the year-end based on known income and expenditure between April – December 2016. The refund was issued to all tenants, with the exception of those with historic district heating debt, in February 2017.
- 2.10 A further refund was issued to tenants in April 2017 covering the date of heat meter installation until 31 March 2016. A final refund was issued 22 May 2017 based on known income and expenditure for the entirety of 2016-17.

### **3. Key Issues**

- 3.1 Following the review of the prevailing charge rate for district heating at Swinton Fitzwilliam a full review of the cost model and subsequent charging rates was undertaken across all district heating schemes. The Cabinet recommended to Council at its meeting of 10 July 2017 that charges be reduced to 5.65p per kwh (applied retrospectively from 1 April 2017) and a weekly standing charge of £2 from 2 October 2017.



- 3.2 Following this recommendation tenants on the Swinton Fitzwilliam Estate along with local Councillors expressed further concerns about district heating charges. Their concerns included:
- The confusion and merit of implementing a weekly standing charge
  - The equity of treating Swinton Fitzwilliam and Pooled schemes as one for charging purposes when the Swinton Fitzwilliam Estate has different metering and is more efficient following recent investment
  - Including staffing, administration and metering costs in the cost recovery calculations makes the proposed charging rate still unaffordable for many tenants
- 3.3 As a result of these concerns a further review of the cost model has been undertaken. This report now details a further option for district heating charges that reduces costs for tenants on district heating whilst being fair to other tenants who are on mains gas fuelled heating systems. As previous, this review will ensure a charging structure that is fair to all tenants on district heating throughout the borough is adopted.
- 3.4 In calculating the revised kwh rate the following assumptions have been made:
- Forecast 2017-18 expenditure is based on actual 2016-17 costs of operating the district heating schemes and not the budget that was originally set in January 2017. The original budget was based on actual operating costs for 2015-16 as these were the only actual full year costs available at the time of budget setting.
  - Forecast income is based on the actual number of kwh purchased by tenants in 2016-17.
  - Throughout 2017-18 further investment will continue to improve the efficiency of district heating systems. No allowance has been made for further reductions in the Council's operating costs that may result.
  - The kwh charge the Council pays for utilities is assumed to remain the same. Utility costs used in calculating the cost of district heating include electricity and gas.
  - Income from the Renewable Heat Incentive subsidy scheme has been included based on actual income received in 2016/17. This reduces the amount to be recovered via tenant charges.
- 3.5 In completing this work Sheffield City Council have undertaken a review of the principles behind the cost model and are satisfied that the costs have been calculated fairly. The basis is similar to those used for the modelling in Sheffield taking into account the economies of scale that Sheffield can rely on.
- 3.6 The cost models are based on all properties on district heating schemes across the borough being pooled and treated as one scheme. As a result there will be a cross subsidy between individual district heating scheme locations i.e. one location may make a loss and another profit, but all tenants throughout the borough will pay the same kwh rate. However, all tenants will see a reduction from the current charge rate of 8.72p per kwh. The details of each option previously recommended along with the new recommended option are set out below:

**Option 1 – Reduced kwh charge and £2 per week standing charge  
(Recommendation to Cabinet 10 July 2017)**

	2017-18 (current)	Average Bill £ (7,200 kwh)	2017-18 (proposed)	Average Bill £ (7,200 kwh)	Reduction £
Unit Cost per kwh	8.72p	627.84	5.65p	406.80	
Standing charge	0	0	£2 per week	104	
Total £		627.84		510.80	-117

- 3.7 This would ensure all costs of operating district heating are recovered including administration. It is proposed to include a weekly standing charge to mitigate against seasonal payment spikes.
- 3.8 The administration costs include the cost of service charges for heat meters, staffing costs for management and administration of accounts, postage and printing for billing. All charges would be applied retrospectively from 1 April 2017 and relevant refunds placed on the rent account and issued as part of district heating quarterly billing cycle. It is anticipated this would take until mid-January 2018 to action.

**Advantages**

- Full cost recovery including administration and metering costs
- Consistent charging across all schemes
- Reduced costs for tenants

**Disadvantages**

- Does not address tenants concerns in relation to levying a standing charge and recovery of administration costs.

**Option 2 - Reduced kwh charge and £2 per week standing charge from 2 October 2017 (Approved by Cabinet 10 July 2017)**

	2017-18 (current)	Average Bill £ (7,200 kwh)	2017-18 (proposed)	Average Bill £ (7,200 kwh)	Reduction £
Unit Cost per kwh	8.72p	627.84	5.65p	406.80	
Standing charge	0	0	£2 per week	52	
Total £		627.84		458.80	-169

- 3.9 This would ensure all costs of operating district heating are recovered. It is proposed to include a weekly standing charge to mitigate against seasonal payment spikes.
- 3.10 The administration costs include the cost of service charges for heat meters, staffing costs for management and administration of accounts, postage and printing for billing. All charges would be applied retrospectively from 1 April 2017 with the exception of the standing charge which would have been applied from 2 October 2017. Relevant refunds would be placed on the rent account and issued as part of district heating quarterly billing cycle. It is anticipated this would take until mid-January 2018 to action.

**Advantages**

- Full cost recovery including administration costs for future years
- Consistent charging across all schemes
- Reduced costs for tenants

**Disadvantages**

- Under recovery of full costs by £65k in 2017-18.
- Does not address tenants concerns in relation to levying a standing charge and recovery of administration costs.

**Option 3 – Charge fuel cost only with no standing charge – recommended**

	2017-18 (current)	Average Bill £ (7,200 kwh)	2017-18 (proposed)	Average Bill £ (7,200 kwh)	Reduction £
Unit Cost per kwh	8.72p	627.84	6.28p	452.16	
Standing charge	0	0	0	0	
Total £		627.84		452.16	-176
Weekly pooled meter charges:	£		£		
Bedsit	11.81		9.66		-2.15
1 Bed	13.76		11.25		-2.51
2 Bed	15.78		12.90		-2.88
3/4 Bed	18.26		14.93		-3.33

- 3.11 This would limit cost recovery to fuel costs only. All staffing, administration and metering costs have been omitted and would in future be funded through general HRA resources which is the same as staffing costs associated with Gas Servicing and Safety inspections for individual central heating systems. All charges would be applied retrospectively from 1 April 2017 and relevant refunds placed on the rent account and issued as part of district heating quarterly billing cycle. Tenants on pre-payment meters would be issued with refunds for the period 1 April to 30 November 2017 following decision by the Council. The remaining refund for the period 1 December to 13 December 2017 would be applied as a credit to the heat meter. By processing the refunds in this way it will ensure tenants receive a refund prior to Christmas. The new charge rate will be applied to the meter remotely on 14 December 2017.

**Advantages**

- Reduced costs for tenants. The average bill will reduce by £176.
- Consistent charging across all schemes so is equitable for all tenants
- Is a positive response to tenant and member concerns

**Disadvantages**

- Does not deal with winter payment spike for tenants and residents on pre-payment meters.

- It would result in a cost under recovery of £73k in respect of not recovering the costs of staffing, administration and metering charges which would therefore be a general cost to the HRA.

#### **4. Options considered and recommended proposal**

- 4.1 The options detailed in the main body of the report outline the cost to tenants and forecast deficit to the HRA depending on the option chosen. To ensure that all tenants on district heating pay at the same rate it is recommended that the Council move to district heating scheme (Option 3). This will result in an average bill reducing by £176 in 2017-18 assuming the average 7,200 kwh usage remain unchanged.
- 4.2 There will continue to be an annual review each year as part of the budget setting cycle. This will continue to increase or decrease the kwh charge depending on total income and expenditure forecast for the forthcoming year. Any forecast over-recovery of income in the current financial year would lead to a price adjustment in the subsequent financial year.
- 4.3 By adopting the recommended option this would mean for 2017-18 charges were comparable to other Local Authority district heating providers in the sub-region as illustrated in the table below:

<b>Charge Rate</b>	<b>Rotherham</b>	<b>Doncaster</b>	<b>Sheffield</b>
Pence per kwh	6.28	6.09	3.04
Standing charge/ credit	0	0	£4 per week (over 50 weeks)  (£14.54 monthly amenity charge for leaseholders and RTB properties only)
Total based on 7,200 kwh per annum	£452	£438.48	£418.88

- 4.4 It should be noted Sheffield currently offer a subsidised rate, if this was not offered the charge rate would be 3.72p per kwh or £467.84 per year based on 7,200 kwh.

#### **5. Consultation**

- 5.1 The Improving Places Select Commission has been briefed on the options review.
- 5.2 A series of consultation events have been held on district heating schemes during August and September 2017. The feedback has been included in developing this report

#### **6. Timetable and Accountability for Implementing this Decision**

- 6.1 Cabinet is asked to consider the proposals at its meeting on 13 November 2017 and to recommend final approval by the Council on 13 December 2017. Assuming Council agreement, Tenants will be advised of revised charges week commencing 18 December 2017.

- 6.4 Pooled schemes will have relevant refunds placed on the rent account and issued as part of district heating quarterly billing cycle. It is anticipated it will take until mid-January 2018 to update all pooled metered accounts.
- 6.5 Tenants on pre-payment meters will be issued with refunds for the period 1 April to 30 November 2017 during the w.c.18 December 2017. The remaining refund balance for the period 1 December to 13 December 2017 will be applied as a credit to the heat meter. The new charge rate will be applied to the meter remotely on 14 December 2017.

## **7. Financial and Procurement Implications**

- 7.1 The financial implications of each option are outlined in sections 3 and 4 of the report. The new unit rates have been calculated using the 2016/17 actual financial and usage data for district heating.
- 7.2 In 2016/17 the actual average annual usage of all tenants was approximately 7,200 kwh. This has been used to model the average costs for all tenants. However, individual charges to tenants could be higher or lower than this value dependent upon their actual usage.
- 7.3 The average cost per tenant in 2016/17 was £628 per annum. Option 3 would see this average cost fall to £452 per annum. Appendix 1 shows the details for each option.
- 7.4 The proposed option would result in a potential cost under-recovery of £73k for the HRA which would therefore fall as a general cost to the HRA. This would be funded from emerging revenue underspends in the current year and in future years would be absorbed within the HRA business plan to ensure the future sustainability of the HRA.

## **8. Legal Implications**

- 8.1 Section 24 of the Housing Act 1985 allows local authorities to make such reasonable charges as they may determine for a tenancy or occupation of their houses. Further, it requires the local authority from time to time to review rents and other charges (such as district heating charges) and make such changes, as circumstances may require. The changes proposed in the recommendations to this report would fall within the ambit of the Council's discretion as set out in section 24 of the Housing Act 1985.

## **9. Human Resources Implications**

- 9.1 There are no Human Resources implications arising from this report.

## **10. Implications for Children and Young People and Vulnerable Adults**

- 10.1 The reduction in district heating charges will assist families and vulnerable adults living in properties on district heating. This will mean they have more money for other living expenses such as their rent, thereby reducing the risk of being evicted due to rent arrears.

**11. Equalities and Human Rights Implications**

- 11.1 There are no direct implications in approving the recommended option. However if the option to subsidise the heating charges of tenants on district heating was pursued this would create inequality with other tenants who are on mains gas and do not have the option to receive a subsidy from the Council towards the cost of their heat and hot water.

**12. Implications for Partners and Other Directorates**

- 12.1 There are no direct implications for partners and other directorates.

**13. Risks and Mitigation**

- 13.1 Through reducing the rate charged the Council may not be able to recover any additional costs it incurs so inadvertently operating at an even greater deficit. This may occur if kwh charges for utility cost were higher than budgeted or Renewable Heat Incentive Income is lower than budgeted. These risks are minimal and the financial impact would be borne by HRA reserves if required.
- 13.2 There is also a reputational risk that the Council may be criticised for not investing further in district heating infrastructure, such as Biomass which can reduce costs to the tenant due to grant income received.

**14. Accountable Officer(s)**

Tom Bell, Assistant Director of Housing and Neighbourhoods Services.

**Approvals Obtained from:**

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services	Judith Badger	26/10/2017
Assistant Director of Legal Services	Neil Concannon	06/09/2017
Head of Procurement (if appropriate)	N/A	
Head of Human Resources (if appropriate)	N/A	

*Report Authors: Paul Elliott, Business and Commercial Programme Manager  
Kath Andrews, Principal Finance Officer*

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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## Summary Sheet

### Committee Name and Date of Committee Meeting

Council – 13 December 2017

### Report Title

Local Government Boundary Commission for England's Review of Ward Boundaries in Rotherham – Notification of Final Recommendations

### 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  
01709 822477 or james.mclaughlin@rotherham.gov.uk

### Ward(s) Affected

All

### Summary

The Council has now received the Local Government Boundary Commission for England's (LGBCE) final recommendations for the future warding of Rotherham.

The Commission's proposals were published on 31 October 2017 and confirm that there should be 59 councillors in the borough elected from 25 wards, which is four wards more, but four councillors fewer than there are at present. The Commission also proposes changes to all of the current ward boundaries in the borough.

This report is submitted to ensure that all Members are aware of the final recommendations from the LGBCE.

### Recommendations

1. That the final recommendations of the Local Government Boundary Commission for England in respect of the future council size and warding arrangements in the borough of Rotherham be noted.
2. That the future Council size of 59 Members and the operation of 25 electoral wards from May 2020 be noted.



**List of Appendices Included**

**Background Papers**

Report to Council – Review of Ward Boundaries and the Size of the Council – 13 July 2016

Report to Council – Review of Ward Boundaries and the Size of the Council – 7 September 2016

Report to Council – Local Government Boundary Commission for England's Review of Ward Boundaries in Rotherham – 8 March 2017

Report to Council – Local Government Boundary Commission for England's Review of Ward Boundaries in Rotherham – 12 July 2017

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Local Government Boundary Commission for England's Review of Ward Boundaries in Rotherham**

### **1. Recommendations**

- 1.1 That the final recommendations of the Local Government Boundary Commission for England in respect of the future council size and warding arrangements in the borough of Rotherham be noted.
- 1.2 That the future Council size of 59 Members and the operation of 25 electoral wards from May 2020 be noted.

### **2. Background**

- 2.1 Following the move to all-out elections in Rotherham in May 2016, the Local Government Boundary Commission for England (LGBCE) commenced an electoral review of the Council in July 2016. There are two key stages for the electoral review:
  - a) Preliminary Stage – for the Council to indicate what size of membership would be appropriate to undertake the functions and responsibilities of the authority in future and to reach agreement on this with the LGBCE.
  - b) Second Stage – for the LGBCE to consult upon the future warding pattern for the Borough. Taking account of the overall number of councillors, there will be a need to create ward boundaries which address the criteria of electoral equality, community identity and effective and convenient local government. Taking account of consultation, the LGBCE to issue draft and then final recommendations for the future pattern of wards.

### **3. Key Issues**

- 3.1 On 13 July 2016, the Council authorised the Chief Executive to submit a draft submission on Council size to the LGBCE in the light of the representations received from the Constitution Working Group.
- 3.2 On 7 September 2016, the Council agreed a submission that the future size of the membership should be 59 councillors from May 2020. It further agreed that the Constitution Working Group continue to lead on the electoral review for the duration of the process, subject to any further proposals being agreed by Council for submission to the LGBCE. On 21 February 2017, the LGBCE indicated that it was minded to recommend a membership of 59 councillors.
- 3.3 On 28 February 2017, LGBCE commenced a period of consultation until 8 May 2017 seeking suggestions for the warding arrangements for the borough to fit the reduced membership of 59 councillors. The reduction in council size meant that 8 of Rotherham's 21 existing wards no longer had viable electorates and change was therefore inevitable. The move to all-out elections also meant that wards were no longer restricted to having three councillors and smaller wards might allow a better fit to local communities.

- 3.4 On 8 March 2017, Council agreed to delegate authority to the Chief Executive, in consultation with the Constitution Working Group, to submit a warding proposal on behalf of RMBC. Consultation with Members took place at well attended drop-in sessions held on 23 March and 11 April. The review was also discussed at the Parish Council Liaison Group in March. Taking account of Member feedback, the Constitution Working Group agreed a warding scheme on 21 April and the Council submitted a boroughwide proposal to the LGBCE on 4 May. A number of parish councils and individuals, including councillors, also made their own comments.
- 3.5 On 4 July 2017, LGBCE published their draft recommendations for a warding arrangement for the borough and invited comments upon these by 4 September 2017. The recommendations largely reflected the Council's proposals with a number of minor amendments. The Constitution Working Group met on 4 August and agreed to support the draft recommendations with one exception relating to Wickersley. The Parish Council Liaison Group was also informed of the draft recommendations. The Council responded to the consultation, as did a number of other organisations and individuals, including some councillors. This was the final period of consultation by the LGBCE during the review.
- 3.6 On 31 October 2017, the LGBCE published its final recommendations. There is no provision in legislation for further representations to be received in relation to these. The LGBCE will lay a draft order before Parliament in December, and after 40 days this will be given effect following the draft negative resolution procedure and become law early in 2018. The final proposals can be summarised as follows:
- Rotherham MBC will be represented by **59 councillors**, four fewer than now.
  - Rotherham MBC will have **25 wards**, four more than now.
  - 9 wards will have 3 councillors and 16 wards will have 2 councillors.
  - The boundaries of all wards will change, some wards will be similar to existing wards but others will be quite different.
  - The new boundaries come into force in May 2020
- 3.7 Councillors will continue to represent their existing wards until the next borough-wide local elections in May 2020. All 59 seats will then be contested using the new ward boundaries. Any by-election which takes place before May 2020 will be held using the relevant existing ward boundary.
- 3.8 The final recommendations are based largely on the draft recommendations with four changes affecting some of the proposed wards as follows:

- A few houses on Golden Smithies Lane, Wath (19 electors), to be in Wath ward rather than Swinton Rockingham, as originally proposed by the Council.
- The two Maltby wards to be divided along Braithwell Road, as originally proposed by the Council. This affects 181 electors.
- Wickersley North to be bounded by Bawtry Road along its entire southern boundary, as originally proposed by the Council. This affects 379 electors.
- The proposed Maltby West ward to be named Hellaby & Maltby West.

