



# Council

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**Wednesday, 23 May 2018**

**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:- **15 May 2018**

# COUNCIL

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Wednesday, 23 May 2018 at 2.00 p.m.  
Council Chamber, Town Hall, Moorgate Street, Rotherham. S60 2TH

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THE MAYOR (Councillor Alan Buckley)  
DEPUTY MAYOR (To be elected on 18 May 2018)

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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, 23 May 2018 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 - 51)**

To receive the record of proceedings of the ordinary meeting of the Council held on 28<sup>th</sup> February, 2018 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**

Should it be necessary, in the opinion of the Mayor, to consider excluding the press and public from the meeting in relation to any items of urgent business on the grounds that private information is likely to be divulged.

There are no such items at the time of preparing this agenda.

## **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 52 - 74)**

To note the minutes of the Cabinet and Commissioners' Decision Making Meetings held on 19<sup>th</sup> February and 12<sup>th</sup> March, 2018.

## **11. RECOMMENDATION FROM CABINET - WASTE COLLECTION SERVICE REVIEW (Pages 75 - 162)**

To consider a recommendation from Cabinet to include the capital costs of vehicles and bins in the Capital Programme.

## **12. MEMBERSHIP OF POLITICAL GROUPS ON THE COUNCIL, POLITICAL BALANCE AND ENTITLEMENT TO SEATS (Pages 163 - 173)**

To report on the establishment of political groups, the political balance of the Council and the entitlement of each group to seats on the authority's committees.

## **13. PROPOSED AMENDMENTS TO THE CONSTITUTION (Pages 174 - 258)**

To consider proposed amendments to the Executive Procedure Rules, Overview and Scrutiny Procedure Rules, Access to Information Procedure Rules and Council Procedure Rules.

## **14. COMMUNITY GOVERNANCE REVIEW - ORGREAVE PARISH COUNCIL - FINAL RECOMMENDATIONS (Pages 259 - 289)**

To report on the results of the consultation exercise and make recommendations as to the outcome of the Community Governance Review.

## **15. SCRUTINY REVIEW - DRUG AND ALCOHOL TREATMENT AND RECOVERY SERVICES (Pages 290 - 310)**

To receive the report and recommendations of the Health Select Commission in respect of its review of Drug and Alcohol Treatment and Recovery Services.

## **16. SCRUTINY REVIEW - USE OF INTERIM, AGENCY AND CONSULTANCY STAFF (Pages 311 - 321)**

To receive the report and recommendations of the Overview and Scrutiny Management Board in respect of its review of the use of interim, agency and consultancy staff.

## **17. NOTICE OF MOTION - GENDER EQUALITY**

This Council notes:-

- That 100 years ago, the Representation of the People Act was passed allowing women over the age of 30 to vote for the first time. This followed a sustained campaign by women across the country, including many women in Rotherham.
- The first female Councillor for Rotherham County Borough was Councillor Mary MacLagen, who was elected in 1924 to represent Clifton ward. She was an active feminist, and was secretary of the Rotherham Branch of the National Union of Women's Suffrage Societies.
- That it took another 19 years to elect our first female Mayor, Councillor F. L. Green in 1943. Our first female MP for Rotherham, Sarah Champion was elected in 2012 and the Council's first female Chief Executive, Sharon Kemp, was appointed in 2015.

This Council believes:-

- We are indebted to those that have fought for gender equality and remember those women who died, suffered and sacrificed for a woman's right to vote today.
- That a healthy democracy reflects the people it represents; all elected bodies should strive for equal representation of men and women.
- That this is still much to campaign for to achieve equality – less than a third of MPs are female, more than 90% of limited company executives are male, and in 2017 in the UK, men earned 18.4% more than women.

This Council resolves:-

- To erect a plaque to Councillor Mary MacLagen, the first woman Councillor in Rotherham and suffragette, in a prominent position in Rotherham Town Hall, to be paid for by public subscription.
- To seek a blue plaque for Councillor Mary MacLagen's home on Broom Lane, Rotherham.
- To encourage the next generation of women to play their part in politics in Rotherham, by reviewing carers, maternity and paternity arrangements for Councillors through a member's working group.
- To provide a political voice for women in Rotherham by ensuring that issues that matter to them such as equal pay, bullying and harassment, sexual violence, and domestic abuse are heard within the Council.

Proposer:- Councillor Hoddinott

Seconder:- Councillor Pitchley

**18. HEALTH AND WELLBEING BOARD (Pages 322 - 331)**

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 332 - 340)**

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

To confirm the minutes as a true record.

**20. STAFFING COMMITTEE (Page 341)**

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

To confirm the minutes as a true record.

**21. STANDARDS AND ETHICS COMMITTEE (Pages 342 - 347)**

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

To confirm the minutes as a true record.

**22. RECOMMENDATION FROM STANDARDS AND ETHICS COMMITTEE - MEMBERSHIP OF THE STANDARDS AND ETHICS COMMITTEE AND THE APPOINTMENT OF INDEPENDENT PERSONS (Pages 348 - 354)**

To consider recommendations from the Standards and Ethics Committee concerning its membership and the appointment of Independent Persons under the Localism Act 2011.

**23. LICENSING (Pages 355 - 361)**

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

To confirm the minutes as a true record.

**24. SHEFFIELD CITY REGION COMBINED AUTHORITY (Pages 362 - 370)**

To receive the minutes of the Sheffield City Region Combined Authority.

**25. SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY (Pages 371 - 380)**

To receive the minutes of the South Yorkshire Fire and Rescue Authority.

**26. SOUTH YORKSHIRE PENSIONS AUTHORITY (Pages 381 - 388)**

To receive the minutes of the South Yorkshire Pensions Authority.

**27. SOUTH YORKSHIRE POLICE AND CRIME PANEL (Pages 389 - 399)**

To receive the minutes of the South Yorkshire Police and Crime Panel.

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

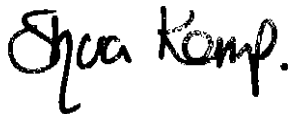
To put questions, if any, to the designated Members on the discharge of functions of the South Yorkshire Police and Crime Panel, South Yorkshire Fire and Rescue Authority, Barnsley, Doncaster, Rotherham and Sheffield Combined Authority and South Yorkshire Pensions Authority, in accordance with Council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

**29. 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).

**30. URGENT ITEMS**

Any other public items which the Mayor determines are urgent.

A handwritten signature in black ink, appearing to read 'Sharon Kemp'.

**SHARON KEMP,**  
Chief Executive.

**The next meeting of the Council will be on Wednesday 27 June 2018  
at 2.00 p.m. at the Town Hall.**

**COUNCIL MEETING**  
**28th February, 2018**

Present:- The Mayor of Rotherham (Councillor Eve Rose Keenan) (in the Chair); Councillors Alam, Albiston, Allcock, Allen, Atkin, Beaumont, Beck, Brookes, Buckley, Carter, Clark, Cooksey, Cowles, Cusworth, B. Cutts, D. Cutts, Elliot, M. Elliott, R. Elliott, Ellis, Fenwick-Green, Hoddinott, Ireland, Jarvis, Jones, Marles, Napper, Pitchley, Price, Read, Reeder, Rushforth, Sansome, Senior, Sheppard, Short, Simpson, Steele, Taylor, Julie Turner, Vjestica, Walsh, Watson, Williams, Wyatt and Yasseen.

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

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

**147. ANNOUNCEMENTS**

The Mayor was pleased to share a written report on her activity since the last Council meeting. She particularly wanted to highlight, given this was her last full Council Meeting as Chair, the opening of the new underground cinema/theatre in the former Turf Tavern and the recent visit by the Rainbows who had painted and hid a special rock for Members to find in the Council Chamber.

The Mayor also wished to announce news about her own charity, Thornberry Animal Sanctuary, who had confirmed they would free up three spaces to accommodate dogs for homeless people providing assistance in often difficult circumstances.

**148. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Andrews, Bird, Evans, Hague, Jepson, Lelliott, Khan, Mallinder, Marriott, McNeely, Russell, John Turner, Tweed and Whysall.

**149. COMMUNICATIONS**

There were no communications received.

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

**Resolved:-** That the minutes of the meeting of Council held on 24<sup>th</sup> January 2018, be approved for signature by the Mayor.

Further to Minute No. 137 the Chair of the Overview and Scrutiny Management Board confirmed the attendance of the Chief Fire Officer to discuss the second appliance in Rotherham at a meeting of the Overview and Scrutiny Management Board scheduled for Wednesday, 21<sup>st</sup> March, 2018 at 11.00 a.m.

Mover:- Councillor Read

Seconder:- Councillor Watson

**151. PETITIONS**

The Mayor reported that one petition had been submitted, which had met the threshold for consideration by Council containing 6,569 signatures calling on the Council to ensure that there was adequate in-house services for vulnerable adults in Rotherham and to keep open the Addision and Oaks Day Centres.

Mr. Martin Badger addressed the Council as part of the presentation of the petition and outlined the merits, usage, level of support and high level of benefit to service users of these centres. The viability was not questionable and he urged the Council to carefully consider future provision and invited all Elected Members to visit the centres and view personally the activities and community benefit.

Councillor Roche, Cabinet Member for Adult Social Care and Health, thanked Unison for the presentation of the petition and confirmed he had visited the centres on many occasions.

A report relating to the future proposals had not yet been drafted so it was not possible to pre-judge any outcome. The service was well supported and it was timely to review the provision following a period of consultation. There would be no changes to any individual's circumstances without an assessment and future provision would ensure it met the needs of the users and carers.

Details of the current provision was highlighted along with the timeframe for the proposed report's progression through the democratic process eventually being considered by the Cabinet in May, 2018.

In considering the concerns and views expressed there appeared to be three possible options to move this forward:-

1. Agree to the request of the petition.
2. Take no action of what had been requested.
3. To undertake further investigation.

Councillor Roche, therefore, formally moved Option 3 for further investigation to be undertaken and for this to be completed before formal consideration by the Cabinet.

Councillor Watson formally seconded Option 3 and agreed the concerns of service users and their families needed to be taken on board before a decision was made on any future proposal.

**Resolved:-** That Option 3 (to undertake further investigation) be approved in relation to the petition as submitted.

Mover:- Councillor Roche

Seconder:- Councillor Watson

**152. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**153. PUBLIC QUESTIONS**

(1) Mr. L. Harron was unable to attend today's meeting so his question would be answered in writing.

(2) Mr. P. Thirlwall asked how did the Leader reconcile the opposing statements in the Council's Constitution, Rules of Procedure, when rule 18(17) stated that the mover of an amendment had the right of reply and rule (30) clearly stated, that the mover of an amendment does NOT have the right of reply?

The Leader believed Mr. Thirlwall had received a written a response from the Chief Executive on this matter.

Interpretation of the Constitution was not a matter for the Leader as this was a matter for the Mayor, as Chair.

The Constitution had been subject to external review by the Association of Democratic Services Officers who had assisted with the refresh and having checked with them their interpretation of Standing Orders was the same as the Council's.

Paragraph 17 was clear that there was a right of reply for a proposer of an amendment. Paragraph 30 referred to the absence of a right of reply for the proposer of an amendment in the debate on the substantive motion AFTER the debate on the amendment.

The Leader agreed the wording was not as clear as it should be and this would be rectified.

In a supplementary question Mr. Thirlwall believed the Council, on this occasion had got it wrong. The Leader, in his opinion, had also given the wrong answer, should have offered an apology and indicated the mistake would be corrected at the first opportunity instead of trying to defend the indefensible. He should also have apologised about not looking into the fifty word limit for public questions and also admitting he was wrong about paying the Leader of the Opposition an allowance. He asked the Leader if he agreed with him.

The Leader explained he agreed with many matters raised by Mr. Thirlwall, but not all. On this occasion the rules were interpreted and followed with intent and this was checked and confirmed with the people who put together the wording. The Leader appreciated Mr. Thirlwall's frustration, but agreed to disagree.

**COUNCIL MEETING - 28/02/18**

(3) Mr. D. Smith was unable to attend today's meeting so his question would be answered in writing.

(4) Mr. N. Carbutt asked could the representative outline for the benefit of the public of Rotherham, South Yorkshire Fire Authority/SYFR underspends on total revenue receipts that had been committed to reserves for years 2006-2018 e.g. underspend for 2006, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17 and 18.

Councillor Atkin confirmed he would need to send him a year by year breakdown in writing.

Underspends during this period have contributed to reserves of around £25 million. The growth in reserves was mainly a consequence of the retirement rate of operational staff outpacing the rate at which the Service's funding had reduced, and the fact that uncertainty about the extent and duration of future cuts have left the Fire Authority with no confidence to recruit new fire fighters (which was now a forty year commitment).

A significant proportion of these reserves were intended to be spent over the next few years on necessary capital projects - including investments in equipment, vehicles and buildings for firefighters. This would leave a much smaller amount of other earmarked and general reserves (expected to be around £5 million), to provide for other initiatives and unexpected future costs, such as insurance and operational contingency.

In a supplementary question Mr. Carbutt explained he had expected an individual breakdown of reserves, but assisted the Chamber by confirming there had been no overspend on budget since 2006. Last year there had been a £2.2 million underspend, the year before that £3.2 million and the year before that £1.6 million.

To Mr. Carbutt's knowledge and checking statement of accounts, the Service had not used its full allocated budget in previous years and moved its resources into reserves. This was in excess of what it would cost to keep Rotherham's second night time appliance. This was reason enough for this Council to review and revoke the decision and Mr. Carbutt welcomed the offer for this to go into scrutiny for further consideration.

Mr. Carbutt wanted to make a point from the FBU perspective this was not a financial decision, but a political one and the plan to move staff from Rotherham from nights to Parkway in Sheffield on days was, in fact, cost neutral. It was simply moving staff. Whilst this issue was debated Rotherham was left with one fire engine at night and Sheffield would have eight fire engines 24/7 covered during the day. This seemed ludicrous when Rotherham was the eighth fastest growing economy and had had some fantastic achievements for securing the future for steel and indeed the opening of the second furnace increasing production. Building on this infrastructure the Fire Service helped to keep those businesses safe.



Crewe, a Labour controlled council, had recently overturned a similar decision and it was within the gift of this Council to do the same. It just required the political will and on this basis Mr. Carbutt asked Councillor Atkin in what forums had he raised this issue with the Fire Authority.

Councillor Atkin confirmed he had raised the issue of the second appliance with the Fire Authority and in meetings in Rotherham. It would also be considered at a meeting of the Overview and Scrutiny Management Board on the 21<sup>st</sup> March, 2018.

He also pointed out that whilst Mr. Carbutt referred to there being eight appliances in Sheffield during the day there were actually five in Rotherham during the day, not one.

(5) Mr. P. Cawkwell explained that in a fire emergency it was hard to convey details in a 999 call to SYFRS. It was imperative that sufficient resources were deployed and he asked Councillor Atkin if he considered it acceptable for Rotherham Central Fire Station residents to rely on only one fire appliance at night to ensure their survival in an emergency.

Councillor Atkin explained that it was the case for the rest of South Yorkshire, and indeed the rest of the country, the Service's response to 999 incidents continued to be supported by crews from other nearby stations, depending upon the nature and the scale of the incident. During the night time period, Rotherham's situation was no different to fourteen other stations which also have a single fire engine available, and relied upon supporting appliances from elsewhere.

However, as Mr. Cawkwell may be aware, at the last meeting this Council expressed its concern about the reduction in overnight staffing levels, and subsequently asked the Chief Fire Officer to discuss the issue in Scrutiny, and this would be taken forward over the next few weeks.

In a supplementary question Mr. Cawkwell pointed out that with the Forge Island development for a hotel, restaurants etc. and the already large scale fire at Rotherham Interchange, there was a need for two pumps on the run in Rotherham at night it was that simple.

The moral case was there and held weight, the logistics were there and they held weight, the finances were and that held £27 million of weight and Mr. Cawkwell asked if this decision would be looked at again on the merits of fire safety as opposed to a political decision pushed by Councillor Atkin for reasons unknown.

Councillor Atkin assured Mr. Cawkwell that the Fire Authority looked at everything under risks and safety and the importance of keeping the people of South Yorkshire safe was too important. It was not political. Reference was made to there being only one fire appliance in Rotherham at night, which was true. Once the first pump in Rotherham was

committed to an incident, the reserve crew on standby were deployed and the second pump could be in place within fifteen minutes.

(6) Mr. R. Beecher withdrew his question at the meeting.

(7) Mr. J. Bell was unable to attend today's meeting so his question would be answered in writing.

(8) Mrs. R. Askwith withdrew her question at the meeting.

(9) Mrs. M. Beck was unable to attend today's meeting so her question would be answered in writing.

(10) Mr. J. Dumphey asked with such an emotive decision to be made by Cabinet Members in the near future, which would affect hundreds if not thousands of Rotherham residents, would it not be reasonable to expect **ALL** voting Members to visit the service sites concerned prior to any final decision as to their futures.

Councillor Roche confirmed Members have the option to visit all Council services. He had regularly visited all of the directly provided service centres from Rotherham Metropolitan Borough Council, and he was aware other Members have also taken the opportunity to do likewise.

Other Members and Councillor Roche had visited other Local Authorities to view best practice in areas such as North East Lincolnshire, Derbyshire and others. He himself had an annual plan to visit all centres and visited Addision last year. In addition, he received regular updates and briefings on current services for learning disability and adult social care. Members were kept fully aware of what services offered and were briefed.

In a supplementary question Mr. Dumphey explained on the reports that were being put forward so far, he had read them and believed they did not truthfully reflect the true value of centres such as Addision which was why his question was so important. He asked if the Cabinet was going to base its report on a flawed, biased and misleading report and its recommendations.

Councillor Roche explained he and the Cabinet were not going to make any decision based on a biased report.

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

**Resolved:-** That under Section 100(A) of the Local Government Act 1972, that should the Mayor deem if necessary the public be excluded from the meeting on the grounds that any items involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to information) (Variation) Order 2006.

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

The Leader was happy to field any questions by Members, but would refer to any statement he would have made as part of the Item 11 on the Budget.

**156. 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 15<sup>th</sup> January, 2018, be received.

Mover:- Councillor Read

Seconder:- Councillor Watson

**157. BUDGET AND COUNCIL TAX 2018-19**

Further to Minute No. 111 of the meeting of the Cabinet/Commissioners' Decision Making Meeting held on 19<sup>th</sup> February, 2018, consideration was given to the report which proposed the Council's Budget and Council Tax for 2018/19. It was based on the outcome of the Council's Final Local Government Financial Settlement, budget consultation and the consideration of Directorate budget proposals through the Council's formal Budget and Scrutiny process (Overview and Scrutiny Management Board) alongside a review of the financial planning assumptions within the Medium Term Financial Strategy.

In setting the proposed 2018/19 Budget, Cabinet had recommended to Council an increase of 2.99% in the Council's basic Council Tax and a further 3% increase for the Adult Social Care precept; a combined increase of 5.99% for 2018/19.

The Leader of the Council addressed Members and thanked all those who had dedicated hours and hours over the last few months for these proposals to be brought forward. In particular he wanted to thank his Cabinet colleagues, and in particular Councillor Alam, for their selflessness in their approach and Councillor Steele and his Scrutiny colleagues who have been tireless in their efforts to ensure that nothing was missed.

The Leader wished to particularly speak about:-

- The issuing of a Section 114 notice to Northampton County Council, who had declared it could not make ends meet.
- The survey undertaken by the Local Government Information Unit and the MJ suggesting two-thirds of Councils intended to use their reserves to balance their budgets in the coming year.
- 95% of councils increasing Council Tax.
- This budget marked £162 million of cuts to the Council's budget, with a further £30 million expected over the following two years.

**COUNCIL MEETING - 28/02/18**

- Across the country 800,000 fewer people now worked in Local Government since 2010.

Whilst there were undoubtedly reductions in services in this budget today this was about priorities, which was why:-

- Agency staff had been brought down by nearly a quarter over the last year.
- Councillor allowances had been cut again this year, including the cost of the Town Hall and the mayoral car, saving £48,000, resulting in £30,000 being invested into neighbourhoods.
- 60% of the savings required in this revenue budget were made without impacting on services to residents.
- This budget put Social Care first.

Social Care accounted for 60% of the budget and was the reason for the crisis in Social Care. Councillor Watson and Ian Thomas and the team were credited for the way they had transformed Rotherham's Children's Services. Their work was already turning around the lives of thousands of children and families across the Borough. This was a top priority and it had been delivered upon.

This budget continued to make significant investment in Children's Services. Care leavers have been exempted from Council Tax and the suggestion of the Looked After Children's Council in banning black bin liners had been taken on board.

At a time when there were more children in the Council's care than ever before, the pace of change in transforming Early Help Services must continue. For this reason proposals were being brought forward to reduce the amount of money spent on buildings that housed youth clubs and children's centres and instead invested in the kinds of activities that at-risk families needed the most. This would save on building costs, but would enable further work on the Family Group Conferencing and Edge of Care services.

There were no additional cash reductions this year in the Adult Social Care budget. The Government's Adult Social Care levy would be used to raise £2.9 million and meet the costs of young people who were reaching adulthood with complex needs, meet the rising costs of contracts, including the commitment to the lowest paid staff and to invest in social work practice.

The Council spent more than £11 million a year on collecting bins. In the current climate changes were required to make savings and to boost recycling. Every household was consulted on proposals to take this forward and for this reason an additional 1% was being raised in Council Tax and would be ring-fenced to facilitate the introduction of kerbside plastics collection, as thousands of residents asked for this provision.

This would mean a rise of 2.99% in Council Tax and 3% on the Government's Adult Social Care levy for Rotherham households. For the average household in Rotherham, this amounted to just over £1 extra per week.

The choice was to strengthen Rotherham's economy and build the homes that Rotherham families needed, protect £1.8 million worth of services in the coming year through higher business rate growth and income from new housing developments. By securing commercial development in the new caravan park at Rother Valley and business premises at Beighton Link the Council was expecting to protect an extra £650,000 of services from 2019/20.

Rotherham was the fastest growing economy in the region, bringing jobs and investment and the money to fund public services.

More than £800,000 was being committed to secure local school places for 125 children with special educational needs and disabilities where it was in their interest to study nearer to home.

A Living Wage uplift, paid for in this budget, would put an extra £10 a week in the pockets of the lowest paid staff.

A commitment to housing that would see an additional 167 council houses built across the Borough in the next two years.

Local Welfare Provision that would feed as many as 5,000 people next year who would otherwise literally go hungry.

The Council Tax Support Scheme benefitted the poorest residents by at least £110 a year which made them much better off than they would be in half the councils in the country.

Over the coming year, investments in the Town Centre would see work starting on the bus station in a matter of weeks.

The 2020 Road Programme would see more investment in road resurfacing this coming year than at any time in the last decade with repairs to an additional 100 roads and an additional £1 million to resurface more pavements.

Street cleansing equipment and bins to trial improvements would be invested in. Grass cutting would need to be reduced in agreement with trade union colleagues to find further savings.

There would be difficult decisions ahead, but better ways of supporting people would need to be found with closer working with partners and new ways of delivering services. Rotherham was building a future that was worth fighting for and it was time to rise to the next challenge.

Councillor Alam was happy to second the proposals for the Budget and Council Tax for 2018/19 and considered this a responsible and holistic budget committing £216 million of public money that went beyond the services for grass cutting and collecting bins. These were services that had an impact on the lives of Rotherham residents. This was a step change for the Council where it was committed to putting residents first. This budget created jobs, looked after the most vulnerable and put the failure of the past right.

Despite the cuts and underfunding this budget was fit for purpose. These priorities would work for all Rotherham. This Council had to save £15 million this year and this budget balanced. Thanks were offered to Cabinet Members, Members of the Budget Working Group, Overview and Scrutiny Management Board and the finance team who had worked tirelessly.

The national picture was grim. Austerity had failed. This Government promised to reduce the national debt, but this had actually increased. Rotherham had been made to face £177 million of cuts.

The cuts discriminated Councils in high demand deprived areas who were left with few options and difficult decisions on savings. The Council were protecting front line services and it would continue to look how it could become more efficient as a Council and carry on with the changes.

Clearly these savings gave real challenge and where there was a challenge there was always an opportunity. The Council had to be become more accessible, work in partnership and be more creative.

The Council had no choice but to increase Council Tax and to protect vulnerable citizens from the cruellest cuts. Adult Social Care had not been invested in enough over the years by Government and Councils such as Rotherham were now appealing to its own community spirit and stand as a town shoulder to shoulder with vulnerable residents.

Demographic changes needed to be taken account of as well as Adult Social Care and Children's Services and investments needed to be made in the town to safeguard the improvements and work in partnership for the future.

Councillor Cowles proposed an amendment to the budget and in doing so did not contest the budget and gave the opportunity to set and manage a sound budget effectively. Scrutiny of the revenue element had been reasonably effective, but there were still overspend issues in Children's Services and Adults Social Care, although this was a national problem. However, the management of demand could be tighter and better forecast.

The most worrying failure was the one to recognise the strong message emanating from this Government regarding the future direction to funding. It was clear cuts would continue and self-reliance was necessary. Even a change of Government and more funding would not last long. Councils needed to develop their own revenue streams. Reserves should have been used as investments rather than topping up unsound budgets and certain projects. It was time to prepare for budgets on zero funding from Government while there was still time to do so. Essential funding was then a bonus.

Councillor Cowles described a conversation he had had with Ian Thomas having read an article about the long term future for children which were predictable at the age of seven. This was shocking and the predicaments some families found themselves in were through no fault of their own. Members of UKIP had participated fully in the scrutiny of the revenue budget which had little room for manoeuvre. Councillor Cowles had made his views known and where he did not agree he had voted against.

He described how he had started to look at the capital budget following the general election in June, 2017 and how a survey in the north of England on homelessness in its widest context revealed that 74% of respondents considered the Bedroom Tax was a factor along with the shortage of suitable available accommodation.

In this context, consideration was given how to address the affordability solution and how such housing could be provided at lowest cost and utilised in the shortest time. He focused his attention to modular housing solutions and discussed with relevant Council officers who provided excellent support.

In the delivery of such solutions consideration was also given to heating and other technology deployed in other projects and solutions such as ground pumps. He had also moved on to lighting and cooking and the possibility of meeting requirements using solar panel and solar spray.

Councillor Cowles was particularly interested in these technologies and believed Rotherham had the ability to showcase locally developed technology. He had researched various batteries being developed in Manchester University and solar spray at Sheffield University.

The moving of the amendment to the budget would allow for the development of such dwellings which could aspire to eventually be self-sufficient and may not require connecting to the national grid. Market test capability would be required on a small number of units, which in turn could be used on other social housing and offered to public in energy shop in Rotherham.

The proposed dwellings would also need to be deployed on local authority land and close to the Town Centre. If demand shifted to a surrounding Ward the aim would be for them to be transportable. This was ambitious,

but remained an option. The outcome would be for available housing for those defined as homeless that would demonstrate Rotherham was a good place to live and work as technology improved and housing developed.

From discussions with officers it was clear they were having some similar thoughts, but these tended to focus around containers which were not suitable as long term accommodation.

Councillor Cowles was, therefore, asking for the Budget and Council Tax to be accepted as proposed with the exception of an amendment to the HRA Capital Programme to ring-fence £4m of the Capital Programme specifically for a project to develop modular one and two bedroomed homes with the project meeting the following criteria:-

- That each home to be provided at a lower cost than traditional on site constructed homes.
- That the fund provides as many homes as practicable on Council-owned sites.
- That the homes have an expected asset life span of 25 years or more.
- That careful consideration is given to payback periods for the investment, aiming for the project to be revenue generating as soon as practicable
- That the project should promote and utilise micro renewable and eco technologies so each home has very low running costs for the occupier and have the potential not to be connected to the grid.
- That local innovation be utilised where possible (e.g. graphene battery technology to support solar panels and solar spray if available).
- That the homes have the ability to be picked up and moved to another site if necessary.
- That the properties be designed specifically to meet the needs of homeless people, young and or older persons to assist them make a start on the housing ladder or down size to a more affordable home.

In seconding the amendment Councillor Short described modular homes which were similar to the prefabricated homes of the past. There was a clear need in the town for affordable homes given the barriers of high deposits and low savings for young people in the town.

The demand for Council housing remained high and the amendment proposed was about people's lives and not politics. This was a start to help young people in this town if it was possible.

In speaking on the amendment Councillor Beck respected its spirit and many of the issues were important in meeting the demand of additional homes and affordable housing. He highlighted a number of projects that the Council was already involved in including the £55 million from the HRA over the next five years delivering new homes, which was the



biggest plan in decades. He described the action already taken through initiatives like the ongoing acquisition programme and the site clusters programme to build over 200 new properties on Braithwell Road in Maltby.

Rotherham was being held up as best practice and was being consulted on how it was achieving and moving forward. There was some value in discussing this proposal through Scrutiny, but not an option that could be considered and accepted today. An additional £4 million of capital expenditure needed to be considered in greater detail. The increase in Right to Buy requests had already resulted in 163 sales this year and as much as possible was being done to counteract this through the HRA reserves. He appreciated this being raised as an issue and thanked the Opposition for its submission.

Councillor Walsh believed the British house building industry needed a big push as for decades they had been using obsolete building techniques for thermal warmth and energy efficiency when there was evidence of achievable technologies. The amendment outlined a number of technologies which could be applicable in some cases, but not all.

The amendment was pointing in the right direction and would make for a good discussion paper for Scrutiny and this was something the Council should be looking into should it get the opportunity to access initiatives to build more advanced housing. However, the amendment did come late to the table so was unable to be supported for inclusion at this point.

Councillor B. Cutts was aware electricity power authorities had sought permission to locate a battery storage system in Rotherham, but he could not understand why this request had been refused.

Councillor Read thanked Councillor Cowles and Councillor Short for the amendment and their role in Scrutiny and appreciated the thought that lay behind the amendment. This was an area that Scrutiny would welcome. The Council was working on some modular builds at the moment, but was unable to accept a £4 million amendment at this stage.

Councillor Atkin pointed out the Council had been working on affordable eco-friendly houses for many years, but they still remained expensive. He was supportive of moving forward with new technology.

Councillor Cowles in his right to reply responded to Councillor Beck highlighting there had been no mention of a proposal being put forward for a specific purpose, which in this case was for homeless people below the age of thirty-five whose predicament was as a result of the Bedroom Tax and the lack of suitable accommodation.

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Councillor Cowles had simply looked to address the issue quickly and from Councillor Atkin's point of view at low cost. He had spoken to officers to look for available funds and was referred to unallocated funds within the HRA account. He was aware that the £55 million within the budget was not yet allocated.

He described Councillor Walsh's technologies being somewhat speculative and pointed out the heat pump solution was already deployed successfully in Manchester and in a number of locations solar panels were being installed with a battery capability.

The amendment was not proposing a housing solution more expensive than other housing, but simply a modular build that was low cost. It would be ridiculous to propose a solution which would be more expensive than those previously deployed.

The amendment to the budget was put to the vote and LOST.

Returning to the recommendations proposed and seconded on the original report Councillor B. Cutts referred back to the documentation received and the financial accounts where he believed he had insufficient time to read and understand the content. He described the value of real money and the could not understand how the Council could purchase goods and services without it. If the Council was short of money Councillor Cutts asked for consideration to be given to cutting the number of Councillors by a third.

Councillor Hoddinott as the Cabinet Member for Waste, Roads and Community Safety, was conscious that these cuts to Council services affected all. The pressures on social care in Adults and Children were all in the context of less money from Central Government. She did not accept the cuts were necessary, but believed they were a result of political choices. The corporation tax in the U.K. was lower than many other countries and residents were having to pick up the tab for the cuts.

It was appreciated that residents wanted to see their bins emptied and potholes fixed. More had to be done with less money and new and cheaper ways had to be developed as part of this budget.

In terms of the bins, savings had been identified and changes were required to make the Service more efficient. Consultation feedback had been considered and kerbside recycling of plastics had been secured. 80% of respondents wanted more materials collecting. Over last few years Rotherham had gone from a higher number of missed bin collections to a lower than average number of missed collections, which was a better service to residents and would continue.

On the roads the Council was having to plug the gap to repair roads and use capital locally. Members had the opportunity to feed into this and already 43 miles of road had been serviced under this programme.

Cleansing and grass cutting were areas where residents would see the changes and work from Unison was welcomed to mitigate job losses and to assist with the redesign of the service.

Residents were thanked for working with the Council and, despite the challenges, sought to make Rotherham a better place to live and work. Rotherham had 436 Love Where You Live volunteers who had collected over 8,386 bags of rubbish last year and along with other community projects and charities were working together against the cuts.

Councillor Roche entered politics to make a positive difference. He was pleased the Council was protecting the most vulnerable, but appreciated there would need to be cuts in Adult Social Care in the future. This was not something he wanted and the cuts affected him personally. The current Government was trying to decimate local councils as much as they could. He hoped that Members would support the budget recommendation.

Councillor Brookes welcomed the second recommendation of the budget which earmarked £965,000 of additional Council Tax income generated from 1% of the increase for kerbside collection of plastic. The environmental impact of plastics was now receiving the attention it deserved and she welcomed the long sighted approach to removing obstacles for members of the public to take care of the environment, alongside the increased revenue this would create.

Rother Vale, Councillor Brookes' own Ward, had recorded the highest response rates to the waste consultation and considered this an overwhelming victory for her residents and the Borough as a whole. Rotherham had been criticised in the past for not recycling plastic and this was an excellent opportunity, a step in the right direction and may go some way to addressing the anomalies for high quality plastic being purchased from overseas.

Councillor Yasseen confirmed this was the eighth year of austerity which was having a cumulative effect on people and communities. This was not fairness and equality, but cruel as this affected the average person and communities in the north of the country. Rotherham had little choice with the cuts, but the effects had been eased through cross party working through Scrutiny and the various forums to ensure how the budget was balanced.

The cuts produced inequality and services had to be prioritised. Universal services such as parks, museums and heritage sites were victims of austerity. For the future services would need to have ambition and creativity whilst maintaining and sustaining a reduced experience.

Partnership working was essential and projects like the self-sustaining Rother Valley Country Park caravan site would safeguard current jobs and create more employment.

Sustaining fourteen libraries had been difficult and future consideration would need to be given about new models of delivery.

Investment would continue in neighbourhoods and the current devolved budget and community leadership fund would continue for sustained community benefit. The community sector would assist in delivering public services which would be further championed in the coming year.

Thanks were also offered to frontline staff who continued to shoulder the burden of workloads and should continue to receive support.

Councillor Napper was in support of the budget recommendations as he had been involved in the scrutiny of the budget line by line. He was sure the Chair of the Overview and Scrutiny Management Board would have welcomed other Members sitting in meetings given the large amount of documentation for consideration.

Councillor Steele outlined the political choices made by the Government and the devastating effect the cuts were having on Local Government. There may have to be some configuration of Council services in the future, but outsourcing was not always the answer. Public services required investment in order to protect the most vulnerable.

There had been in-depth scrutiny of the budget and all individual proposals checked. A few concerns remained, but these had been put in writing to the Chief Executive especially around budget reliance on increases in prices. He had asked that consideration of the budget commence earlier because decisions would be more difficult with more cuts from less money.

The consultation had been excellent, particularly around the waste proposals, but this did affect everyone and was key to any changes moving forward.

Councillor Steele pointed out that when budget proposals were put forward equality impact assessments were required. There were overspends in Children and Adults due to the nature of demand and delivery. The most vulnerable must be protected. Scrutiny would continue to monitor and challenge Strategic Directors and Cabinet Members. He was happy to accept this budget.

Councillor Carter welcomed many things in the budget and was pleased to see changes that the Liberal Democrats had fought hard for over the past year with a new library in Brinsworth, a bigger pedestrian crossing budget and the introduction of kerbside plastic recycling.

However, he had grave concerns about the budget and would be voting against. Last year he had warned the Labour Party that they were taking a massive risk when they had assumed the current low borrowing rates

would continue, but over the past year this had not been true. Even by its own forecast interest rates would triple by next year. The Labour Party had increased borrowing by almost 15% over the next three years and would blame austerity. If this were true neighbouring councils would be increasing their Council Tax by the maximum amount. Rotherham had a Town Centre that was dying and what was then described as the worse recycling scheme.

The Labour Party may talk about the success of the Advanced Manufacturing Park, but it was Vince Cable, the Liberal Democratic Business Minister, that got this off the ground. For the last eight years Labour were happy to sit comfortable on the opposition benches with no appetite to getting into power.

The Liberal Democrats wanted a better future for residents who deserved first class public services following years of neglect by Labour. There was a need to listen, build more houses to tackle the council house waiting list, making community spaces better, creating a diverse and vibrant town centre, training young people, apprenticeships and supporting businesses and the cost of living whilst in education reduced.

Rotherham had the second biggest gap in life expectancy in England which was a difference of 9.5 years between the richest and poorest. Members were too comfortable in this Chamber, were let off the hook by the opposition and were happy to be in opposition in Westminster. It seemed they were happy to say one thing and do something else. Saying they wanted to improve Adult Social Care yet were closing day centres, that they wanted to help the poorest in society, but increased fees and charges by the maximum allowed amount. Labour said it had no option, but to increase Council Tax by the maximum amount, but bought a lavish car for the Mayor and spent over £1 million on laptops and phones for Town Hall bosses. They say they wanted to tackle the social housing crisis yet overspent on the housing budget and failed to bring council homes back into use. Residents deserved first class services and should not be accepting second best which was why this budget could not be supported.

Councillor Pitchley had not seen any alternative budget put forward by Councillor Carter. He claimed the Labour Council did not care. Decisions were not taken lightly and this Council was making the best of a bad situation. With more money the Council could do more.

This budget affected all people that lived and worked in Rotherham and who had family and friends. Every Councillor was passionate about the people of Rotherham and needed to look to what could be achieved instead of fighting and supporting the budget as this was the best of a bad situation.

Councillor Watson was in support of the budget and had spent a lot of time in its development. Everyone was affected by austerity and this budget showed what it meant. It was important not to give into austerity. Every decision was political, but every pound spent had to be done so in the right place. This budget was not just about wishes, but about hope, turning up and making a real difference. Good news like the result of the Ofsted Inspection and the Looked After Children Council campaign on bin bags had made a difference nationally.

Councillor Cusworth was heavily involved in the budget process and wanted to make a real difference not only through Improving Lives, but also through the Fostering Panel and Corporate Parenting Panel and to see on a weekly basis the decisions made in this Chamber and the investment in Children's Services.

It was hard witnessing issues within a Ward, referring someone to a food bank and observing the homeless and street sleepers. This budget made a difference to people's lives and it was for this reason Councillor Cusworth was committed to being involved.

Councillor Walsh pointed out that this Council had balanced the budget in spite of the Conservatives being in office since 2010 with the Coalition. Since then the Government had never balanced their budget and had, in fact, tripled the national debt.

Austerity did not work, but this Council was making a pretty darn good job by protecting the vulnerable and they should be commended.

The Liberal Democrats had offered little and criticised the many. This budget set out to be balanced, lawful and to accomplish best social ends within those limitations. Lots of effort had been put into this budget by Members and Officers to minimise the harm of austerity. It was not perfect, but the best that could be done under difficult circumstances.

Councillor Read, in his right to reply, confirmed the Council had tried to make the process as open and engaging as possible and the budget proposals published. He acknowledged the work of Councillor Brookes with collecting and recycling of plastics and her campaigning and consistent view throughout. He was pleased to report to Councillor Steele that work had already started on next year's proposals.

In responding to Councillor Carter's comments about debt and borrowing, the Leader explained the Council was maximising its capacity in order to protect the services people relied on and their delivery.

The Leader also commented on the building of more houses, the Mayor's car, which had been purchased when the lease agreement ended, thus saving the tax payer £9,000 a year. Difficult decisions were taken in line with the priorities, based on values and these were the best set of proposals that would make a difference to people's lives in Rotherham.

The proposals were recommended.

Resolved:- (1) That the Budget and Financial Strategy for 2018/19 as set out in the report and appendices, including the need to deliver £15.1m of budget savings and a basic Council Tax increase of 2.99% be approved.

(2) That the £965k additional Council Tax income generated from 1% of this increase is earmarked for kerbside collection of plastic waste and that the final decision on the operational model for waste services be determined by Cabinet following analysis of the public responses to the consultation and related options be approved.

(3) That the Government's proposals for an Adult Social Care precept set at the maximum of 3% on Council Tax for 2018/19 to fund additional costs in relation to Adult Social Care Services be approved.

(4) That the Statutory Resolution of Council Tax for 2018/19, included as Appendix 5, incorporating precept figures from South Yorkshire Police and Crime Commissioner, South Yorkshire Fire and Rescue Authority and the various Parish Councils within the Borough be approved.

(5) That an updated Medium Term Financial Strategy (MTFS) is brought back to Cabinet in 2018/19 after the accounts for 2017/18 have been closed be approved.

(6) That the proposed use of reserves as set out in Section 3.5, noting that the final determination will be approved as part of reporting the outturn for 2017/18 be approved.

(7) That the changes resulting from the Final Local Government Finance Settlement have been reflected in this report in accordance with Cabinet approval on 19<sup>th</sup> February, 2018 be noted.

(8) That the comments and advice of the Strategic Director of Finance and Customer Services (Section 151 Officer), provided in compliance with Section 25 of the Local Government Act 2003, as to the robustness of the estimates included in the Budget and the adequacy of reserves for which the Budget provides (Section 3.9) be noted and accepted.

(9) That the consultation feedback from the public, partners and trade unions following publication of Directorate budget savings proposals on the Council's website for public comment from 6<sup>th</sup> December 2017 to 4<sup>th</sup> January 2018 (Section 5) be noted.

(10) That all Council Fees and Charges are increased for 2018/19 by the September CPI increase of 3% other than Fees and Charges which are determined by national statute and that lists of all proposed fees and charges for 2018/19 are submitted to Cabinet in March for approval be approved.

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(11) That the proposed increases in Adult Social Care Provider contracts as set out in Section 3 of the report be approved.

(12) That the use of £200k of the Local Welfare Provision balance of grant funding to continue arrangements for Crisis Loan Support as set out in Section 3 of the report be approved.

(13) That the carry forward into 2018/19 of any unspent balances of funding for the Community Leadership Fund and Delegated Ward Revenue Budgets be approved.

(14) That the use of in-year Capital Receipts up to 2020/21 to maximise capitalisation opportunities arising from service reconfiguration to deliver efficiencies and improved outcomes for clients and residents, and thereby minimise the impact of costs on the revenue budget as included in the Flexible use of Capital Receipts Strategy 2018/19 (Appendix 4) be approved.

(15) That the proposed Capital Strategy and Capital Programme as presented in Section 3.7 and Appendices 2A to 2E, to a value of £248m for the General Fund and £177m for the HRA. This requires prudential borrowing of £65m to fund non-HRA schemes over the five year period, for which provision has been made in the revenue budget for the associated financing costs be approved.

(16) That the Capital Strategy budget be managed in line with the following key principles:-

- (i) Any underspends on the existing approved Capital Programme in respect of 2017/18 be rolled forward into future years, subject to an individual review of each carry forward to be set out within the Financial Outturn 2017/18 report to Cabinet.
- (ii) In line with Financial Regulation 13.8, any successful grant applications in respect of capital projects will be added to the Council's approved Capital Programme on an ongoing basis.
- (iii) Capitalisation opportunities and capital receipts flexibilities will be maximised, with capital receipts earmarked to minimise revenue costs.
- (iv) Decisions on the financing of capital expenditure for individual capital projects are delegated to the Council's Section 151 Officer.

(17) That the Treasury Management Matters for 2018/19 as set out in Appendix 3 of this report including the Prudential Indicators, the Minimum Revenue Provision Policy, the Treasury Management Strategy and the Investment Strategy be approved.

Mover:- Councillor Read, Leader

Seconded:- Councillor Alam



(Councillors Alam, Albiston, Allcock, Allen, Beaumont, Beck, Brookes, Clark, Cooksey, Cowles, Cusworth, D. Cutts, J. Elliot, M. Elliott, R. Elliott, Ellis, Fenwick-Green, Hoddinott, Ireland, Jarvis, Jones, Marles, Napper, Pitchley, Price, Read, Roche, Rushforth, Sansome, Senior, Sheppard, Short, Steele, Taylor, Julie Turner, Vjestica, Walsh, Watson, Williams, Wyatt and Yasseen voted in favour of the proposals)

(Councillor Simpson abstained from the vote)

(Councillors Carter, B. Cutts and Reeder voted against the proposals)

**158. APPOINTMENT OF A LOCAL RETURNING OFFICER AT COMBINED AUTHORITY MAYORAL ELECTIONS**

Consideration was given to the report which detailed how the Combined Authority Mayoral election was to be held on 3rd May, 2018. The Chief Executive of the Sheffield City Region Combined Authority was the Combined Authority Returning Officer and, therefore, responsible for the overall conduct of the election, and for liaising with and co-ordinating the work of Local Returning Officers within the Combined Authority area.

The Combined Authority (Mayoral Elections) Order 2017 required the Council to appoint an officer of the Council to be the Local Returning Officer for the election of a Combined Authority Mayor. The Local Returning Officer was responsible for running the election at a local level. The Local Returning Officer would be personally responsible for the conduct of the poll, including the provision of polling stations, the issue and receipt of postal ballot papers and the verification and counting of the votes in their area.

This report, therefore, recommended that the Chief Executive be appointed as the Local Returning Officer.

**Resolved:-** That the Chief Executive be appointed as the Local Returning Officer for the Combined Authority Mayoral elections on 3rd May, 2018.

Mover:- Councillor Read

Seconder:- Councillor Watson

**159. PROTOCOL FOR THE AWARD OF THE FREEDOM OF THE BOROUGH**

Consideration was given to the report which details how the making of an award of the Freedom of Borough was the highest honour that the Council could bestow in recognition of excellence and achievement. There was presently no guidelines or protocols governing the way in which the Council made such awards.

This report, therefore, proposed the adoption of a protocol which would clarify the nomination process and the way in which Freedom of the Borough would be awarded in future.

**Resolved:-** That the protocol for the award of the Freedom of the Borough be adopted.

Mover:- Councillor Read

Second:- Councillor Watson

**160. CALENDAR OF MEETINGS FOR THE 2018-19 MUNICIPAL YEAR**

Consideration was given to the report which detailed how the Council amended the Procedure Rules in the Constitution in September, 2017 to require the Calendar of Meetings to be presented for approval at the Budget Council meeting. This report was, therefore, submitted in accordance with that requirement.

**Resolved:-** That the Calendar of Meetings for the 2018-19 municipal year be approved.

Mover:- Councillor Read

Second:- Councillor Watson

**161. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY - ALTERNATIVE MANAGEMENT ARRANGEMENTS FOR CHILDREN'S SERVICES - RESPONSE OF THE CABINET**

Further to Minute 109 of the meeting of the Cabinet and Commissioners held on 19<sup>th</sup> February, 2018 The Improving Lives Commission established a Task and Finish Group to consider the lessons learnt from other trust models and also looked objectively at other alternative management arrangements which might secure the long-term success of Rotherham's Children and Young People's Services. The group completed its review in the autumn of 2017 and submitted a final report to Council on 18th October, 2017.

Under the Overview and Scrutiny Procedure Rules, the Cabinet was required to respond to any recommendations made by Scrutiny. Cabinet considered and agreed the response enclosed at Appendix A. This report was, therefore, submitted to ensure that all Members were aware of the implementation of recommendations from the review.

**Resolved:-** (1) That the response to the scrutiny review of Alternative Management Arrangements for Children and Young People's Services in Rotherham set out at Appendix A to this report be noted.

(2) That the response be referred to the next meeting of the Improving Lives Select Commission on 13th March, 2018.

Mover:- Councillor Watson

Second:- Councillor Read

**162. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY - EMERGENCY PLANNING - RESPONSE OF THE CABINET**

Further to Minute 113 of the meeting of the Cabinet and Commissioners held on 19<sup>th</sup> February, 2018 the Improving Places Select Commission established a Task and Finish Group to undertake a review of Emergency Planning in 2016. The group completed its review in the autumn of 2017 and submitted a final report to Council on 18th October, 2017.

Under the Overview and Scrutiny Procedure Rules, the Cabinet was required to respond to any recommendations made by scrutiny and the response was agreed. This report was submitted to ensure that all Members were aware of the proposed implementation of agreed recommendations arising from the scrutiny review.

**Resolved:-** (1) That the response to the recommendations of the Improving Places Select Commission scrutiny review of Emergency Planning (as set out in Appendix A) be noted.

(2) That the response be referred to the next meeting of the Improving Places Select Commission on 14th March, 2018.

Mover:- Councillor Alam

Second:- Councillor Read

**163. NOTICE OF MOTION**

There were no notices of motions submitted for consideration.

**164. STANDARDS AND ETHICS COMMITTEE**

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

Mover:- Councillor Allen

Second:- Councillor Ireland

**165. AUDIT COMMITTEE**

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

Mover:- Councillor Wyatt

Second:- Councillor Walsh

**166. 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

Second:- Councillor Watson

**167. PLANNING BOARD**

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

Mover:- Councillor Atkin

Seconder:- Councillor Walsh

**168. LICENSING**

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

Mover:- Councillor Ellis

Seconder:- Councillor Beaumont

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

(1) **Councillor Short** asked would the Police and Crime Panel representative on the Council give a lay man's outline of what the Police and Crime Commissioner's Council Tax Precept meant to his Ward residents?

Councillor Sansome confirmed that for the new financial year 2018/19 the Government had frozen its grant funding and so the Police and Crime Commissioner would need to increase the precept in South Yorkshire in order to cover the costs of the police officers' pay award, increase costs for transitioning to more visible neighbourhood policing across the county and the ongoing costs associated with legacy issues, such as child sexual exploitation in Rotherham (investigation and civil claims) and the Hillsborough disaster (civil claims).

Residents who took part in the consultation made it clear to the Police and Crime Commissioner they would be prepared to pay more to see more police on the streets. The last Chief Constable, David Crompton, oversaw the reduction of 500 police officers and office staff and also removed any semblance of neighbourhood policing.

The Panel's position, a meeting which Councillor Sansome chaired, stated very clearly that if any proposed reduction in officers or backroom staff was forthcoming then it would veto the budget. The new neighbourhood model that Members would have chance to view and challenge in April would see more joined up working with partners with a commitment with the Chief Constable to gradually increase officer numbers and provide better flexible working.

The Police and Crime Commissioner was committed to reducing his substantial reserves of over £20 million by up to £7.3 million. This reduction in reserves was key as it would allow the increase in the precept to be centred on policing and making residents feel safe. For the first time as a Police and Crime Panel a small cross party group would scrutinise

the budget on a six monthly basis and would report back as and when required.

The Police and Crime Commissioner's budget would reduce and the Police budget would increase by £3 million. Local partnership grants would be negotiated as previous years with the Office of the Police and Crime Commissioner.

For this financial year the maximum increase under Government rules was the equivalent to £12 per annum (23p per week) on a property in Council Tax Band D. Most properties in South Yorkshire were either Band A or Band B whose increases would be £9.33 and £8.00 annually respectively, which worked out as an increase at 18p (£9.33) and 15p (£8.00).

Councillor Short thanked Councillor Sansome for his answer and for the reassurance that money was being taken from the budget and reserves to put more police officers on the beat and he would advise his constituents accordingly. By contrast, however, the South Yorkshire Fire and Rescue Services were sitting on £27.4 million and would not reinstate the second fire appliance in Rotherham.

**(2) Councillor R. Elliott** referred to the last full Council where it was stated that Rotherham's second appliance would be reinstated when finances were available. Latest SYFR budget predicted a £2.2 million underspend 2018/19 with £25 million reserve plus a four year funding agreement with the Government. He asked if the finance was there when would the second appliance be reinstated?

Councillor Atkin confirmed South Yorkshire Fire and Rescue had suffered severe cuts to its budget, having lost around £12.5 million in Government funding since 2010 – a 29% reduction. The medium term financial plan actually predicted a small deficit of up to £0.5 million by 2019/20.

The Service was now in a relatively stable financial position, although there remained considerable uncertainty about finances beyond 2020 and there were still on-going risks to the current budget.

However, in light of the concerns that Members expressed in the last meeting, the Chief Fire Officer had been asked to discuss the issue with Scrutiny Members and it was hoped that the discussion would help to move this issue forward.

In a supplementary question Councillor R. Elliott asked why were the Council waiting for the Scrutiny meeting when this issue was urgent. Why was this Chamber's motion concerns not brought up and discussed at last week's Fire Authority meeting.

Councillor Atkin explained the decision about the second appliance in Rotherham was made back in 2013 and in the last four years this had never been an issue. Only recently had the issue been brought up. Reference was made to the four year plan that the Government offered the Fire Authority for efficiency savings resulted in changes to the way that the Fire Service crewed certain appliances. A four year plan would not have been granted had the working methods not changed.

**(3) Councillor R. Elliott** referred to a large fire in Dalton recently where six appliances attended including one each from Rotherham, Maltby and Dearne whilst there was one parked up in Eastwood Station. This situation left Maltby and Dearne areas seriously short of cover and he asked did Councillor Atkin think this was acceptable?

Councillor Atkin could understand the concerns raised. However, it was normal for larger scale incidents to be dealt with by fire engines from a number of fire stations, depending upon the nature and the scale of the incident. On these occasions, the Service's response to other 999 incidents was provided by other, nearby stations. This situation was exactly the same for any other fire and rescue service in the country.

In a supplementary question Councillor R. Elliott pointed out a DRM vehicle was stationed at Eastwood which was used for incidents of suspicious packages etc. It took two members of staff to operate this vehicle and was on call 24 hours a day. Therefore, if it was called out on nights Rotherham would be left with no cover. He asked did Councillor Atkin think this was acceptable given that there was also no beeper service for Rotherham Fire Station like there was for Maltby and Dearne.

Councillor Atkin explained on nights in Rotherham one pump was permanently available. The second one was available after a short delay. This practice was no different to many other stations in South Yorkshire and across the country. Six pumps attended in Dalton, which would have come from other areas where resources were deployed to particular incidents and common practice.

**(4) Councillor R. Elliott** explained in the next financial year SYFR were going to invest £20 million of its reserves into "secure investments" and he asked would Councillor Atkin advise where the interest on this investment went.

Councillor Atkin explained the statement was in reference to the Service's intention to spend a significant proportion of its reserves over the next few years on necessary capital projects, including investments in equipment, vehicles and buildings for firefighters. This would leave a much smaller amount of other earmarked and general reserves (expected to be around £5 million), to provide for other initiatives and unexpected future costs, such as insurance and operational contingency. It was not the case that the money was being invested in some sort of commercial activity as it would appear to be suggested.

In a supplementary question Councillor R. Elliott would re-read the statement as he must have read it wrong as he thought Councillor Atkin was going to report that the interest was going to be paid for the increase in allowances that was going to be paid to Fire Authority Members. This was agreed at the last meeting of that Authority and he asked was Councillor Atkin able to say that he would not be accepting this increase in order to show solidarity with the fire fighters and the people of Rotherham who wanted to see this second appliance reinstated.

Councillor Atkin believed Councillor Elliott must have misunderstood the position as there had been no vote on the increase of allowances.

He explained that allowances were reviewed every four years by an independent consultant. This was due in the next few months. However, previously a recommended larger increase had been suggested, but this had been refused and Fire Authority Members agreed to only take the same percentage increase as the fire fighters.

**(5) Councillor Napper** asked would the Council now agree with Opposition Councillors that Rotherham's second appliance should be reinstated after the fires in Dalton and Maltby in which a man lost his life.

Councillor Atkin, along with other Members, would all wish to pay respects to those affected by the recent fires in Dalton and Maltby, where sadly a gentleman in his fifties died.

The Fire Authority took most seriously its responsibility to manage risk right across South Yorkshire, especially at a time when budgets were squeezed. Thankfully deaths in fires were now much rarer than they once were. Both of the fires mentioned required several appliances to be deployed, in accordance with the Fire Service's plans, and the Maltby fire was attended by appliances from Maltby fire station as well as Aston Park and Edlington.

Whilst everyone would all wish to see the second Rotherham appliance staffed overnight, as indicated last month, the Fire Authority as a whole had to weigh that against other risks and demands on the Service.

In a supplementary question Councillor Napper indicated that if the fire in Dalton occurred just before the fire in Maltby, Maltby would not have been covered and he asked where would the fire appliance come from in such a scenario.

Councillor Atkin explained there were approximately twenty-five fire stations in South Yorkshire. Fire appliances moved across the county whenever there was a fire and deployed accordingly, which was common practice across the country.

**(6) Councillor Cowles** asked could he be informed of the number of homes in the Borough that have been visited by the Fire Community Safety Team and confirmed he would accept a simple percentage figure.

Councillor Atkin confirmed the Fire Service had carried out Home Safety Checks in more than 46,000 homes in Rotherham which was 34% of all domestic properties.

In a supplementary question Councillor Cowles pointed out that if only 34% of homes had been checked this left 66% that have not been inspected. This meant agreement was being given to cut the Fire Service, but meant the Service had little idea about the state of housing and how fire proof it was. He asked would it not be easier to accept that the decision made was wrong, accept that there should be a review of the plan on regular basis and why not do what Crewe have done where the Labour and Conservative parties had joined together to support each other and to support the fire fighters in order to reinstate this second appliance.

Councillor Atkin confirmed 66% of properties had not been inspected, but this was done on a priority basis and those deemed most at risk. Most people would assess their own risk and buy smoke alarms. It would appear that if a house did catch fire the Service had failed so you believed it made more sense to use resources to inspect properties than on fire fighters to prevent a fire in the first place.

#### **170. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRMEN**

**(1) Councillor Sansome** asked could the Cabinet Member confirm were there homeless people in Rotherham Metropolitan Borough Council and how many.

Councillor Beck confirmed the Authority sympathised with those who found themselves in that position. Given the deterioration in the weather, officers had been out each day supporting those people who were rough sleeping, the number of which fluctuated.

The Council co-ordinated a Rough Sleeper count in Rotherham and in November, 2017 two people were identified and supported.

In terms of statutory homeless between April, 2017 to the end of January, 2018 there were 92 households identified and during this period 451 households were prevented from becoming homeless. These were on the housing register waiting for accommodation and given priority for properties.

Homeless households were supported in finding suitable private rented accommodation, but there were also 484 households who were homeless on the Housing Register waiting for accommodation for a variety of reasons.



The Council was also proactively involved in various projects having attracted over £800,000 in funding to assist services in tackling this challenge and to abolish this problem. Rotherham was not alone as this was also a national issue.

In a supplementary question Councillor Sansome asked the Cabinet Member to consider the position of those people who were encouraged to come off streets for shelter, which was not possible if they had pets and for this to be overcome to encourage those in need to come into shelter whilst taking care of their pets at the same time.

Councillor Beck was in agreement, but was not familiar with any particular cases. He asked Councillor Sansome to share any information he may have to see if this could be taken forward.

The Mayor also pointed out she was working on these type of initiatives with Shiloh and Thornberry Animal Sanctuary.

**(2) Councillor Carter** asked could the Cabinet Member reassure him that all services tendered by the Council to external organisations paid the Rowntree Living Wage, as directly employed Council workers received?

Councillor Alam explained that as Councillor Carter was aware, the Council could not legally oblige all the providers of commissioned services to pay the Rowntree Living Wage.

However, the Council did encourage contracted services to pay the Living Wage. The Council had a minimum standards Charter which was built into tender processes. There were a range of criteria within the Charter and a question within the tender asked organisations whether they were willing to promote and support the Charter and work towards the principles it set out.

In a supplementary question Councillor Carter pointed out the Cabinet Member mentioned the Living Wage in the Charter, but in the budget extra funds was being allocated for changes to the National Living Wage and asked if it was the National Living Wage in the Charter or the Rowntree Living Wage.

Councillor Alam confirmed it was the National Living Wage standards within the Charter.

**(3) Councillor Simpson** asked when would his idea of full photo ID be in Rotherham Taxis, along with promises of other more visible Taxi ID being implemented?

Councillor Hoddinott assured Members that the current policy required all taxi drivers to have a taxi badge, which was displayed at all times whilst working, including a photograph of the licensed driver, together with their name and license number.

In a supplementary question Councillor Simpson pointed out that in the last two years he had only seen photographic I.D. evidence once when it accidentally dropped out.

Councillor Hoddinott urged Members that any breaches of the Policy should be reported immediately to the Licensing Section either by telephone or by email.

(4) **Councillor Sansome** pointed out that after 2020 the European Medicines Agency would move from London to Amsterdam with the loss of 900 jobs, a budget of 322 million euros and asked what would the impact for the residents of the Borough in accessing new drugs, vaccines etc.

Councillor Roche explained that it was with regret that the European Medicines Agency (EMA) was planning to move to move from London to Amsterdam by the end of March, 2019.

It was too early to say if there would be any impact on people in the UK or the Borough, but he gave his assurance that the Health and Wellbeing Board (which included members from the CCG, NHS England and Healthwatch) would work to identify any negative impacts and escalate any concerns to the appropriate authorities.

It was also pointed out that Public Health England have not yet undertaken a quick review of literature so we unable to comment on the likely impact of this move at this time.

In a supplementary question Councillor Sansome believed all Members of the Chamber would appreciate being well informed about this issue through full Council, Health and Wellbeing Board, Scrutiny or a seminar of the measures that would be required and in order to inform residents of what was forthcoming.

Councillor Roche gave a guarantee that as further information came to light he would make sure Members were kept fully informed of any impacts and take any action as required.

(5) **Councillor B. Cutts** referred to his question No. 2 on the 24th January. He was regularly asked of the progress and expected date of completion of the bus shelter on Wickersley Road/Middle Lane and asked if he could be advised when.

As the Cabinet Member had given her apologies for this meeting, a response would be provided in writing.

(6) **Councillor Carter** asked how many properties have been lost to the Council housing stock under Right to Buy legislation over the past five years, and how did the Council plan to replace this lost Council housing stock?

Councillor Beck explained Right to Buy sales nationally had declined to their lowest level for many years and by the end of the last Labour Government to record all-time lows. However, numbers had increased each year since 2012 when the Coalition Government increased substantially the maximum discount to buyers.

So far this year 63 Right to Buy sales had been submitted and last year there were 152. Over the last five year period 716 Council homes have been lost through the Right to Buy Scheme.

To counteract this the Council was committing more than £50 million to the Council housing growth in the latest Housing Revenue Account business plan and the major programme currently underway would deliver 167 new homes for Council rent through the Site Clusters programme with Wates and the Homes England grant funded programme.

The Council also had plans to deliver more homes in the Town Centre, would commence a pilot to deliver homes for older people and young people and was working together to deliver specialist bungalows in various parts of the Borough for families who had particular needs for adaptations.

In a supplementary question Councillor Carter asked if the Council was also building private homes for first time buyers as a revenue generating project.

Councillor Beck confirmed that there were shared ownership products within the housing development being built along with proposals for rent to buy initiatives. This would mean any surplus generated from privately occupied homes could be reinvested back into the Housing Revenue Account to deliver even more Council housing.

(7) **Councillor B. Cutts** asked what was the financial result in last year for Magna Trust compared to the previous two years?

Councillor Alam confirmed for the last three financial years the surplus, excluding depreciation, for Magna had been:-

2015	£329,940
2016	£97,120
2017	£22,348

**(8) Councillor Carter** had asked about Aggregate Industries Asphalt at December's Council meeting and asked the Cabinet Member if she could provide an update on how this investigation was progressing?

Councillor Hoddinott confirmed the Council was investigating a number of complaints in relation to bitumen type odours alleged by residents to be originating from Aggregate Industries in Sheffield. It should be made clear that the Council had no evidence to demonstrate that the odours were indeed from this company.

Officers have maintained regular contact with the residents who have complained about the odour and continued to work with them. A meeting was held on the 24<sup>th</sup> January, 2018 to find out where the odour was coming from. Technical information was available and it was suggested that Councillor Carter sit down with Officers and go through this information in more detail as to how this investigation was progressing.

**(9) Councillor Simpson** for the second time asked could the Council defend against the privatisation of the NHS.

Councillor Roche explained the Labour Party created the National Health Service – its proudest achievement, providing universal healthcare for all on the basis of need, free at the point of use. In the aftermath of war and national bankruptcy, it was a Labour Government that found the resources to create a National Health Service. It would appear it was the intention of the Tory Government to run this down.

The current national Labour policy was that it would invest in the NHS, to give patients the modern, well-resourced services they needed for the 21st century.

The next Labour Government would reverse privatisation of the NHS and return the health service into expert public control. Labour would repeal the Health and Social Care Act that puts profits before patients and make the NHS the preferred provider. It would reinstate the powers of the Secretary of State for Health to have overall responsibility for the NHS.

Whilst the Council obviously did not control either the law or the decisions made by the NHS locally, it was clear there was one solution that participants could take part in – elect a Labour Government.

However, as Councillor Simpson had asked about local response it was worth adding that the Council did not have a say in the letting and tendering of any contracts by the NHS. It could only put a point of view to the Rotherham Hospital Trust and CCG as it was not the decision maker.

Personally NHS privatisation was one reason why everyone should have grave concerns about the proposed trade deal with the USA which would mean it would be illegal to stop any American company bidding for any contract including those in the NHS and including all those in Rotherham.

It could well include GP surgeries which were already privatised individual businesses.

In a supplementary question Councillor Simpson referred to the Labour Party in 2004 allowing a foot in the door for surgeries with people like Virgin Care that was a real problem at the moment. If this was a matter worth fighting for then the Council should fight for it.

The Mayor did not feel there was a need for a response.

**(10) Councillor Carter** asked how much money raised from Section 106 contributions in the past 12 months has been returned to developers by not being spent within the allocated time period.

As the Cabinet Member had given her apologies for this meeting, a response would be provided in writing.

**(11) Councillor Napper** referred to Fortem who was a company contracted by R.M.B.C. This company made a profit of £2.3 million and was now to make 20+ staff redundant in Rotherham. Councillor Napper asked what was the Council's position with regards to Fortem in the future when they could afford to keep these people on.

Councillor Beck explained Fortem have confirmed that the current number of staff affected by the proposal was 16, but due to the part-time nature of many of the roles, this equated to 13.5 full time equivalent (FTE) roles.

Fortem had offered their assurance in regular dialogue with the Council that they were complying with all legal obligations and engaging with the Trade Unions with meaningful consultation.

The picture was more positive with the changes at Fortem and how they were to be restructured. They were looking to create a new Northern Training Academy in Dinnington at the Rother Valley Campus in partnership with Rother Valley College which would create/employ 13 new positions. Furthermore, Fortem were looking to strengthen their Northern Support Hub and create more employment of which the potential risk of redundancy may be minimized. The actual redundancies would be much lower than those at risk.

**(12) Councillor Carter** asked what measures were the Council taking to be prepared against cyber security attacks.

Councillor Alam explained the Council took the threat of cyber-attack very seriously and had put in place a "defence in-depth" methodology in attempts to defend against cyber threats. This meant numerous layers of security had been created that, if breached at one level, offered additional or different layers of protection at lower levels.

In a supplementary question Councillor Carter asked how did the Council benchmark in terms of cyber security measures, had there ever been any assessment on performance and had anything been learnt if we were consulting.

Councillor Alam reported on the exercises which involved designated persons attempting to breach the system. Regular updates were also provided to ensure the cyber protection was active.

**(13) Councillor M. Elliott** referred to his question on the 25<sup>th</sup> January, 2017 where he asked if the Council were ever likely to consider recycling of plastics. He received a rather negative response and he, therefore, asked if it had taken a revelation that Rotherham would soon be the only Authority in the country not collecting plastics, to embarrass the Council to now consider it.

Councillor Hoddinott did not accept the premise of the question and confirmed she was not embarrassed by the comment. She had spoken to local residents and had taken on board the consultation where a number would prefer for plastic to be collected from the kerbside. Passing the budget today allowed the Council to find the resource and the funding in order for this action to be taken.

Councillor Elliott welcomed the news that funds had been earmarked for the collection of kerbside plastic. He suspected the collection of plastics featured highly in the bin tax consultation and understood a consultancy firm was involved. The fact that plastics was not even considered begged the question about value for money.

Councillor Hoddinott pointed out plastic was considered and throughout the consultation the Service had been clear about the extra cost of recycling plastic which was around £700k. The Service did not have the funds earmarked to bring that in at the time. Through the consultation the Cabinet Member would love to have been able to include the recycling of plastic, but the funding at that time was not available.

Councillor Hoddinott did wish to comment on the reference to the bin tax and pointed out that unfortunately irresponsible phrases like bin tax have led the public to misunderstand that this was a tax on their Council Tax bill for green waste. It was emphasised this was not the case and was an opt in system not a tax.

**(14) Councillor Sansome** asked would the Cabinet consider holding a seminar to update Members on the current position with “STP” or whichever acronym it went by. He was aware some Members may struggle to explain its technicality when challenged by residents.

Councillor Roche was happy to hold a seminar as there were a few misunderstandings about the STP.

The STP was now referred to as the Integrated Care System (ICS) following recent NHS guidance issued on 2nd February, 2018 and many Members were concerned about the possible implications of Government cuts and policy towards the Health Service.

The Council, Rotherham Foundation Trust, Rotherham Doncaster and South Humber Trust, Clinical Commissioning Group and Voluntary Action Rotherham have come together to form the Rotherham Integrated Care Partnership because it was important that everyone worked together to deliver the best services locally and brought in extra money and much needed resources.

The work of this group was governed by the Rotherham Integrated Health and Social Care Plan with activity ultimately overseen by the Health and Wellbeing Board which meant it could be scrutinized and challenged by Members. At Borough level partners were focused on working together to deliver improved health and social care outcomes at a place level. The improvement of the patient journey was a fundamental part of the integration activity.

**(15) Councillor Carter** asked how much money raised from Section 106 contributions needs to be spent in the next 12 months before being returned to developers.

As the Cabinet Member had given her apologies for this meeting, a response would be provided in writing.

**(16) Councillor Carter** asked would the Council commit to fund free sanitary product schemes in schools in an effort to alleviate period poverty.

