

**OVERVIEW AND SCRUTINY MANAGEMENT BOARD**  
**Wednesday, 14th February, 2018**

Present:- Councillor Steele (in the Chair); Councillors Brookes, Clark, Cusworth, Evans, Mallinder, Napper, Sheppard, Short, Walsh and Wyatt.

Apologies for absence:- Councillors Cowles.

The webcast of the Council Meeting can be viewed at:-

<https://rotherham.public-i.tv/core/portal/home>

**95.           DECLARATIONS OF INTEREST**

Councillor Cusworth declared a personal interest in agenda items 5 and 6 due to her role as a Governor at Brookfields Primary School in Swinton.

Councillor Sheppard declared a personal interest in agenda items 5 and 6 due to his role as a Community Governor at Rawmarsh Children's Centre.

**96.           QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS**

A member of the public asked whether the Chair of Overview and Scrutiny Management Board would be minded to invite Ofsted to a future meeting to set out why the report and outcome of their recent inspection of Children and Young People's Services was so different from any other in the previous twenty years. In response, the Chair indicated that he was not minded to invite Ofsted to a future meeting. Furthermore he afforded the Deputy Leader of the Council and Cabinet Member for Children's Services to opportunity to respond to the question.

The Deputy Leader paid tribute to the efforts of all Members and staff at the Council who had contributed to recent "Good" rating received in respect of Children and Young People's Services. He concluded that the Ofsted was a good report with a lot of positive reflection on culture and practice, but recognised that there remained a great deal of work to do.

By way of a supplementary question, the member of the public asked whether the Chair would use the legislative authority available to scrutiny committees to compel certain officials or public bodies to attend and give evidence to councillors. The Chair indicated that this was not being considered.

**97.           TO CONSIDER WHETHER THE PRESS AND PUBLIC SHOULD BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF ANY PART OF THE AGENDA.**

The Chair reported that there were no items on the agenda that would require the exclusion of the press or public from the meeting.

**98. ANNUAL CHILDCARE SUFFICIENCY REPORT**

Consideration was given to a report due to be determined at the Cabinet and Commissioners' Decision Making Meeting on 19 February 2018 in respect of the current position of the child care and early education market in the borough. It was noted that statutory guidance required the Council to report annually on how it was meeting its duty to secure sufficient childcare, and, in addition, make the report available and accessible to parents.

Having considered the report, Members queried the level of risk associated not meeting the sufficiency requirement and sought assurances in respect of the what the Council and the private sector could do to mitigate that risk. It was explained that the private sector was keen to increase provision as it would present an opportunity to generate profit, however they were not keen to take on additional staff or extend existing premises in case the increase was not realised. It was believed that there was a sufficient number of places at the present time, but if every child met the 30 hour requirement that would present an issue.

Assurances were also sought by Members that enough support was being provided to deprived children and whether work had been undertaken to establish why services were not being used. In response, it was explained that the early years and foundation level testing results for the borough were the second best in the Yorkshire and Humber region. This indicated that good progress was being made with that cohort of children.

**Resolved:-**

That Cabinet be advised that the recommendations be supported.

**99. SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) SUFFICIENCY AND INCREASE IN EDUCATIONAL PROVISION - PHASE 1**

Consideration was given to a report due to be determined by the Cabinet and Commissioners' Decision Making Meeting on 19 February 2018 that outlined the outcome of the consultation and sought approval of proposals to increase Special Educational Needs and Disability SEND provision across the Borough.

It was reported that consultation had been undertaken in line with the requirements of the Department for Education (DfE) – Special Provision Capital Fund guidance which requires local authorities to plan how to invest their allocation and other funding to achieve the best outcomes for children and young people with special educational needs and disabilities.

Members sought assurances that the proposals addressed the longer term issues associated with young people being outside of their communities for prolonged periods of time and emphasised the importance and benefits to all of keeping children within their locality. Assurances were also sought in respect of the impact on children of changing routines and placements and the arrangements in place for the transition to adulthood. In response, it was explained that the best place for any child was to be at home with their family, so long as it was in the child's best interest. It was also highlighted that the response to the consultation had been largely positive on this point and improvements continued to be made to strengthen transitional arrangements to adulthood.

The Board queried whether a cost benefit analysis had been undertaken to measure an increase in provision within the borough against placements outside of the borough. It was explained that the report discussed the reduced costs associated with retaining children within the borough. If the challenge were met this would potentially enable a saving in the region of £3.5m, however the response to how this could be achieved needed to be proportionate.

Members sought assurances that the consultation had included the voice of the child, in particular those children who were in out of borough placements. The Strategic Director gave an undertaking that he would verify that such consultation had taken place with children in out of borough placements. Members sought further assurances that the proposals were consistent with the requirement of the Education Act 1986 that the proposed alternative arrangements would lead to improvements in the standard, quality and/or range of educational provision for children with SEND.

**Resolved:-**

That Cabinet be advised that the recommendations be supported.