3.9 The changes to the draft proposals are relatively minor and three were originally proposed by the Council in response to the first consultation in May. The use of Hellaby in a ward name acknowledges this parish and continues an existing use of Hellaby in a ward name.

#### **4. Options considered and recommended proposal**

4.1 This report is submitted for information and the Council is asked to note the final recommendations of the LGBCE.

#### **5. Consultation**

5.1 As the review process has now concluded, there is no further opportunity to formally comment on the recommendations.

#### **6. Timetable and Accountability for Implementing this Decision**

6.1 There is no formal decision required by Council in respect of this report.

#### **7. Financial and Procurement Implications**

7.1 There are no financial or procurement implications directly arising from this report. However, changing the number of councillors and the number of wards will have financial consequences in terms of member allowances and the cost of running elections.

#### **8. Legal Implications**

8.1 LGBCE have undertaken an electoral boundary review in accordance with the statutory criteria detailed in Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009, which requires LGBCE to have regard to the need to:

- Secure equality of representation;
- Reflect the identities and interests of local communities; and
- Effective and convenient local government

#### **9. Human Resources Implications**

9.1 There are no human resources implications arising from this report.

**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 this report.

**11 Equalities and Human Rights Implications**

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

**12. Implications for Partners and Other Directorates**

- 12.1 Partners have been written to by the LGBCE and made aware of the final recommendations. As electoral wards are not only used by the Council in the delivery of services and analysis of data, partners will need to take account of and plan for the changes with effect from May 2020.

**13. Risks and Mitigation**

- 13.1 Failure to ensure electoral representation is fair and equitable restricts the Council's ability to deliver services reflective of local need, demands and choice. The final recommendations from the LGBCE have been designed as a mitigation to any associated risk.

**14. Accountable Officer(s)**

Sharon Kemp, Chief Executive  
Dermot Pearson, Assistant Director of Legal Services

Approvals obtained from:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services	Judith Badger	05/12/2017
Assistant Director of Legal Services	Dermot Pearson	04/12/2017
Head of Procurement (if appropriate)		
Head of Human Resources (if appropriate)		

*Report Author: James McLaughlin, Democratic Services Manager  
01709 822477 or james.mclaughlin@rotherham.gov.uk*

This report is published on the Council's website or can be found at:-  
<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

**Council Report**

Council - 13 December 2017

**Title**

Community Governance Review - Orgreave Parish Council

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

Not applicable

**Director Approving Submission of the Report**

Judith Badger, Strategic Director of Finance and Customer Services

**Report Author**

Dermot Pearson, Assistant Director of Legal Services  
01709 255768 or [dermot.pearson@rotherham.gov.uk](mailto:dermot.pearson@rotherham.gov.uk)

**Ward(s) Affected**

Rother Vale, Brinsworth & Catcliffe

**Executive Summary**

At its meeting on 3<sup>rd</sup> June, 2015, Council received a report following the submission of a statutory petition from Orgreave Parish Council requesting a Community Governance Review to alter the boundary of the Parish Council to cover only the settlement of Orgreave and the creation of a new Parish Council to cover the remainder of the current area of Orgreave Parish Council, which would include the southern part of the Waverley settlement. Council agreed that a Community Governance Review should be undertaken, approved the Terms of Reference for the review and resolved that a further report be submitted with the results of the consultation exercise.

A consultation exercise did take place but no further report was submitted to Council. This report seeks to rectify that omission. There has been significant development on the Waverley site since 2015 and this report outlines the various proposals which have emerged from recent discussions with Orgreave Parish Council, Catcliffe Parish Council, the Waverley Residents Association and Ward Members. The report makes recommendations for the further progress of the Community Governance Review.

## **Recommendations**

1. That the modified terms of reference set out at Appendix 4 of this report be agreed.
2. That further consultation take place as set out at section 4 of this report.
3. That a further report on the outcome of the further consultation be submitted to the Council in due course.

## **Appendices**

Appendix 1 - Petition from Orgreave Parish Council

Appendix 2 - Terms of Reference [approved June 2015]

Appendix 3 - Consultation Responses [2015]

Appendix 4 - Proposed Modified Terms of Reference including Plans

## **Background Papers**

- Report to the meeting of Council on 3<sup>rd</sup> June, 2015 - "Community Governance Review Orgreave Parish"
- Guidance on Community Governance Reviews [Department for Communities and Local Government and the Local Government Boundary Commission for England, March 2010]

## **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

## **Council Approval Required**

Yes

## **Exempt from the Press and Public**

No

## **Community Governance Review - Orgreave Parish Council Review of the Constitution**

### **1. Recommendations**

- 1.1 That the modified terms of reference set out at Appendix 4 of this report be agreed.
- 1.2 That further consultation take place as set out at section 4 of this report.
- 1.3 That a further report on the outcome of the further consultation be submitted to the Council in due course.

### **2. Background**

- 2.1 At its meeting on 3 June 2015 Council received a report following the submission of a petition from Orgreave Parish Council requesting a community governance review to alter the boundary of the Parish Council to cover only the settlement of Orgreave and the creation of a new parish council to cover the remainder of the current area of Orgreave Parish Council, which would include the southern part of the Waverley settlement. Council agreed that a community governance review should be undertaken, approved the terms of reference of the review and resolved that a further report be submitted with the results of the consultation exercise.
- 2.2 A consultation exercise did take place but no further report was submitted to Council. This report seeks to rectify that omission. There has been significant development on the Waverley site since 2015 and this report summarises the consultation responses received in 2015, outlines the various current proposals and recommends the modification of the terms of reference and further consultation before a final decision is made on the community governance review.
- 2.3 The report received by Council on 3 June 2015 confirmed that:
  - 2.3.1 The petition received [Appendix 1 to this report is the first page of signatures and the plan from the petition], met the requirements of the Local Government and Public Involvement in Health Act 2007 [“the 2007 Act”].
  - 2.3.2 The Council was therefore required to carry out a community governance review, to agree terms of reference for the review and to carry out statutory consultation.
  - 2.3.3 The Council should have regard to the need to secure that community governance in the area under review:
    - 2.3.3.1 Reflects the identities and interests of the community in that area, and
    - 2.3.3.2 Is effective and convenient.



2.3.4 The Guidance on Community Governance Reviews (issued by the Department for Communities and Local Government and the Local Government Boundary Commission for England in March 2010) [the Guidance] required consideration to be given to:

2.3.4.1 The impact of community governance arrangements on community cohesion;

2.3.4.2 The size, population and boundaries of the local community or parish

### **3. The 2015 Consultation Responses**

3.1 Following the meeting of Council on 3 June 2015 a consultation exercise took place between 1 June 2015 and 28 August 2015. This resulted in 16 responses being received. 12 responses were in favour of the proposal in the Petition, 2 were against and 2 raised queries.

3.2 The responses are at Appendix 3 and the comments made by respondents included:

3.2.1 There are two separate communities within the Orgreave Parish and new facilities are being planned for Waverley.

3.2.2 Waverley residents do not want to pay council tax and management fees and do not want another parish council.

3.2.3 Any new parish should be called Highfield Springs and not Waverley.

### **4. The Current Position**

4.1 Since 1 December 2015 the number of registered electors living in the two polling districts on the Waverley development has increased from 660 to 1211. The area covered by the Orgreave Parish Council includes the Orgreave polling district, where the number of electors has reduced from 592 to 584 and the Waverley South polling district where the number of electors has increased from 449 to 901. Since the creation of the settlement at Waverley the numbers of electors living in the Waverley South polling district within the Orgreave Parish Council area has increased to the point where they outnumber electors living in the Orgreave polling district by nearly two to one.

4.2 The area covered by the Catcliffe Parish Council includes the Catcliffe polling district, where the number of electors has increased from 1534 to 1541 since 1 December 2015 and the Waverley North polling district where the number of electors has increased from 211 to 310. Projections provided to the Local Government Boundary Commission for England [LGBCE] stated that between 2016 and 2022 a further 160 dwellings would be completed in the Waverley North Polling District and a further 638 dwellings would be completed in the Waverley South polling district. A recent planning application for the construction of a mixed use centre for retail and services, including food and drink, a community centre and a bus station was referred to the Secretary of State by the Planning Board at its meeting on 26 October 2017.

- 4.3 On 31 October 2017 the LGBCE published its *Final recommendations on the new electoral arrangements for Rotherham Metropolitan Borough Council* and in those recommendations noted that some respondents commenting on the Waverley area had asked the LGBCE to halt their review so that steps could be taken to bring into effect changes to parish boundaries and the creation of a new parish. The LGBCE noted that it had no power to create parishes or amend their boundaries; which is a matter for the Council, and were not prepared to delay the completion of their review.
- 4.4 The LGBCE's final recommendations therefore had regard to the boundaries of the parishes as they currently exist. Those final recommendations transfer the Orgreave polling district, from the current Rother Vale Ward to the proposed new Aughton and Swallownest Ward while the Waverley settlement would form part of the new Rother Vale ward. Subject to the parliamentary process these new arrangements will take effect from the local elections in 2020. One of the considerations the LGBCE takes into account is the need to reflect community identity and their recommendations suggest that they saw the settlement of Orgreave's community identity as lying with Aughton & Swallownest rather than with Rother Vale and Waverley.
- 4.5 The Council's Neighbourhoods Officers have spoken to Orgreave Parish Council, Catcliffe Parish Council, the Waverley Residents Association and Ward Members to seek their thoughts on the community governance review. Those discussions have identified the following options for community governance in Orgreave, Waverley and Catcliffe:
- 4.5.1 No change which would maintain the status quo, leaving Catcliffe and Orgreave parishes unchanged, until the Waverley settlement is considerably larger.
- 4.5.2 The implementation of the proposals in the Petition, namely to divide the parish of Orgreave to form a separate parish council for the Orgreave polling district (KB) which covers the settlement of Orgreave plus a new parish council for the Waverley South polling district (KG). Given the lapse of time since the consultation in 2015 and the increase in the number of electors, there will be a significant number of residents of Waverley who would be affected by this proposal but who have not been consulted.
- 4.5.3 A new parish council for the area covered by the two Waverley polling districts (CG and KG). This would require the alteration of the boundaries of the Orgreave Parish Council to reduce its area to cover only the Orgreave polling district (KB) which consists of the settlement of Orgreave itself, and the alteration of the boundaries of the Catcliffe Parish Council to reduce its area to cover only the Catcliffe polling district (CF).

4.5.4 To remove the two Waverley polling districts from the areas of the Orgreave and the Catcliffe Parish Councils and leave them unparished. This would involve the alteration of the boundaries of the two existing Parish Councils as for 4.3.2 above. The Guidance suggests that parished areas becoming unparished as a result of a community governance review would be undesirable in the absence of community governance arrangements being in place.

## **5. Terms of Reference**

5.1 Under section 81 of the Local Government and Public Involvement in Health Act 2007 Act [the 2007 Act ] it is for the principal council to decide the terms of reference of any community governance review which it is to undertake and once the terms of reference are decided to publish the terms of reference. The Terms of Reference approved by Council at its meeting on 3 June 2015 are at Appendix 2.

5.2 The Guidance on Community Governance Reviews [the Guidance] states that:

*Local people may have already expressed views about what form of community governance they would like for their area, and principal councils should tailor their terms of reference to reflect those views on a range of local issues. Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.*

And Section 81 of the 2007 Act allows for the modification of terms of reference.

5.3 The Council has the opportunity to modify the Terms of Reference published in 2015 to include the options for community governance identified in paragraph 4.5 above. This would enable the Terms of Reference to be tailored to reflect the current views expressed by the representatives of local people and would form the basis of further consultation in the light of the development in the Waverley polling districts which has taken place since 2015.

5.4 Draft modified terms of reference which set out the options for community governance set out at paragraph 4.5 are set out at Appendix 4 and include updated information.

## **6. Key Issues**

6.1 The proposal in the Petition is for the area of the Orgreave Parish Council to be reduced to the area of the Orgreave polling district and for the remainder of the current area of Orgreave Parish Council, which is covered by the Waverley South polling district to have its own Parish Council. Those are the proposals upon which the consultation in late 2015 were based and no specific consultation took place on any alternative options, for example the option of creating a parish council for the whole Waverley Settlement covering the Waverley North and Waverley South polling districts. The Petition proposal proposes that only the southern part of the Waverley settlement should have its own parish council.

- 6.2 It is clear that since the Petition was considered by Council at its meeting on 3 June 2015 the Waverley settlement has grown significantly, and will continue to do so, as set out at section 4 above. A corresponding interest in the issue of whether the Waverley settlement as a whole should have a parish council of its own has developed. Implementation of the proposal set out in the Petition would leave the Waverley settlement split between the area of Catcliffe Parish Council and the area of the proposed new Parish Council for the Waverley South polling district. A decision to implement the proposals set out in the Petition would also have the effect of creating community governance arrangements for residents of the Waverley South polling district who have moved into the Waverley settlement since the previous consultation in 2015 and whose views have never been sought.
- 6.3 Given the need for decision-making in relation to the community governance review to have regard to the need for the outcome to reflect the identities and interests of the community in that area, it would be appropriate for the review to include consultation on the option of a separate Parish Council for the Waverley settlement based on the Waverley North and Waverley South polling districts as one of the potential options.

## **7. Options considered and recommended proposal**

### **Option 1**

- 7.1 To progress the community governance review on the basis of the consultation which took place in 2015. This is not recommended as the Waverley settlement has grown significantly since that consultation closed, new options have emerged since which have not been consulted upon and in particular because people who have moved into the Waverley South polling district since that consultation would have had no voice in the review.

### **Option 2**

- 7.2 To modify the terms of reference for the community governance review as set out at Appendix 4, to include options for community governance which have emerged, and to carry out further consultation on the basis of those modified terms or reference. The outcome of the further consultation would then be reported back to Council. This is the recommended option as it would allow the review to take account of the current stage of the development of the Waverley settlement, the options for community governance which have emerged since the previous consultation and the views of all those who will be affected by the community governance review. A further report on the outcome of the further consultation would be brought to Council.

## **8. Consultation**

- 8.1 The proposed further consultation would take place over a 12 week period between 15 January 2018 and 16 April 2018 and a further report would then be brought to a meeting of Council.

- 8.2 The consultation would be with local people potentially affected by the community governance review, local parish councils, the Waverley Residents Association and other stakeholders such as Harworth Estates, local businesses, local public and voluntary organisations. The consultation would include advertisements in the press, letters to local residents, drop-in sessions and detailed information on the Council's website.

## **9. Timetable and Accountability for Implementing this Decision**

- 9.1 If the recommendations set out above are adopted, Council will receive a further report on responses to the further consultation at its Annual Meeting on 18 May 2017.

## **10. Financial and Procurement Implications**

- 10.1 There will be a cost to the Council in respect of the consultation exercise associated with this Community Governance Review. This will be in respect of the cost of advertising, postage, room hire and officer time in undertaking the review. It is considered that this cost should not exceed £10,000.

## **11. Legal Implications**

- 11.1 The legal issues relating to community governance reviews are set out in the body of the report.
- 11.2 The 2007 Act sets a time limit for completion of community governance reviews. At the time of the receipt of the Petition the Council was required to conclude the community governance review within the period of 12 months starting with the day on which the Council began the review. The Council began the review with the decisions made at its meeting on 3 June 2015. The time limit has therefore not been met. This report seeks to bring the review to a conclusion as soon as is compatible with proper consultation.

## **12. Human Resources Implications**

- 12.1 There are no human resources implications arising from this report.

## **13. Implications for Children and Young People**

- 13.1 There are no direct implications for children and young people arising from this report.

## **14. Equalities and Human Rights Implications**

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

## **15. Implications for Partners and Other Directorates**

- 15.1 There are implications for existing Parish Councils as set out in the body of this report.

**16. Risks and Mitigation**

- 16.1 The 2007 Act requires that local people are consulted during a community governance review, that representations received in connection with the review are taken into account and that steps are taken to notify them of the outcomes of such reviews including any decisions. When undertaking the review the Council must have regard to the need to secure that community governance reflects the identities and interests of the community in the area under review, and the need to secure that community governance in that area is effective and convenient.
- 16.2 Without effective consultation there is the risk that recommendations arising from the review would not reflect the identities and interests of local communities or effective and convenient community governance. That risk is proposed to be mitigated by the proposed further consultation.

**17. Accountable Officer(s)**

Dermot Pearson, Assistant Director of Legal Services

Approvals Obtained from:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services	Judith Badger	05.12.2017
Assistant Director of Legal Services	Dermot Pearson	05.12.2017
Head of Procurement (if appropriate)		
Head of Human Resources (if appropriate)		

*Report Author: Dermot Pearson, Assistant Director of Legal Services*

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**ORGREAVE PARISH COUNCIL – PETITION TO R.M.B.C.**

**Reason:** To alter the existing boundary of the Parish of Orgreave to enable a new parish to be formed for the area known as Waverley.

We the undersigned, being residents in the Parish of Orgreave, hereby petition Rotherham Metropolitan Borough Council to undertake a Community Governance Review for the above reason.

This petition is undertaken in accordance with section 80 of the Local Government and Public Involvement in Health Act 2007.