Councillor Watson explained all schools have a delegated budget which included an amount allocated to address health, safety and welfare issues. As part of this arrangement, secondary schools would routinely hold a stock of female sanitary products in first aid/medical rooms for the use of pupils where needed.

**(17) Councillor Carter** asked was the Council currently running a deficit to the Local Government Pension Scheme, and if so how did the Council plan to address this?

Councillor Alam explained the latest position was the Council was up to date with its liabilities. Any further information could be obtained from the Council's representative on the Pensions Authority, Councillor Ellis.

**(18) Councillor B. Cutts** asked could he be given an explanation of the past system, password, and costs incurred on RMBC by taxi companies in trafficking C.S.E. victims around the country.

Councillor Read had been advised the Council had no record of operating such a system. He was conscious this was a rumour that cropped up from time to time and urged anyone, who had information to suggest a system was in place or that officers were involved in some kind of criminal activity, to contact the National Crime Agency and report this information as this would need to be investigated properly.

In a supplementary question Councillor Cutts explained that as part of his leisure time he had read through Ministry documents and as a consequence passed on to the Council his findings where in these documents it referred to taxis and their activities. In addition, he had read two books that had been equally analysed by him and listed. He found it difficult to accept the Leader's comments, but he would continue to pursue his concerns.

The Mayor indicated a response was not required.

**(19) Councillor Sansome** referred to the recent re-starting of "N" Furnace which was good news for all, and asked could the Cabinet Member reassure Members she will be working with Liberty to protect the current jobs and any further recruitment.

As the Cabinet Member had given her apologies for this meeting, a response would be provided in writing.

**(20) Councillor Carter** asked could the Cabinet Member please provide a status update on the diversity of the Council's workforce, progress of this over the past 10 years, and how this compared with local demographic data.

Councillor Alam explained that over the last 10 years the Council had made progress on the diversity of the Council's workforce, in some areas significant progress and in other areas there had been a steady increase, including:-

- The top 5% of earners who were women has increased from 48.02% to 66.43% since 2008 so a significant increase.
- The top 5% of earners who were members of the BME community had increased from 1.79% to 3.27% since 2008 and the overall workforce figures for BME were currently 4.05%.
- The percentage of employees with a disability was currently 8.53% compared to and in 2008 this was 3.53%. Whilst this was still significantly below the local demographic figure (16.2% 2011 census) the Council was moving in the right direction.

Councillor Alam confirmed he would provide a table with a detailed breakdown after the meeting.

In a supplementary question Councillor Carter asked if there was an average earnings within the figures above.



Councillor Alam confirmed that the Council did not currently capture this data.

**(21) Councillor Carter** asked with the increased road crossing budget, could the Council guarantee a badly needed puffin crossing on Bawtry Road would be installed in the next financial year?

Councillor Hoddinott expressed her disbelief that Councillor Carter had voted against the budget that increased the road crossing budget that residents had been raising as a concern.

Action on these important issues was taken forward by the current administration to mitigate road crossing budgets being cut by Central Government.

Consultation had been undertaken on Bawtry Road about a number of measures that could alleviate road safety.

The road crossing budget was allocated on a needs-led basis and there were already 2 schemes for this year that were a higher priority.

**(22) Councillor Napper** referred to a Rotherham resident, who was taken to court by R.M.B.C. for breaking planning law and ordered to take the building down. The resident was now being supported by R.M.B.C. to have the decision reversed with the help of the R.M.B.C. Legal Department and he asked why.

As the Cabinet Member had given her apologies for this meeting, a response would be provided in writing.

**(23) Councillor Cowles** asked as the Council have been informed that the store holders of the bazaar market have been given a rent reduction due to the poor trading conditions currently experienced, could the Cabinet Member confirm or otherwise if this true and, what was the percentage reduction?

As the Cabinet Member had given her apologies for this meeting, a response would be provided in writing.

# **171. URGENT ITEMS**

There were none.

**WRITTEN ANSWERS**  
**FOR COUNCIL -**  
**ADDENDUM**

**28<sup>TH</sup> FEBRUARY, 2018**



*Metropolitan Borough of Rotherham*

***Rotherham Town Hall,  
The Crofts, Moorgate Street, Rotherham, South Yorkshire. S60 2TH  
Telephone 01709 822722/1  
Facsimile 01709 822734***

7<sup>th</sup> March, 2018.

Councillor Brian Cutts.

Dear Councillor Cutts,

Council – 28<sup>th</sup> February, 2018

Unfortunately, I was unable to attend the last Council Meeting so it was recommended I respond to the question you submitted in writing.

You asked about the expected date of completion of the bus shelter on Wickersley Road/Middle Lane and if I could advise when this would be.

I can confirm that any replacement bus shelter is the responsibility of the SYPTE (the South Yorkshire Passenger Transport Executive). However, when asking for an update I am advised that the shelter is now in stock and consultation with frontagers has been carried out with no objections received. Installation of the shelter has been programmed for **9<sup>th</sup> March, 2018**.

I trust this answers your question, but if I can help further in any way please let me know.

Yours sincerely,

***D. Lelliott***

Councillor Denise Lelliott,  
Cabinet Member for Jobs and  
the Local Economy.



*Metropolitan Borough of Rotherham*

***Rotherham Town Hall,  
The Crofts, Moorgate Street, Rotherham, South Yorkshire. S60 2TH  
Telephone 01709 822722/1  
Facsimile 01709 822734***

8<sup>th</sup> March, 2018.

Councillor A. Carter.

Dear Councillor Carter,

Council – 28<sup>th</sup> February, 2018

Unfortunately, I was unable to attend the last Council Meeting so it was recommended I respond to the question you submitted in writing.

You asked about how much money raised from Section 106 contributions in the past twelve months has been returned to developers by not being spent within the allocated time period.

I can confirm the amount of contributions repaid by Rotherham Council is zero, as the Council has always met the deadlines for spending as set out in each agreement.

It is important to note that while Section 106 agreements are signed at the time planning permission is granted, not all will be triggered. For example, until a start on site, or a specific number of houses have been built.

I trust this answers your question, but if I can help further in any way please let me know.

Yours sincerely,

***D. Lelliott***

Councillor Denise Lelliott,  
Cabinet Member for Jobs and  
the Local Economy.



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8<sup>th</sup> March, 2018.

Councillor A. Carter.

Dear Councillor Carter,

Council – 28<sup>th</sup> February, 2018

Unfortunately, I was unable to attend the last Council Meeting so it was recommended I respond to the question you submitted in writing.

You asked about how much money raised from Section 106 contributions needed to be spent in the next twelve months before being returned to developers.

I can confirm there is £135,651.50 from two Section 106 agreements that is required to be spent within the next twelve months.

The process is very closely monitored, working with the services who deliver the infrastructure works e.g. education, highways, green spaces etc. to ensure the necessary works are delivered in good time. Because of this it is anticipated that all the Section 106 money will be spent within the timescale stipulated in the agreement and therefore there would be no requirement to return any money to the developers.

I trust this answers your question, but if I can help further in any way please let me know.

Yours sincerely,

***D. Lelliott***

Councillor Denise Lelliott,  
Cabinet Member for Jobs and  
the Local Economy.



*Metropolitan Borough of Rotherham*

***Rotherham Town Hall,  
The Crofts, Moorgate Street, Rotherham, South Yorkshire. S60 2TH  
Telephone 01709 822722/1  
Facsimile 01709 822734***

8<sup>th</sup> March, 2018.

Councillor S. Sansome.

Dear Councillor Sansome,

Council – 28<sup>th</sup> February, 2018

Unfortunately, I was unable to attend the last Council Meeting so it was recommended I respond to the question you submitted in writing.

You referred to the re-starting of “N” Furnace and if I could reassure Members that I would be working with Liberty to protect the current jobs and any further recruitment

Like you I think this is excellent news and I would like to thank you for your continued interest in the local economy and especially the steel industry. I can confirm that the Council will continue to work with Liberty Steel and through the Chief Executive the Council regularly meets with senior Liberty Officials.

Last month Liberty reported that it intended to increase UK output from just over one million tonnes per annum to five million tonnes within five years (equivalent to half of the UK’s current production).

This is great news for workers, their families and everyone across Rotherham to see real, tangible evidence that the Rotherham operations are at the heart of plans to move the business forward – it has been a long time since we have been able to look forward with such positivity towards the future of steel making in our town. Re-starting “N” Furnace is a major commitment and the latest in a string of good news announcements that show manufacturing, far from being thing of the past, has a bright future in our town.

I trust this answers your question, but if I can help further in any way please let me know.

Yours sincerely,

***D. Lelliott***

Councillor Denise Lelliott,  
Cabinet Member for Jobs and  
the Local Economy.



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19<sup>th</sup> March, 2018.

Councillor Carter.

Dear Councillor Carter,

Council – 28<sup>th</sup> February, 2018

At the last Council meeting you asked about the diversity of the Council's workforce, progress of this over the past ten years, and how this compared with local demographic data and I agreed to send you this in tabular format after the meeting. The table are, therefore, are attached.

I trust this answers your question, but if I can help further in any way please let me know.

Yours sincerely,

***S. Alam***

Councillor S. Alam,  
Cabinet Member for Finance and  
Customer Services.

<b>Title &amp; Description</b>	<b>2008/9</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18*</b>
Top 5% of Earners: Women	48.02%	49.47%	49.61%	51.6%	50.75%	56.05%	56.96%	59.94%	60.34%	66.43%
Top 5% of Earners: Ethnic Minorities	1.79%	2.13%	1.58%	1.36%	1.01%	2.56%	1.68%	3.22%	2.96%	3.27%
Top 5% of Earners: with a Disability	4.31%	4.38%	4.05%	5.14%	5.18%	6.56%	6.4%	6.09%	7.31%	8.23%
Percentage of: Employees with a Disability	3.53%	3.87%	4.09	4.46%	4.46%	4.85%	5.06%	5.42%	8.47%	8.53%
Percentage of: Ethnic Minority Employee representation in the workforce	3.3%	3.1%	3.2%	3.24%	3.33%	3.69%	3.76%	3.83%	3.71%	4.05%

\*as at end of January 2018

**Office of National Statistics (ONS) – Rotherham Borough working age**  
 Females 50.2%; Disability 16.2%; Ethnic Minority Employee groups 6.3%

**Chartered Institute of Public Finance and Accountancy (CIPFA)**  
 Top 5% Women 50.3%; Top 5% BME 5.4%; Top 5% Disability 3.6%



## Rotherham Metropolitan Borough Council

# MINIMUM STANDARDS CHARTER

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Rotherham Borough Council procures a wide range of works, goods and services. We would like all organisations tendering for work with Rotherham Borough Council to promote and support this Charter.

### **Statement of Intent**

We the undersigned are fully committed to creating effective social value within our businesses and respective supply chains. In signing the Charter, we the undersigned agree to adopt the principles outlined in this document in our businesses. In doing so we are making a firm commitment to implement the principles within our business and strategic plans which govern our business activities. Recognising the need to use social value as a driver for economic growth, we embrace the Charter and its key principles. We will work with our respective stakeholders to ensure that social value is extended for the benefit and greater good of Rotherham and for all who visit, live and work in Rotherham.

### **Health and safety**

The health and safety of all workers is paramount. We expect all suppliers to ensure that:

- health and safety standards are rigorously implemented and adhered to
- welfare facilities for workers are appropriate for the 21<sup>st</sup> century, including reasonable standards for toilets, mess and drying facilities
- employers are committed to or willing to work towards achieving a Workplace Wellbeing Charter which promotes the health safety and wellbeing of their staff

### **Employment and skills**

We require the highest standards of service delivery in order to ensure that Rotherham people's aspirations are met and the services promote our communities well in the years to come. We are also mindful of the projected skills shortage across all sector's and wish to work with the suppliers to train the next generation of workers for the future. We therefore encourage, and will require where appropriate, all suppliers to:

- be able to demonstrate the skill level of their employees comply with the employment and skills requirements set out in our tender documents, promoting and encouraging apprenticeships to an NVQ Level 3 standard wherever possible
- prioritise hard to reach and under-represented groups in employment and skills initiatives
- work with us to support initiatives aimed at promoting and improving opportunities in education and training of employers and employees engaged on all services within our authority

### **Pay and benefits**

Rotherham Borough Council is a living wage employer and believes that all workers should be fairly rewarded for their efforts.

We also expect that all workers should have access to:-

- paid holidays
- a sickness benefit scheme
- a pension scheme
- accident compensation
- death in service benefits

### **Employment rights**

Rotherham Borough Council expects direct employment wherever possible. We believe that Trade Unions play an important role in creating a safe and productive worksite and developing good industrial relations. We therefore expect our suppliers, within the context of the contract let, to:

- employ workers under recognised industry collective agreements as set out in JIB, JIB-PMES, HVAC, CIJC, NAECI and TICA or other EU equivalent
- promote the benefits of belonging to a recognised Trade Union
- recognise on-site Shop Stewards as having an important role to play in achieving and promoting good industrial relations
- ensure that the Trade Union has input into the development of Health and Safety policy (to ensure members' priorities are reflected)
- actively promote the election of Health and Safety Representatives and support their role in helping to ensure a safe site
- provide equality and opportunity for all
- be able to certify that they have not engaged in the practice of blacklisting workers for any reason
- embed a whistle-blowing policy and not employ harassment or intimidation.
- promote a positive culture of equality, diversity and human rights within the workforce and supply chain that respects all individuals, and does not engage in any form of discrimination
- provide safe working environments and comply with all appropriate health and safety, working hours, employment and social security requirements

### **Social Value**

Social value has been defined as “the additional benefit to the community from a commissioning/procurement project” Rotherham MBC expects all suppliers to:

- promote training and employment opportunities
- promote compliance with social and labour law, including related national and international policy commitments/agendas
- promote SME's and civil society organisations through an observance of existing duties of equal treatment, proportionality and transparency and by making subcontracting opportunities more visible
- stimulate socially conscious markets
- promote fair and ethical trading
- contribute to health improvement priorities
- stimulate social integration
- stimulate demand for environmentally-friendly goods, services and works
- contribute to climate change mitigation targets and to energy efficiency

## **Safeguarding**

Rotherham Borough Council believes safeguarding children and adults is everyone's responsibility. We believe it is an important role that must be embedded into organisations that come into contact with children, young people and adults.

Safeguarding is the term used for a range of measures employed to keep the aforementioned groups safe and protected from harm.

Suppliers have an obligation to:

- report any concerns about the treatment of adults and children that they may witness in the course of their work
- have a designated safeguarding lead
- have a Safeguarding Policy in place or be willing to develop a policy as part of the mobilisation process on the award of a contract
- include safeguarding in the recruitment and selection process,
- deliver safeguarding induction and refresher training programmes.
- have procedures in place for recognising and reporting a safeguarding concern
- confirm that employees will be DBS/Enhanced DBS checked where required on confirmation of a contract award

## **Prevent**

The Prevent duty is the duty in the Counter-Terrorism and Security Act 2015 on specified authorities, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into terrorism.

Rotherham Borough Council suppliers should ensure that the designated safeguarding lead undertakes Prevent awareness training and is able to provide advice and support to other members of staff on protecting children from the risk of radicalisation.

## **Modern Slavery**

Modern slavery is a crime resulting in an abhorrent abuse of human rights. It is constituted in the Modern Slavery Act 2015 by the offences of 'slavery, servitude and forced or compulsory labour' and 'human trafficking'. Rotherham Borough Council expects all suppliers (where appropriate) to:

- dedicate a senior individual(s) within the business to be responsible for compliance with the Act
- audit the business and supply chains to help determine the level of exposure, whether or not slavery and human trafficking is a potential issue for the business and where exposure is greatest
- develop supplier codes of conduct, tender requirements and supplier contracts to account for the issue including, for example, requirements on meeting minimum labour standards in their supply chain
- have policies and codes of conduct to combat slavery and human trafficking in the business and supply chains
- identify who requires training on the Act, for example, directors and employees who have direct responsibility for supply chain management and procurement
- consult with individuals in the workforce who may potentially be affected
- ensure there are effective grievance and whistleblowing mechanisms in place so that concerns over slavery and human trafficking may be raised

## **Equalities and Diversity**

Rotherham MBC's aim is to make sure that all people have the same right of access to services and employment and benefit from them equally well. It is important that we remove barriers that prevent or limit people from accessing services; or from participating in employment; learning opportunities; social and leisure activities; or community and public life.

Rotherham Borough Council expects all suppliers to:

- create positive opportunities to employ a workforce that is representative of the borough's population
- operate and monitor fair, open recruitment and selection processes and encourage applications from all groups in the community
- ensure all employees have fair access to learning and development opportunities
- provide a safe and accessible working environment that values and respects the identity and culture of each individual
- improve equalities practice by assessing equality competencies in the employee performance and development review process
- empower employees through open and clear communication
- continually review and monitor total reward packages to seek to ensure equality of pay for the workforce
- encourage and support employees to reach their full potential

### **Local Employment**

Charter signatories will seek to create employment and training opportunities for local people especially in target areas:

- commit to create employment and training opportunities for local residents, including people with disabilities and support people into work and work experience placements
- seek opportunities to work with schools to help to ensure that the young people of Rotherham are equipped with the right skills to match the requirements of the labour market
- support the local economy and create much needed jobs and apprenticeships

### **Buy Rotherham First**

Charter Signatories will take account of the social and economic impacts of buying locally when commissioning and contracting, thereby reducing unemployment and raising the skill level of the local workforce.

- support the local economy by choosing suppliers close to the point of service delivery where possible
- encourage their suppliers to endorse the principle throughout their supply chains

### **Partners in Communities**

Charter signatories will play an active role in the local community and community support organisations, especially in those areas and communities with the greatest need.

- build capacity by supporting community organisations with resources and expertise in areas with the greatest need, for example mentoring and working with youth organisations and services
- make a local impact by improving local facilities and areas, for example staff volunteering schemes
- provide support to third sector organisations and work with third sector organisations to deliver services and contracts
- work with schools and colleges, offering work experience and business awareness to students, especially those from disadvantaged areas or communities

### **Green and Sustainable**

Charter signatories will commit to protecting the environment, minimising waste and energy consumption and using other resources efficiently. These commitments will also apply to their supply chain.

Mandatory for all:

- eliminate unnecessary waste by adopting the “reduce, reuse, recycle” philosophy.
- be a good neighbour, minimise negative local impacts (noise, air quality), improve green areas (e.g. biodiversity, visual attractiveness)
- reduce carbon footprint – be aware of main impacts on carbon emissions including the indirect carbon used in manufacturing processes and the direct impact of operations and logistics

### **Ethical Procurement**

Charter signatories will commit to employing the highest ethical standards in their own operations and those within their supply chain.

- work to the highest standards of business integrity and ethical conduct
- pay their fair share of taxes
- ensure the well-being and protection of work forces which must be supported by robust systems and procedures
- support the principles of the Universal Declaration of Human Rights
- support the Fundamental International Labour Organisation Conventions
- not engage in or support the use of child labour
- adopt best practice when procuring goods and services e.g. procure low energy products and avoid the use of rainforest timber from unmanaged sources
- pay suppliers no later than the terms stated in the primary contract

Rotherham Borough Council looks forward to working with suppliers to help them support the aims set out in this Charter.



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8<sup>th</sup> March, 2018.

Councillor B. Napper.

Dear Councillor Napper,

Council – 28<sup>th</sup> February, 2018

Unfortunately, I was unable to attend the last Council Meeting so it was recommended I respond to the question you submitted in writing.

You asked about a Rotherham resident, who was taken to court by R.M.B.C. for breaking planning law and ordered to take the building down. You believe he was now being supported by R.M.B.C. to have the decision reversed with the help of the R.M.B.C. Legal Department and why this as the case.

From your question It is not possible to ascertain which case you may be referring to. However, if you wish to provide details of the case reference I will look to providing a full response.

I should point out that there are no planning laws that are broken if someone builds without permission. Building works carried out without permission may be a breach of planning control and this can be dealt with in a number of ways. Only as a last resort would formal court action be taken. In many cases the Council will work with people to regularise development, or change it to make it acceptable, as per the Council's Adopted Planning Enforcement Plan.

I trust this answers your question, but if I can help further in any way please let me know.

Yours sincerely,

***D. Lelliott***

Councillor Denise Lelliott,  
Cabinet Member for Jobs and  
the Local Economy.



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8<sup>th</sup> March, 2018.

Councillor A. Cowles.

Dear Councillor Cowles,

Council – 28<sup>th</sup> February, 2018

Unfortunately, I was unable to attend the last Council Meeting so it was recommended I respond to the question you submitted in writing.

You asked about store holders of the bazaar market having been given a rent reduction due to the poor trading conditions currently experienced, whether this was true and what was percentage reduction.

I can confirm the Bazaar Market is run by a private market operator. The stall fees to stand on the Bazaar are not set by the Council and are a matter between the operator and his traders. We are advised by the operator that no rent reduction has been given.

Stall fees on the Bazaar are £30 and this fee has been unaltered since the operator first took over running the market in October, 2016. The operator has recently introduced a charge of £35 to new traders (existing traders remain at £30). The operator of the Bazaar was selected through a competitive procurement process and pays a fee to the Council to run the Bazaar.

I trust this answers your question, but if I can help further in any way please let me know.

Yours sincerely,

***D. Lelliott***

Councillor Denise Lelliott,  
Cabinet Member for Jobs and  
the Local Economy.

**CABINET/COMMISSIONERS'  
DECISION MAKING MEETING  
19th February, 2018**

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

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

Apologies for absence were received from 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>

**BACKGROUND PAPERS - EQUALITY IMPACT ASSESSMENTS**

**103. DECLARATIONS OF INTEREST**

Councillors Lelliott and Yasseen declared personal interests in Minute No. 119 (Business Rates Discretionary Relief Renewals in 2018/19) on the grounds of being trustees of one of the registered charities.

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

There were no questions from members of the public.

**105. MINUTES OF THE PREVIOUS MEETING**

**Resolved:-** That the minutes of the Cabinet and Commissioners' Decision Making Meeting held on 15<sup>th</sup> January, 2018, be agreed as a true and correct record of the proceedings.

**106. 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 item 18 on the grounds that the appendix 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.



**107. COUNCILLOR MEMBERSHIP OF ADOPTION AND FOSTERING PANELS**

Consideration was given to the report which detailed how that, until 31<sup>st</sup> March, 2011, it had been a legal requirement for local authority Adoption and Fostering Panels to include at least one Elected Member. Amendments made to the Adoption Agencies Regulations 2005 and the introduction of the new regulations, namely the Fostering Services (England) Regulations 2011 that governed Adoption and Fostering Panels, meant that this legal requirement was no longer imposed upon relevant local authorities.

Following continued improvement of the Authority's governance arrangements and services for children, young people and families, it was considered appropriate to review the level of Councillor involvement with both the Adoption Panel and Fostering Panel.

It was considered that corporate parenting would be enhanced by the appointment of two Councillors each to both Panels.

**Commissioner Kenny agreed:-** (1) That two Councillors be required to sit on hearings of the Adoption Panel and Fostering Panel.

(2) That Councillors M. Elliott and J. Elliot be appointed to the Adoption Panel.

(3) That Councillors Cusworth and Senior be appointed to the Fostering Panel.

**108. ANNUAL CHILDCARE SUFFICIENCY REPORT**

Consideration was given to the 2017-18 Childcare Sufficiency annual report which detailed the current position of the childcare/early education market in Rotherham as required by the Childcare Acts (2006 and 2016).

The report was based on data captured from childcare providers in June/July, 2017 together with data on the take-up of early education in schools and additional information held by the Families Information Services.

The purpose of the report was to identify the current childcare sufficiency position in Rotherham and, as well as being circulated to Elected Members, was of interest to existing and potential childcare providers to support decisions on the creation of additional childcare in the Borough to meet demand.

The report set out the key findings as well as the key issues which included:-

- Regular communication with all sectors of the market and information sharing on an ongoing basis to enable providers to adapt to changes such as changes in policy to meet needs.
- The take-up of 30 Hour Childcare places from the introduction of the entitlement in September 2017 had been positive with 1,090 children taking up a place in the first term. A shortfall of places in some areas of the borough at the busiest times (summer term) was anticipated and action was currently being taken to address this through submission of a funding bid to the Department for Education to increase capacity and enabling existing/potential providers to apply for existing capital funding to increase capacity in identified areas of need.
- Ongoing review of the childcare market with a termly review of take-up of early education for two, three and four year olds and a full annual childcare analysis to ensure there continued to be adequate provision to meet needs.

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.

Cabinet Members noted the recorded child poverty figures which had deteriorated since 2016 and the actions being taken to mitigate the wider economic challenges.

**Commissioner Kenny agreed:-** That the 2017-18 Childcare Sufficiency report be approved for publication.

**109. RESPONSE TO RECOMMENDATIONS FROM IMPROVING LIVES SELECT COMMISSION - ALTERNATIVE MANAGEMENT ARRANGEMENTS FOR CHILDREN'S SERVICES**

Further to Minute No. 83 of Council held on 18<sup>th</sup> October, 2017 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.

Appendix A of the report submitted set out the five broad recommendations arising from the Scrutiny Review of Alternative Management Arrangements for Children and Young People's Services together with detail in respect of whether the recommendations were agreed, not agreed or deferred and, where agreed, what action would be taken, by when and who would be responsible.

The main recommendation was for Children's Services to continue with its adoption of the Practice Partner model as this would secure the most rapid and sustainable improvements in the short term (two years) and present the lowest risk to the Improvement journey. It was agreed that this form of model had made a significant contribution to the first stage of the improvement journey, however, a self-improving culture would be required to get from Good to Outstanding.

On this basis it was suggested that the response from Cabinet to the recommendations from the Improving Lives Select Commission be forwarded onto the Lead Commissioner and the Commissioner responsible for Children's Social Care outlining the support.

The Chair of the Overview and Scrutiny Management Board also wished to place on record his thanks and appreciation to the Chair and other members of the Improving Lives Select Commission for their hard work in this review.

**Resolved:-** (1) That the Cabinet's response to the Scrutiny Review of Alternative Management Arrangements for Children and Young People's Services in Rotherham be approved.

(2) That the response be referred to the next meeting of the Council on 28<sup>th</sup> February, 2018 and the next meeting of the Improving Lives Select Commission on 13<sup>th</sup> March, 2018.

(3) That the report of the Improving Lives Select Commission and the Cabinet response to the recommendations be submitted to the Lead Commissioner and the Commissioner responsible for Children's Social Care.

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

Consideration was given to the report outlining the outcome of the consultation undertaken in relation to proposals to increase Special Educational Needs and Disability (SEND) capacity of provision across the Borough by 138 places by 2021.

The report outlined the growth in the general pupil population in recent years and the subsequent increased need for school places for pupils with a range of SEND needs. It also outlined, following completion of the SEND Sufficiency report, an additional 138 SEND places would be needed across the Borough to meet current and expected future demand up to 2021. These places would reduce out-of-authority placements by half and add additional capacity and provision within the Borough to support future increase in demand from population increase.

The Dedicated Schools Grant (High Needs Budget) was significantly overspent in this area with indications that there would continue to be significant increases in out-of-authority placements should 'in authority' capacity not be increased. The report set out the proposed projects required to create the additional places and reduce the financial burden on the High Needs funding allocation in future year. It also outlined proposals for moving forward to create additional places post-2021 for anticipated future cohort number increases and the project costs.

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:-** (1) That the increase in educational provision for Special Educational Needs and Disability (SEND) across the Borough following consultation be approved.

(2) That the projects linked to the Capital Programme within the Formal Budget and Council 2018-19 report be approved.

#### **111. BUDGET & COUNCIL TAX 2018-19**

Consideration was given to the report which 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 through the Council's formal Budget and Scrutiny process (Overview and Scrutiny Management Board) alongside a review of the financial planning assumptions within the Medium Term Financial Strategy.

In setting the proposed 2018/19 Budget, Council was being recommended to an increase of 2.99% in the Council's basic Council Tax and a further 3% increase for the Adult Social Care precept; a combined increase of 5.99% for 2018/19.

This Budget focussed on continuing to protect and support Rotherham's most vulnerable children and adults whilst trying to ensure that a wide range of services continued to be provided to all residents. There were no new savings from Adult Social Care and a continuation of investment in Children's Safeguarding, as approved by Council in 2017, with no savings required from Children's Safeguarding Services.

The Budget recognised the ongoing demand pressures on both Children's and Adult Social Care Services, but also that to continue to spend at current levels was unaffordable in the long term. Therefore, there was no additional base budget funding for the two services and the current demand pressures were to be managed within the Council's overall resources until such time as the costs could be reduced to levels more representative of other authorities.

The Budget provided sufficient funding to maintain payment of the Joseph Rowntree Foundation Living Wage rate for the Council's own staff and would continue to provide funding to help to partially mitigate the impact of Welfare Reform on the most vulnerable – through the provision of a budget for food parcels and crisis loans.

The Budget included the maximum Adult Social Care Precept in order to maximise resources to directly support Adult Social Care and the maximum Council Tax increase allowable in order to minimise adverse impact on services and also to ensure that there were resources set aside to enable genuine consideration of the feedback from the public on the recent Waste Review.

The Budget also maximised the allowable flexibilities in the use of capital receipts to support the Revenue Budget. The Capital Programme had funding allocated to allow for the continuation of annualised and essential investment and also included the addition of a small number of highways schemes plus funding for items that would make a difference to residents in terms of public realm such as improvements in pavements, CCTV cameras to deal with fly tipping and other environmental crime and the provision of larger or different public litter bins.

Feedback from both public and partners in relation to the budget proposals were also provided that were published on the Council's website for consultation until 4th January, 2018.

The Strategic Director of Finance and Customer Services as Section 151 Officer gave her assurance that the budget estimates for 2018/19 were robust overall when considered in conjunction with the budget risk contingency identified within the report and alongside the identification of the reserves which would need to be utilised if that risk should be realised. The current spending levels in Social Care Services were not sustainable beyond 2018/19 and needed to be addressed during 2018/19 in order that the Council could maintain a sound financial position.

This assurance was, therefore, predicated on the Council securing plans and actions to ensure that a number of significant risk areas within the budget were addressed and savings delivered.

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 with further suggestions 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 28th February, 2018; that further consideration be given on how improvements could be made to the consultation process to ensure that public views could be taken into account in the scrutiny of the budget proposals; that further discussions take place with the Overview and Scrutiny Management Board to discuss the budget timetable to ensure early consideration of budget proposals takes place and that the

Management Board continue to have oversight of the Adult Social Care budgets.

Cabinet accepted all the suggestions made by the Overview and Scrutiny Management Board, but indicated the equality impact assessments would be made available as background papers and that consideration would be given on any improvements to the public consultation process and the budget timetable.

**Resolved:- (1) That Council be asked to:-**

- **Approve the Budget and Financial Strategy for 2018/19 as set out in the report and appendices, including the need to deliver £15.1m of budget savings and a basic Council Tax increase of 2.99%.**
- **Approve that the £965,000 additional Council Tax income generated from 1% of the increase be earmarked for kerbside collection of plastic waste and that the final decision on the operational model for Waste Services be determined by Cabinet following analysis of the public responses to the consultation and related options.**
- **Approve the Government's proposals for the maximum Adult Social Care precept of 3% on Council Tax for 2018/19 to fund additional costs and investment in Adult Social Care Services.**
- **Approve the incorporation of the precept figures from South Yorkshire Police Authority, South Yorkshire Fire and Rescue Authority and the various Parish Councils, when known.**
- **Ensure an updated Medium Term Financial Strategy (MTFS) is brought back to Cabinet in 2018/19 after the accounts for 2017/18 have been closed.**
- **Approve the proposed use of reserves as set out in Section 3.5, noting that there may be a variation subject to the Final Local Government Finance Settlement and that the final determination will be approved as part of reporting the outturn for 2017/18.**
- **Approve that any changes resulting from the Final Local Government Finance Settlement be reflected in the Budget report to Council on 28<sup>th</sup> February with the balance of any change being reflected in a change in the required use of reserves.**

- **Notes and accepts the comments and advice of the Strategic Director of Finance and Customer Services (Section 151 Officer), provided in compliance with Section 25 of the Local Government Act 2003, as to the robustness of the estimates included in the Budget and the adequacy of reserves for which the Budget provides (Section 3.9).**
- **Notes the consultation feedback from the public and partners following publication of Directorate budget savings proposals on the Council's website for public comment from 6th December 2017 to 4th January 2018 (Section 5).**
- **Approve that all Council Fees and Charges be increased for 2018/19 by the September CPI increase of 3% other than Fees and Charges which were determined by national statute and that lists of all proposed Fees and Charges for 2018/19 be submitted to Cabinet in March for approval.**
- **Approve the proposed increases in Adult Social Care Provider contracts as set out in Section 3 of the report.**
- **Approve the use of £200,000 of the Local Welfare Provision balance of grant funding to continue arrangements for Crisis Loan Support as set out in Section 3 of the report.**
- **Approve the carry forward into 2018/19 of any unspent balances of funding for the Community Leadership Fund and Delegated Ward Revenue Budgets.**
- **Approve the use of in-year Capital Receipts up to 2020/21 to maximise capitalisation opportunities arising from Service reconfiguration to deliver efficiencies and improved outcomes for clients and residents, and thereby minimise the impact of costs on the Revenue Budget as included in the Flexible use of Capital Receipts Strategy 2018/19 (Appendix 5).**
- **Approve the proposed Capital Strategy as presented in Section 3.7 and Appendices 2A and 2E, to a value of £248m for the General Fund and £177m for the HRA. This required prudential borrowing of £65m to fund non-HRA schemes over the five year period, for which provision has been made in the revenue budget for the associated financing costs.**
- **Approve the management of the Capital Strategy budget in line with the following key principles:-**

- (i) Any underspends on the existing approved Capital Programme in respect of 2017/18 be rolled forward into future years, subject to an individual review of each carry forward to be set out within the Financial Outturn 2017/18 report to Cabinet.
  - (ii) In line with Financial Regulation 13.8, any successful grant applications in respect of capital projects will be added to the Council's approved Capital Programme on an ongoing basis. the Development Pool, where funding has yet to be identified.
  - (iii) Capitalisation opportunities and capital receipts flexibilities will be maximised, with capital receipts earmarked to minimise revenue costs.
  - (iv) Decisions on the financing of capital expenditure for individual capital projects are delegated to the Council's Section 151 Officer.
- Approve the Treasury Management Matters for 2018/19 as set out in Appendix 3 of the report including the Prudential Indicators, the Minimum Revenue Provision Policy, the Treasury Management Strategy and the Investment Strategy.

## **112. DECEMBER FINANCIAL MONITORING REPORT 2017/18**

Consideration was given to the report which set out the financial position for the Revenue and Capital Budgets at the end of December, 2017 based on actual costs and income 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 December 2017 the Council had a net forecast overspend on the General Fund of £992,000. This comprised a forecast overspend of £9.992m on Directorate/Service budgets mitigated by £9m savings from Central Services budgets and funding.

The forecast overspend on Directorate/Service budgets had increased by £398,000 from the position report to Cabinet in December, 2017. However, within the net increase was a significant increase of £1.5m in the forecast overspend for Children and Young People which was now forecasting at £5.5m for the year. The increasing overspend was



attributable to the continuing increase in the number of children in care which had increased by 43 (8%) since last reported and had risen by 18.3% since April 2017.

The increase in the number of Looked After Children had also placed significant and unavoidable pressure on Legal Services within the Finance and Customer Services Directorate with a current forecasted overspend for Legal Services of £1.254m, an increase of £113K since the December report.

Management actions to address areas of overspend were also ongoing in an attempt to eradicate the forecast overspend and ensure the delivery of a financial outturn within budget for 2017/18. If 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 £855k since the December monitoring report to the current projection of £8.075m. Whilst this pressure did not directly affect the Council's financial position at this time it was imperative that the recovery strategy was implemented, which was outlined further by the Strategic Director, 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.

A recovery plan intending 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 had been devised.

The HRA was now forecast to underspend and not require the planned transfer from HRA reserves. The changed position was mainly the result of delays in capital spending on cluster sites and the strategic acquisitions programme which would now take place in future years which reduced the planned Revenue Contribution to Capital spending in the current financial year.

The 2017/18 Capital Programme was currently forecasting an underspend of £20.12m in the main due to slippage on capital schemes for which the spend would be re-profiled into 2018/19 and subsequent years.

The Strategic Director for Finance and Customers Services further clarified that, subject to that further review, alongside finalising costs for the year for voluntary redundancies and depending on the actual amount of capital receipts achieved, it was anticipated that total savings of around £9m could contribute to the Council mitigating budget pressures and towards delivery of a balanced financial outturn for 2017/18.

As a result of a detailed review of the profiling of Adults Care and Housing schemes the December report forecast outturn position for the 2017/18 approved Capital Programme indicated an in-year underspend of £15.4m, which required re-profiling into later financial years. The report set out in detail the revised programme budgets and latest forecasts of outturn expenditure by Directorate programme and an explanation of the changes.

It was proposed that amendments be made to the Revaluation Support Scheme for Rotherham's Business Rates payers. This was in light of changes to some Business Rates accounts and new information obtained which affected some businesses' qualification for relief meant that a substantial amount of the grant allocation would not now be awarded based on the current scheme criteria. It was proposed that:-

- The rateable value threshold for businesses to be able to qualify for the relief be increased from £100,000 or less to £300,00 or less
- The maximum award of relief for a business property be increased from £5,000 to £25,000

**Resolved:-** (1) That the current forecast overspend for 2017/18 of £922k 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 current forecast outturn position on the approved Capital Programme for 2017/18 be noted.

(4) That the changes to the Business Rates Revaluation Support Scheme, as set out in paragraphs 3.67 to 3.68 of the report, be approved.

#### **113. RECOMMENDATIONS FROM IMPROVING PLACES SELECT COMMISSION - EMERGENCY PLANNING**

Further to Minute No. 84 of the Council Meeting held on 18<sup>th</sup> October, 2017, consideration was given to the report which shared the recommendations from the Improving Places Select Commission's cross-party review group on 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.

Appendix A of the report submitted set out the fifteen recommendations arising from the Scrutiny Review of Emergency Planning together with detail in respect of whether the recommendations should be agreed, not agreed or deferred and the action being taken.

The Chair of the Overview and Scrutiny Management Board also wished to place on record his thanks and appreciation to the Chair and other members of the Improving Places Select Commission for their hard work in this review.

**Resolved:-** (1) That the Cabinet's response to the recommendations of the Improving Places Select Commission Scrutiny Review of Emergency Planning be approved.

(2) That the response be referred to the next meeting of the Council on 28<sup>th</sup> February, 2018 and the next meeting of the Improving Lives Select Commission on 14<sup>th</sup> March, 2018.

**114. MONETARY PENALTIES RELATING TO THE HOUSING AND PLANNING ACT 2016**

Consideration was given to the report which set out the range of new tools and powers available to the Council under the Housing and Planning Act 2016 which strengthened the Council's enforcement capabilities to tackle poor housing conditions whilst introducing civil financial penalties on landlords who sought to avoid their responsibilities.

The value of the civil penalties, set by the Council and based on a transparent risk based process, could range from £25 to £30,000 per offence dependent upon harm and culpability. Once an individual was subject to a civil penalty, the Council must consider a Rent Repayment Order to recover monies paid through Housing Benefit or through the housing element of Universal Credit.

Whilst the Housing and Planning Act 2016 amended the Housing Act 2004 in relation to civil penalties, the Council needed to adopt the provision of Chapter 4 of the Housing and Planning Act 2016 to utilise the Rent Repayment Orders.

Rent Repayment Orders were capped to a maximum of 12 months' rent. The Council would assist tenants to recover any rent paid by them to the landlord during the relevant period. A Rent Repayment Order, when sanctioned by the First-tier Tribunal, would require a landlord to repay a

specified amount of rent. The Council was also required to adopt a policy that directed the implementation of those powers before the Council was able to utilise the tools.

The procedures to impose civil penalties, appeals against such penalties and recovery procedures, were prescribed in Legislation and Statutory Guidance by the Sentencing Council which the Council must adhere to.

The policy by which the Council would determine the use of Rent Repayment Orders and civil penalties was set out in Appendix A. The policy made provision for up to a maximum 20% discount at the discretion of the Assistant Director of Community Safety and Street Scene subject to compliance and payment of the penalty.

It should be noted that the tools and powers were equally available to privately rented properties which were let as Houses in Multiple Occupation. Appendix B set out the Council's expectations of the standards demanded from those operating Houses in Multiple Occupation and provided consistency and advice on how acceptable standards might be achieved.

Cabinet Members welcomed these new tools and powers which would contribute to the wider issues and environmental concerns.

**Resolved:-** (1) That the tools, powers and policy for the Use of Civil Penalty and Rent Repayment Orders under the Housing Act 2004 as amended and Houses in Multiple Occupation Guidance and Amenity Standards (Appendix A) be adopted.

(2) That the Council's General Enforcement Policy be amended to include the Policy for use of Civil Penalty and Rent Repayment Orders under the Housing Act 2004 as amended, referred to at 4.2 in the report submitted.

**115. THE SAFER ROTHERHAM PARTNERSHIP (SRP) DOMESTIC ABUSE STRATEGY 2017 - 2020**

Consideration was given to the report setting out the Safer Rotherham Partnership's (SRP) Domestic Abuse Strategy for 2017-2020 which sought to enhance the co-ordinated response to domestic abuse.

The report and accompanying Strategy set out how the SRP wanted everyone who worked with families experiencing domestic abuse to identify domestic abuse and work together to tackle it. It provided clear expectations and a course of action which would make a difference to addressing the issues and help support people to change their lives.

Vacancies in a number of critical posts for some time had meant the Partnership drive had not existed in a structured and co-ordinated manner. However, there was now a Domestic Abuse Co-ordinator in

post, the reformation of a Partnership strategic group, new strategic lead and a clear strategic approach. Alongside the strategic elements of delivery, partners had also delivered practically with a South Yorkshire-wide Perpetrator Programme due to start in February, revisions to a number of policies and procedures and development of a multi-agency protocol (detailing the whole domestic abuse support system) and Charter.

The SRP had also identified a 'critical friend' (the city of Bradford Metropolitan District Council) and had undertaken a peer review into Domestic Abuse Services. The review had explored all areas of domestic abuse delivery with early feedback suggesting that the SRP had some strengths one of which was being the political and managerial leadership.

Domestic Abuse continued to be a priority for the SRP and, although progress had been made, more needed to be done to improve provision which the Strategy sought to achieve. The need to do more was reflected by the current reservation of a power of direction in this area by Commissioners.

Partners were acutely aware of the need to engage with victims, survivors and Service users to inform the strategic approach and delivery. This had been highlighted by the Improving Lives Select Commission and was a key piece of work.

The Chair of the Domestic Abuse Priority Action Group also confirmed the performance of the activity and delivery of the action plan would be reported back into the Safer Rotherham Partnership alongside oversight by the Senior Leadership Team.

Cabinet Members welcomed this Strategy as it provided clear expectations and a course of action which would make a difference to addressing this issue and help support people to change their lives.

**Resolved:-** That the Domestic Abuse Strategy 2017-2020 be endorsed.

**116. ALLOTMENT RENTS 2019/20**

Consideration was given to the report which sought Cabinet approval to increase allotment rents for the 2019-20 financial year. Rents were set a year in advance to allow tenants to be given twelve months' notice of any increase in accordance with the statutory requirement.

The Council had consulted with Rotherham and District Allotments Association on both directly-managed and society sites during September and October 2017.

Plot-holders were asked which of the options within the report they would choose. Of 270 people who responded, 51.5% supported a rise in line with the current CPI, 26.3% preferred a fall in real terms, 9.3% wanted rents to rise in real terms, and 13% said they did not know.

**Resolved:-** (1) That allotment rents for the 2019-20 financial year be approved and set at levels shown in Appendix 1.

(2) That officers in Leisure and Green Spaces write to existing allotment tenants to advise them of the new rents, at least twelve months in advance of their introduction on 1<sup>st</sup> April, 2019.

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

Consideration was given to the report seeking renewal of the agreement with Rotherham Rugby Club (the Club) for the lease of three rugby pitches on Herringthorpe Playing Fields.

The Club aimed to improve the drainage and surface of the pitches with the help of funding from Sport England (the funder). The pitches were currently leased by the Club from the Council through an Asset Transfer lease for a yearly rent of £1 (if demanded) which ran until 2038. The lease was for land only; there were no other Council assets on the site.

In order to protect their proposed investment, the funder required a minimum twenty-five year lease with no break clause during that period. This would make necessary the Club's surrender of their current lease agreement and the creation of a new twenty-five year Asset Transfer lease which would end in 2042. The Club had requested the Council's assistance to overcome the funding obstacle.

In consultation with the Cabinet Member for Culture and Neighbourhood Working and local Ward Members in February, 2017, a number of issues relating to the Club's management and use of the site were raised.

Cabinet Members welcomed the report and the commitment to continued active management of the site, to continued engagement with residents within the local community and to diversifying the ethnic profile of their users.

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:-** (1) That the surrender of the existing Asset Transfer Lease and the granting of a new twenty-five year Asset Transfer Lease with Rotherham Rugby Club Ltd. without any break clauses be approved.

(2) That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate the terms of the lease and the Assistant Director of Legal Services authorised to complete the necessary documentation.

(3) That the Assistant Director of Culture, Sport and Tourism be authorised to negotiate a new Service Level Agreement to monitor activities relating to sports development, community engagement and equalities.

**118. NEIGHBOURHOOD PLANNING: NEIGHBOURHOOD AREA APPLICATION FROM DALTON PARISH COUNCIL**

Consideration was given to the report stating Dalton Parish Council's intention to produce a neighbourhood plan covering the Dalton Parish. It was proposed that the Council approve the application from Dalton Parish Council as the relevant neighbourhood planning body and the designation of Dalton Parish as a Neighbourhood Area.

**Resolved:-** (1) That the Neighbourhood Area application from Dalton Parish Council as the relevant neighbourhood planning body be approved.

(2) That the designation of Dalton Parish as a Neighbourhood Area be approved.

**119. BUSINESS RATES DISCRETIONARY RELIEF RENEWALS IN 2018-19**

Consideration was given to a report which set out seventy-four renewal applications for the award of discretionary business rate relief for the organisations and premises listed in the attached appendix to this report.

This was in accordance with the Council's Discretionary Business Rates Relief Policy (approved 12th December, 2016).

It was noted that the Rural Rate Relief scheme was introduced to help protect the last retail outlets and similar services in designated rural areas with a population of less than 3,000. Under the scheme qualifying businesses were entitled to 50% mandatory relief.

Local Authorities were asked to use their local discretionary powers to grant 100% relief from 1st April, 2017 with the Government giving full compensation for the cost of the additional relief. A report recommending this was approved by Cabinet on 10th April, 2017.

Cabinet similarly approved the implementation of the Support for Pubs Discretionary scheme on 16th October, 2017 and to date a number of awards have been made with further applications continuing to be received.

**Resolved:-** (1) That the applications for discretionary business rate relief for the organisations listed in Appendix 1 of this report, in accordance with the details set out in Section 7 to this report, be approved for 2018/19.

(2) That the extension of Discretionary Relief in the 2018/19 financial year for qualifying rural ratepayers and qualifying public houses be approved.

(Councillors Lelliott and Yasseen declared personal interests on the grounds of being trustees of some of the registered charities listed)

**120. 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.



**CABINET/COMMISSIONERS'  
DECISION MAKING MEETING  
12th March, 2018**

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

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

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

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

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

**121. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

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

Councillor Sansome referred to Item 7 on the agenda and the new applications for Business Rates Discretionary Rate Relief and more specifically Application 3 for Swinton Recreation Ground. He described the work of the registered charity and formally requested if consideration could be given to 100% relief for this financial year.

The Chair, Councillor Read, and Councillor Alam gave an assurance that they would look carefully at the process and respond direct to Councillor Sansome.

**123. PROPOSALS FOR CONSULTATION ON THE IMPLEMENTATION OF THE EARLY HELP STRATEGY: PHASE TWO & PHASE THREE**

Consideration was given to the report outlining proposals for Phase Two and Three of the Early Help Strategy with the aim of ensuring that Early Help practitioners and managers had the right skills mix to respond to the needs of families and that the workforce was supported with the right levels of management support and oversight.

The proposed redesigned services would provide targeted, evidenced based interventions through a variety of delivery points and negotiated spaces (community buildings, Youth Centres and Children Centres) relevant to the diversity of the community and would be flexible enough to meet changing patterns of current and future demand, not fixed or bound to buildings that were no longer fit for purpose, to deliver outstanding outcomes for children, young people and families in Rotherham.

A robust ninety day consultation would involve meetings with all staff as well as formal communication via letter and the offer of individual support through Human Resources (HR) and Early Help managers. The consultation would involve the Trade Unions and be delivered through a combination of public meetings, online surveys and would seek the views of parents, young people, Members, partners, stakeholders, professionals and members of the community through a series of consultation events across the Borough.

Whilst there would be some loss of buildings as part of the proposals, there would still be some minimal impact in the review to staffing structures which would seek to reduce management capacity as the Early Help offer became further embedded across the wider Early Help Partnership.

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, following the consultation, the final proposals being submitted to the Board prior to consideration by the Commissioner.

**Commissioner Ney agreed:-** (1) That an extensive ninety day consultation period (sixty day public and thirty day staff) on the proposed implementation of Phase Two and Phase Three of the Early Help Strategy 2016-2019.

(2) That the proposed timeline for consultation and implementation of the Early Help Strategy Phase Two and Phase Three as set out in the report be approved.

(3) That a further report be submitted to the Overview and Scrutiny Management Board in October 2018 following completion of the consultation prior to any consideration by the Commissioners/Cabinet.

#### **124. COUNCIL PLAN 2017/18 QUARTER 3 PERFORMANCE REPORT**

Consideration was given to the report which detailed how the Council Plan for the period 2017-2020 and was approved by Elected Members at the Council meeting on 12<sup>th</sup> July, 2017. The plan represented the core document that underpinned the Council's overall vision, setting out headline priorities, indicators and measures that would demonstrate its delivery. Alongside it sat the Council's Performance Management Framework which explained to all Council staff how robust performance monitoring and management arrangements are required to ensure effective implementation.

To ensure that the delivery of actions and their impact was assessed, formal quarterly performance reports were required to the public Cabinet and Commissioners' Decision-Making meeting, with an opportunity for

pre-Scrutiny consideration in line with new governance arrangements. This report was the third report in the 2017/18 reporting cycle covering Quarter 3 1<sup>st</sup> October, to 31<sup>st</sup> December, 2017.

The Performance Report and Performance Dashboard/Scorecard (Appendices A and B) provided an analysis of the Council's current performance against fourteen key delivery outcomes and seventy-two measures. This report was based on the current position of available data, along with an overview of progress on key projects and activities which also contributed towards the delivery of the Council Plan.

At the end of this third quarter (October to December, 2017) 21 measures had either met or had exceeded the target set in the Council Plan. This represented 40.4% of the total number of indicators where data was available or where targets have been set. The direction of travel was positive for thirty-four (55.7%) of the indicators measured in this quarter. The Priority area with the highest proportion of targets met was Priority 5 (A modern, efficient Council).

Cabinet Members provided an update in accordance with current performance for service areas:-

Councillor Beck, Cabinet Member for Housing, reported on the number of homes delivered during the year which, by the end of Quarter 3, had amounted to 337 within an annual ambitious target of 650. Work remained ongoing to improve this indicator, but the Council were reliant on contributions from the private sector. It was hoped once the Local Plan was formally adopted the delivery of new housing numbers would improve in coming years.

In terms of selective licensing it was anticipated by the end of Quarter 4 the compliance of landlords target would be achieved.

Councillor Roche, Cabinet Member for Adult Social Care and Health, confirmed the direction of travel for Adult Social Care and Safeguarding was positive, along with the Direct Payments review. Progress was being made with the aspirational Public Health targets.

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, confirmed the measures on tackling anti-social behaviour (ASB), hate crime, and domestic abuse, have been impacted on this quarter due to changes in the system used by South Yorkshire Police to gather statistics which were used by the Council to measure progress.

Performance in relation to all four requirements for Licensing had improved and was now at 100% for three elements with the fourth for drivers with the BTEC qualification at 94.4%.

Councillor Watson, Deputy Leader, reported on the priority measures for Children and Young People's Services and the increase in numbers of

children who were subjects of Child Protection Plans and Looked After. This was not just a Rotherham issue, but across the country.

There were a number of Looked After Children who had had three or more placements in a year and further work was taking place looking at the reasons for these disrupted placements.

The suite of indicators were moving in the right direction due to action being taken by services.

Councillor Yasseen, Cabinet Member for Neighbourhood Working and Cultural Services, reported on visitor numbers, which had overall decreased in Quarter 3, which was reflective of the winter period. The Civic Theatre, however, saw the pantomime season help it achieve its highest return so far this year which was credit to the team involved.

In Quarter 3 the number of engagements had risen again, by 7,454.

Customer satisfaction remained high in Libraries and in the Customer Service Centres with a reported satisfaction rate of 99.76%. Satisfaction at Heritage sites had increased by 5.1% since Quarter 2.

Councillor Lelliott, Cabinet Member for Jobs and the Local Economy, confirmed Quarter 3 had again seen the Planning Service achieve 100% in determination in all three categories of application.

Footfall had decreased in the Town Centre and support was being provided to market traders and retailers following the introduction of a task and finish group, chaired by the Cabinet Member.

Progress towards delivering the Town Centre Masterplan had been maintained.

**Resolved:-** (1) That the overall position and direction of travel in relation to performance be noted.

(2) That consideration be given to measures which have not progressed in accordance with the target set and the actions required to improve performance, including future performance clinics

(3) That the performance reporting timetable for 2017/18 be noted.

## 125. FEES AND CHARGES 2018-19

Consideration was given to a report which detailed the proposed fees and charges for the Regeneration and Environment Directorate for 2018/19 and beyond and were reflected in the budget savings proposals included in the Council's Budget and Council Tax setting report, which were approved by Council on the 28<sup>th</sup> February, 2018.

The charges for each service were presented in Appendices A – S. Housing Revenue Account Rents and Service charges had been agreed on 15<sup>th</sup> January, 2018 and Allotment Rents 2019/20 agreed on 19<sup>th</sup> February. The report detailed fees and charges for the remainder of the Council's services which had been increased by 3% with a few exceptions.

In addition, it was suggested that there be a revision to the Regulation and Enforcement Charges 2018/19 in relation to Section 1.9 (High Hedges) as the fee went beyond 3% and should be brought into line with the 3%.

Section 1.10 (Fixed Penalty Notices) with regards to litter, the fine would be £80.00 and £150 for a late payment. Fly tipping fines would be £300 and £400 for a late payment.

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 and the revised amendments, subject to a further report being submitted to the Board in six months' time to review the income targets.

The query at the Overview and Scrutiny Management Board regarding the safe removal of bees had now been responded to.

**Resolved:-** That the fees and charge for 2018/19 with the revisions identified above be approved.

#### **126. NEW APPLICATIONS FOR BUSINESS RATES DISCRETIONARY RELIEF**

Consideration was given to a report which detailed four applications for the award of a discretionary business rate relief. This was in accordance with the Council's Discretionary Business Rates Relief Policy (approved 12<sup>th</sup> December, 2016).

The Strategic Director for Finance and Customer Services clarified the position and addressed the request by Councillor Sansome in his question to the Cabinet this morning and confirmed this discretionary relief was for the award of 20% discretionary top up to support relief already received by the charitable organisations.

The outstanding success of charitable organisations in Rotherham was highlighted by Cabinet Members.

**Resolved:-** That 20% discretionary top up rate relief for the period 1<sup>st</sup> April, 2018 to 31<sup>st</sup> March, 2019 be awarded to 27<sup>th</sup> Rotherham Woodsetts Scout Group, Catcliffe Memorial Hall, Swinton Recreation Ground and Sheffield Royal Society for the Blind.

**127. REFRESHED HEALTH AND WELLBEING STRATEGY 2018 - 2025**

Consideration was given to the refreshed Health and Wellbeing Strategy 2018-2025 which was submitted for endorsement prior to formal sign-off by the Health and Wellbeing Board at its meeting on 14<sup>th</sup> March, 2018. This was good news for Rotherham and highlighted the strengths of partnership working.

The existing Strategy ran until the end of 2018, however, the Board had agreed that, due to a number of strategic drivers influencing the role of Health and Wellbeing Boards such as the local Integrated Health and Social Care Place Plan, an early refresh was appropriate. The refresh would ensure that it remained fit for purpose and strengthened the Board's role in relation to high level assurance and holding partners to account as well as influencing commissioning across the health and social care system and wider determinants of health.

**Resolved:-** That the refreshed Health and Wellbeing Strategy for 2018-2025 be endorsed.

**128. 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.

**129. SPECIAL THANKS**

The Cabinet wished to place on record, on behalf of the Council, its thanks and appreciation to those members of staff directly responsible for clearing roads and ensuring refuse was collected during the recent period of inclement weather.

## **Summary Sheet**

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

Council – 23 May 2018

### **Report Title**

Recommendation from Cabinet – Waste Collection Service Review

### **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)**

Tom Smith, Assistant Director - Community Safety and Street Scene  
01709 254789 or tom.smith@rotherham.gov.uk

Martin Raper, Head of Service, Street Scene  
01709 822223 or martin.raper@rotherham.gov.uk

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

All

### **Summary**

At its meeting on 16 April 2018, the Cabinet considered a report in respect of proposed changes to the waste collection service which included a recommendation to include the capital costs of vehicles and bins within the Capital Programme.

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, consideration and approval by Council must be given to the recommendation set out below.

### **Recommendation**

That the capital costs of the purchase of vehicles and bins at an estimated cost of £5.54m be added to the Council's Capital Programme

**List of Appendices Included**

- Appendix A Waste Collection Service Review – Report to Cabinet and Commissioners’ Decision Making Meeting – 16 April 2018
- Appendix 1 Waste Consultation Analysis report
- Appendix 2 Financial analysis of options
- Appendix 3 Equality impact assessment

**Background Papers**

Amec Foster Wheeler (now Wood Group) 39375 Waste Options Appraisal final report  
Amec Foster Wheeler (now Wood Group) technical annex modelling assumptions

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

Cabinet and Commissioners’ Decision Making Meeting – 16 April 2018  
Overview and Scrutiny Management Board – 11 April 2018

**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

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

Cabinet and Commissioners' Decision Making Meeting – 16 April 2018

### **Report Title**

Waste Collections Service Review

### **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)**

Ajman Ali, Interim Assistant Director - Community Safety and Street Scene  
01709 254789 or [ajman.ali@rotherham.gov.uk](mailto:ajman.ali@rotherham.gov.uk)

Martin Raper, Head of Service, Street Scene  
01709 822223 or [martin.raper@rotherham.gov.uk](mailto:martin.raper@rotherham.gov.uk)

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

All

## Executive Summary

This report provides details of the outcome of the waste consultation exercise and proposes the introduction of changes to the Council's waste collection service. The proposed changes are to introduce kerbside plastic collection as soon as practicable, and introduce an all year round green waste chargeable service from October 2018.

## Recommendations

1. That approval be given to the cessation of the free garden waste collection service with effect from 26 October 2018 and to replace with an optional, all year round, chargeable garden waste collection service from 29 October 2018.
2. That the operating policies in paragraph 6.2 and 6.15 of this report be approved.
3. That the fee for the garden waste collection service be set at £39 for an initial subscription period from 29 October 2018 until January 2020, with the price of future annual subscriptions subject to review each year.

4. That approval be given to the introduction of a two-stream recycling service that includes the collection of plastic materials at the kerbside from early 2019 – Option 1(b) – with the specific date to be confirmed as part of the procurement exercise. New 180 litre residual bins will be provided to all households in time for the launch of the two-stream recycling service to enable the existing 240 litre residual bins to be used for recycling plastic, tin cans and glass thereby reducing capital expenditure.
5. That the Council be recommended to add the capital costs of the vehicles and bins at an estimated cost of £5.54m to the Council's Capital Programme.
6. That authority be delegated to the Assistant Director of Community Safety and Street Scene to make all necessary arrangements for the smooth introduction of the revised waste collection service including the purchase of bins and refuse vehicles.
7. That officers develop a comprehensive communications and marketing plan, in consultation with the Cabinet Member for Waste, Roads and Community Safety, to sit alongside the implementation plan for the revised waste collection service.

#### **List of Appendices Included**

Appendix 1 Waste Consultation Analysis report  
Appendix 2 Financial analysis of options  
Appendix 3 Equality impact assessment

#### **Background Papers**

Amec Foster Wheeler (now Wood Group) 39375 Waste Options Appraisal final report  
Amec Foster Wheeler (now Wood Group) technical annex modelling assumptions

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**  
Overview and Scrutiny Management Board – 11 April 2018

**Council Approval Required**  
Yes

**Exempt from the Press and Public**  
No

## **Waste Collections Service Review**

### **1. Recommendations**

- 1.1 That approval be given to the cessation of the free garden waste collection service with effect from 26 October 2018 and to replace with an optional, all year round, chargeable garden waste collection service from 29 October 2018.
- 1.2 That the operating policies in paragraph 6.2 and 6.15 of this report be approved.
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- 1.7 That officers develop a comprehensive communications and marketing plan, in consultation with the Cabinet Member for Waste, Roads and Community Safety, to sit alongside the implementation plan for the revised waste collection service.

### **2. Background**

- 2.1 The waste collection service in Rotherham has developed over the last 14 years and currently consists of a hybrid of previous kerbside sorting arrangements and current collection operations. The service is provided to around 116,000 households using a range of bins, boxes and bags. The latter two container types are not as easy to handle by waste collection operatives or residents and can result in windblown litter on collection days.
- 2.2 The projected increase of households and economic growth in Rotherham will generate more waste in the Council's administrative area, adding to the costs of providing both a waste collection service and waste disposal service. The combination of these factors and the ongoing pressure on the Council's budget means that it is essential to review the waste collection service to ensure it continues to fulfil statutory obligations and local priorities. The Government's latest 25 year environment strategy also focuses on reducing plastics, minimising waste and improving recycling amongst other things.

- 2.3 The Council needed to review its waste management arrangements to ensure value for money is achieved, as well as increasing recycling rates to help meet the national target of 50% recycling by 2020. To assist the Council, external expertise was commissioned to review alternative arrangements for the waste collection service design and delivery as well as the implications of new proposals on:
- Waste minimisation, re-use and recycling of waste material;
  - Composting arrangements; and
  - Implications on the residual waste disposal Private Finance Initiative (PFI) contract and the South Yorkshire Municipal Waste Strategy adopted by the Council, Barnsley Borough Council, Doncaster Borough Council and Sheffield City Council.
- 2.4 The review of waste collection arrangements in the Council's administrative area produced a series of options for consideration. This included details of different waste and recycling collection options as well as delivery options. This work provided a financial assessment of the different options and their perceived impact on performance and customer satisfaction. The work also highlighted alternative delivery models such as:
- Retention of the current in-house arrangement;
  - Establishment of a local authority trading company (often referred to as a Teckal company);
  - Creation of a joint venture arrangement with a private sector operator as a service delivery vehicle; and
  - Outsourcing the whole waste collection service to a private sector operator.
- 2.5 In terms of changes to the way in which waste is collected, a wide range of different scenarios and options each with a variety of financial implications were modelled. The options included the introduction of kerbside plastic collections to remove plastics from the remaining residual waste stream. However, the level of financial savings that could be generated from the inclusion of kerbside plastics collections was estimated to be significantly lower than the other options and was therefore initially excluded from the consultation.
- 2.6 The combination of operational changes which was projected to give the Council the most acceptable level of financial savings and improved recycling levels was as follows:
- Introduction of a subscription based garden waste collection service;
  - The removal of the bags and box container types that are currently used for collecting recycling materials;
  - Existing black and green wheeled bin types to be used for recycled materials to avoid the cost of providing new bins for collecting recycling materials; and
  - Introduction of a new 180 litre bin to minimise general household waste i.e. residual waste, and to increase recycling.

- 2.7 It was projected that this approach would save the Council approximately £1.38M per annum and increase recycling rates due to the additional capacity that would be available by using the wheeled bins instead of boxes and bags. The savings would arise from:
- The cessation of the free garden waste collection service;
  - Additional income from a subscription based garden waste collection service;
  - Reduced transport and seasonal staffing costs; and
  - Lower waste disposal costs (including increased recycling income).
- 2.8 This proposal was considered by Cabinet Members and the Commissioners in November 2017 and approval was given to consult residents across the Council's administrative area before a final decision would be made on the way forward.

### **3. Current service provision**

- 3.1 The Council currently spends over £11 million per annum on waste collection and disposal services. The current kerbside collection consists of 4 waste collection streams:
- Black 240 litre wheeled bin (household general waste) – collected fortnightly;
  - Green 240 litre wheeled bin (household garden waste) – collected fortnightly (seasonal);
  - Blue 60 litre bag (cardboard, newspapers and magazines) – collected fortnightly; and
  - Blue 55 litre box (mixed glass, food tins, drinks cans, foil and textiles) – collected fortnightly.
- 3.2 The kerbside dry recycling service is currently collected from approximately 116,000 properties across the Council's administrative area. The garden waste service is free of charge and operates between April and October each year. There are also facilities available to residents for recycling other materials, including plastics and garden waste, at the Council's four Household Waste Recycling Centres (HWRCs) at Bramley, Greasbrough, North Anston and Rawmarsh, alongside various recycling points (bring banks) which also take recyclates including plastics across the Council's administrative area.
- 3.3 Barnsley Metropolitan Borough Council (MBC), Doncaster Borough Council and the Council (BDR) have jointly managed waste across their administrative areas for more than 20 years. The success of their "BDR Waste Partnership" helped secure PFI funding from DEFRA to build, maintain and operate the award-winning residual waste treatment facility at Manvers. This facility treats 250,000 tonnes a year of residual household waste delivered from the residual waste collected from 340,000 households across Barnsley, Doncaster and Rotherham. It also extracts some further recyclable materials from the residual waste stream (beyond kerbside collections) including plastics, metal, glass and organic matter. The PFI project creates fuel from residual waste and produces low carbon electricity for the National Grid rather than sending residual waste to landfill.

- 3.4 Since the PFI facility opened in 2015, over 95% of Rotherham's household black bin residual waste has been diverted from landfill. The national target for the UK is to recycle at least 50% of household waste by 2020. In 2016-2017 Rotherham's recycling rate was 45.15% of all collected household waste.
- 3.5 The recycling material that is collected at the kerbside is currently processed locally by two private contractors: paper and card recycling is taken to Newport Papers and the glass and metal cans are taken to Beatson Clark. Garden waste is processed at SJB's composting facility. HWRC waste and bring sites are serviced by other contractors. With the exception of the SJB contract, which is due for renewal in 2021, most of these contracts will be due for renewal within the next 12 months and this will be factored into the implementation of the final agreed option.

#### **4. Consultation and engagement**

- 4.1 The Council's Waste Management Team has undertaken a full public consultation, in line with the agreed decision of Cabinet Members and Commissioners, which commenced on 28 November 2017 and ran until 26 January 2018.
- 4.2 As part of the consultation, residents were asked to give their views on the proposed changes to the waste collection and recycling service and a range of activities were undertaken to promote the consultation as widely as possible. These activities included:
- A members' seminar;
  - A report to the Council's Overview and Scrutiny Management Board;
  - Letters to all residents were included with their new 2018 waste collection calendars;
  - Contact with voluntary service groups offering bespoke discussion with their members;
  - Nine drop-in sessions across the Council's administrative area at various locations and times. These sessions also provided residents with the facility to fill in the consultation questionnaire on-line or manually or make written comments and suggestions to staff;
  - Promotion of the consultation through various media channels before and throughout the consultation period; and
  - The use of on-line, social media and traditional media. Rother FM, the Rotherham Advertiser and the Rotherham Record were amongst those who featured the consultation.
- 4.3 Feedback was elicited primarily via the Council's website in the form of a questionnaire, letters and direct e-mails as well as comment sheets and survey forms obtained from drop-in sessions, libraries and the Council's Customer Services contact centre were all accepted. Written feedback was received from Barnsley MBC and Sheffield City Council. The Council's Waste Management Team responded to many letters and emails that were received. Trade Unions and staff were also engaged with as part of the consultation process.

## 5. Consultation responses and feedback

- 5.1 The online survey attracted 6,998 responses from residents. There were an additional 1,293 contacts via other means such as through the Council's contact centre, website and comments directly to the service. Social media hits and comments were monitored during the period which included views of the waste review video, comments in response to the Rotherham Advertiser and RotherFed's Facebook posts and Twitter posts. A comprehensive analysis of the responses is set out in Appendix 1.
- 5.2 The trend in terms of response rates was high in the first fortnight of the consultation process and then subsequently declined over the remainder of the consultation period. However, the general message every week from respondents was consistent.
- 5.3 The majority of respondents felt that providing regular waste collections (62%), sufficient capacity in bins (58%) and a system that is easy to use (38%) were important factors to consider when making any changes to the service. There was significant support (73%) for using bins rather than bags and boxes for recycling, and there was overwhelming support (86%) for the re-use of existing wheeled bins if it saved the Council money to do so. However, there was very little support (3%) for the introduction of a smaller bin with the majority of respondents (80%) preferring more materials to be collected (primarily plastics).
- 5.4 In terms of recycling habits, most respondents stated they recycled all the materials that are collected by the Council. Regarding garden waste, most respondents (92%) used this service and 81% disagreed with the proposal to charge for the service. 31% of respondents would prefer to pay the Council to collect their garden waste if the free service ceased. The modelling assumed a take up rate of 25% for a chargeable service, therefore, if the results of the consultation materialised in actual take up, the Council would be able to cover the costs of operating a chargeable garden waste service. There is however a risk that the actual rate of take up could be less than both the modelling assumptions and the results from the consultation exercise.
- 5.5 The on-line survey provided respondents with two free "text fields" where they were able to provide additional comments and a sample of these comments was examined to ascertain the key emerging themes. The majority of comments focused on plastics collection, garden waste service charges, bin sizes and fly tipping concerns. A synopsis of the comments is highlighted below:
  - **Plastics** - On a weekly basis, the majority of comments around plastics were requests for the Council to start collecting them. Responses included comments such as "*collect plastics*", "*the council should be like their neighbours*" [referring to Barnsley, Doncaster and Sheffield], and "*recycle plastics*", "*give me a container for plastics*", "*it is outrageous our plastics are not recycled*" and "*recycling plastics would be an idea.*"

- **Fly Tipping** – The comments around fly tipping were linked to the possibility of having a smaller bin and concerns about a resultant increase in fly tipping. Comments included *“there will be an increase in fly tipping”* and *“...lead to more fly tipping”*.
- **Smaller bin** – Comments such as *“having a smaller bin, will lead to more fly tipping”*, *“my bin is always full”*, *“I am concerned with these proposals”*, *“a plastic container would help”* are a few of the generic comments that were repeated on a weekly basis.
- **Garden waste** – *“I’d rather burn it, charging to remove my garden waste is not fair”*, *“bigger gardens are getting penalised”*, *“I have got no transport to take to the tip”*, *“garden waste should continue longer in the year”*.
- **Reducing bin** – *“keep the bin”*, *“how is the council saving any money?”*, *“I don’t have enough capacity in my current bin!”*, *“this would not work for us”*, *“I currently recycle everything”*, *“I make regular trips to the tip and bin is still full”*.
- **Charge** – *“I think it is ridiculous to charge”*, *“give me more recycling capacity”*, *“I am not happy with this proposal”*, *“people will put green waste in their black bin”*.
- **Council Tax** – *“I pay enough council tax”*, *“garden waste collection is included in my council tax”*.
- **Storage** – *“range of bins will be hard to store”*, *“extra bins will attract pests and rodents”*, *“where am I supposed to put it”*.