**100. RENEWAL OF AGREEMENT WITH ROTHERHAM RUGBY CLUB LTD, KNOWN AS ROTHERHAM PHOENIX RUGBY CLUB**

Consideration was given to a report due to be determined by the Cabinet and Commissioners' Decision Making Meeting on 19 February 2018 in respect of a proposal to renew a lease agreement with Rotherham Phoenix Rugby Club. It was reported that Rotherham Rugby Club Ltd aimed to improve the drainage and surface of 3 rugby pitches on Herringthorpe Playing Fields with the help of funding from Sport England. The pitches were leased by the Club from the Council through an Asset Transfer Lease for a yearly rent of £1, which was due to run until 2038.

It was further reported that the lease was for land only. In order to protect their proposed investment, the funder required a minimum 25 year lease with no break clause during that period. The Club had requested that the Council assist them in overcoming this funding obstacle by renewing the lease agreement.

Members were broadly supportive of the proposed renewal of the lease agreement, but sought assurances that the Council would lose control of the land in the event of the club entering administration. It was confirmed that the Council would retain control of the land in all eventualities. Assurances were also sought in respect of the maintenance of the land during the period of the lease and it was confirmed that this would be monitored in accordance with the provisions of the service level agreement.

In response to a question in respect of the relationship with the club, the Cabinet Member for Jobs and the Local Economy and the Assistant Director for Culture, Sport and Tourism relayed how impressed they had been with the way in which the club had worked with local residents and become responsive to issues raised. Members were also assured that an equality impact assessment had been undertaken and that this had also formed part of the service level agreement with the club.

**Resolved:-**

That Cabinet be advised that the recommendations be supported.

**101. BUDGET AND COUNCIL TAX 2018/19**

Consideration was given to a report due to be determined by the Cabinet and Commissioners' Decision Making Meeting on 19 February 2018 that proposed the Council's Budget and Council Tax for 2018/19 based on the outcome of the Council's Provisional Local Government Financial Settlement, budget consultation and the consideration of Directorate budget proposals alongside a review of the financial planning assumptions within the Medium Term Financial Strategy.

The report contained proposals to balance the revenue budget for 2018/19 and Members noted that work was ongoing to bring forward proposals to address the challenging financial position for future years and to enable the Council to establish a clear and sustainable financial plan which would address the estimated £30m financial gap that remained for the next two years.

In presenting the report, both the Cabinet Member for Corporate Services and Finance and the Leader of the Council emphasised the scale of the challenge facing the authority and the way in which corporate savings had been targeted to protect services from the impact of the reduction in the government's Revenue Support Grant.

Members sought clarity in respect of reductions in budgets where consistent underspends had been identified. It was explained that there were lines within budgets across the Council which had been historically underspent and that the budget for these areas could be reduced to reflect the actual level of spend to realise efficiencies. Members also queried the proposals in respect of increasing fees and charges and were advised that this would be dealt with in a separate report to be considered at the Cabinet and Commissioners' Decision Making Meeting in March 2018.

The Board reiterated the need to include equality impact assessments for all budget savings in future. In response, it was confirmed that any budget item that was substantial or required a separate report would be accompanied by an equality impact assessment.

Members queried whether there was any additional funding that could be utilised from any adjustments from the central government financial settlement and the social care precept for adult social care. In response, it was explained that discussions would be required with the Leader of the Council and any technical amendments and decisions would be included for Cabinet's consideration and ultimately the Council at its meeting on 28 February 2018.

Focussing on the need to improving efficiency across the Council, Members queried what work could be done to make the authority "paper free", to reduce printing and postage costs. It was explained that this was an area of work that was being led by the Customer Services and Efficiency Board within the Finance and Customer Services directorate. Members indicated that they would support efforts to increase paperless working, particularly in respect of paperwork for committee meetings.

Recognising the quality of the consultation exercise for the waste review, Members sought to understand how lessons would be learned from this to improve the quality of consultation on the budget proposals in future years. In response, the Leader of the Council confirmed that this would be looked at in the coming year and the input of Members would be welcome, however, when the responses to the budget consultation were analysed, whilst they were small in number, the responses broadly reflected the points that had been expected.

**Resolved:-**

1. That Cabinet be advised that the recommendations be supported.
2. That equality impact assessments on budget proposals be made available to inform Council's consideration of the Budget and Council Tax 2018/2019 at its meeting of 28 February 2018.

3. That further consideration be given on how improvements can be made to the consultation process to ensure that public views can be taken into account in the scrutiny of the budget proposals.
4. That further discussions be held with the Overview and Scrutiny Management Board to discuss the budget timetable to ensure early consideration of budget proposals takes place.
5. That Overview and Scrutiny Management Board continue to have oversight of the Adult Social Care budgets.

**102. TO DETERMINE ANY ITEM WHICH THE CHAIRMAN IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY.**

The Chair reported that there were no items requiring urgent consideration.

**103. DATE AND TIME OF NEXT MEETING**

Resolved:-

That the next meeting of the Overview and Scrutiny Management Board be held on Wednesday 21 February 2018 commencing at 11.00 a.m. in Rotherham Town Hall.