FULL NAME	FULL ADDRESS	SIGNATURE
G. SINGLETON	5 ST JAMES WALK S12 9X1	
SUSAN WOODHAM	" "	
Louise Gregory	14 Coalbrook Rd	
Mathew Cander	" "	
K. Lapper	16 coalbrook RD	
DJ Lapper	" "	
D. LEADER	15 coalbrook RD	
C. LEADER	18 Coalbrook Rd	
	20 Coalbrook RD	
CHARLOTTE BOWEN	26 COALBROOK RD	
NICKY TURNER	26 COALBROOK RD	
LAURA BURGESS	34 COALBROOK RD	
JAMES BURGESS	" " "	
A. HEMSTOCK	12 COALBROOK AVE	
A.M. HEMSTOCK	" " "	
KAREN ALLISON	33 COALBROOK ROAD	
PAUL ALLISON	33 COALBROOK ROAD	
D. ALLEN	10 coalbrook grove	
J Allison	38 coalbrook Road	
Imlean	31 COALBROOK ROAD	
We team	" "	

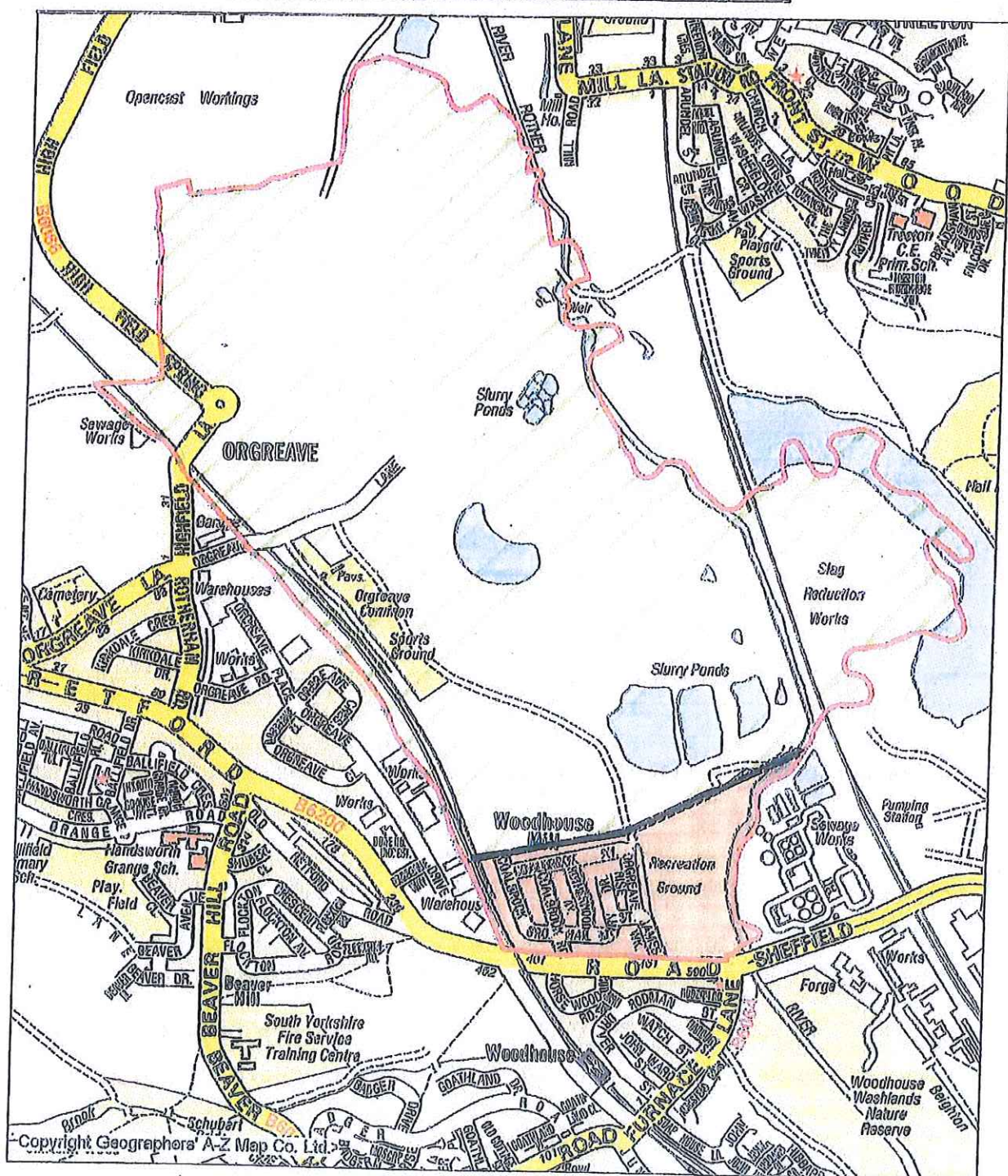


The existing Parish of Orgreave is defined on the map shown below as the area contained within the red boundary line.

The proposed new area of Orgreave Parish to consist of the area highlighted in orange on the map shown below. The western, southern & eastern boundary to remain as per the existing Orgreave Parish & Rotherham Borough boundary. A new northern Parish boundary to be formed along the existing Waverley site perimeter fence to the rear of all properties on Coalbrook Avenue & the fence along the northern perimeter of the Woodhouse Mill recreation ground. (See black line on map)

The remaining area of the existing Parish of Orgreave within the Waverley development (as highlighted by the green hatched area) to form a new Parish.

### MAP OF THE EXISTING PARISH OF ORGREAVE







**COMMUNITY GOVERNANCE REVIEW**

**ORGREAVE PARISH COUNCIL**

**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN  
HEALTH ACT 2007**

**TERMS OF REFERENCE  
Proposed**

## 1. INTRODUCTION

### 1.1 Aims of Review

Following requests from Orgreave Parish Council, Rotherham Borough Council (the Principal Council), has resolved to undertake a Community Governance Review pursuant to Part 4 of the Local Government and Public Involvement in Health Act 2007, to consider

- a) Whether to alter the area of the existing Parish of Orgreave and
- b) Whether to establish a new Parish for the area to be named Waverley

### 1.2 Why undertake a Community Governance Review?

A Community Governance Review provides an opportunity for principal authorities such as Rotherham Metropolitan Borough Council to review and make changes to community governance within their area.

A Community Governance Review is a review of the whole or part of the District to consider one or more of the following:-

- creating, merging, altering or abolishing Parishes.
- the naming of Parishes and the style of new Parishes
- the electoral arrangements for Parishes (the ordinary year of election; Council size; the number of Councillors to be elected to Council; and, Parish Warding).
- grouping Parishes under a common Parish Council or de-grouping Parishes.

The Government has emphasised that, ultimately, recommendations arising from Community Governance Reviews ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

### 1.3 Scope of the Review

The Review will specifically consider whether to alter the area of the existing Parish of Orgreave in order to establish a new parish for the area to be named Waverley

Orgreave Parish Council has served a petition on the Principal Council to alter the area of the existing Parish of Orgreave and to establish a new parish for the area to be named Waverley.

The reasons for the petition are:-

- (i) data from the Orgreave Parish Council Boundary Consultation shows that 78% of respondents believe that a new parish should be created (i.e. Waverley Parish);
- (ii) the new Waverley housing development will provide significant changes to the population within the existing Parish of Orgreave;
- (iii) the existing parish boundary between Orgreave and Catcliffe has become anomalous as houses in the Waverley development are built across the boundary with no clearly defined boundary;
- (iv) there are no direct transport links between the two communities;
- (v) there is no “cohesion” between the two communities. They do not share any common

facilities i.e. schools and childcare, leisure centres, local transport facilities, community activities or places of worship; and

- (vi) the new development has already committed to its own identity “Waverley” and is to be managed under its own management committee.

## 2. THE LEGISLATIVE POSITION

The Local Government Act 1972 , as amended, specifies that each Parish Council must have at least five Councillors, there is no maximum number.

## 3. CONSULTATION

Before making any recommendations or publishing final proposals in line with legislative requirements, the Principal Council will take full account of the view of local people. The Principal Council will comply with legislative requirements by:-

1. Consulting Local Government electors for the area under review –
  - A Notice will be published in the relevant newspaper, on the Council’s website and the Notice Boards of the Parish. The Terms of Reference of the Review will be published on the Council’s website and sent to the Clerk of the affected Parish.
2. Consulting the Principal Council’s Councillors representing the areas affected by the Review –
  - Letters will be sent enclosing the Notice of Terms of Reference of the Review.
3. Consulting with the relevant Area Assembly.
4. Taking into account any representations received in connection with the Review.

When taking account of written representations, the Principal council is bound to have regard to the need to secure that community governance within the area under the review:

- Reflects the identities and interests of the community in that area; and,
- Is effective and convenient

In order to ensure that this review is conducted transparently, as soon as practicable, the Principal Council will publish its recommendations and take such steps as it considers sufficient, to ensure that persons who may be interested in the review are informed of the recommendations and the reasons behind them.

The Principal Council will also notify each consultee and any other person or bodies that have made written representations, of the outcome of the review.

## 4. CURRENT ELECTORATES

Using the Register as at 15<sup>th</sup> December 2014, the electorate for the existing Parish area is as follows:-

Parish/Ward	Electorate
Orgreave	754

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## 5. ELECTION RESULTS

The last available results for the parish of Orgreave are for Thursday 5<sup>th</sup> May 2011. The election was uncontested and the persons below were elected to be Parish Councillors for Orgreave.

Name of Candidate	Home Address
CLEAR Mary	7St James Walk, Orgreave, S13 9XP
FARGHER Michael James	9 St James Walk, Orgreave, S13 9XP
HOLDER Margaret	21 Hail Mary Drive, Orgreave, Rotherham, S13 9XW
MARSH Susanne Yvonne	21 St James Walk, Orgreave, S13 9XP
SLATER Joan	22 Hail Mary Drive, Orgreave, Rotherham, S13 9XW
THORNSBY George Antony	27 St James Walk, Woodhouse Mill, Sheffield, S13 9XP

**6. TIMETABLE FOR THE REVIEW**

<b>Action</b>	<b>Timetable</b>	<b>Outline of Action</b>
Terms of Reference are published	1 <sup>st</sup> June 2015	Principal Council publishes Terms of Reference and notifies stakeholders, clearly defining the extent of the review.
Consultation	1 <sup>st</sup> June 2015 – 28 <sup>th</sup> August 2015	Views on the proposals sought from interested parties.
Final proposals prepared and published	31 <sup>st</sup> August 2015 – 30 September 2015	Report to Council on outcome of consultation and approval of final recommendations.
Consultation on final proposals	1 <sup>st</sup> October 2015 – 30 <sup>th</sup> November 2015	Copies of final proposals published on website and sent to all interested parties.
Council approval of Order	1 <sup>st</sup> December 2015 – 31 <sup>st</sup> January 2016	Report to Council on approval of Order to implement changes
Implementation of Changes	1 <sup>st</sup> April 2016	

**7. YOUR VIEWS**

If you would like to say how you view potential future arrangements under these Terms of Reference, please submit your written comments no later than 28th August 2015 to:-

Stuart Fletcher  
 Service Manager – Commercial, Property & Information Governance  
 Legal & Democratic Services  
 Rotherham MBC  
 Riverside House  
 Main Street  
 Rotherham  
 S60 1AE

Alternatively your submission may be emailed to  
[stuart.fletcher@rotherham.gov.uk](mailto:stuart.fletcher@rotherham.gov.uk)

Should you require any further information or need clarification on the review process, please contact:-

Stuart Fletcher  
 Service Manager – Commercial, Property & Information Governance

Tel: 01709 82 3523  
 Email: [stuart.fletcher@rotherham.gov.uk](mailto:stuart.fletcher@rotherham.gov.uk)

These Terms of Reference will be published on the Borough Council website:  
[www.rotherham.gov.uk](http://www.rotherham.gov.uk) and will be available for public inspection at the Riverside House, Main

Street, Rotherham, S60 1AE. Notices advertising this Community Governance Review and the availability of these Terms of Reference will also be posted within the Parish.

## THE ORGREAVE CONSULTATION

### A RESPONSE BY BRINSWORTH AND CATCLIFFE WARD LABOUR PARTY

It is surprising that Orgreave Parish Council have drawn their barrier so close to their residential properties to leave a vast area of their parish and it seems they wish to absolve the new residents from being represented by them. It also looks as they have not consulted any of their residents in the new settlement, I hope this consultation will involve the new residents in Catcliffe and Orgreave.

The use of Waverley in a development plan name would not be unusual as it happens in lots of places ( Treeton have Beaumont Park, Brinsworth has Parkside Gardens and they do not have any identity with either village) but to use Waverley as a name for a village to replace the rest of Orgreave would be inappropriate as Waverley is already in place at a location adjacent to the Parkway where the Advanced Manufacturing park is.

Without being boring a lot of residents are still around and know the area well as they grew up in Catcliffe and spent a lot of time in the Waverley area and walking the footpaths past Waverley collieries on their way to High Hazels Park.

High Hazels Colliery shaft was located adjacent to where the Morrison's roundabout is on Poplar way and if you take a line adjacent to the Parkway towards Sheffield from the Old Pit( HH Colliery) you would then come across the other Waverley Collieries including the drift mines before coming to the Waverley Coke ovens adjacent to the Great Central railway, across the railway within the Sheffield boundary is the existing Waverley Cottages on Waverley Lane.

So it can be said that the Waverley area takes in the all of the Advanced Manufacturing Park and the adjacent development, in fact if you travel off the Parkway by road you will see a large sign stating "**This is Waverley**".

Adjacent to the Waverley Collieries was the Highfield Spring Wood and then Highfield Farm.

Steel Peach and Tozer had a steel waste tip for a number of years on the site.

Outcropping had been prevalent after the war around that area but it was after the Waverley Collieries closed that the modern Opencasting commenced with first the Waverley site, then Waverley East and then Orgreave opencast crossing and taking up Highfield Lane, this being the last one to complete in the area.

The Waverley East site and the Orgreave site took away Highfield Spring wood, Highfield Farm, uprooting Highfield Lane before mining the Orgreave

These comments were made by Reg Littleboy and were adopted by the Brinsworth and Catcliffe Ward Labour Party on 16<sup>th</sup> June 2015 as their submission to the consultation.



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**Fletcher, Stuart**

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**From:** [REDACTED]  
**Sent:** 17 July 2015 19:22  
**To:** Fletcher, Stuart  
**Subject:** Community Governance Review - Orgreave Parish, 8WD

Dear Sir

I read with interest your letter and enclosed booklet.

Please note my comments when considering the above proposal.

The above address pays a precept for Catcliffe, besides paying Council Tax to Rotherham and an additional Waverley Management fee, in effect 3 'taxes' to live here. There is no connection to Catcliffe and no involvement in their affairs. Nor as far as I can tell any connection to Orgreave.

I believe Waverley stands alone as a community and is well supported by the management committee, I cannot see any advantages in creating a new parish or merging with another. I would prefer to just pay our Council Tax to Rotherham and the Waverley Management fee.

Regards

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**Fletcher, Stuart**

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**From:**  
**Sent:** 19 July 2015 06:43  
**To:** Fletcher, Stuart  
**Subject:** Waverley parish

Dear Stuart

As a family we have discussed this issue and feel that the residents of Waverley and Orgreave would be better served by desperate parishes. We each have our own identities and as such our communities will have different needs.

Yours faithfully

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**Fletcher, Stuart**

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**From:**  
**Sent:** 19 July 2015 19:02  
**To:** Fletcher, Stuart  
**Subject:** Community Governance Review - Orgreave Parish

Mr Fletcher,

I would fully support the creation of a new Parish of Waverley for the following reasons:

- having lived here for 2 years now - we are now only just beginning to get a sense of community - due to the Waverley pro-boards web and the Winter Green. Up till then we felt very much isolated and cut off from each other and the wider community. Having our own distinct Parish would undoubtedly increase our sense of community further.
- our growing community does have a number of people who are very community minded (like myself). At the moment they can only really have an impact via the Waverley web. These individuals would be ideal future Parish Councillors - this would therefore re-energise Parish affairs as generally these individuals are well educated and are on the right side of 40. If a Waverley Parish Council was created I myself for one would seriously consider about standing.
- we have often felt bewildered and powerless as regards Haworth estates - having a Parish Council made up of concerned members of our local community might well give our residents more of an influence over the machinations of Harworth Estates.

I therefore think that the Parish of Orgreave remain it is but that as well as a new Parish council of Waverley be established that includes ALL present and future residents on the Waverley development.

Thank you,

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**Fletcher, Stuart**

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**From:**  
**Sent:** 20 July 2015 09:59  
**To:** Fletcher, Stuart  
**Subject:** Community Governance Review - Orgreave Parish

Dear Stuart

I am writing in response to your letter dated 14th July regarding the community governance review of Orgreave parish.

I wish to inform you that I do not agree that a new parish should be created to include Orgreave and Waverley (Waverley Parish).

Orgreave and Waverley are two distinct villages and as such I believe should have their own parishes.

Yours faithfully

Sent from Windows Mail

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**Fletcher, Stuart**

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**From:**  
**Sent:** 21 July 2015 11:07  
**To:** Fletcher, Stuart  
**Subject:** community Governance review

Dear Stuart,

Reference to your letter dated 14th July 2015 about the Orgreave parish and creating a new Parish for Waverley.

We agree in principle with the proposal but i have few questions / concerns?

Is this going to cost more money over and above what we are already having to pay, to maintain roads, footpaths etc through so called service charge?

Secondly, once the new parish is created how do we nominate for the parish councillors positions from Waverley area only?

I wouldn't want people from other area being on our local parish council.

i feel builders are making huge profits out of this development and they are the one should be investing some of their profit to develop this community in returns they will get more people moving in to make even more money for them, Thats fine by me as long as council and other services monitor these large developers and make them contribute their share? All the burden should not be put on small people like us ( tax payers).

i hope some body with an authority would look in to our concerns and readdress the balance.

Thank you

Date: 22<sup>nd</sup> July 2015

Stuart Fletcher  
Service Manager – Commercial, Property & Information Governance  
Legal & Democratic Services  
Rotherham MBC  
Riverside House  
Main Street  
Rotherham  
S60 1AE

Community governance review – Orgreave Parish

Dear Mr Fletcher,

I am writing to you with regard to the above notification. Unfortunately I am against both of the proposals you set out in your booklet. The new Waverley area being included into the existing Parish of Orgreave and a new Parish area being created for Waverley and being named as such.