- 5.6 Whilst there were elements of the proposals that were supported by residents, the consultation exercise highlighted residents’ desire to include the recycling of plastics as part of the waste stream, with questions raised about the rationale for excluding this service from the proposed changes. Currently, the Council is one of only 3 mainland English local authorities that does not offer a plastic kerbside recycling service, and by 2019, it is likely that it would be the only English local authority not to do so if the original proposals are implemented.
- 5.7 Written comments were also received from Barnsley MBC and Sheffield City Council both of whom supported the replacement of the bags and box collection receptacles to help increase recycling and also supported the introduction of smaller general household waste bins for residual waste. However, Barnsley MBC, Doncaster Borough Council and Sheffield City Council expressed some concern about proposals to reuse existing bins for recycling waste, as this would result in the colour of bins for recycling being different to elsewhere in South Yorkshire and felt that some of the objectives of the South Yorkshire Municipal Waste Strategy may be compromised by this.
- 5.8 It is worth noting that the aim of the South Yorkshire Waste Strategy is to reduce, re-use and recycle waste across the region. In order to achieve this, the strategy is to pursue five key priorities. These are outlined below:



- Educate and inspire
- Deliver a reliable service
- Work together
- Utilise technology
- Influence decision making

## **6. Way forward**

### **Garden waste collection service**

- 6.1 Currently, about 65% to 70% of the Council's residents actively use the free garden waste collection service. Whilst the consultation exercise has highlighted residents are not in favour of the introduction of an optional subscription-based garden waste collection service, almost 33% of respondents would be prepared to pay for this chargeable garden waste service. Garden waste collection is a discretionary service rather than a statutory service. The data from the Waste and Resource Action Programme (WRAP) indicates that in 2016-2017, a total of 177 local authorities [in England] (53%) operated a subscription-based garden waste collection service. WRAP is currently compiling data for 2017-2018 and it is likely that the numbers will increase. The introduction of a chargeable garden waste service as proposed would lead to reduced collection costs and generate enough revenue to cover the costs of introducing a chargeable garden waste service. Therefore, it is proposed that a subscription-based garden waste collection service is introduced on the following basis as "Phase 1" of the changes to the service:

### **Proposed Charging Mechanism**

- Garden waste collection service subscription fee to be set at £39 per annum (with an initial subscription period of 15 months from 29<sup>th</sup> October 2018, which will revert to 12 months in the years following.
- The charge will be reviewed as part of the fees and charges setting process for subsequent years after the initial 15 month period;
- The charge will need to be paid either as a one-off payment or a maximum of two instalments within 45 days from the customer signing up for the service;
- The same charge will be applied to all customers;
- Full payment of initial subscription will be required with no reduction/refund for part year subscription or cancellation;

### **Proposed Service Provision**

- Customers will receive fortnightly collection between April to October and monthly collections from November to March, with a 4 week suspension between Christmas and New Year; an increase in the number of garden waste collections from the current 15, to 19 collections per year;
- Collection of the garden waste will be in a 240 litre brown bin;
- The existing green garden waste bin will be utilised as paper and cardboard recycling container to increase recycling and cease usage of the blue bag for collection. This service will also commence on 29<sup>th</sup> October 2018.

6.2 The operational procedures for a subscription-based garden waste collection service are set out below:

<b>Operational Procedure</b>	<b>Policy Details</b>
Charges and payment	<p>£39 annual fee;</p> <p>If a resident wishes to have a second bin, this will be charged at £30 per annum;</p> <p>Method of payments (direct debit, on-line using debit/credit card);</p> <p>The charge can be paid either as a one-off payment or a maximum of two instalments within 45 days from the customer signing up for the service;</p> <p>No part year discount will be offered;</p> <p>If the service is cancelled part way through a year, there is no entitlement to a refund and the bin remains Council property.</p>
Stolen damaged bins	<p>Any bins which are lost or damaged will need to be paid for by the resident (resident's responsibility to manage and secure bins);</p> <p>Replacement garden waste bins will be £23.40 plus £8.36 delivery charge; Rothercard holders will receive 50% discount.</p> <p>The first time a bin is stolen it will be replaced for free. After that the charge will apply.</p> <p>Replacement garden waste bins will</p> <p>Any bins which are damaged by the Council's crew or collection vehicle will be replaced free of charge. The crew will report any bins damaged by them.</p>
Contamination	<p>Bins will not be collected if contaminated with non-organic garden waste;</p> <p>Resident to be required to remove contamination;</p> <p>Only collected on next collection day if contamination removed;</p> <p>No soil;</p>
Hours and days of operation	<p>Collections from 7:00 am Monday to Friday; To include extended hours if required and working Saturdays instead of bank holidays.</p>
Collection frequency	<p>Fortnightly collection between April to October, monthly collection from November to March (with 4 week suspension around Christmas and New Year).</p>
Side waste policy	<p>No side waste to be collected for any waste collection container;</p> <p>Waste collection container's lid must be closed;</p>
Additional bins	<p>Opportunity to offer more than a single bin for larger gardens with additional fees chargeable at £30 per year (maximum two per household).</p>
Missed collection	<p>If the collection is missed by the Council's waste collection crew, it needs to be reported within 24 hours and a crew will return to collect within 48 hours.</p>

Operational Procedure	Policy Details
Moving address	The Garden waste collection service belongs to the property, not to the individual resident. If residents move house, the responsibility for transferring the service lies with the householder. Should a resident move house, as with all other collection services, the bins should remain at the property. Any financial reimbursement for the paid for service, should be dealt with through the conveyancing process. The Council does not provide a service outside the administrative boundary.
Sharing the service with others	Garden waste bins can be shared with neighbours, but bins containing garden waste will only be collected if the service has have been paid for. It is the residents' responsibility to make arrangements as to who pays for the service, and which individual household is responsible for it.
Cancellation of service	Residents will not receive a refund if they no longer require the service (for whatever reason). The bin must be returned to the Council. The council will arrange for the bin to be collected.
Waste containers storage / management	Residents' responsibility to store, secure and manage their own containers at own property; Bins owned by Council; Responsibility to not block pavement or cause obstruction.
Assisted collection	Residents with medical conditions or disabilities can apply for the assisted bin collection service.

### 6.3 Payment options for garden waste

Customers of the garden waste collection service will be able to make payment of the full amount on-line or through the Council's Customer Services contact centre. The process will operate on the following basis:

- The customer will contact the Council via on-line form or telephone (if contacted by other means such as letter, e-mail, face to face etc. residents will need to be directed to the correct channel);
- Payment can be made by debit or credit card;
- A report will be generated for the Council's Business Support team confirming payment received and subscribers details;
- Council's back office shared services team will enter collection schedule onto Council's system and arrange for bin to be delivered; and
- Confirmation letter and terms and conditions of service will be sent to the resident to inform subscription collection is active, with details of when the new bin is to be delivered and date the collections will commence.

Alternatively an invoice for payment can be issued to residents who wish to make the payment over two instalments. Once the invoice has been issued, the process will work as follows:

- Payment can be made by direct debit / standing order, debit or credit card, online, automated line or call to telephone team. Cheque or cash payments will also be accepted at payment kiosks in Customer Services Contact Centre, Post Office or any store offering PayPoint;
- A report will be generated to Council's Business Support team confirming payment received and subscriber's details;
- Periodic reports will be generated of outstanding invoices not paid. If a payment is not received within 45 days of the invoice being raised then the subscription will be cancelled;
- The Council's shared services back office team will enter collection scheduled onto the Council's system and arrange for bin to be delivered;
- A confirmation letter and terms and conditions of service will be issued to the resident to inform subscription collection is active, when new bin is to be delivered and date and day collections will commence.













#### **6.4 Introduction of kerbside plastic collections**







The Council acknowledges residents' strong desire to have a kerbside plastic collection service. In recognition of this it is proposed that the Council will introduce plastics collection from the household waste stream as "Phase 2" of the implementation process. As the Council will need to procure and put in place new contracts for the disposal of plastics which have been collected at the kerbside, it is anticipated the new arrangements will commence between January and March 2019. This approach will bring the Council into line with the vast majority of the rest of the local authorities in England and across the South Yorkshire local authorities.

- 6.5 The range of plastics that can be collected is constrained by available markets for each type of plastic. The Council needs to ensure that any materials collected for recycling have financially sustainable outlets, and that any plastics collected can be recycled by its contractors. There are currently very limited markets for certain types of plastics, such as films and hard plastics. If these were collected in the recycling stream, in the current market it is likely that they would be sent for incineration, rather than being recycled. This would neither be acceptable to residents who have sorted their waste for recycling, or acceptable financially, as additional costs would be incurred for this method of disposal. The Council therefore proposes to collect plastic bottles, pots, tubs and trays as a minimum from the outset, but will continue to work with contractors to expand the range of plastics that can be recycled, should markets develop.
- 6.6 Whilst there is an additional cost for the introduction of plastic materials being collected at the kerbside as a separate waste stream, it is anticipated this will increase the Council's recycling rates and the quality of recycled material collected.
- 6.7 The modelling work identified a range of options. Two of the options available to the Council to introduce the collection of plastics at the kerbside are to:
- Include the plastics with the existing glass and cans waste stream or the paper and card waste stream (a two-stream system); or
  - Co-mingle all recycling (plastic, paper and card, cans, plastics) in one bin.

























- 6.8 The two-stream option would operate on an alternate monthly collection of each bin (different recycling bin each fortnight) whereas the co-mingling option would require a single recycling bin to be collected every fortnight.

6.9 The tables below show the different options assessed by the Council, along with the potential impact on recycling and the costs of each option.

Option	Current Recycling collection				Recycling Rate	
	 60ltr – Fortnightly.	 55ltr Fortnightly.	 240ltr Fortnightly (30 weeks)	 Residual waste 240ltr Fortnightly.	45.15% 2016/17 recorded out-turn	
<b>1(a)</b>	<b>240ltr residual bin with two stream recycling</b>				<b>Recycling rate</b>	<b>Saving per annum</b>
	 240ltr Bin swap - 4 Weekly (Alternative). Paper and Cardboard	 New 240lts – 4 Weekly (Alternative) Glass bottles and jars and steel and aluminium tins and cans and plastics	 New 240ltr Fortnightly summer Monthly winter (Christmas Break) Subscription.	 Original Residual waste 240ltr Fortnightly	There is a risk that the initial recycling rate may decrease by 1.7%	<b>£430,000</b>
<b>1(b)</b>	<b>180ltr residual bin with two stream recycling</b>				<b>Recycling rate</b>	<b>Saving per annum</b>
	 240ltr bin swap 4 Weekly (Alternative). Paper and Cardboard	 240lts bin swap 4 Weekly (Alternative) Glass bottles and jars and steel and aluminium tins and cans and plastics	 New 240ltr Fortnightly summer Monthly winter (Christmas Break) Subscription.	 New Residual waste 180ltr Fortnightly – Bin colour to be confirmed	Expected recycling rate increase of 1.5%.	<b>£550,000</b>

2(a)	240ltr residual bin with co-mingled recycling			Recycling rate	Additional cost per annum
<div></div> <div>240ltr bin swap fortnightly Paper and cardboard, Glass bottles and jars and steel and aluminium tins and cans and plastics</div>		<div></div> <div>New 240ltr Fortnightly summer Monthly winter (Christmas Break) Subscription.</div>	<div></div> <div>Original Residual waste 240ltr Fortnightly – Bin colour to be confirmed</div>	There is a risk that the initial recycling rate may decrease by 1.7%.	£390,000
2(b)	180ltr residual bin with co-mingled recycling			Recycling rate	Additional cost per annum
<div></div> <div>240ltr bin swap fortnightly  Paper and cardboard, Glass bottles and jars and steel and aluminium tins and cans and plastics</div>		<div></div> <div>New 240ltr Fortnightly summer Monthly winter (Christmas Break) Subscription.</div>	<div></div> <div>New Residual waste 180ltr Fortnightly – Bin colour to be confirmed</div>	Expected recycling rate increase of 1.4%.	£530,000

6.10 The following table describes the collection regime under each assessed option:

	<b><i>Two stream recycling</i></b>	<b>240ltr residual</b>	<b>180ltr residual</b>		<b>Co-mingled recycling</b>	<b>240ltr residual</b>	<b>180ltr residual</b>
<b>Week</b>	<b><i>Collection</i></b>	<b>Bin</b>	<b>Bin</b>	<b>Week</b>	<b>Collection</b>	<b>Bin</b>	<b>Bin</b>
<b>One</b>	<i>Residual waste bin</i>			<b>One</b>	Residual waste bin		
<b>Two</b>	<i>Recycling bin 1 (Paper &amp; card ) and Subscription garden waste (summer and winter, collection day to be determined)</i>	 	 	<b>Two</b>	Co-mingled recycling bin (bottles, tins and cans, paper and card and plastics) and (summer and winter, collection day to be determined)	 	 
<b>Three</b>	<i>Residual waste bin</i>			<b>Three</b>	Residual waste bin		
<b>Four</b>	<i>Recycling bin 2 (bottles, tins and cans, and plastics and Subscription garden waste (summer only)</i>	 	 	<b>Four</b>	Co-mingled recycling bin (bottles, tins and cans, paper and card and plastics) and Subscription garden waste (summer only)	 	 



### Waste Review – Financial Options Summary

	Two Stream Recycling		Co-mingled Recycling	
	180 litre bin	240 litre bin	180 litre bin	240 litre bin
	Additional cost/(saving)	Additional cost/(saving)	Additional cost/(saving)	Additional cost/(saving)
	£000	£000	£000	£000
<b>Overall (saving)/cost compared to cost of current service</b>	<b>(550)</b>	<b>(430)</b>	<b>530</b>	<b>390</b>
Annual Budget Savings Requirement (2019/20 onwards)	(1,383)	(1,383)	(1,383)	(1,383)
Additional Earmarked Council Tax Income (1%)	965	965	965	965
<b>Net Budget Savings Requirement</b>	<b>(418)</b>	<b>(418)</b>	<b>(418)</b>	<b>(418)</b>
<b>Overall (saving)/cost compared to Budget Savings Requirement</b>	<b>(132)</b>	<b>(12)</b>	<b>948</b>	<b>808</b>

- 6.11 The increase in costs for the co-mingled option is due to the change in the recycling materials collected together (i.e. all in one bin). The Council currently receives income of £60 per tonne for paper and card by separating this out at the kerbside. If the paper and card are co-mingled with other recyclates the material has a negative value as it becomes contaminated and also requires separation before it becomes a usable commodity (a processing cost of £38 per tonne will be incurred by the Council rather than being an income generator).
- 6.12 The most cost effective option that includes plastics would be to introduce the two-stream recycling option with a 180ltr residual bin, which will deliver both (a) the Council's objective of delivering a more efficient service and increasing recycling and (b) resident's desire for a plastic collection service. Whilst the Council has consulted on the introduction of smaller residual household waste bins, as outlined below, this approach did not gain favour with residents. Therefore, an alternative could be the provision of a new 240 litre blue recycling bin and retention of the 240 litre residual black bin. This approach would bring the materials collection receptacles used by the Council more in line with the rest of the local authorities in South Yorkshire. However, we anticipate that this would cost an additional £90K per annum due to the potential for the larger bins' spare capacity to be filled with additional waste by residents (e.g. garden waste). This may have implications on the number of residents who sign up to the subscription-based garden waste collection service.

### Introduction of 180 litre residual household waste bin

- 6.13 Throughout the public consultation phase, there has been support for reducing waste and increasing recycling. However, whilst the great majority of respondents did not support the introduction of a 180 litre household waste wheeled bin, the modelling undertaken on bin capacity confirmed a smaller bin would be sufficient for the majority of residents if they recycled everything that was recyclable. The introduction of a 180 litre bin still provides an overall increase in waste capacity to residents, compared to the current system. Larger households and those with specific medical requirements may need to have alternative arrangements in place, but this should be the exception rather than the norm and an assessment will need to be undertaken to determine their requirements. The policy below reflects this requirement.
- 6.14 As with the introduction of plastics collection at the kerbside to improve recycling, the Council has options regarding changes to the residual household waste bin size but there is an inter-relationship with the approach adopted for plastics recycling which could affect the size of the residual bin.
- 6.15 The operational procedures for non-garden waste collection service are set out below:

Operational procedure	Policy details/comments
Hours and days of operation	Collections from 7:00 am Monday to Friday;
Alternative weekly/ fortnightly/ seasonal collection	Council's obligation to collect and ability to set frequency; To cover alternate weekly collection, alternate fortnightly collection for recycling streams, Christmas and Bank Holiday alternate collections.
Side waste policy	No side waste to be collected for any waste container; Waste containers lid must be closed; and Excess waste will be placed back into empty bin for next collection.
Plastic materials collected	Pots, tubs, trays and bottles will be collected as a minimum. Other materials such as films, tetrapak, carrier bags and hard plastic will be introduced if the disposal technology allows this to be done efficiently in the future.
Additional red top residual bin	Cease collection of additional red topped residual bin (estimated to be in 240 households) which were purchased by households during 1994 – 2003 as additional bins for household waste.
Missed collection	If collection missed by Council's waste collection crew needs to be reported within 24 hours; and will return to collect within 5 days.
Waste container specification	Council's has a duty to collect waste but ability to stipulate the type of containers to be used.
Additional waste capacity (medical and large family)	If family of 5 or more = extra 140 litre bin; If family of 7 or more = extra 180 litre residual bin will be provided;

Operational procedure	Policy details/comments
	<p>Charges for these additional bins will apply as per below.</p> <p>If there is a medical need extra bins are provided (dependant on circumstances) free of charge;</p> <p>Application process and assessment; and</p> <p>review all current recipients on a bi-annually basis.</p>
Assisted collection	<p>Qualifying criteria – age (70+), medical requirements (infirm, impaired movement), proof required to qualify;</p> <p>Collection of all bins from property and return to same position by the Council's waste collection crews;</p> <p>There is an application process and assessment; and</p> <p>Review all current recipients on a bi-annual basis.</p>
Waste containers storage and management	<p>Resident's responsibility to store, secure and manage their own containers;</p> <p>Bins owned by the Council;</p> <p>Require storage on resident's property where available;</p> <p>Responsibility to not block pavement or cause obstruction; and</p> <p>Present bins at the kerbside on collection day (unless assisted collection) by 7.00 am.</p>
Replacement bin policy	<p>If a new 180 litre residual bin is supplied to replace the old 240 litre bin, the initial 180 litre bin will be supplied free to residents. Thereafter, payment will be required for lost or damaged residual waste bins;</p> <p>These are:</p> <p>140 litre bin = £20.86 plus £8.36 delivery charge;</p> <p>180 litre bin = £22.13 plus £8.36 delivery charge;</p> <p>240 litre bin = £23.40 plus £8.36 delivery charge;</p> <p>Rothercard holders will receive 50% discount.</p> <p>Bins used for recycling will be replaced free of charge.</p> <p>Bin swap – free replacement for homes with no bins to swap but will be issued with old returned bins. If the resident prefers to have a new bin, a fee is payable and any new replacement bins or supply of bins to new property will be 180 litres for residual household waste bin.</p> <p>All new build property owners / developers will need pay for the bins.</p> <p>Any bins which are lost or damaged will need to be paid for by the resident (resident's responsibility to manage and secure bins);</p> <p>The first time a bin is stolen it will be replaced for free. After that the charge will apply.</p>

Operational procedure	Policy details/comments
	Any bins which are damaged by the Council's crew or collection vehicle will be replaced free of charge. The crew will report any bins damaged by them.
Flats/HMOs/ restricted size properties	Request for alternative bins will be considered on an individual basis taking account of the household and also the dwelling / available storage / access. Flats and complexes will be individually assessed.
Contamination	No waste to be collected if any of the waste collection containers/bins are contaminated; Residents will be informed; Residents need to remove contamination; Return policy for collection once contamination removed (next collection).

6.16 The issue of storage of extra bins has mainly been associated with terrace houses, flats or sheltered housing complexes. This was an issue of concern that was raised by residents at the drop-in sessions. There are many households who currently keep their blue box, and especially their blue bag, collection receptacles indoors, in garages or sheds. Consideration will be given to offering reduced sized bins to help alleviate the pressure on space if needed. Officers are working with housing providers to identify the changes that may need to be made to ensure suitable arrangements can be introduced. Therefore, the Council needs to have a flexible policy when implementing the changes and work with residents to deliver the change successfully.

#### 6.17 Flats

There are approximately 9,500 flats and multi occupancy dwellings in the Borough and due to the variety of accommodation types, containers and infrastructure differences the Council's Waste Management service staff have met with Council's Housing team colleagues to discuss the consultation, the challenges they are currently encountering and which they envisage could occur should service changes be introduced. The following accommodation types have been identified which require consideration if a change in service model is introduced:

- Maisonettes;
- Balconied access flat;
- High rise flats; and
- Sheltered accommodation.

The Council's Housing team have indicated the bin swap proposals and any changes would need to consider the following:

- Restricted bin storage;
- Unsecure/unmanaged bin storage;
- Estate infrastructure;
- Fire risk; and
- Anti-social behaviour.

The next step is for the Council's Waste Management team to undertake a review of properties identified and agreed with the Council's Housing team colleagues, to enable individual proposals to be developed (rather than adopt a one size fits all view). The approaches being considered are:

- Communal residual bins;
- Secure compound development;
- Communal recycling arrangements;
- Collection frequency;
- Lockable bins;
- Bin design; and
- Individual property collections.

A schedule of flat collections and containers has been updated in preparation for the works with solutions being developed. Once this initial work is completed engagement will be commenced with registered providers of housing to develop regimes for these accommodation areas.

#### **6.18 Introduction of changes to staff shift patterns**

The consultation asked if residents would support a longer working day by the bin crew. The aim of this approach is to make more efficient use of vehicles and staff, however, more work needs to be undertaken to establish the practicality of introducing this approach in Rotherham. Given there was overall support from residents for introducing longer working days, it is proposed that this is considered following further detailed assessment of the operational implications of this approach.

The new waste disposal contract(s) for plastics and other recyclates collected at the kerbside will also have an implication on this proposal and therefore detailed modelling cannot be undertaken until the outcome of the tendering exercise and the final disposal point for the recyclates taken out of the residual household waste is known.

#### **6.17 Changes to waste collection service fleet**

A significant cost of the waste collection service is on fuel and vehicle costs. For many years, the Council has been hiring refuse collection vehicles on a long term basis and has a fleet renewal policy of 5 years' life cycle replacement. This practice is expensive and needs to change to deliver some of the efficiencies. It is, therefore, proposed that vehicles are purchased by the Council. The changes proposed above will require new vehicles to be procured and therefore, if agreed, the procurement process will need to commence as soon as possible.

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

- 7.1 The final four options considered were as outlined in the table above (see 6.8) and were assessed as follows:

- 7.2 Option 1(a) – Subscription-based garden waste collection service. Change containers [from boxes/bags to bins] and introduce kerbside plastics recycling into the residual household waste stream on a phased approach. This results in a 21% increase in bin capacity (excluding garden waste) per household from the current 595 litres per fortnight to 720 litres per fortnight.

Although this option does not achieve the same level of savings as option 1(b) due to the risk of higher disposals costs of residual waste resulting from maintaining the 240 litre bins, it does help move towards achieving the aims of South Yorkshire Municipal Waste Strategy in materials collected and container colour. The current higher disposals costs could potentially be off-set by future reductions in household waste through the replacement of 240 litre residual bins over the longer term with the smaller 180 litre bins. However, this would clearly take some time. This approach could help to assuage some concerns from residents about capacity and bin size. However, this option is expected to cost £120,000 more than the best value option (Option 1(b) and there is a significant risk that the recycling rate would fall due to the significant additional capacity being provided (more than 125 litres more per fortnight). This option also does not fit with the consultation outcome where residents clearly stated that they would wish the council to reuse existing bins if it meant costs could be saved. This option is not therefore recommended.

- 7.3 Option 1(b) – Subscription-based garden waste collection service. Provide new 180 litre wheeled bin for household waste and introduce two stream recycling using the existing green 240 litre bin for paper and card and existing 240 litre black bin for other recycling. This results in a 11% increase in bin capacity (excluding garden waste) per household from the current 595 litres per fortnight to 660 litres per fortnight.

This option provides the greatest level of monetary savings of the 4 options (£550,000 per year) and delivers on the ambition to provide kerbside plastic recycling. The provision of a smaller (180 litre) residual waste bin will immediately reduce the level of residual waste, and reduce disposal costs. Whilst this option reduces the capacity residents have for residual waste, overall capacity for waste and recycling is increased by 65 litres per fortnight. This option does not provide the same level of harmonisation with other South Yorkshire Authorities as Option 1(a) with respect to bin colours. However, it does still move Rotherham to a more consistent service in terms of kerbside materials collected and so supports the aims of the South Yorkshire Municipal Waste Strategy. The introduction of additional kerbside recycling capacity will also increase recycling rates, with this option delivering the highest increase in recycling rate of the options, for the lowest cost. It also delivers on the principle as outlined during the consultation, that residents would like existing bins to be reused where possible. **This is therefore the recommended option.**

- 7.4 Option 2 (a) –Implement the subscription-based garden waste collection service, introduce co-mingled recycling using green 240 litre green bin for paper and card, tins and plastics and 240 litre black bin for residual waste. This option results in a 21% increase in bin capacity (excluding garden waste) per household from the current 595 litres per fortnight to 720 litres per fortnight.

This option would increase costs by £390,000 per year. Clearly this option means that residents have fewer bins, and a simpler overall service. However, the commingled option presents large risks in terms of the quality of recycling being collected and the available markets for such recycling. For example commingling glass with paper, reduces the quality of the paper material, restricts available markets, and increases disposal costs. Additional costs are also incurred through the need to separate materials for recycling. There is, as with Option 1(a) above, a significant risk that the recycling rate would fall due to the significant additional capacity being provided (more than 125 litres more per fortnight). This option is not therefore recommended.

- 7.5 Option 2 (b) – Provision of smaller 180 litre residual bin and the introduction of a co-mingled recycling service using the green 240 litre green bin for paper and card, tins and plastics and subscription based garden waste collection service. This option results in an 11% increase in bin capacity (excluding garden waste) per household from the current 595 litres per fortnight to 660 litres per fortnight.

This option would increase costs by £530,000 per year. Clearly this option means that residents have fewer bins, and a simpler overall service. However, the same issues as in Option 2(a) above apply in terms of the commingled service. This option could increase recycling levels. This option is not therefore recommended.

## 8. Timetable and accountability for implementing this decision

- 8.1 A project delivery plan detailing implementation of the proposals has been produced and shown below is a summary of the indicative timetable for delivering key milestones:

Activity	Milestone from	To	Action
Cabinet decision on the proposals to be introduced	16 April 2018		Allows mobilisation of implementation plan and roll out of service changes.
Creation of communications plan	April 2018	June 2018	Robust plan to be created and approved including: <ul style="list-style-type: none"> <li>• Social media</li> <li>• Council media</li> <li>• Bin stickers, waste calendars, leaflets</li> <li>• Rotherham Show</li> <li>• Pro-active engagement and out-reach to residents</li> <li>• Roadshows, community engagement, FAQ etc.</li> </ul>

New operating models for garden waste and plastics roll out created	April 2018	January 2019	<p>Integration into existing council financial payment and invoicing systems.</p> <p>Integration with on-line services/web systems.</p> <p>Re-scheduling of collection rounds.</p>
Procurement process for fleet renewal	April 2018	October 2019	Specification of vehicle requirements and writing of tender documents. Vehicle build and deliver period.
Procurement process for bin supply of up to 40,000 brown bins and circa 116,000 residual 180 litre bins	April 2018	November 2018 (brown) and January (residual) 2019	<p>Specification of bin types and volumes and writing of tender documents.</p> <p>OJEU compliant procurement process: invite to tender, evaluation of tenders, standstill period, tender award.</p>
Procurement process for waste treatment contracts	April 2018	January 2019	<p>Specification of disposal requirements and writing of tender documents.</p> <p>OJEU-compliant procurement process: invite to tender, evaluation of tenders, standstill period, tender award (4 months).</p>
Communications campaign for garden waste collection service (continues after roll out)	July 2018	October 2018 and beyond	Promotion of garden waste collection service and early subscription and incentive period.
Sign up garden waste customers	September 2018	Ongoing	
Launch garden waste service	October 2018		



Communications campaign begins plastics collection (continues until after roll out)	September 2018	January 2019 and beyond	Promotion of plastics recycling and when to be introduced.  Explanation of new blue bin, when due to be delivered, when to use.  Engagement campaign.
Residual (180 litre) bin delivery to residents	September 2018	January 2019	Roll out can commence at the same time as production to save stockpiling of bins.
Go-live for commencement of collection of plastics in the recycling stream  Commencement of new recycling disposal contracted.	End of January 2019		

8.2 A comprehensive communication plan detailing all aspects of communication of the changes will be required and has been scheduled into the project delivery plan and will include:

- Communication of changes;
- Engagement with residents and communities;
- Promotion and marketing of garden waste service;
- Promotion of home composting; and
- Education of waste minimisation, increased recycling and details of the services

8.3 A range of different options will need to be used to maximise publicity and customer engagement and participation in recycling. This will include traditional media routes, social media and also face to face engagement with those parts of the Council's administrative area where there is likely to be greatest impact in changing behaviour and increasing recycling. Face to face engagement will be the most resource intensive and additional staffing resources will be needed to undertake this role as this does not currently exist within the Council's Waste Management services team. Whilst a low number of respondents to the consultation (4%) felt that face to face communications was their preferred method of communications, it is likely that a small number of this type of event will be necessary to engage fully in some areas.

8.4 The Assistant Director of Community Safety and Street Scene, the Head of Street Scene Services and the Waste Manager will be responsible for implementing this decision.

## 9. Risks and Mitigation

9.1 The key risks for implementation of the changes are set out below:

Risk	Mitigations
Reputational risk if the changes are not implemented effectively	Deliver changes on a phased approach; Provided dedicated project management support; Develop detailed implementation plan; Set up project board to monitor delivery; and Undertake a comprehensive communication exercise to ensure clarity and smooth transition.
Financial risk if insufficient residents sign up to subscription-based garden waste collection service	Develop communications and marketing strategy; Publicise new service; Set up dedicated engagement/sales team; Ensure processes established to provide excellent customer experience at sign up stage; and Decommission service if insufficient take up.
Procurement risks associated with procurement of: <ul style="list-style-type: none"> <li>• Bins;</li> <li>• New disposal contracts if plastics collection included; and</li> <li>• Vehicles</li> </ul>	Soft market testing has been undertaken which suggests there are suppliers who would be interested in providing a disposal service which includes plastics; Commence procurement process early; If procurement process slips for new disposal contract, existing contract would require appropriate notice to terminate; Set up project team with all relevant specialists to deliver procurement including accessing external support if required; and Only place orders for minimum number of garden waste bins to avoid over supply if service take up does not reach anticipated levels.
Supplier unable to deliver the quantity of bins in the required time period	Utilise alternative suppliers and frameworks. Use standard common bins.
Recycling markets collapse	Consider risk sharing in the procurement of recycling contracts. Investigate the feasibility of shared material recycling facilities with South Yorkshire Councils.
Recycling rates may decrease and fly tipping will increase	Local authorities that have introduced chargeable garden waste collection service have not seen a significant increase in fly tipping and recycling may go down by about 1.7%.

Risk	Mitigations
	<p>The Council will continue to deliver a strategy to prevent fly-tipping where it occurs, through the robust use of enforcement powers, and the use of CCTV to support this.</p> <p>Promoting the benefits of the services and encouraging more residents to sign up for the subscription-based garden waste collection service and increasing recycling of other waste materials, will also help to mitigate. The Council could also promote home composting but, if it were to offer free or discounted compost bins to residents, this would be an additional cost (average cost of compost bin is estimated to be £20) for the Council.</p>
The new changes may not comply with statutory requirements for recycling	A new self-assessment would be conducted to ensure the proposals are compliant with TEEP regulations.
Household waste recycling centre may not cope with residents using it for garden waste and potential traffic issues at facilities	Early engagement with contractor to plan for the changes and review traffic management arrangements and more publicity to inform residents.

## 10. Financial and Procurement Implications

- 10.1 Within the revenue budget agreed by Council on 28<sup>th</sup> February 2018 annual revenue savings of £1.383m from 2019/20 have been agreed in respect of a review of waste collection services. In addition the Council also agreed that £965k of additional Council Tax income generated from a 1% increase be earmarked for the introduction of the kerbside collection of plastic waste, giving an ongoing net savings requirement of £418k.
- 10.2 A summary of the annual revenue implications of the 4 options considered is shown above in section 7.0, with a more detailed breakdown shown in appendix 2. All information is based on the first full year of operation of the new service i.e. 2020/21 and figures quoted are based on the difference to the current cost of waste collection and thus can be easily compared with the £418k savings requirement.
- 10.3 Total capital costs for vehicles and bins are estimated at £5.54m. This sum needs to be added to the capital programme funded by the service as revenue prudential borrowing costs.
- 10.4 It should be noted that there is potential future risk to the Council in respect of the volatility in recycling markets for plastics, paper and card in the light of the Chinese decision on imports of these materials and a lack of infrastructure for plastics recycling. This is a national issue which will impact on all councils.

- 10.5 The recommended option is to introduce a two stream recycling service which includes the collection of plastic bottles, pots, tubs and trays as a minimum from the outset, but will continue to work with contractors to expand the range of plastics that can be recycled, should markets develop. This will be introduced alongside smaller 180 litre bins for residual household waste. The required budget saving will be delivered in 2019/20 with the full saving of £550k i.e. £132k greater than that required as part of the Council budget, being delivered from 2020/21.
- 10.6 There are some initial one-off costs in 2018/19 arising from the implementation of the revised service. These are estimated at circa £440k and will be funded on an Invest to Save basis given that greater savings than those required, will be delivered on full implementation. This investment will be funded from corporate Council resources and thus will not impact on the agreed revenue budget. Although there is a potential risk that it may not be feasible to procure, mobilise and implement a replacement contract including disposal of plastics within this timeframe.
- 10.7 In addition to procurement of a new recycling waste disposal contract, there is a requirement to procure new garden waste bins and/or recycling bins/smaller residual bins. It is anticipated the procurement exercise and production of potentially 115,000 to 150,000 bins will take up to 7 months to complete.
- 10.8 Finally, procurement will be required for the acquisition of the new fleet of waste collection vehicles. Following the determination of the vehicle specification, the tender process and the building of the vehicles can take anything between 12 to 18 months which will need to be factored into the implementation.
- 10.9 Following the decision and finalisation of requirements, the Procurement Manager will work with the Waste Management service area to investigate and identify the preferred procurement routes to market and the procurement process will be carried out in accordance with the Council's Contract Procedure Rules and to be compliant with the EU public procurement regime and any domestic UK procurement law.

## **11. Legal Implications**

- 11.1 The Council is a waste collection authority with a statutory duty under the provisions of the Environmental Protection Act 1990 (as amended) (EPA) to arrange for the collection of household waste in its area. The statutory duty does not prescribe the method of collection of household waste. The Council can consider options, therefore, in terms of the type and frequency of collections that are made available in the Borough.
- 11.2 Under Section 46(4) of the EPA, the Council has specific powers to stipulate:
- the size and type of the collection receptacles;
  - where the receptacles must be placed for collecting and emptying;
  - the materials or items which may or may not be placed within the receptacles.
- 11.3 Also pursuant to the EPA, the Council must make arrangements for the collection of at least two types of recyclable waste together or individually separated from the rest of the household waste.

11.4 Further the Controlled Waste Regulations 2012 gives waste collection authorities the power to charge for the collection of garden waste.

11.5 This reports sets out how the Council, taking into account the responses to the consultation, proposes to make arrangements which discharge the duty referred to above and also exercise the power to charge for the collection of garden waste.

## **12. Human Resources Implications**

12.1 It is anticipated that any staff reductions in relation to the garden waste collection service (green bin collection) will be achieved through the ending of temporary posts.

12.2 Operational changes required by the service e.g. changes to staff shift patterns (i.e. 4 day working week), hours of working, duration of working day and/or other changes to working arrangements will be undertaken in full consultation with employees and Trade Union representatives.

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

13.1 There are no implications for Children and Young People, however, there may be implications for vulnerable adults and appropriate action will be taken as outlined below.

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

14.1 A full equality impact assessment has been undertaken (see appendix 3) and there is the potential that the elderly and people with a disability may be affected in moving the bins due to mobility constraints. To mitigate this, the Council will continue to provide assistance to such residents via its assisted domestic waste collection policy.

14.2 For residents where English is their second language, and for those who have difficulty reading or understanding written information, this can be mitigated by putting a sticker with pictograms on bins, showing what can and cannot go in each bin. In addition to this, additional resources will need to be allocated to the Council's Waste Management team to provide outreach visits to community groups and households supported by the Council's Communications Team. Messages will be available to all using a range of media appropriate to the target audience.

14.3 Targeted support will be provided in specific communities to assist with the transition and ensure a sustainable improvement in recycling rates. Currently there are a number of households across some communities that do not fully comply with the requirements of the existing waste collection service determined by the Council. It is proposed that a range of options, including face to face engagement, needs to be developed early in the implementation phase to assist householders living in these areas to more easily achieve good levels of recycling performance.

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

- 15.1 There are likely to be implications for the Council's Housing Service relating specifically to tenants in flats and sheltered housing schemes. Officers are working collectively to identify all the issues and develop appropriate solutions on an estate/dwelling basis.
- 15.2 The introduction of plastics to the kerbside waste collection service affects the waste tonnage and its composition being supplied to the residual waste disposal PFI contract which is due to continue until mid-2040. It may qualify as a "Significant Collection Change" under the PFI contract and as such the PFI contractor (3SE (Barnsley, Doncaster & Rotherham) Limited and its operator Renewi UK Services Limited), DEFRA (as the awarding authority for the Waste Infrastructure Credits that subsidise the PFI project), Barnsley MBC and Doncaster Borough Council will need to understand and determine the impacts of the plastics collection as a change which may affect the PFI contract. The Council has begun to engage with DEFRA and the PFI contractor informally around our proposals and will engage formally once the proposal is agreed.
- 15.3 The introduction of a kerbside collection for plastics to improve recycling does have potential impact on the residual waste PFI contract. The PFI project is jointly and severally entered into with a PFI contractor by Barnsley MBC, Doncaster Borough Council and the Council, who have themselves entered into an Inter-Authority Agreement (the IAA) that governs their relationship and decision making between themselves as it affects the performance of the PFI project.
- 15.4 Where any of the IAA parties e.g. the Council has an idea which may affect the PFI project operation they should table an "operational change" summary for the other IAA parties to consider. Some or all may be supportive. If a unilateral decision is made to proceed with an "operational change" that has a detrimental effect on the PFI contract which could then flow back to require compensation to be paid to the PFI contractor then the proposing IAA party is responsible to protect each other IAA party from loss (by way of an uncapped indemnity).
- 15.5 As an example the "operational change" for plastics recycling may be a "Significant Collection Change" under the PFI contract that could require trials to be conducted. The impact could be to shift the waste composition and its potential calorific value, when residual household waste is converted into fuel for burning at a thermal power station which is optimised for a "firing diagram" for a range of calorific value. Outside the design/operational range the fuel may be rejected so could affect the PFI contractor's commercial and operational performance
- 15.6 If there are material changes to the PFI contract which compromise the recycling performance against pre-set targets or vary the PFI project materially then DEFRA may be entitled to withdraw some or all of the Waste Infrastructure Credits which support the PFI project. DEFRA have indicated they do not require a variation business case to the original PFI project final business case but there is always an ability to ask for further justification.

- 15.7 However, the Council believes that the proposed new waste arrangements provide mitigation to any potential impact on the contractor and the risk to the PFI contract is therefore low. Firstly the the removal of plastic from the residual waste stream may reduce costs at the PFI facility and therefore provide better value for money. Secondly, the introduction of kerbside plastic recycling will increase the Council's overall recycling rate and provide better value plastic into the market, which will militate against the volatility within low-value recycling markets. Finally, the Council believes it would be not in keeping with DEFRA's own priorities, or the South Yorkshire Strategy for the Council to suffer any contractual financial detriment for introducing kerbside plastic recycling, when the other authorities in the BDR Partnership already have it in place.
- 15.8 Since the proposed waste collection service is involving several new procurement exercises (plastics recycle offtakes contract, bin supply and vehicles supply etc.) there will be legal implications in supporting the service, procurement and HR teams in delivering the new contracts and any staffing consequences.
- 15.9 A revised TEEP assessment may be required to assess the revised waste collection service against the TEEP criteria. This will require legal team support.
- 15.10 The garden waste collection service invoicing for the subscription-based service will require consideration of data handling and information security, potentially on the same terms as existing Council arrangements, unless a bespoke arrangement is prepared.

## **16. Conclusion**

- 16.1 The proposals in this report set out the Council's direction of travel regarding waste collection services. The consultation exercise revealed a number of areas where the residents of Rotherham felt that the Council needed to revisit its original proposals for the waste collection service. Specifically, residents felt that a kerbside collection of plastics should be introduced.
- 16.2 The Council has considered the feedback carefully from residents and partners and the recommendations in this report reflect this. The changes will deliver financial and environmental benefits for the Council and residents across its administrative area as well as future proofing the Council's waste collection service from any further changes that may arise from changes to government policy or locally such as population and accelerated economic growth. The proposals also go some way to bringing the services in line with the other South Yorkshire local authorities who partner the Council in delivering the residual waste disposal PFI contract and other joint waste management service contracts as well as delivering consistently with the objectives of the South Yorkshire Municipal Waste Strategy.

**17. Accountable Officers**

Tom Smith, Assistant Director – Community Safety and Street Scene

Approvals obtained on behalf of:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services	Graham Saxton	26.03.2018
Assistant Director of Legal Services	Dermot Pearson	05.03.2018
Head of Procurement (if appropriate)	Louise Hayter	16.02.2018
Head of Human Resources (if appropriate)	John Crutchley	26.02.2018

*Report Author: Ajman Ali, Interim Assistant Director - Community Safety & Street Scene  
01709 254789 or [ajman.ali@rotherham.gov.uk](mailto:ajman.ali@rotherham.gov.uk)*

*Martin Raper, Head of Service, Street Scene  
01709 822223 or [martin.raper@rotherham.gov.uk](mailto:martin.raper@rotherham.gov.uk)*

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# Kerbside Waste - Consultation Analysis Report

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## Introduction

This report provides high level overview of the findings from the public consultation which was undertaken by Rotherham Metropolitan Borough Council (RMBC) between 27/11/18-26/01/18. The purpose of this consultation was to seek the views of Rotherham residents regarding proposed changes to kerbside collection.

To ensure full engagement with Rotherham residents, the council sought to collect data from multiple channels. This included the following:

- Online web survey
- Drop in sessions (Paper forms were completed)
- Social media engagement via Facebook, Twitter and YouTube
- Comments received

Data collected through the above channels has been received on a weekly basis and collated in to this final summary report. Majority of the graphical information presented in this report is from the online survey, which constituted as the formal consultation mechanism. However in addition, this report also contains volume of interactions via other communication channels.

Information received through the online survey has been compared against RMBC postcode data to provide detailed analysis of responses from different postcode areas and electoral wards in the RMBC borough.

Appendix 1 at the end of this high-level report contains a detailed comparison of the data gathered on size of households and the volume of waste disposal. In appendix 1, there is a detailed synopsis of assisted collections and the relationship with disability rates in Rotherham.

# Kerbside Waste - Consultation Analysis Report

## Number of Online Form Responses – Weekly Totals

Date: w/c	Total
27/11/2017	2115
04/12/2017	2185
11/12/2017	619
18/12/2017	445
25/12/2017	228
01/01/2018	397
08/01/2018	319
15/01/2018	251
22/01/2018	441
<b>Total Consultation responses</b>	<b>6998</b>

Table 1

The table above shows the number of responses captured weekly. The consultation received an overall response rate of **6998** responses.

## Consultation Drop in session – Total no of attendees

Venue	Date	No of attendees
Riverside	06/12/2017	73
Swinton	14/12/2017	112
Maltby	22/12/2017	48
Riverside	03/01/2018	70
Maltby (Maltby Model Village TRA)	09/01/2018	30
Kiveton Park & Wales	12/01/2018	138
Riverside	16/01/2018	5
Wath (Montgomery Hall)	17/01/2018	69
Dinnington	19/01/2018	173
<b>Total attendees for drop in sessions</b>		<b><u>718</u></b>

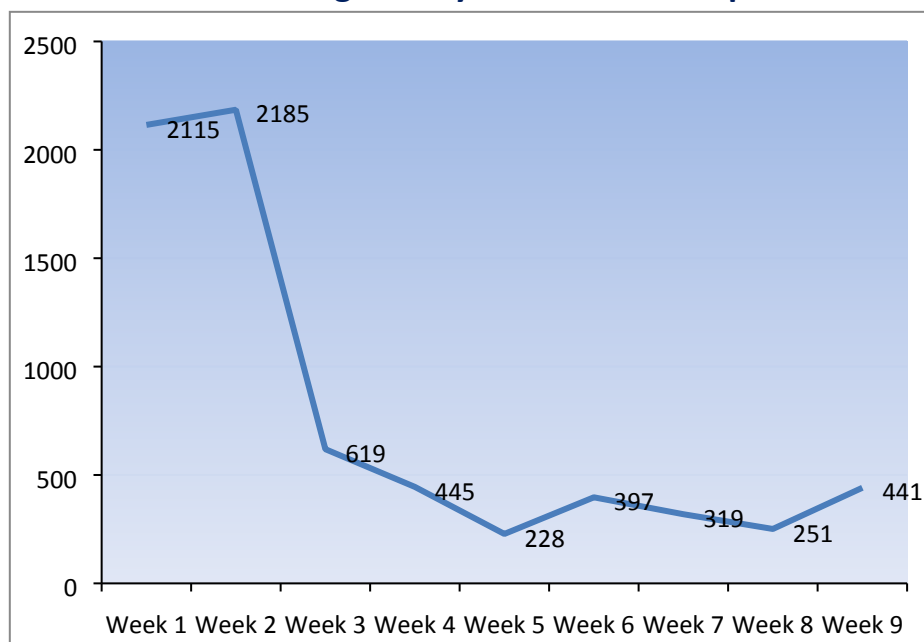
Table 2

Table 2 shows the **total amount** of people who attended the consultation drop in sessions. A total of nine consultation drop-in sessions have now taken place. The drop in session at Kiveton Park had the highest number of attendees, with the most recent Riverside House drop in session having the lowest. It is assumed that this low attendance was due to adverse weather conditions on that date.

# Kerbside Waste - Consultation Analysis Report

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**Trend line showing weekly consultation response rate**



**Figure 1**

In figure 1, (see above) shows the trend of responses received on a weekly basis. The responses peaked in week 2 of the consultation and declined on a weekly basis after this period.

# Kerbside Waste - Consultation Analysis Report

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## Total Running Response Rate

Total Number of Responses for the Online Form to date	6998
Total Number of Comments Received Through Other Forms of Contact	1203
Total Social Media Engagement	91,974
<b>Grand Total</b>	<b>100,175</b>

Table 3

Table 3 (see above) shows the communication channels which service-users used to engage with the council on proposed changes to Kerbside Collection. A total of 6698 consultation forms were completed online.

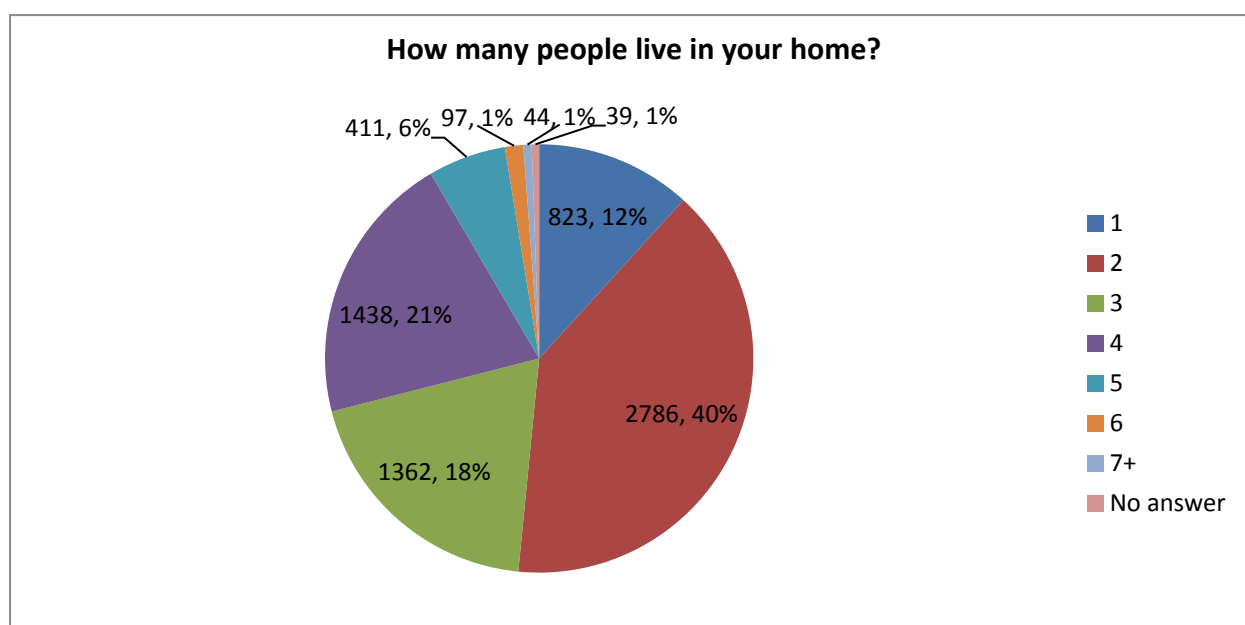
The Council also recorded comments received via other channels, including comments made directly to the Waste Service, messages to the contact centre and the 'was this information helpful?' section of the consultation form. 1203 comments were received through other such forms of contact.

Social media hits and comments were monitored during the consultation process, and in particular viewing figures for the waste review video. Also, comments in response to the Rotherham Advertiser's Facebook post, comments in response to RotherFed's Facebook post and any other Facebook and Twitter comments were recorded. The total number of comments and hits recorded by the Council was 100,175.

# Kerbside Waste - Consultation Analysis Report

## Online Data Form Responses

The tables below are based on a total response rate of **6998**. Some of the questions allow users to select more than one answer. The percentage figures are rounded up or down to the nearest decimal place and the **No** answer segment represents where the question has been left unanswered.



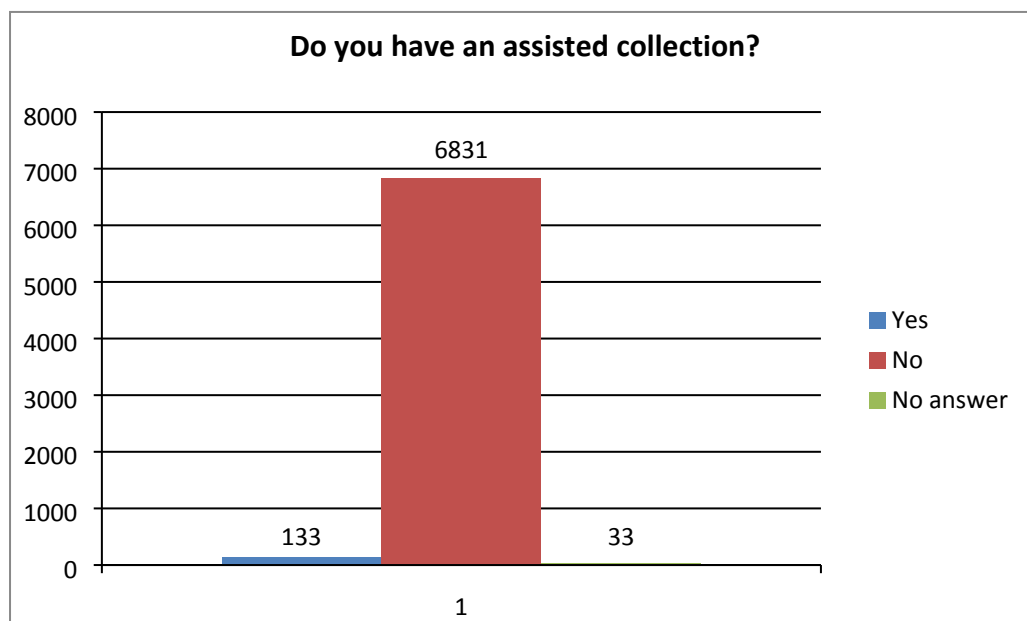
**Figure 2**

**Figure 2:** Of the **6998** responders, the highest proportion came from residents living in a 2 person household (**2786 respondents or 40 %.**) The second highest number of responses came from residents living in a 4 person household (1438 respondents, or 20%), followed by residents living in a 3 person household (1362 respondents, or 19 %.)

The lowest response rate has come from households with 7 or more occupants.

Of the **6998** people that have responded, **2786** of them live in a 2 person household which equals to 40%. Following from this, the highest number of responses comes from residents with 4, then 3 total numbers of people in the household.

# Kerbside Waste - Consultation Analysis Report



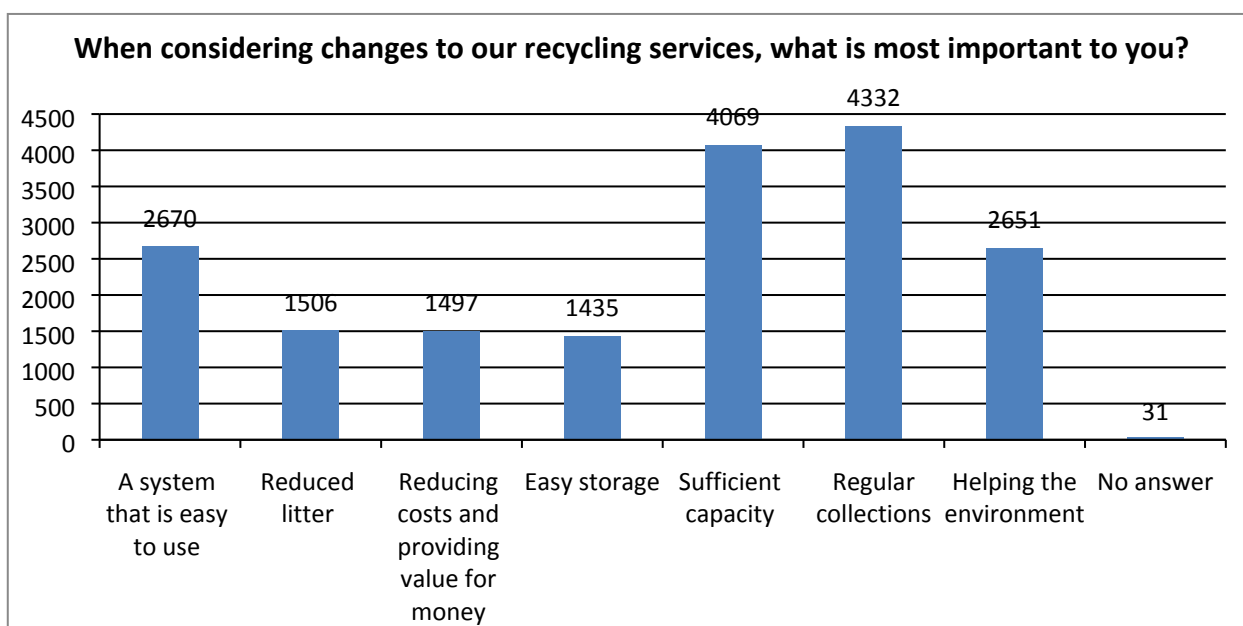
**Figure 3a**

**Figure 3:** A total of 6831 of respondents answered that they do not have an assisted collection which equates to 98%. Therefore, only 2% have an assisted collection from those who responded which totals 133 respondents out of the 6998. 33 respondents did not answer this question.

Answer	Total	Percentage
Yes	133	2%
No	6831	98%
No answer	33	1%

**Figure 3b** The chart shows the percentages for each of the responses

# Kerbside Waste - Consultation Analysis Report

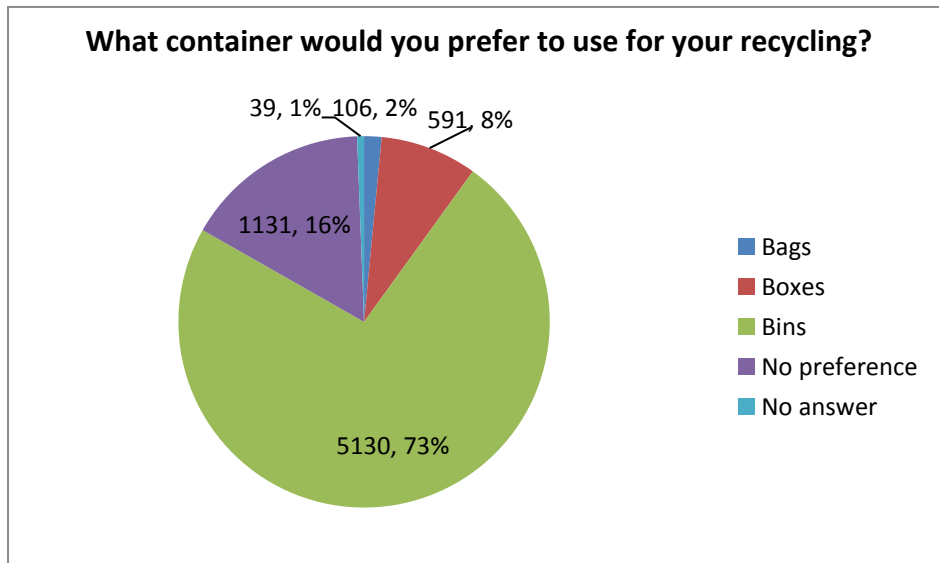


**Figure 4a**

**Figure 4a:** The majority of respondents answered that regular collection was the most important factor when considering changes to the service. A total of 4332 people selected this option, followed by 4069 people who selected sufficient capacity.

Responses to this question total 18191, this is significantly higher than the total response rate of 6998 for the whole online consultation survey. The high response rates for this question are due to respondents having the choice of selecting multiple answers to this single question. Consequently, converting the responses in to a percentage format would deliver a distorted figure.

# Kerbside Waste - Consultation Analysis Report



**Figure 5a**

**Figure 5a:** Out of the 6998 people who have filled out the online survey, 5130 of them would prefer to use a bin for recycling. This equates to 73%. Of the total responses received.

Answer	Total	Percentage
Bags	106	2%
Boxes	591	8%
Bins	5123	73%
No preference	1131	16%
No answer	42	1%

**Figure 5b** The chart shows the percentages for each of the responses



## Kerbside Waste - Consultation Analysis Report

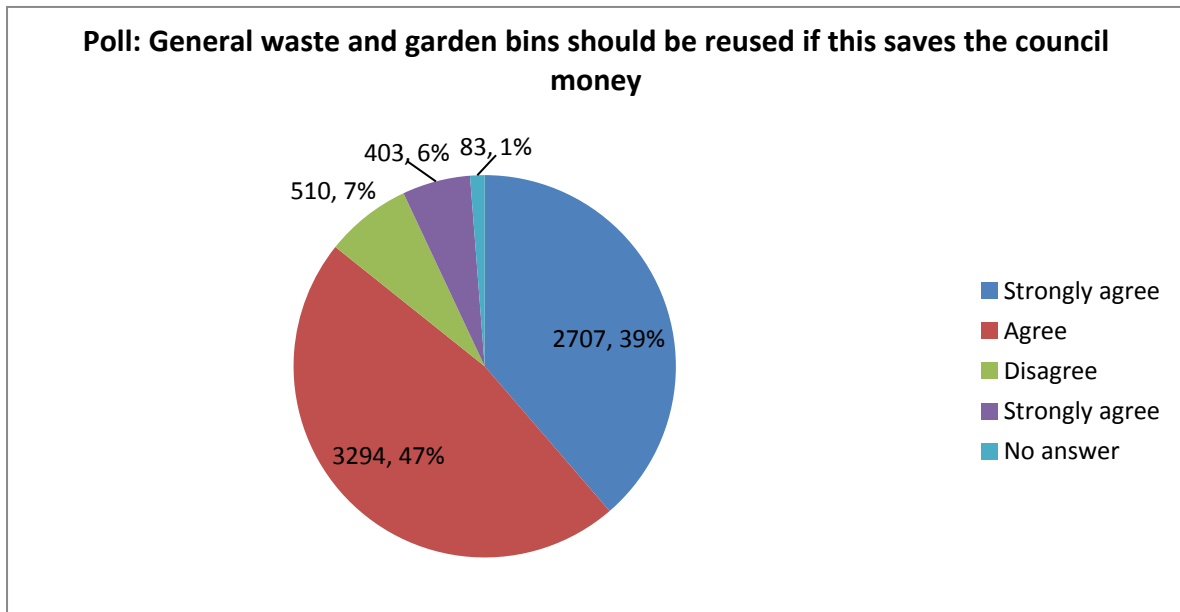


Figure 6

**Figure 6:** In combination 6001 respondents' states favourable to the reuse of bins, as 2707 strongly agreed and an additional 3294 agreed to this question. Only 13% of respondents disagree or strongly disagree.

# Kerbside Waste - Consultation Analysis Report

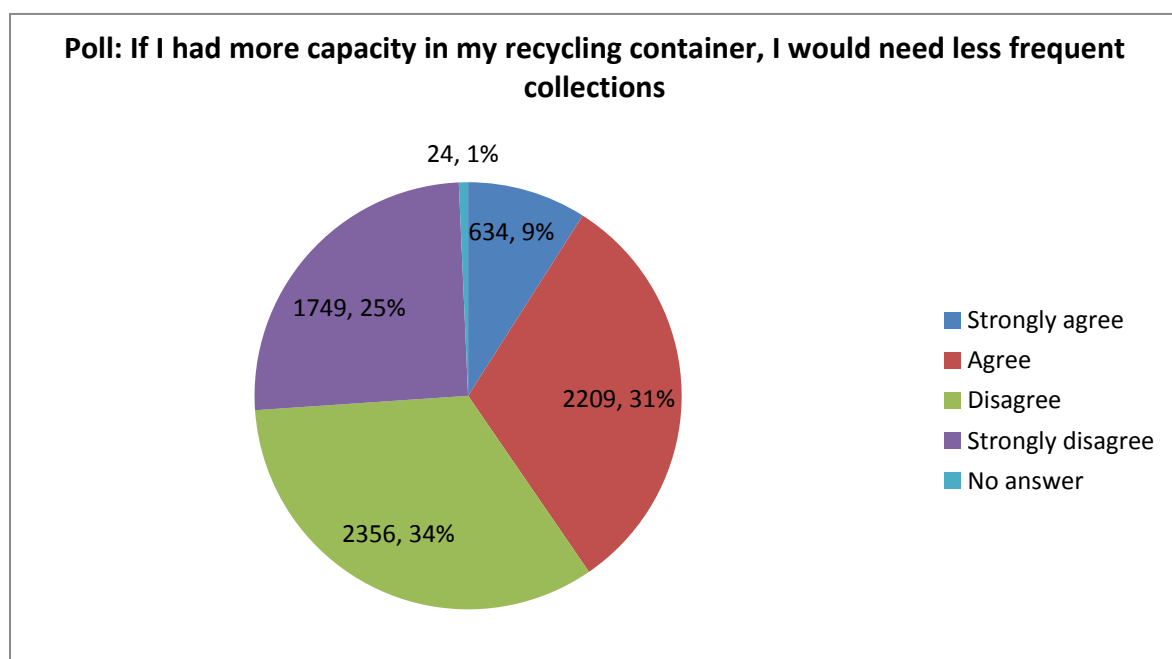


Figure 7

**Figure 7:** A total of 4141 out of 6998 responses chose disagree and strongly disagree. 2843 people agreed.

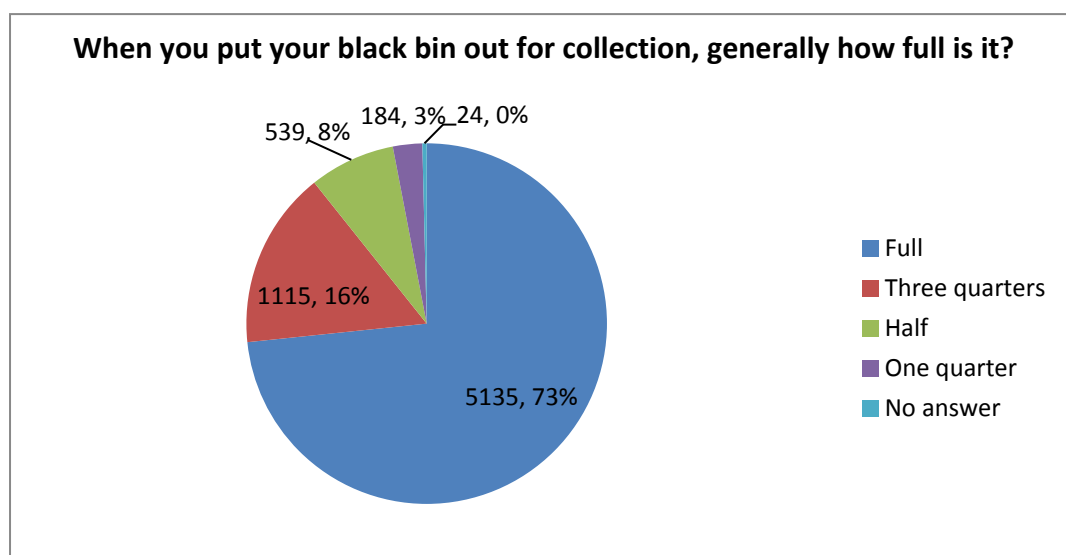


Figure 8

**Figure 8:** Over **70%** of householders present their black bin as full on collection day; this is **5135** out of 6998 total responses.

# Kerbside Waste - Consultation Analysis Report



**Figure 9a**

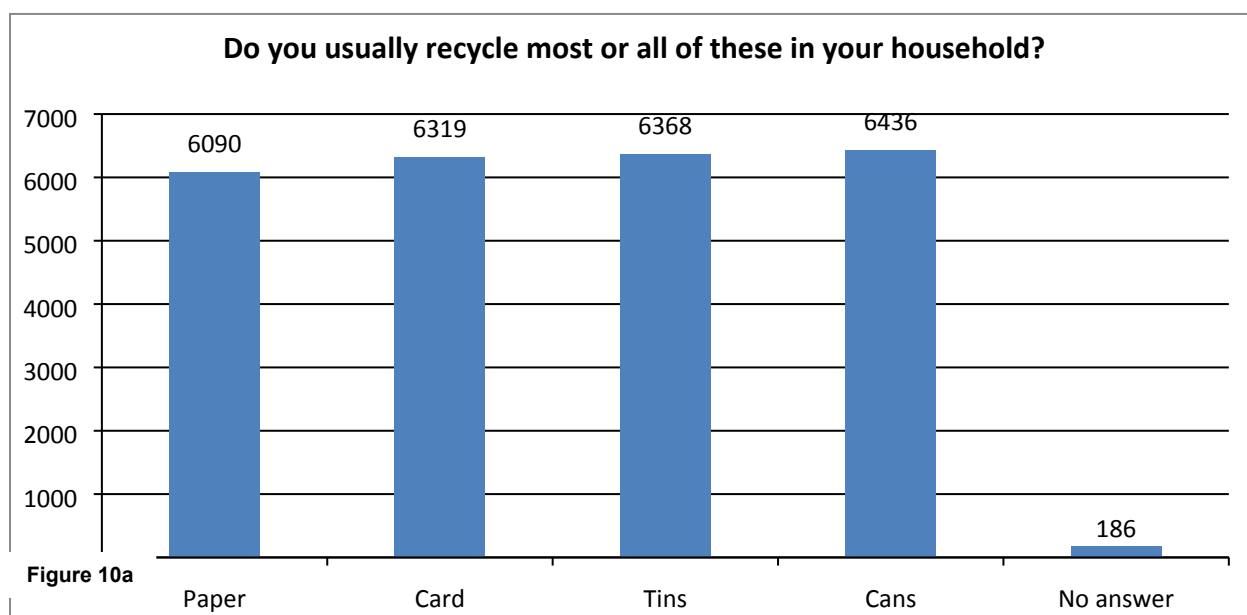
**Figure 9:** 5596 or 80% of the respondents selected that if more materials are collected, then this would increase their recycling.