I do not understand why becoming part of either Parish would force me to pay yet another additional fee for living in Waverley. I already have to pay multiple fees for living in this area and I do not feel I should have to pay anymore. On top of council tax I also have to pay a management fee of £150 per year (this is subject to inflation), I feel this in itself is a type Parish charge. I feel that forcing myself and my neighbours to pay yet another fee is incredibly unfair. Especially as you mentioned in your leaflet that there were no common facilities at Waverley such as schools, childcare, leisure centres, local transport facilities, community activities or places of worship, nor are there likely to be any such facilities anytime soon. I wouldn't use any of them anyway as I have no need for such facilities. Therefore I disagree with having to pay an additional Parish fee for things I would never use on top of what I am already paying for. Bearing in mind when I moved into my house I was already paying council tax for services I wasn't receiving for several months (i.e. bin collections), which was a real challenge to get set up/sorted out).

I understand some people will be in favour of being part of a Parish (they will probably be more in favour of their own Waverley Parish), however if this is the case I strongly suggest that the residents should be given a reduction in our council tax and/or Waverley land management fee.

Yours Sincerely,

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**Fletcher, Stuart**

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**From:**  
**Sent:** 23 July 2015 11:31  
**To:** Fletcher, Stuart  
**Subject:** community governance review orgreave parish council

Dear Mr Fletcher,

If possible, could you please tell me where the new boundary will be, if this proposal goes ahead?

Yours sincerely

**Fletcher, Stuart**

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**From:**  
**Sent:** 23 July 2015 12:43  
**To:** Fletcher, Stuart  
**Subject:** ORGREAVE - COMMUNITY GOVERNANCE REVIEW

I wish to make the following comments regarding the proposals to alter the existing boundary of the Parish of Orgreave & also the formation of a new Parish to be named Waverley.

All the reasons given in the original petition by Orgreave Parish Council are all valid. Furthermore, Orgreave has its own identity and residents do not feel any links to the new 'township' being built in Waverley. Orgreave currently has approx. 300 dwellings and it is proposed that Waverley will end up with approx. 4000 dwellings. If the Parish of Orgreave was to expand to 4300 dwellings, the current residents in Orgreave could well lose their voice in making decisions that affect them.

Orgreave Parish Council only stopped collecting signatures (approx. 300) to petition RMBC for a Community Governance Review once it had received sufficient signatures to petition RMBC. It could have collected many more. The previous Orgreave Parish Boundary Consultation conducted by Orgreave Parish Council with residents in both Orgreave & Waverley overwhelmingly showed that neither community wished to be linked and the residents in Waverley should form their own Parish.

The residents of Orgreave also successfully fought a long & hard campaign to stop a link road being built across its local playing field that would only have benefitted Waverley, not Orgreave. The proposal to build this road across our local playing field alienated many of the residents in Orgreave against the 'Waverley' project and also RMBC who drove the project.

The current boundary between Orgreave & Catcliffe through the Waverley 'township' does not follow a clear line therefore some houses on certain streets currently belong in the Parish of Orgreave & some belong in the Parish of Catcliffe.

Harworth Estates are currently tipping approx. 500,000 tons of hardcore / soil onto the site near to the boundary of the Orgreave estate that blocks out the views between the two communities. Harworth Estates once again failed to liaise with the residents in Orgreave about the reasons for this, despite assurances being given by its Management. Harworth Estates have consistently failed to work with the local community surrounding Waverley to form any bonds.

The residents in Waverley will also have a 'Management Committee' that will look after the interests of its residents - this being funded by a management fee imposed on all houses within Waverley by Harworth Estates. What leverage would this Management Committee have in the making of local decisions?

The Waverley development was given its own identity from the beginning and has never promoted itself as being part of the Parish of Orgreave. It also has its own postcode (S60.8) whereas the residents in Orgreave are S13.8).

Regards,



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**Fletcher, Stuart**

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**From:**  
**Sent:** 28 July 2015 08:21  
**To:** Fletcher, Stuart  
**Subject:** Orgreave Parish Council

With regard to the Community Governance Review on Orgreave Parish Council I believe that Orgreave Parish Council should remain as it is and NOT join with the new district of Waverley.

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**Fletcher, Stuart**

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**From:**  
**Sent:** 28 July 2015 15:30  
**To:** Fletcher, Stuart  
**Subject:** Community Governance Review - Orgreave Parish

Dear Mr Fletcher,

I would like to state that I am fully supportive of Orgreave Parish Council in the above matter. As a resident of Orgreave, I have no desire to be swallowed up by the new community known as Waverley. Geographically the two communities are not connected and therefore should not be treated as one. Furthermore, we are happy with both the local primary and secondary schools within our catchment area and would not like this to change.

Kind Regards

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**Fletcher, Stuart**

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**From:**  
**Sent:** 04 August 2015 11:47  
**To:** Fletcher, Stuart  
**Subject:** Waverley

MR FLETCHER

I and my wife are residents on the new Waverley development and share the same views . We would welcome a independent waveley district . This development is increasing in size monthly and as such already has licensed premises . Plans are being talked about a supermarket and possibly a school . This reflects the demographic off people coming to live on the development now and in the futue. As such deserves it's own identity.

Sent from Samsung tablet.s

**Fletcher, Stuart**

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**From:**  
**Sent:** 04 August 2015 13:02  
**To:** Fletcher, Stuart  
**Subject:** Fwd: Orgreave/ Waverley review

Dear Sir

I have read the terms of reference concerning the above and am in agreement with them.

I voted previously to indicate my opinion which is in agreement with the creation of a new area at Waverley, for the reasons set out in Pararaph 1.3 of the document .

Yours sincerely

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**Fletcher, Stuart**

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**From:**  
**Sent:** 09 August 2015 13:15  
**To:** Fletcher, Stuart  
**Subject:** Orgreaves

We have looked at the reviews and booklet regarding Orgreaves parish being altered to be renamed Waverley .We have lived at Orgreaves for many years and don't wish to be merging with Waverley which we have nothing in common and can't even see now that the opencast is being landscaped .Its a insult to the workers who worked at Orgreaves Colliery which means Orgreaves will no longer be recognized .

Regards .

---

**Fletcher, Stuart**

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**From:**  
**Sent:** 20 August 2015 10:27  
**To:** Fletcher, Stuart  
**Subject:** Community Governance Review-Orgreave Parish

Dear Sir

I live on St James Walk on the Coalbrook Estate and come under the Orgreave Parish I have lived here myself for 24 years and my partner for 46 and we are concerned that the council are proposing to extend the boundary to include the new Waverley Estate. The existing Parish council have served this community well for many years and have kept us informed of any issues good or bad either by the Newsletter that is distributed or, by word of mouth, as all of our councillors are local to our community the upkeep and wellbeing of this community matters to them very much. Not too long ago a survey was done to ask the people that were liveing on The Waverley what were their thoughts on joining our parish and some of their replies were not reprintable they couldn't care less and did not know our community even existed. This worries me very much if the proposed change of boundery was to go ahead why would we want to share a community with people that care so little about it's surroundings and it's neighbours? Myself and my partner therefore wish it to be known that we firmly believe the area of this parish should remain as it is.

Yours Sincerely

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**Fletcher, Stuart**

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**From:**  
**Sent:** 07 September 2015 16:54  
**To:** Fletcher, Stuart  
**Subject:** Waverley Parish council review

Hello I am a resident of Waverley and would be keen to hear about the proposed realignment of parish boundaries.

Could you please email me further information or perhaps we can speak on the subject?

Thank you





**COMMUNITY GOVERNANCE REVIEW**

**ORGREAVE PARISH COUNCIL**

**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN  
HEALTH ACT 2007**

**MODIFIED TERMS OF REFERENCE  
Proposed**

## **1. INTRODUCTION**

### **1.1 Aims of Review**

Following a statutory petition from Orgreave Parish Council, Rotherham Borough Council (the Principal Council), has resolved to undertake a Community Governance Review pursuant to Part 4 of the Local Government and Public Involvement in Health Act 2007 to consider the appropriate community governance arrangements for the parishes of Orgreave and Catcliffe, including the settlement of Waverley.

### **1.2 Why undertake a Community Governance Review?**

A Community Governance Review provides an opportunity for principal authorities such as Rotherham Metropolitan Borough Council to review and make changes to community governance within their area.

A Community Governance Review is a review of the whole or part of the District to consider one or more of the following:-

- creating, merging, altering or abolishing Parishes.
- the naming of Parishes and the style of new Parishes
- the electoral arrangements for Parishes (the ordinary year of election; Council size; the number of Councillors to be elected to Council; and, Parish Warding).
- grouping Parishes under a common Parish Council or de-grouping Parishes.

The Government has emphasised that, ultimately, recommendations arising from Community Governance Reviews ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

### **1.3 Scope of the Review**

The scope of the review is to consider what the community governance arrangements should be for the parishes of Orgreave and Catcliffe and will include consideration of the following issue:

- a) Whether any change to the existing arrangements for community governance is required at the present time. [Plan marked Option 1]
- b) Whether to alter the area of the existing Parish of Orgreave so as to reduce its area to cover only the settlement of Orgreave and to create a new parish to cover the area of the Waverley South polling district [as proposed in the petition]. [Plan marked Option 2]
- c) Whether to create a new parish for the settlement of Waverley, to include both the Waverley North and Waverley South polling districts combined with an alteration of the area of the existing Parish of Orgreave so as to reduce its area to cover only the settlement of Orgreave and an alteration of the area of the existing Parish of Catcliffe so as to reduce its area to cover only the settlement of Catcliffe. [Plan marked Option 3]

- d) Whether to create a new unparished area for the settlement of Waverley, to include both the Waverley North and Waverley South polling districts combined with an alteration of the area of the existing Parish of Orgreave so as to reduce its area to cover only the settlement of Orgreave and an alteration of the area of the existing Parish of Catcliffe so as to reduce its area to cover only the settlement of Catcliffe. [Plan marked Option 4]

The review would also include consideration of whether any new Parish should have a Parish Council and what name and style any new council should be known by, and what the electoral arrangements should be for any new or altered parish.

Orgreave Parish Council has served a petition on the Principal Council to alter the area of the existing Parish of Orgreave and to establish a new parish for the area to be named Waverley.

Orgreave Parish Council has served a petition on the Principal Council to alter the area of the existing Parish of Orgreave, to reduce it so that it would cover only the settlement of Orgreave, and to create a new parish for the area currently within the Waverley South polling district to be named "Waverley".

The reasons for the petition are:-

- (i) data from the Orgreave Parish Council Boundary Consultation shows that 78% of respondents believe that a new parish should be created (i.e. Waverley Parish);
- (ii) the new Waverley housing development will provide significant changes to the population within the existing Parish of Orgreave;
- (iii) the existing parish boundary between Orgreave and Catcliffe has become anomalous as houses in the Waverley development are built across the boundary with no clearly defined boundary;
- (iv) there are no direct transport links between the two communities;
- (v) there is no "cohesion" between the two communities. They do not share any common facilities i.e. schools and childcare, leisure centres, local transport facilities, community activities or places of worship; and
- (vi) the new development has already committed to its own identity "Waverley" and is to be managed under its own management committee.

## **2. THE LEGISLATIVE POSITION**

The Local Government Act 1972, as amended, specifies that each Parish Council must have at least five Councillors, there is no maximum number.

## **3. CONSULTATION**

Before making any recommendations or publishing final proposals in line with legislative requirements, the Principal Council will take full account of the view of local people. The Principal Council will comply with legislative requirements by:-

1. Consulting Local Government electors for the area under review –
  - A Notice will be published in the relevant newspaper, on the Council's website and the Notice Boards of the Parish. The Terms of Reference of the Review will be published on the Council's website and sent to the Clerk of the affected Parish.
2. Consulting the Principal Council's Councillors representing the areas affected by the Review –
  - Letters will be sent enclosing the Notice of Terms of Reference of the Review.
3. Taking into account any representations received in connection with the Review.

When taking account of written representations, the Principal council is bound to have regard to the need to secure that community governance within the area under the review:

- Reflects the identities and interests of the community in that area; and,
- Is effective and convenient

In order to ensure that this review is conducted transparently, as soon as practicable, the Principal Council will publish its recommendations and take such steps as it considers sufficient, to ensure that persons who may be interested in the review are informed of the recommendations and the reasons behind them.

The Principal Council will also notify each consultee and any other person or bodies that have made written representations, of the outcome of the review.

#### 4. CURRENT ELECTORATES

Using the Register as at 1 September 2017, the electorates for the existing Parish areas are as follows:-

Parish/Ward	Polling Districts	Electorate
Orgreave	Orgreave Waverley South	584
		901
		<b>Total</b>
		1483
Catcliffe	Catcliffe Waverley North	1541
		310
		<b>Total</b>

		1851
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## 5. YOUR VIEWS

If you would like to say how you view potential future arrangements under these Terms of Reference, please submit your written comments or queries to:

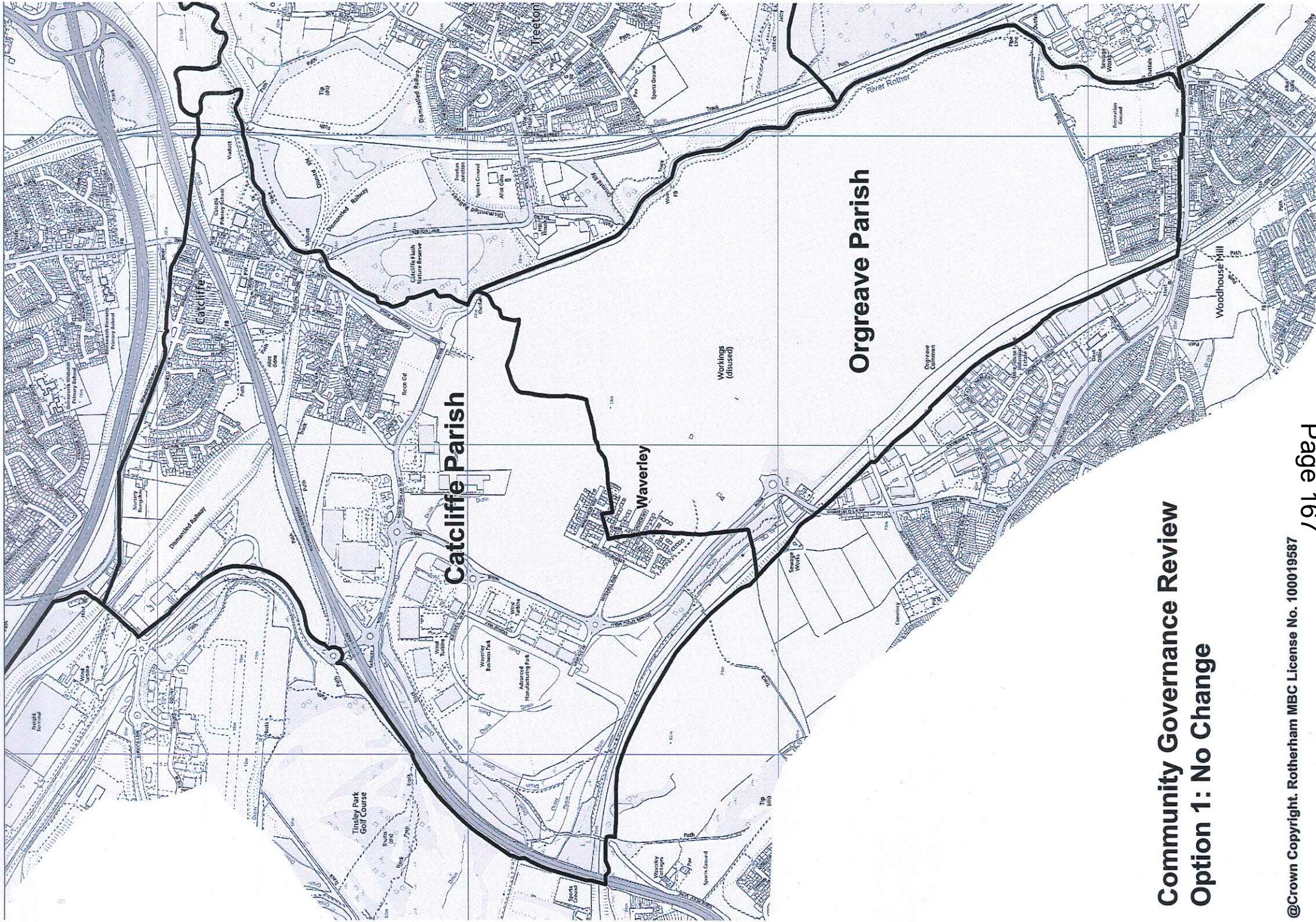
Dermot Pearson  
Assistant Director Legal Services  
Rotherham MBC  
Riverside House  
Main Street  
Rotherham  
S60 1AE

Alternatively your submission may be emailed to  
[jillian.dimbleby@rotherham.gov.uk](mailto:jillian.dimbleby@rotherham.gov.uk)