Answer	Total	Percentage
A reduced sized black bin	236	3%
More communication about recycling	874	12%
More information about reducing food waste	304	4%
More materials collected	5596	80%
More information about smarter buying	143	2%
More information about re-use	287	4%
No answer	546	8%

**Figure 9b**

The chart above shows the percentages for each of the responses

# Kerbside Waste - Consultation Analysis Report

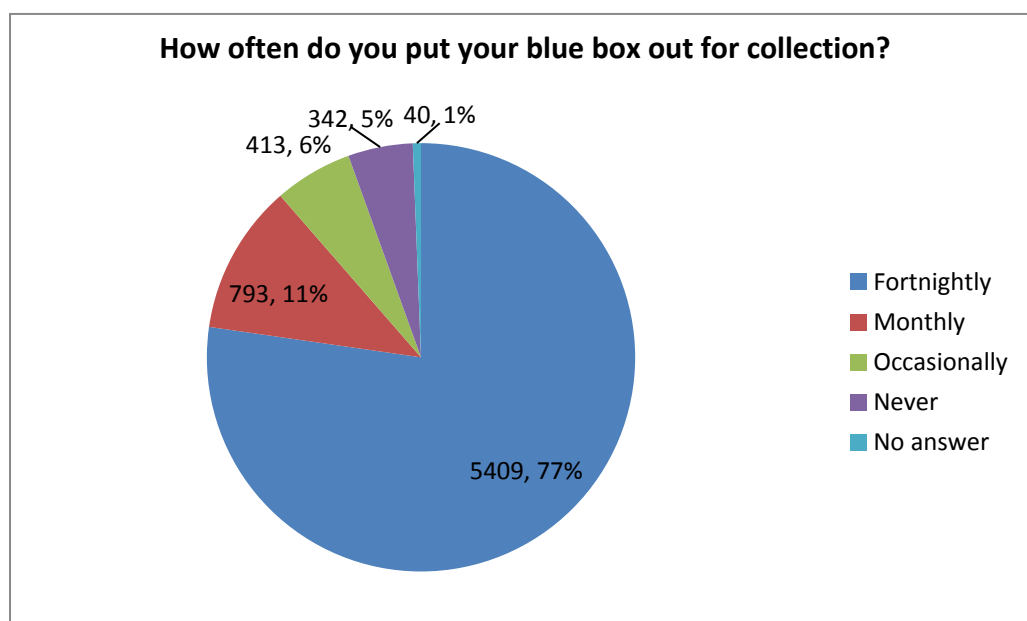


**Figure 10a:** The majority of respondents stated that they usually recycle all of these materials. Cans are the most widely recycled material, equating to 92% of the total responses.

Answer	Total	Percentage
Paper	6090	87%
Card	6319	90%
Tins	6368	91%
Cans	6436	92%
No answer	186	3%

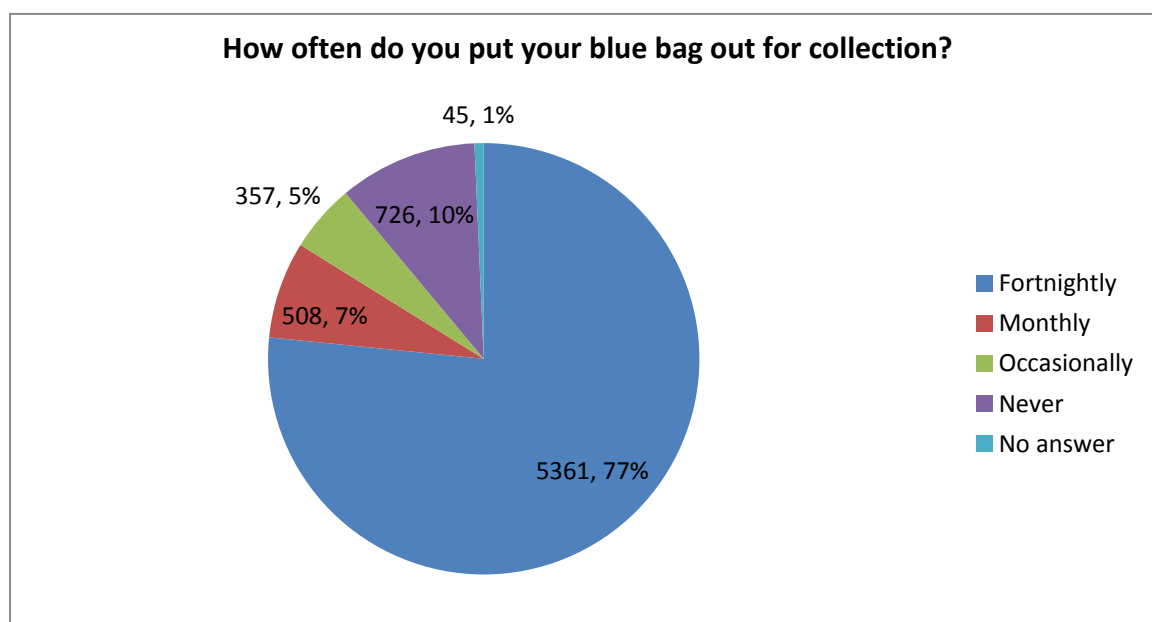
**Figure 10b** The chart above shows the percentages for each of the responses.

# Kerbside Waste - Consultation Analysis Report



**Figure 11**

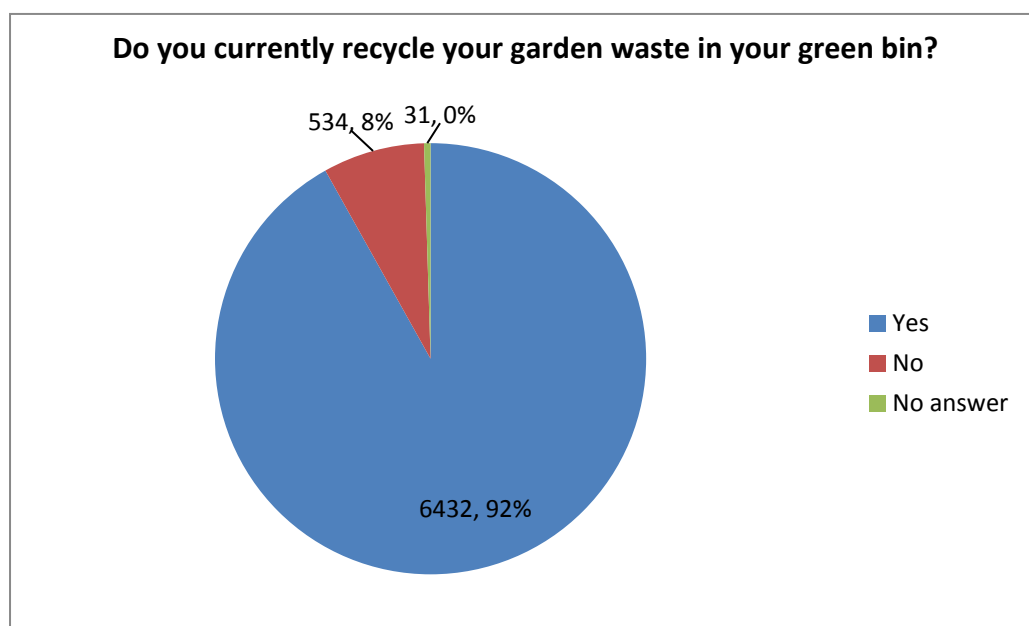
**Figure 11:** 77% (5409) of respondents present their blue box for collection fortnightly. 1% of people who responded do not present their blue box at all.



**Figure 12**

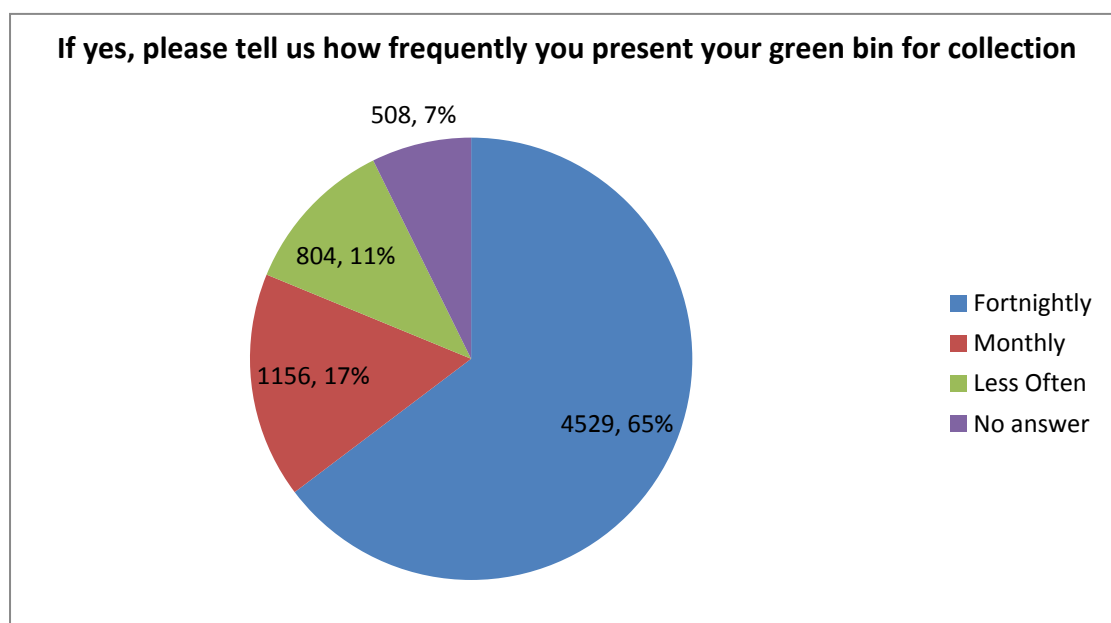
**Figure 12:** 77% (5361) of respondents put their blue bag out for collection each fortnight. 10% (726) of respondents answered that they never present their blue bag for collection.

# Kerbside Waste - Consultation Analysis Report



**Figure 13**

**Figure 13:** 92% or 6432 responders answered that they currently recycle garden waste in their green bin as opposed to 534, (8%) who do not. Based on this response, the majority of respondents stated they do recycle their green waste.

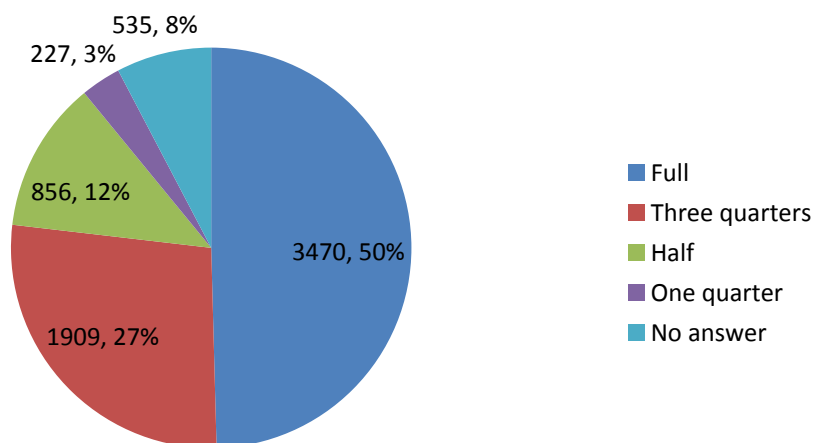


**Figure 14**

**Figure 14:** 4259 respondents (65%) answered yes to presenting their green bin for collection every fortnight.

# Kerbside Waste - Consultation Analysis Report

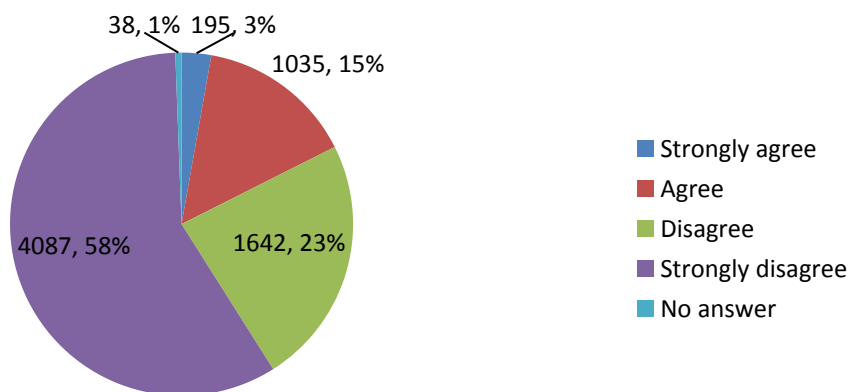
**If yes, when you put your green bin out for collection, generally how full is it?**



**Figure 15**

**Figure 15:** 3470 respondents (50%) stated that their green bin was full when presented for fortnightly collection.

**Poll: The council should charge for the garden waste service as it is not a service that everyone can benefit from**



**Figure 16**

**Figure 16:** 81% (5729) of responses disagreed or strongly disagreed with the proposal to charge for a garden waste collection service. Of those numbers, 4087 of respondents strongly disagreed and 1642 disagreed. Only 15% (1035) selected agree with only 3% (195) strongly agreeing (amounting to 1230 favourable responses out of 6998).

# Kerbside Waste - Consultation Analysis Report

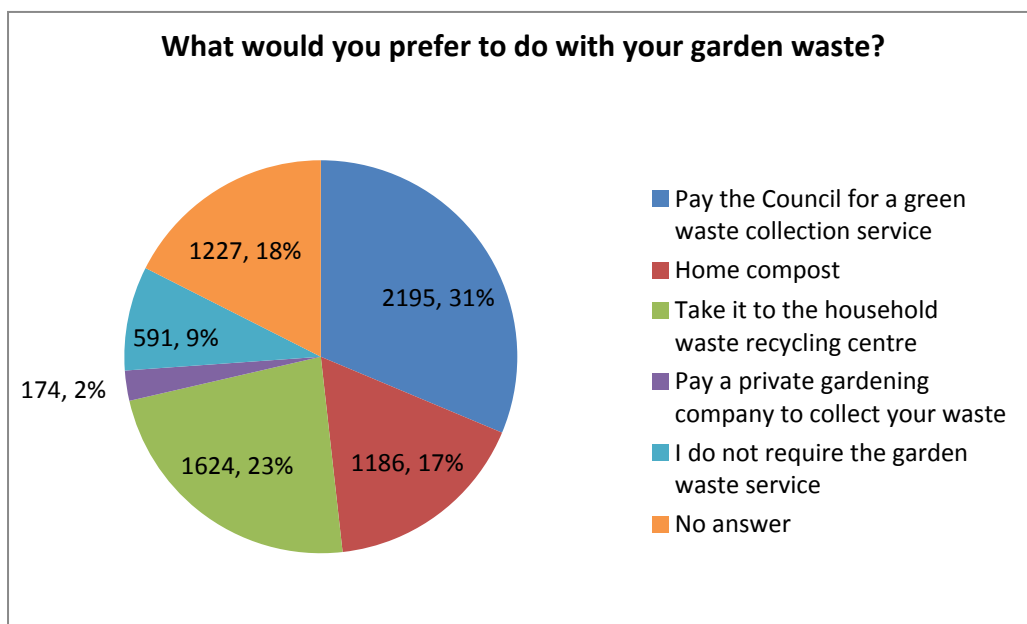


Figure 17

**Figure 17:** When asked what residents would prefer to do with their garden waste, a total of 2195 or 31% respondents chose the option of “pay the council for a green waste collection service. Following this, a total of 1624 or 23% of respondents chose the option “take it to the household waste recycling centre”.

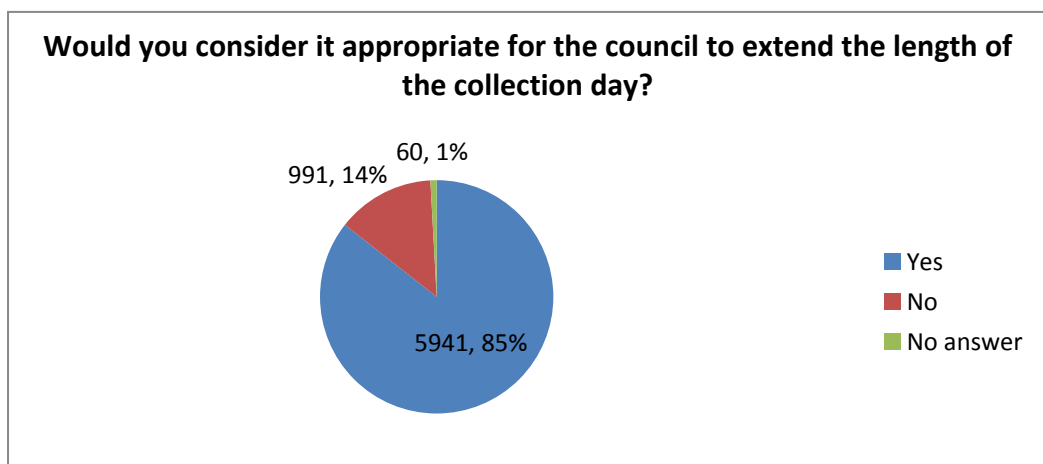
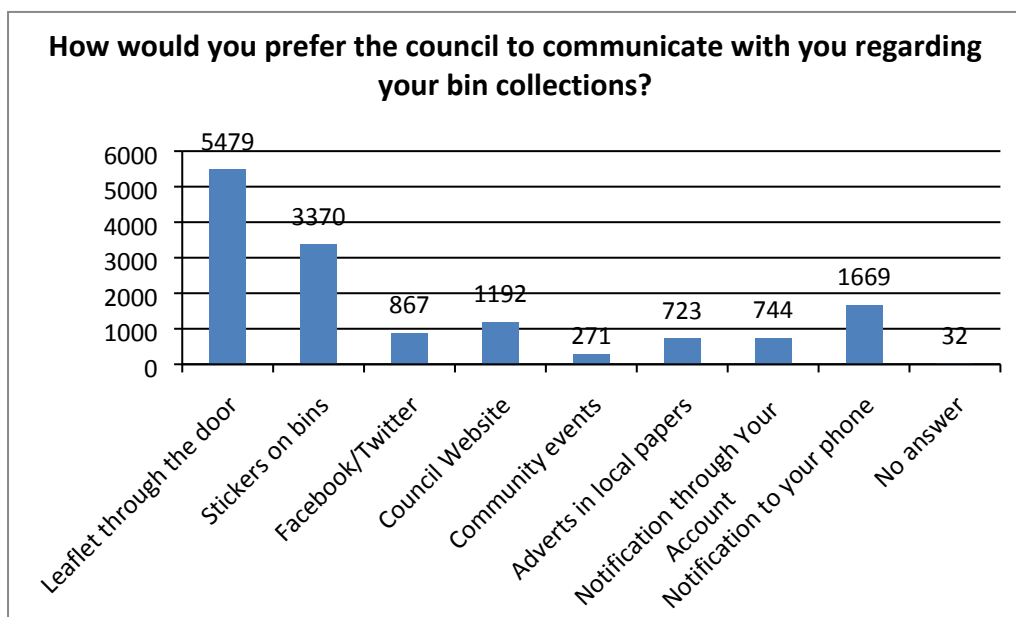


Figure 18

**Figure 18:** 5941, (85%) of responses consider it appropriate for the council to extend the length of the collection day. 991 respondents, (14%) selected the option, no.



# Kerbside Waste - Consultation Analysis Report



**Figure 19a**

**Figure 19a.** This graph shows that 5479 people (78%) would prefer to have a leaflet through the door rather than any other method of communication. This is followed by 3370 (48%) responses stating stickers on bins as the secondary preferred method of communication.

Answer	Total	Percentage
Leaflet through the door	5479	78%
Stickers on bins	3370	48%
Facebook/Twitter	867	12%
Council Website	1192	17%
Community events	271	4%
Adverts in local papers	723	10%
Notification through Your Account	744	11%
Notification to your phone	1669	24%
No answer	32	0%

**Figure 19b** This table shows the percentage of responses.

# Kerbside Waste - Consultation Analysis Report

Ethnic Origin	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Total Overall	%
British	1921	1951	543	411	208	348	292	229	394	6297	90.0 %
Irish	9	12	6	0	0	0	3	0	0	30	0%
Any other white background	18	31	12	6	2	5	2	1	2	79	1%
White and Black Caribbean	3	4	3	0	0	0	0	0	0	10	0%
White and Black African	1	4	1	0	1	1	0	0	0	8	0%
White and Asian	2	9	1	1	1	0	1	2	0	17	0%
Any other mixed background	3	6	2	1	0	0	1	0	0	13	0%
Indian	4	4	2	0	0	1	0	0	0	11	0%
Pakistani	4	12	1	1	1	2	1	0	2	24	0%
Bangladeshi	2	4	1	0	0	0	0	0	0	7	0%
Any other Asian background	4	3	1	0	0	0	0	0	1	9	0%
Caribbean	1	4	1	0	0	1	0	0	0	7	0%
African	2	4	1	0	0	0	0	0	1	8	0%
Any other Black background	2	3	1	1	0	0	1	0	0	8	0%
Chinese	2	4	1	1	0	0	0	0	0	8	0%
Any other ethnic group	2	8	2	0	1	0	1	0	0	14	0%
Not stated	151	165	52	25	15	35	14	17	30	504	7%
No answer	28	34	9	1	2	8	5	5	16	105	2%

Figure 20a

# Kerbside Waste - Consultation Analysis Report

**Figure 20a:** The table above shows the response rate for the question relating to how people describe their ethnic origin, as well as the overall percentage. It shows that 90% of all responses for the waste consultation online form are from people who describe their ethnic origin as British. Additionally, this question allowed for the selection of multiple choices and therefore some respondent's e selected more than one ethnicity.

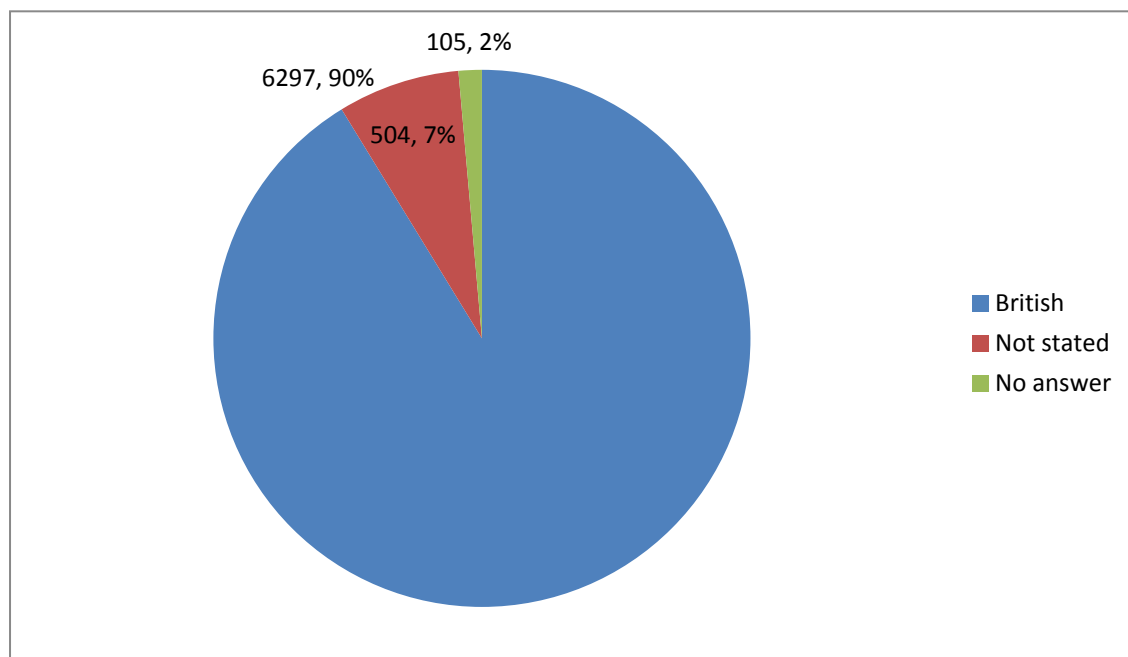


Figure 20b

The figure above is the top three selected option ethnicity options. 90% of responses chose British.

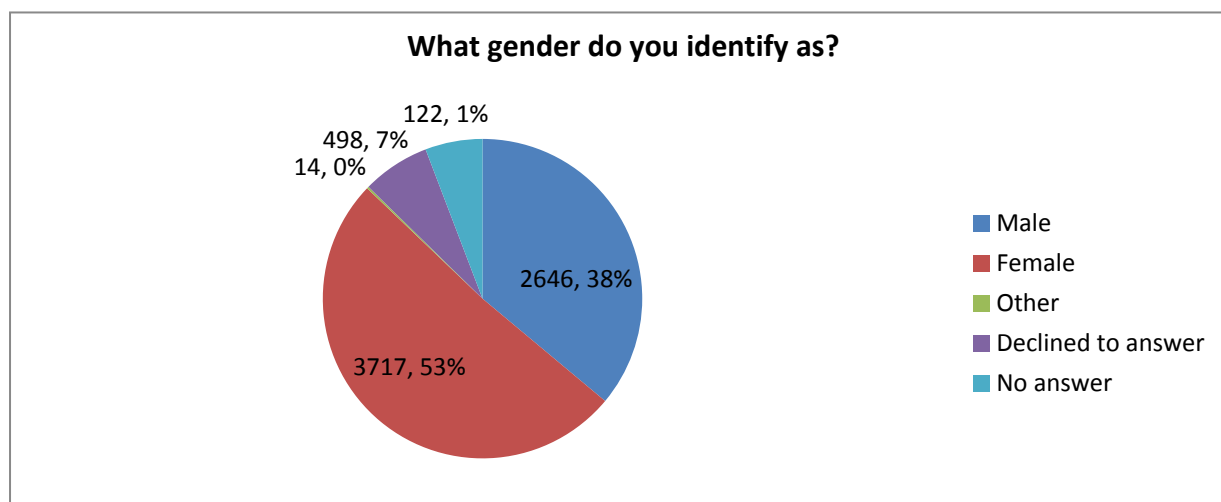


Figure 21

## Kerbside Waste - Consultation Analysis Report

**Figure 21:** (See above) A total of 3717 responses (53%) selected female as their gender with 2646 (38%) responses selecting male as their gender. 498 people declined to answer and a further 406 people didn't answer this question.

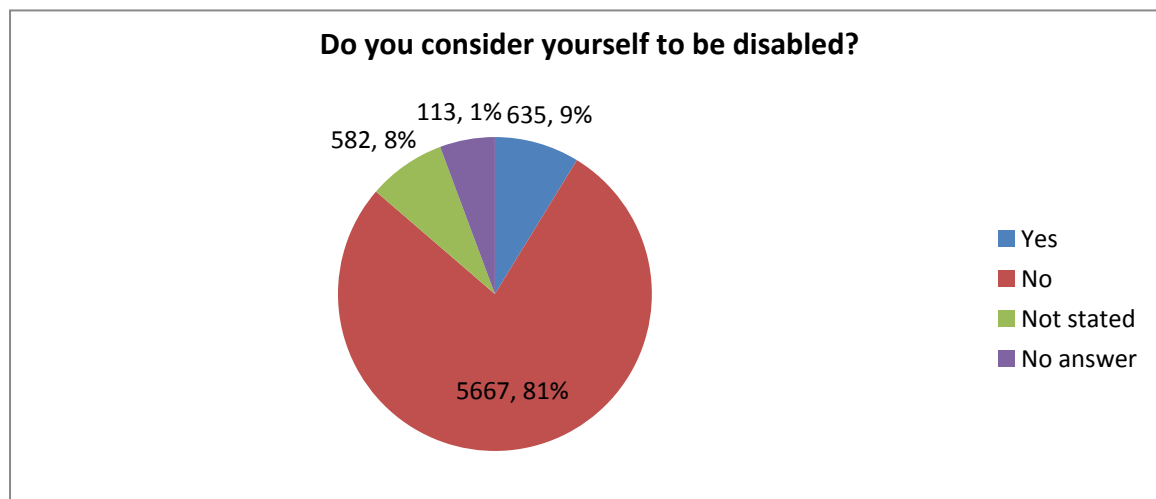


Figure 22

**Figure 22:** 81% (5667) of people do not consider themselves to have a disability. 9% of respondents stated they have a disability, with 582 selecting not stated and 113 respondents not answering the question.

# Kerbside Waste - Consultation Analysis Report

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## Thematic analysis of comments

The online form (survey) included two free text fields; the analysis of the comments was from the further comments box only. Due to the substantial amount of comments received, samples of comments were examined to ascertain the key themes of the comments.

The following keywords/phrases have been highlighted as the key themes throughout the consultation period and they include the total number of comments received on the key themes below.

- Plastic –**6088**
- Fly tipping - **1334**
- Smaller bin - **1785**
- Garden waste - **2619**
- Reducing bin - **2268**
- Charge - **1525**
- Council Tax - **1177**
- Storage - **367**
- BLANK (people that have not used the free text box to give an opinion) **1946**

## Key themes Analysis

When analysing the data, the total number of responses was used to find out the total percentage of comments relating to each area above, not a selection of them.

- **Plastics** - on a weekly basis the majority of comments around plastics were in relation to collecting them. Responses included comments on “collect plastics” and “the council should be like their neighbours and recycle plastics”, “give me a container for plastics”, “it is outrageous our plastics are not recycled”, “recycling plastics would be an idea”
- **Fly Tipping** – The comments around fly tipping were linked to the possibilities of having a smaller bin, and such if it was to happen there would be an increase in fly tipping. Comments includes “there will be an increase in fly tipping” and “...lead to more fly tipping”
- **Smaller bin** – Comments such as “having a smaller bin, will lead to more fly tipping, “ my bin is always full”, “ I am concerned with these proposals”, “ a plastic container would help”, are a few of the generic comments that were repeated on a weekly basis.

## Kerbside Waste - Consultation Analysis Report

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- **Garden waste** - “I rather burn it”, charging to remove my garden waste is not fair”, “bigger gardens are getting penalised”, I have got no transport to take to the tip” “garden waste should continue longer in the year”
- **Reducing bin** – “keep the bin” “how is the council saving any money?” “ I don’t have enough capacity in my current bin!”, “this would not work for us”, “ I currently recycle everything”, “ I make regular trips to the tip and bin is still full”
- **Charge** - “ I think it is ridiculous to charge “,” give me more recycling capacity”, “ I am not happy with this proposal”, “people will put green waste in their black bin”, “
- **Council Tax** - I pay enough council tax”, “ garden waste should be included in council tax”
- **Storage** – “range of bins will be hard to store” “extra bins will attract pests and rodents”

### Other comments include

“Great idea of swapping the bags and boxes for bins as they get blown away”

“I agree with the charge but not £40”

# Kerbside Waste - Consultation Analysis Report

## Additional Comments received

The following set of data comparisons includes data collected from the following areas;

- Waste Service
- Contact Centre – Recorded
- Contact Centre – Staff
- Facebook
- Complaints Team
- Twitter

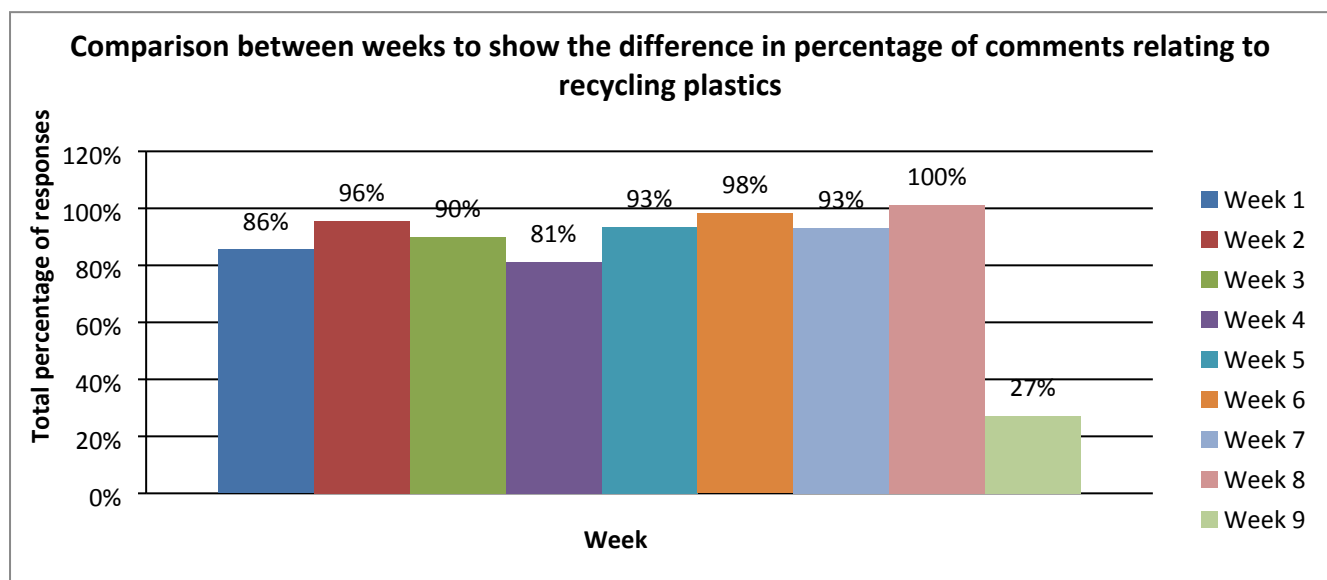


Figure 23

**Figure 23:** This shows the difference in the percentage of comments relating to the council recycling plastics. From all of the responses the main comments were suggesting the council should recycle plastics at the kerbside. Week 8's figure is 100% as there are 2 text boxes allowing people to comment twice on the same matter.

# Kerbside Waste - Consultation Analysis Report

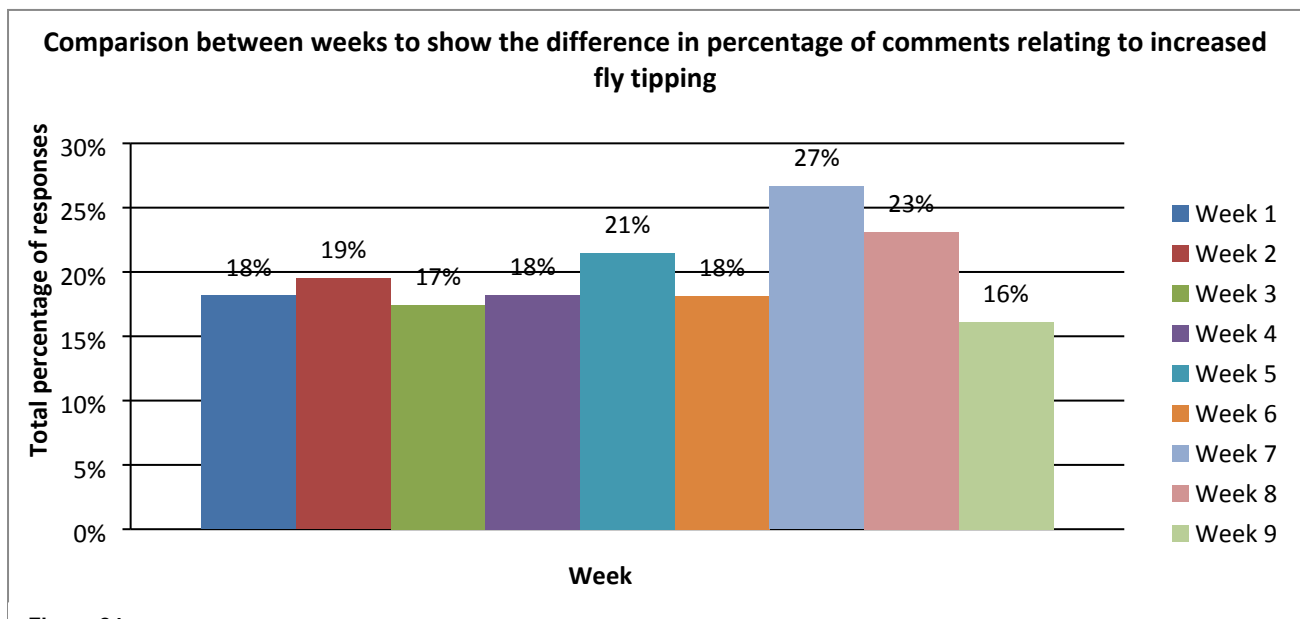


Figure 24

**Figure 24:** This shows the difference in the percentage of comments relating to increased cases of fly tipping in the Borough if the proposed plans were to go ahead. In particular week 7, has the highest amount of comments about fly tipping than in previous weeks.

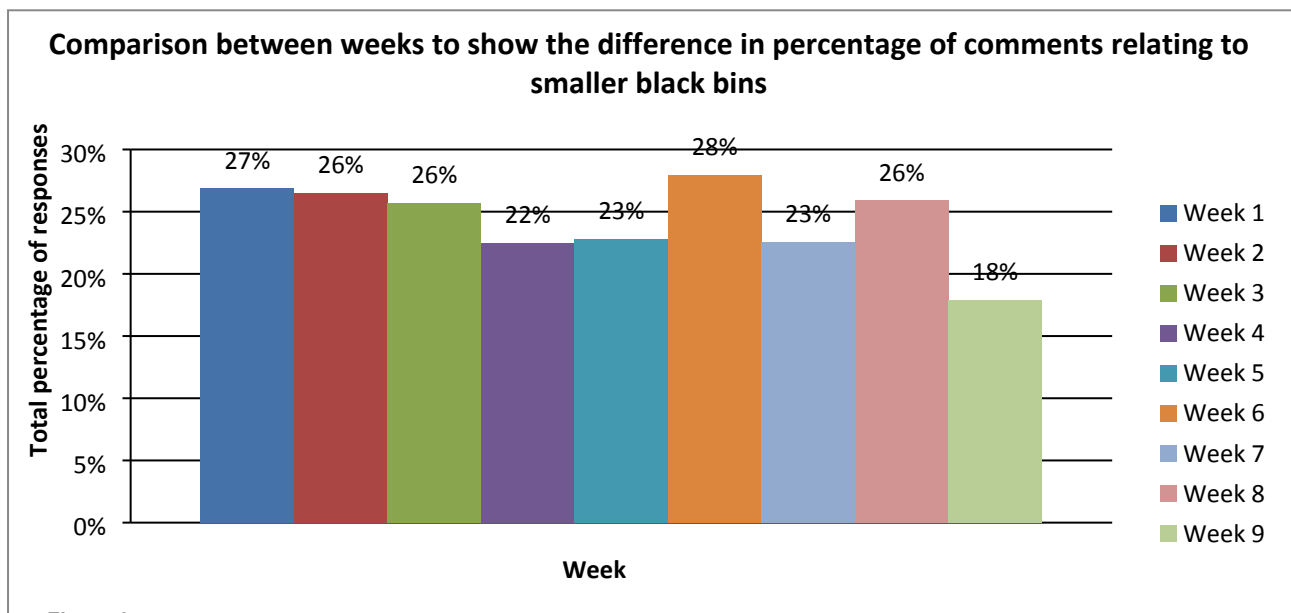


Figure 25

**Figure 25:** This shows the difference in the percentage of comments relating to smaller black bins. Most of these comments were respondents saying they didn't want a smaller black bin. These comments about smaller black bins have been quite similar throughout the consultation and that most responses included negative comments about smaller black bin proposals.



# Kerbside Waste - Consultation Analysis Report

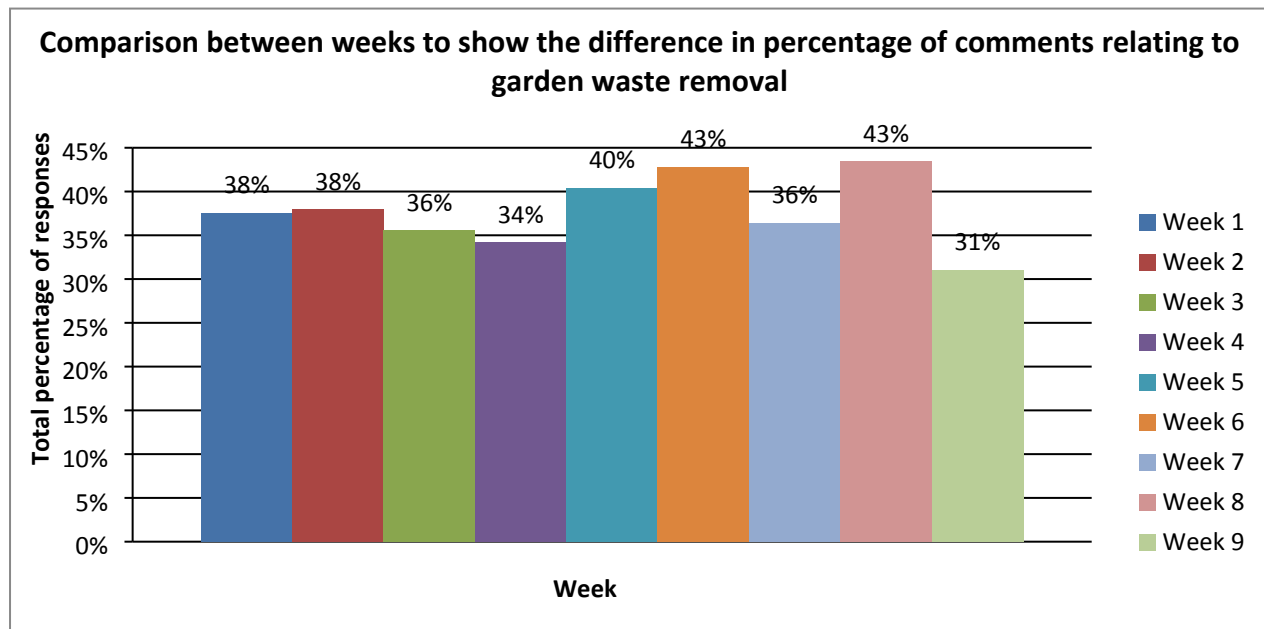


Figure 26

**Figure 26** above shows the difference in the percentage of comments relating to garden waste removal. The highest number of comments received about garden waste charges was in week 6 and week 8.

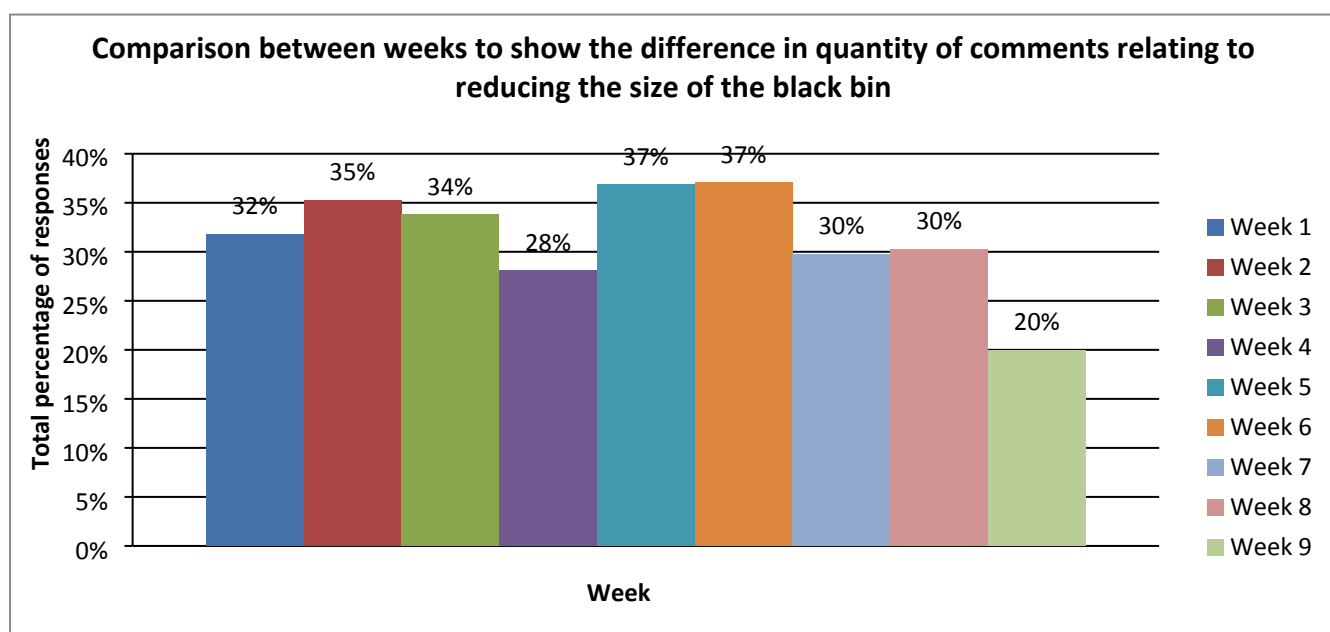
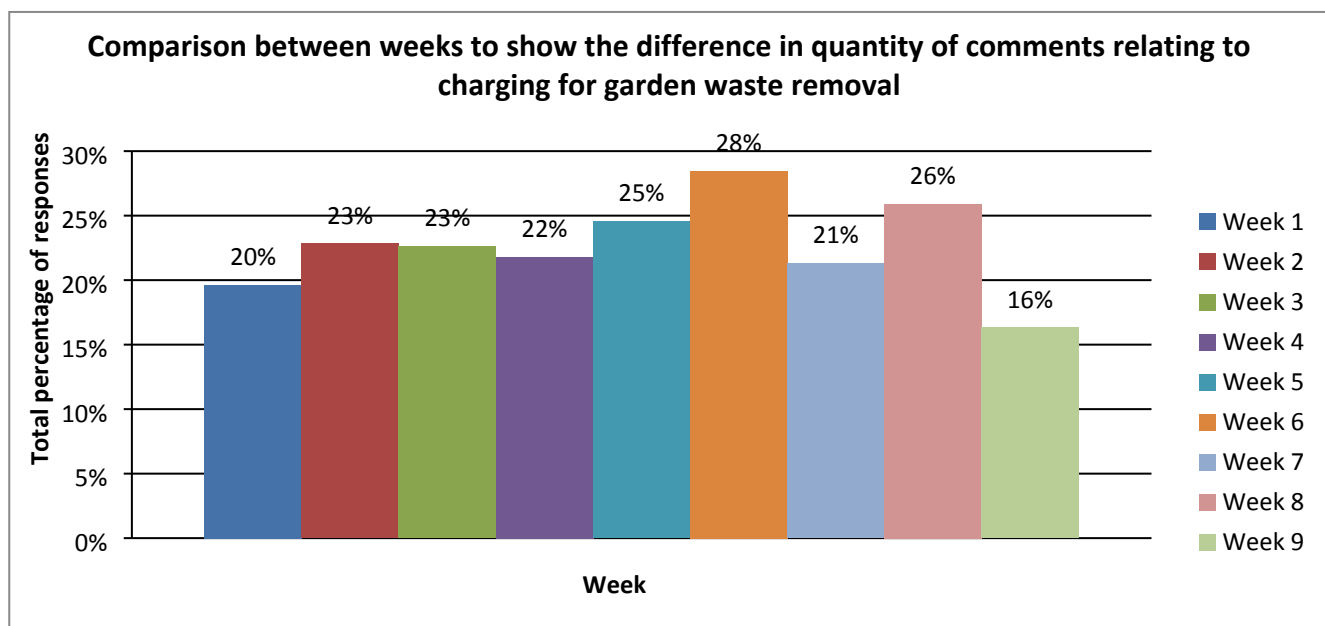


Figure 27

**Figure 27:** This shows the difference in the percentage of comments relating to reducing the size of the black bin. The majority of these comments are people not wanting to have a smaller bin as they already struggle with it being full. The lowest amounts in regards to smaller bins were received in week 9.

# Kerbside Waste - Consultation Analysis Report



**Figure 28**

**Figure 28:** This shows the difference in the percentage of comments relating to the council charging for the removal of garden waste. The number of comments in relation to a garden waste charge has gradually increased over the weeks with a peak in week 6. This then decreased in week 7 followed by an increase in week 8, with the most comments received in week 6.

# Kerbside Waste - Consultation Analysis Report

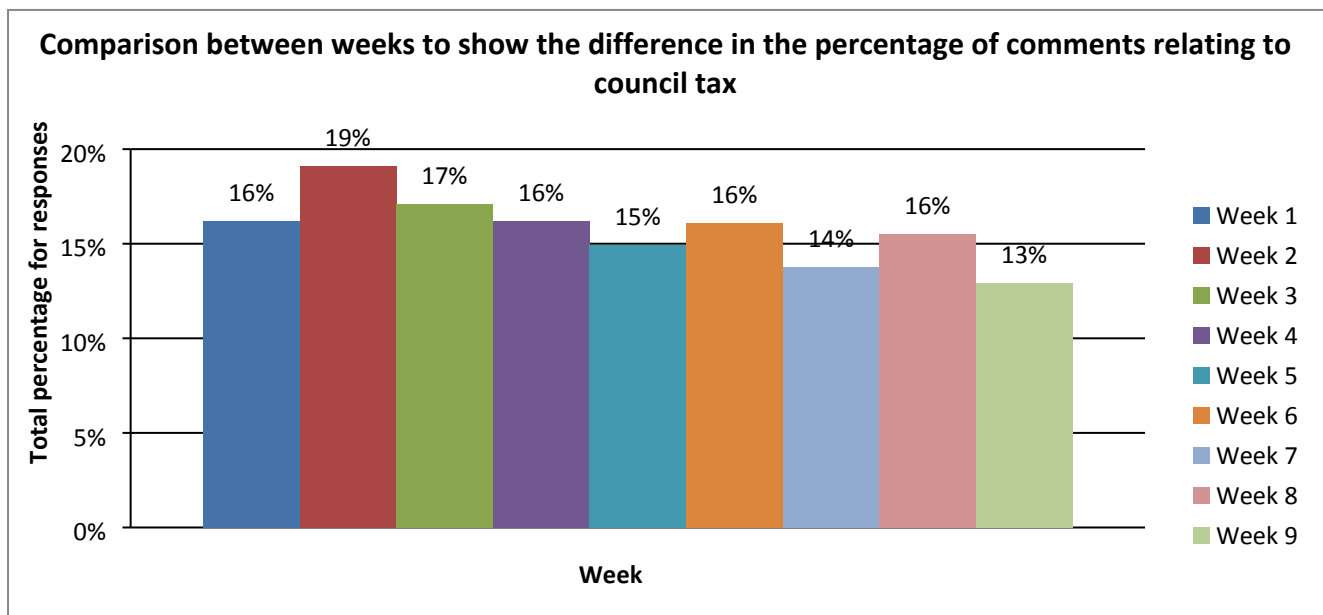


Figure 29

**Figure 29:** This shows the difference in the percentage of comments relating to council tax. Many of these particular comments are people saying they already pay for this service or people asking for a reduction in council tax if they aren't going to pay the extra charge for garden waste. Overall, the number of comments has fluctuated over the weeks with week 2 having the most comments and week 9 having the lowest amount of comments.

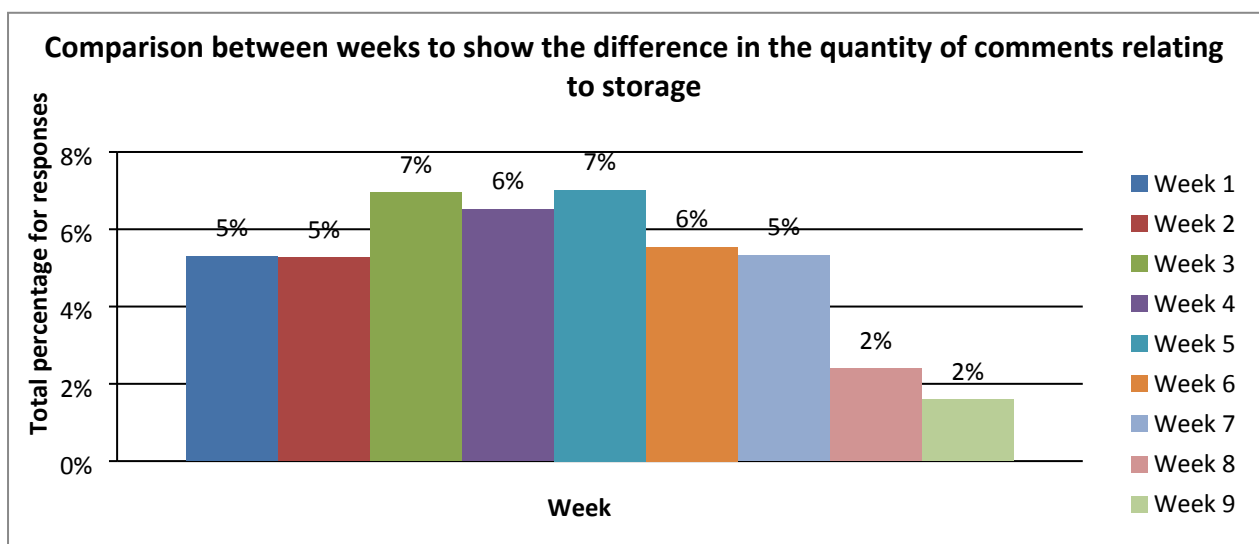


Figure 30

**Figure 30:** This shows the difference in percentage of comments relating to the storage of bins. The comments have been highest in weeks 3, & 5 however has significantly decreased in weeks 8 & 9 to %.

## Kerbside Waste - Consultation Analysis Report

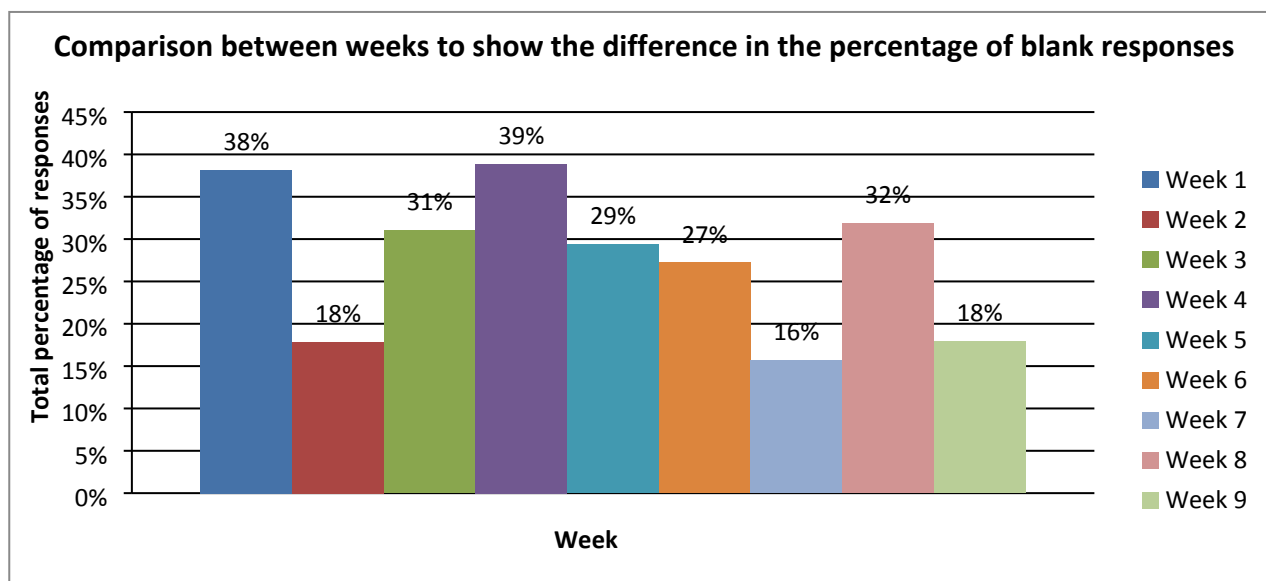


Figure 31

**Figure 31:** This shows the difference in the percentage of blank responses in the free text boxes. The amount of blank responses has fluctuated between weeks.

## Postcode Analysis

The map below shows the total responses in each of the Rotherham postcode areas.

Postcode	Locality/Parish
DN11	Maltby
DN12	Hooton Roberts
S13	Orgreave/Aston-Cum -Aughton
S20	Aston-Cum-Aughton
S21	Wales
S25	Dinnington/Laughton-En-Le-Morthern/Thurcroft/Anston
S26	Todwick/Aston-Cum-Aughton/Wales
S60	Boston Castle/Rotherham West/Sitwell/Valley/Hellaby/Whiston/Brinsworth/Catcliff/Treeton/Orgreave
S61	Keppel/Rotherham West/Hoover/Wentworth/Wingfield/Rawmarsh
S62	Rawmarsh/Silverwood/Wingfield/Hoover/Wentworth
S63	Wath/Hoover/Brampton Bierlow
S64	Swinton/Silverwood/Wath
S65	Boston Castle/Rotherham East/Valley/Sitwell/Dalton/Thrybergh/Ravenfield/Hooton Roberts/Bramley
S66	Wickersley/Hellaby/Bramley/Dalton/Maltby/Laughton-En-Le-Morthern/Hooton Levitt/Thurcroft/Upton
S73	Hoover/Brampton Bierlow
S74	Wentworth
S80	Thorpe Salvin
S81	Anston/Thorpe Salvin/Woodsetts/Dinnington/Gildingwells/Letwell/Firbeck/Maltby

[illegible]



## Kerbside Waste - Consultation Analysis Report

Postcode	Week 1	%	Week 2	%	Week 3	%	Week 4	%	Week 5	%	Week 6	%	Week 7	%	Week 8	%	Week 9	%	TOTAL No. RESPONSES
DN11	0	0%	0	0%	0	0%	0	0%	0	0%	1	0%	0	0%	0	0%	0	0%	1
DN12	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0
S13	11	0%	4	0%	1	0%	0	0%	4	2%	1	0%	1	0%	1	0%	1	0%	24
S20	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0
S21	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0
S25	286	11%	191	9%	46	7%	20	4%	12	5%	32	8%	23	7%	38	15%	34	8%	682
S26	423	17%	228	10%	48	8%	37	8%	25	11%	55	14%	61	19%	63	25%	52	12%	992
S60	367	15%	323	15%	131	21%	41	9%	38	17%	59	15%	47	15%	35	14%	54	12%	1095
S61	249	10%	261	12%	63	10%	44	10%	25	11%	51	13%	29	9%	15	6%	54	12%	791
S62	83	3%	200	9%	55	9%	17	4%	19	8%	23	6%	14	4%	11	4%	30	7%	452
S63	245	10%	118	5%	43	7%	25	6%	18	8%	23	6%	21	7%	28	11%	29	7%	550
S64	130	5%	261	12%	65	11%	24	5%	19	8%	38	10%	27	8%	14	6%	29	7%	607
S65	169	7%	164	8%	32	5%	27	6%	14	6%	31	8%	28	9%	12	5%	29	7%	506
S66	447	18%	412	19%	98	16%	177	40%	44	19%	62	16%	44	14%	24	10%	69	16%	1377
S73	17	1%	12	1%	5	1%	3	1%	0	0%	2	1%	4	1%	1	0%	19	4%	63
S74	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0
S80	3	0%	5	0%	2	0%	3	1%	1	0%	2	1%	0	0%	0	0%	1	0%	17
S81	16	1%	30	1%	12	2%	5	1%	2	1%	7	2%	3	1%	6	2%	6	1%	87
blank	0	0%	81	4%	17	3%	21	5%	7	3%	10	3%	17	5%	4	2%	14	3%	171

Table 5

The Postcode Analysis Chart shows the **number of responses** we have received for each of the postcode areas during each week. These have then been turned into a percentage for each week. Also, a running total has been calculated with a running total percentage which has been used to formulate the maps.

There are an additional number of blank postcodes entered which equates to an overall 2% of responses.

In addition, there were a few responses from postcodes outside of Rotherham or unknown postcodes. These have not been included in the table above however are included as part of the Ward Analysis section. (see below)

# Kerbside Waste - Consultation Analysis Report

## Zero response postcode areas

Ranking	Lowest Response Postcode	No of properties in area	Total responses received
1	DN12 – Hooten Roberts	6 properties	0 responses received
2	S20 – Aston-Cum-Aughton	3 properties	0 responses received.
3	S21 – Wales	2 properties	0 responses received.
4	S74 - Wentworth	10 properties	0 responses received

Table 6

The above postcode areas have been identified as the postcode areas with zero responses meaning they have not participated in the consultations at all. However, if you look at the number of properties for that postcode area they are very low populated areas. See Ward analysis data section (see below) which contains comprehensive data analysis of the responses received for each ward including the total percentage of responses against number of households per ward.

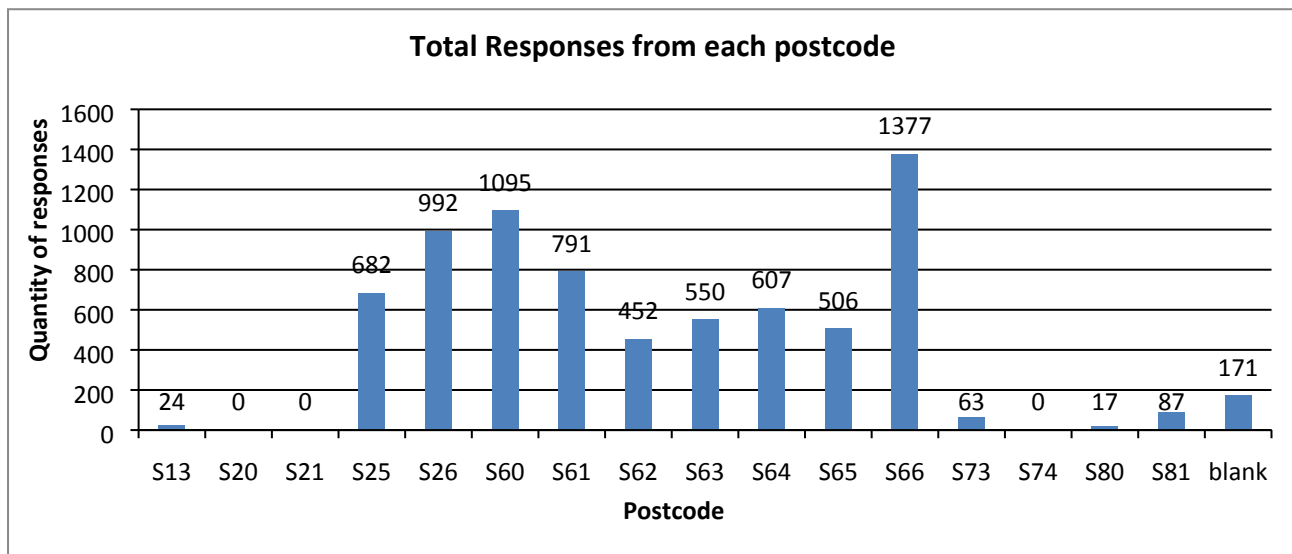
## Lowest response postcode

Ranking	Lowest Response Postcode	No of properties in area	Total responses received
1	DN11 – Maltby	3	1 response in week 6
2	S80 – Thorpe Salvin	166	17 responses in total
3	S13 – Orgreave/Aston-Cum-Aughton	394	24 responses in total
4	S73 – Hoover/Brampton Bierlow	1055	63 responses in total
5	S81 – Anston/Thorpe Salvin/Woodsetts/Dinnington/Gildingwells/Letwell/Firbeck/Maltby	1129	87 responses in total

Table 7

The above postcodes in table 7 hold the lowest responses in regards to the consultation survey. The ward analysis section (see below) will contain the data for lowest Responses for each ward.

# Kerbside Waste - Consultation Analysis Report



**Figure 31:** This chart above shows the total responses from each postcode. The postcode **S66** has the highest number of responses which includes the following wards, Wickersley/ Hellaby/ Bramley/ Dalton/ Maltby/Laughton-En-Le-Morthern/Hooton Levitt/Thurcroft/Ulley.

## Highest Response postcode

Ranking	Highest Response Postcode	No of properties in area	Total responses received
1	S66 - Wickersley/Hellaby/Bramley/Dalton/Maltby/Laughton-En-Le-Morthern/Hooton Levitt/Thurcroft/Ulley	19,850	1377
2	S60 - Boston Castle/Rotherham West/Sitwell/Valley/Hellaby/Whiston/Brinsworth/Catcliffe/Treeton/Orgreave	16,660	1095
3	S61 - Keppel/Rotherham West/Hoover/Wentworth/Wingfield/Rawmarsh	16,340	992
4	S25 - Dinnington/Laughton-En-Le-Morthern/Thurcroft/Anston	9,420	682
5	S64 - Swinton/Silverwood/Wath	7164	607

Table 8

The above postcodes are the areas which have the highest number of responses overall. See Ward analysis section below for the full data of percentage of responses against number of households per ward. This will accurately reflect the response rate against the number of households in the area to give a fair and accurate view of responses.



# Kerbside Waste - Consultation Analysis Report

## Ward Analysis

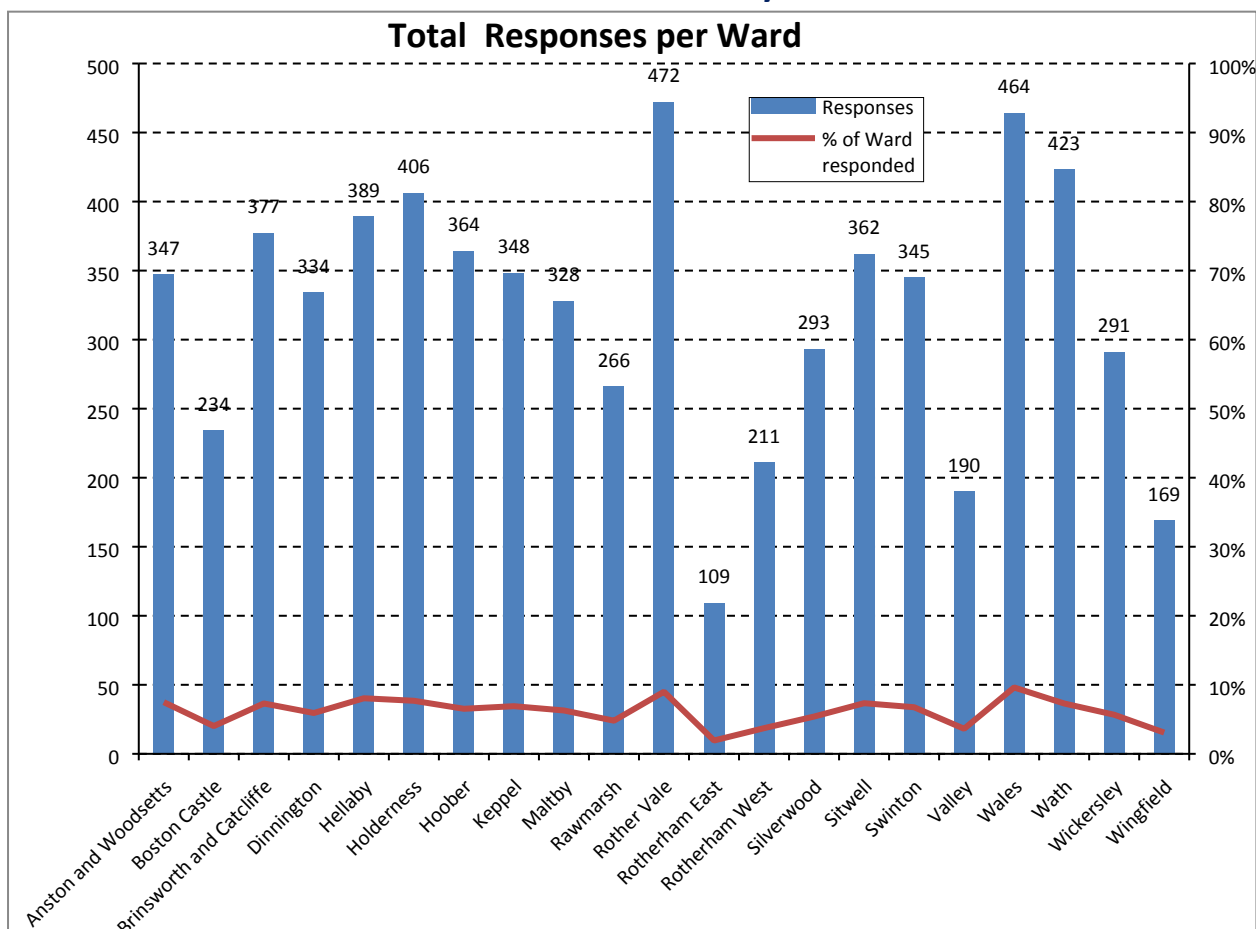


Figure 32

**Figure 32:** Above illustrates the total responses received per ward throughout the consultation period. **Rothervale** is showing as highest responses received overall with **472** responses received, **Wales** being the second highest with **464** responses received and **Wath** with **423** responses received throughout the consultation period. The trend line marked in red highlights the percentage response based on total number of properties in the ward.

# Kerbside Waste - Consultation Analysis Report

## Highest Ranking Ward for overall responses

Ranking	Ward	No of properties in area	Total responses received
1	Rothervale	5248	472
2	Wales	4826	464
3	Wath	5900	423
4	Holderness	5282	406
5	Hellaby	4832	389

Table 9

## Lowest Responses per ward overall

Ranking	Ward	No of properties in area	Total responses received
1	Rotherham East	5642	109
2	Wingfield	5489	169
3	Valley	5230	190
4	Rotherham West	5675	211
5	Boston Castle	5818	234

Table 10

# Kerbside Waste - Consultation Analysis Report

Total percentage of Responses per Ward including number of properties in the ward area

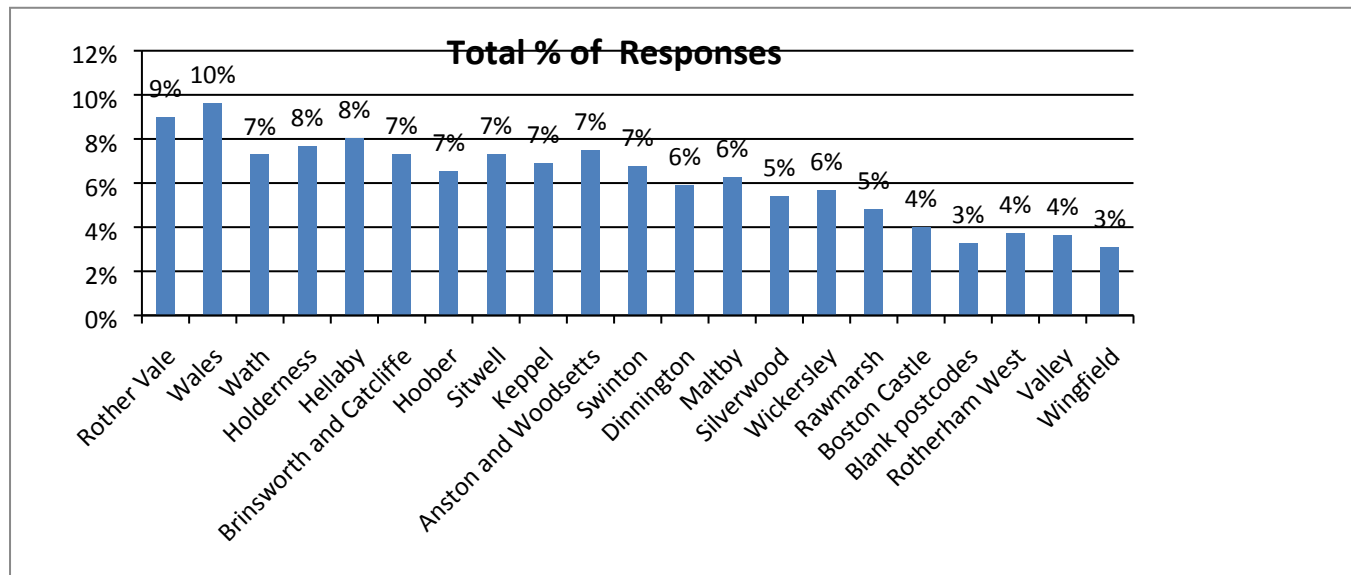


Figure 33

**Figure 33:** The graph above demonstrates the percentage of response rate per ward from highest to lowest received. This includes the total percentage of responses against number of households per ward. The highest percentage of responses is from the **Wales ward** with a **10% response rate**. **Rother Vale** follows with a **9%** response rate and **Hellaby & Holderness** with an **8%** response rate.

# Kerbside Waste - Consultation Analysis Report

Total Responses per Ward including number of properties in the ward area

Ranking	Ward	No of properties in ward area	Total responses received	% of ward response
1	Wales	4826	464	10%
2	Rother Vale	5248	472	9%
3	Hellaby	4832	389	8%
4	Holderness	5282	406	8%
5	Anston and Woodsetts	4637	347	7%
6	Sitwell	4936	362	7%
7	Brinsworth and Catcliffe	5166	377	7%
8	Wath	5800	423	7%
9	Keppel	5042	348	7%
10	Swinton	5110	345	7%
11	Hoober	5578	364	7%
12	Maltby	5223	328	6%
13	Dinnington	5647	334	6%
14	Wickersley	5138	291	6%
15	Silverwood	5427	293	5%
16	Rawmarsh	5538	266	5%
17	Boston Castle	5818	234	4%
18	Rotherham West	5675	211	4%
19	Valley	5230	190	4%
20	Wingfield	5489	169	3%
21	Rotherham East	5642	109	2%
-	NA postcodes	155	45	29%
-	Blank Postcodes	-	230	3%

Table 11

**Table 9:** The table above lists the highest to lowest responses received per ward including the total percentage of responses against number of households per ward.

# Kerbside Waste - Consultation Analysis Report

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## Appendix 1

### Kerbside Collection – Detailed Household size & Assisted collections Analysis

#### Purpose

In 2017/18, Rotherham Metropolitan Borough Council (RMBC) undertook a public consultation on proposed changes to kerbside collection. The purpose of this paper is to evaluate the consultation results in line with the demographics within Rotherham, and will focus on three particular aspects of the findings:

1. The correlation between household size and the fullness of the general waste bin.
2. The response rate from residents with disabilities and those receiving assisted collections.
3. The responses from residents aged 65 and over.

#### Background

When considering proposed changes to statutory services, it is essential to consider the unique needs of Rotherham's residents and communities. The following outlines relevant demographic information, which could impact upon the viability of the proposed changes to kerbside collection:

- According to mid-2016 population estimates, Rotherham has a total population of 261,900 residents. This population is steadily growing, and increased by 13,800 (5.6%) between 2000 and 2015.
- The 2011 Census determined that the population of Rotherham was made up of 108,293 households, with an average household size of 2.36. Projections suggest that the number of households is set to gradually rise, with a 2014 mid-year estimate indicating that this had already risen to approximately 110,000 households.
- The most significant demographic change taking place in Rotherham is the growth in the number of older people. Residents aged 65 and over already make up a significant proportion of the population (50,465 residents according to mid-2016 estimates.) This is projected to increase by an estimated 18% by 2026.
- According to the 2016/17 demographic profile of Rotherham, the number of people in Rotherham with a limiting long-term illness or disability in 2011 was 56,588 (21.9% of the population). This significantly exceeds the national average of 17.6%.

# Kerbside Waste - Consultation Analysis Report

## Analysis

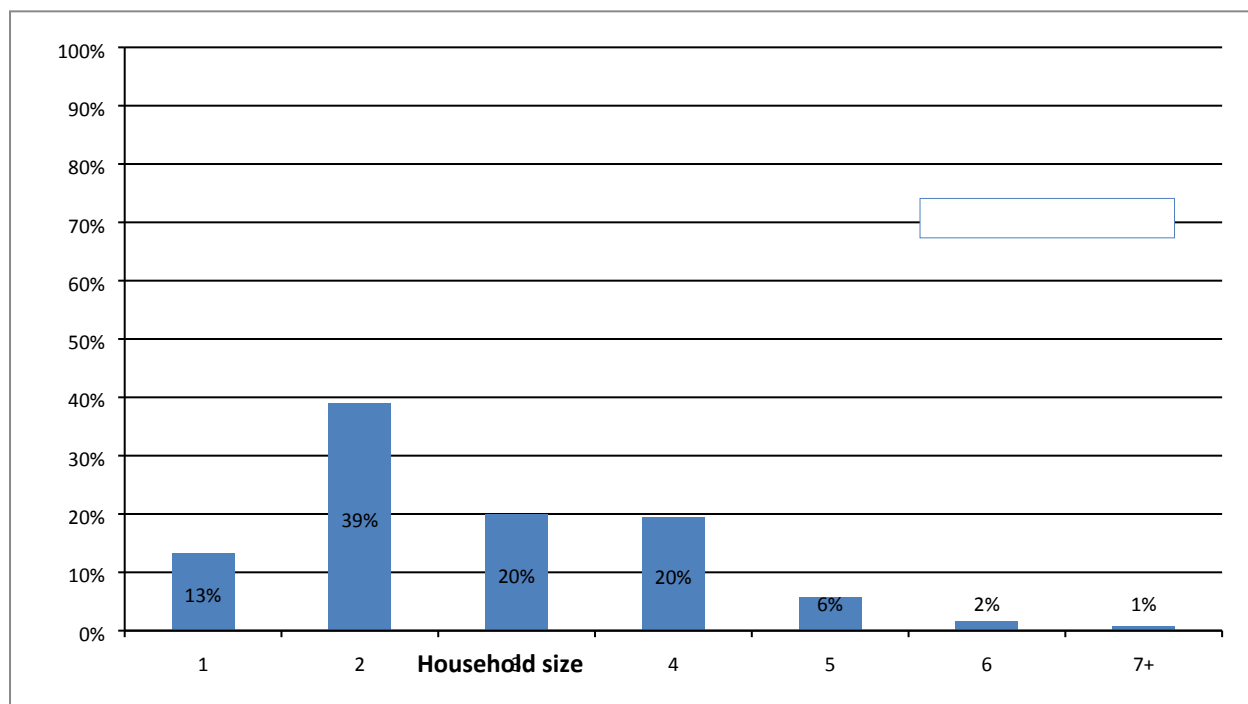
### Household Size

As part of the consultation, residents were asked to confirm the details of their household size. The response rate across different household sizes in Rotherham is detailed in Figure 1 (see below.)

The largest response rate came from households with 2 residents (39%), followed by the response rate from households with either 3 or 4 residents (20% respectively.) This means that 59% of responses came from residents living in households of either 2 or 3 people, and this majority is in line with the average household size in Rotherham (circa 2.36.) The lowest number of responses came from those living in a household of 7 or more or 6 or more, which in combination, made up only 3% of respondents.

Household Size	Percentage of Respondents
1	13%
2	39%
3	20%
4	20%
5	6%
6	2%
7+	1%

**Figure 1a: Percentage of respondents with each household size**



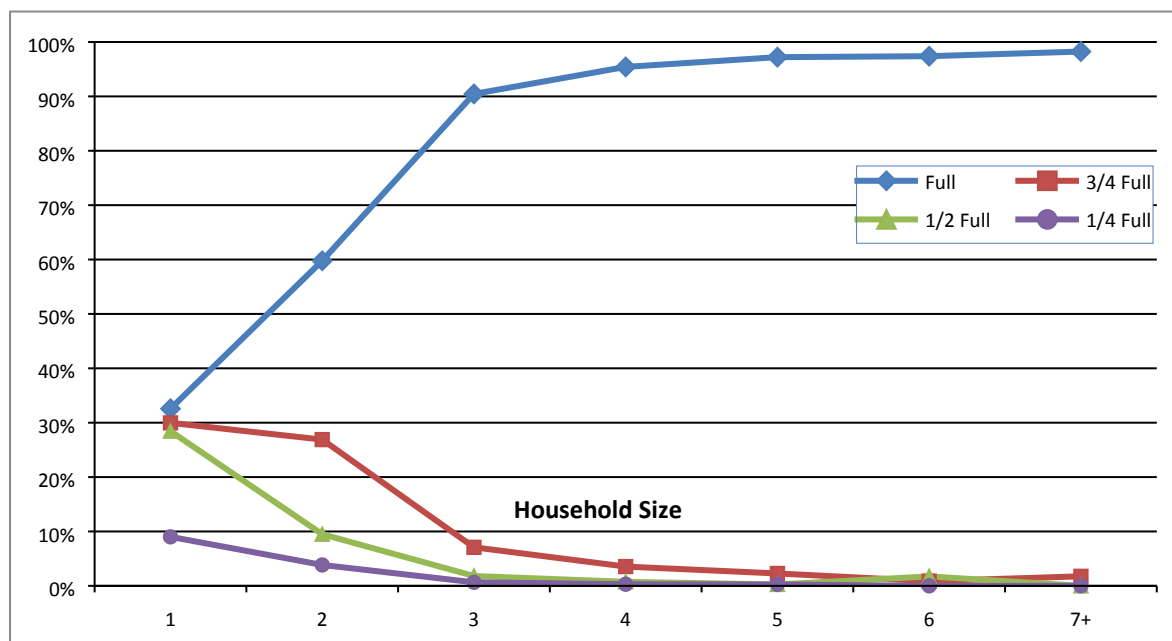
**Figure 1b: Percentage of respondents with each household size**

# Kerbside Waste - Consultation Analysis Report

One of the proposals being considered as part of this project is to reduce the size of the residual waste bin from 240litres to 180litres, which would entail cutting the current capacity by one quarter. To determine the viability of this change, the consultation included a question regarding how full respondents' bins generally are upon collection. The responses to this question are divided into household size in Figures 2a and 2b (see below.)

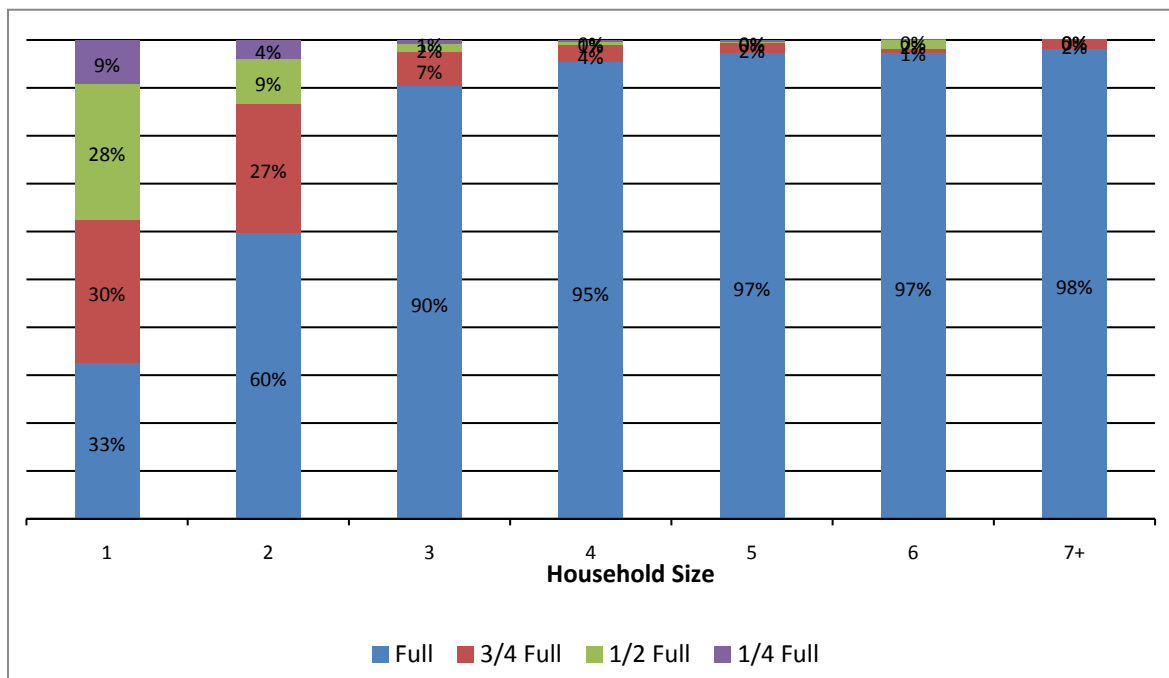
Household Size	Full	3/4 Full	1/2 Full	1/4 Full
1	33%	30%	28%	9%
2	60%	27%	9%	4%
3	90%	7%	2%	1%
4	95%	4%	1%	0%
5	97%	2%	0%	0%
6	97%	1%	2%	0%
7+	98%	2%	0%	0%

**Figure 2a: Correlation between household size and the fullness of the residual waste bin upon collection**



**Figure 2b: Correlation between household size and the fullness of the residual waste bin upon collection**

# Kerbside Waste - Consultation Analysis Report



**Figure 2c: Correlation between household size and the fullness of the residual waste bin upon collection**

Of respondents from single-occupancy households, the responses were relatively varied with 33% selecting that their bin is generally full upon collection, 30% selecting it is three quarters full, and 28% selecting that it is half full. However, of respondents from households of 2, there was significantly less variance, with 60% of respondents reporting that their bin is generally full upon collection and a further significant portion (27%) selecting that their bin is generally three quarters full. This reduction in variance continues to decrease as household size increases, with 90% or more of the respondents who lived in a household of 3+ residents reporting that their bin was full upon collection. This rises to 97% or over of those who live in a household of 5+.

Considering the average household size in Rotherham is circa 2.36, these findings indicate that this proposal could cause significant capacity issues for a large proportion of households. For example, according to these results, if this change was implemented, 87% of households with 2 residents would either have a full bin upon collection or the volume of waste produced would exceed the capacity of their bin. Furthermore, in 90% of households with 3 residents, the volume of waste produced would exceed the capacity of the bin, with this rising to near 100% for larger households. Even for single-occupancy households, 33% would experience capacity issues, and another 30% would have a full bin upon collection according to the findings of the consultation.

Based on these findings therefore, this proposal may cause significant issues for residents, and could have an impact on other Council services (i.e. due to an increase in fly-tipping.)



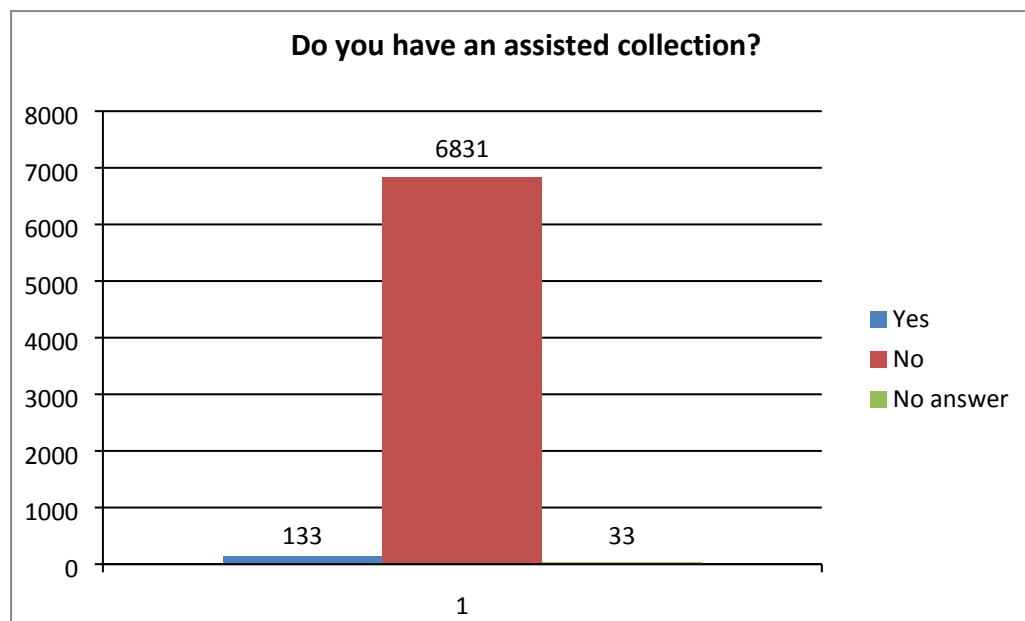
# Kerbside Waste - Consultation Analysis Report

## Response Rate from Residents with Disabilities

A relatively large portion of Rotherham's residents are living with a disability or a limiting long-term illness (21.9% according to the 2016/17 demographic profile of Rotherham) and as the population aged 65 and over continues to grow, this is likely to increase. It was vital for the consultation to measure the response rate from this group, as these residents may be vulnerable to any changes to kerbside collection.

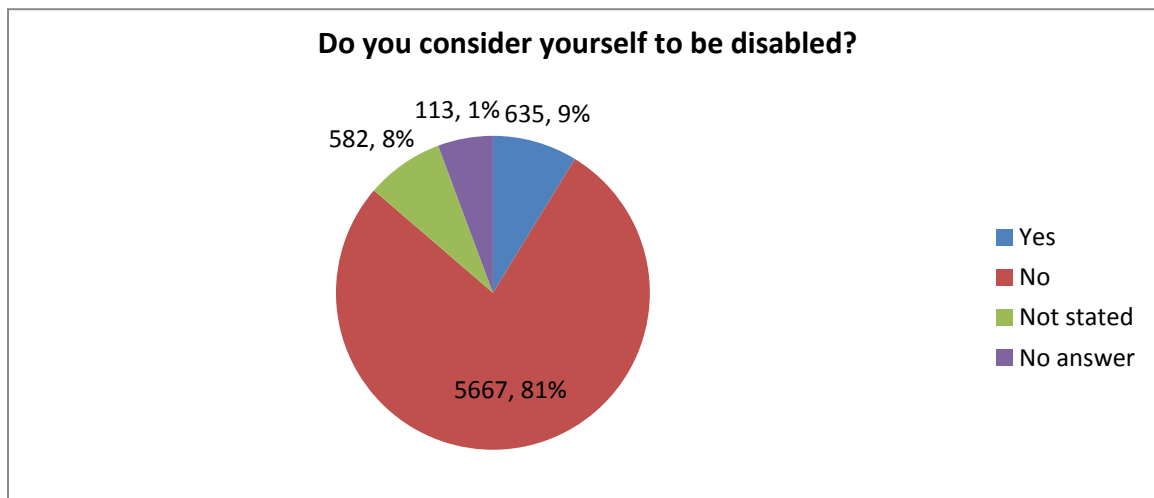
The consultation therefore, included questions which asked residents to confirm whether they had a disability and also whether they currently have an assisted collection. (Based on approximate figures given by the Waste Service, RMBC provides assisted collections to approximately 7000 households who are unable to take their bin, box or bag to the kerbside due to disability or ill health.)

Figures 3 and 4 (see below) show the response rate for both of these questions. It should be noted, that respondents were able to either skip these questions or decline to answer.



**Figure 3: Response rate from residents who receive assisted collections**

# Kerbside Waste - Consultation Analysis Report



**Figure 4: Response rate from disabled residents**

Figure 3 demonstrates that 133 (2%) of respondents selected that they do receive an assisted collection. Of 110,000 households, RMBC currently provides assisted collections to approximately 7000, equating to 6.36% of households. Therefore, the response rate from residents with assisted collections does not align with the proportion of households who receive this service.

Similarly, Figure 4 shows that 635 (9%) of respondents confirmed that they have a disability. This is also not in alignment with the 21.9% of Rotherham's residents who live with a disability or a limiting long-term illness. However, as a significant 9% either selected not stated or skipped the question, it is possible that the responses from disabled residents made up a more significant portion of the overall responses, although this cannot be verified.

These results could suggest that residents with disabilities were not adequately engaged with as part of this consultation.

## Responses from Residents aged 65 and Over

There was no question regarding age included as part of the consultation. As a result, it is not possible to measure the response rate from residents aged 65 and over, nor is it possible to conclude a definitive correlation between certain responses and this age group.

However, there were two free text boxes included as part of the consultation, and many respondents volunteered information about their age in their answers. A keyword search of the comments left in these free text boxes did reveal certain trends, particularly regarding the garden waste charge. Comments included:

- “We are an elderly couple who has a large area of green land. Fortunately for us at the moment, our son cuts the grass on a regular basis but doesn't drive; therefore we appreciate the fortnightly service from the council of collecting the green waste. If this is no longer available, other than our son arranging with a private company to collect our waste, we are not sure what we will do. We

## Kerbside Waste - Consultation Analysis Report

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cannot afford an extra £40 as we are pensioners and are struggling on a weekly basis to make ends meet. Any extra costs would not be appreciated.”

- “Not everyone can afford to pay for the green waste collection particularly if you are on a state pension.”
- “Can you please explain to all elderly Rotherham residents (such as myself) how they will be able to dispose of their garden waste if the current green bin service is stopped.  
The majority of elderly people struggle to pay for winter heating costs, bills, council tax, living costs and other expenses and this is another example of a council forcing us further into poverty.  
Can you also explain why the proposed cost for green bin collections will be 'around' £40 when South Kesteven District Council (SKDC), in Lincolnshire, charges £25 a year for a green bin collection. I would like to know what happens to the recycled waste that is collected by the council.”
- “As elderly people who no longer drive it is imperative that we have green waste collected if a fee is introduced perhaps the over 65s will be exempt.”
- “I am elderly and get easily confused so need the council to be clear in what needs to go in the bins. I don't go out too far don't know how to use or own a computer so council needs to make sure letters are sent to people who don't have access.”

However as the survey did not ask for information about age, it cannot be determined whether these responses are representative of the concerns or opinions of respondents aged 65 and over.

Appendix 2 - Financial Analysis of Options

Full Year Savings Effect					
	Note	Two Stream Recycling		Co-mingled Recycling	
		180 litre bin	240 litre bin	180 litre bin	240 litre bin
		Additional cost/(saving )	Additional cost/(saving )	Additional cost/(saving )	Additional cost/(saving )
		£000	£000	£000	£000
Capital Costs					
Bin Purchase		2,240	2,470	2,240	400
Green Bin Purchase (Borrowing Costs funded by Subscription Charge)		600	600	600	600
Total Capital Costs		2,840	3,070	2,840	1,000
Revenue Costs					
Bins	1	280	310	280	50
Vehicles	2	(470)	(470)	(470)	(470)
Staffing	3	(120)	(120)	(120)	(120)
Additional cost of extending garden waste collection from 7 to 12 months		100	100	100	100
Estimated income from garden waste	4	(840)	(840)	(840)	(840)
Reduced Garden Waste Fees		(280)	(280)	(280)	(280)
Reduced Residual Waste Fees		(220)	(220)	(240)	(240)
Increased Other Gate Fees		310	310	310	310
Kerbside Recycling Gate Fees	5	570	570	1,370	1,370
Waste Transfer Station Operational Costs		150	150	150	150
Waste Transfer Station PB Costs		60	60	60	60
Additional Disposal Costs (240 litre bin)	6		90		90
Recycling income		(210)	(210)	0	0
Additional cost of transport		120	120	210	210
Overall (saving)/cost compared to cost of current service		(550)	(430)	530	390
Annual Budget Savings Requirement (2019/20 onwards)		(1,383)	(1,383)	(1,383)	(1,383)
Additional Earmarked Council Tax Income (1%)		965	965	965	965
Net Budget Savings Requirement		(418)	(418)	(418)	(418)
Overall (saving)/cost compared to Budget Savings Requirement		(132)	(12)	948	808

- Notes
- 1

The revenue costs are based on prudential borrowing for the purchase of new bins. The capital cost of the recommended option is £2.84m, with the cost of the garden bins being covered as part of the subscription charge
- 2

The revenue savings are based on a plan to purchase vehicles outright to replace long term hired vehicles and also to review the lease period for vehicles which are leased. The estimated capital cost of new vehicles is £2.7m and will be funded by prudential borrowing
- 3

This includes a reduction in temporary staff and introduction of a new model of working. This will be subject to consultation.
- 4

The proposed charge for garden waste collection is £39 and the implications above are based on an assumed 25% take up of the service. On commencement of the service the £39 charge will cover a period up to January 2020. This charge has been calculated to ensure that it recovers all council costs and will be reviewed annually as part of setting the Council's Fees and Charges for subsequent years.
- 5

The increase in the cost for the co-mingled options is due to the fact that all recyclates would be collected in one bin, which results in paper and card recyclates having a negative value rather than generating income as they need to be separated before they become a usable commodity, and lowers material quality.
- 6

The increased cost of disposal for two-stream recycling and a gradual move to a smaller residual waste bin includes an estimated £90k for disposal based on an assumption that whilst capacity allows there will be more waste in the general bin. This figure will reduce over a period of years as the new smaller bins are gradually rolled out. The current contract for the recycling of kerbside collected household recyclables/transfer station provision is due to end on 31st July 2018. This contract can be extended on two further occasions by six months at a time and the advice from the Procurement Manager is to extend the current contract by six months and commence a new procurement exercise for the provision of disposal services with the inclusion of plastics in the recycling waste stream. A longer term solution is then required. This could be:
  - Supply of a transfer station facility as part of re-procured disposal contracts
  - Let a specific contract for a transfer station facility
  - Build a council transfer station

**Appendix 4- RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)**

**Under the Equality Act 2010 Protected characteristics** are age, disability, gender, gender identity, race, religion or belief, sexuality, civil partnerships and marriage, pregnancy and maternity. Page 6 of guidance. Other areas to note see guidance appendix 1

<b>Name of policy, service or function. If a policy, list any associated policies:</b>	Waste Options appraisal - Consultation
<b>Name of service and Directorate</b>	Environment and Development Service Waste Management
<b>Lead manager</b>	Damion Wilson – EDS Director
<b>Date of Equality Analysis (EA)</b>	February 2018
<b>Names of those involved in the EA (Should include at least two other people)</b>	Ajman Ali – EDS Interim Assistant Director Martin Raper – Streetscene Manager Paul Hutchinson - Waste Officer Zaidah Ahmed, MBE - Corporate Equalities and Diversity Officer

**Aim/Scope** (who the Policy /Service affects and intended outcomes if known) See page 7 of guidance step 1

Rotherham Council will be affected budget cuts, which in the next two years will see the Council having to find significant savings. Whilst the mandate for savings has instigated a review of the waste collection service, the Council wants to ensure that the waste collections continue to give value for money, strives to increase recycling and improve the service to our residents.

Local Authorities have a statutory duty to collect and dispose of household Waste generated within their district. The Councils waste management services provide kerbside residual waste and recycling collections, Household Waste Recycling Centres (HWRCs), recycling bring banks, and clinical waste collections.

The primary legislation detailing what services local authorities should provide in relation to household waste collection is the Environmental Protection 1990. This is supported by various regulations and in this context the most pertinent are The Controlled Waste Regulations 2012 and the Household Waste Recycling Act 2003. As a metropolitan borough, RMBC is both a waste collection authority and waste disposal authority.

Type of waste	Statutory or discretionary provision	Any powers to levy charges
Household residual waste	Residual waste collections are <b>STATUTORY</b> . Councils can specify the type and size of container used, and frequency of collection.	Only for waste that does not fit into the container specified by the WCA provided the volume provided is "reasonable".
Household recycling	Recycling waste collections is <b>STATUTORY</b> . Councils can specify the type and size of container used, and frequency of collection.	Only for waste that does not fit into the container specified by the WCA provided the volume provided is "reasonable".

#### Appendix 4- RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)

Household garden waste	The provision of a garden waste collection is <b>DISCRETIONARY</b> .	Can levy charges for the collection of garden waste.
Household waste recycling centre provision	The provision of places where resident may deposit their household waste is <b>STATUTORY</b> .	Councils can levy charges for the deposit of non-household waste such as 'DIY' waste (e.g. rubble, soil, plasterboard etc.)
Provision of receptacles for the collection of household waste	The provision of receptacles for the collection of household waste is <b>DISCRETIONARY</b> .	Charges can be levied for the provision of waste collection receptacles.

#### Waste Review

In the spring 2017 members and portfolio holder requested a review of the service. Senior managers approached an external consultancy firm, to review the current waste service and make recommendations for changes to the service to meet the aims of the review.

Various options were considered and these were reviewed and shortlisted with Cabinet to decide which of the options they wished to pursue.

With collecting waste from every household, there is the potential for residents to be affected should change to the service be introduced. The Council will still continue to meet its statutory obligation as set down in waste legislation whilst at the same time ensuring that the new changes to the waste management service does not discriminated against our residents when using the service.

A report was submitted to Cabinet on the 13<sup>th</sup> November requesting approval to consult with residents on the proposed changes (please see below) and this request was granted.

- Paid/charge for green waste collection, with year-round collections
- Introduction of bins for recycling (replacement of the box/bag approach)
- Bin swap – re-using the current bins for future recycling
- Smaller domestic waste bin, with additional capacity for recycling
- Domestic waste and green waste continues on fortnightly collections
- Paper/cardboard and tin/bottle recycling collections reverting to monthly collections
- Extension of collection times (earlier start and finishing times)

These proposals will also ensure parity with what the majority of English councils do, for example, many councils in the UK already charge for a garden waste collection; and Barnsley, Doncaster and Sheffield have both moved to wheeled bin for recycling.

The proposals will see no change to the policies that supply additional bins to large families and residents whose medical needs requires additional waste capacity. The existing arrangements for assisted collection service for all kerbside collected waste will be retained.

The changes will also ensure that the waste service provided is fair for all residents, for instance offering an improved garden waste service which is not subsidised by those who do not use the service. It will only be funded by those that require the service.

## Appendix 4- RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)

### Consultation on the proposed service changes

A consultation with the residents Rotherham ran from Monday 27th November 2017 and close Friday 26th January 2018.

Cabinet agreed to receive a further report outlining the results of the consultation and recommendations of which service changes should go for approval. The report has now been drafted and will be submitted to cabinet on 16<sup>th</sup> April 2018

The key stakeholders affected by these proposed changes are; the public and all residents of Rotherham, council officers, elected Members and the Council's contractors that deliver the services on the council's behalf.

*What equality information is available? Include any engagement undertaken and identify any information gaps you are aware of. What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics? See page 7 of guidance step 2*

Rotherham MBC population 2016

Number of Households	Population	Area Size (km <sup>2</sup> )
Circa 115,000	257,280	286.5

The front line services provided by the Waste Management Departments to residents include:

- Kerbside waste and recycling collection for every household
- Provision of the HWRCs and recycling bring banks
- Clinical waste collections
- Bulky Item collection

The departments is also responsible for communicating information to residents such as collection timetables (e.g. bin calendars), materials accepted at kerbside recycling services, reporting missed bins and how to replace bins, boxes or bags.

Access to the service is available to all households within Rotherham on a face to face basis, or the telephone or online.

The public consultation on the proposed changes and findings has re-shaped the recommendations and set the direction of travel for the service. The consultation itself did not affect any communities of interest or individuals. The additional changes of service resulting from the finding from the consultation are the subject of this EA.

### Engagement undertaken with

The Engagement objectives will align with the service objectives (and ultimately the organisational objectives), and should focus on any or

**Appendix 4- RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)**

<p><i>customers. (date and group(s) consulted and key findings) See page 7 of guidance step 3</i></p>	<p>all of the following areas: raising awareness, changing perceptions and behavioural change.</p> <ul style="list-style-type: none"> <li>• Raise awareness of the proposed changes, ensure key target audiences understand the reasons for proposing service changes and how they can contribute to this process (awareness raising)</li> <li>• Encourage all Rotherham's stakeholders to contribute to the proposals for changes to the policy (behavioural change)</li> <li>• Ensure stakeholders have an understanding of the changes, the impact they will have and any benefits. This will include the benefits to residents undergoing the service changes.</li> </ul>
<p>The consultation was hosted on-line, but paper and verbal submission of the consultations were also accepted. The consultation was promoted and publicised through the following engagement tools.</p> <ul style="list-style-type: none"> <li>• Events/drop-in sessions</li> <li>• Contact Centre and customer facing staff</li> <li>• Pop-up display/office.</li> <li>• Media</li> <li>• Direct mail</li> <li>• Members Seminar</li> <li>• Focus groups</li> <li>• Videos</li> <li>• Social media</li> <li>• Friday Briefing</li> <li>• Intranet</li> <li>• Marketing materials</li> <li>• Online advertising.</li> <li>• Email bulletins</li> <li>• Internal briefings</li> </ul> <p>Officers directly contacted over 40 community groups via e-mail or letter asking for details of the consultation and potential service changes to be disseminated to their members in the appropriate format or media avenue. Extra information or personal visits to discuss the proposals was offered to all of these groups. Engagement took place with groups whose members may have difficulty interacting with the consultation via conventional means, such as disabled, deaf and blind residents, to offer them options better suited to their needs and requirements, to enable them to partake in the consultation.</p> <p>In total there were 9 open events where residents could discuss the consultation and proposed changes. They were able to ask questions and where invited to provide their feedback to the proposals.</p> <p>Events were publicised in: press release, print media, website pages, twitter, Facebook coverage and letters are included in with the 2017/18 waste calendars to all 116,500 properties across the borough.</p> <p>The consultation received 6,998 responses, equating 6.01% of our households</p>	



# Appendix 4- RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)

participating. In addition 718 residents attended our 9 consultation drop in sessions and 1,293 individuals and groups contacting us by letter and e-mail. We also received 180,798 social media hits and comments.

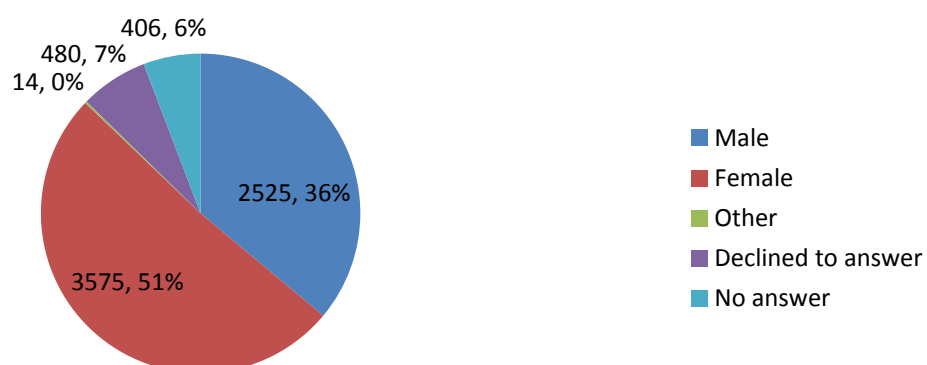
Consideration has been given to the responses and the impact of the proposed changes on the residents of Rotherham. The opinions and thoughts of our residents have been instrumental in helping develop the recommendations.

## Key Findings

As part of the consultation, equality's monitoring questions were included to provided equality information for the strategy.

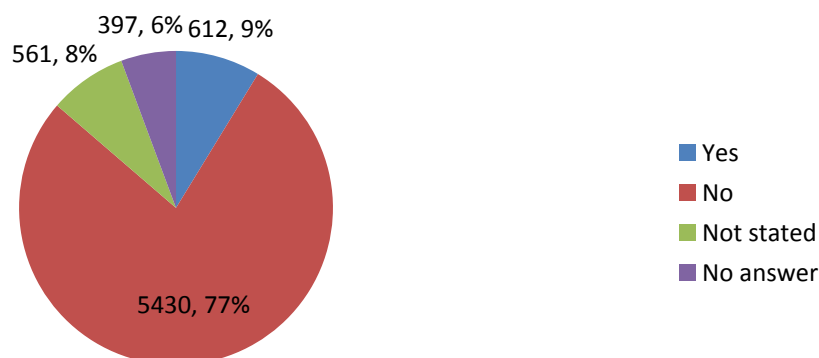
Ethnic Origin	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Total Overall	%
British	1921	1951	543	411	208	348	292	229	441	6115	87%
Irish	9	12	6	0	0	0	3	0	441	471	7%
Any other white background	18	31	12	6	2	5	2	1	441	517	7%
White and Black Caribbean	3	4	3	0	0	0	0	0	441	451	6%
White and Black African	1	4	1	0	1	1	0	0	441	449	6%
White and Asian	2	9	1	1	1	0	1	2	441	456	7%
Any other mixed background	3	6	2	1	0	0	1	0	441	454	6%
Indian	4	4	2	0	0	1	0	0	441	452	6%
Pakistani	4	12	1	1	1	2	1	0	441	463	7%
Bangladeshi	2	4	1	0	0	0	0	0	441	448	6%
Any other Asian background	4	3	1	0	0	0	0	0	441	449	6%
Caribbean	1	4	1	0	0	1	0	0	441	448	6%
African	2	4	1	0	0	0	0	0	441	448	6%
Any other Black background	2	3	1	1	0	0	1	0	441	449	6%
Chinese	2	4	1	1	0	0	0	0	441	449	6%
Any other ethnic group	2	8	2	0	1	0	1	0	441	455	7%
Not stated	151	165	52	25	15	35	14	17	441	898	13%
No answer	28	34	9	1	2	8	5	5	441	528	8%

What gender do you identify as?



# Appendix 4- RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)

**Do you consider yourself to be disabled?**



The data from the consultation will be quantitatively and thematically analysed to highlight specific opinions, issues and options that resident's desire.

The following keywords/phrases have been highlighted as the key themes throughout the consultation period and they include the total number of comments received on this key theme.

- Plastic –6088
- Fly tipping - 1334
- Smaller bin - 1785
- Garden waste - 2619
- Reducing bin - 2268
- Charge - 1525
- Council Tax - 1177
- Storage - 367

Full information about the consultation, methodology and its results and outcomes is to be published on the Councils website.

**Engagement undertaken with staff about the implications on service users (date and group(s) consulted and key findings)** See page 7 of guidance step 3

Engagement has been undertaken with staff, management and Councillors about the implications on service users in regards to the public consultation and potential subsequent service changes.

Collaborative work between all parties have shortlisted the options to be proposed and were selected in line with the council's corporate plan, budget saving requirements and waste management strategies.

Changes adopted after the consultation results have been analysed will be subject to approval through the Councils governance arrangements.

**Appendix 4- RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)**

**The Analysis**

*How do you think the Policy/Service meets the needs of different communities and groups? Protected characteristics of age, disability, gender, gender identity, race, religion or belief, sexuality, Civil Partnerships and Marriage, Pregnancy and Maternity. Rotherham also includes Carers as a specific group. Other areas to note are Financial Inclusion, Fuel Poverty, and other social economic factors. This list is not exhaustive - see guidance appendix 1 and page 8 of guidance step 4.*

The public consultation on the proposed changes and findings has re-shaped the recommendations and set the direction of travel for the service. The consultation itself did not affect any communities of interest or individuals. The additional changes of service resulting from the finding from the consultation are the subject of this EA.

The recommendations for change after the consultation are.

1. The cessation of the free garden waste collection service with effect from 26<sup>th</sup> October 2018 and replace with an optional chargeable garden waste collection service from 29<sup>th</sup> October 2018;
2. The operating policies in paragraph 6.2 and 6.12 of this report;
3. That the fee for the garden waste collection service be set at £39 per annum from 29<sup>th</sup> October 2018 for an initial period of 15 months;
4. The introduction of a two-stream recycling service that includes the collection of plastic materials at the kerbside from early 2019 (procurement timelines permitting);
5. That new 180 litre residual bins are provided to all households in time for the launch of the two-stream recycling service to enable the existing 240 litre residual bins to be used for recycling plastic, tin cans and glass;
6. That the capital costs of the vehicles and bins are estimated at £5.54m and need to be included in the Council's capital programme;
7. That the Assistant Director of Community Safety and Street Scene is delegated to make all necessary arrangements for the smooth introduction of the new waste collection service, including the purchase of bins, refuse vehicles and that these costs be included in the Council's Capital Programme.
8. That a comprehensive Communications Plan is developed to sit alongside the Implementation Plan and that approving this plan is delegated to the Assistant Director for Community Safety and Street Scene in conjunction with the Cabinet Member for Waste, Roads and Community Safety.

The changes introduced should have a positive impact on all communities within the borough in increasing recycling and providing an enhanced service, but will not discriminate positively or negatively on any areas, communities or individuals.

**Appendix 4- RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)**

Policies will be reviewed and introduced where possible to lower the impact of the changes to families or residents with specific needs, or issues over the changes to the service

- Additional capacity needs large family or medical)
- Difficulties with mobility or ability to present their bins kerbside
- Storage need
- Assessments of individual requirements where appropriate

***Analysis of the actual or likely effect of the Policy or Service:***

*See page 8 of guidance step 4 and 5*

***Does your Policy/Service present any problems or barriers to communities or Group? Identify by protected characteristics Does the Service/Policy provide any improvements/remove barriers? Identify by protected characteristics***

The overarching aim and priorities of the waste options appraisal will not present any problems or barriers to communities or groups. The waste service is available to all residents.

***What affect will the Policy/Service have on community relations? Identify by protected characteristics***

There should be no direct impact on community relations once changes to the service have been agreed. All areas of Rotherham will receive the same service and no community will be discriminated against. There may be impact on ability for people to pay for a chargeable service but this service will be an opt in service and only payable by those who want it. However a dependable reliable service will increase customer satisfaction.

Please list any **actions and targets** by Protected Characteristic that need to be taken as a consequence of this assessment and ensure that they are added into your service plan.

**Website Key Findings Summary:** To meet legislative requirements a summary of the Equality Analysis needs to be completed and published.

**Appendix 4- RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)**

**Equality Analysis Action Plan** - See page 9 of guidance step 6 and 7

**Time Period .....**

Manager:..... Service Area:..... Tel:.....

**Title of Equality Analysis:**

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic.

List all the Actions and Equality Targets identified

<b>Action/Target</b>		<b>State Protected Characteristics (A,D,RE,RoB,G,GI O, SO, PM,CPM, C or All)*</b>	<b>Target date (MM/YY)</b>
The report includes details of the policies that will ensure vulnerable groups needs are met including provision being made for those who are on low income to facilitate take up of the subscription based garden waste collection service.		<b>D, RE, O</b>	<b>April 2108</b>
<b>Name Of Director who approved Plan</b>		<b>Date</b>	

**\*A = Age, C= Carers D= Disability, G = Gender, GI Gender Identity, O= other groups, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage.**

**Appendix 4- RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)**

**Website Summary – Please complete for publishing on our website and append to any reports to Elected Members, SLT or Directorate Management Teams**

<b>Completed equality analysis</b>	<b>Key findings</b>	<b>Future actions</b>
<p>Directorate: Regeneration and Environment</p> <p>Function, policy or proposal name: Waste management</p> <p>Function or policy status: New</p> <p>Name of lead officer completing the assessment:  Paul Hutchinson</p> <p>Date of assessment: 09/02/2018</p>	<p>The consultation itself will not directly affect or be affected by the characteristics of any communities or individuals.</p> <p>Any changes of service resulting from the finding from the consultation will be subject to their own EA</p>	<p>After the consultation has been completed any service changes that are adopted to be introduced will be subject to their own individual EA's</p>

## **Summary**

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

Council – 23 May 2018

### **Report Title**

Membership of Political Groups on the Council, Political Balance and Entitlement to Seats

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

Not applicable

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

Shokat Lal, Assistant Chief Executive

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

All

## **Executive Summary**

Section 15 of the Local Government and Housing Act 1989 places on local authorities the duty to allocate seats to political groups and set out the principles to be followed when determining such allocation following formal notification of the establishment of political groups in operation on the council.

There is a requirement to annually review the entitlement of the political groups to seats on the committees of the council.

The allocation of seats must follow two principles:

- (a) Balance must be achieved across the total number of available seats on committees; and
- (b) Balance must be achieved on each individual committee or body where seats are available

There are presently two political groups in operation on the council – the Labour Group and the UK Independence Party Group – with two non-aligned councillors (members who are not in a political group).

There are 169 seats available on committees, boards and panels and under the calculation the Labour Group is entitled to 129 seats and the UK Independence Group is entitled to 35. This leaves five seats which cannot be given to members of the political groups and should be allocated to the two non-aligned councillors.

**Recommendations:**

1. That the operation of two political groups on the Council and the detail of their designated Leaders be noted:
  - (a) Labour Group – Councillor Chris Read (Leader of the Council)
  - (b) UK Independence Party Group – Councillor Allen Cowles (Leader of the Majority Opposition Group)
2. That the entitlement of the membership of the political groups be agreed and such entitlements be reflected in Council's appointments of members to committees.
3. That approval be given to the appointment of Members to committees, boards and panels, and the appointment of Chairs and Vice-Chairs, as set out on the schedule to be tabled at the meeting.

**Background Papers**

The Council's Constitution

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

No

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No



## Membership of Political Groups on the Council, Political Balance and Entitlement to Seats

### 1. Background

- 1.1 Section 15 of the Local Government and Housing Act 1989 places on local authorities the duty to allocate seats to political groups and sets out the principles to be followed when determining such allocation. The main principles, which must be satisfied sequentially, include:
- (a) That the number of seats on ordinary Committees/Bodies ... which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary Committees of that Authority, as is borne by the Members of that group to the membership of the Authority (i.e. the allocation of the **total** number of seats available must mirror the political composition of the council).
  - (b) That the number of seats on the Body (Committee, etc.), which are allocated to each political group, bears the same proportion to the number of all the seats on that Body as is borne by the number of Members of that group to the membership of the Authority (i.e. the allocation of seats on **individual** committees must mirror the political composition of the council).
- 1.2 Local authorities are able to depart from the statutory provisions where there is unanimous agreement to do so.
- 1.3 Those members not in a political group are entitled to a due share of seats, although the council will decide how to allocate seats to non-aligned councillors.
- 1.4 In line with the provisions of the council's Constitution, appointments will be made to committees of the council at this annual meeting. This report confirms the entitlement to seats on committees.

### 2. Political Groups

- 2.1 The Proper Officer has received formal notification, under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, of the establishment of two political groups in operation on the council, namely:

Name of Group	Designated Leader & Deputy Leader (number of Members)
Labour	Leader – Councillor Chris Read Deputy Leader – Councillor Gordon Watson (48 Members)
UK Independence Party	Leader – Councillor Allen Cowles Deputy Leader – Councillor Peter Short (13 Members)

- 2.2 Whilst Councillor Adam Carter is affiliated to the Liberal Democrats and Councillor Clive Jepson is unaffiliated to a political party, neither Member belongs to a political group. For the purpose of this report, Councillors Carter and Jepson are regarded as non-aligned councillors.

### 3. Allocation of Seats

- 3.1 The allocation process must be applied 'so far as is reasonably practicable' to achieve a balanced outcome. The allocation of the 169 seats to the two political groups is determined by the following formula:

$$\frac{\text{Number of Members of Political Group}}{\text{Total Number of Members of Council}} \times \text{Number of Seats to be allocated}$$

For the 169 seats available in applying principle (a) in paragraph 1.1, this gives:

Political Group	Seat Entitlement
Labour	129
UK Independence Party	35
Non-aligned	5
<b>TOTAL</b>	<b>169</b>

- 3.2 Application of principle (b) in paragraph 1.1 of this report, relating to the number of seats on individual committees, gives the following:

	Seats Available	Labour	UK Independence Party	Non-aligned
<b>Regulatory Committees/Boards</b>				
Audit Committee	5	4	1	0
Licensing Board	21	16	4	1
Licensing Committee	15	11	3	0*
Planning Board	15	11	3	0*
Standards Board	8	6	2	0
<b>Overview and Scrutiny</b>				
Overview & Scrutiny Management Board	12	9	3	0
Health Select Commission	18	14	4*	1
Improving Lives Select Commission	18	14	4*	1
Improving Places Select Commission	18	14	4*	1
			15	3

	<b>Seats Available</b>	<b>Labour</b>	<b>UK Independence Party</b>	<b>Non-aligned</b>
<b>Other Bodies</b>				
Appeal and Grievance Panel	Pool of 8	6	2	0
Appointments Panel	4	3	1	0
Corporate Parenting Group	5	4	1	0
Early Release Panel	4	3	1	0
Introductory Tenancy Review Panel	4	3	1	0
Joint Consultative Committee	5	4	1	0
Negotiating Panel	4	3	1	0
Staffing Committee	5	4	1	0
			9	
<b>TOTAL</b>		<b>129</b>	<b>37</b>	<b>4</b>

3.3.1 This calculation does not reflect the entitlement to seats from the calculation under principle (a). Numbers followed by an asterisk identify where Council will need to determine the allocation of seats on individual committees.

3.3.2 Under the application of principle (b) the UK Independence Group has an entitlement of 37 seats, which is two more than the 35 seats under principle (a). The difference in the number of seats falls under the entitlement to seats on Overview and Scrutiny Committees, which will need to reduce by two to achieve balance.

3.3.3 Under the application of principle (b) the non-aligned councillors have an entitlement of 4 seats, which is one less than the 5 seats under principle (a). It is recommended therefore, that the non-aligned councillors be given a seat on the Licensing Committee, which draws its membership from the Licensing Board, where the non-aligned councillors have an existing entitlement to a seat.

3.3.4 As the non-aligned councillors are not a group under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, there is no requirement to appoint those members to those seats. The Council has the discretion to appoint the non-aligned councillors to none, some or all of the five seats available. The Council may not appoint members of other political groups to fill those seats.

3.4 In the table in paragraph 3.2 above, the committees and panels listed have locally agreed provisions in respect of their membership which were determined by the Council at its annual meeting in May 2017. For ease of reference, these are set out below:

Panel	Description of Role and Function
<b>Appeal Panel</b>	Appeal Panels shall comprise three members of the Council selected from a pool of eight members (two of whom shall be Cabinet members, and four of whom shall be Scrutiny Panel members and two of whom shall be members of the opposition party), who have received appropriate training on employment related issues.
<b>Appointments Panel</b>	The Panel shall comprise the Leader and Deputy Leader, the relevant Cabinet member and a representative from the scrutiny panels nominated by the chairman of the Overview and Scrutiny Management Board, and the Leader of the Majority Opposition party
<b>Corporate Parenting Group</b>	The Panel, in addition to the Members appointed by the Council, shall comprise of two representatives of the Adoption Panel and one representative of the Fostering Panel.
<b>Early Release Panel</b>	The Panel shall comprise the Leader, Deputy Leader and the relevant Cabinet Member from the employing area, and the Leader of the Majority Opposition party.
<b>Introductory Tenancy Review Panel</b>	The Panel shall comprise of at least three elected members from the Improving Lives Scrutiny Commission or Improving Places Scrutiny Commission and a housing policy advisor.
<b>Joint Consultative Committee</b>	The Committee shall comprise of the Deputy Leader, three Cabinet Members and one member of an opposition group.
<b>Negotiating Panel</b>	The Panel shall comprise of the Leader, Deputy Leader, relevant Cabinet Member and one member of an opposition group.
<b>Staffing Committee</b>	The Committee shall comprise of the Leader, Deputy Leader, Leader of the Opposition Group and the relevant Cabinet Member.

- 3.5 Political Groups are invited to submit their nominations to the Democratic Services Manager in order for Council to consider a schedule of nominations and confirm appointments to committees, board and panels at its meeting on 23 May 2018.

#### 4. Appointment of Chairs and Vice-Chairs – Overview & Scrutiny

- 4.1 At the annual meeting of the Council in 2016, the recommendations of the Governance Working Group were approved which introduced a provision for the Vice-Chair of the Overview and Scrutiny Management Board to be a member of the main opposition party and for the allocation of the positions of Chair and Vice-Chair on the Select Commissions according to the political balance of the council.
- 4.2 Applying the principles of political balance to the positions available on the council's Overview and Scrutiny bodies, the entitlement is set out in the table below:

	<b>Chairs</b>	<b>Vice-Chairs</b>
<b>Labour</b>	4	2
<b>UK Independence Party</b>	0	1 (inc. Overview and Scrutiny Management Board)
<b>TOTAL</b>	4	4

- 4.3 It is a matter for the political groups to nominate Members as Chairs and Vice-Chairs of the Overview and Scrutiny bodies, however the appointments must be made by the individual committees.
- 4.4 There is no provision in law or within the Constitution for the other bodies of the council to appoint Chairs or Vice-Chairs according to the authority's political make up.
- 4.5 Political Groups are invited to submit their nominations for the positions, detailed in paragraphs 4.2 ahead of this meeting on 23 May 2018.

#### 5. Appointments to Joint Bodies

- 5.1 The council also appoints to a number of joint authorities, which are required to reflect political balance:

<b>Joint Committee</b>	<b>Seats</b>
Sheffield City Region - Combined Authority	1 and 1 substitute
Sheffield City Region - Combined Authority Audit Committee	2
Sheffield City Region - Combined Authority Scrutiny Committee	2
South Yorkshire Fire and Rescue Authority	2
South Yorkshire Pensions Authority	2
South Yorkshire Police and Crime Panel	2

- 5.2 The entitlement to seats for these bodies is calculated according to political balance across the four South Yorkshire local authorities. Nominations will be required from the two political groups in operation on the Council in respect of the seats available. The political balance across South Yorkshire has changed following by-elections during the 2017-18 municipal year and local elections held in Barnsley and Sheffield on 3 May 2018.
- 5.3 The entitlement in respect of the political groups in operation in Rotherham is set out below:

Joint Committee	Membership	Entitlement
Sheffield City Region - Combined Authority	1 Member plus 1 substitute	Leader of the Council (Deputy Leader of the Council – substitute member)
Sheffield City Region - Combined Authority Audit Committee	3	Labour = 2 seats UK Independence Party = 1 seat
Sheffield City Region - Combined Authority Scrutiny Committee	2	Labour = 2 seats UK Independence Party = 1 seat
Sheffield City Region - Combined Authority Transport Committee	2	Labour = 2 seats
South Yorkshire Fire and Rescue Authority	2	Labour = 2 seats
South Yorkshire Pensions Authority	2	Labour = 2 seats
South Yorkshire Police and Crime Panel	2	Labour = 1 seat UK Independence Party = 1 seat

## 6. Other Bodies

- 6.1 The authority to appoint councillors to serve on external organisations and partnerships (outside bodies) is a matter for Cabinet and a report will be submitted to the June Cabinet meeting recommending appointments.
- 6.2 The bodies listed in the table below require the appointment of Members according to local conventions (those appointments required by Select Commissions will be made at those commissions' first meeting of the new municipal year). There is no requirement for political balance to be applied in respect of appointment to these bodies.

<b>Body</b>	<b>Membership requirement</b>
Adoption Panel	Two Members of the Council
Complaints Panel	Three non-Executive councillors
Education Consultative Committee	Cabinet Member Representative of Improving Lives Select Commission
Education School Transport Appeals	Panel of six non-Executive Members from a pool
Emergency Planning Shared Service Joint Committee	Cabinet Member – Jobs & the Local Economy Cabinet Member – Corporate Services and Finance
Fostering Panel	Two Members of the Council
Health, Welfare and Safety Panel	To be appointed by the Cabinet Member for Corporate Services and Finance
Local Admissions Forum	Deputy Leader of the Council, along with two councillors appointed within the 'Community Representative' category of the Forum's membership
Parish Councils – Liaison Meetings	Cabinet Member with responsibility for Cleaner, Greener Communities Other Cabinet Members depending on matters being discussed
Rotherham Schools Forum	Deputy Leader of the Council and one other Member
Standing Advisory Committee for Religious Education (SACRE)	Deputy Leader of the Council and two other Members
Transport Liaison Group	To comprise of : (a) the Leader and Deputy Leader of the Council, (b) the two representatives appointed to the Sheffield City Region Transport Committee (c) one representative of each electoral ward (d) two representatives of the parish councils in the authority area

- 6.3 Political Groups are invited to submit their nominations for the bodies set out in the table at paragraph 6.2 to the Democratic Services Manager by 23 May 2018.

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

- 7.1 The law and the authority's Constitution provide for the appointment of members to serve on committees and other bodies as a power reserved to the Council.
- 7.2 The council may determine not to appoint to the committees at this meeting, however this will delay the conduct of the authority's business until the next available council meeting. This option is not recommended.

## **8. Consultation**

- 8.1 Political groups have been advised of the requirement for political balance and have been requested to provide nominations to the Democratic Services Manager for the available seats ahead of this meeting.

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

- 9.1 There is a requirement for the Council to make appointments to committees, boards and panels at its meeting on 23 May 2018.

## **10. Financial and Procurement Implications**

- 10.1 None directly arising from this report

## **11. Legal Implications**

- 11.1 The legislative requirements are set out at paragraph 1.1 above.

## **12. Human Resources Implications**

- 12.1 There are no human resources implications arising from this report.

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

- 13.1 The appointment of members to serve on committees and other bodies of the council will indirectly impact on children and young people and vulnerable adults through the activities and decisions of those bodies. There are no apparent direct implications at the time of writing this report.

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

- 14.1 There are no equalities implications arising from the report. Political groups are required to have regard to the provisions of the Equality Act 2010 when nominating Member appointments to committees and other offices.

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

- 15.1 The appointment of councillors to serve on external bodies and partnerships is designed to have a positive impact on the council's relationship with those organisations and enhance the relationship through the presence of accountable and elected representatives.



**16. Risks and Mitigation**

- 16.1 By having regard to the detail of the report above in respect of meeting statutory requirements, any risk implications will have been mitigated. Consequently there are no risks to be borne in mind in respect of the recommendations.

**17. Accountable Officer(s)**

James McLaughlin, Democratic Services Manager

Approvals obtained on behalf of:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services		
Assistant Director of Legal Services		
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=>

**Committee Name and Date of Committee Meeting**

Council – 23 May 2018

**Report Title**

Proposed Amendments to the Constitution

**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**

Borough-Wide

**Report Summary**

This report is submitted to recommend the approval of amendments to various parts of the Council's Constitution following the external review of Executive Procedure Rules, Overview and Scrutiny Procedure Rules and Access to Information Procedure Rules undertaken by the Association of Democratic Services Officers (ADSO). The report also proposes a minor amendment to the Council Procedure Rules to clarify and ensure consistency in respect of provisions for invoking a right of reply for proposers of amendments to motions.

The proposals within this report have been reviewed and are supported by the Constitution Working Group, a cross party body of Members. The Council is recommended to approve the amendments to the Constitution, which would take immediate effect.

**Recommendations**

1. That the proposed amendments to the Executive Procedure Rules, Overview and Scrutiny Procedure Rules and Access to Information Procedure Rules be approved.
2. That Council Procedure Rule 18(30) be amended to read: "Once an amendment has been determined, the proposer of the amendment does not have the right of reply at the conclusion of the debate on the original or substantive motion."

3. That authority be delegated to the Assistant Director of Legal Services to make any consequential amendments to the Constitution arising from the changes agreed by Council.

**List of Appendices Included**

Appendix 1 Proposed Executive Procedure Rules  
Appendix 2 Proposed Overview and Scrutiny Procedure Rules  
Appendix 3 Proposed Access to Information Procedure Rules

**Background Papers**

The Council's Constitution  
Recommendations from the Association of Democratic Services Officers

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

No

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

## **Proposed Amendments to the Constitution**

### **1. Background**

1.1 The Council has sought to strengthen its governance arrangements as part of Rotherham's improvement journey and has reviewed various aspects of its Constitution in the past two years. Commencing with the implementation of the recommendations of the Governance Review Working Party in May 2016, the Council has made the changes in respect of:-

- definitions of a Key Decision
- delegated decision making by officers
- financial regulations and contract standing orders

1.2 One of the recommendations from the Governance Review Working Group was that an external review of the Constitution should be undertaken. The Council commissioned the Association of Democratic Services Officers (ADSO), the national professional body for local authority governance and democratic services, to undertake a review of the following areas of the Constitution:-

- Executive Procedure Rules
- Overview and Scrutiny Procedure Rules
- Access to Information Rules
- Standing Orders
- Scheme of Delegation

1.3 ADSO's recommendations in respect of Standing Orders were accepted by the Council in September 2017 when that part of the Constitution was amended and renamed as Council Procedure Rules. This report is concerned with amendments proposed to the Executive Procedure Rules, Overview and Scrutiny Procedure Rules and Access to Information Procedure Rules. A further report will be submitted to the Council meeting in June 2017 concerning proposed amendments to the Scheme of Delegation.

1.4 This report also proposes a minor amendment to the Council's Procedure Rule with the intention of clarifying wording which had been highlighted as unclear previously.

### **2. Key Issues**

#### ***Executive Procedure Rules***

2.1 The Executive Procedure Rules govern the conduct of decision making in respect of executive functions (those functions not reserved to the Council or its committees). Along with the Scheme of Delegation, it provides a framework for Member level and delegated officer decision making and sets out how notice of decision making will be given and how such decisions will be taken. In reviewing the Executive Procedure Rules, ADSO considered that there was no requirement to fundamentally alter the existing provisions, but rather that certain parts of the rules could be clarified to improve understanding of their application.

- 2.2 The Constitution Working Group reviewed the recommended amendments from ADSO and recommended their own minor changes to improve the use of wording to enhance the meaning of the rules and their application. Amongst the recommendations made was to ensure that the rules were consistent with the practice of the Forward Plan of Key Decisions covering a rolling three month period (the current rules state two months). Members were also keen to ensure that the rules reflected increased online access to decision making following technological advancements that had been made since the rules were originally drafted.
- 2.3 Schedule 1 of the Executive Procedure Rules has been updated to reflect the changes to Cabinet Portfolios announced by the Leader of the Council on 3 May 2018. Whilst these changes do not require the approval of the Council, these are included with the amended document presented for approval.

### ***Overview and Scrutiny Procedure Rules***

- 2.4 The Overview and Scrutiny Procedure Rules govern the way in which the non-executive Members of the Council undertake the scrutiny function. These rules were updated following the Governance Review in 2016 to provide for the introduction of pre-decision scrutiny within the overall decision making process, but had not been subject to fundamental review for some time. ADSO made a number of recommendations in respect of these rules to remove reference to the relationship with the executive decision making powers of Commissioners. This recommendation was made in the context of the return of all powers, other than children's social care, to local democratic control and the need to ensure that the Constitution was future proofed for the end of government intervention. In addition to this, ADSO recommended that the process for a Member to request the inclusion of an item of business on an agenda be simplified.
- 2.5 The Constitution Working Group supported ADSO's recommendations and made a further recommendation to enshrine the practice of Overview and Scrutiny review reports being submitted to Council and the Cabinet's response to those reports also being submitted to the Council meeting to ensure that all Members had oversight of the value of scrutiny and its impact on the decision making process. Neither ADSO or the Constitution Working Group made any recommendations to alter the terms of reference for the Overview and Scrutiny Management Board or the Select Commissions beyond consequential changes.

### ***Access to Information Procedure Rules***

- 2.6 The Access to Information Procedure Rules govern the rights of Members, the press and public to agendas, reports, minutes and other documents associated with decision making by the Council. ADSO considered that these rules did not require significant amendment and were consistent with examples of good practice at other local authorities.
- 2.7 As with the Executive Procedure Rules, the Constitution Working Group reflected on the availability of agendas, minutes and reports on the Council's website and considered that there was no longer a need to reference the opportunity to purchase printed copies of these documents from the authority.

### ***Council Procedure Rules***

2.8 One of the main changes made to the Council Procedure Rules in September 2017 was to introduce a right of reply for proposers of amendments to motions before the Council. This change was made to Council Procedure Rule (CPR) 18(17) in accordance with Council's decision.

2.9 CPR 18(30) states that "Following the debate on an amendment to a motion, the proposer of the amendment to the motion does not have the right of reply.", which appears to contradict the provision at CPR 18(17). ADSO have advised that the intention of CPR 18(30) was to be applied to the substantive motion, not to the debate on an amendment. Having agreed that the wording would benefit from clarification, it is proposed that CPR 18(30) be amended to read:

"Once an amendment has been determined, the proposer of the amendment does not have the right of reply at the conclusion of the debate on the original or substantive motion."

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

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

### **4. Consultation on proposal**

4.1 The Constitution Working Group has been consulted in the development of the proposals submitted to Council for approval.

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

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

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

### **6. Financial and Procurement Advice and Implications**

6.1 The proposed amendments to the Executive, Overview & Scrutiny and Access to Information Rules accord with the changes made to the Financial and Procurement Procedure Rules made in 2017.

6.2 There are no further financial or procurement implications arising from the proposed changes to the Constitution.

## **7. Legal Advice and Implications**

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

## **8. Human Resources Advice and Implications**

- 8.1 There are no human resources implications associated with this report.

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

- 9.1 There are no implications for children and young people or vulnerable adults associated with this report.

## **10. Equalities and Human Rights Advice and Implications**

- 10.1 ADSO were asked to consider equalities implications as part of the review of the Constitution and have not identified any negative impacts. In reviewing ADSO's recommendations, the Constitution Working Group had regard to equalities requirements and did not identify issues within the proposals recommended as part of this report. Consequently, there are no equalities or human rights implications arising from the proposals within the report.

## **11. Implications for Partners**

- 11.1 There are no implications for partners arising from the proposed amendments to the Constitution.

## **12. Risks and Mitigation**

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

<b>Risk</b>	<b>Mitigation</b>
Members may be unaware of the new procedure rules	<p>Clear communication of the changes is needed</p> <p>Make them available online</p> <p>Consider a training programme to explain the effect of the changes</p>

New rules may be unclear or have ambiguities	<p>Monitor the application of the new rules</p> <p>The Monitoring Officer to provide advice and guidance where required</p> <p>Review and revise where required after one year of operation</p>
New rules may have gaps	The Monitoring Officer to issue guidance on an interim basis until the next review addresses the gaps permanently.
External changes (e.g. new legislation)	The Monitoring Officer will ensure that a report is brought forward to propose any necessary changes at the earliest opportunity.

**13. Accountable Officer(s)**

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

Approvals obtained on behalf of:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive		Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Choose an item.	Click here to enter a date.
Assistant Director of Legal Services (Monitoring Officer)	Choose an item.	Click here to enter a date.
Head of Procurement (if appropriate)	Not applicable	
Head of Human Resources (if appropriate)	Not applicable	

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

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<https://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>



## **ROTHERHAM BOROUGH COUNCIL**

### **EXECUTIVE PROCEDURE RULES**

#### **PART I THE OPERATION OF THE EXECUTIVE, ETC.**

- 1 [The operation of the executive](#)
- 2 [The scheme of delegation for Members and Officers](#)
- 3 [Conflicts of interest](#)

#### **PART II EXECUTIVE MEETINGS AND RECORDS OF EXECUTIVE DECISIONS**

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#### **PART III THE FORWARD PLAN OF KEY DECISIONS**

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Schedule 1 [Cabinet Member Portfolios](#)

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## **PART I THE OPERATION OF THE EXECUTIVE, ETC.**

### **1 The operation of the executive**

#### *Who may make executive decisions?*

- (1) The arrangements for the discharge of executive functions are set out in Article 7 of the constitution, these Executive Procedure Rules and the Scheme of Delegation for Members and Officers, [as approved by Council](#).
- (2) The Leader of the Council may decide how executive functions that are not set out in the above executive arrangements are to be exercised.
- (3) The Leader may discharge any executive function and shall approve the Scheme of Delegation for Members and Officers as regards executive functions, which may provide for such functions to be discharged by:-
  - the Cabinet as a whole;
  - a committee of the Cabinet;
  - an individual member of the Cabinet;
  - an officer;
  - ~~an area assembly co-ordinating group~~;
  - joint arrangements with another local authority; or
  - another local authority.

#### *Sub-delegation of executive functions*

- (4) Subject to any statutory provisions and except where the Leader specifies otherwise, where executive functions have been delegated to the Cabinet, they may be delegated further to any of the individuals or other bodies described in ~~paragraph~~ [procedure rule 1\(3\)](#).
- (5) Unless the Leader specifies otherwise, where executive functions have been delegated to a committee of the Cabinet or to an individual Cabinet Member, they may be delegated further to an officer.
- (6) The fact that executive functions have been delegated does not prevent the discharge of those functions by the delegator.

### **2 Scheme of Delegation for Members and Officers**

- (1) The Scheme of Delegation for Members and Officers may only be amended by the Leader as regards executive functions and will contain the details required in Article 5 of the Constitution.

- (2) Amendments to the Scheme as regards executive functions will be reported to all members of the Council in accordance with ~~Standing Orders~~ Council Procedure Rules.

### 3 Conflicts of Interest

- (1) A conflict of interest could either be a Disclosable Pecuniary Interest within the meaning of the Localism Act 2011 or an other relevant personal interest which might lead a member of the public reasonably to conclude that the councillor may not make a decision in the public interest.
- ~~(1)~~ (2) If a Member of the Cabinet has a conflict of interest in relation to a matter for his or her consideration, the Leader of the Council will substitute or in his absence the Deputy Leader.
- ~~(2)~~ (3) If both the Leader or Deputy Leader are absent or if they themselves have a conflict of interest then the Cabinet Member with responsibility for resources is authorised to substitute.
- ~~(3)~~ (4) Where all of the above have a conflict of interest then the matter will be referred to the full Cabinet.