**The deadline for submissions is 4pm on 16 April 2018.**

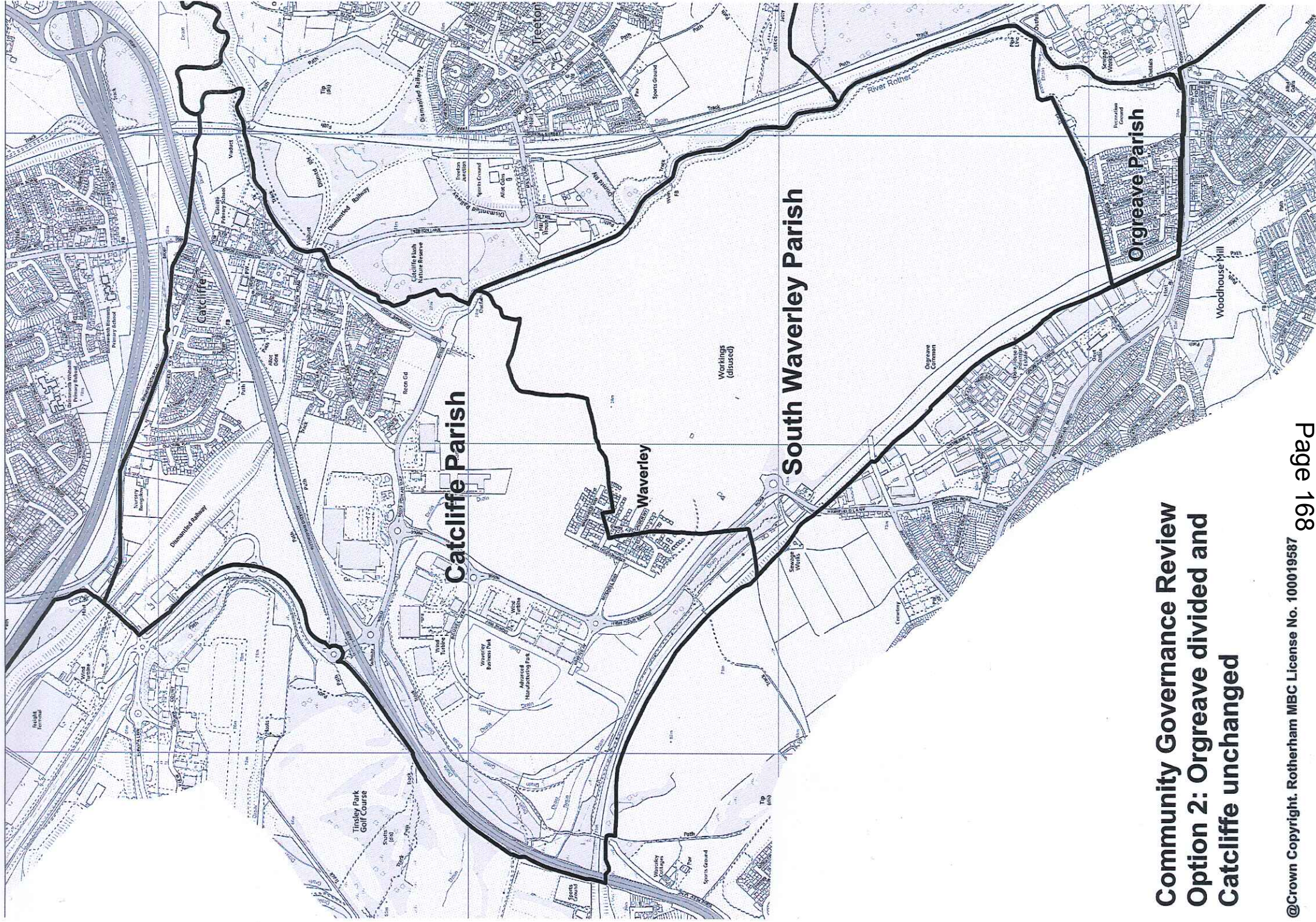
These Terms of Reference will be published on the Borough Council website:  
[www.rotherham.gov.uk](http://www.rotherham.gov.uk) and will be available for public inspection at the Riverside House, Main Street, Rotherham, S60 1AE. Notices advertising this Community Governance Review and the availability of these Terms of Reference will also be posted within the Parishes affected.





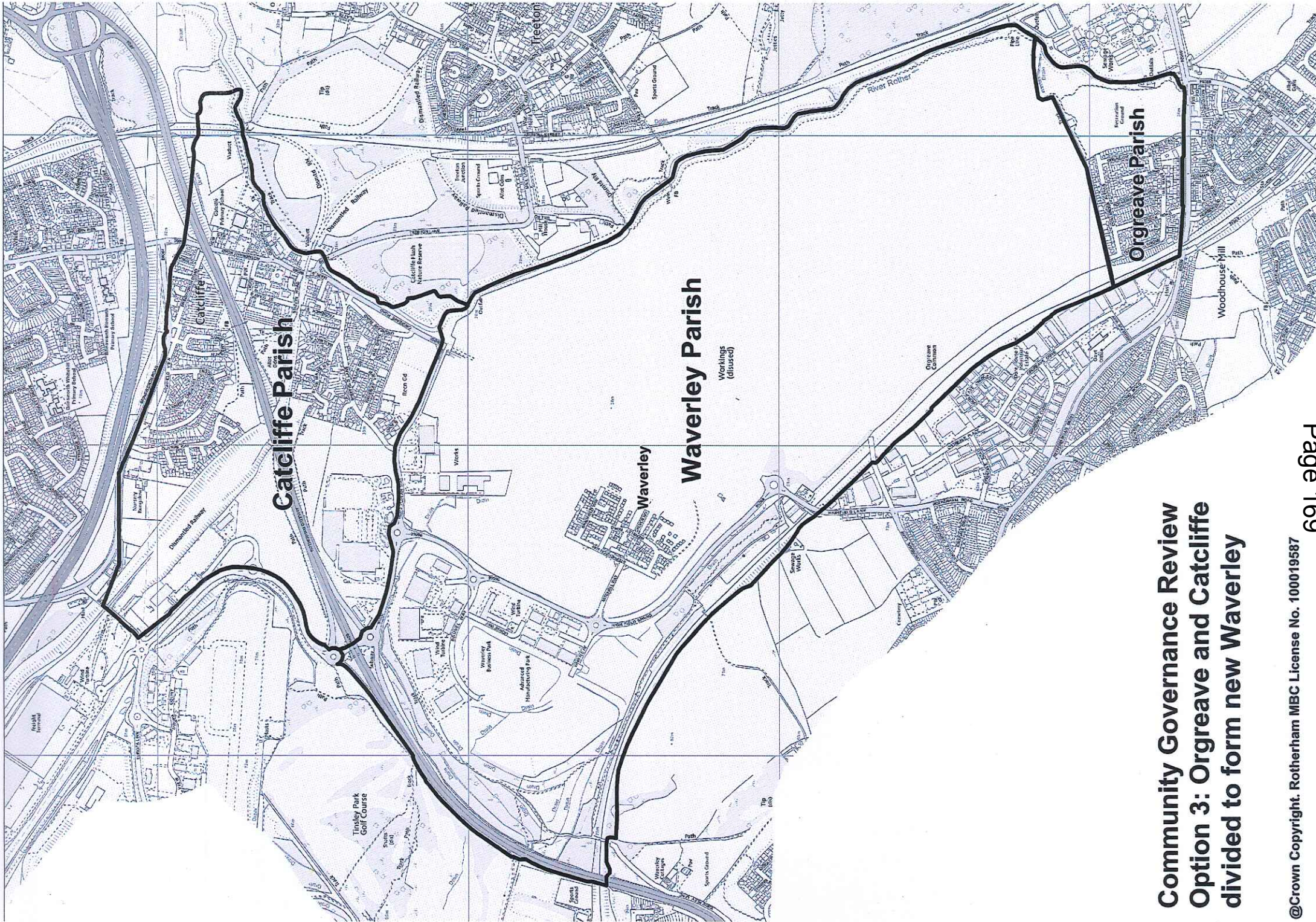
**Community Governance Review  
Option 1: No Change**





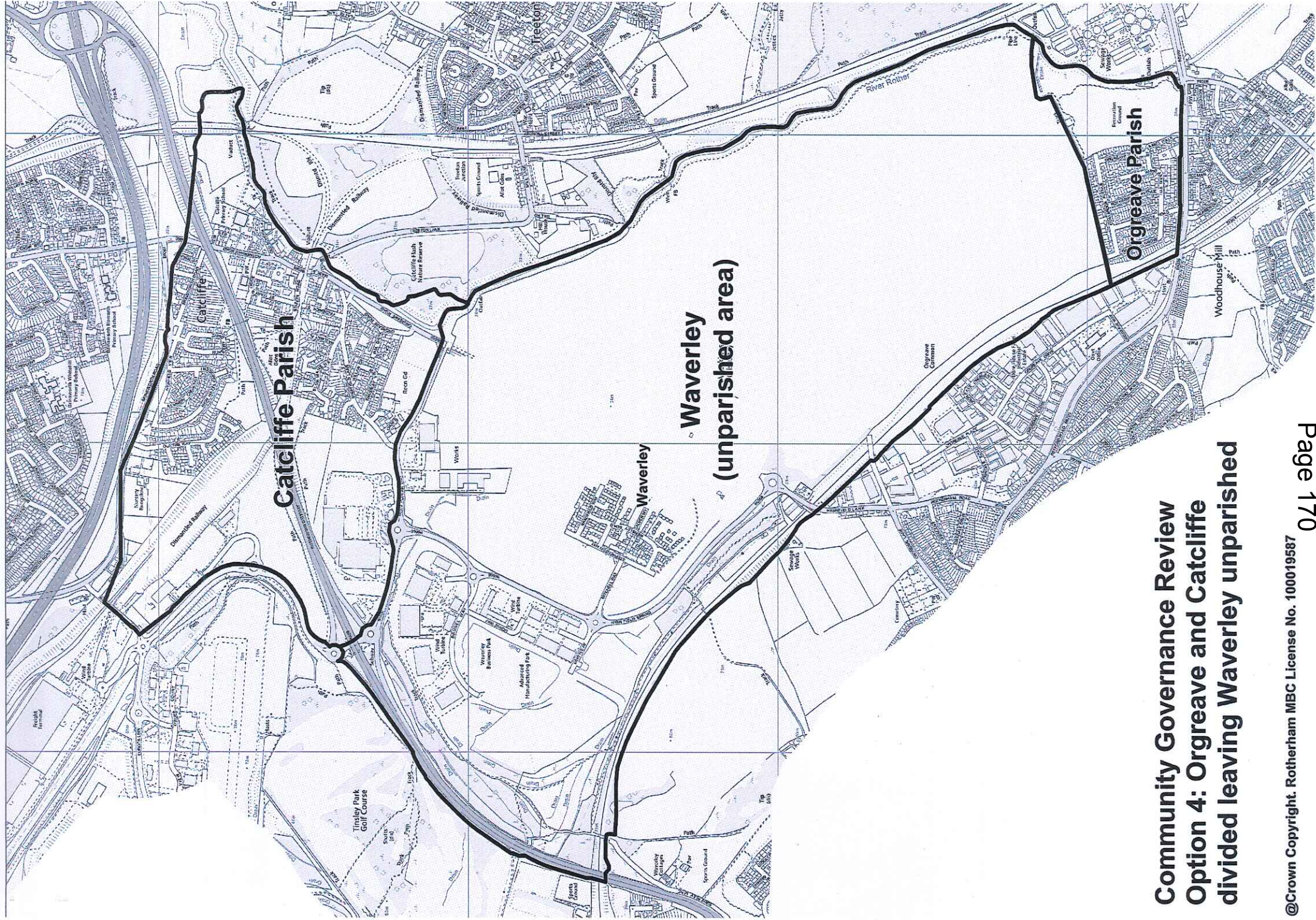
**Community Governance Review  
Option 2: Orgreave divided and  
Catcliffe unchanged**





**Community Governance Review  
Option 3: Orgreave and Catcliffe  
divided to form new Waverley**





**Community Governance Review  
Option 4: Orgreave and Catcliffe  
divided leaving Waverley unparished**



**AUDIT COMMITTEE**  
**21st November, 2017**

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

Debra Chamberlin, KPMG, was in attendance.

Apologies for absence were received from Councillor Cowles and Evans.

**32. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at the meeting.

**33. QUESTIONS FROM MEMBERS OF THE PUBLIC OR THE PRESS**

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

**34. MINUTES OF THE PREVIOUS MEETING HELD ON 19TH SEPTEMBER, 2017**

Consideration was given to the minutes of the previous meeting of the Audit Committee held on 19<sup>th</sup> September, 2017.

Resolved:- That the minutes of the previous meeting of the Audit Committee be approved as a correct record of proceedings.

**35. UPDATE ON THE USE AND OPERATION OF SURVEILLANCE AND ACQUISITION OF COMMUNICATIONS DATA POWERS**

Neil Concannon, Legal Services, presented an update on the use of covert surveillance and covert human intelligence sources (CHIS) carried out by Council officers under the Regulation of Investigatory Powers Act 2000 (RIPA).

The Council was required to notify the Office of Surveillance Commissioners (OSC) of the number of directed surveillance/CHIS authorisations granted in each financial year. The annual return was made to the OSC in April for the financial year 2016/17 to confirm there had been no such authorisations in that period. There had also been no such authorisation this financial year so far.

The Council was also required to notify the Interception of Communications Commissioner's Office of the number of authorisations for the acquisition and disclosure of communications data granted each calendar year. There had been no such authorisations this calendar year so far.

As a result of the Investigatory Powers Act 2016, with effect from September 2017, the new Investigatory Powers Commissioner's Office took over the responsibility for oversight of investigatory powers from the OSC and IOCCO.

An inspection had taken place in January, 2017 by the OSC of the Council's use of surveillance powers. In line with one of the recommendations from the OSC inspection report, there would be further corporate training for relevant officers focussing on the use of CHIS in January 2018. The training would also include the interface between RIPA and the use of social media which had been a line of enquiry during the inspection.

Since publication of the report, notification had been received that the Regulator was consulting on revised Codes of Practice. Work would take place to ascertain if any revisions would impact on the Council.

Resolved:- (1) That there had been no requirement for the Council to make use of surveillance and acquisition of communication data powers under RIPA be noted.

(2) That, in line with the recommendations of the Office for Surveillance Commissioners' latest inspection report, further corporate training focussing on the officers acting as controllers and handlers of covert human intelligence sources (CHIS), take place in January 2018.

(3) That a further update be submitted in 6 months' time.

### **36. EXTERNAL AUDIT AND INSPECTION RECOMMENDATIONS**

Further to Minute No. 57 of the meeting of the Audit Committee held on 19th April, 2017, consideration was given to a report, presented by Bev Pepperdine, Performance Assurance Manager, stating that, in accordance with the Council's "fresh start" improvement plan (Minute No. 8 of the Council meeting held on 22nd May, 2015, refers), progress continued to be made against the recommendations from all of the key external audits and inspections. The report included detail of progress being made in respect of the following specific areas and Directorates:-

- : the "Fresh Start" Improvement Plan;
- : Adult Care and Housing;
- : Children and Young People's Improvement Plan;
- : Liberty House
- : Regeneration and Environment Services.

The summary of recommendations from "Active" Inspection and Audit Action Plans was appended to the submitted report.

It was noted that Children and Young People's Services were in the third week of an Ofsted inspection which was due to be completed on 30<sup>th</sup> November, 2017. Their report was expected on 29<sup>th</sup> January, 2018.

The Audit Committee's discussion of this matter highlighted the following salient issues:-

- An Early Help Worker had won the national Youth Worker of the Year award for their work with young people
- Nomination for the Children and Young People Now Awards for the Young Inspector Programme
- Rotherham had chosen not to fill the posts of Dedicated Activity Co-ordinators at Lord Hardy Court. Would this decision have a detrimental impact on a future inspection of non-compliance with a recommendation?

*Response from Service following the meeting – A review of the service and staffing structure is currently being undertaken by a Quality Assurance Consultant within Children's Services. It was not known at the present time if Activity Co-ordinators would be introduced back into the service or if alternatives for providing activities would be considered; the review should determine this. It was likely that, unless options could be found to better provide for activities for residents, that this would be raised again at the next CQC inspection*

- The January inspection had recommended, as part of any future upgrade to the heat/cooling system, a new volume meter should be installed. No future upgrades to the system, however, were currently being planned. Would this have a detrimental impact on a future inspection?

*Response from Service following the meeting - It was not necessary to install a volume meter; this was a suggestion from the Inspector rather than a requirement. There was no time based target on how often there should be an upgrade to the system; this was as required to maintain operation based on condition survey. If the Authority did not install it would not have any impact on future inspections*

- It would be appreciated if the risks could be known associated with the recommendations that were outstanding and what, if any, impact they had on performance. It was noted that any recommendations associated with CYPS could not be formally signed off until the outcome of Ofsted was known

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

(2) That the governance arrangements that are currently in place for monitoring and managing the recommendations from external audits and inspections, as now reported, be noted.

(3) That the Audit Committee shall continue to receive regular reports in relation to external audit and inspections and the progress made in implementing recommendations.

### **37. RELATIONSHIP WITH OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

James McLaughlin, Democratic Services Manager, presented a proposed protocol to ensure that referrals between the Audit Committee and the Overview and Scrutiny Management Board (OSMB) were formally captured.

In the event of the Audit Committee being minded to refer an issue to OSMB, or vice versa, the issue, the reasons for referral and the desired outcome must be clearly understood and specified in the minutes and the reference.

If such a protocol was supported by both this Committee and OSMB, the protocol would be incorporated into the pending changes to the Overview and Scrutiny Procedure Rules and Terms of Reference for the Audit Committee. This would be reported to the Constitution Working Group and subsequently to Council for formal adoption.

Resolved:- (1) That the adoption of a concise protocol governing referrals between the Audit Committee and the Overview and Scrutiny Management Board be supported.

(2) That the report be submitted to the Overview and Scrutiny Management Board for consideration.

### **38. CODE OF CORPORATE GOVERNANCE**

David Webster, Head of Internal Audit, submitted the refreshed Council Code of Corporate Governance for consideration.

In April 2016 CIPFA (the Chartered Institute of Public Finance and Accountancy) and SOLACE (the Society of Local Authority Chief Executives) published revised guidance on delivering good governance in local government. The Council's Code of Corporate Governance was rewritten at that time to set out how it would comply with the new guidance. Although there had been no subsequent changes to the guidance in the last year, an annual review of the Code had been completed in order to ensure it remained up-to-date and relevant to the Council.

The 7 key principles set out in the guidance which underpinned the governance of each local government organisation had not changed. However, how each of those principles would be evidenced in Rotherham had and were set out in the report submitted.

Resolved:- (1) That the refreshed version of the Local Code of Corporate Governance be approved.

(2) That Local Code of Corporate Governance be signed off by the Chief Executive and Leader of the Council.