## PART II

### EXECUTIVE MEETINGS AND RECORDS OF EXECUTIVE DECISIONS

#### 4 Cabinet meetings

##### *Frequency of meetings*

- (1) The Cabinet will meet in accordance with the agreed calendar of meetings. ~~ordinarily meet at the Town Hall, Moorgate Street, Rotherham S60 2TH approximately every 4 weeks but there will be a recess during the month of August~~

##### *Quorum*

- (2) The quorum for a meeting of the Cabinet shall be four. The quorum for a meeting of a committee of the Cabinet shall be one-third of the committee's membership.

##### *Executive decisions*

- (3) Cabinet decisions which have been delegated to the Cabinet as a whole or a committee of the Cabinet will be taken at a meeting convened in accordance with the *Access to Information Rules*.
- (4) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by the committee will be the same as those applying to those taken by the Cabinet as a whole.

#### 5 The conduct of executive meetings

##### *Chairing meetings*

- (1) Meetings of the Cabinet will be chaired by the Leader, or in his or her absence, by the Deputy Leader. In the absence of both the Leader and Deputy Leader, the Cabinet shall choose another Cabinet Member to preside.

##### *Others' attendance at executive meetings*

- (2) All members of the public have a right to attend the public part of Cabinet meetings and speak, in accordance with Schedule 2 to these procedure rules, at the discretion of the Chair. The Chair of the Overview and Scrutiny Management Board ~~Performance and Scrutiny Overview Committee~~ may attend Cabinet meetings, and, at the invitation of the chair, may speak but not vote.
- (3) The *Access to Information Rules* govern who may attend meetings of the Cabinet held in public.

- (4) Twenty minutes at the beginning of each Cabinet meeting will be reserved for questions from the public, ~~For the first twenty minutes of each meeting of the Cabinet held in public, members of the public may attend and ask questions~~ in accordance with the procedure to be found at Schedule 2 to these Executive Procedure Rules.

*Consultation*

- (5) All reports to the Cabinet, from any member of the Cabinet or an officer, on proposals relating to the budget and policy framework, must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and details of the outcome of that consultation.
- (6) Reports about other matters must set out the details and outcome of consultation as appropriate.
- (7) The level of consultation required will be appropriate to the nature of the matter under consideration.

*Adding items to the Cabinet's agenda*

- (8) The Leader may put on the agenda of any Cabinet meeting any matter which he or she wishes (whether or not authority has been delegated to the Cabinet, a committee of the Cabinet or any member or officer in respect of that matter) and the Democratic Services Manager will comply with the Leader's instructions in that respect.
- (9) The Democratic Services Manager will, [subject to the agreement of the Leader](#), comply with a Cabinet member's request to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for its consideration.
- (10) Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet.
- (11) The Monitoring Officer or the Section 151/Chief Finance Officer (or both) may, [following consultation with the Leader](#), include an item for consideration on the agenda of a Cabinet meeting, and may require the Democratic Services Manager to call such a meeting in pursuance of their statutory duties.

- (12) Notwithstanding ~~subparagraph~~ ~~procedure rule 5~~(11), where any two of the Chief Executive, the Monitoring Officer and the Section 151/Chief Finance Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may, ~~following consultation with the Leader~~, instruct the Democratic Services Manager to include the matter as an item on the agenda of the next scheduled meeting of the Cabinet.
- (13) If a decision on the matter is required before the Cabinet is next scheduled to meet, the officers entitled to include an item on the agenda under ~~subparagraph~~ ~~procedure rule 5~~(12) may also, ~~following consultation with the Leader~~, require the Democratic Services Manager to convene an extraordinary meeting of the Cabinet to consider the matter.

## 6 Recording executive decisions

### *Executive decisions made at meetings*

- (1) As soon as reasonably practicable following a Cabinet meeting held in public or in private, the Democratic Services Manager (or an officer designated by him/her) will prepare a minute in respect of every executive decision made at the meeting.
- (2) A minute prepared under ~~subparagraph~~ ~~procedure rule 6~~(1) will record –
  - the decision;
  - the reasons for the decision;
  - details of any alternative options considered and rejected when the decision was made;
  - any ~~personal—interest~~ ~~disclosable~~ ~~pecuniary interests~~ and other ~~relevant personal interests~~ declared by a member of the Cabinet participating in the making of the decision; and
  - any dispensation granted to a member who declared a disclosable pecuniary interest or personal interest.

### *Executive decisions made by individual executive members*

- (3) ~~As soon as reasonably practicable~~ ~~Within three working days~~ following the making of an executive decision by an individual member of the Cabinet, the member concerned will instruct the Democratic Services Manager to prepare a statement (or in his or her absence prepare the statement himself or herself) in respect of that decision.

(4) A statement prepared under ~~subparagraph~~ procedure rule 6(3) will record –

- the decision;
- the reasons for the decision;
- details of any alternative options considered and rejected by the member when he or she made the decision;
- any ~~personal interest~~ disclosable pecuniary interests and other relevant personal interests declared by the Cabinet Member or a member who was consulted by the Cabinet member in relation to the decision; and
- any dispensation granted to a member who was consulted by the Cabinet Member in respect of a disclosable pecuniary interest or a personal interest.

(5) As soon as reasonably practicable following the making of an executive decision by an officer, the officer must produce a written statement in respect of that decision.

(6) A statement prepared under ~~subparagraph~~ procedure rule 6(5) will record –

- the decision;
- the reasons for the decision;
- details of any alternative options considered and rejected by the officer when he or she made the decision;
- any ~~personal interest~~ disclosable pecuniary interests and other relevant personal interests declared by any Cabinet Member who was consulted by the officer in relation to the decision; and
- in respect of any declared conflict of interest, a note of dispensation granted by the Council's Head of Paid Service.

(7) For the purposes of ~~sub-paragraphs~~ procedure rules 6(5) and (6) above an executive decision includes decisions made under specific delegation from a meeting of a decision making body but does not include decisions which are administrative or operational in nature or decisions about the awarding of contracts which are of a value less than £250,000.

(8) After a meeting of a decision-making body at which an executive decision has been made, or after an individual executive member or officer has made an executive decision the proper officer must ensure that a copy of;

- any records prepared in accordance with the requirements of this Rule; and
- any report considered at the meeting or, as the case may be, considered by the individual member or officer and relevant to a decision recorded in accordance with the requirements of this Rule or, where only part of the report is relevant to such a decision, that part;  
and
- any background papers

must be available for inspection by members of the public, as soon as is reasonably practicable, at the offices of Council and on the Council's website.

(9) This Rule does not require the disclosure of exempt or confidential information.



**PART III**  
**THE FORWARD PLAN OF KEY DECISIONS**

**7 Preparation of the Forward Plan of Key Decisions**

*Document publicising preparation of forward plan*

- (1) The Assistant Director of Legal Services will arrange for the monthly publication of the plan of key decisions covering the forthcoming ~~two~~ three months and shall circulate a copy of the plan to all councillors.

*Notice period*

- (2) The plan must be published at least 28 days before the key decision is made.

*Contents of document*

- (3) The document must state –
- (a) that a key decision is to be made on behalf of the relevant local authority;
  - (b) the matter in respect of which the decision is to be made;
  - (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
  - (d) the date on which, or the period within which, the decision is to be made;
  - (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decisions is to be made;
  - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
  - (g) that other documents relevant to those matters may be submitted to the decision maker; and
  - (h) the procedure for requesting details of those documents (if any) as they become available.

*Meaning*

- (4) A key decision means –
- any recommendation to Council to approve or vary the revenue or capital budget, being outside approved virement limits.
  - any executive decision which is likely –

to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or

to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority

with the exception of:-

- (i) decisions which are a direct consequence of implementing a previous key decision and were contemplated by the decision maker when the original key decision was made;
- (ii) bids by the Council for funding of £400,000 or more where, if the bid should be successful, a further report seeking approval of the scheme will be submitted to Cabinet;
- (iii) expenditure for the day to day provision of services that was in the contemplation of the Council when the revenue budget was approved and is in the opinion of the Strategic Director of Finance and Customer Services inevitable; and
- (iv) expenditure that must be incurred to comply with the terms of contracts won by the Council in competition.

The Council has determined that decisions that will result in expenditure or savings with a gross effect of £400,000 or greater are to be considered significant.

- (5) If the date by which a key decision must be made makes it impracticable to comply with procedure rule 7(2), the key decision can only be made:-
  - if there are more than 5 clear days notice available; and
  - the Chair of the Overview and Scrutiny Management Board has been informed, or
- (6) If the date by which a key decision must be made makes it impractical to comply with procedure rule 7(5) the key decision can only be made:-
  - the Chair of the Overview and Scrutiny Management Board has agreed that the making of the key decision is urgent and it cannot reasonably be deferred; and
  - the requisite notices regarding the above requirements have been published.

**PART IV  
REPORTS TO THE COUNCIL**

**8 Reports to the Council**

*Executive decision not treated as key decision*

- (1) The Overview and Scrutiny Management Board may require the decision-maker responsible for an executive decision to submit a report for consideration by the full Council, if the committee considers that the decision-maker should have treated the decision as a key decision but did not do so.
- (2) The decision-maker must submit the report to the full Council within such reasonable period as is specified by the committee.

*Contents of report to full Council*

- (3) The report must contain details of –
  - the decision-maker;
  - the decision and the reasons for the decision; and
  - if the Cabinet share the opinion of the decision-maker that the decision was not a key decision, the reasons for that opinion,

*Annual report on urgent key decisions*

- (4) Annually, the Leader will submit to the full Council a report containing details of urgent decisions taken in compliance with procedure rules 7(5) and 7(6) (special urgency).
- (5) A report submitted under **subparagraph procedure rule 8(4)** will include –
  - particulars of each urgent decision made;
  - summary of the matters in respect of which each decision was made;  
**and**
  - **the reasons used to justify the use of the urgency provisions.**

## **PART V THE POLICY FRAMEWORK**

### **9 The policy framework and the executive**

#### *Development and implementation of plans and strategies*

- (1) The Cabinet is responsible for developing the plans and strategies that are adopted or approved by the Council and comprise the policy framework.
- (2) Once the Council has adopted or approved a plan or strategy, the executive is responsible for implementing it.

#### *Alteration or modification of plans and strategies*

- (3) Subject to ~~subparagraph~~ **procedure rules** 9(4) and 9(5), the executive may not alter or modify any plans or strategies that comprise the policy framework, and must take executive decisions in accordance with them.
- (4) Without the prior consent of the full Council, the executive may not take a decision that will have the effect of changing any plan or strategy comprised in the policy framework unless –
  - the decision is necessary to ensure compliance with the law, ministerial direction or government guidance;
  - the particular plan or strategy permits minor changes; or
  - the decision is necessary to meet a budgetary constraint (an overspend).
- (5) Without the prior consent of the full Council, the executive may not take a decision that falls outside the policy framework unless –
  - the decision may reasonably be regarded as urgent; and
  - the decision-maker has obtained from the Chair of the ~~Performance and Scrutiny Overview Committee~~ **Overview and Scrutiny Management Board** or, in his or her absence the Mayor or in his or her absence the Deputy Mayor a statement in writing that the decision needs to be made as a matter of urgency.
- (6) The executive shall note the chairman or Mayor's consent on the record of a decision made under ~~subparagraph~~ **procedure rule** 9(5).

*Reporting decisions falling outside policy framework*

- (7) As soon as practicable after making a decision that falls outside the policy framework, the executive shall submit a report to the full Council, which includes details of –
- the decision;
  - the emergency or other circumstances in which the decision was made; and
  - the reasons for the decision.

## **10 Development of plans and strategies**

*Timetable for preparation of plans and strategies*

- (1) In respect of any plan or strategy comprised in the policy framework, the Cabinet will determine the timetable for –
- (a) consulting as appropriate local stakeholders;
  - (b) preparing its initial proposals;
  - (c) consulting overview and scrutiny committees; and
  - (d) submitting the draft plan or strategy for the Council's adoption or approval.
- (2) Details of consultation with local stakeholders will be included in the relevant forward plan or plans that are available for inspection at the Town Hall.

*Preparation of initial proposals*

- (3) In preparing its initial proposals for a particular plan or strategy, the Cabinet will consider the outcome of any review of policy carried out by an overview and scrutiny committee in respect of the plan or strategy.
- (4) The Cabinet's initial proposals for the particular plan or strategy will be referred for the consideration of relevant overview and scrutiny committees, who may consult with local stakeholders in so far as the executive has not already consulted them.
- ~~(5) The Cabinet's initial proposals will be forwarded to the Statutory Scrutiny Officer, who will forward them to the chairmen of the Performance and Scrutiny Overview Committee and the relevant overview and scrutiny committees.~~
- ~~(6)~~(5) Within such period specified by the Cabinet, the overview and scrutiny committees consulted by the Cabinet will report the outcome of their deliberations to the executive.

- ~~(7)~~(6) Having considered the views of local stakeholders and any overview and scrutiny committees' reports, the Cabinet may amend its initial proposals then recommend to the Council the adoption of its firm proposals for the particular plan or strategy.

## **11 Adoption or approval of plans and strategies**

### *Adoption or approval*

- (1) Having regard to the views of local stakeholders (where sought) and any overview and scrutiny committee reports, the Council will consider the Cabinet's firm proposals for the particular plan or strategy and may adopt them, propose amendments to them or refer them back to the executive for further consideration,

~~—The Council's decision under subparagraph (1) will be publicised at the Town Hall and a copy given to the Leader.~~

- (2) The Council's decision to adopt the Cabinet's firm proposals for a particular plan or strategy will take immediate effect.
- (3) If the Council has objections to the plan or strategy it must inform the Leader of them and request the reconsideration of the plan or strategy in the light of these objections.
- (4) The Leader must be given at least 5 working days to arrange for the plan or strategy with any proposed amendments to be resubmitted to the Council or notify the Council of any disagreement with the Council's objections together with reasons for any such amendments or disagreements.
- (5) The Council must when reconsidering the plan or strategy take into account any amendments made and the reasons for them and any disagreements with the Council's objections and the reasons for them
- (6) The Council's final decision on the adoption or approval of a particular plan or strategy will be of immediate effect and will be publicised at the Town Hall and on the Council's website.

**~~Advisory~~ Cabinet Member Portfolios****(1) Leader of the Council (Councillor Chris Read)**

The Leader has responsibility for overall leadership of the Council and representing the borough at a national regional and sub-regional level. The Leader will take personal responsibility for leading the drive towards corporate improvement, organisational and cultural change, and is responsible for the Council's governance and ethical framework.

- Overall leadership of the Council
- Overall coordination of the Council's response to Child Sexual Exploitation
- Overall responsibility for ensuring the Council sets and delivers a balanced budget, [the production of the Medium Term Financial Strategy and Treasury Management Strategy](#)
- Setting Corporate Policy including the Corporate Plan
- Reputation Management and corporate communication
- Corporate Improvement, Innovation and Organisational change (including working with Commissioners, a healthy local democracy, and returning the Council to local democratic control)
- To lead on Standards & Governance
- Overall responsibility for Corporate Governance, including signing the Council's Annual Governance Statement to confirm the Council has appropriate rules, policies and procedures in place and operating effectively for managing its business
- To lead the Council's formal Conciliation and Consultation arrangements
- Member of the Rotherham Together Partnership Board
- To lead on City Region activity and devolution, including as member of Sheffield City Region Combined Authority
- Customer Services
- Community Cohesion

**(2) Deputy Leader of the Council and Cabinet Member for Children & Young People's Services and Neighbourhood Working (Councillor Gordon Watson)**

The Deputy Leader will support the Leader's day to day activity to allow him to concentrate on strategic issues. The portfolio holder will have specific responsibilities around child safeguarding, child protection and incorporates education, lifelong learning and the prevention early and intervention strategy. The Deputy Leader will also take Cabinet responsibility for the Member Neighbourhood Working model.

- Statutory position as lead member for Children
- Children's Safeguarding and prevention and early intervention strategies
- FCAF and referral and assessment processes
- Family intervention, fostering, adoption and looked after children including out of borough placements; corporate parenting lead
- Transitional arrangements from childhood to adulthood for young people with complex needs
- Lifelong Learning and lead member for Education & 14-19 Strategy including early years, schools, special schools, and pupil referral units.
- School Admissions and Appeals
- Member of the Health and Wellbeing Board
- School catering; School place planning; School effectiveness; School music service; contributing to Children, Young People and Families Partnership; Think Family Steering Group; Troubled Families agenda
- Integrated Youth Support Services
- Neighbourhood Working Model
- Member Development and Member Services



### **(3) Adult Social Care and Health (Councillor David Roche)**

This portfolio retains the oversight of all commissioning activities and provision of adult social care, public health functions and the interface with NHS. The main thrust will be to provide services in a personalised manner around the citizen and to lead on the integration of local health and adult social care services.

- Adult Social Services including adult safeguarding, services for older people, a range of services to meet the needs of people with learning disabilities, support for people with mental health issues and dementia, and services to support people with physical disabilities
- Arrangements from childhood to adulthood for people with complex needs.
- Lead member of the implementation and effective operation of the Health and Wellbeing Board
- Lead member for preparation of the Joint Strategic Needs Assessment with health partners
- Lead for liaison with health partners to lead on the integration of local health services including prevention/early intervention activity
- Health Watch Implementation and Liaison
- Public Health, including overseeing the Health Protection Plan, prevention and improvement

#### **4) Jobs and the Local Economy (Councillor Denise Lelliott)**

This portfolio has an emphasis on delivering jobs and strengthening the local economy combining, as well as strategic responsibilities around planning.

- All matters relating to Planning (including the Local Plan), Building Regulations and Highways Development Control
- All matters relating to Transportation (including Transportation Planning, Transportation Strategy, Transportation Policy, Traffic Manager Statutory Duty, Public Transport, sustainable transport initiatives)
- All matters relating to overall management of traffic movement
- Economic Development and Regeneration Strategy and Services
- Adult Employment Skills and Training
- Member of the Rotherham Together Partnership Economic Growth Board
- The development and Implementation of Economic Growth Regeneration projects including Inward Investment and Business Growth
- Town Centres, retail and commercial investment
- Major town centre projects and development
- Asset Management (alongside the Cabinet Member for Housing)
- Advising on the Council's bidding prospectus relating to economic and business growth schemes into City Region and national funding opportunities
- External Affairs relating to business growth and inward investment
- All matters relating to car parking (including enforcement, parking appeals and parking permits)
- Blue Badge Fraud Investigation
- Untaxed and Abandoned vehicle removal

**(5) Waste, roads and community safety (Councillor Emma Hoddinott)**

This portfolio oversees issues relating to community safety, including most of the council's enforcement activity, highways maintenance, and household waste services:

- Community Safety, Crime Reduction and Anti-Social Behaviour Strategies
- Chair of the Safer Rotherham Partnership
- Overall responsibility for Enforcement policy and performance (including Licensing)
- All matters relating to Waste Management, collection and recycling
- Highways schemes, repairs and maintenance including all highway inspection, design, network management, enforcement, winter maintenance, highways adoptions, highway licenses, public rights of way, street lighting (including design and build), winter maintenance, and road safety including educational initiatives, road safety strategy (including safety audits), Safety Camera Partnership, Pedestrian Crossing assessments, Local safety schemes (including vehicle activated signs and 20mph zones) and school safety schemes
- Highways Asset Management Policy and Strategy, highway claims, highway, utility company works (including scaffolding, skips, events and planning) and vehicle access crossing applications
- Maintenance of signs, bollards, benches, cenotaphs, street name plates, road markings, highway fencing and barriers
- All matters relating to the deployment of portable CCTV
- Lead on Local Flood Authority duties
- All matters relating to Highway Drainage (including septic tank and cesspool emptying)
- Environmental health, food hygiene, cemeteries, crematorium and mortuary services
- All matters relating to Allotments
- All matters relating to Congestion Management
- All matters relating to Traffic Control Strategies (including Traffic Regulation Orders), Intelligent Traffic Management (automated signs) and Signing Strategy

**(6) Cleaner, Greener Communities (Councillor Sarah Allen)**

This portfolio oversees street cleansing and grounds maintenance services, including in parks and green spaces, culture and leisure services, and other aspects of work in communities:

- All matters relating to litter, street cleansing and grounds maintenance, including mechanical sweeping and litter collection and graffiti removal, and grounds maintenance of green spaces (Streetpride services unless specified in another portfolio)
- Representing the Council on partnerships as requested by the Leader, including Parish Council Liaison and the voluntary and community sectors
- Social Inclusion
- Cultural Services, including libraries, heritage, theatres and arts and service centres
- All matters relating to Leisure Services, recreation and sport
- Development of events programme in Parks, green spaces and recreational facilities
- The Food for People in Crisis and crisis loans schemes
- Community Cohesion (supporting the Leader)

**(7) Housing (Councillor Dominic Beck)**

This portfolio is responsible for the council's housing stock and Rotherham Housing Strategy, increasing access to affordable housing and regulation of private sector landlords.

- Responsibility for management, improvement and adaptation of the housing stock
- Oversight of the Housing Revenue Account
- Housing Strategy and affordability policies
- Asset Management (in relation to Housing and HRA assets)
- Planning for future housing needs (alongside the Cabinet Member for Jobs and the Local Economy)
- Selective Licensing and regulation of private landlords

**(8) Corporate Services and Finance (Councillor Saghir Alam)**

This portfolio is concerned with the proper and efficient working of the council and its processes. Specific responsibilities are:

- To lead on day to day working of financial activity (including Revenues and Benefits), and to support the Leader in development of the Budget and Capital Strategy
- Human resources strategies, policies and procedures
- To lead on all matters relating to Legal and Democratic Services
- To lead on the Corporate Performance Management arrangements
- To lead on ICT, particularly on new ways of working
- To lead on Internal Audit and Risk Management
- To be responsible for corporate Commissioning and Procurement strategies and implementation
- To lead on Health, Safety and Equalities at Work
- To lead on Emergency Planning issues

## Schedule 2

### Questions from the Public at Cabinet Meetings – Recommended Procedure

1. At the start of each meeting of the Cabinet, 20 minutes be allocated for members of the public (other than Members of the Council) to put questions.
2. Subject to 3 below, an individual shall be permitted to ask one question only.
3. Following the answer to the original question, a questioner may ask one supplementary question. This may not introduce any new issue and shall only be by way of seeking further or clearer information regarding the original question and the answer given.
4. Questions should only concern matters which are within the Council's area of responsibility or influence.
5. Questions:-
  - (a) Must be reasonable and fair.
  - (b) Must not be defamatory, offensive or abusive.
  - (c) Must not seek personal information regarding individual employees or users of Council services.
  - (d) Must not relate to individual employment issues.
  - (e) Must not relate to matters on which there is a pending right of appeal.
  - (f) Must not relate to matters subject to litigation.
6. The Chair may ~~decline to answer~~ determine the validity of any question, ~~whether for non-compliance~~ in accordance with the above guidance or otherwise. The Chair may curtail any debate which is considered to be inappropriate or not constructive.
7. Subject to compliance with the above guidance, all individuals shall be treated equally and have fair access to the meeting.

## **APPENDIX 2**

### **ROTHERHAM BOROUGH COUNCIL**

#### **OVERVIEW AND SCRUTINY PROCEDURE RULES**

##### **PART I**

##### **APPOINTMENT AND TERMS OF REFERENCE**

1. [Appointment of overview and scrutiny select commissions](#)
2. [Terms of Reference](#)
3. [Membership](#)
4. [Meetings](#)
5. [Quorum](#)

##### **PART II**

##### **ADMINISTRATIVE MATTERS AND BUDGET AND POLICY REVIEW AND DEVELOPMENT**

6. [Administration](#)
7. [Budget, policy framework, and related matters](#)

##### **PART III**

##### **REFERRAL, CONSIDERATION AND RESPONSE TO REPORTS**

8. [Reports from overview and scrutiny select commissions](#)

##### **PART IV**

##### **ACCESS TO DOCUMENTS AND ATTENDANCE OF CABINET MEMBERS AND OFFICERS ETC. AT SELECT COMMISSION MEETINGS**

11. [Access to documents, etc](#)
12. [Attendance of members and officers, etc at select commission meetings](#)

##### **PART V**

##### **CALL-IN**

13. [Call-in](#)
14. [Call-in and urgency](#)

##### **PART VI**

##### **PETITIONS**

15. [Petitions](#)

##### **PART VII**

##### **PROCEDURE AT OVERVIEW AND SCRUTINY SELECT COMMISSION**



## MEETINGS

16 [Order of business at select commission meetings](#)

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Schedule 1 [Overview and Scrutiny Management Board](#)

Schedule 2 [Terms of Reference for Select Commissions](#)

**PART I**  
**APPOINTMENT AND TERMS OF REFERENCE**

**1. Appointment of overview and scrutiny select commissions**

- (1) The Council's overview and scrutiny select commissions are set out in the Schedule to these Rules, and the Council will appoint to them from time to time as it considers appropriate and those select commissions may appoint sub-select commissions.
- (2) Overview and scrutiny review groups may also be appointed on an ad hoc basis for a fixed period with clear terms of reference, on the expiry of which they shall cease to exist.
- (3) In these Rules, unless the context otherwise requires, the term "overview and scrutiny select commission" means –
  - the Overview and Scrutiny Management Board (OSMB),
  - the overview and scrutiny select commissions appointed annually by the Council, and any of its or their Review Groups.
- (4) The Council may appoint from time to time informal select commissions or working groups, comprising members, council officers and others, such as representatives from local communities and businesses, to assist in the overview and scrutiny process.

**2. Terms of Reference**

- (1) The terms of reference of the OSMB are set out in paragraph 1 of Schedule 1.
- (2) The terms of reference of overview and scrutiny select commissions are set out in paragraph 1 of Schedule 2.
- (3) The specific areas for scrutiny by each select commission are set out in Schedule 2.

**3. Membership**

*Appointment of members to overview and scrutiny commissions*

- (1) All councillors except members of the Cabinet may be members of an overview and scrutiny committee, but no member may be involved in scrutinising a decision in which he or she has been directly involved.
- (2) All members of overview and scrutiny committees will be appointed annually by the Council, and each commission will be empowered to appoint members of the committee to its Review Groups.
- (3) [The Chairs and Vice-Chairs of the overview and scrutiny select](#)

commissions will be appointed at the Annual Council meeting from the Councillors appointed to the committee.

*Education representatives*

(4) The Improving Lives Select Commission shall include in its membership the following voting representatives (“the education representatives”) –

- at least one Church of England diocese representative;
- at least one Roman Catholic diocese representative;
- between two and five parent governor representatives; and
- at the direction of the Secretary of State for Education representatives of other faiths or denominations.

(5) Where the Improving Lives Select Commission deals with other than educational matters, the education representatives shall not vote on those other matters, though they may stay in the meeting and speak to them.

*Membership of particular committees*

(6) The membership of the OSMB is set out in paragraph 2 of Schedule 1.

(7) The membership of the overview and scrutiny select commissions are set out in paragraph 2 of Schedule 2.

#### **4. Meetings**

(1) The OSMB will hold ordinary meetings of the board at the frequency specified in paragraph 3 and at the place specified in paragraph 4 of Schedule 1 to the Rules, and, in addition, extraordinary meetings may be called from time to time as and when appropriate

(2) Each overview and scrutiny select commission will hold ordinary meetings at the frequency and at the place specified in paragraph 2 of Schedule 2 to the Rules, and, in addition, extraordinary meetings may be called from time to time as and when appropriate.

(3) The chairperson and vice-chairperson of an overview and scrutiny select commission may call an extraordinary meeting of the committee.

(4) [All such meetings are subject to the Access to Information Procedure Rules.](#)

#### **5. Quorum**

(1) The quorum for an overview and scrutiny select commission meeting will be one-third of its members.

**PART II**  
**ADMINISTRATION, BUDGET AND POLICY REVIEW AND**  
**DEVELOPMENT AND ACCESS TO DOCUMENTS**

**6. Administration**

*Chairs of committees*

- (1) The chairs and vice-chairs of the overview and scrutiny select commissions will be appointed at the Annual Council meeting from the Councillors appointed to the committee.

*Work programme*

- (2) Overview and scrutiny select commission work programmes will be set subject to any direction of the OSMB, taking into account the wishes of all members of the select commission including those who are not members of the largest political group on the Council.

*Agenda items*

- (3) A member of ~~an overview and scrutiny select commission~~ the Council may notify the Statutory Scrutiny Officer that he or she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the commission.
- (4) The Statutory Scrutiny Officer will inform the chair and vice chair of the particular overview and scrutiny select commission of the request at the earliest opportunity, and make arrangements for the matter to be considered by the select commission for inclusion on a future agenda. Where the Chair and Vice-Chair do not accept the request, this will be reported to the next select commission meeting.
- ~~(5) Any member of the Council who is not a member of an overview and scrutiny select commission may give written notice to the Statutory Scrutiny Officer that he or she wishes an item to be considered for inclusion on the agenda of a particular overview and scrutiny select commission.~~
- ~~(6) — The Statutory Scrutiny Officer will inform the chairman of the OSMB and the chairman of the particular overview and scrutiny select commission of the notice at the earliest opportunity, and make arrangements for the matter to be considered for inclusion on a future agenda of that overview and scrutiny select commission.~~
- ~~(7) One or more of the Commissioners may notify the Statutory Scrutiny Officer that he or she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the commission.~~

~~(8) The Statutory Scrutiny Officer will inform the chairman of the particular overview and scrutiny select commission of the request at the earliest opportunity, and make arrangements for the matter to be considered by the select commission for inclusion on a future agenda.~~

*Expeditious response to requests for reviews*

- (5) OSMB and overview and scrutiny select commissions must respond, as soon as their work programme permits, to requests from the Council ~~or the Commissioners or both, as the case may be,~~ to review particular areas of Council activity.
- (6) On completion of a review, an overview and scrutiny select commission must report its findings and any recommendations to OSMB within one month. The findings and recommendations will then be referred to ~~the Commissioners or~~ the Council ~~as appropriate~~ within a further month.

**7. Budget, policy framework, and related matters**

*Policy review and development*

- (1) The role of overview and scrutiny select commissions in relation to the development of the Council's budget and policy framework is set out in detail in the Council's *Financial Regulations* and in Part V of the *Executive Procedure Rules*.
- (2) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, overview and scrutiny select commissions may make proposals to the ~~Commissioners~~ **Cabinet** for policy developments in so far as they relate to matters within their terms of reference.
- (3) Overview and scrutiny select commissions may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process.

*Site visits, public surveys, etc. and attendance of witnesses*

- (4) Overview and scrutiny select commissions may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- (5) Overview and scrutiny select commissions may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for so doing.

**PART III**  
**REFERRAL, CONSIDERATION AND RESPONSE TO REPORTS**

**8. Reports from overview and scrutiny select commissions**

*Referral of report*

- (1) Once it has formed recommendations on proposals for development, an overview and scrutiny select commission will prepare a formal report and submit it for consideration initially by the OSMB and then by the **Commissioners Cabinet**. The **Commissioners OSMB** may refer the matter to Council and shall do so if the matter relates to a responsibility of Council, (e.g. if the recommendation would require a departure from or a change to the approved budget and policy framework).
- (2) The response of the Cabinet to recommendations which are the responsibility of the executive shall be reported back to Council within two months of Council's original receipt of the report and recommendations from the OSMB.

**PART IV**  
**ACCESS TO DOCUMENTS AND ATTENDANCE AT COMMITTEE MEETINGS**

**9. Access to documents**

*Rights of overview and scrutiny select commission members to documents*

- (1) In addition to their rights as councillors, members of overview and scrutiny select commissions have the additional right to documents and to notice of meetings, as set out in the *Access to Information Procedure Rules*.
- (2) ~~Nothing in this rule prevents more detailed liaison between the Commissioners and an overview and scrutiny select commission, as appropriate, depending on the particular matter under consideration.~~

**10. Attendance of members and officers, etc at overview and scrutiny select commission meetings**

*Members and officers giving account*

- (1) In fulfilling its scrutiny role, an overview and scrutiny select commission may invite any of the ~~Commissioners~~ Cabinet Members or require any senior officer to attend before it to discuss or explain in relation to matters within the commission's remit -
  - any particular decision or series of decisions,
  - the extent to which the actions taken implement Council policy,
  - his, her or their performance,
  - and it is the duty of those persons to attend if so required.
- (2) Where any officer is required to attend an overview and scrutiny select commission under this provision, the chairman of that commission will inform the Statutory Scrutiny Officer.
- (3) The Statutory Scrutiny Officer will inform the officer in writing that the commission requires their attendance, giving at least 10 working days' notice of the meeting at which he or she is required to attend.
- (4) The notice to the officer will state the nature of the matter on which he or she is required to attend to give account and whether any papers are required to be produced to the commission.
- (5) Where the account to be given to the commission will require the production of a report, the member or officer concerned will be given sufficient notice to allow for preparation of the report.

- (6) If in exceptional circumstances the officer is unable to attend on the required date, the commission must, in consultation with officer, arrange an alternative date for attendance or acceptable substitute.

*Attendance by others*

- (7) An overview and scrutiny select commission may invite other persons, such as residents, stakeholders, contractors and members and officers in other parts of the public sector, to address it and discuss issues of local concern or answer questions, criticisms or complaints. Those asked to address any panel will have access to support and guidance from the Statutory Scrutiny Officer.



**PART V  
CALL-IN**

**11. Call-in**

*Publication of Cabinet decisions*

- ~~(1)~~ A decision of the Cabinet, a committee of the Cabinet, or an individual member of the Cabinet will be published online, ~~including where possible by electronic means, and be available for inspection at the Town Hall~~ ordinarily within three working days of the decision being made.
- ~~(2)~~ ~~At the same time as decisions made in accordance with subparagraph (1) are published, all of the members of the Council and the education representatives will be notified and sent copies of the records of the decisions by the Principal Democratic Services Officer.~~
- (2) A notice of such decisions and the date on which they were made will be published ~~A notice sent under subparagraph (2) will bear the date on which it is published~~ and state that any decision specified in the notice will come into force on the expiry of 7 working days after its publication (“the notification period”), and may then be implemented, unless the decision is called-in.

*Decisions that may be called-in*

- (3) Any decision of the Cabinet may be called-in unless it is –
- in the form of a recommendation to the full Council;
  - an urgent decision (as defined by rule 14 (2)) and the reason for urgency is recorded in the body of the decision;
  - a decision of the Adoption Panel;
  - concerned with procedural matters; or
  - in connection with an appeal.
- (4) Where a Cabinet decision takes the form of an approval of details only, the principle having been established by an earlier Cabinet decision, then call-in shall be confined to those details.

*Call-in of decision for scrutiny*

- (5) During the notification period –
- in the case of a decision that does not relate to an education function, a member of the Council who is supported by at least three other members may request the chairman of the OSMB to call-in the decision for scrutiny by that board; and

- in the case of a decision that relates to an education function, a member or education representative who is supported by three members or three education representatives (or a combination of both members and education representatives) may request the chairman of the OSMB to call-in the decision.
- (6) If the decision relates to an education function, the education representatives will be invited to the meeting of the OSMB where the call-in will be considered.
- (7) The ~~chairman of the OSMB~~ Statutory Scrutiny Officer will record –
- the decision to which the call-in relates;
  - the name of the member, or in the case of a decision that relates to an education function the name of the member or education representative, requesting call-in of the decision;
  - the names of the members, or in the case of a decision that relates to an education function the names of the members or education representatives or members and representatives, supporting the request;
  - the reason for the call-in; ~~and shall provide the Statutory Scrutiny Officer with those details and request him or her to confirm that the decision is subject to call-in.~~
- (8) The Statutory Scrutiny Officer will notify the decision-maker and the strategic director of the directorate concerned of the call-in request and advise him or her that implementation of the decision be delayed until conclusion of the call-in process.
- (9) Where appropriate, and after consulting the chairman of the OSMB, the Statutory Scrutiny Officer will add the call-in request to the agenda for the next following meeting of the board.

~~Reference back of decision~~ Consideration of Call-In

- (10) If OSMB does not object to the decision called-in, it will come into force and take effect immediately. ~~Where~~ If having considered the decision the OSMB is still concerned about it, the board may refer it back to the decision-maker for reconsideration with reasons or refer the decision to full Council for consideration with reasons.
- (11) ~~If the decision is referred back to the decision-maker, he, she or they must reconsider the decision within ten working days and either amend it or not amend it before making a final decision, which will come into force and take effect on that date.~~

~~*Date on which decision to come into force and take effect*~~

~~(12) If after deciding to call in a decision, the OSMB—~~

- ~~• does not consider the decision at the next following meeting of the board or commission, or—~~
- ~~• meets to consider the decision called-in but does not refer the decision for consideration by the full Council or back for reconsideration by the decision-maker,—~~

~~the decision shall come into force and take effect on the date of the board or commission's meeting.—~~

(11) If the full Council –

- meets but does not object to the decision called-in and referred by the OSMB
- meets but does not refer the decision back for reconsideration by the decision-maker

the decision shall come into force and take effect on the date of the Council meeting.

*Decision referred back by Council*

(12) If the full Council objects to a decision called-in and referred to it by the OSMB the Council will refer the decision back to the decision-maker together with the Council's views on the decision, and the decision-maker may amend the decision or not before reaching a final decision and implementing it.

(13) If the Cabinet as a whole or a committee or sub-committee of the Cabinet made the called-in decision, a meeting of the Cabinet or committee or sub-committee (as the case may be) will be convened within ten working days of the Council's request to reconsider it.

(14) If an individual made the called-in decision, that individual will reconsider the decision within ten working days of the Council's request to reconsider it.

## **12. Call-in and urgency**

### *Urgent Cabinet decisions*

- (1) The call-in procedure shall not apply where the decision being taken by the Cabinet is urgent.
- (2) A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
- (3) The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision-maker, the decision is an urgent one and therefore not subject to call-in.
- (4) The Chair of Overview and Scrutiny Management Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The leader of the main opposition group shall be consulted on any decision to designate a Cabinet decision as urgent.
- (5) In the absence of the Chair, the Vice Chair's consent must be obtained and in the absence of both the Chief Executive's consent, or her nominee's consent in her absence, must be obtained.

### *Reporting and monitoring urgent Cabinet decisions*

- (6) Where the Chair of Overview and Scrutiny Management Board, Vice Chair or Chief Executive consents to exempting a decision from call-in on grounds of urgency, the Statutory Scrutiny Officer will be informed as soon as possible after the decision is made.
- (7) Decisions taken as a matter of urgency must be reported to a meeting of the Cabinet, together with the reasons for urgency.
- (8) The operation of the procedures relating to scrutiny, call-in and urgency will be monitored annually, and a report submitted to the full Council with proposals, if necessary, for review of the procedures.

## **PART VI PETITIONS**

### **13. Petitions**

#### *The Council's scheme for handling petitions*

- (1) Overview and scrutiny select commissions have the following responsibilities in respect of petitions submitted under the above scheme.

#### *Petitions referred by the Council*

- (2) The Council may refer to an overview and scrutiny select commission a petition received or debated at the Council meeting.
- (3) The petition will be reported to the next convenient meeting of the commission. The commission shall consider the petition and make a report in response to the Council or to Cabinet. The report may make recommendations as to the steps to be taken by Council or Cabinet in response to the petition.

#### *Petitions calling officers to account*

- (4) Petitions to hold an officer to account which meet the qualifying threshold under the Scheme shall be reported to the next convenient meeting of the relevant overview and scrutiny select commission.
- (5) The Statutory Scrutiny Officer shall in advance of the meeting notify the petition organiser of the date and time of the meeting and invite him or her to submit a list of questions which he or she would like to be put to the officer at the meeting. The petition organiser may submit such questions up to three working days before the meeting.
- (6) At the meeting, the chair may invite the petition organiser if present to address the commission on the issues raised in the petition. The chair shall then ask the officer to report to the commission on the matters raised by the petition. Members of the commission may question the officer and such questions may include any questions submitted prior to the meeting by the petition organiser. However, the petition organiser shall not put questions directly to the officer.
- (7) After the officer has attended before the commission, the commission shall make a report or recommendations to the Council or the Commissioners and shall send a copy of that report or those recommendations to the petition organiser.

*Review of steps*

- (8) A petition organiser may request an overview and scrutiny select commission to review the adequacy of the steps proposed to be taken by the Council in response to a petition.
- (9) Notice of such a request shall be submitted to the Statutory Scrutiny Officer who shall determine which is the relevant overview and scrutiny select commission and shall notify the petition organiser of the time, date and place of the next convenient meeting of that overview and scrutiny select commission. Such notification shall also be given to the ~~Commissioner and Advisory~~ Cabinet Member whose portfolio includes the subject matter of the petition.
- (10) At the meeting, the chair shall invite the petition organiser, if present, to address the commission on why he or she considers that the Council's decision on the petition is inadequate. The chair may also invite the ~~Commissioner and the Advisory~~ Cabinet Member if present, to make representations.
- (11) The commission shall make a report as to its findings under the review and may make recommendations to the Council, ~~the Advisory~~ or Cabinet Member. ~~or the relevant Commissioner~~
- (12) The petition organiser shall be notified of the results of the review within five working days of the meeting of the commission. The results of the review shall be published on the Council's website unless the commission considers that in all the circumstances it would be inappropriate to do so.

**PART VII**  
**PROCEDURE AT OVERVIEW AND SCRUTINY MEETINGS**

**14. Order of business at overview and scrutiny committee meetings**

*Order of business*

- (1) The order of business at overview and scrutiny committee meetings will be determined in accordance with the Council's [Procedure Rules for Council Meetings](#). ~~Procedural Standing Orders.~~

*Questions from the public and Press*

- (2) An overview and scrutiny committee will allocate time at its meetings for questions from members of the Press and public on matters within the committee's remit.

*Investigations*

- (3) Where an overview and scrutiny committee conducts investigations (for example with a view to policy development), the committee may invite persons to attend to give evidence at panel meetings.
- (4) In conducting an investigation, a committee will ensure that
- the investigation is conducted fairly and that all members of the committee are given the opportunity to ask questions of attendees and to contribute and speak;
  - those assisting the committee by giving evidence are treated with respect and courtesy; and
  - the investigation is conducted so as to maximise the efficiency of the investigation or analysis.
- (5) Following an investigation or review, the committee will prepare and submit a report to the ~~Commissioners or~~ Council ~~or both, as appropriate,~~ and shall make the report and findings public.

~~*Conflicts of interest – membership of area assembly co-ordinating groups and overview and scrutiny committee*~~

- ~~(6) Where an overview and scrutiny committee is scrutinising items of business in relation to the specific decisions or proposals of an area assembly co-ordinating group, a member of the committee who is also a member of the particular area assembly co-ordinating group may not, speak to or vote on those items and shall withdraw.~~
- ~~(7) Sub-paragraph (6) does not apply if:~~
- ~~• the member concerned attends the meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action; or~~

- ~~the member concerned has been given a dispensation to speak or vote (or both) on the items by the Monitoring Officer or the Standards Committee.~~

~~General policy reviews~~

- ~~(8) Where a committee is reviewing policy generally, a member of an area assembly co-ordinating group must declare his or her interest before the relevant agenda item is reached but need not withdraw from the meeting and may speak to and vote on the item.~~

## **15. The party whip**

- (1) When considering any matter, in respect of which a member of a committee is subject to the operation of a party whip, the member must declare the existence of the whip and the nature of it before the commencement of the committee's deliberations on the matter.
- (2) The declaration and the detail of the operation of whipping arrangements will be recorded in the minutes of the meeting.

## **16. Councillor Call-for-Action**

- (1) In accordance with Section 119 of the Local Government and Public Involvement in Health Act 2007 and Sections 19 and 20 of Part 3 of the Police and Justice Act 2006, any member of the Council may submit a Councillor Call for Action (CCfA) on a local government or crime and disorder matter. This is intended only to be used when all the usual channels for resolving such issues have been exhausted.
- (2) ~~A Councillor Call for Action cannot be used with regard to matters which are the responsibility of the Commissioners, i.e either executive or licensing functions.~~
- (2) Referral is by way of notice to the Statutory Scrutiny Officer that an item be placed on the next available meeting of the OSMB and will be dealt with under the procedure set out in these Rules.
- (3) Any member of the Council may submit a Councillor Call for Action (CCfA) on a local government or crime and disorder matter.
- (4) A local government matter means a matter which:
  - (a) relates to the discharge of any function of the Council;
  - (b) affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and;
  - (c) is not an excluded matter.



(5) A local crime and disorder matter, in relation to a member of a local authority, means a matter concerning –

- (a) Crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- (b) The misuse of drugs, alcohol and other substances.

which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.

(6) Specifically excluded from becoming a CCfA is –

- (a) any matter relating to a planning decision;
- (b) any matter relating to a licensing decision;
- (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- (d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the OSMB or at a meeting of a sub-committee of the OSMB.

(7) ~~A matter does not fall within a description in paragraph 4 (a) – (d), if it consists of an allegation that a function for which the Council is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis, notwithstanding the fact that the allegation specifies or refers to a planning decision, a licensing decision or a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to review or right of appeal conferred by or under any enactment.~~ Paragraph 4 (a) to (d) shall not apply if the CCfA relates to an allegation that the Council has failed wholly or partly to provide a service on an individual or systematic basis. This will apply even though the matter might relate to a planning or licensing decision or one concerning an individual or entity who have a right of review or appeal.

(8) Unless specifically excluded, with regard to crime and disorder matters, the OSMB has the power to –

- (a) review or scrutinise decisions made, or other action taken, in connection with, the discharge by the responsible authorities\* of their crime and disorder functions;
- (b) to make reports or recommendations to the ~~Crime and Disorder Reduction~~ Safer Rotherham Partnership with respect to the discharge of those functions.

**Notes:**

A licensing decision means any decision in relation to:

- an application for any authorisation within the meaning of section 2 of the Licensing Act 2003 (b), or
- a request for a review of any such decision; or
- any enforcement decision made under that Act or subordinate legislation made under that Act.

Planning decision means –

- any decision on an application under the planning Acts or subordinate legislation made under those Acts for any agreement, approval, consent or permission; or
- any enforcement decision relating to any development within the meaning of those Acts; and
- “right of recourse to a review” does not include any right to make a complaint to the Commission for Local Administration pursuant to the Local Government Act 1974.

\*Responsible authorities means the bodies or persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998. Namely –

- (i) the council for the area;
- (ii) the police and police and crime commissioner for the area;
- (iii) the fire and rescue service and fire and rescue authority for the area; and
- (iv) the NHS.

## **SCHEDULE 1**

### **OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

#### *Terms of reference*

(1) The OSMB's terms of reference are as follows –

- consider matters relating to the conduct, structure and procedures of overview and scrutiny;
- provide overview and scrutiny of the Council's values, plans and strategies and to make recommendations for improvements as it considers appropriate;
- co-ordinate and prioritise the overview and scrutiny work programme and assign work, as it considers appropriate, to the various select commissions
- establish task-finish scrutiny working groups; this includes:-
  - determining their size and membership; and,
  - approving their terms of reference;
- liaise with the Leader and ~~Advisory~~ Cabinet to regularly attend the OSMB to assist in consideration of the scrutiny work programme,
- co-ordinate respective work programmes with the Chair of the Audit Committee, ~~Chairs of Area Assemblies~~ and Parish Councils to identify areas of joint working as appropriate and minimise areas of duplication,
- consider a request made under a Councillor Call for Action in relation to a local government matter (under the powers outlined in Section 119 of the Local Government and Public Involvement in Health Act 2007)
- consider a request made under a Councillor Call for Action in relation to crime and disorder issues (under the powers outlined in the Police and Justice Act 2006).
- act as the designated Crime and Disorder Committee under powers outlined in the Police and Justice Act 2006.
- monitoring and holding to account the performance of service delivery within the Council and its partners etc with particular reference to the Corporate Plan and Community Strategy;
- scrutinising and monitoring whether efficiency savings are achieved or exceeded;
- co-ordinating the carrying out of value for money reviews;
- scrutinising the annual budget setting process; and
- monitoring the Council's budget and medium term financial strategy.
- consider matters relating to equalities and diversity and the Council's specific initiatives to promote them;
- make recommendations to the Commissioners, Advisory Cabinet, partners or to any organisation on issues scrutinised relevant to those bodies, and where appropriate, direct to Council;
- co-ordinate for joint scrutiny activity with other authorities and

non-executives/scrutineers from other bodies;

*Annual overview and scrutiny work programmes*

- to approve an annual overview and scrutiny work programme, including the programme of any sub- committees it appoints;
- to ensure that there is efficient use of the board's and overview and scrutiny select commission's time, and that the potential for duplication of effort is minimised.
- to ensure that members of the board and overview and scrutiny select commissions may efficiently carry out their work.
- to prepare and approve an annual overview and scrutiny work programme for implementation by the select commissions or their review groups, including –
  - liaison with the ~~Commissioners, Advisory~~ Cabinet and Senior Leadership Team,
  - service reviews conducted on the basis of a scheduled programme of reviews or in response to a matter brought to the committee's attention by –
    - ⊖ ~~an area assembly~~
    - an overview and scrutiny select commission;
    - an organisation with which the Council is in partnership, or
    - the public as a result of a public consultation exercise, or
    - the **Forward** Plan of key decisions;
- reviews in consequence of the Council's Corporate Plan and Sustainable Community Strategy;
- performance reviews of joint authorities, committees and other bodies whose activities concern the borough and its inhabitants (eg the Police, and public transport operators);
- reviews under the statutory powers to scrutinise the health service;
- reviews under the Council's general power of competence and power to promote the well-being of the citizens of Rotherham;
- to monitor and review the implementation of changes made following the acceptance by the Council of recommendations in earlier scrutiny reports;
- to submit an annual report to the Council on the operation of overview and scrutiny select commissions and recommendations for future work, in accordance with article 8(6) of the Constitution;

*Cross-cutting issues and resolution of disputes*

- to determine which overview and scrutiny select commission will assume responsibility for any particular issue, where matters fall within the remit of more than one select commission and to resolve any issues of dispute between them;

*Requests for reports from ~~Cabinet Commissioners~~ and management of referrals to ~~Cabinet Commissioners~~*

- to receive requests from the ~~Cabinet Commissioners~~ and the Council or both for reports from a select commission and to allocate them as appropriate;
- to put in place and maintain a system to ensure that referrals from select commissions to the ~~Cabinet Commissioners~~, either by way of report or for reconsideration, are managed efficiently;

~~*Prioritising referrals to Commissioners to make decisions at the Commissioners' request about the priority of referrals to overview and scrutiny if the volume of referrals creates difficulty for the management of Commissioners' business, threatens the effective working of the overview and scrutiny process, or jeopardises the efficient running of council business;–  
Review or scrutiny of Council and reports to Commissioners*~~

- to make reports or recommendations to the ~~Cabinet Commissioners~~ or the Council in respect of functions which are the responsibility of the executive;
- to review or scrutinise decision making processes or actions taken in connection with the discharge of functions which are not the responsibility of the ~~Cabinet Commissioners~~
- to make reports or recommendations to the Council in respect of functions which are not the responsibility of the executive;

*Matters affecting the borough or its inhabitants*

- to make reports or recommendations to the full Council or the ~~Cabinet Commissioners~~ on matters which affect the borough or the inhabitants of the borough; and
- to arrange public consultation exercises for the purpose of assessing public satisfaction with current policies or to assist in the development of new policies.

*Membership of OSMB*

(2) The membership of the OSMB shall comprise –

- a chairperson who shall be a councillor appointed by the Council;
- a vice-chairperson who shall be appointed by the Council and who shall be a member of the main opposition group; and
- the chairs and vice-chairs of the overview and scrutiny select commission who shall be councillors appointed by the Council so as to reflect the political balance of the Council
- sufficient opposition councillors nominated by Opposition Parties or councillors and appointed by the Council, to ensure political balance

*Committee meetings*

- (3) Ordinary meetings of the OSMB shall be set in accordance with the agreed Calendar of Meetings ~~monthly for 9.00 am on Fridays~~.
- (4) Meetings of the OSMB will normally be held at the Town Hall, Rotherham, Moorgate Street, Rotherham, S60 2TH but may be held at other venues around the Borough as appropriate

## SCHEDULE 2

### TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY SELECT COMMISSIONS

#### MEMBERSHIP AND MEETINGS

##### 1. Membership of Select Commissions

###### *Membership of Overview and Scrutiny Select Commissions*

- (1) The membership of each of the Council's overview and scrutiny select commissions shall comprise
  - (a) a chairperson and vice-chairperson, who shall be members of the Council appointed annually by the Council;
  - (b) other members of the Council appointed annually by the Council;
  - (c) any non-voting co-optees appointed from time to time by each select commission; and
  - (d) in the case of the Improving Lives Select Commission the education representatives appointed by the Council.

##### 2. Select Commission Meetings

- (2) In consideration of its workload, including any annual overview and scrutiny work programme allocated to it by the OSMB, each overview and scrutiny select commission shall determine the frequency of its meetings.
- (3) Meetings of overview and scrutiny select commissions will normally be held at the Town Hall, Rotherham, Moorgate Street, Rotherham, S60 2TH but may be held at other venues around the Borough as appropriate.

#### GENERAL FUNCTIONS

##### 3. General Functions

- (1) Overview and scrutiny select commissions are tasked with the following general functions –

###### *Annual overview and scrutiny work programmes*

- (a) Carrying out the annual overview and scrutiny work programme set for each select commission by the OSMB, including –
  - service reviews conducted on the basis of clear priorities set in response to **Cabinet Commissioners**, Council or a matter brought to the select commission's attention by a **area-assembly**, petition, other overview and scrutiny select commission, organisation with which the Council is in

partnership, referral from tenant or user group bodies (for example area housing panels or Rotherham Youth Cabinet) or as a result of a public consultation exercise;

- performance reviews of joint authorities, other select commissions and other bodies whose activities concern the borough and its inhabitants (eg the Police, and public transport operators).

*Requests for reports from OSMB*

- (b) Submitting reports commissioned by the OSMB in response to requests from the **Cabinet Commissioners** or the Council (or both) for reports from overview and scrutiny select commissions.

*Reports in respect of executive functions*

- (c) Submitting reports with recommendations to the **Cabinet Commissioners** or the full Council in respect of functions which are the responsibility of the executive and which fall within the remit of the particular select commission.

*Review and scrutiny of non-executive decisions*

- (d) Reviewing and scrutinising decisions made or actions taken in connection with the discharge of functions which are not the responsibility of the executive but which fall within the remit of the particular select commission.
- (e) Submitting reports with recommendations to the full Council in respect of functions which are not the responsibility of the executive but which fall within the remit of the particular select commission.

*Matters affecting the borough or its inhabitants*

- (f) Submitting reports commissioned by the OSMB with recommendations on matters that affect the borough or the inhabitants of the borough for submitting to the Council or the **Cabinet Commissioners**—
- (g) Arranging public consultation exercises for the purpose of assessing public satisfaction with current council policies or to assist in the development of new policies.



## **SPECIFIC FUNCTIONS**

### **4. Health Select Commission**

- (1) The Health Select Commission is tasked with carrying out in-depth overview and scrutiny as directed by the OSMB, including –
  - (a) performing the role of the Council’s designated scrutiny body for any issue relating to health and the public health agenda including those functions contained within the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013;
  - (b) scrutinising the health services commissioned for the people of Rotherham (under the powers of health scrutiny as outlined in the Health and Social Care Act 2001);
  - (c) scrutinising partnerships and commissioning arrangements in relation to health and well-being and their governance arrangements and the integration of health and social care services and budgets
  - (d) scrutinising measures for achieving health improvements and the promotion of wellbeing for Rotherham’s adults and children;
  - (e) scrutinising measures designed to address health inequalities;
  - (f) scrutinising public health arrangements;
  - (g) scrutinising food standards and environmental health ; and
  - (h) scrutinising issues referred to the select commission by the Healthwatch Rotherham (or any successor body).
  - (i) Those elements of this scrutiny function relating to NHS England’s new review of Congenital Heart Disease services are delegated to the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber)
  
- (2) The Health Select Commission will also act as a consultee in respect of those matters of “substantial variation” on which NHS bodies must consult with the Council in relation to its health scrutiny function.
  
- (3) The Health Select Commission will lead on the overview and scrutiny of any regional and specialist health service health matters affecting residents of two or more local authorities within Yorkshire and the Humber, and will conduct such overview and scrutiny reviews in accordance with the Protocol for the Yorkshire and the Humber Council’s Joint Health Scrutiny Select Commission.

### **5. Improving Lives Select Commission**

- (1) The Improving Lives Select Commission is tasked with carrying out in-depth overview and scrutiny reviews as directed by the OSMB, including –
  - (a) scrutinising the Every Child Matters agenda (note Health Select Commission responsibilities);
  - (b) scrutinising the “Think Family” and early intervention/ prevention agendas;

- (c) scrutinising other cross-cutting services provided specifically for children and young people;
- (d) scrutinising the implementation of Rotherham's plans to tackle Child Sexual Exploitation

## **6. Improving Places Select Commission**

- (1) The Improving Places Select Commission is tasked with carrying out in-depth overview and scrutiny reviews as directed by the OSMB, including –
- (a) scrutinising community cohesion and social inclusion and the Council's specific initiatives to promote them;
  - (b) scrutinising tourism, culture and leisure services and strategies;
  - (c) scrutinising borough wide housing and neighbourhood strategies;
  - (d) scrutinising economic development and regeneration strategies;
  - (e) scrutinising the environment and sustainable development; and
  - (f) scrutinising devolved neighbourhood working.

## **APPENDIX 3**

### **ROTHERHAM BOROUGH COUNCIL**

### **ACCESS TO INFORMATION RULES**

1. [Introduction](#)

#### **PART I BEFORE THE MEETING**

2. [Right of access to meetings and exceptions](#)
3. [Notice of meetings](#)
4. [Public access to agenda and connected reports](#)
5. [Members additional rights of access to documents](#)

#### **PART II THE MEETING AND AFTER THE MEETING**

6. [Exclusion of the public and press from public meetings](#)
7. [Inspection of minutes and other documents after public meetings](#)
8. [Inspection of minutes and other documents after executive meetings held in private, etc.](#)
9. [Overview and scrutiny members right of access to executive documents](#)
10. [Fee for inspecting or copying documents](#)

#### **PART III RECORDING OF DECISIONS MADE BY OFFICERS**

12. [Recording of decisions made by officers](#)

#### **PART IV SUMMARY OF THE RULES**

13. [Summary](#)

[APPENDIX – Schedule 12A of the Local Government Act 1972](#)

**THE APPENDIX**  
**SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972**

- Para. 1** Information relating to any individual
- Para. 2** Information which is likely to reveal the identity of an individual
- Para. 3** Information relating to the financial or business affairs of any particular person (including the authority holding that information)
- Para. 4** Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council
- Para. 5** Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- Para. 6** Information which reveals that the Council proposes
- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
- Para. 7** Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
- Para. 7A** Information which is subject to any obligation of confidentiality.
- Para. 7B** Information which relates in any way to matters concerning national security.
- Para. 7C** The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

## 1. Introduction

- (1) These Rules concern the right of the public to have access to meetings of the full Council, its committees and sub-committees and to documents submitted to the meeting for consideration by the councillors present at the meeting.
- (2) The Rules apply to all meetings of the full Council and to –
  - (a) public and private meetings of the executive;
  - (b) the Council's regulatory committees;
  - (c) the Council's overview and scrutiny committees;
  - (d) ~~the Council's area committees~~; and
  - (e) the Council's Standards and Ethics Committee.
- (3) The Rules do not affect any more specific rights of the public to information by virtue of the Constitution or the law.

**PART I  
BEFORE THE MEETING**

**2. Right of access to meetings and exceptions**

*Right of access to full council and committee meetings  
and executive meetings held in public*

(1) In general full council and committee meetings and executive meetings held in public are open to the public, but the public:-

(a) must be excluded from a full council or committee meeting or executive meeting held in public where it is likely that if they were allowed to stay confidential or exempt information would be disclosed to them;

~~2.1.2 may be excluded from a full council or committee meeting or executive meeting held in public or part of the meeting (if the members present pass a resolution to that effect) where there is an item of business on the agenda for the meeting that, in view of the subject matter of the item or the subject matter of the meeting, is likely to result in confidential information or exempt information being disclosed to the public if they were allowed access to the meeting or allowed to stay for that part of the meeting;~~

(b) may be excluded from an executive meeting held in public (if the members of the executive present pass a resolution to that effect) where there is an item of business on the agenda for the meeting that, in view of the nature of the item, is likely to result in the advice of a political adviser or assistant being disclosed to the public if they were allowed to stay.

*Executive meetings concerning key decisions must be held in public*

(2) An executive meeting may be held in public or in private, but the meeting or part of the meeting must be held in public (unless there is an item of business on the agenda for the meeting, or that part of the meeting, which is likely to result in confidential or exempt information being disclosed to the public if the public were to be allowed access to the meeting or allowed to stay for that part of the meeting) where the Leader of the Council or anyone else chairing the meeting reasonably believes that –

(a) a decision to be made at the meeting or part of the meeting will be a key decision;

(b) a matter is likely to be discussed at the meeting or part of the meeting which relates to a key decision included in the executive's current forward plan or which is the subject of a notice under procedure rule 2(3); and:–

- (i) the decision is likely to be made at a meeting of the executive within 28 days of the meeting, and
- (ii) an officer (other than a political adviser or assistant) will be present at that meeting or the part of the meeting at which the item is discussed,

but a meeting need not be held in public if the principal purpose of the officer's presence is to brief the executive decision-maker on matters connected with the making of the decision;

- (c) a matter relating to a key decision to be made by the executive is to be discussed with an officer (other than a political adviser or assistant) present; or
- (d) a decision is to be made at the meeting or part of the meeting in relation to which notice has been given in accordance with procedure rule 2(3).

*General exception to key decision to be made in public*

(3) Where it has been impracticable to include a matter on the plan of key decisions and the matter would be a key decision, the executive must only make the decision if the Democratic Services Manager has –

- (a) notified in writing the chair of the Overview and Scrutiny Management Board or, if there is no chair, each member of the Board by notice in writing of the matter about which the decision is to be made,
- (b) placed a copy of the notice at the Town Hall or the place of the meeting and on the Council's website, and

5 clear days have elapsed since the notice was given and made available for public inspection.

*Exception to key decision to be made in public on ground of special urgency*

(4) If the date by which a key decision must be made makes it impracticable to comply with procedure rule 2(3), the key decision can only be made if the decision-maker has obtained the agreement of –

- (a) the chair of the Overview and Scrutiny Management Board, or
- (b) if there is no chair of the Overview and Scrutiny Management Board or the Chair is unable to act, the Mayor, or
- (c) if there is no chair of the Overview and Scrutiny Management Board or Mayor or they are both unable to act, the Deputy Mayor

that the making of the key decision is urgent and it cannot reasonably be deferred.

*Meaning of “information”*

- (5) “Information” includes an expression of opinion, any recommendation and any decision made.

*Meaning of “confidential information”*

- (6) “Confidential information” means –
  - (a) information given to the Council by a government department on condition that it is not made available to the public; and
  - (b) information which must not be made available to the public because an Act of Parliament or a court order prohibits its disclosure to the public.

*Meaning of exempt information*

- (7) “Exempt information” means information which falls into one or more of the categories of information specified in Schedule 12A to the Local Government Act 1972 (please see the Appendix).
- (8) Information is exempt if the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (9) The Secretary of State may vary the categories of exempt information, in accordance with parliamentary procedures.



*Meaning of “key decision”*

(10) A key decision means:-

(a) any recommendation to Council to approve or vary the revenue or capital budget, being outside approved virement limits.

(b) any executive decision which is likely –

to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority’s budget for the service or function to which the decision relates; or

to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

(c) with the exception of:-

(i) decisions which are a direct consequence of implementing a previous key decision and were contemplated by the decision maker when the original key decision was made.

(ii) bids by the Council for funding of £400,000 or more where, if the bid should be successful, a further report seeking approval of the scheme will be submitted to Cabinet.

(iii) expenditure for the day to day provision of services that was in the contemplation of the Council when the revenue budget was approved and is in the opinion of the Strategic Director of Finance and Customer Services inevitable.

(iv) expenditure that must be incurred to comply with the terms of contracts won by the Council in competition.

(11) The Council has determined that decisions that will result in expenditure or savings with a gross effect of £400,000 are to be considered significant.

### **3. Notice of meetings**

*Notice of full council and committee meetings and executive meetings held in public*

(1) The public must be given notice of full council and committee meetings and executive meetings to be held in public; the Democratic Services Manager will post the notice of the meeting ~~at the Town Hall or the place of the meeting~~ on the Council’s website –

(a) at least 5 ~~clear~~ working days before the meeting; or

- (b) at the time it is convened, if the meeting is called at shorter notice.

*Meaning of “~~clear~~ working days”*

- (2) “~~Clear~~ Working days” means the day on which the notice is given and the day of the meeting are excluded in calculating the period of 5 days’ notice.

**4. Public access to agenda and connected reports**

*Copies of agenda and connected reports*

- (1) The Democratic Services Manager will ensure that a copy of the agenda and the reports that will be debated in the open part of a committee meeting or executive meeting held in public are available for inspection by the public ~~at the Town Hall or the place of the meeting~~ on the Council’s website:-

- (a) at least 5 ~~clear~~ working days before the meeting; or
- (b) at the time it is convened, if the meeting is convened at shorter notice.

- (2) Where a decision making body (Cabinet, a committee of Cabinet, a Joint Committee, a sub committee of a joint committee or an area committee) is to meet in private:-

- (a) a notice of the meeting, including the reasons why the meeting is to be held in private, must be published at least 28 clear days before the meeting;
- (b) a notice including the reasons why the meeting is to be held in private, together with any representation made as to why the meeting should be open to the public and a statement of the Council’s response, shall be published at least 5 clear days before the private meeting;
- (c) where compliance with the rules 4(2)(a) and 4(2)(b) is impracticable agreement must be sought from the chair of the Overview and Scrutiny Management Board or if the chair of the Overview and Scrutiny Management Board is unable to act, the Mayor, that the meeting is urgent and cannot reasonably be deferred; and
- (d) as soon as is reasonably practicable after obtaining the agreement described in rule 4(2)(c) a notice must be published ~~at the Town Hall and~~ on the Council’s website setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

*Reports not for publication*

- (3) Copies of reports that:–
- (a) contain or may contain confidential information, or
  - (b) contain or are likely to contain exempt information, or
  - (c) contain or are likely to contain, in the case of an executive meeting, the advice of a political adviser or assistant,
- must be marked “not for publication”.
- (4) On every copy of the whole or part of a report containing confidential information there must be stated that it contains confidential information.
- (5) On every copy of the whole or part of a report likely to contain exempt information must be stated the reason, by reference to Schedule 12A to the 1972 Act, why the public is likely to be excluded from the meeting while the report is debated.
- (6) On every copy of the whole or part of a report containing the advice of a political adviser or assistant there must be stated that it contains political advice.

*Copies of agenda and reports for use of public*

- (7) The Democratic Services Manager will ensure that a reasonable number of copies of the agenda and reports to be discussed in the open part of a full council or committee meeting or executive meeting held in public are available for the use of the public at the meeting.

~~*Copies of agenda and reports for use of media*~~

- ~~a. At the request of a newspaper, and on payment of postage or any other necessary forwarding charge, the Principal Democratic Services Officer will supply–~~
- ~~4.8.1. a copy of the agenda and the reports to be debated in the open part of a full council or committee meeting or executive meeting held in public;~~
- ~~4.8.2. further statements or particulars (if any) that are necessary to indicate the nature of the items included in the agenda; and~~
- ~~4.8.3. at his discretion, copies of any other documents supplied in connection with an item on the agenda to the full Council or~~

~~committee members or members of the executive (as the case may be).~~

*Extra items added to the agenda*

- (8) Subject to procedure rule 4(9), from the time when an extra item of business is added to the agenda for a full council or committee meeting or an executive meeting held in public, the Democratic Services Manager will make available for inspection by the public a copy of the revised agenda and copies of any reports on extra items added to the agenda to be debated during the open part of the meeting.
- (9) Members of the public will not be entitled to inspect a copy of the revised agenda and copies of extra items until they are available, as the case may be, to full council or committee members or executive members.

*Failure to comply with rule 3 (notice of meetings) and this rule  
In respect of full council and committee meetings*

- (10) A full council or committee meeting cannot consider an item of business unless –
  - (a) Procedure rule 3 (notice of meetings) and this rule have been complied with, or
  - (b) the chair of the meeting is satisfied that there are special circumstances justifying consideration of the item at the meeting as a matter of urgency.
  - (c) the minutes of the meeting must specify the special circumstances upon which the chairman exercised his discretion to allow consideration of the item at the meeting.

*Failure to comply with rule 2.3 or 2.4 in respect of key decisions*

- (11) An executive meeting convened at short notice cannot consider an item of business that requires a key decision unless procedure rules 2(3) or 2(4) (exceptions to key decisions being made in public) has been complied with, and the Democratic Services Manager has made available a copy of the agenda including the item for inspection by the public from the time that the meeting was convened.

## 5. Members' additional rights of access to documents

### *Members' general right to inspect council documents*

- (1) A member of the Council has the right to inspect documents ~~addressed to the Council.~~ held by the Authority.
- (2) The right stems from the general duty of a member of the Council to keep himself or herself informed of council business as an elected representative on a "need to know" basis.

### *Limitations on general right of inspection*

- (3) Members have a general right to inspect documents to undertake their various roles as an elected member of the Council. The right does not, however, entitle a member to inspect council documents for an improper motive.

### *Members' specific right to inspect council documents*

- (4) In relation to reports to be considered at full council or committee meetings or executive meetings held in public, a member of the Council has, subject to procedure rule 5(5), the right to inspect any document that:–
  - (a) contains material that relates to an item to be considered at a full council or committee meeting, or
  - (b) is in the possession or under the control of the executive and contains material relating to any business to be transacted at an executive meeting held in public,whether or not he or she is a member of the particular committee or the executive.
- (5) The right mentioned in rule 5.4 does not extend to a document or part of a document that in the opinion of the Assistant Director of Legal Services –
  - (a) contains confidential or exempt information (please see the Appendix), or
  - (b) discloses advice provided by a political adviser or assistant to the executive,

but this procedure rule 5(5) does not apply –

- (i) to exempt information that falls within paragraph 3 (information relating to the financial or business affairs of any particular person (including the Council)) of Schedule 12A to the Local Government Act 1972, except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract, or
- (ii) to exempt information that falls within paragraph 6 (information which reveals that the Council proposes to serve a notice on a person or to make an order or direction under any enactment) of Schedule 12A.

**PART II**  
**THE MEETING AND AFTER THE MEETING**

**6. Exclusion of the public and press from public meetings**

*Public and Press not to be excluded from meeting open to public*

- (1) The Council must not exclude members of the public or the press, who must be given facilities for reporting the proceedings ~~including telephone facilities for telephoning the report~~ at their own expense, from a meeting which is open to the public.

*Content of resolution excluding public from meeting*

- (2) A resolution to exclude members of the public from a full council or committee meeting or executive meeting held in public must identify the proceedings or the part of the proceedings to which it applies, and describe the exempt information in terms of Schedule 12A to the 1972 Act (please see the Appendix) [and confidential information](#).
- (3) Council Procedure Rule 18 (Appendix 4 of the Constitution) details the rules regarding the filming and recording of Council and committee meetings.

~~*Prohibition against taking photographs or recording proceedings*~~

~~6.1. The Council may prohibit—~~

~~6.3.1. the taking of photographs during a meeting;~~

~~6.3.2. the use of recording equipment (for example television and radio equipment) so that persons outside the meeting can see or hear the proceedings during or after the meeting;~~

~~6.3.3. the live reporting of the meeting.~~

*Chairman's powers to control meeting*

- (4) If a group or an individual member(s) of the public interrupts the proceedings at any meeting, the Mayor or Chair shall warn the person(s) concerned. If the interruption continues, the Mayor or Chair shall order their removal from the meeting room. ~~The chairman has the power to exclude members of the public from the open part of the meeting in order to stop or prevent disorderly conduct or other misbehaviour by the public present at the meeting.~~

- (5) In the case of general disturbance in any part of the room open to the public, or of the premises where the meeting is being held, the Mayor or Chair will order that part to be cleared. If in the Mayor or Chair's view, this is not practicable and it is not possible to continue the meeting in the light of the disturbance, he/she may rule that the meeting adjourn and/or that the meeting should be reconvened in a different venue. ~~A resolution of the chairman to exclude the public from the meeting need not be made in public, but in order to satisfy the requirement of natural justice that a person should not be condemned unheard the chairman will ordinarily take the steps outlined in rule 6.6.~~

~~6.6. Unless the chairman considers it necessary to suspend or adjourn the meeting because of the level of disruption caused by an individual or group of people present at the meeting, the chairman will warn the person or persons causing the disruption that he or they will be excluded from the meeting if the disruption continues, and the police may be called upon to maintain public order.~~

## **7. Inspection of minutes and other documents after public meetings**

### *Documents available for public inspection after meetings*

- (1) For a period of six years, beginning with the date of a council or committee meeting or an executive meeting held in public, there must be open to public inspection, [via the Council's website](#) –
- (a) the minutes, or a copy of the minutes of the meeting, which have been edited to remove any minutes relating to the closed part of the meeting, and which would result in the disclosure of confidential or exempt information if the removed minutes were made available for public inspection;
  - (b) a summary prepared by the Democratic Services Manager (without disclosing confidential or exempt information or the advice of a political adviser or assistant) of the whole or part of the meeting, if the edited minutes do not give a reasonably fair and coherent record of the whole or part of the meeting;
  - (c) a copy of the agenda for the meeting; and
  - (d) a copy of the reports prepared for the open part of the meeting.

### *Inspection of background papers*

- (2) For four years beginning with the date of the meeting, the Democratic Services Manager will keep –



- (a) copies of a list of the background papers relating to the reports or parts of the reports open to public inspection, and
- (b) make available for public inspection at least one copy of each of the papers included in that list,

on the Council's website and at all reasonable hours at the Town Hall, The Crofts, Moorgate Street, Rotherham, S60 2TH.

*Meaning of "background papers", etc*

- (3) "Background papers" for a report means those documents other than published documents which relate to the subject matter of the report or a part of the report (as the case may be) and which in the opinion of the Democratic Services Manager:–
  - (a) disclose facts or matters on which the report or an important part of the report is based; and
  - (b) were relied on to a material extent in preparing the report.
- (4) Background papers are considered to be open to public inspection if available as soon as reasonably practicable after a member of the public has requested sight of them.

**8. Inspection of minutes and other documents after executive meetings held in private, etc.**

*Executive meetings, etc.*

- (1) As soon as practicable following –
  - (a) the date of an executive meeting held in private,
  - (b) the date on which an individual member of the executive made an executive decision, or
  - (c) the date on which an officer made an executive decision that was a key decision,

the Democratic Services Manager will arrange for the documents mentioned in procedure rule 8(2) to be available for public inspection on the Council's website and ~~at all reasonable hours at the Town Hall, The Crofts, Moorgate Street, Rotherham, S60 2TH.~~

*Documents available for public inspection*

- (2) The documents are –
- (a) in the case of –
    - (i) an executive meeting, the minute or a copy of the minute of the meeting,
    - (ii) an executive decision made by an individual member, the statement or a copy of the statement recording the decision, and
    - (iii) a copy of any report or part of a report relevant to the particular minute or statement, except where the report or part of the report contains confidential or exempt information or the advice of a political adviser or assistant.

*Copies of documents supplied for use of media*

- (3) At the request of a newspaper, the Democratic Services Manager will supply copies of the documents mentioned in rule 8.2 on payment of postage or any other necessary forwarding charge.

*Inspection of background papers*

- (4) Where in accordance with this rule a report or part of a report for an executive meeting held in private is made available for inspection by the public at the same time as the agenda and other connected reports for the meeting are made available to the public in accordance with rule 4 (public access to agenda and connected reports), the Democratic Services Manager will ensure that –
- (a) the report or part of the report contains a list of the background papers to the report; and
  - (b) as soon as reasonably practicable following a request by a member of the public to see the background papers to the report, a copy of each of the documents in the list is available for inspection by the public at all reasonable hours at the Town Hall, The Crofts, Moorgate Street, Rotherham, S60 2TH.

*Private meeting of executive, etc.*

- (5) On the conclusion of a private meeting of the executive or immediately after an executive decision has been made by an individual member or a key decision made by an officer, members of the Council have the right to inspect any of the documents specified in procedure rule 8(6).

- (6) The documents referred to in procedure rule 8(5) are the documents that are in the possession or under the control of the executive and contain material relating to –
  - (a) any business transacted at the private meeting of the executive;
  - (b) any decision made by the individual member of the executive; or
  - (c) any key decision made by the officer in accordance with executive arrangements.
- (7) The right mentioned in procedure rules 8(4) and 8(5) does not extend to a document that in the opinion of the Democratic Services Manager –
  - (a) discloses confidential or exempt information (please see the Appendix); or
  - (b) discloses advice provided by a political adviser or assistant to the executive,but this procedure rule 8(7) does not apply –
  - (i) to exempt information that falls within paragraph 3 (information relating to the financial or business affairs of any particular person (including the Council)) of Schedule 12A to the Local Government Act 1972, except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract, or
  - (ii) to exempt information that falls within paragraph 6 (information which reveals that the Council proposes to serve a notice on a person or to make an order or direction under any enactment) of Schedule 12A to the 1972 Act.

## **9. Overview and scrutiny members right of access to executive documents**

- (1) **Members have a general right to inspect documents to undertake their various roles as an elected member of the Council.** A member of an overview and scrutiny committee has, subject to procedure rule 9(2), the right to a copy of any document which is in the possession or under the control of the executive and which contains material relating to –
  - (a) any business that has been transacted at a public or private meeting of the executive,
  - (b) any decision made by an individual member of the executive; or

- (c) any key decision made by an officer in accordance with executive arrangements.
- (2) The right mentioned in rule 9(1) does not extend to a document or part of a document that in the opinion of the Assistant Director of Legal Services:—
  - (a) contains confidential or exempt information unless that information is relevant to –
    - (i) an action or decision that the member is reviewing or scrutinising,
    - (ii) any review contained in a programme of work of the committee or subcommittee of which he is a member; or
    - (iii) contains the advice of a political adviser or assistant.

#### **10. Fee for inspecting or copying documents**

- (1) The Council may charge a member of the public wishing to inspect background papers under procedure rules 7 or 8 (inspection of minutes and documents) a reasonable fee for doing so.
- (2) Subject to copyright, the Council may charge a member of the public or member of the Council wishing to make a copy of the whole or part of a document available for inspection under these Rules a reasonable fee for doing so or for the Council itself supplying him with a copy.

**PART III**  
**RECORDING OF DECISIONS MADE BY OFFICERS**

**11. Recording of decisions made by officers**

- (1) Where an officer makes a decision which is not an executive decision, including under specific delegation from a meeting of a decision-making body, the effect of which is

- (a) to grant a permission or licence,
- (b) to affect the rights of an individual; or
- (c) to award a contract or incur expenditure which, in either case, materially affects the Council's financial position,

the decision-making officer must produce a written record of the decision as soon as reasonably practicable after the decision has been made which must contain the following information –

- the date the decision was taken
  - a record of the decision taken along with reasons for the decision;
  - details of alternative options, if any, considered and rejected; and
  - where the decision was made under specific delegation from a decision-making body, the names of any member of the relevant body who has declared a conflict of interest in relation to the decision.
- (2) The Council has determined that where the effect of an officer decision is to award a contract or incur expenditure, the value of the contract or expenditure above which it is to be considered as materially affecting the Council's position is to be £250,000.
- (3) The duty imposed by Procedure Rule 11(1) above is satisfied where, in respect of a decision, a written record, containing the date the decision was taken and the reasons for the decision, is already required to be produced in accordance with statute, and the duty does not require administrative and operational decisions to be recorded.
- (4) All written records produced in accordance with Procedure Rule 11(1) above, together with any background papers, must as soon as reasonably practicable after the record is made, be made available for inspection by members of the public:–
- at all reasonable hours, at the offices of the Council; and
  - on the Council's website,

- (5) All written records produced in accordance with Procedure Rule 11(1) above must be retained and made available for inspection by the public for a period of six years beginning with the date on which the decision, to which the record relates, was made.
- (6) Any background papers must be retained and made available for inspection by the public for a period of four years beginning with the date on which the decision, to which the background papers relate, was made.
- (7) Nothing in Procedure Rules 11(1) to 11(6) requires the disclosure of exempt or confidential information.

**PART V  
SUMMARY OF THE RULES**

**12. Summary**

The Access to Information Rules are summarised as follows –

**BEFORE THE MEETING**

- (1) The public has a general right of access to meetings of the full Council and to committee meetings and executive meetings held in public.
- (2) A full council or committee or executive meeting (or part of the meeting) must not be held in public where the item for discussion contains confidential information.
- (3) The public may be excluded from a full council or committee or executive meeting (or part of the meeting) by resolution of the members present if an item to be discussed is likely to contain exempt information.
- (4) The categories of exempt information are set out in Schedule 12A to the Local Government Act 1972 (a summary of the provisions of Schedule 12A is appended to these Rules).
- (5) The public may be excluded from a committee or executive meeting (or part of the meeting) by resolution of the members present if an item to be discussed is likely to contain the advice of a political adviser or assistant.
- (6) An executive meeting (or part of an executive meeting) may be held in private but, subject to procedure rule 12(7), must be held in public if –
  - (a) a key decision is to be made;
  - (b) a matter is likely to be discussed that relates to a key decision included in the current plan and the executive is likely to make the decision within 28 days of the meeting, and an officer will be present at that meeting or part of the meeting when the matter is discussed;
  - (c) a key decision is to be discussed with an officer other than a political adviser or assistant.

- (7) A key decision may be made in private if but only if –
- (a) the decision relates to a matter that it was impracticable to include on the plan and appropriate notice has been given and 5 **working clear** days have elapsed since the publication of the notice; or
  - (b) the date by which the decision must be made makes it impracticable to comply with the notice requirements set out in procedure rule 12(7)(a) and certain members of the Council have agreed to the decision being made on the ground of special urgency.
- (8) The public must be given at least 5 **working clear** days' notice of a committee or executive meeting or part of a meeting to be held in public, unless the meeting is called at shorter notice when the notice must be given at the time the meeting is convened.
- (9) Copies of the agenda and reports to be debated in the open part of a full council or committee or executive meeting (or part of the meeting) must be available for inspection by the public at least 5 **working clear** days before the meeting, unless the meeting is called at shorter notice when they must be available at the time the meeting is convened.
- (10) Reports or parts of reports containing confidential or exempt information or the advice of a political adviser or assistant must be marked "not for publication", and the reason must be stated on the face of the report or part of the report.
- (11) Copies of the agenda and the open reports or the open parts of reports prepared for a full council or committee meeting or an executive meeting held in public must be available for inspection by the public before the meeting.
- (12) Members of the Council have certain general and additional rights of access to council documents forming the basis of a report to members or the executive.

#### THE MEETING AND AFTER THE MEETING

- (13) Members of the public cannot be excluded from the open part of a meeting unless they are disruptive when the chairman may exclude them.
- (14) The resolution excluding the public from a full council or committee or executive meeting (or part of the meeting) must satisfy certain criteria (see procedure rule 6(2)).



- (15) The minutes, a summary of the meeting (if the minutes are not a fair and coherent record of the meeting after editing to remove confidential or exempt information or the advice of a political adviser or assistant), the agenda and the reports of the open part of a full council or committee or executive meeting must be available for public inspection for at least 6 years after the meeting.
- (16) Background papers relating to the open part of a full council or committee or executive meeting must also be available for public inspection for at least 4 years after the meeting.

PRIVATE MEETINGS OF THE EXECUTIVE, ETC.

- (17) Following an executive meeting held in private, the making of an executive decision by a member of the executive or the making of a key decision by an officer, the Democratic Services Manager will make available for public inspection –
  - (a) the minute or a copy of the minute of the meeting;
  - (b) the statement or a copy of the statement recording the executive decision made by the member, or
  - (c) the statement or a copy of the statement recording the key decision made by the officer, and
  - (d) a copy of any report or part of a report that relates to the minute or statement,

which have been edited to remove confidential or exempt information or the advice of a political adviser or assistant.

- (18) The Democratic Services Manager will ensure that any report made available for public inspection under procedure rule 12(17) contains a list of background papers to the report and copies of the documents listed are available for public inspection.
- (19) Following –
  - (a) a private meeting of the executive, or
  - (b) the making of an executive decision by an executive member ~~or a key decision by an officer,~~

members of the Council have the right to inspect any documents containing material relating to the business transacted at the meeting or relating to the decision or key decision, which have been edited to remove confidential or exempt information or the advice of a political adviser or assistant.

OVERVIEW AND SCRUTINY

(20) A member of an overview and scrutiny committee has the right to a copy of any document containing material relating to –

- (a) any business transacted at a public or private meeting of the executive,
- (b) any decision made by an executive member ~~or key decision made by an officer~~,

which has been edited to remove confidential or exempt information or the advice of a political adviser or assistant.

## **APPENDIX SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972**

### **1. Information relating to any individual**

#### *Exemption*

- (1) A report contains exempt information if it contains information relating to any individual – paragraph 1 of Part I of Schedule 12A.

#### *Qualification*

- (2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **2. Information which is likely to reveal the identity of an individual**

#### *Exemption*

- (1) A report contains exempt information if it contains information which is likely to reveal the identity of an individual – paragraph 2 of Part I of Schedule 12A.

#### *Qualification*

- (2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **3. Information relating to the financial or business affairs of any particular person (including the Council)**

#### *Exemption*

- (1) A report contains exempt information if it contains information relating to the financial or business affairs of any particular person (including the Council) – paragraph 3 of Part I of Schedule 12A.

#### *Qualification*

- (2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- (3) The information is not exempt if it is required to be registered under –
  - (a) the Companies Act 1985;
  - (b) the Friendly Societies Act 1974;
  - (c) the Friendly Societies Act 1992;
  - (d) the Industrial and Provident Societies Acts 1965 to 1978;
  - (e) the Building Societies Act 1986; or
  - (f) the Charities Act 1993.
- (4) The information is not exempt if it relates to proposed development for which the Council, in its capacity as local planning authority, may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (5) For the purposes of this exemption –
  - (a) “financial or business affairs” includes contemplated, as well as past or current, activities;
  - (b) “registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

**4. Information relating to any consultations or negotiations, or contemplated negotiations, in connection with any labour relations matter**

*Exemption*

- (1) A report contains exempt information if it contains information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council – paragraph 4 of Part I of Schedule 12A.

*Qualification*

- (2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (3) For the purposes of this exemption –
  - (a) “employee” means a person employed under a contract of service;
  - (b) “labour relations matter” means –

- (i) any of the matters specified in paragraphs (a) to (g) of section 218 (1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act), or
- (ii) any dispute about a matter falling within the preceding paragraph (i),

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the Council as they apply in relation to employees of the Council;

- (4) “office-holder”, in relation to the Council, means the holder of any paid office appointments to which are or may be made or confirmed by the Council or by any joint board on which the Council is represented or by any person who holds any such office or is an employee of the Council.

**5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings**

*Exemption*

- (1) A report contains exempt information if it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings – paragraph 5 of Part I of Schedule 12A.

*Qualification*

- (2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**6. Information which reveals that the Council proposes to serve a notice on a person or to make an order or direction under any enactment**

- (1) A report contains exempt information if it contains information which reveals that the Council proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment – paragraph 6 of Part I of Schedule 12A.

*Qualification*

- (2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime**

*Exemption*

- (1) A report contains exempt information if it contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime – paragraph 7 of Part I of Schedule 12A.

*Qualification*

- (2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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## **Council Report**

Council - 23 May 2018

### **Title**

Community Governance Review - Orgreave Parish Council – Final Recommendations

### **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 Authors**

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

Miles Crompton, Policy and Partnership Officer  
01709 822763 [miles.crompton@rotherham.gov.uk](mailto:miles.crompton@rotherham.gov.uk)

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

Rother Vale, Brinsworth & Catcliffe

## **Executive Summary**

At its meeting on 13<sup>th</sup> December 2017 Council received a report on the Community Governance Review for Orgreave which had commenced in June 2015. Council agreed modified terms of reference for the review and for there to be further consultation. This report sets out the results of the consultation exercise, which finished on 16 April 2018, and makes recommendations as to the outcome of the Community Governance Review.

## **Recommendations**

- 1 That Council makes the following Final Recommendations for the purposes of Part 4 Chapter 3 of the Local Government and Public Involvement in Health Act 2007:
  - 1.1 A new parish, comprising the Waverley North and Waverley South polling districts shall be constituted and:
    - The name of the new parish should be Waverley.
    - The new parish shall have the alternative style of Community.

- The Waverley North polling district shall cease to be part of the existing parish of Catcliffe and shall become part of the parish of Waverley.
  - The Waverley South polling district shall cease to be part of the existing parish of Orgreave and shall become part of the parish of Waverley.
  - There shall be a parish council for the parish of Waverley with 7 members.
  - The altered parish of Orgreave shall continue to have the name “Orgreave”, shall continue to have a parish council with 7 members and shall not be divided into wards.
  - The altered parish of Catcliffe shall continue to have the name “Catcliffe”, shall continue to have a parish council with 9 members and shall continue to not be divided into wards.
  - The election of all parish councillors for the parishes of Catcliffe, Orgreave and Waverley shall be held on 2 May 2019.
  - The term of office of every parish councillor elected on 2 May 2019 for the parishes of Catcliffe, Orgreave and Waverley shall be five years.
- 2 That the Assistant Director for Legal Services shall apply to the Local Government Boundary Commission for England for consent to the Final Recommendations in so far as they related to “protected electoral arrangements” for the purposes of the Local Government and Public Involvement in Health Act 2007.
- 3 That if consent from the Local Government Boundary Commission for England is forthcoming, to authorise the Assistant Director for Legal Services to publicise the Final Recommendations in accordance with Local Government and Public Involvement in Health Act 2007.
- 4 That a further report be brought to Council to advise Council on the decision of the Local Government Boundary Commission for England and to seek Council’s approval of the Reorganisation of Community Governance Order required to bring the Final Recommendations into effect.

## **Appendices**

- Appendix 1 Summary and Analysis of Consultation Responses
- Appendix 2 Consultation responses from local representative bodies
- Appendix 3 List of Consultees
- Appendix 4 Maps showing the Options
- Appendix 5 Leaflet delivered to homes and businesses in Catcliffe, Orgreave and Waverley

## **Background Papers**

Report to the meeting of Council on 3<sup>rd</sup> June, 2015 - “Community Governance Review Orgreave Parish”

Report to the meeting of Council on 13<sup>th</sup> December, 2017 – “Community Governance Review - Orgreave Parish Council”



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 That Council makes the following Final Recommendations for the purposes of Part 4 Chapter 3 of the Local Government and Public Involvement in Health Act 2007:
  - 1.1 A new parish, comprising the Waverley North and Waverley South polling districts shall be constituted and:
    - i. The name of the new parish should be Waverley.
    - ii. The new parish shall have the alternative style of Community.
    - iii. The Waverley North polling district shall cease to be part of the existing parish of Catcliffe and shall become part of the parish of Waverley.
    - iv. The Waverley South polling district shall cease to be part of the existing parish of Orgreave and shall become part of the parish of Waverley.
    - v. There shall be a parish council for the parish of Waverley with 7 members.
    - vi. The altered parish of Orgreave shall continue to have the name “Orgreave”, shall continue to have a parish council with 7 members and shall not be divided into wards.
    - vii. The altered parish of Catcliffe shall continue to have the name “Catcliffe”, shall continue to have a parish council with 9 members and shall continue to not be divided into wards.
    - viii. The election of all parish councillors for the parishes of Catcliffe, Orgreave and Waverley shall be held on 2 May 2019.
    - ix. The term of office of every parish councillor elected on 2 May 2019 for the parishes of Catcliffe, Orgreave and Waverley shall be five years.
- 2 That the Assistant Director for Legal Services shall apply to the Local Government Boundary Commission for England for consent to the Final Recommendations in so far as they related to “protected electoral arrangements” for the purposes of the Local Government and Public Involvement in Health Act 2007.
- 3 That if consent from the Local Government Boundary Commission for England is forthcoming, to authorise the Assistant Director for Legal Services to publicise the Final Recommendations in accordance with Local Government and Public Involvement in Health Act 2007.
- 4 That a further report be brought to Council to advise Council on the decision of the Local Government Boundary Commission for England and to seek Council’s approval of the Reorganisation of Community Governance Order required to bring the Final Recommendations into effect.

## **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 At its meeting on 13 December 2017 Council received a further report which confirmed that a consultation exercise had taken place in 2015 but that no further report had then been submitted to Council. There has been significant new housing development on the Waverley site since 2015 and the report summarised the consultation responses received in 2015, outlined the various current proposals and recommended the modification of the terms of reference and that further consultation take place before a final decision was taken on a community governance review. Council agreed the recommendations in the report and the further consultation has now been completed and this report seeks a decision on an outcome of the review.
- 2.3 The issue which has prompted a community governance review is whether the continued expansion of the Waverley settlement and the increasing numbers of residents living there warrant changes to the arrangements for parish councils in that area. At present the Waverley settlement is split between the parishes of Orgreave and Catcliffe by a boundary which does not relate to any features on the ground.

## **3. The 2018 Consultation Responses**

- 3.1 Following the decision of Council at its meeting on 13 December 2017 a consultation exercise took place between 15 January 2018 and 16 April 2018. At Appendix 1 is a detailed summary and analysis of the consultation responses. The consultees included people living in Orgreave, Catcliffe and Waverley together with Orgreave Parish Council, Catcliffe Parish Council and the Waverley Residents Association.
- 3.2 All households in Orgreave, Catcliffe and Waverley received a leaflet from the Council setting out the options and inviting responses. Drop-in sessions were held in Orgreave, Waverley and Catcliffe. Businesses, public sector partners and voluntary and community sector organisations were also consulted together with Ward Members and Members of Parliament. Materials were also published on the Council's website with the facility for people to submit an electronic response.
- 3.3 The four options upon which people and organisations were consulted were:
  - 3.3.1 No change to the existing parish arrangements.

- 3.3.2 Reducing the existing parish of Orgreave to cover only the settlement of Orgreave, and to create a new parish to cover the southern part of the Waverley settlement. This option was proposed in the original petition.
- 3.3.3 Creating a new parish for the whole of the Waverley settlement. The parish of Orgreave would then cover only the settlement of Orgreave and the parish of Catcliffe would cover only the settlement of Catcliffe.
- 3.3.4 Creating a new area covering the whole of the Waverley settlement without a parish council. The parish of Orgreave would then cover only the settlement of Orgreave and the parish of Catcliffe would cover only the settlement of Catcliffe.

The options were set out in plans based upon the current polling district boundaries for Orgreave, Waverley South, Waverley North and Catcliffe.

3.4 The consultation responses are summarised and analysed in detail at Appendix 1. By way of summary:

3.4.1 Orgreave Parish Council's formal consultation response is included in Appendix 2. The Parish Council wrote to all residents living in the parish of Orgreave, which comprises the Orgreave polling district and the Waverley South polling district. The Parish Council provided information to the residents together with a response form and urged residents to oppose the option of no change to the community governance arrangements and to choose between Options 2, 3 and 4 [as set out at section 3.3 above]. The Parish Council's position is that it is for local people to choose between options 2, 3 and 4 but it supports the creation of a new parish for the Waverley settlement [Option 3] and restated its view that:

- There is no synergy between the community of Orgreave and the new, ever expanding, housing development within Waverley
- There is no defined boundary between the parishes of Orgreave and Catcliffe
- There are no direct transport links between Orgreave and Waverley
- There are no social activities joining the two areas (play groups, coffee mornings etc)

The Parish Council also referred to the recommendations of the Local Government Boundary Commission for England's recommendations (now set out in the Rotherham (Electoral Changes) Order 2018) which divides the parish of Orgreave into two wards with effect from the 2020 parish elections, a Waverley ward with 5 councillors and an Orgreave ward with 2 councillors. This reflects the division of the parish between two new Borough Council wards.

3.4.2 Catcliffe Parish Council's formal consultation response is included in Appendix 2. The Parish Council do not wish there to be any change to the boundary of their parish, which includes the Waverley North polling district. They support either Option 1 (no change) or Option 2 (a separate parish for South Waverley and a smaller parish of Orgreave).

3.4.3 The Waverley Residents Association's formal consultation response stated that Waverley should not be divided by parish boundaries and supported Options 3 and 4 (a parish for the whole of Waverley or for Waverley to become an unparished area) with the choice to be left to local residents.

3.4.4 A total of 394 responses were received from members of the public and these were received as follows:

- 311 responses via the forms circulated by Orgreave Parish Council
- 50 responses via the on-line consultation
- 13 responses via forms submitted at the Drop-In sessions
- 20 responses via email

This is an encouraging level of response given the size of the communities and that only 16 responses were received in the original consultation in 2015. 11.5 per cent of all adults in the area affected by the Options responded. However there was a marked disparity in the rates of response across the three settlements. The response rate in Orgreave was 46 per cent, in Waverley 8.7 per cent and in Catcliffe only 0.6 per cent. This reflects the efforts made by Orgreave Parish Council in engaging local people in Orgreave and South Waverley.

3.4.5 The table below summarises the responses and the preferred options:

Communities and Responses			Support expressed for:			
Community	Electors	Responses	Option 1	Option 2	Option 3	Option 4
Catcliffe	1,524	9	5	2	2	
Orgreave	582	270	1	42	179	13
Waverley	1,276	111	1		84	26
Other		4			3	1
<b>Total</b>	<b>3,382</b>	<b>394</b>	<b>7</b>	<b>44</b>	<b>268</b>	<b>40</b>
Percentage of preferences*			1.9%	12.2%	74.7%	11.1%

\* 359 people expressed a clear preference for an option and 35 people did not. The latter either only expressed opposition to Option 1, had no preference between Options 2,3 and 4 or were opposed to all options

3.4.6 There was a clear preference for Option 3 (a new parish for Waverley) with hardly any respondents supporting Option 1 (no change). Most of those supporting no change were from Catcliffe although very few people from Catcliffe responded and not all supported no change. 76 per cent of Orgreave and Waverley respondents who expressed a preference supported Option 3. Option 2 (a new parish for Waverley South and a reduced parish for Orgreave) was mainly supported by a minority of Orgreave respondents whilst the majority who supported Option 4 (Waverley to be an unparished area) were from Waverley. 99 per cent of Waverley residents who responded supported change and over three times as many wanted a new parish council for Waverley (Option 3) than for Waverley to become an unparished area (Option 4). More detailed analysis is set out in Appendix 1.

## 4 Key Issues

4.1 In making its Final Recommendations the Council must have regard to the statutory criteria set out in the Local Government and Public Involvement in Health Act 2007, namely the need to secure that community governance in the area under review, in this case Orgreave, Waverley and Catcliffe:

- Reflects the identities and interests of the community in that area, and
- Is effective and convenient.

4.2 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] requires consideration to be given to:

- The impact of community governance arrangements on community cohesion;
- The size, population and boundaries of the local community or parish

4.3 The Guidance includes the following:

*In considering this guidance, the impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient.*

and

*Community cohesion is about local communities where people should feel they have a stake in the society, and in the local area where they live by having the opportunity to influence decisions affecting their lives. This may include what type of community governance arrangements they want in their local area.*

and

*The general rule should be that the parish is based on an area which reflects community identity and interest and which is of a size which is viable as an administrative unit of local government. This is generally because of the representative nature of parish councils and the need for them to reflect closely the identity of their communities. It is desirable that any recommendations should be for parishes or groups of parishes with a population of a sufficient size to adequately represent their communities and to justify the establishment of a parish council in each. [ ... ]*

and

*As far as boundaries between parishes are concerned, these should reflect the “no-man’s land” between communities represented by areas of low population or barriers such as rivers, roads or railways. They need to be, and be likely to remain, easily identifiable. For instance, factors to consider include parks and recreation grounds which sometimes provide natural breaks between communities but they can equally act as focal points. A single community would be unlikely to straddle a river where there are no crossing points, or a large area of moor land or marshland. Another example might be where a community appeared to be divided by a motorway (unless connected by walkways at each end). Whatever boundaries are selected they need to be, and be likely to remain, easily identifiable.*

- 4.4 The current arrangement, with the settlement of Waverley split between the parishes of Orgreave and Catcliffe, means that the boundaries between parishes do not reflect the situation on the ground as the settlement of Waverley continues to grow. The consultation responses suggest a strong community identity for the settlement of Orgreave but with little affinity between those living in Orgreave and those living in Waverley South. The Local Government Boundary Commission for England’s final recommendations are that the settlements of Orgreave and Waverley should be in different Borough Council wards, which tends to confirm that view.
- 4.5 Similarly the responses from those residents of Waverley who responded suggest that there is a community identity for Waverley which does not extend to the settlement of Catcliffe. Those residents who supported a new parish for Waverley and those who supported Waverley becoming unparished both indicate desire for a separate identify for Waverley. The nature of Waverley as a new, planned community would reinforce that identity.
- 4.6 The number of electors in the relevant polling districts, as at December 2017, are:

Waverley North and Waverley South	1211
Orgreave	584
Catcliffe	1541

The numbers of electors in Waverley exceeds 1000 and this means that any Final Recommendations for a new parish for Waverley must include a recommendation for there to be a parish council.

4.7 In deciding what Final Recommendations to make the Council must take into account any other arrangements (apart from those relating to parishes and their institutions) –

- that have already been made, or
- that could be made,

for the purposes of community representation or community engagement in respect of the area under review.

4.8 The residents of Waverley are members of a not-for-profit management company which is responsible for the public areas of the Waverley site and its role includes inspecting, maintaining, cleaning and landscaping those areas. The management company collects an annual service charge [which cannot exceed £175 pa until January 2022] from each household.

4.9 There is a Waverley Resident Association whose stated purpose is to give local residents a voice regarding future development of the site.

## **5. Electoral and Other Arrangements for Any New Parish**

5.1 If Final Recommendations are made which include the creation of a new parish or the alteration of the areas of existing parishes it would also be necessary to make recommendations for electoral arrangements, which would include:

- The ordinary year of election – the year in which ordinary elections of parish councillors are to be held
- Council Size – the number of councillors to be elected to the parish council. Parish Councils must have at least 5 members but there is no upper limit.
- Parish Warding – whether the parish should be divided into wards for the purpose of electing councillors. This includes considering the number and boundaries of any such wards, the number of councillors to be elected for any such ward and the name of any such ward.

5.2 During the consultation period representations were received about electoral arrangements from the Waverley Residents Association whose views, as set out in full in Appendix 2, were that:

- Any new parish for Waverley should not be warded.
- 7 would be the right number of councillors for any parish council for Waverley at present.



At present Orgreave Parish Council has 7 members and Catcliffe Parish Council has 9 members. Neither parish is currently warded but in the absence of any changes to community governance before 2020, Orgreave will become warded as set out in section 6 below. If the Council is minded to create a new parish council it is required to consider whether:

- the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
- whether it is desirable that any area or areas of the parish should be separately represented on the council.

- 5.3 Given the views of the Waverley Residents Association, and the compact and homogenous nature of the Waverley settlement, it is suggested that any new parish for Waverley should not be warded and should have 7 members.
- 5.4 If the Final Recommendations provide for a new parish for Waverley then a decision is also required as to when the new arrangements are to take effect, with the two main options being 1 April 2020, to align with the May 2020 parish elections, or 1 April 2019, to take effect as soon as practicable with parish elections for Catcliffe, Orgreave and Waverley in May 2019. The latter would require the terms of councillors elected in May 2019 to be extended to 5 years rather than the usual 4 to align them with the 2024 parish elections, to avoid members of the parish councils being elected for a term of only one year. Given the significant number of consultation responses and the lack of support for the current arrangements for community governance it is suggested that any new arrangements should take effect on 1 April 2019.
- 5.5 If the Final Recommendations provide for a new parish for Waverley then a further decision is also required as to the name and style of the new parish. No consultation responses have been received referring to the Waverley settlement by another name and it is therefore suggested that any new parish be called "Waverley". Informal discussions with Waverley Residents Association have suggested that, if there is to be a new parish, the style of any new parish should be "Community" to reflect the nature of the Waverley settlement as a new community. "Community" is one of the alternative styles for a parish together with "Neighbourhood" and "Village". This would mean that any new parish council would be known as "Waverley Community Council".
- 5.6 If the Final Recommendations provide for a new parish for Waverley then a further decision is required as to whether the names of the current parishes of Catcliffe and Orgreave should be changed, whether those parishes should continue to have a council and whether the parishes should be warded. Given that the two parishes were in existence prior to the settlement of Waverley it is suggested that the two parishes continue to have the same names, continue to have parish councils, and continue to have their current number of members. As set out in section 6 below, the parish of Orgreave would become warded in 2020 but the Local Government Boundary Commission for England recommendation for that warding was based on the assumption that the parish of Orgreave would continue to include the Waverley South polling district.

## **6. The Local Government Boundary Commission for England (LGBCE)**

6.1 The LGBCE's final recommendations following its electoral review of Rotherham were published on 31 October 2017 and were implemented by the Rotherham (Electoral Changes) Order 2018 ["the 2018 Order"] and will take effect in 2020. Those new arrangements include the warding of the parish of Orgreave to create an Orgreave Ward with 2 councillors and a Waverley Ward with 5 councillors. The arrangements also transfer the Orgreave polling district, from the current Rother Vale Ward to the new Aughton and Swallownest Ward while the Waverley settlement would form part of the new Rother Vale ward. One of the considerations the LGBCE takes into account is the need to reflect community identity and their recommendations suggest that they saw Orgreave's community identity as lying with Aughton and Swallownest rather than with Waverley in Rother Vale.

6.2 In their final recommendations the LGBCE noted

*Some respondents commenting on the Waverley area asked us to halt our review so that steps could be taken to bring into effect changes to parish boundaries and the creation of a new parish. We have no power to create parishes or amend their boundaries; that is a matter for Rotherham Metropolitan Borough Council. However, we are not prepared to delay the completion of the review for a matter over which we have no control. We therefore have based our final recommendations having regard to the boundaries of parishes as they currently exist.*

6.3 The new warding for the parish of Orgreave is a "protected electoral arrangements" for the purposes of the Local Government and Public Involvement in Health Act 2007. Any Reorganisation of Community Governance Order cannot include any provision giving effect to any recommendation to change protected electoral arrangements unless the LGBCE agrees to that provision. This means that if Council makes the Final Recommendations proposed in this report consent will be required from LGBCE before an Order implementing them can be made.

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

### **Option 1**

7.1 No change.

This option is not recommended because it has only 1.2 per cent support from those who responded to the consultation. It is one of the options supported by Catcliffe Parish Council.

## Option 2

- 7.2 Reducing the existing parish of Orgreave to cover only the settlement of Orgreave, and to create a new parish to cover the southern part of the Waverley settlement. This is as proposed in the original petition.

This option is not recommended because it has only 12.2 per cent support from those who responded to the consultation and no support from the residents of Waverley who responded. It is no longer the preferred option of Orgreave Parish Council and would leave the community of Waverley split between two different parishes. It is one of the options supported by Catcliffe Parish Council.

## Option 3A

- 7.3 Creating a new parish for the whole of the Waverley settlement. The parish of Orgreave would then cover only the settlement of Orgreave and the parish of Catcliffe would cover only the settlement of Catcliffe.

This is the recommended option and was supported by 74.7 per cent of those who responded and by 75.7 per cent of Waverley residents who responded. It would provide a new parish for Waverley to reflect the new community.

The creation of a new parish of Waverley would require a new parish council and electoral arrangements as set out at section 5 of this report. It is recommended that those arrangements should be as follows:

- The name of the new parish shall be Waverley
- The new parish shall have the style of “Community” and the Waverley Community Council and shall have 7 members.
- The election of all parish councillors for the parishes of Catcliffe, Orgreave and Waverley shall be held on 2 May 2019.
- The term of office of every parish councillor elected on 2 May 2019 for the parishes of Catcliffe, Orgreave and Waverley shall be five years.

The new community governance arrangements would also require confirmation of the names of the altered Catcliffe and Orgreave parishes, whether the parishes should continue to have parish councils and the size and warding arrangements for those councils. For the reasons set out in section 5 of this report it is recommended that:

- The altered parish of Orgreave shall continue to have the name “Orgreave”, shall continue to have a parish council with 7 members and shall not be divided into wards.
- The altered parish of Catcliffe shall continue to have the name “Catcliffe”, shall continue to have a parish council with 9 members and shall continue to not be divided into wards.

### **Option 3B**

- 7.4 This option is the same as Option 3A except that the implementation of the new arrangements is delayed until April 2020 so that the first election to the new parish of Waverley and the altered parishes of Catcliffe and Orgreave is aligned to the next ordinary parish council elections in Rotherham which will take place in May 2020. Newly elected parish councillors would then serve until the subsequent parish council elections in 2024.

This option is not recommended as it would further postpone the implementation of a community governance review commenced in 2015.

The formal recommendation as to election would then be:

- The elections of all parish councillors for the parishes Catcliffe, Orgreave and Waverley shall be held on the ordinary day of election of councillors in 2020,

### **Option 4**

- 7.5 Creating a new area without a parish council to cover the whole of the Waverley settlement. The parish of Orgreave would then cover only the settlement of Orgreave and the parish of Catcliffe would cover only the settlement of Catcliffe.

This option is not recommended because it has only 11.1 per cent support from those who responded and 23.4 per cent support from Waverley residents who responded. It would also leave the residents of Waverley unrepresented by any parish council.

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

- 8.1 If the recommendations set out above are adopted, consent to the Final Recommendations will be sought from the LGBCE and a further report brought to a meeting of Council to agree the necessary Reorganisation of Community Governance Order.

## **9. Financial and Procurement Implications**

- 9.1 The cost of progressing the review to a conclusion will be met from existing budgets within Legal Services and Neighbourhoods.
- 9.2 The Reorganisation of Community Governance Order must include a calculation of budget requirement for any new parish for the purposes of the Local Government Finance (New Parishes) (England) Regulations 2008. That figure, set by the Council, then becomes the initial precept for the new parish council.
- 9.3 The cost of parish council elections are normally recharged to the parishes concerned.

## **10. Legal Implications**

- 10.1 The legal issues relating to community governance reviews are set out in the body of the report, in particular Section 4 sets out the statutory criteria to be applied when undertaking a community governance review and the relevant guidance.
- 10.2 The Local Government and Public Involvement in Health Act 2007 requires the Council, as soon as practicable after making any Final Recommendations, to publish the recommendations and to take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations. If the proposed Final Recommendations are adopted that publication will take place as and when the necessary consent from the Local Government Boundary Commission for England to changes to protected electoral arrangements has been obtained.
- 10.3 Once the Council has decided to what extent it will give effect to the Final Recommendations made in a community governance review, there are further steps required. It must publish its decision, the Council's reasons for making that decision and must take such steps as the council considers sufficient to secure that persons who may be interested in the review are informed of that decision and those reasons. These steps will be taken following the further report referred to in the recommendations to this report has been brought to Council.

## **11. Human Resources Implications**

- 11.1 There are no human resources implications arising from this report.

## **12. Implications for Children and Young People**

- 12.1 There are no direct implications for children and young people arising from this report.

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

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

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

- 14.1 There are implications for existing Parish Councils as set out in the body of this report.

## **15. Risks and Mitigation**

- 15.1 If the recommendations are adopted there is the risk of legal challenge from anyone aggrieved by the outcome of the community governance review but that risk is mitigated by the thorough consultation exercise which has been undertaken.

15.2 There is a further risk that, notwithstanding the support from local people for a new parish for Waverley, that as and when elections are held there may be insufficient people willing to stand for election to the new parish council.

**16. Accountable Officer(s)**

Dermot Pearson, Assistant Director of Legal Services

## Appendix 1

### Summary and Analysis of Consultation on the Community Governance Review of Orgreave, Catcliffe and Waverley

#### Introduction

Rotherham MBC conducted a review of Community Governance arrangements for the parishes of Orgreave and Catcliffe, following the receipt of a petition from electors proposing the alteration of the area of the existing Parish of Orgreave. The petition related to the development of the new community at Waverley within Orgreave parish which has created two separate communities within the parish. Since Waverley covers parts of both Orgreave and Catcliffe parishes, it was decided that the extent of the review should be the area covered by both parishes.

The area covered by the two parishes contains three settlements – the established village of Catcliffe, the established small community known as Orgreave or Woodhouse Mill, and the growing new settlement of Waverley. The original village of Orgreave was replaced by coal mining and coking industries long ago. These eventually closed and the site was cleared to create a large area of derelict land which is now being developed as the new community of Waverley. The Waverley Masterplan defines land use of the site as employment in the north (Advanced Manufacturing Park), residential in the centre and amenity (open space, woodlands and lakes) in the south. The development of Waverley began in 2012 and is planned to continue until 2032, by which time 3,890 homes will have been built and the new settlement will be much larger than neighbouring Catcliffe and Orgreave.

The 2018 electorates of the settlements are as follows:

Catcliffe Village	1,524
Waverley	1,276 (325 in Catcliffe parish and 951 in Orgreave parish)
Orgreave	582

#### Consultation Options

The Council identified four possible options for future community governance arrangements in the area which formed the basis for consultation. These were:

- 1 No change to community governance arrangements in Orgreave and Catcliffe.
- 2 The division of the parish of Orgreave to form a separate parish council for the Orgreave polling district which would cover the settlement of Orgreave plus a new parish council for the Waverley South polling district. [As requested in the Petition.]

- 3 The creation of a new parish council for the area covered by the two Waverley polling districts. This would require the alteration of the boundaries of the Orgreave Parish Council to reduce its area to cover only settlement of Orgreave itself, and the alteration of the boundaries of the Catcliffe Parish Council to reduce its area to cover only the settlement of Catcliffe.
- 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 option 3 above.

## Public Consultation

Public consultation on the options available took place from **15<sup>th</sup> January 2018** to **16<sup>th</sup> April 2018**. A total of 2,100 leaflets were delivered to homes and business to publicise the consultation. There was online consultation, three local drop-in sessions (28 February, 17 March and 7 April), forms distributed by Orgreave Parish Council and emails sent to the Council. Both Parish Councils and Waverley Residents Association were asked to promote the consultation and encourage residents to give their views.

## Response to Consultation

There were a total of 394 responses to the consultation broken down as follows:

Response forms administered by Orgreave Parish Council	311
Online Consultation	50
Response forms completed at community drop-in events	13
Responses sent by email	20

The level of response was encouraging given the small size of the three communities – 11.5 per cent of adults in the area responded.

However, there was a disparity in response rate between the community of Orgreave where there was a high response (46%), actively encouraged by the parish council, Waverley with a lower response (8.7%) and Catcliffe with a very low response (0.6%). The following table summarises the responses and preferred options:

Communities and Responses			Support expressed for:			
Community	Electors	Responses	Option 1	Option 2	Option 3	Option 4
Catcliffe	1,524	9	5	2	2	
Orgreave	582	270	1	42	179	13
Waverley	1,276	111	1		84	26
Other		4			3	1
<b>Total</b>	<b>3,382</b>	<b>394</b>	<b>7</b>	<b>44</b>	<b>268</b>	<b>40</b>
Percentage of preferences*			1.9%	12.2%	74.7%	11.1%



\* 359 people expressed a clear preference for an option and 35 people did not. The latter either only expressed opposition to Option 1, had no preference between Options 2,3 and 4 or were opposed to all options.

There was a clear preference for Option 3 (new parish for Waverley) with hardly any respondents supporting Option 1 (no change). Most of the latter were from Catcliffe although only very few people from Catcliffe responded and not all supported the status quo. 76% of Orgreave and Waverley respondents who expressed a preference supported Option 3. Option 2 was mainly supported by a minority of Orgreave respondents whilst the majority who supported Option 4 were from Waverley. 99% of Waverley residents supported change and over three times as many wanted a parish council (Option 3) than an unparished area (Option 4).

12 respondents in Orgreave expressed opposition to Option 1 and 21 had no preference between options 2,3 and 4.

## **Views of Local Representative Bodies**

**Waverley Residents Association** submitted a representation stating that Waverley should not be divided by boundary lines and supported Options 3 and 4. Whether the area should be parished or not was left to the views residents. As shown above, three quarters of the 111 Waverley respondents supported a new parish council with almost all the remainder supporting an unparished area for Waverley, separate from Orgreave and Catcliffe parishes. There is strong evidence of public support in Waverley for the options favoured by the residents association.

**Catcliffe Parish Council** wrote a letter dated 17 January advocating no change to their parish boundary and that Options 1 and 2 were supported. No arguments were made in support of their position and there were too few respondents in Catcliffe village to know whether there is significant support the parish council's view but only one Waverley resident expressed support for Option 1.

**Orgreave Parish Council** wrote a letter dated 12 April which stated their opposition to Option 1 and support for changing the current parish boundary so that the community of Orgreave has its own parish. Orgreave parish council states that it is up to the residents of Waverley and Catcliffe to decide which of Options 2, 3 and 4 they prefer. However, Orgreave Parish Council does support the forming of a new parish for the whole of Waverley (Option 3) and advised residents of this. As indicated above, two thirds of respondents in the community of Orgreave supported Option 3 which was supported by three quarters of those who expressed a clear preference.

Catcliffe Parish Council's support for Option 1 is clearly at odds with the view of Orgreave Parish Council and Waverley Residents Association. In addition, Catcliffe Parish Council's support for Option 2 is clearly at odds with the view of Waverley Residents Association.

## **Respondents' Comments**

A total of 94 respondents made comments as well as expressing a preference.

A comment which reflects the majority preference is "Option 3 is so obviously the most logical choice. Waverley and Catcliffe are remote from Orgreave and Waverley should not be "unparished" splitting Waverley does not seem logical."

Another respondent stated "All three communities should have their own identities and therefore their own councils."

Another commented "Whether Waverley is attached to Orgreave or Catcliffe it will be the senior partner in terms of size. Therefore it would seem to make more sense to allow it to look after itself and allow the pre-existing two to do the same."

A minority of Waverley respondents expressed support of Option 4 such as "Don't see need for parish council in Waverley, we have seen nothing from Orgreave or Catcliffe in the last 3 years living here, yet all the while our money is taken to line their coffers. We already pay a management fee which covers exactly the same as what the PC does."

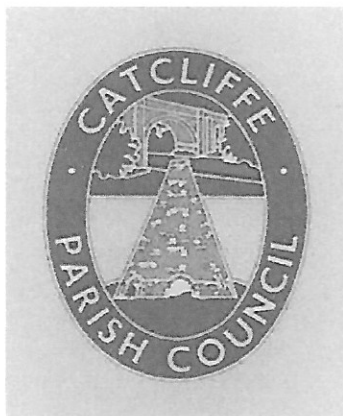
Many Orgreave residents expressed support of their Parish Council, a good example being "I believe Orgreave parish should just include the Orgreave estate so our community can be connected. There is a large geographical difference that there is no point in including us in any of the Waverley site. Keep Orgreave local."

The Waverley site defined by the Masterplan extends to a boundary just to the north of Coalbrook Avenue, Orgreave. Some people thought that the new boundary should be further north (e.g. 500 metres), to either deter or allow development. However, this would cross an agreed new Borough ward boundary from 2020.

There were a few comments about Option 1 ranging from "Option 1 - I prefer to leave this as it is" to "Option 1 clearly is not a reasonable plan for Orgreave parish. We will be swallowed up and have no voice." A Waverley resident commented that "Only people who want us in Catcliffe are the current residents of Catcliffe who currently receive the precept from half of Waverley and give nothing back to Waverley."

## **Conclusion**

It is clear from the consultation that the majority of people who took part support Option 3, for Waverley to have its own parish. Residents of the Orgreave community are almost unanimous in supporting a smaller Orgreave parish, without Waverley. The views of Catcliffe residents are unclear as only a few responded, although there is clearly some support to retain the existing parish boundary. Waverley residents are almost unanimous that they don't wish to be part of either Catcliffe or Orgreave parishes and most favour their own parish. However, there is a significant minority in Waverley who would prefer the community to be unparished.



## **CATCLIFFE PARISH COUNCIL**

Catcliffe Memorial Hall  
Old School Lane  
Catcliffe  
Rotherham  
S60 5SP

17<sup>th</sup> January 2018

Dermot Pearson  
Assistant Director Legal Services  
Rotherham MBC  
Riverside House  
Main Street  
Rotherham  
S60 1AE

Re: Orgreave; Catcliffe and Waverley Community Governance Review

Dear Dermot,

Catcliffe Parish Council have reviewed the proposed changes to the parishes of Orgreave; Catcliffe and Waverley.

On Wednesday 10<sup>th</sup> January the Councillors voted in favour of there being no change made to the boundary of Catcliffe.

Therefore, it is the opinion of Catcliffe Parish Council that Options 1 and 2 are the preferred options.

Yours sincerely

A handwritten signature in black ink, appearing to read "S Youngman".

Sarah Youngman  
Clerk to Catcliffe Parish Council

Page 280  
**ORGREAVE PARISH COUNCIL**  
**451 Retford Road**  
**Orgreave**  
**Sheffield**  
**S13 9WB**

**Telephone: 0114 2696381**

**Email: [orgreavepc@gmail.com](mailto:orgreavepc@gmail.com)**

12<sup>th</sup> April 2018

Dermot Pearson – Legal & Democratic Services  
Rotherham Metropolitan Borough Council  
Riverside House  
Main Street  
Rotherham  
S60 1AE

For the attention of the Dermott Pearson - Legal & Democratic Services

Dear Dermott,

**Re: Community Governance Review – Orgreave Parish Boundary**

At its meeting held on Thursday, 15<sup>th</sup> March 2018 it was agreed by members of Orgreave Parish Council to formally write to Rotherham Metropolitan Borough Council (RMBC) to register its views on the current consultation.

Orgreave Parish Council **opposes** Option 1.

The Parish Council feels that it is for the electorate living within the whole of Waverley development & the Parish of Catcliffe to decide which of the other options they support (Option 2, 3 or 4) however Orgreave Parish Council does support the forming of a new parish for the whole of the Waverley Development (as detailed in Option 3).

As previously stated by the Parish Council in the previous Community Governance Review abandoned in 2015:

- there is no synergy between the community of Orgreave and the new, ever expanding, housing development within Waverley.
- there is no defined boundary between the parishes of Orgreave & Catcliffe.
- there are no direct transport links between Orgreave & Waverley.
- there are no social activities joining the two areas (play-groups, coffee mornings etc.)

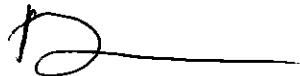
The recent Local Government Boundary Review proposed that the community of Orgreave and the Waverley development become their own Polling Wards, each within separate Polling districts. This proposal adds weight to re-aligning the current parish boundary to reduce the current size of Orgreave Parish and creating a new Parish for Waverley.

The Parish Council has:

- wrote to everyone on the Electoral Register, within the community of Orgreave (573) and those residents within the southern area of Waverley (920), all currently living within the Orgreave Parish Boundary.
- provided every individual elector with a consultation response form and detailed maps relating to each of the 4 options.
- urged all the electorate to support the Parish Council by opposing Option 1.
- informed the electorate that it supports the forming of a new parish for the whole of the area within the Waverley Development (Option 3).

Orgreave Parish Council is currently collating completed consultation response forms received from the electorate and these will be delivered to RMBC before the 16<sup>th</sup> April 2018.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'D. Morris', with a long horizontal stroke extending to the right.

**D. Morris**  
**Clerk & Finance Officer**



Dear Dermot Pearson

Following the consultation events regarding the Community Governance review of the Orgreave and Catcliffe Parish boundaries, the view of Waverley Residents Association is as below

- The Residents Association has always viewed the boundary lines dividing Waverley to be dividing a community and it does not bring residents together as one. Through the ward boundary and parliamentary boundary reviews our view has always been that Waverley should wholly be within one boundary/ward.
- Based on our view that Waverley should not be divided by boundary lines we are supportive of options 3 and 4 which see the whole of Waverley within a new boundary area. Whether this area is to be parished or unparished is down to the views of residents, however we would comment further on both options should they go ahead

#### Option 3 – Waverley Parished

If Waverley is to be parished then the precept should not be set in line with other parishes of the same size. This is due to residents also paying an annual management charge that covers a number of services for Waverley and so we should avoid any duplication. We would welcome a review of any initial precept set by RMBC for the 1<sup>st</sup> year to ensure it is set at the correct level for what any parish council will deliver.

#### Option 4 – Waverley Unparished

Due to the ongoing development on Waverley if the area is going to be unparished then we would welcome a review into a neighbourhood plan so that residents can continue to have an input into planning applications that directly affect them, and we have a governance structure for ensuring that residents are involved.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Jamie Baggaley", written over a horizontal line.

Jamie Baggaley

Chair – Waverley Residents Association

## **Appendix 3 – List of Consultees**

Catcliffe Parish Council

Orgreave Parish Council

Brinsworth Parish Council

Treeton Parish Council

Aston cum Aughton Parish Council

Waverley Residents Association

Kevin Barron MP, Rother Valley

Sarah Champion MP, Rotherham

Councillors Buckley, Carter and Simpson (Brinsworth and Catcliffe Ward)

Councillors Allcock, Brookes and Walsh (Rother Vale Ward)

Rotherham Clinical Commissioning Group

South Yorkshire Police

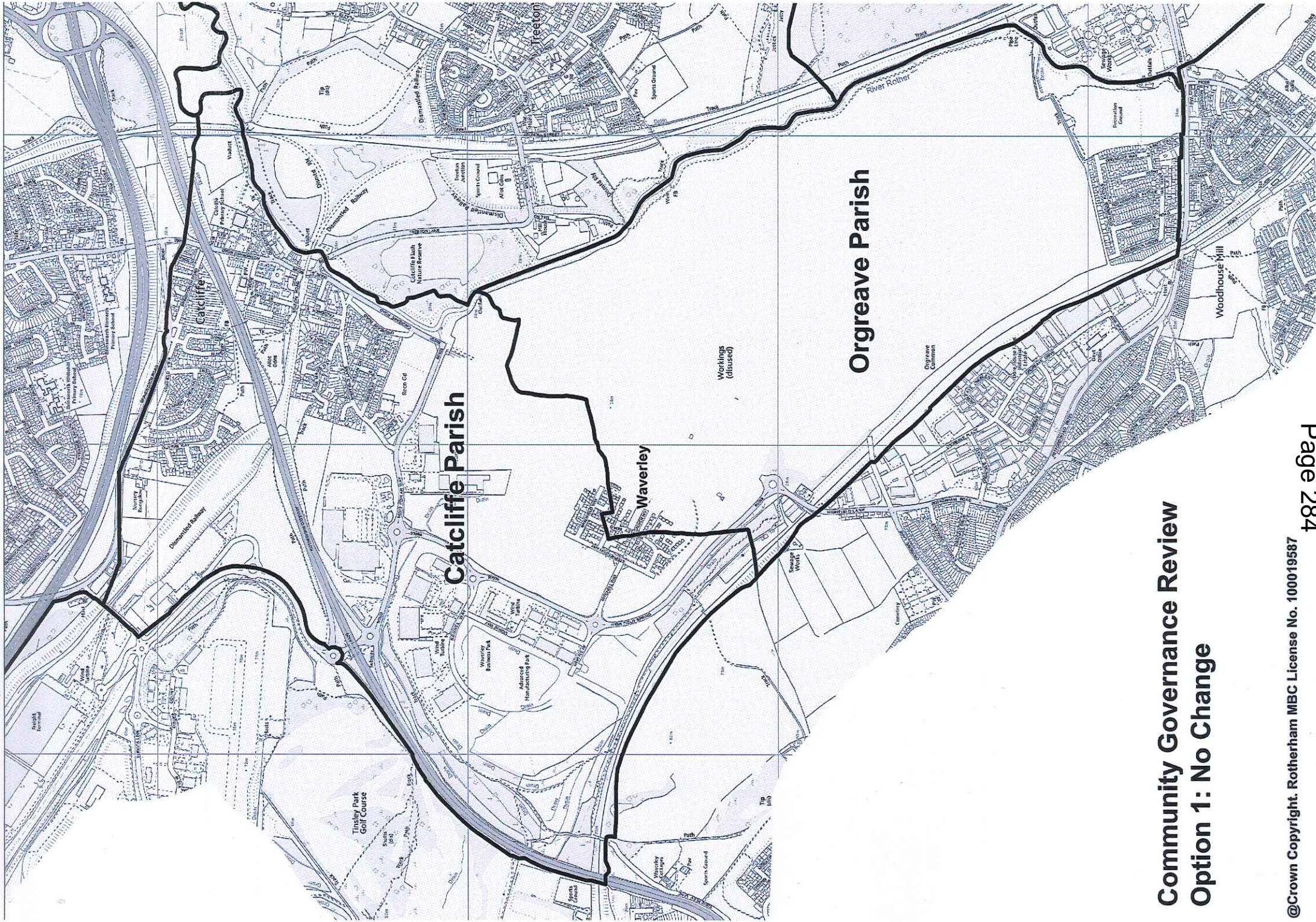
Multiple Sclerosis Therapy Centre, Catcliffe

Catcliffe, Brinsworth and Treeton Angling Alliance

All residents of Catcliffe and Orgreave Parishes: leaflets to 1,941 households (3,382 registered adults)

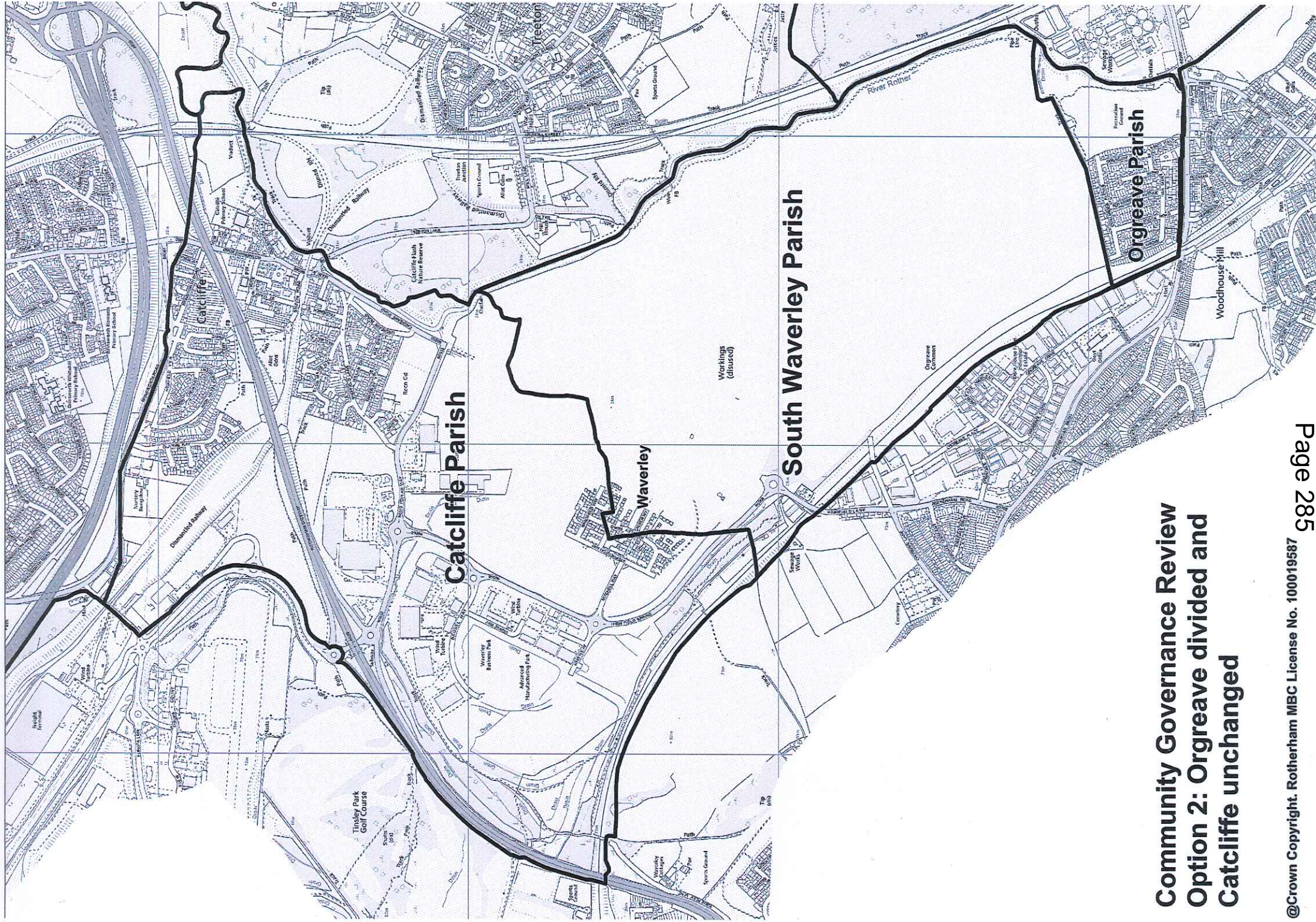
All businesses in Catcliffe and Orgreave Parishes: leaflets to 84 premises





**Community Governance Review  
Option 1: No Change**





**Catcliffe Parish**

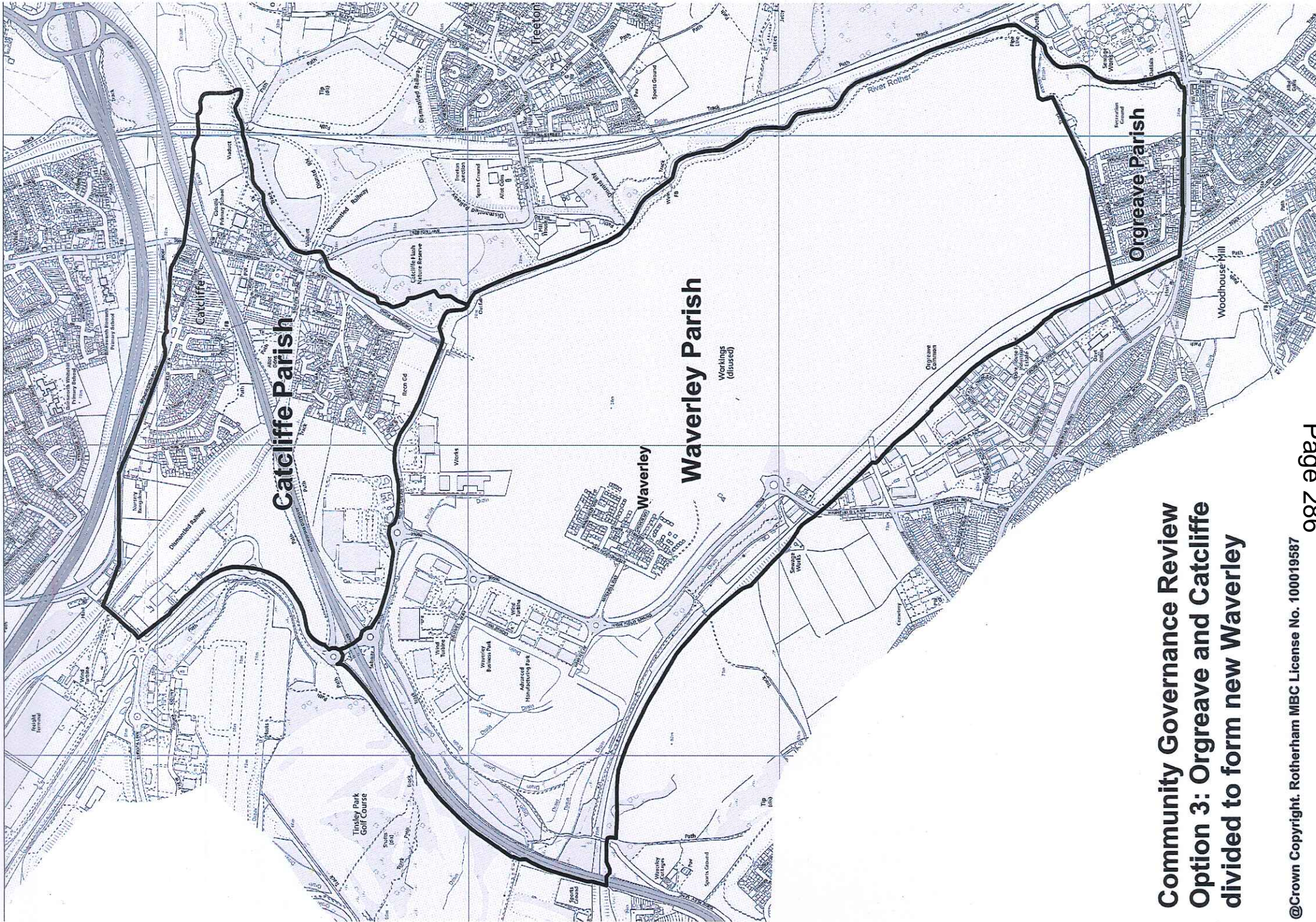
**Waverley**

**South Waverley Parish**

**Orgreave Parish**

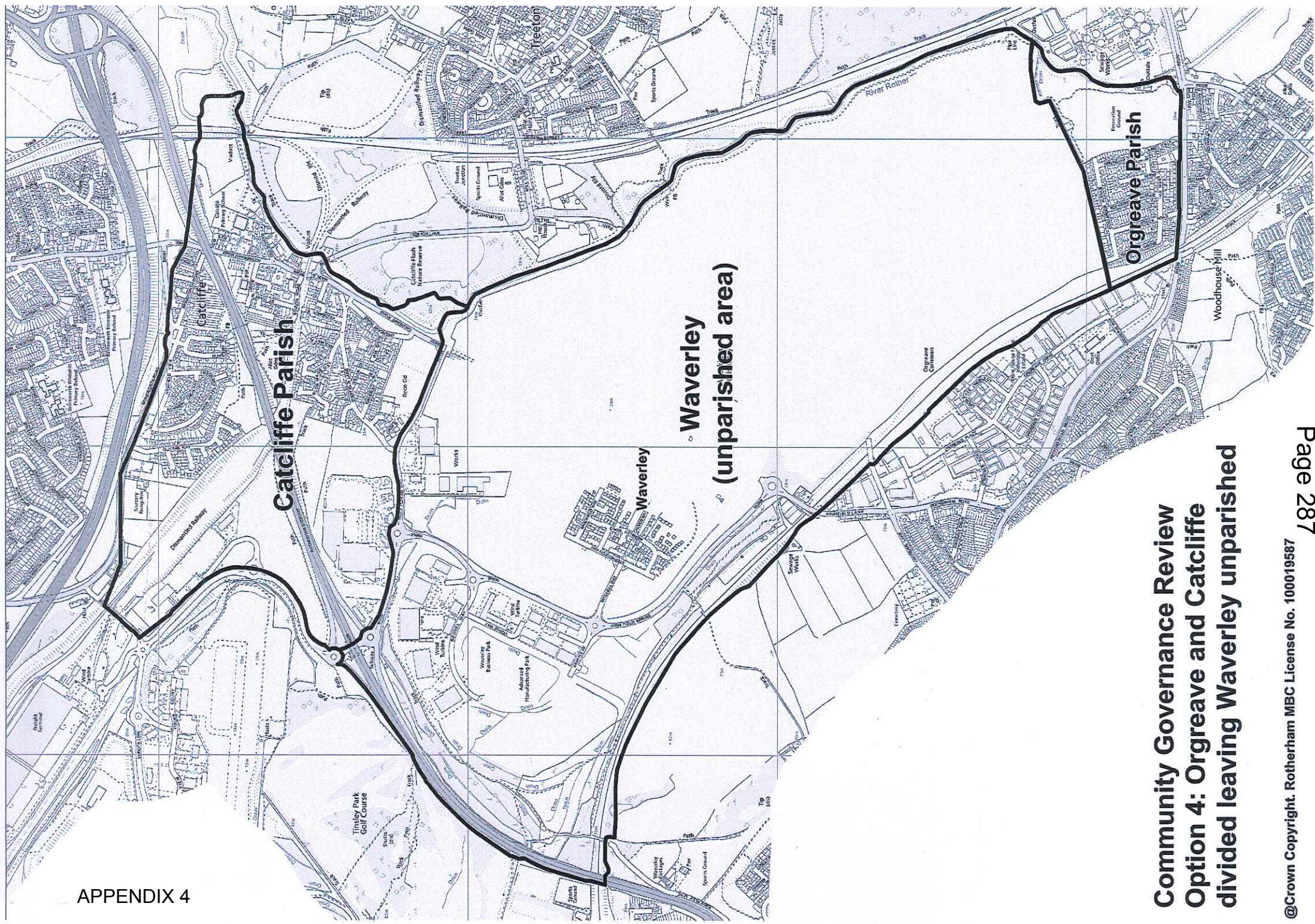
**Community Governance Review  
Option 2: Orgreave divided and  
Catcliffe unchanged**





**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**



We received a petition from residents in Orgreave proposing that the area of the existing parish should be altered – to reduce its area to only the settlement of Orgreave, and to create a new parish to cover the southern part of Waverley.