**39. ANTI-MONEY LAUNDERING POLICY AND SUPPORTING GUIDANCE**

David Webster, Head of Internal Audit, submitted a proposed update to the Council's Anti-Money Laundering Policy. This was designed to ensure that the Policy was in line with current best practice and legislation. The Policy linked with the Anti-Fraud and Corruption Policy and Strategy and would be referred to in Fraud Awareness training being rolled out to relevant staff.

The updated Policy was attached at Appendix A of the report submitted. The definition of money laundering was given along with a summary of the relevant legislation. The guidance gave examples or signs of possible money laundering and the action to be taken if there were any suspicions of attempted money laundering. A template of the form to be completed was also included.

The Council's Money Laundering Reporting Officer was the Head of Internal Audit who would be responsible for reporting any suspicious transactions to the National Crime Agency.

Fraud Awareness training was to be delivered to relevant staff and would include reference to the Policy.

It was clarified that this applied solely to cash transactions and did not include online payments.

Resolved:- That the Anti-Money Laundering Policy and Supporting Guidance, as set out in Appendix A of the submitted report, be approved.

**40. AUDIT COMMITTEE FORWARD WORK PLAN**

Consideration was given to a report presented by David Webster, Head of Internal Audit, which detailed the proposed forward work plan for the Audit Committee covering the period February-November, 2018.

Resolved:- That the forward work plan be supported and any amendments arising actioned in due course.

**41. ANNUAL AUDIT LETTER 2016-17**

Graham Saxton, Assistant Director Financial Services, reported that KPMG had now concluded their 2016/17 audit and had issued their audit certificate on 31<sup>st</sup> October, 2017. Both the audit certificate and notice of conclusion of audit had been published on the Council's website.

Debra Chamberlin, KPMG, presented the Annual Audit Letter (AAL) 2016/17 produced by KPMG summarising the external audit work in relation to the 2016/17 audit plan and highlighted the findings in relation to the following:

Value for Money Conclusion  
 Audit of Financial Statements  
 Any Other Matters the external auditor was required to communicate.

A copy of the AAL was attached to the report.

The main headlines from the AAL in relation to the accounts and other audit responsibilities were that:-

- The external auditor had issued an unqualified Value for Money conclusion. KPMG was satisfied that the Authority had appropriate arrangements in place for securing economy, efficiency and effectiveness in the use of resources
- The Council's financial statements were produced to a good standard with only one minor presentational change being made. The financial statements were given an unqualified audit opinion on 26<sup>th</sup> September. The Narrative Report published alongside the financial statements was consistent with KPMG's understanding
- The Annual Governance Statement approved September's Audit Committee (Minute No. 20 refers), was consistent with KPMG understanding and compliant with the CIPFA/SOLACE framework on good governance in local government
- The Council's consolidation pack prepared to support the production of Whole of Government Accounts by HM Treasury was consistent with the audited financial statements
- There were no high priority recommendations or other matters that needed to be brought to the attention of the Audit Committee

Resolved:- That the final Annual Audit Letter 2016/17 presented to the Council by its external auditors, KPMG LLP, be noted and approved for publication on the Council's website.

#### **42. MID-YEAR TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS MONITORING REPORT – 2017-18**

Consideration was given to the report presented by the Assistant Director, Financial Services, outlining a mid-year treasury review.

The review, as set out in the Appendix submitted, highlighted the key changes to the Council's capital activity (the PIs) and the actual and proposed treasury management activity (borrowing and investment).

With regard to investments, the primary governing principle remained security over return and the criteria for selecting counterparties continued to reflect this.

Overall borrowing remained fairly constant over the period covered by the report. The Council would maintain its strategy of being significantly under-borrowed against the capital financing requirement as the most cost effective approach in the current financial climate. The Council's existing Treasury Management Strategy provided for the Council to take out £30M of new borrowing per annum over the next 4 years to reduce the amount of under-borrowing over time. The position would remain under view and an update of the Strategy would be submitted to Members within the Budget and Council Tax 2018/19 report to Council in February, 2018.

With regard to governance, strategies and monitoring were undertaken by the Audit Committee.

The report showed that the underlying economic and financial environment remained difficult for the Council, foremost being the improving but still challenging concerns over investment counterparty risk. This background encouraged the Council to continue maintaining investments short term and with high quality counterparties. The downside of such a policy was that investment returns remained low. The governing principle remained security over return and the criteria for selecting counterparties continued to reflect this.

Treasury Management and Prudential Indicators would form part of the 2018/19 budget report submitted to Council on 28<sup>th</sup> February, 2018.

Resolved:- That the report be noted.

#### **43. ITEMS FOR REFERRAL FOR SCRUTINY**

The Democratic Services Manager would submit Minute No. 37 (Relationship with Overview and Scrutiny Management Board) to Overview and Scrutiny Management Board.

#### **44. EXCLUSION OF THE PRESS AND PUBLIC**

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



**45. INTERNAL AUDIT PROGRESS REPORT**

Consideration was given to a report presented by David Webster, Head of Internal Audit, which provided a summary of Internal Audit work completed during 1<sup>st</sup> August to 30<sup>th</sup> October, 2017, and the key issues that had arisen therefrom.

Performance against Key Indicators had improved. Productive time, completion of reviews within planned time and the issue of draft reports had all been hit previously by sickness, annual leave and the introduction of new software during the period impacting upon the completion of the audit plan. However, the end of the sickness and recruitment of a new member of staff would enable this to be recovered.

Summary conclusions in all significant audit work concluded during August to October 2017 were set out in Appendix A of the report submitted. All the reports issued during the period gave Substantial or Reasonable Assurance (set out as part of Appendix B).

Reference was also made Appendix C which detailed significant responsive work completed since the last Audit Committee.

Appendix D listed the outstanding recommendations and their current status and, as requested at a previous Audit Committee, Appendix E showed aged recommendations that were still outstanding with an explanation of progress made for each. These had been reported to the Strategic Leadership Team on 7th November. It was proposed to expand this procedure to include all recommendations raised that were still outstanding after 6 months.

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

- Work was on track to complete the plan by the end of the financial year
- Development of an E-learning module on Fraud Awareness
- Work within maintained schools

Resolved:- (1) That the Internal Audit work undertaken since meetings of the Audit Committee on 1<sup>st</sup> August and 30th October, 2017, and the key issues arising therefrom be noted.

(2) That the information contained regarding the performance of Internal Audit and the actions being taken by management in respect of the performance be noted.

**46. SELF-ASSESSMENT**

The Chairman reported that in the New Year Committee Members, KPMG and appropriate officers would receive a self-assessment for completion on the work of the Audit Committee.

**47. DATE AND TIME OF NEXT MEETING**

Resolved:- That the next meeting of the Audit Committee be held on Tuesday, 6<sup>th</sup> February, 2018, commencing at 4.00 p.m.

**HEALTH AND WELLBEING BOARD**  
**15th November, 2017**

**Present:-**

Councillor D. Roche	Cabinet Member, Adult Social Care and Health <b>(in the Chair)</b>
Chris Edwards	Chief Operating Officer, Rotherham CCG
Naveen Judah	Healthwatch Rotherham (representing Tony Clabby)
Sharon Kemp	Chief Executive, RMBC
Councillor J. Mallinder	Chair, Improving Places Select Commission
Rob Odell	South Yorkshire Police
Dr. Jason Page	Governance Lead, Rotherham CCG
Zena Robertson	NHS England (representing Carole Lavelle)
Terri Roche	Director of Public Health, RMBC
Ian Thomas	Strategic Director, Children and Young People's Services
Janet Wheatley MBE	Chief Executive, Voluntary Action Rotherham

**Report Presenters:-**

Bev Pepperdine	Performance Assurance, RMBC
Christine Cassell	Independent Chair, Rotherham Local Safeguarding Children Board
Steve Turnbull	Public Health, RMBC

**Also Present:-**

Sam Barstow	Head of Service, Community Safety, Resilience and Emergency Planning
Dominic Blaydon	Rotherham Foundation Trust
Jacqui Clark	Early Intervention and Prevention, RMBC
Lydia George	Rotherham CCG
Kate Green	Policy and Partnership Officer, RMBC
Shafiq Hussain	Voluntary Action Rotherham
Giles Ratcliffe	Public Health, RMBC
Hayley Richardson-Roberts	Communications, RMBC
Janet Spurling	Scrutiny Officer, RMBC
Sarah Watts	Strategic Housing, RMBC
Dawn Mitchell	Democratic Services, RMBC

Apologies for absence were received from Tony Clabby (Healthwatch Rotherham), Dr. Richard Cullen (Rotherham CCG), Councillor Evans, Carole Lavelle (NHS England), Councillor Short, Kathryn Singh (RDaSH) and Councillor Watson.

**37. JANET WHEATLEY MBE**

The Board congratulated Janet Wheatley who had attended Buckingham Palace the previous day for the award of her MBE by Her Majesty the Queen.

**38. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at the meeting.

**39. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS**

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

**40. MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting of the Health and Wellbeing Board held on 20<sup>th</sup> September, 2017, were considered.

Resolved:- That the minutes of the previous meeting held on 20<sup>th</sup> September, 2017, be approved as a correct record.

**41. COMMUNICATIONS**

(1) Janet Wheatley reported that the Shadow Secretary of State for Health, Jon Ashworth, was to visit Voluntary Action Rotherham on 1<sup>st</sup> December, 2017, to talk about Social Prescribing.

Janet would forward details to Board members.

**Action:-** Janet Wheatley

(2) Voluntary Action Rotherham had been nominated for their Supporting Self-Care at the Health Services Journal awards.

**42. REFRESHING THE LOCAL HEALTH AND WELLBEING STRATEGY AND INTEGRATED HEALTH AND SOCIAL CARE PLACE PLAN**

Further to Minute No. 29 of the meeting held on 20<sup>th</sup> September, 2017, Terri Roche, Director of Public Health, presented an update by way of a powerpoint presentation on the progress being made in relation to the refresh of the local Health and Wellbeing Strategy and alignment to the Integrated Health and Social Care Place Plan (Place Plan). The presentation included:-

Health and Wellbeing Strategy 2015-18 Principles

- Shared vision and priorities
- Enables planning of more integrated services
- Reduce health inequalities
- Translates intelligence into action

Need for a Refresh

- Existing Strategy runs until the end of 2018 but a number of national and local strategic drivers were now influencing the Health and Wellbeing Board
- An early refresh ensured the Strategy remained fit for purpose, strengthening the Board's role in:

High level assurance

Holding partners to account

Influencing commissioning across the health and social care system as well as wider determinants of health

Reducing health inequalities

Promoting a greater focus on prevention

- LGA support to the Health and Wellbeing Board

Self-assessment July, 2016

Stepping Up To The Place workshop September 2016

- Positive feedback given about Board's foundation and good partnership working
- The current Strategy was published quickly after the Board was refreshed (September 2015)
- Now in stronger position to set the right strategic vision and priorities for Rotherham

#### Joint Strategic Needs Assessment

- Ageing population – rising demand for health and social care services
- More people aged 75+ living alone, vulnerable to isolation
- High rates of disability, long term sickness (more mental health conditions) and long term health conditions e.g. Dementia
- Need for care rising faster than unpaid carer capacity
- High rates of smoking and alcohol abuse, low physical activity and low breastfeeding
- Rising need for Children's Social Care especially related to Safeguarding
- Relatively high levels of learning disability
- Growing ethnic diversity especially in younger population with new migrant communities
- Growing inequalities, long term social polarisation
- High levels of poverty including food and fuel poverty, debt and financial exclusion

#### Proposed Refreshed Strategy

- Sets strategic vision for the Health and Wellbeing Board – not everything all partners do but what partners can do better together
- Includes 4 strategic 'aims' shared by all Health and Wellbeing partners
- Each aim includes small set of high level shared priorities
- Which the Integrated Health and Social Care Place Plan 'system' priorities will align to

#### Strategic Aims

##### **Aim 1**

- All children get the best start in life and go on to achieve their potential and have a healthy adolescence and early adulthood

HWB Priority 1	Ensure every child gets the best start in life (pre-conception to age 3)
HWB Priority 2	Improve health outcomes for children and young people through integrated commissioning and service delivery
HWB Priority 3	Reduce the number of children who experience neglect
HWB Priority 4	Education

**Aim 2**

- All Rotherham people enjoy the best possible mental health and wellbeing and have a good quality of life

HWB Priority 1	Improve mental health and wellbeing of all Rotherham people
HWB Priority 2	Reduce the occurrence of common mental health problems
HWB Priority 3	Improve support for enduring mental health needs including Dementia

**Aim 3**

- All Rotherham people live well and live longer

HWB Priority 1	Prevent and reduce early deaths from the key health issues for Rotherham people such as cardiovascular disease, cancer and respiratory disease
HWB Priority 2	Promote independence and enable self-management and increase independence of care for all people
HWB Priority 3	Improve health outcomes for adults and older people through integrated commissioning and service delivery ensuring the right care at the right time

**Aim 4**

- All Rotherham people live in healthy, safe and resilient communities

HWB Priority 1	Increase opportunities for healthy sustainable employment
HWB Priority 2	Ensure planning decisions consider the impact on health and wellbeing
HWB Priority 3	Ensure everyone lives in healthy and safe environments
HWB Priority 4	Increase opportunities for all people to use green spaces

**Consultation and Engagement**

- Health and Wellbeing Board and Place Board received proposal in September 2017
- Framework shared with Board sponsors and theme leads for comments
- Health Select Commission December 2017
- All partners to consider taking through their own governance structures November-March 2018
- Consider what other stakeholder engagement may be needed
- Following approval at Health and Wellbeing Board, work will progress with Board sponsors/theme leads on the Strategy detail
- Full draft of Strategy and Place Plan to be presented to Health and Wellbeing Board on 19<sup>th</sup> January 2018
- CCG Governing Body, Place Board and Cabinet to endorse Strategy and Place Plan February 2018
- Place Board to sign off Place Plan March 2018
- Health and Wellbeing Board to sign off the Strategy March/April 2018

Discussion ensued with the following issues raised/clarified:-

**General**

- The refresh should streamline the process and not result in extra meetings
- Each Aim was not in isolation and did have linkages to each other
- Loneliness and Isolation did not just affect the older generation. It potentially fitted all the Aims but needed to be “anchored” in 1

**Aim 1**

- More work to be done on the ante-natal pathway particularly
- Continued investment in Early Years but more work to be done through Children’s Centres, GPs and Post-Natal Services
- Priority 3 – should include the word “abuse” in all its forms i.e. physical, emotional and sexual
- Embedding the voice of the child
- Linkages to delivery mechanisms around the SEND agenda
- Raising aspirations and developing self-esteem and self-motivation
- Consideration of inclusion of adverse events in a child’s life, such as bereavement, and learning from CSE referrals and parental capacity to change
- Work of the Child Death Overview Panel and the adverse issues affecting children and some of the motivating factors that had been identified
- The need for linkage to the Foundation Trust’s Strategy regarding transition from Children to Adult Services
- No reference to Looked After Children or childhood obesity/lifestyles

**Aim 2**

- The Mental Health and Wellbeing Strategy to be revisited by the Transformational Group regarding what work needs to take place
- Need to link to the ageing population
- Autism, although linkages with all the Aims, had to be based in 1 in order for someone to have responsibility – Aim 3 was too big
- Learning Disabilities should be included
- Suggestion that the title should be changed to “all Rotherham people enjoy the best possible wellbeing and mental health”

**Aim 3**

- Suggestion that the overall aim title should be changed to “all Rotherham people live well and live longer in better health” and possible inclusion of the word “safely”?
- Did Priority 5 fit better into Aim 4?

**Aim 4**

- Pleasing to see Housing fitting into an Aim (Aim 4)
- Suggestion that the Strategic Director of Regeneration and Environment be added to the Board membership
- Further work required on the priorities to ensure alignment with the Safer Rotherham Partnership
- Suggestion that Loneliness should sit within Aim 4 taking into the community resilience perspective

Resolved:- (1) That the proposed framework of aims and priorities for the Health and Wellbeing Board, taking into account the comments made in the meeting, be approved.

(2) That a discussion take place at the Executive Board with regard to the addition of the Strategic Director of Regeneration and Environment to the Board membership.

(3) That Loneliness be included within Aim 4.

(Dominic Blaydon, Sam Bairstow, Lydia George Shafiq Hussain, Giles Ratcliffe and Sarah Watts left following discussion of this item.)

#### **43. LOCAL SAFEGUARDING CHILDREN BOARD ANNUAL REPORT**

Christine Cassell, Chair of the Rotherham Local Safeguarding Children Board, presented the Board's annual report 2016-17 with the aid of a powerpoint presentation, which outlined the role of the Board, its relationship to the Health and Wellbeing Board and the context for the 2016-17 annual report which was:-



- Children and Social Work Act 2017
- Continuing austerity
- Increasing demands and expectations on public services that safeguard children
- Brexit
- Excellent commitment from partners locally to working together to improve the way that Rotherham children are kept safe

#### Rotherham LSCB Report 2016-17

Key messages about services and how they work together:-

- Responses to children and families generally more timely
- Early Help – better co-ordinated offer to families with good feedback. Needs more multi-agency partner involvement
- Assessment of risk or harm – issues in multi-agency practice
- Looked After Children – initial health assessments and missing episodes children out of Rotherham
- Neglect – high percentage of cases include elements of neglect – associated with parental issues of domestic abuse, mental ill health and substance misuse

#### Priorities for 2017-19

- Early Help
- Neglect
- Safeguarding Looked After Children
- Child Sexual Exploitation
- The effectiveness of multi-agency decision making when a child is at risk of harm
- Evidence of the child's voice will be expected in all the above

#### Safeguarding is Everybody's Business

- Council
- Statutory and non-statutory partners
- Voluntary and community organisations
- The wider community

#### Changes to LSCBs

- Statutory guidance now out for consultation
- Statutory requirement for LSCBs abolished
- Local Authority, Health and Police become jointly responsible for the local Safeguarding arrangements to replace LSCBs
- Challenge will be to ensure robust arrangements that engage the wider partnership e.g. schools

#### What should the HWB Board do?

- Ensure a Safeguarding focus in commissioning decisions
- Support LSCB priorities through the implementation of the Health and Wellbeing Strategy

- Undertake Safeguarding impact assessments on major budget and organisational change
- Report back to the LSCB, through the local protocol arrangements, on the impact of its work in support of LSCB priorities

It was noted that quarterly meetings took place between the Chair of the Children and Young People's Partnership, Independent Chairs of the Adults and Children's Boards, Chair of the Health and Wellbeing Board and Chair of the Safer Rotherham Partnership, where the effectiveness of the Safeguarding Partnership Protocol was discussed and how they could continue to improve linkages between Boards and challenge each other where appropriate.

Discussion ensued with regard to the proposed abolition of LSCBs which was currently out to consultation. It was felt that the tripartite response without an Independent Chair would result in it being no one agency's responsibility. Locally, areas could determine their own arrangements and it would depend upon local areas developing strong and robust arrangements rather than those robust arrangements being specified by the centre. South Yorkshire Police had already submitted their response to the consultation.

It was felt that there was no reason why there could not still be an Independent Chair as other working parties/Improvement Boards had.

The LSCB would be considering its response to the consultation documents at its meeting in December.

Christine was thanked for her report and the work of the Board.

Resolved:- (1) That the Rotherham Local Safeguarding Children Board's annual report 2016-17 be noted.

(2) That Rob Odell share with the Board the consultation response submitted by South Yorkshire Police.

**Action:-** Rob Odell

(3) That the Health and Wellbeing Board's concerns with regard to the proposed abolition of LSCBs be placed on record.

(4) That all agencies be urged to respond to the consultation.

(5) That the issue be raised at the Safeguarding Partnership Protocol Joint Chairs meeting that Kathryn Singh was due to Chair on 28<sup>th</sup> December, 2017, with a suggestion that a joint Partnership response be submitted.

**Action: Sharon Kemp**

**44. ETHICAL CARE CHARTER**

Jacqueline Clark, Head of Service Early Intervention and Prevention, presented the Council's Independent Living and Support Service (ILS), Strategic Commissioning and its contracted home care providers' current position against UNISON's suggested 3 stages of implementing the Ethical Care Charter.

UNISON had drawn up the Ethical Care Charter, aimed to 'establish a minimum baseline of safety, quality and dignity of care by ensuring employment conditions which (a) do not routinely short change clients and (b) ensure the recruitment and retention of a more stable workforce through more sustainable pay, conditions and training levels', as a result of a national survey they had commissioned in June/July 2012.

UNISON had called for Councils to commit to becoming Ethical Care Councils by adopting the Charter and only commission homecare services which adhered to the Charter. They had suggested that implementation of the Charter be conducted in 3 stages and had produced guidance for Councils and providers.

The report set out the Authority's current position against the 3 stages of implementing the Charter.

Resolved:- That the report and progress of the Authority in implementing the Charter be noted.

**45. DELAYED TRANSFER OF CARE**

Chris Edwards, Chief Operating Officer RCCG, reported that this item had been included on the agenda due to a rise in the number of Delayed Transfer of Care (DTOC) cases. However, the situation had since started to improve.

The Rotherham System-Wide Escalation Plan 2017/18, which included Winter planning, was included on the agenda at Minute No. 49 below. The Plan set out the winter planning arrangements for health and social care in Rotherham including resources and capacity put in place to manage the impact of winter pressures.

The Chairman stated that DTOC was a key metric within the Better Care Fund and one that the Government took particular note of.

Resolved:- (1) That the Integrated Health and Social Care Delivery Group examine Delayed Transfer of Care at their next meeting.

(2) That should there be a "red alert" on the system for Delayed Transfers of Care, that a report be submitted to the Health and Wellbeing Board as a matter of urgency.

**Action:-** Chris Edwards/Louise Barnett

**46. LIFESTYLE SURVEY**

(This item was considered in the closed part of the meeting due to it not being placed in the public arena until January 2018.)

Bev Pepperdine, Performance Assurance Manager, presented the key findings from the 2017 Borough-Wide Lifestyle Survey report and the pilot report for Newman Special School.

The report also set out the plans to distribute the survey results to schools, to Boards and ongoing actions supporting the lifestyle survey results by partners.

Attention was drawn to the sections relevant to the Board.

Discussion ensued with issues raised regarding:-

- Dental visits
- Young carers
- Non-participating schools
- Work with Public Health

Resolved:- That the report be noted.

**47. PHARMACEUTICAL NEEDS ASSESSMENT**

Stephen Turnbull, Speciality Registrar Public Health, gave the following powerpoint presentation on Mapping the Pharmaceutical Needs Assessment:-

**PNA Mapping Regulations**

- Schedule 1: Para 7  
A map that identifies the premises at which pharmaceutical services are provided in the area of the Health and Wellbeing Board
- Part 2: Para 4(2)  
Each Health and Wellbeing Board must, in so far as it practicable, keep up-to-date the map which it includes in its Pharmaceutical Needs Assessment

**SHAPE Tool**

- Strategic Health Asset Planning and Evaluation
- Free to use application for NHS and local authorities
- Web-based: automatically updates background information
- Enables more analysis e.g. populations, indicators, access to services, service gaps etc.

#### Uses in the Draft PNA

- Mapping pharmaceutical services
- Calculating access by walking time and driving time
- Calculating access to pharmaceutical services not in Rotherham
- Mapping service provision by population and/or indicators e.g. needle exchange by crime deprivation, Emergency Hormonal Contraception by female population 18-29 and 30-44 year olds and small area analysis

#### Next Steps Exploring

- Automate data collection
- Generic log-in
- Additional datasets e.g. Health Indicators, Local Plan
- Other assessments e.g. oral health

The Board had to approve the 2018 Rotherham PNA by 1<sup>st</sup> April, 2018, the date it was legally due for renewal. The consultation period would commence shortly for a period of 60 days, however, this would be extended due to the Christmas period falling within the timeframe. The final PNA would be submitted to the Board in March, 2018 in order to meet the publication deadline.

The process included formal consultation with specific stakeholders. It was suggested that Rotherham's consultation would also include the CCG, VAR and South Yorkshire Police. It was also noted that each GP surgery had a Patient Participation Group which then had an overarching meeting from time to time who it may be worthwhile discussing the issue with.

The 4 South Yorkshire authorities were working together, led by Rotherham, to produce the 4 separate PNAs covering South Yorkshire. A South Yorkshire PNA Steering Group had been established to take this forward comprising the relevant PNA lead from each local authority.

Resolved:- (1) That the planned timetable for consultation and for the final document to be submitted to the Health and Wellbeing Board be approved.

(2) That the additional consultees highlighted above be included in the consultation.

#### **48. ENGAGING THE PUBLIC IN THE HEALTH AND WELLBEING BOARD**

This item was deferred until the January Board meeting.

**49. THE WINTER PLAN**

The Rotherham System Wide Escalation Plan 2017/18 (including Winter Planning) was submitted for the Board's information which set out Winter planning arrangements for health and social care in Rotherham including resources and capacity put in place to manage the impact of Winter pressures.

The Plan incorporated Rotherham's response to the National Cold Weather Plan, updated in 2016, which helped prevent the major avoidable effects on health during periods of cold weather in England.

The Rotherham CCG, along with other local CCGs, was required to provide assurance to NHS England regarding year-round and Winter planning across the Rotherham health and social care community. The report, alongside the baseline assessment and ongoing highlight reporting from the Rotherham A&E Delivery Board, aimed to provide that assurance.

**50. CAMHS LOCAL TRANSFORMATION PLAN**

The Board noted the October 2017 refresh of the Local Child and Adolescent Mental health Services (CAMHS) Transformation Plan for Rotherham.

**51. DATE AND TIME OF NEXT MEETING**

Resolved:- That a further meeting be held on Wednesday, 10<sup>th</sup> January, 2018, venue to be confirmed.

**PLANNING BOARD**  
**26th October, 2017**

Present:- Councillor Atkin (in the Chair); Councillors Bird, D. Cutts, M. Elliott, Jarvis, Mallinder, Taylor, Tweed, Vjestica, Walsh and Whysall.

Councillor Tweed assumed the Chair for consideration of application RB2017/1250 only.

Apologies for absence:- Apologies were received from Councillors Andrews, Fenwick-Green, Ireland and John Turner.

**36. DECLARATIONS OF INTEREST**

Councillor Atkin declared a personal interest in application RB2017/1250 (two storey extension to Block H and extension to the main car park at Wath Comprehensive School) on the grounds that his daughters were students and left the room during its consideration.

**37. MINUTES OF THE PREVIOUS MEETING HELD ON 5TH OCTOBER, 2017**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 5th October, 2017, be approved as a correct record for signature by the Chairman.

**38. DEFERMENTS/SITE VISITS**

There were no deferments or site visits recommended.

**39. VISIT OF INSPECTION - DEMOLITION OF CONSERVATORY AND TRIPLE GARAGE, CONVERSION AND EXTENSION OF OUTBUILDING TO CREATE DWELLINGHOUSE AND FORMATION OF NEW ACCESS DRIVE AT NEWCROFT 19 WOODSETTS ROAD, GILDINGWELLS FOR MR. STANDFIELD (RB2017/0550)**

Further to Minute No. 33(2) of the meeting of the Planning Board held on 5<sup>th</sup> October, 2017, Members of the Board made a visit of inspection to the above site, the subject of this application.

In accordance with the right to speak procedure, the following people attended the meeting and spoke about this application:-

Louise Wills (Objector)  
Ruth Davis (Objector)  
Kenneth Goodall (Objector)  
John Pawlowski (Objector)

A letter from Mr. Stanfield (Applicant) was also read out.

Resolved:- That the Planning Board declares that it is not in favour of this application on the grounds that there were no very special circumstances to justify the inappropriate development in the Green Belt, the impact on the Conservation Area and the impact on the access for existing residents.

#### **40. 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:-

- Construction of a mixed use centre for retail and services (Use Classes A1 and A2), food and drink (Use Classes, A3, A4 and A5), gymnasium (Use Class D2), offices (Use Class B1a), health centre with associated pharmacy and community centre (Use Class D1), veterinary clinic (Sui Generis) and associated car parking, bus station, servicing, landscaping, public realm and groundworks, vehicular and pedestrian access/egress and related infrastructure at land off Highfield Spring, Waverley for Waverley Square Limited (RB2017/0650)

Mr. M. Dransfield (Applicant)

Ms. D. C. Dingle (Objector)

Mr. J. Baggaley (Objector)

A copy of a statement prepared by Ms. E. Clarke (Objector) was read out.

- Reserved matters application (details of appearance, landscaping and layout) for the erection of 44 dwellinghouses reserved by outline RB2015/1460 at Waverley New Community, Phase 1J, Highfield Spring, Waverley for Sky House Company Ltd. (RB2017/0933)

Mr. C. Dunn (Applicant)

- Demolition of existing dwellinghouse & erection of 2 No. dwellinghouses, 33 Arlington Avenue, Aston for PTS Developments (RB2017/1162)

Mr. J. Monaghan (Applicant)

Mr. C. Lee (Objector)



- Outline application for the erection of 1 No. dormer bungalow and replacement garage for host property with all matters reserved, on land rear of 56 Manvers Road, Swallownest for Ms. W. Ellis (RB2017/1191)

Ms. S. Foxwell (on behalf of the Applicant)

Mr. R. Mellors (Objector)

(2) That, with regard to application RB2017/0650:-

(a) That this be referred to the Secretary of State (National Planning Casework Unit) under the Town and Country Planning (Consultation) (Direction) 2009, due to the application consisting of in excess of 5,000 sqm of retail and office use in an out of centre location.

(b) That subject to the National Planning Casework Unit not calling in the application for determination, the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.

(3) That, with regard to application RB2017/0743:-

(a) The Council shall enter into a Legal Agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the same obligations as was previously secured through Planning Permission RB2015/1460 with minor amendments relating to the following:-

- Education – changes/updates principally to wording relating to the BCIS Index uplift;
- Community Centre – simplified definition for community facilities (removal of reference to letting/rent), reduction of floorspace to match that proposed for the Highfield Commercial Mixed Use Centre proposal;
- Healthcare Centre – reduction in floorspace to match that proposed for the Highfield Commercial Mixed Use Centre.
- Link Road – Removal of the contribution;
- Travel Plan Measures – addition of text to include “or related infrastructure”.

(b) That, subject to the signing of the Section 106 Legal Agreement, planning permission be granted for the proposed development subject to the conditions set out in the submitted report.

(3) That applications RB2017/0933, RB2017/1191 and RB2017/1250 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(4) That application RB2017/1162 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report, but with an amendment to Condition No. 2 to now read:-

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below):-

(Plot 1 Elevations and Floor Plans No.7690a & Plot 2 Elevations and Floor Plans 7691a)(Received 19 October 2017)  
(Amended layout plan) (Received 20 September 2017)

Reason

To define the permission and for the avoidance of doubt

(Councillor Atkin declared a personal interest in application RB2017/1250 (two storey extension to Block H and extension to the main car park at Wath Comprehensive School) on the grounds that his daughters were students and left the room during its consideration – Councillor Tweed assumed the Chair for consideration of this application)

#### **41. UPDATES**

An update was provided on the progress of the exploratory drilling application and its consideration by the Planning Board. The date for this application's consideration was subject to confirmation.

#### **42. DATE OF NEXT MEETING**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 16<sup>th</sup> November, 2017 at 9.00 a.m.

**STAFFING COMMITTEE**  
**8th November, 2017**

Present:- Councillor Alam (in the Chair); Councillors Cowles and Watson.

An apology for absence was received from Councillor Read.

**1. SPECIAL LEAVE PROVISION FOR FOSTER CARERS/ADOPTERS**

Consideration was given to the report which sought approval to enhance the Council's special leave provisions for employees who were Rotherham prospective/foster carers and prospective adopters and also to support existing employees engaged as Rotherham foster carers already providing these types of care by providing time off where necessary.

The plan was to implement a new initiative to support Council employees who also adopted or fostered by enabling them additional leave under special leave arrangements.

This category of leave must not be used where other forms of leave such as annual and/or flexi leave were more appropriate to the circumstances, such as in the case of a family holiday.

It was suggested that five paid leave occasions (maximum length a day) could be taken in a rolling twelve months period to engage in essential activities related to adoption and fostering such as training, introductory meetings, assessments, reviews and panel etc.

**Resolved:-** That an amendment to RMBC Council employee terms and conditions of employment, to incorporate a special leave provision for foster carers and adoptive parents, be approved.

**LICENSING BOARD SUB-COMMITTEE**  
**16th October, 2017**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Reeder, Taylor and Williams.

**37. 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 item of business on the grounds that it involves 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).

**38. 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 Business Regulation Manager, relating to applications for the renewal and review of hackney carriage/private hire drivers' licences in respect of Messrs. A.M.A.E.S.A., J.K., M.B. and M.H.

Mr. J.K. attended the meeting and was interviewed by the Sub-Committee.

Resolved:- (1) That, further to Minute No. 35(4) of the meeting of the Licensing Board Sub-Committee held on 25th September, 2017, the hackney carriage/private hire driver's licence in respect of Mr. A.M.A.E.S.A. be revoked with immediate effect.

(2) That the application for the renewal of a hackney carriage/private hire driver's licence in respect of Mr. J.K. be approved and his licence be renewed for a period of three years.

(3) That, further to Minute No. C10(3) of the Commissioner's Case Hearing meeting held on 15th August, 2016, consideration of the review of the hackney carriage/private hire driver's licence in respect of Mr. M.B. be deferred and he be afforded the opportunity of attending a future meeting of the Licensing Board Sub-Committee.

(4) That consideration of the application for the renewal of the hackney carriage/private hire driver's licence in respect of Mr. M.H. be deferred and he be afforded the opportunity of attending a future meeting of the Licensing Board Sub-Committee.

**39. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE OPERATOR LICENCE**

Further to Minute No. C13 of the Commissioner's Case Hearing meeting held on 13th October, 2015, the Sub-Committee of the Licensing Board considered a report, presented by the Business Regulation Manager, relating to an application from Uber Britannia Ltd. for the renewal of this Company's Private Hire Operator Licence.

The report referred to the recent appeal lodged by Uber London Ltd. against the decision of Transport for London to refuse to renew that Company's Private Hire Operator licence for the London area.

During consideration of this item, the Sub-Committee discussed the conditions which apply to all private hire operators' licences and suggested various additional conditions. It was agreed that a report on this matter be submitted to the forthcoming meeting of the Licensing Board, to be held on Monday, 30th October, 2017.

Resolved:- (1) That the application be approved and the private hire operator's licence in respect of Uber Britannia Ltd. be renewed.

(2) That additional conditions be applied to this private hire operator licence requiring the Company to (a) notify this Council of all drivers dismissed for unsatisfactory conduct; (b) inform this Council of the Company's driver rating procedures; and (c) cease the use of any computer software or apps which are capable of preventing regulatory bodies from gaining full access to the Company's app and other systems.

(3) That, further to (1) and (2) above, the Company's request for the removal of condition 2(d) from the operating conditions be approved.

**LICENSING BOARD  
30th October, 2017**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Buckley, Elliot, M. Elliott, Hague, Jones, McNeely, Napper, Reeder, Senior, Sheppard, Steele, Taylor, Vjestica, Williams and Wyatt.

Apologies for absence were received from Councillors Clark.

**1. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this meeting.

**2. MINUTES OF THE PREVIOUS MEETING HELD ON 20TH FEBRUARY, 2017**

Resolved:- That the minutes of the previous meeting of the Licensing Board, held on 20th February, 2017, be approved as a correct record for signature by the Chairman.

**3. TAXI AND PRIVATE HIRE LICENSING - UPDATE**

Further to Minute No. 2 of the meeting of the Licensing Board held on 20th February, 2017, consideration was given to a report, presented by the Licensing Manager, providing an update on the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy, including details of the Performance Management Framework relating to the Policy. The report highlighted:-

- The progress with the implementation of the Council's Licensing Policy (Hackney Carriage and Private Hire Licensing);
- demonstrating adherence to the five outcomes required of an effective Licensing Service, as detailed in the report on the governance and operation of the Council (Dame Louise Casey, 2015);
- the Licensing Performance Framework – Second Quarter Results;
- the use of Licensing management information and recording systems (eg: Lalpac);
- Licensing Enforcement; Part 2 of the Legislative and Regulatory Reform Act 2006 requires the Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function;
- Licensing Service – staffing update;

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- statistical report of decisions made by the Licensing Board Sub-Committee (December 2016 to October 2017).

The Licensing Board Members discussed a number of salient issues:-

- the redevelopment of the Council's Driver Knowledge Test;
- verification of the authenticity of BTEC courses and certificates (it was noted that a number of course certificates are not being accepted, temporarily, pending the outcome of an external investigation);
- attendance of licensed drivers at the BTEC (or equivalent) courses and also at the Safeguarding courses and ensuring that drivers complete such courses satisfactorily;
- written reminders sent to those few licensed drivers who have not yet completed a BTEC (or equivalent) course;
- content of the Safeguarding courses;
- illegal / unlawful parking of licensed vehicles in the Rotherham town centre and elsewhere; the extent of enforcement action undertaken by the Council's Parking Services;
- CCTV cameras within licensed vehicles; spot-checks to ensure that cameras are ordered, paid for, remain fitted in the correct position within the vehicle and operate correctly in accordance with the terms of the Licensing Policy;
- cross-border working, ie: hackney carriage and private hire drivers obtaining drivers' licences from other local authorities and working within the Rotherham Borough area; also, sub-contracting by private hire operators (some of whom have registered bases outside the Rotherham Borough area) involving drivers licensed by local authorities other than this Council; Members were informed that one northern local authority no longer issued drivers' licences to applicants who lived beyond the distance of thirty miles from the boundary of that local authority's area;
- the contracts for the transport of pupils between home and school;
- the national database about licensed drivers and applicants for drivers' licences;
- the recording of the number complaints made against individual licensed drivers;
- the offence of smoking in a licensed vehicle and the fixed penalty (monetary fine) that such an offence attracts.

Members of the Licensing Board placed on record their appreciation of the work of the officers of the Licensing Service during the recent period of restructuring of the Service when a number of posts had remained vacant.

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

(2) That Members of the Licensing Board be informed of:-

(a) the further progress with the review of Private Hire Operators;

(b) the written reminder issued to licensed drivers (30th October 2017) to attend and complete the BTEC (or equivalent) course;

(c) the quality of the Safeguarding course – details of the refresh of the training course which applicants for Hackney Carriage/Private Hire Drivers' Licences have to attend (including the requirement to attend punctually and complete the whole of the course);

(d) Safeguarding – details of forthcoming courses for licence applicants, which Elected Members of the Licensing Board may also wish to attend;

(e) the operation of the national database about licensed drivers and applicants for drivers' licences; and

(f) the outcome of the external investigation into the authenticity of certain BTEC courses and the certificates of completion of those courses.

(3) That the Licensing Board Sub-Committee undertake a review of the licences of any licensed Hackney Carriage/Private Hire driver who is alleged to have completed a BTEC course for which the authenticity of the course cannot be verified by the current external investigation.

(4) That the Licensing Manager submit a report to the next meeting of the Licensing Board concerning the requirement for applicants for Hackney Carriage/Private Hire Drivers' Licences to complete and pass the Driver Knowledge Test.

#### **4. ADMINISTRATIVE AMENDMENTS TO THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

Consideration was given to a report, presented by the Licensing Manager, stating that in order to facilitate the effective application of the Council's Hackney Carriage and Private Hire Licensing Policy, a number of minor administrative amendments are required to be made to the Policy. The amendments were in relation to (i) the acceptance of Disclosure and Barring Service (DBS) Certificates from other local authorities and (ii) the period after which a medical examination was required. The report detailed the reasons for making these administrative amendments.



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

(2) That the following administrative amendments to be made to the Council's Hackney Carriage and Private Hire Licensing Policy be approved insofar as the Licensing Board is concerned, prior to further consideration of these amendments at the Cabinet and Commissioners meeting to be held on 13th November, 2017 and later at a meeting of the full Council:-

(a) Section 5.3 of the Policy be amended to read:-

"The Council will only accept DBS certificates which are applied for through Rotherham Council's Licensing Unit."

(b) Section 5.6 (and paragraph 8 at Appendix A) of the Policy be amended to read:-

"A medical to Group 2 standards will be required on first application. A new medical will then be required at the next renewal after a driver reaches the age of 45. Thereafter, a medical will be required every six years until the driver reaches the age of 65 when a medical will be required annually."

**5. AMENDMENTS TO CONDITIONS ATTACHED TO RMBC HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES**

Further to Minute No. 39 of the meeting of the Licensing Board Sub-Committee held on 16th October, 2017, consideration was given to a report, presented by the Licensing Manager, concerning recommendations that additional conditions should be attached to all Private Hire Operator licences issued by the Council at the point of grant or renewal and also that there be an amendment to a condition attached to the Hackney Carriage / Private Hire Drivers' licences issued by this Council.

The additional conditions to be attached to the Private Hire Operator licences related to the following matters:-

(i) The requirement for operators to notify the Council in relation to complaints and potential offences committed by drivers working under the terms of their operator licence; and

(ii) The requirement that operators must not use software or other technology or any device which is capable of impeding the lawful activities of enforcement agencies or the regulatory activity of the Council as Licensing Authority.

Members noted that, in addition, the Licensing Service was currently developing an "enforcement penalty points" scheme to be used in dealing

with less serious matters involving licence holder breaches of condition. The development of this scheme had identified a disparity between the Council's Licensing Policy and the standard conditions attached to the Hackney Carriage/Private Hire Drivers' licences and the submitted report recommended an amendment to the Drivers' licence conditions to bring them into line with the Council's Licensing Policy requirements.

The amendment to the Hackney Carriage/Private Hire Drivers' licences related to the requirement for drivers to notify the Council in relation to the receipt of fixed penalty notices.

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

(2) That the Licensing Board now approves:-

(a) the amendments to the standard Private Hire Operator Licence Conditions (including the introduction of the new conditions referred to above) as detailed in Appendix 1 to the submitted report; and

(b) the amendments to the standard Hackney Carriage/Private Hire Driver Licence Conditions as detailed in Appendix 2 to the submitted report.

## **6. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - MISCELLANEOUS AMENDMENTS TO WORKING PRACTICES**

Consideration was given to a report, presented by the Licensing Manager, stating that, in order to facilitate the effective administration of Hackney Carriage and Private Hire Licensing processes, a number of amendments are proposed to current working practices within the Licensing Service. The submitted report detailed those proposals and sought the agreement of the Licensing Board to introduce the proposals with immediate effect.

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

(2) That the Licensing Board approves the following amendments to current working practices within the Licensing Service in respect of Hackney Carriage and Private Hire Licensing and their implementation with immediate effect:-

(a) Officers shall not refer applications for Hackney Carriage/Private Hire Drivers' licences (grant and renewal) to the Licensing Board/Licensing Board Sub-Committee unless all elements of the application process have been satisfactorily completed; and

(b) Any application for a Hackney Carriage and/or Private Hire Licence (ie: driver; operator; vehicle) that has been pending for a period of time in excess of twelve consecutive months is declared void and the applicant shall be issued with a refund of any appropriate fees paid to the Council and their application shall be abandoned.

**7. EQUALITY ACT 2010 - LICENSED DRIVER MEDICAL EXEMPTION POLICY**

Consideration was given to a report, presented by the Licensing Manager, stating that the operative parts of Sections 165 and 167 of the Equality Act 2010 came into effect on 6th April, 2017. Section 167 of the Act gives Local Authorities the power to publish a list of wheelchair accessible vehicles (known as the Section 167 list). Section 165 places duties on the drivers of those vehicles in relation to the carriage of passengers in wheelchairs.

The report stated that drivers of vehicles which are on the Section 167 list are able to apply for a medical exemption from any of the duties listed under Section 165 of the Act. In order to process an application for a medical exemption, the Council is required to set out a Policy for the exemption of drivers on medical grounds. Members noted that this Policy is to be submitted for consideration by the Cabinet and the Government-appointed Commissioners to be held on Monday, 13th November, 2017.

The Licensing Board was informed that there were currently seven vehicles licensed by this Council which are considered suitable for inclusion in a Section 167 list. All of these vehicles were capable of carrying a passenger seated in a wheelchair. The report also stated that Government Department for Transport guidance recommended that Local Authorities consider publishing a list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchair into a seat within the vehicle.

Appended to the report was a suggested 'Equality Act 2010 Licensed Driver Medical Exemption Policy'.

The Licensing Board expressed the views that:-

(a) the Council does publish the Section 167 licensed vehicles which are capable of carrying a passenger seated in a wheelchair;

(b) the Council does not publish a list of licensed vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchair into a seat within the licensed vehicle; instead the Section 167 list shall confirm the Council's position regarding these vehicles and advise passengers to make Private Hire Operators and Hackney Carriage Drivers aware of their needs when requesting/booking a journey; and

(c) relevant information about the application and implementation of Licensed Driver Medical Exemption Policy shall be routinely included in the reports about the performance of the Licensing Service to be submitted to future meetings of the Licensing Board.

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

(2) That the Licensed Driver Medical Exemption Policy, as now submitted, to be made in accordance with the provisions of the Equality Act 2010, be approved insofar as the Licensing Board is concerned, prior to further consideration of the Policy at the Cabinet and Commissioners meeting to be held on 13th November, 2017 and later at a meeting of the full Council.

**8. DATE AND TIME OF NEXT MEETING**

Resolved:- That the next meeting of the Licensing Board be held on a date to be arranged early in 2018.

**LICENSING COMMITTEE  
30th October, 2017**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Buckley, Elliot, Hague, Jones, Napper, Reeder, Senior and Vjestica.

Apologies for absence were received from Councillors Taylor and Williams.

**1. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY 2018 - 2021**

In accordance with the provisions of Section 5(1) of the Licensing Act 2003, the Licensing Committee undertook a review of the Council's Licensing Statement of Policy. This Statement of Policy had originally become effective from 7th January, 2005 and this review was the third one to be undertaken (the first having been undertaken by this Committee on 7th November, 2007 and the second on 16th March, 2011).

The Committee noted the following matters highlighted within the Policy:-

- The Licensing Policy (upon review and approval) will cover the period 2018 to 2021 and is expected to be submitted to the full Council, for approval, during 2018, after conclusion of the period of public consultation;
- The Licensing Act 2003 has been amended by Section 36 of and Schedule 4 to the Immigration Act 2016 and such amendment applies to licensing applications made in England and/or Wales on or after 6th April, 2017;
- The revised guidance issued by the Home Office in accordance with the provisions of Section 182 of the Licensing Act 2003 came into effect on 6th April, 2017;
- Further amendments to the Licensing Act 2003 have been made by the Live Music Act 2012, the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, the Legislative Reform Order 2014 and the Deregulation Act 2015;
- With effect from 1st April, 2017, businesses which sell alcohol (eg: retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HM Revenues and Customs under the Alcohol Wholesaler Registration Scheme;
- The cumulative impact (as described in the submitted report) of licensed premises on the promotion of the Licensing Objectives will be considered by the Licensing Authority, where appropriate; and

- Borough Councillors are considered as “interested parties” and may make representations (either for or against an application) on any application, even if they do not live in the vicinity, or may represent persons living or working in the vicinity of the premises in question.

Discussion took place on the following matters:-

- (i) Prevention of Crime and Disorder (Policy Section 6) – to clarify the references to the Rotherham town centre;
- (ii) The arrangements for Temporary Events (and Notices);
- (iii) The Protection of Children from Harm (Policy Section 9) – to include child sexual exploitation and grooming as a particular concern in respect of children, together with the expectation that the staff of hotels, hot-food takeaways and other licensed premises should avail themselves of training opportunities in respect of the awareness of such exploitation and also to co-operate with any voluntary schemes promoted by the Local Authority to safeguard children and vulnerable adults;
- (iv) To consider (in the light of relevant legislation) the responsibilities of licence holders, as well as the statutory agencies, in respect of the prevention of such issues as modern-day slavery;
- (v) The Licensing Committee agreed that Town and Parish Councils should be invited to make representations in respect of applications for premises’ licences (including variations and reviews) in their areas.

Resolved:- That the revised Statement of Licensing Policy (Licensing Act 2003), as now submitted, be approved insofar as the Licensing Committee is concerned and, after conclusion of the period of public consultation, the Cabinet be requested to recommend to Council the adoption of this Policy.

(Councillor Hague declared a personal interest in the above item because he is the holder of a personal licence issued in accordance with the provisions of the Licensing Act 2003 and his wife is the owner of a restaurant which has a premises licence issued by this Authority under the same Act. As this meeting involved consideration of a general review of the contents of the Authority’s Licensing Policy, prior to public consultation, Councillor Hague remained in the meeting and took part in the discussion and voting on this matter)

## **2. GAMBLING ACT 2005 - STATEMENT OF LICENSING POLICY 2016 - 2019**

Further to Minute No. 4 of the meeting of the Licensing Committee held on 16th March, 2011, the Licensing Manager submitted a report concerning the provisions of the Gambling Act 2005. The report stated that Section 349 of the Act required the Council to prepare and publish a

Statement of Licensing Policy before carrying out any function in respect of applications made under the Act. The Council's current Statement of Licensing Policy required reviewing and re-publishing in accordance with the requirements of the Act.

Members of the Committee heard the explanation that, after consultation with the Gambling Commission, the revised Policy would cover the period 2016 to 2019 and that a further review would commence during the latter few months of 2018, in preparation for the Statement of Licensing Policy for the period 2019 to 2022.

Details of the forthcoming public consultation process, about the revised Policy, were included within the submitted report.

Members discussed issues concerning the number of betting shops/premises being opened on high streets, as well as the welfare of animals at licensed tracks and noted that such matters could be the subject of other legislation.

The Licensing Committee agreed that Town and Parish Councils should be invited to make representations about applications for licences issued under the provisions of the Gambling Act 2005 in respect of premises in their areas.

Resolved:- That the revised Statement of Licensing Policy (Gambling Act 2005), as now submitted, be approved insofar as the Licensing Committee is concerned and, after conclusion of the period of public consultation, the Cabinet be requested to recommend to Council the adoption of this Policy.

**LICENSING BOARD-SUB-COMMITTEE**  
**6th November, 2017**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Jones, Napper and Vjestica.

**40. 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 item of business on the grounds that it involves 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).

**41. 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 Business Regulation Manager, relating to applications for the grant and review of hackney carriage/private hire drivers' licences in respect of Messrs. W.H., F.H., M.B., M.T. and A.A.A.

Messrs. W.H., F.H., M.B., M.T. and A.A.A. all attended the meeting and were interviewed by the Sub-Committee.

Resolved:- (1) That, further to Minute No. 34(11) of the meeting of the Licensing Board Sub-Committee held on 26th February, 2015 (and, after appointment of Commissioners to the Council by the Government, the Sub-Committee's decisions having subsequently been reviewed and ratified by Commissioner M. Ney on 10th March, 2015), the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. W.H. be refused.

(2) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. F.H. be refused.

(3) That, further to Minute No. 38(3) of the meeting of the Licensing Board Sub-Committee held on 16th October, 2017, the hackney carriage/private hire driver's licence in respect of Mr. M.B. be suspended for a period of three months, he shall be required to attend and complete a speed awareness course during those three months and he again be issued with a written warning regarding his future conduct (in relation to the need to notify the Licensing Authority of any convictions etc., as required by the conditions of his driver's licence).

(4) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. M.T. be refused.



(5) That the hackney carriage/private hire driver's licence in respect of Mr. A.A.A. be revoked with immediate effect.

**LICENSING BOARD-SUB-COMMITTEE**  
**27th November, 2017**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, M. S. Elliott, Senior and Steele.

**42. HOUSE TO HOUSE COLLECTION**

Consideration was given to a report, presented by the Licensing Manager, concerning the following application for the grant of a promoter's permit to carry out house-to-house collections:-

Organisation	Area	Date
Mexborough District Lions Club	Manvers and Wath upon Dearne	27 November 2017 to 23 December 2017

Resolved:- That the application be approved and a promoter's permit be granted in respect of the above organisation, for the dates from the issue of the permit until 23rd December, 2017.

(Councillor Senior declared a personal interest in the above item, being an employee of a charitable organisation which had received a financial donation from a local Lions Club in the past; having declared that interest, Councillor Senior remained in the meeting, but did not participate in the Sub-Committee's debate of this item and did not vote)

**43. 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 item of business on the grounds that it involves 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).

**44. 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 and renewal of hackney carriage/private hire drivers' licences in respect of Messrs. N.A., J.H., R.P. and A.R.

Messrs. N.A., J.H., R.P. and A.R. all attended the meeting and were interviewed by the Sub-Committee.

Resolved:- (1) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. N.A. be refused.

(2) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. J.H. be approved and he be granted a licence for a period of three years and issued with a stern written warning as to his future conduct.

(3) That, further to Minute No. 48(4) of the meeting of the Licensing Board held on 16th February, 2005, the application for the renewal of a hackney carriage/private hire driver's licence in respect of Mr. R.P. be approved, his driver's licence be renewed for a period of three years and an additional condition be attached to his driver's licence requiring him to attend and complete a speed awareness course within the next four weeks.

(4) That the application for the renewal of a hackney carriage/private hire driver's licence in respect of Mr. A.R. be approved, his driver's licence be renewed for a period of three years and he be issued with a stern written warning as to his future conduct.