1. No change to the existing arrangements.
2. Reducing the existing parish of Orgreave to cover only the settlement of Orgreave, and to create a new parish to cover the southern part of the Waverley settlement. This is as proposed in the petition from residents.
3. Creating a new parish for the whole of the Waverley settlement. The parish of Orgreave would then cover only the settlement of Orgreave and the parish of Catcliffe would cover only the settlement of Catcliffe.
4. Creating a new area without a parish council to cover the whole of the Waverley settlement. The parish of Orgreave would then cover only the settlement of Orgreave and the parish of Catcliffe would cover only the settlement of Catcliffe.

## Have your say

Parish councils have a variety of powers and duties, all of which impact directly on the community. Elected parish councillors make decisions about the area so it is important that the arrangements for parish councils reflect the identities and interests of the community in the area, and are effective and convenient. That's why we want your views about how your community is represented.

For more information and to comment on the proposals visit:

**[www.rotherham.gov.uk/consultation](http://www.rotherham.gov.uk/consultation)**

### By email:

**CGR2018@rotherham.gov.uk**

**You can attend one of our drop in sessions:**

**Wednesday 28 February, 2pm to 7pm**

Bessemer Conference Room, AMP Technology  
Centre, Advanced Manufacturing Park,  
Brunel Way, Catcliffe, Rotherham, S60 5WG

**Saturday 3 March, 11am to 3pm**

Orgreave Multi-Use Games Area (MUGA),  
St James Walk, Sheffield, S13 9XP

**Saturday 17 March, 11am to 3pm**

Catcliffe Memorial Hall, Old School Lane,  
Catcliffe, Rotherham, S60 5SP

### By post:

**Dermot Pearson**, Assistant Director Legal  
Services, Rotherham Council, Riverside House  
Main Street, Rotherham S60 1AE

The consultation will end at 4pm on 16 April 2018.

REF: ???/?February 2018 – Produced by RMBC Design Studio Tel: 01709 823550

*Have your say*  
**on how your  
communities  
are run**

We are asking residents in Orgreave, Catcliffe and Waverley – along with businesses and other organisations with an interest – to give us their views on proposals to change the boundaries of the parish councils. This is called a Community Governance Review – this leaflet sets out the proposals and how you can have your say.

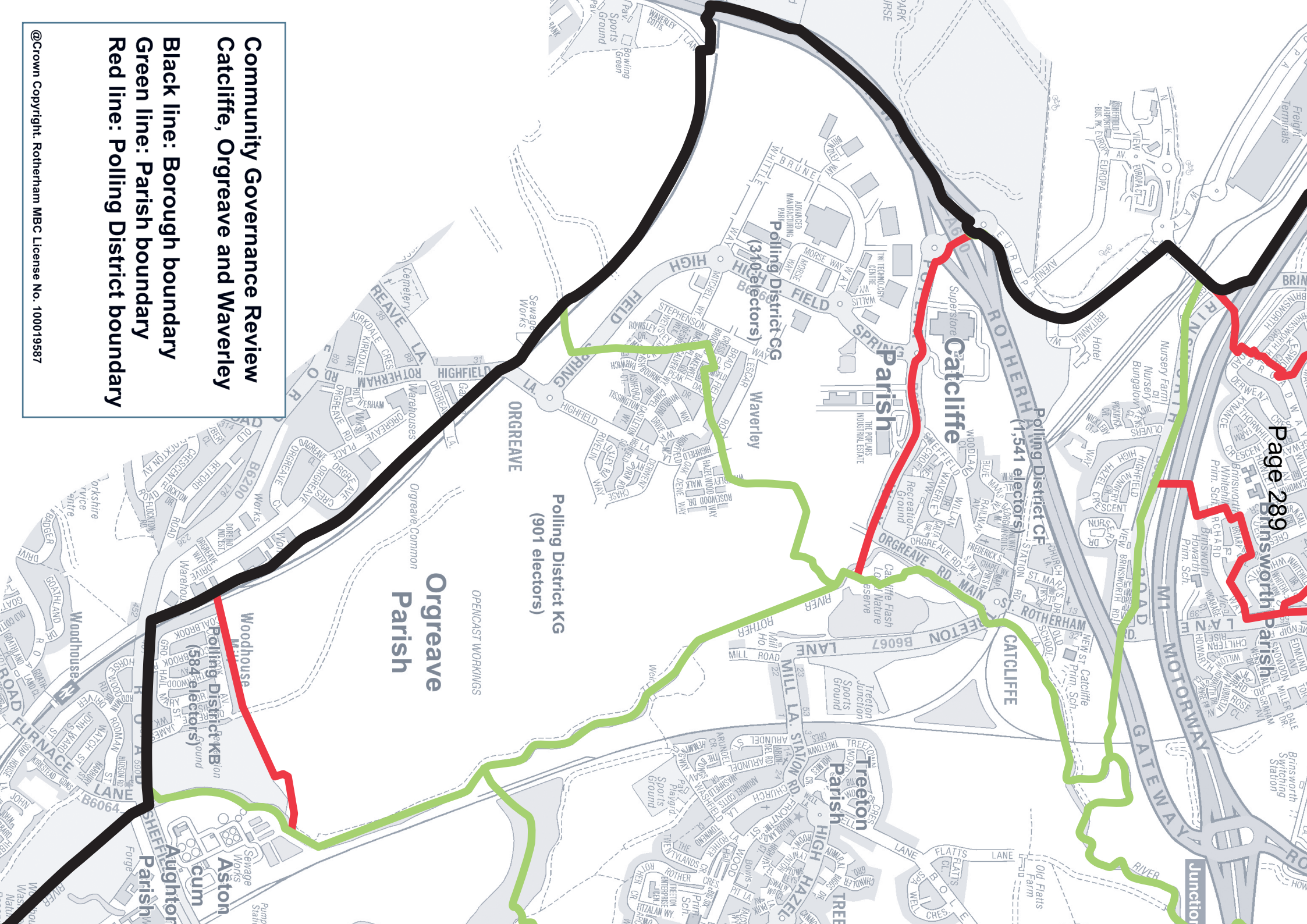
## Drop in sessions

**Wednesday 28 February, 2pm to 7pm**  
**AMP Technology Centre**

**Saturday 3 March, 11am to 3pm**  
**Orgreave Multi-Use Games Area**

**Saturday 17 March, 11am to 3pm**  
**Catcliffe Memorial Hall**

**Full details on back page**



Community Governance Review  
Catcliffe, Orgreave and Waverley

Black line: Borough boundary

Green line: Parish boundary

Red line: Polling District boundary

## **Summary Sheet**

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

Council – 23 May 2018

### **Report Title**

Scrutiny Review – Drug and Alcohol Treatment and Recovery Services

### **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)**

Janet Spurling, Scrutiny Officer  
01709 254421 or [janet.spurling@rotherham.gov.uk](mailto:janet.spurling@rotherham.gov.uk)

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

All

## **Executive Summary**

The scrutiny review report (attached at Appendix 1) sets out the main findings and recommendations from the cross-party spotlight scrutiny review of Drug and Alcohol Treatment and Recovery Services for adults undertaken by the Health Select Commission.

The purpose of the review was to ensure that the service, which would be operating within a reduced budget, would provide a quality, safe service under the new contract from April 2018.

This report is presented for information to share the review findings with the wider membership of the Council. Following this meeting, the Cabinet and Commissioners will be required to respond formally to the recommendations and indicate agreement or otherwise and what action will be taken to implement the recommendations, together with details of timescales and accountabilities.

## **Recommendations**

1. That the report and recommendations in respect of Drug and Alcohol Treatment Services be noted.
2. That the response of Cabinet be reported back to Health Select Commission.

## **List of Appendices Included**

Appendix 1 Scrutiny review report

**Background Papers**

As listed in section 8 of the review report.

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

Health Select Commission - 12 April 2018

Overview and Scrutiny Management Board - 16 May 2018

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## Scrutiny Review – Drug and Alcohol Treatment and Recovery Services

### 1. Recommendations

- 1.1 That the report and recommendations in respect of Drug and Alcohol Treatment Services be noted.
- 1.2 That the response of Cabinet be reported back to the Health Select Commission.

### 2. Background

- 2.1 Under austerity the need to make budget savings has meant that when services are recommissioned this has often been with a smaller budget. Given the damaging impact that drug and alcohol misuse has, a cross-party sub-group of members of the Health Select Commission undertook a short spotlight review of the Drug and Alcohol Treatment and Recovery Service. The purpose was to ensure that the service, which would be operating within a reduced budget, would provide a quality, safe service under the new contract from April 2018.

### 3. Key Issues

- 3.1 The report in Appendix 1 presents the findings and recommendations from the cross-party spotlight review of Drug and Alcohol Treatment and Recovery Services for adults. This section summarises the main points that emerged from the review, which was structured around a number of core objectives. These were to:
  - ascertain the prevalence of people with substance misuse issues in Rotherham
  - understand the new service specification and budget
  - understand the procurement process undertaken for the new contract
  - clarify the key factors in a safe drug and alcohol service
  - determine how effective support for people misusing drugs and alcohol is provided, taking account of the diverse needs of service users
  - identify how performance is measured and good outcomes achieved
  - consider the findings from an in-depth analysis of deaths by suicide in relation to service users in the Rotherham Care Group (mental health trust).
- 3.2 The review group received a detailed overview of substance misuse in Rotherham noting that the majority of service users are male and White British. Although numbers in service are declining over time there are a number of older long term drug users, many of whom now have associated physical health issues. A significant number of service users have used methadone for several years, which is one area where Public Health want to make significant progress under the new contract.
- 3.3 Performance on many of the measures/targets was good at the time of the review, mainly based on quarter one data for 2017-18 or rolling 12 month data. However successful exits from services after treatment have been challenging for some time and Rotherham has had a high percentage of people who re-present to services, particularly opiate users.



- 3.4 Bringing various aspects of the service together under a single contract, including having treatment and recovery services available in one location, may facilitate a more personalised and holistic approach to treatment and recovery. In-depth initial assessments are essential and re-assessments/reviews with service users important in identifying any changes in circumstances as well as enabling people to see their progress towards recovery.
- 3.5 The service specification sets out very clear aims and objectives for both treatment and recovery services, including a clear focus on safety. Naloxone use training (rapid antidote to heroin overdose) and proactive measures to raise awareness of safety concerns with service users and families were supported.
- 3.6 Outcomes of the detailed analysis of deaths by suicide will inform the work of the multi-agency Suicide Prevention and Self-Harm Group and Members highlighted the importance of continuing with suicide prevention awareness raising.

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

- 4.1 The review group formulated a number of recommendations, as set out on page 9 of Appendix 1, which were endorsed by the Health Select Commission.
- 4.2 Recommendation 1 is for a full progress report to the Health Select Commission in the autumn and if agreed this will be included in the draft work programme for 2018-19.

#### **5. Consultation**

- 5.1 Not applicable.

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

- 6.1 The response from Cabinet and Commissioners to the review recommendations will be reported back to the Health Select Commission in September 2018.

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

- 7.1 Any financial and procurement implications will be considered by Cabinet in their response to the recommendations.
- 7.2 Recommendation 5 is specifically in relation to the procurement process.

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

- 8.1 There are no direct legal implications arising from this report.

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

- 9.1 None arising directly from this report, although the review identified the importance of a successful transfer of staff into change, grow, live (CGL) from previous service providers.

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

- 10.1 The review focused on treatment and recovery services for adults, many of whom are vulnerable due to the nature of their substance misuse and the impact it has on their lives, especially during the early stages of their recovery journey.
- 10.2 Service providers provided assurance regarding parental capacity/safety, especially for service users with young children, and safeguarding training for staff, volunteers and peer mentors.

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

- 11.1 Scrutiny focuses on promoting equality through improving access to service and support, ensuring the needs of groups sharing an equality protected characteristic are taken into account.

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

- 12.1 Public Health commission the Drug and Alcohol Treatment and Recovery service and oversee the performance management and delivery of the contract with CGL.
- 12.2 Various agencies and partners are involved in delivering a personalised holistic service, including housing support and GPs, plus CGL links with other organisations such as the Jobcentre and Shiloh.

## **13. Risks and Mitigation**

- 13.1 As set out in section 3 of the review report, drug and alcohol misuse has a significant cost in both human and financial terms. Having a safe, accessible and effective treatment and recovery service helps to prevent some of the negative consequences.

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

James McLaughlin, Democratic Services Manager and Statutory Scrutiny Officer

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

**Appendix 1**



**Scrutiny review:  
Drug and Alcohol Treatment and Recovery Services**

Health Select Commission

November 2017 and February 2018

Review Group:

Cllr Simon Evans (Chair)  
Cllr Jenny Andrews  
Cllr Pat Jarvis  
Cllr Amy Rushforth  
Cllr Peter Short

V3 April 2018

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## 1. Why Members wanted to undertake this review

Following discussions between Members, officers and health partners about current service provision, and with a new contract commencing in April 2018, the Health Select Commission (HSC) decided to undertake a short review. The purpose was to ensure that the drug and alcohol service, operating within a reduced budget, would provide a quality, safe service under the new contract.

The six main objectives of the review were to:

- ascertain the prevalence of people with substance misuse issues in Rotherham
- understand the new service specification and budget
- understand the procurement process undertaken for the new contract
- clarify the key factors in a safe drug and alcohol service
- determine how effective support for people misusing drugs and alcohol is provided, taking account of the diverse needs of service users
- identify how performance is measured and good outcomes achieved

Aware of an increase reported nationally in drug-related deaths, there was concern regarding a recent spike in deaths by suicide or suspected suicide of people known to the Rotherham Drug and Alcohol Service. This spike had already occasioned Rotherham Doncaster and South Humber Mental Health NHS Trust (RDaSH) to undertake an in-depth analysis to identify any themes or trends, to inform future work on suicide prevention through the multi-agency group. Members also decided to consider these findings as part of their review.

## 2. Method

A spotlight scrutiny review was carried out by a cross-party sub-group of the Health Select Commission, comprising Councillors Simon Evans (Chair), Jenny Andrews, Pat Jarvis, Amy Rushforth and Peter Short.

An initial paper outlined the aims and objectives for the Drug and Alcohol Service, together with an overview of the interventions with service users. Evidence for the review was then gathered through the following means:

- Presentations and discussion with the portfolio holder, Council officers and partners from Rotherham Doncaster and South Humber Mental Health NHS Trust (RDaSH)
- Supplementary documentation with performance and benchmarking data
- Visit to the recovery service at Carnson House to meet staff from change, grow, live (CGL)

Members would like to thank everyone who provided evidence for the review and in particular Anne Charlesworth, who collated the majority of the evidence and liaised with partners.

## 3. Background

Drug and alcohol misuse has a significant cost; in human terms with the impact on the individual, their family and friends and the wider community, and also in financial terms for service providers such as the police and health. Ensuring an effective treatment and recovery service is in place helps to prevent a wide range of issues that result from misuse of drugs and alcohol, such as:

- harm to self and potentially to others, for example during pregnancy
- drug and alcohol misuse may impact on other family members including children, through financial problems or domestic abuse as well as safeguarding concerns

- impact on the person's employment opportunities and economic activity
- impact on individual life expectancy and healthy life expectancy
- mental ill health impacts on physical health and vice versa
- risks to maintaining accommodation and potential homelessness
- risk of engaging in criminal activity
- drug related death

## **4. Findings**

### **4.1 Prevalence of people with substance misuse issues in Rotherham**

From figures produced by the National Drug Treatment Monitoring Service (NDTMS) nearly 1,700 people were in treatment for drug and/or alcohol misuse in Rotherham as at June 2017. Of these 1,018 people were having treatment for opiate use, 72 for non-opiate use, 82 for non-opiate and alcohol use, and 412 for alcohol-only use. The NDTMS system also provides partial postcodes, helping services to identify hotspots.

Members considered the demographic profile of service users in treatment for opiate use (mainly heroin), non-opiate use (includes amphetamines and legal highs) and alcohol-only use for quarter one in 2017-18, plus data for the previous three years. Information about each cohort was disaggregated by age, gender and ethnicity. Points to note were:-

- numbers in service were declining
- service users were mainly white British and the majority male
- opiate users were more from the older age groups including some aged 65-74
- just over 50% of opiate users were aged 40+ with small numbers under 30, declining year on year
- older long term drug users have more complex physical health issues such as respiratory problems or Chronic Pulmonary Obstructive Disease
- non-opiate users were more from younger age groups, with over 50% aged 20-29
- alcohol-only service users were concentrated in the 40-54 age groups, with the number of young people aged under 24 reducing year on year
- the number of new service users who were pregnant at the time of presenting was small
- alcohol is a challenge as fewer people are coming for treatment and people are facing a lot of pressures

Safe alcohol consumption is one of the messages in the Making Every Contact Count initiative but in light of reducing numbers accessing services and people facing pressures this is an area to continue to focus on.

Recommendation - That Public Health consider strengthening the messages under Making Every Contact Count around safe alcohol consumption and where to go for help, when it is refreshed.

### **4.2 Service specification and budget**

#### **a) Service specification**

The specification for the service from April 2018 has very similar aims and objectives to those of the previous service. Appendix 1 summarises these, together with an overview of the range of interventions with service users. Overarching aims for the service are to reduce illicit and other harmful substance misuse and to increase the numbers recovering from dependence.

Significant points are:

- sustainable recovery, recognising that this is a journey for people with several stages
- interventions provided in hospital or community settings
- holistic approach – wider health and wellbeing
- evidence-based psychosocial interventions (including cognitive therapies)
- meaningful activities and learning new skills

There will also be a strong focus on tackling long term methadone use as the majority of those in treatment have been using it for six years or more and the chances of recovery are higher if used for less than two years. Some people are using methadone plus alcohol and/or other drugs to “top up”, which is difficult for clinicians to deal with and means greater risk of an overdose.

Members supported the emphasis on addressing long term methadone use and acknowledged that it will be a challenge. They also recognised that this represents a change in strategy from how services had operated in the past when people were more likely to be kept on methadone for longer periods, to try and prevent crime.

#### b) Budget

The Public Health team in Rotherham MBC (RMBC) commission treatment and recovery services for drug and alcohol users and their families in Rotherham. As with all Council services, those commissioned by the Public Health Team have been subject to the All Service Review process to identify savings to meet budget pressures. The overall budget for all aspects of drug and alcohol services (young people as well as adults) includes primary drug care by GPs, specialist midwifery and social workers, and has reduced in each of the last three years from just over £4.2m in 2015-16, to £3.39m in 2017-18. For the next two years it will be £3.338m each year, with a number of the services brought together under a single new contract valued at just under £3m per annum.

### 4.3 Procurement of the new contract

Previously the treatment services and recovery services for adult drug and alcohol users have been delivered by different providers, treatment services by RDaSH and recovery services by CGL (since June 2017 when they replaced Lifeline). CGL is a voluntary sector organisation specialising in substance misuse and criminal justice intervention projects in England and Wales, including substantial contracts with HM Prison Services, and also provides the drug and alcohol services in Bradford. From April 2018, CGL will provide recovery and treatment services in Rotherham after being successful in the tender process for both services. The contract was awarded on a three plus two year basis, so if performance is good it can be renewed.

The contract value exceeded the Official Journal of the European Union threshold and a stringent procurement process undertaken that was explained in detail to Members by the commissioning and procurement lead officers. Treatment services were tendered first but no bids were made in response to the tender. Dialogue with organisations who had viewed the tender identified the following issues – funding too low, complex documents and the importance of GP involvement/Shared Care<sup>1</sup>, including governance arrangements. This feedback resulted in some simplification of the paperwork and £150,000 increase in funding before going back out to tender, for both treatment and recovery services. Additional obligations regarding Naloxone were included following a number of drugs overdoses in Barnsley. Naloxone is an antidote that quickly reverses the effects of an overdose of opiates or opioids. The tender was open 45 days (minimum is 30) with six bids for one lot and five for the other.

Mobilisation plans were put in place to prepare for the changes from April 2018 with regular meetings between CGL and Public Health. CGL will subcontract with GPs and pharmacies and Shared Care remains central to the new model/pathway with a target of 50% seen by their own GP. Patient records will be transferred, subject to patient permission, on an opt-out basis and arrangements made for prescriptions to continue over the changeover period.

Staff from RDaSH and Action Housing will transfer to CGL under TUPE Regulations and both CGL and RDaSH have met with the staff concerned. This will be a critical factor as people are likely to have to adapt to new ways of working and a different organisational culture.

Members were reassured that a robust procurement process had been undertaken for the contract for both services, informed by feedback from potential providers after unsuccessfully going out to tender for treatment services initially. As a general principle for future service commissioning they would like to ensure dialogue takes place with providers/potential providers in advance of going out to tender.

Recommendation - That future commissioning of services by RMBC that exceed the Official Journal of the EU threshold, especially public health and social care services, includes soft market testing with providers/potential providers in advance of going out to tender to ensure a successful process first time.

#### **4.4 Key factors in a safe drug and alcohol service**

The themes explored in these next three sections regarding safety; ensuring effective support; and measuring performance/achieving good outcomes are interlinked within the overall strategic approach to treatment and recovery services. Ease of access to care and support and keeping people engaged in services during their recovery journey are fundamental. People are able to self-refer to services in Rotherham and may also be referred by their GP or social worker. Local waiting times are short - 96.4% of service users overall had their first treatment intervention in three weeks or under (quarter 1 of 2017-18), rising to 98.1% for alcohol treatment.

Several objectives for the service explicitly prioritise safety and harm minimisation, in particular:

- Support and promote effective, safe, accessible and responsive quality treatment consistent with national guidance and principles.
- Reduce or stabilise substance misuse, reducing risky drug taking behaviours and promoting harm minimisation approaches.
- Intensive working with pregnant drug and alcohol users

During the review Members' attention was drawn to examples of how partners take account of safety issues, including practical initiatives with service users, families and staff:

- supervised methadone prescribing
- medically supervised detoxification if required
- needle exchanges in 16 pharmacies across the borough so there is good coverage, although some people prefer to travel rather than go to a local one for greater anonymity
- offering blood borne virus vaccination and screening, although take up of the offer needs to increase to be in line with national averages
- Naloxone use training – for service users, families and staff members
- emergency first aid training for families/carers
- keeping up to date with new trends in substance misuse and new drugs/legal highs
- learning from Serious Case Reviews – information provided for service users on the dangers of co-sleeping and the need to store medication safely at home in a locked box



- home visits offered based around parental capacity/safety and for all service users with children under 5, plus links with health visitors
- knowledge and use of safeguarding procedures, including safeguarding training for peer mentors and volunteers as well as staff

Wider multi-agency suicide prevention work (see 5.1) also contributes to keeping people safe by raising awareness about factors that may lead to higher risk, especially among more vulnerable groups of people, and equipping people to respond if they have concerns about an individual.

Members welcomed the focus on safety, both in terms of addressing direct issues resulting from substance misuse and through preventative actions, and expect this to continue in the future.

Recommendation - That Public Health and CGL continue to take a proactive approach to safety in the service, including incorporating any lessons learned from elsewhere and the findings of any Serious Case Reviews when published.

#### **4.5 Providing effective support for people misusing drugs and alcohol**

Effectiveness means successfully producing a desired or intended result, in this case reducing substance misuse and increasing the number of people who progress on their recovery from dependency. It also entails recognising and being responsive to the needs of particular groups of service users, for example the intensive work with drug and alcohol users who are pregnant. Service users will be integral to service planning and involved in part of the delivery in the recovery services, notably through peer mentors.

Providing effective support stems from taking a personalised service-user focused approach based on the outcomes the person wants to achieve on their recovery journey. Effective support is also holistic, considering the person's wider physical and mental health, their social environment, housing support needs and training or skills development as part of the recovery journey. For example, people may go for inpatient detoxification "Detox 5" but this is often ineffective as well as costly as it does not include other work such as cognitive therapies. Keeping people occupied in a busy activity programme (see Appendix 2) also forms part of the holistic approach.

Members emphasised the importance of reassessments or regular reviews so that service providers are aware of any changes in a person's circumstances or environment and thus to changing levels of need or risk, linking back to safety issues. They are also integral to measuring a person's recovery progress. CGL informed Members that they would be carrying out a reassessment with all service users to determine their goals and aspirations and how the service can help them to get there.

Ensuring that interventions put in place to support people are making a difference is captured through qualitative feedback from service users and their families. A range of quantitative measures and tools for measuring progress on individual outcomes are used and monitored.

#### **4.6 Measuring performance and achieving good outcomes**

Public Health are responsible for contract and performance management and hold regular meetings with providers to monitor performance on quality indicators and measures. Meetings also cover any serious incidents, deaths or safeguarding incidents that have occurred. The review group received a copy of the RDaSH Performance Report produced in September 2017 showing the key measures and targets and in year performance against these (mainly for quarter 1 data) with an accompanying narrative. They also scrutinised longitudinal data and benchmarking data against Rotherham's 32 Local Outcome Comparators<sup>2</sup>.

## a) Good performance

As mentioned above this was seen on short waiting times and on offering blood borne virus vaccination and screening. There had been no re-presentations to services after successfully completing treatment for non-opiate users and non-opiate and alcohol users during a three month period in rolling data from May 2016-June 2017. Expected targets had been achieved for Treatment Outcomes Profile<sup>3</sup> (TOP) starts and exits - a picture of the treatment and progress made at key stages against a number of criteria. Similarly improvements on the elements of the Outcome Star<sup>4</sup> in both Alcohol Primary Care and Alcohol Secondary Care had exceeded their target.

## b) Challenged areas of performance

## TOP reviews

Given the importance of regular service user reviews one area of concern was the percentage of TOP reviews completed on time - 61.5% in June 2017 against a target of 80%, although actions had been put in place by RDaSH to ensure this was addressed.

## Council Plan priorities

Two national Public Health Outcome Framework indicators that enable benchmarking are included in the plan - successful completion of treatment<sup>5</sup> for opiate users (18-75) and non-opiate users (18-75). Opiate exits have been a challenge over the last couple of years with a downward trajectory on successful exits. Rotherham's quarter 1 figure for 2017-18 of 3.9% was outside our Local Authority Comparators top quartile range of 7.65-11.8% and below the England average. Re-presentations to services for opiate users were 26.1% in rolling data from July 2016-June 2017 compared with top quartile performance of 13.56%. Performance on non-opiate exits also declined from 48.3% in quarter 2 of 2016-17 to 36.9% in Quarter 1 of 2017-18, just outside the top quartile range of 37.3% - 54.8% but similar to the England average.

Public Health had increased performance management on these measures, including through trying to provide support in areas such as transfers to GP shared care, and facilitating joint work with the recovery service. There are issues for people in leaving a service they are comfortable in, not only in Rotherham. It will be a challenge to reduce the numbers of very long term users and will take time as coming off methadone is not possible quickly, for example reducing by 5mls at a time from a level of 120mls can take two years.

Overall the review group saw a mixed picture on the performance indicators and one of their expectations of the new contract is to see improvements in the key measures that have proved challenging over the last 18 months. At the time of the review a new performance report was being developed for CGL to cover both the treatment and the recovery sides, which may include some different measures. Part of CGL's approach will be to start planning for service exit from the beginning and they have been set a target of achieving an annual 1.5% increase in exits.

Rather than probing further into the reasons for the recent decline on some of the performance measures, Members sought assurance that robust performance management and exception reporting would be in place for the new contract, with clear targets and expectations from CGL as they introduce their new service model. The Health Select Commission will be asking Public Health and CGL to report back on how the new service is performing against its key indicators.

Recommendations – That Public Health and CGL present an overview of how the new service is progressing, including a summary of progress on the key performance indicators, to the Health Select Commission in autumn 2018.

That Public Health ensure robust performance management is in place for the new contract from the outset in 2018, including exception reporting and a mid-contract review (to report back to Health Select Commission).

## **5. Suicide prevention**

### **5.1 Suicide Prevention and Self-Harm Group (SP&SHG)**

Rotherham has an effective multi-agency SP&SHG working in partnership to implement a detailed action plan in line with national strategy. Training and awareness raising is an important element of the plan with RDaSH and Public Health delivering many sessions, including to voluntary and community sector organisations such as Crossroads Care and Rotherham Alzheimer's Society; to partners on risk factors and to GPs on suicide prevention.

A significant piece of work was undertaken within the Wentworth Valley locality where the former Area Assembly funded suicide prevention work in Maltby, Hellaby and Wickersley wards, including suicide prevention training in communities. Beer mats and posters promoting suicide prevention were also distributed to every pub in the locality area. Two HSC sub-group members had been directly involved in this initiative and acknowledged its success in raising awareness.

Rotherham has an early suicide alert system so all partners are informed when there is a suspected suicide. Families are visited within 48-72 hours of the suspected suicide by officers from the Vulnerable Persons Unit in South Yorkshire Police. Each family is offered the *Help is at Hand*<sup>7</sup> resource and asked if they would like to be referred to the bereavement support service provided by Rotherham Samaritans that commenced in January 2017.

Suspected suicides are reviewed by the Suicide Audit Group which includes representatives from Public Health, Rotherham Clinical Commissioning Group (RCCG), RDaSH and South Yorkshire Police, plus RMBC's Domestic Abuse Coordinator.

**Recommendation** - That the Suicide Prevention and Self-Harm Group revisit the suicide prevention awareness raising work in Wentworth Valley in 2018-19 and roll it out more widely through sharing resources and learning, particularly in hotspot areas identified through the National Drug Treatment Monitoring Service.

### **5.2 Themes and trends analysis of suspected suicides**

As referred to above, RDaSH carried out a detailed examination of the 43 suicides known to services in Rotherham between 1 April 2016 and 31 July 2017, of which five people had had sporadic engagement with drug and alcohol services. The analysis considered multiple factors including, but not limited to, demographic information, employment status, patient history of substance misuse, and if there had been a family bereavement or any history of abuse. A number of common themes emerged with regard to the five deaths but will not be covered in detail in this report for reasons of maintaining confidentiality and being sensitive to the bereaved families and friends.

RDaSH also mapped how Rotherham compared with the national picture in the results from a related national confidential inquiry. They presented their overall findings from the two pieces of analysis to the SP&SHG as areas for development in the refresh of the multi-agency action plan. Key issues indicating potential elevated risk were: loss of a family member to death or suicide; relationship breakups/issues; a history of domestic or sexual abuse; or being a carer.

The local analysis also identified good practice, much of which focused on good communication, clinical information sharing and joint working between partner agencies

including primary care, probation, drug and alcohol services and mental health services. Support with housing and/or adult social care was also offered and accessed by service users.

RDaSH highlighted how services continued to offer and arrange appointments to support and maintain engagement with service users, including promptly rearranging when people failed to attend. Phone calls, letters and texts were all used to try and maintain contact.

The sub-group probed deeper into how maintaining contact with people who were not engaging with services was balanced against managing the existing caseload, to avoid people potentially falling through the gaps. Some people did not meet service thresholds so there was still risk regarding non-engagement but RDaSH dealt with the most complex and most at risk. Clear formalities were in place for Safeguarding Children and then below that for Children in Need, but it was less clear cut regarding adults. However adult safeguarding procedures were in place, together with the complex care pathway and the multi-agency Vulnerable Adults Risk Management<sup>6</sup> (VARM) process.

Recommendation – That drug and alcohol care pathways and signposting, including protocols for links to other processes such as the Vulnerable Adults Risk Management process, are reviewed by RMBC and partners in 2018, to minimise any risk of people not being able to access support.

Linked to the point on reassessments and reviews in 4.5 and the themes identified in the analysis by RDaSH, Members recognised the importance of thorough service user initial assessments. These need to capture historical and social environment information about the individual and their family circumstances, in order to ascertain individual needs and level of risk and should be a key part of the service from April 2018.

Recommendation – That in their initial assessments and reassessments with service users CGL include the additional risk factors identified from the RDaSH analysis into suicides, from April 2018.

## **6. Conclusions and recommendations**

The review group felt they had a good understanding of the local picture regarding substance misuse after the review. Although numbers in service are declining over time there are a number of older long term drug users, many of whom now have associated physical health issues.

A significant number of service users have used methadone for several years, which is one area where Public Health want to make significant progress under the new contract. Members supported the ambition to address long term methadone use and to increase the number of successful exits from services but acknowledged the challenges of people being comfortable in services and the time needed to come off methadone successfully.

Bringing various aspects of the service together under the one contract, including having treatment and recovery services available in one location, may facilitate a personalised and holistic approach to treatment and recovery. Linked to this is the importance of a successful transfer of staff from RDaSH and Action Housing to CGL and adapting to potential new approaches or new ways of working with service users.

Performance management needs to be robust around the performance measures and indicators for the new service. Members recognised the value of re-assessments and reviews with service users and emphasised that these were an essential part of the service to help

measure progress against people's desired outcomes for recovery and also to be aware of changes in circumstances or potential risk.

The focus on safety in the service specification, including Naloxone use training and the proactive measures taken to raise awareness of safety concerns with service users and families was welcomed. Members appreciated the detailed analysis undertaken by RDaSH into suspected suicides that would inform the work of the multi-agency Suicide Prevention and Self-Harm Group and highlighted the importance of continuing with suicide prevention awareness raising.

## Recommendations

1. That Public Health and change, grow, live (CGL) present an overview of how the new service is progressing, including a summary of progress on the key performance indicators, to the Health Select Commission in autumn 2018.
2. That Public Health ensure robust performance management is in place for the new contract from the outset in 2018, including exception reporting and a mid-contract review (to report back to Health Select Commission).
3. That the Suicide Prevention and Self-Harm Group revisit the suicide prevention awareness raising work in Wentworth Valley in 2018-19 and roll it out more widely through sharing resources and learning, particularly in hotspot areas identified through the National Drug Treatment Monitoring Service.
4. That Public Health consider strengthening the messages under Making Every Contact Count around safe alcohol consumption and where to go for help, when it is refreshed.
5. That future commissioning of services by RMBC that exceed the Official Journal of the EU threshold, especially public health and social care services, includes soft market testing with providers/potential providers in advance of going out to tender to ensure a successful process first time.
6. That drug and alcohol care pathways and signposting, including protocols for links to other processes such as the Vulnerable Adults Risk Management process, are reviewed by RMBC and partners in 2018, to minimise any risk of people not being able to access support.
7. That in their initial assessments and reassessments with service users CGL include the additional risk factors identified from the RDaSH analysis into suicides, from April 2018.
8. That Public Health and CGL continue to take a proactive approach to safety in the service, including incorporating any lessons learned from elsewhere and the findings of any Serious Case Reviews when published.

## **7. Thanks**

Our thanks go to the following people for their contributions to our review:

Councillor David Roche

RMBC – Anne Charlesworth, Ruth Fletcher-Brown, Louise Hayter and Teresa Roche

Rotherham Doncaster and South Humber NHS Foundation Trust – Dianne Graham and Matt Pollard

Change, Grow, Live (CGL) – Stephen Graham and Gemma Hewitt

## **8. Background papers**

Notes and presentations from HSC spotlight session held on November 2017

Notes from visit to Carnson House February 2018

Non-fatal overdose among people who inject drugs in England: 2017 report, Public Health England, November 2017

Public Health England Key Indicators for drug and alcohol treatment services

Rotherham Care Group – Drug and Alcohol Services Performance Report September 2017

RMBC Council Plan Performance Report quarter 3 2017-18.

## Appendix 1 **Drug and Alcohol Service - overview of the aims, objectives and interventions**

### **Treatment Services**

#### **Aims:**

- To reduce illicit and other harmful substance misuse.
- To increase the numbers recovering from dependence.

#### **Objectives:**

- Support and promote effective, safe, accessible and responsive quality treatment consistent with national guidance and principles.
- To provide a coherent service model that incorporates several previously separate services, including housing support, and intensive working with pregnant drugs and alcohol users.
- Improve and increase access and engagement into the system for those needing support for their substance misuse.
- To reduce or stabilise substance misuse, reducing risky drug taking behaviours and promoting harm minimisation approaches.
- To provide a wide range of evidence based psychosocial interventions which will meet the assessed needs of service users in treatment.
- Develop a service that is responsive to emerging trends in drug and alcohol misuse.
- To maintain the positive developments service users make in their recovery journey.

### **Interventions**

The Service will provide a full range of brief and structured interventions for drug and/or alcohol users, which includes:-

- full range of pharmacological interventions in line with recognised national guidance
- access to detoxification from drugs and alcohol in the community, and if required to arrange medically supervised detoxification
- expert advice and guidance for other professionals on the management of complex and vulnerable individuals with substance misuse problems whom are difficult to manage; including support for Rotherham GPs who provide shared care services
- assessments for drug use, care/recovery planning and reviews
- assessments to determine the level of need/complexity
- the delivery of evidence based psycho-social interventions (individual and group work)
- blood borne virus vaccination and screening
- general health, smoking cessation and sexual health monitoring, advice and referrals
- personalised, service user focused and asset based interventions and support

## **Recovery services:**

### **Aims**

More people recover from drugs and alcohol by:-

- Raising the aspirations of service users and increase their recovery capital in order to build their self-esteem and re-engage with the local community.
- Promoting self-development and provide a safe environment in which service users can challenge themselves, enabling them to develop the skills they will need to maintain their recovery in the community.
- Maintaining the positive developments service users make in their recovery journey.

### **Objectives**

- To provide a structured day programme to recognise and adapt to different cohorts i.e. those who are in active recovery and those striving towards recovery.
- To provide a wide range of evidence based psychosocial interventions which will meet the assessed needs of service users in recovery.
- To manage the various aspects of recovery including working towards abstinence, improving physical and psychological health and wellbeing, life skills and maintaining positive family and social networks.
- To enable service users to use their time constructively, engaging in meaningful activities and working towards volunteering, education, training or paid work.
- To offer service users the opportunity to develop new skills and individual strategies to build sustainable recovery capital.
- To provide opportunities for service users to engage with agencies which will promote health, economic, social wellbeing and community reintegration.
- To stimulate and sustain local partnerships with a range of local statutory and third sector agencies that can support and broaden the provision of wraparound support to service users, therefore, allowing them to develop and strengthen their social capital.
- To enable more service users to complete treatment in a planned way which will encourage the development of on-going networks of support.
- To ensure recovery is visible in Rotherham by promoting, celebrating and publicising recovery and 'good news' stories across the drug and alcohol treatment system and wider, including the use of innovative approaches via social media and events etc.
- To provide periodic contact post planned discharge (keep on at tier 2) to ensure recovery is being maintained (3 - 6 months) or to determine if further support is required.



Appendix 2      **Drug and Alcohol Service – facilities and activities at Carnson House**

**Facilities at Carnson House**

- Informal reception area
- Basement being transformed into treatment area
- Level access to basement and dropped step facilitate access
- ICT room
- Laundry
- Kitchen with a hot meal provided daily for £1 and free hot drinks
- Large meeting room available for partners to use
- Couple of rooms for 1:1 work
- Flexible use of space possible
- Open two evenings and on Saturdays

**Support and activities provided**

- Group work and 1:1s - graphs on wall to show progress
- Peer mentors (also have own room)
- Positive activities including barbeques, camping trips, cycling
- Creative writing group
- Annual art competition in Leeds “Art of Recovery” (examples on display)
- Annual “Recovery Games”
- AA hold meetings there
- Help with CVs, training and gaining qualifications
- Links with a range of other local organisations including Target Housing, Jobcentre, Shiloh
- Appointing an asset based community development worker
- Auricular acupuncture – helps people relax and is also a pain management tool
- Access to on-line recovery tool
- Training on Naloxone use for service users and families as well as staff

## Glossary

CGL	change, grow, live
HSC	Health Select Commission
NDTMS	National Drug Treatment Monitoring Service
RCCG	Rotherham Clinical Commissioning Group
RDaSH	Rotherham Doncaster and South Humber Mental Health NHS Trust
RMBC	Rotherham Metropolitan Borough Council
SP&SHG	Suicide Prevention and Self-Harm Group
SYP	South Yorkshire Police
TUPE	Transfer of Undertakings (Protection of Employment) Regulations

## Endnotes

1 Shared Care – joint working between the specialist drug and alcohol services and GPs to provide personalised and holistic care to a patient through their own GP.

2 Rotherham's Local Outcome Comparators:

Since 2014-15 Rotherham has been compared to the following 32 areas:

Somerset, North Somerset, Warwickshire, Cornwall & Isles of Scilly, Newham, Kingston upon Thames, Bexley, Westminster, Torbay, Lambeth, Havering, Camden, Norfolk, Gateshead, Staffordshire, Durham, Medway, Haringey, North Yorkshire, Nottingham, Sandwell, Stockport, Bath and North East Somerset, Suffolk, Gloucestershire, Barnsley, Northumberland, Telford and Wrekin, Enfield, Stockton, Newcastle upon Tyne and Middlesbrough.

3 Treatment Outcomes Profile (Drugs) – shows the effectiveness of treatment and progress made at key stages: Start/Review/Exit and can also include Post Treatment Exit capturing longer term impact of treatment. Completed by the practitioner with the service user and has four sections – substance use/injecting risk behaviour/crime/health and social functioning. The latter includes overall ratings by service user of their quality of life, psychological health and physical health; plus participation in work, volunteering and/or education; and housing – suitability and security.

4 Outcome Star (Alcohol) – covers drug use, alcohol use, physical health, meaningful use of time, community, emotional health, accommodation, money, offending, family and friendships.

5 Successful completion of drug treatment – success is measured as being in the quarter six months after the end of treatment where a person did not re-present to services so there is a time lag on this target.

6 Vulnerable Adults Risk Management (VARM) process - a means of facilitating effective working when a vulnerable adult with mental capacity, at risk through issues such as self-neglect or refusal of services, makes choices that could result in serious harm, injury or death.

7 *Help is at Hand* – Support guide for people after someone may have died by suicide.

<https://www.nhs.uk/Livewell/Suicide/Documents/Help%20is%20at%20Hand.pdf>

## Contact

Janet Spurling, Scrutiny Officer, RMBC

[janet.spurling@rotherham.gov.uk](mailto:janet.spurling@rotherham.gov.uk)

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

Council – 23 May 2018

**Report Title**

Scrutiny Review – Use of agency, interim and consultancy staff

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

No

**Director Approving Submission of the Report**

Shokat Lal, Assistant Chief Executive

**Report author(s):**

Caroline Webb, Senior Scrutiny Advisor (Scrutiny and Member Development)  
01709 822765 or caroline.webb@rotherham.gov.uk

**Ward(s) Affected**

All

**Summary**

The scrutiny report (attached as Appendix 1) presents the views of a cross-party review group on the Authority's use of agency, interim and consultancy staff. The purpose of the review was to seek assurance that the Council measures performance and value for money in its use of agency staff and consultants and is taking appropriate action to maintain spend within acceptable limits. The recommendations made by Members are based on information and evidence collated during the course of the review and their challenge of existing practices and developing protocols.

This report is presented for information to share the findings with the wider membership of the Council. Following this meeting, the Cabinet will be required to respond formally to the recommendations and indicate agreement or otherwise, what action, will be taken to implement the recommendations, along with details of timescales and accountabilities.

**Recommendations**

1. That the report and recommendations in respect of use of agency, interim and consultancy staff, as outlined in Section 4 of Appendix 1, be noted.
2. That the report is forwarded to Cabinet and its response to the recommendations be fed back to Overview and Scrutiny Management Board.

**List of Appendices Included**

Appendix 1 – Scrutiny Review: Use of agency, interim and consultancy staff

**Background Papers**

None

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**  
Overview and Scrutiny Management Board - 21 February 2018

**Council Approval Required**  
No

**Exempt from the Press and Public**  
No

## Overview and Scrutiny Management Board

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# Scrutiny Review of Agency, Interim and Consultancy Use.

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## 1 Introduction

- 1.1 Over the course of 2016-17, Overview and Scrutiny Management Board (OSMB) expressed its concerns at the increasing and significant forecast of in-year overspend. Related to this had been concerns about the use of agency staff and consultants across the authority and if there was robust management control in place at that time<sup>1</sup>. It was agreed that a small cross-party working group would be established to examine what actions were being taken to drive down the number of agency staff and consultants and consequently reduce the associated financial impact.
- 1.2 The following Members undertook the scrutiny review:
- Cllr Kerry Albiston
  - Cllr Allen Cowles
  - Cllr Jeanette Mallinder
  - Cllr Brian Steele (Chair)
- 1.3 The recommendations made by Members are based on information and evidence collated during the course of the review and their challenge of existing practices and developing protocols. The Workforce Management Board (WMB), led by the Assistant Chief Executive and attended by Assistant Directors from all Directorates, had been set up shortly before the commencement of this review to introduce a control process, with the use of agency staff requiring explicit Directorate and Board sign off. It was helpful that the review coincided with the development of the WMB as Members were able to hold officers to account and see evidence of its work with associated improvement in performance; increased oversight and reduction in spend. Through this regular dialogue, Members were able to influence the development of procedures and clarification of definitions and reporting routes which has meant that some of Members' recommendations were implemented during the course of the review.

## 2 Scope and terms of reference

The purpose of the review was to seek assurance that the Council measures performance and value for money in its use of agency staff and consultants and is taking appropriate action to maintain spend within acceptable limits.

Over a series of meetings with senior officers, the Members sought to establish:

- Definitions of agency, interim or consultancy staff;
- The criteria/protocol for appointment of agency/interim staff and consultants;
- What would be a reasonable number of agency staff and/or consultants for an organisation of the Council's size and complexity;
- The current number; cost and length of contract of agency/interim staff and consultants (by Directorate);

The review group thanks the Cabinet Member, officers and trade unions for their co-operation and support.

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<sup>1</sup> It was reported as part of the Corporate Plan 2016/17 Quarter 4 Performance Report in August 2017 that the targeted 10% reduction in agency staff had seen instead a 50% increase.

### 3 Key issues

The review group commenced its enquiry in June 2017 and reported its findings in February 2018. The issues arising from the discussions are summarised below.

The review group met with officers six times over the period of the review, with further meetings held with the Cabinet Member for Corporate Services and Finance and in-house trade unions. Revenue monitoring and performance reports were also submitted to the OSMB during the course of the review, which gave oversight of performance and spend in this area.

- 3.1 It was noted that both the former Corporate Plan and its replacement, the RMBC Council Plan (2017-20) had reduction in the use of agency staff as a priority measure and this was the primary means through which performance in this area is measured. Members received information that demonstrated that the overall agency spend was reducing and plans were in place to ensure the downward trajectory continued, particularly in relation to social care agency spend in CYPS. The most recent report to OSMB outlined the Council's use of temporary and agency staff remained at high levels, however at the end of the first quarter the annual projected agency expenditure for 2017/18 was 21% lower than agency cost in the previous year<sup>2</sup>.

#### Agreed Definitions of Agency, Interim or Consultants

- 3.2 In establishing whether there were agreed criteria for the appointment and use of agency, interims and consultants, Members were concerned that the definition used in the HR service briefings did not provide sufficient clarity or distinction between each respective category. Initial information presented to the review provided details of agency spend, there was less clarity about spend on consultants and how this was reported. The review group were of the view that a lack of clear definitions, particularly in relation to consultants, meant that that information was not reported consistently or accurately.
- 3.3 Officers were asked to clarify the definition and ensure that budget codes were aligned to them to ensure that expenditure could be monitored accurately. To this end the following definition has been developed:
  1. **Agency Staff** - Individuals employed and paid for through an agency. They may be covering a single specific vacancy or be covering a capacity gap left by a number of vacancies, by specific demand pressure or as a result of a skills gap. They may or may not have decision making authority or staff management responsibilities.
  2. **Interims** - Individuals working day to day 'as though an employee' but not engaged through an agency contract. They may be covering a single specific vacancy or be covering a capacity gap left by a number of vacancies, by specific demand pressure or as a result of a skills gap. They may or may not have decision making authority or staff management responsibilities.

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<sup>2</sup> Council Plan 2017/18 Quarter 1 Performance Report: OSMB 27<sup>th</sup> September 2017.



3. **Consultancy/Independent Contractor** - An individual or a company engaged through a tender/procurement process to carry out a defined piece of specialist work or a project. The company or individual would not be expected to have any decision making authority or staff responsibilities and the work would be expected to culminate in an output e.g. a report. They may work predominantly on or off site depending on the nature of the piece of work.

#### **Criteria/protocol for appointment of agency/interim staff and consultants**

- 3.4 At its first meeting of the review group, officers presented the WMB's terms of reference and 'Workforce Resource Request-Business Case' which is used to approve requests for recruitment of permanent staff or procure external resource. The Chair was invited to attend a WMB meeting and was assured of the rigour applied to their scrutiny of the management of people resources and expenditure, particularly in relation to agency spend. The review group was assured that the WMB has grip on recent agency appointments.
- 3.5 Whilst the review group were confident that steps were in place by the WMB to monitor agency staff usage, it was less clear if the same processes were applied consistently to the appointment of consultants or interim staff appointed to undertake a senior role. Following representations, the Chief Executive gave assurance to the Chair that future appointments to senior posts would only be considered for approval following submission to the WMB.
- 3.6 The review group were keen that there is a consistent approach taken and, as with agency staff, consultancy appointments are made on the basis of a business plan which is linked to a service plan. It was felt that as the requirement to use consultants for specific projects or specialism should be anticipated well in advance, that the requirement for this expertise should be explicitly reflected in service plans; with corresponding details about expected outcomes, timescales and resourcing to inform the procurement or tendering of consultancy services. The Head of Procurement, who is now to be a member of the WMB, can escalate to the Board any issues or concerns arising out of an extension or variation to the tendered contract, which takes it significantly beyond the original timeframe or agreed expenditure. If these protocols were followed, the Council could be more confident that the decisions relating to the appointment of consultants were soundly based and would achieve value for money.
- 3.7 It was also felt that wherever appropriate, there should be an element of training or skill development when consultants were engaged to build in-house capacity (for example involvement in project work or work-shadowing). This would ensure that staff had a greater understanding of the specialist elements provided by the consultants and an opportunity to undertake skill development/knowledge transfer which could be used to train staff and in turn may lessen the need to contract externally in the future.

#### **Appropriate Level of Usage of Agency/Interims and Consultants**

- 3.8 Overall, Members accepted that agency, interims and consultants can be an important and effective means of covering inevitable temporary staff shortages. If monitored

properly, the use of agency staff was recognised as an effective means of providing a flexible resource to ensure continuation of services. On the basis of the performance reports and briefings provided to Members, it was noted that spend was increasingly maintained within overall staffing budgets<sup>3</sup>.

- 3.9 Within CYPS, it was recognised that a significant element of spend was aligned to the introduction of new management arrangements and linked to the improvements in CYPS. A detailed presentation was given to the review group by senior officers in CYPS which explained that investment in specialist consultants following intervention provided grip and enabled strategic improvements to be made and higher levels of agency staff were required to ensure safe levels of practice<sup>4</sup>. Since 2015/16, there had been a cumulative reduction in agency costs of 40%, with greater numbers of permanent appointments made.
- 3.10 It was further noted that agency and consultancy spend across Adult Social Care was forecast to increase over the coming year and beyond. A detailed discussion with the Strategic Director for Adult Care and Housing provided details of how this resource would be used to support its Improvement Plan. Members were keen to see that there was regular monitoring of the Improvement Plan to ensure that drift did not occur.
- 3.11 Detailed information was given to the review group, outlining use of agency seasonal workers in the Regeneration and Environment Directorate. Whilst it was accepted that the use of agency staff allows a degree of flexibility to deliver services which have targeted completion (waste being daily and grounds maintenance or grass cutting being on a regular cycle); the review group were concerned at the comparative high-level of spend in this area and asks that further work be undertaken to see if other solutions could address this, example annualised hours or other flexible working methods.
- 3.12 The review group were concerned that recruitment of agency/interim or consultancy staff should be the last resort, particularly in areas where staff are at risk of redundancies. UNISON expressed a concern that recent cuts in staff numbers and high vacancy rates across children and adult's social care has led to an increased reliance on costly agency staff and consultants. The review group thought there was merit in the WMB meeting with in-house trade unions on a regular basis to seek their views on the engagement of consultants and agency staff.

**The current number; cost and length of contract of agency/interim staff and consultants (by Directorate)**

- 3.13 The briefings provided to Members gave a good overview of numbers of agency staff and the review group was confident that the WMB had oversight of this by Directorate. However as highlighted above, there was less clarity about numbers of consultants and their specific cost, on what basis the consultants were engaged (for example on a task

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<sup>3</sup> After showing an overspend, it was reported in August 2017, that the employee budget relating to children's social care was forecasting a break even position.

<sup>4</sup> Members sought assurance about agency usage in CYPS compared with other authorities, it was noted that agency usage levels in Rotherham at 15.3% (July 2017) had fallen below the national average of 16.7%. This reflects very positively against similar authorities in intervention.

and finish basis, to provide longer term change-management support or other specialisms); and if there was consistent compliance with the process set out by the WMB. Members welcomed the Internal Audit process that was being undertaken and asks that the results are presented to a reconvened meeting of the review group.

- 3.14 Members were also concerned that there was a small number of agency/interim staff, predominantly in CYPS, who remained in post whose initial appointment dated from 2015. Members felt that it was important to establish how many staff this applies to; their length of service; if a business case was developed at the time of appointment and if so, whether this had been reviewed and by whom. Members asked that plans are drawn up as soon as possible to action permanent recruitment if there is a service requirement for the posts and if this cannot be demonstrated, that agency staff or interims are released.
- 3.15 Further details were provided on steps taken to reduce usage of agency staff and consultants in CYPS through permanent appointments and building in-house capacity and progression. Members welcomed the initiatives to reduce agency usage and offer staff progression routes and interim posts as development opportunities.
- 3.16 The Strategic Director for CYPS had also developed a memorandum of understanding with other local authorities in the Yorkshire and Humber region to create a standard practice and costs for agency workers. Drawing on this, given most public sector bodies will require temporary staff to cover routine vacancies, Members wanted to explore the feasibility of developing an in-house 'bank' system or employment agency to reduce cost and reliance on external agencies.

#### **4 Recommendations**

- 4.1 That the following definition of agency, interims and consultancy staff is adopted and is applied consistently across the Council. It is suggested that a further report is provided to this sub-group in six month on its implementation.
  1. Agency Staff - Individuals employed and paid for through an agency. They may be covering a single specific vacancy or be covering a capacity gap left by a number of vacancies, by specific demand pressure or as a result of a skills gap. They may or may not have decision making authority or staff management responsibilities.
  2. Interims - Individuals working day to day 'as though an employee' but not engaged through an agency contract. They may be covering a single specific vacancy or be covering a capacity gap left by a number of vacancies, by specific demand pressure or as a result of a skills gap. They may or may not have decision making authority or staff management responsibilities.
  3. Consultancy/Independent Contractor - An individual or a company engaged through a tender/procurement process to carry out a defined piece of specialist work or a project. The company or individual would not be expected to have any decision making authority or staff responsibilities and the work would be expected to culminate in an output e.g. a report. They may work predominantly on or off site depending on the nature of the piece of work.

- 4.2 That the above definition is appended to the WMB's terms of reference to ensure that there is a shared and consistent understanding of the criteria. It is further recommended that the Head of Procurement escalates to the Board any issues or concerns arising out of an extension or variation to the tendered contract which takes it significantly beyond the original timeframe or agreed expenditure.
- 4.3 That following the development of clear definitions relating to the appointment of agency, interims and consultants, that there are corresponding budget codes developed to ensure that accurate monitoring can be undertaken.
- 4.4 That prior to the appointment of consultants, there should be a clear business case developed aligned to service plans to demonstrate the necessity of the appointment and why external resources are required to complete the task. To avoid 'drift', the business case should outline clear outcomes, timescales and what resources are required; with variations to the business case reported to the WMB by the Head of Procurement.
- 4.5 Wherever possible and appropriate, there should be a development element in the engagement of consultants in order to develop in-house capacity. The business case should outline how this is to be addressed.
- 4.6 That the transformation plans for ASC are carefully monitored to ensure that agency and consultancy use is delivering value for money and practice improvements.
- 4.7 That an audit is undertaken to clarify how many agency staff are in posts for more than 12 months; their length of service; if a business case was developed at the time of appointment and if so, whether this has been reviewed and by whom. On the basis of this information, that plans are drawn up as soon as possible to action permanent recruitment if there is a service requirement for the posts and if this cannot be demonstrated, that agency staff or interims are released.
- 4.8 Following from this, to avoid 'drift', the business case developed to support the appointment of agency staff should outline clear outcomes, timescales and resources and explicit alignment to the service plan; with variations to the business case or extension to contract reported to the WMB.
- 4.9 That further work be undertaken to lessen the requirement for seasonal agency staff. This should include annualising hours or ensuring operatives 'multi-task' and are able to share roles and functions. The review asks that a further report be provided exploring options.
- 4.10 That the WMB should have regular discussions with in-house trade unions and staff fora to seek their views if there are alternative options to the appointment of agency staff or consultants; particularly in services where there is the possibility of redundancies.
- 4.11 That the WMB should explore the feasibility with other councils and public sector partners of developing an in-house 'bank' system or employment agency to reduce cost and reliance on external agencies.
- 4.12 That OSMB convenes a sub-group bi-annually to review the progress of the WMB in meeting the priority measure and the implementation of accepted recommendations.

## **5 Thanks**

Cllr Saghir Alam – Cabinet Member for Corporate Services and Finance

Judith Badger – Strategic Director: Corporate Services and Finance

Mark Chambers - Assistant Director: Commissioning Performance and Quality (CYPS)

Shokat Lal – Strategic Director: Assistant Chief Executive

Anne-Marie Lubanski – Strategic Director: Adult Care and Housing

Sharon Kemp – Chief Executive

Mel Meggs – Deputy Strategic Director, CYPS

Sue Palfreyman - Head of Human Resources (ACX)

Robin Symonds - UNISON

**HEALTH AND WELLBEING BOARD**  
**14th March, 2018**

**Present:-**

Dr. Richard Cullen	Strategic Clinical Executive, Rotherham CCG <b>(in the Chair)</b>
Rebecca Chapman	South Yorkshire Police (representing Rob O'Dell)
Tony Clabby	Healthwatch Rotherham
Phyll Cole	NHS England (representing Carole Lavelle)
Chris Edwards	Chief Operating Officer, Rotherham CCG
AnneMarie Lubanski	Strategic Director, Adult Care, Housing and Public Health
Councillor Mallinder	Chair, Improving Places Select Commission
Chris Morley	Rotherham Foundation Trust (representing Louise Barnett)
Dr. Jason Page	Governance Lead, Rotherham CCG
Terri Roche	Director of Public Health
Kathryn Singh	Chief Executive, RDaSH
Ian Thomas	Strategic Director, Children and Young Peoples' Services
Janet Wheatley	Chief Executive, Voluntary Action Rotherham

**Also Present:-**

Steve Hallsworth	Regeneration and Environment, RMBC
Gordon Laidlaw	Communications Lead, Rotherham CCG
Councillor Short	Vice-Chair, Health Select Commission

**Report Presenter:-**

Steve Turnbull	Public Health
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Apologies for absence were submitted from Louise Barnett (Rotherham Foundation Trust), Kate Green (Policy and Partnership Officer, RMBC), Sharon Kemp (Chief Executive, RMBC), Rob O'Dell (District Commander, South Yorkshire Police) and Councillors Roche (Cabinet Member, Adult Social Care and Health) and Watson (Deputy Leader).

**60. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at the meeting.

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

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

**62. MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting of the Health and Wellbeing Board held on 10<sup>th</sup> January, 2018, were considered.

Resolved:- That the minutes of the previous meeting held on 10<sup>th</sup> January, 2018, be approved as a correct record.

Further to Minute No. 56 (Health and Wellbeing Strategy Refresh) it was noted that all points raised had been incorporated into the final draft.

Further to Minute No. 57(2) (Rotherham Safeguarding Adults Board Annual Report), the issue of an event being held during Safeguarding Week was to be discussed at the Chief Executives' Group of the Rotherham Together Partnership.

### **63. COMMUNICATIONS**

There were no communications to report.

### **64. FORMAL SIGN-OFF OF THE HEALTH AND WELLBEING STRATEGY 2018-2025**

Refreshed from 2015 Version

- National and local strategic drivers influencing role of Health and Wellbeing Boards
- Need to ensure it remained fit for purpose and strengthened the Board's role in
  - Setting strategic vision
  - Collaborative working
  - 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

Health and Wellbeing Strategy Principles

- Provide accessible services
- Reduce health inequalities
- Prevent physical and mental ill health
- Integrate commissioning of services
- Ensure pathways were robust
- Promote resilience and independence

Journey to 2018

- Local Government Association support to the Board
  - Self-assessment July 2016
  - Stepping Up To The Place workshop September 2016
- Positive feedback given about the 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

#### What the data tells us

The Joint Strategic Needs Assessment tells us about the current and emerging issues we need to focus on:

- 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

#### Health and Wellbeing Strategy 2018-2025

- Sets strategic vision for the Board – not everything all partners do but what partners can do better together
- Includes 4 strategic 'aims' – shared by all Board 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

Aim 2 – All Rotherham people enjoy the best possible mental health and wellbeing and have a good quality of life

Aim 3 – All Rotherham people live well for longer

Aim 4 – All Rotherham people live in healthy, safe and resilient communities

#### Consultation and Engagement

- Consultation on refreshed Strategy took place with key stakeholders including:-
  - All Health and Wellbeing Board partners
  - Health Select Commission (Scrutiny)
  - Voluntary and community sector
  - To the public via public meetings of the Board and CCG

#### Implementation and Monitoring

- Strategy signed-off and published March 2018
- Officer leads identified and work progressing to develop a set of action plans for each aim



- Includes the priorities set by the Place Plan workstream groups (aligned to Strategy)
- Action plans to include a set of indicators to measure performance
- Board sponsors for each aim to present their plan and a progress report periodically to the Board

It was noted that the Strategy had been considered by all the organisations present at the meeting and formally endorsed.

Resolved:- (1) That the stakeholder consultation that had taken place and how comments had been incorporated into the Strategy, where appropriate, be noted.

(2) That the endorsement of the refreshed Health and Wellbeing Strategy 2018-2025 by the Council's Cabinet and Clinical Commissioning Group Governing Body be noted.

(3) That the refreshed Health and Wellbeing Strategy 2018-2025 be formally signed-off.

#### **65. INTEGRATED CARE PARTNERSHIP PLACE PLAN REFRESH**

Chris Edwards, Chief Operating Officer RCCG, gave a verbal report on the refresh of the Integrated Care Partnership Place Plan.

The Partnership had agreed that it would produce an operational plan setting out how it would deliver the ambitions of the Health and Wellbeing Strategy and submit to the April meeting of the Place Board.

Although there were strong plans in terms of integration there was a need for a more encompassing plan as a Rotherham Health and Social Care system i.e. how did Rotherham deal with everything and how it integrated with the South Yorkshire and Bassetlaw arrangements.

The Integrated Care Partnership would meet in public for the first time in April. It would receive the full plan in May and then be submitted to the Health and Wellbeing Board in July.

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

(2) That work take place with partners to develop a Rotherham Integrated Health and Social Care Place Plan and submit to the July meeting of the Health and Wellbeing Board.

**Action: Chris Edwards**

#### **66. HEALTH AND WELLBEING STRATEGY - UPDATE FROM AIM 2 (MENTAL HEALTH AND WELLBEING)**

Kathryn Singh, RDaSH, gave the following powerpoint presentation:-

## Adult Mental Health and Learning Disability Transformation

1. Deliver improved outcomes and performance in the Improving Access to Psychological Therapies Service
2. Improve Dementia diagnosis and support – continued focus on community
3. Delivery CORE 24 Mental Health Liaison Services
4. Transformation of the Woodlands inpatient 'Ferns' ward
5. Improve Community Crisis and Home Treatment response and intervention in Mental Health
6. Oversee Delivery of Learning Disability Transforming Care
7. Support the development of Autism Strategy
8. Support work of Public Mental Health Strategy including Suicide Prevention

## What is working well?

- Clear priorities for Service improvement and delivery in 2017/18 and 2018/19 which are achievable
- Excellent place working across all the organisations e.g. Ferns, Core 24, Community Crisis
- Moving from planning to delivery, CORE24, IAPT, Ferns (Phase 2), LDTCP
- Planning for Community Crisis and Community Dementia follow-up
- Joining up agendas e.g. CORE fidelity review with social care review of mental health Services
- Clarity on oversight and assurance roles for work delivered through other structures e.g. TCP, Autism Partnership Board

## What are our challenges?

- Ensuring we remain focused on pathways transformation as well as Service transformation
- Supporting the TCP with expected transfer of high cost LD Service users from NHSE commissioning to Rotherham – possible impact on budgets and available services
- Ensuring project interdependencies are managed within the transformation group's remit and within the wider Rotherham Place priorities and governance

## What needs to happen (and by when)?

- Ensure regional/ICS level funding flows into Rotherham priorities e.g. suicide prevention (Q1 2018/19)
- Delivery of a 24/7 CORE24 liaison service (Q1 2018/19)
- Completion of the CORE fidelity review and recommendations (Q4 2017/18)
- To work with GPs and providers to raise awareness (and increase uptake) of health checks for learning disabled people (Q1 2018/19)
- Agree the Ferns model and funding for 2018/19 (Q4 2017/18)
- Agree post-diagnostic follow up for Dementia in primary care through the LES (Q4 2017/18)
- Agree IAPT plan and trajectory (Q4 2017/18)

**HEALTH AND WELLBEING BOARD - 14/03/18**

- Continue to provide input, oversight and assurance to TCP, Autism and LD Strategy development

**Focus on CAMHS – Working Well?**

- New 'Advice and Consultation' Service through the Single Point of Access (SPA) providing quicker and more focussed access to RDaSH CAMHS
- Prioritisation of LAC referred to the CAMHS Service and close working with LAC Therapeutic Team
- Locality Mental Health Workers who link directly with GP practices, schools, Early Help and Social Care Teams
- CCG funding of 2 'Children's Wellbeing Practitioners' to provide early intervention for lower level issues
- Nationally recognised Rotherham Parent Carers Forum (RPCF) providing direct support to families and co-production approach
- Regular inter-agency dialogue between RDaSH, RPCF and Healthwatch, providing constructive dialogue for service development/improvement
- Better support for children and young people diagnosed with Autism
- CCG part funding of schools 'CAMHS' worker pilot
- New initiative to roll out 'whole school' approach to primary schools
- RCCG continues to fund year-on-year increase in CAMHS provision

**Focus on CAMHS – Impact on Performance**

Significantly reduced waiting times for children and young people

- Assessment  
September 2016 182 waiting and 30% seen in 6 weeks  
November 2017 14 waiting and 100% seen in 6 weeks (93% in 3 weeks)
- Treatment  
September 2016 42% waiting less than 8 weeks and 73% less than 18 weeks  
November 2017 84% waiting less than 8 weeks and 97% less than 18 weeks  
Numbers waiting reduced from 376 (September 2016) to 38 (November 2017)
- High proportion of young people have 'goal set' on entering service  
94% report improving against goal

**Focus on CAMHS – Next steps for Rotherham**

- Extension of Intensive Community support 8.00 a.m. to 8.00 p.m.
- Integration of Crisis Service with Adult Crisis Team
- Closer working between the CAMHS SPA and RMBC Early Help Service
- Reducing waiting times for ASD and ADHD assessments and consultation with Parent Carers Forum/Healthwatch
- Further development of outcomes monitoring

Discussion ensued with the following issues raised/clarified:-

- The work across the whole system had been really positive. The aim was to ensure there were links across the Integrated Rotherham Place Plan and the Health and Wellbeing Board with all the aspects of mental health being discussed
- All targets were being hit with regard to the Improving Access to Psychological Therapies Service
- 'Ferns' Ward had opened and proving very successful. This was about working as a partnership between the TRFT, Social Care and RDaSH making sure that people with Dementia/Delirium who required support got the support they needed in the right setting. It was focussed around the needs of people with Dementia/Delirium that took them from the acute sector when medically fit and stable but still needed the help of enablement and reablement
- The fact that there was the opportunity for all partners to take their share of responsibility for mental health was really important. Mental Health was about good Mental Health as well as poor Mental Health
- RDaSH was to have a Mental Health Worker in the Access Team one day a week which would make a real difference
- Over the last 2 years there had been a change in the approach to Mental Health looking at the whole person and not a person with Mental Health
- The link with Social Prescribing was important. The evidence for the second year was again showing over 50% of Service users were eligible for discharge. If it could be used to stop people from going into Service in the first place by way of low level interventions it would prevent high cost interventions
- Was there something omitted from the Strategy with regard to the learning from deaths? There was reference within Aim 2 of the physical health needs of people with Learning Disabilities but was there action where someone with Learning Disabilities prematurely died and whether it could be demonstrated that everything possible had been done and had not been penalised because of their disabilities. It was felt that there was the opportunity in the Lead Programme to work on local delivery
- Significant funding had been received via the CCG and National Crime Agency with regard to adult survivors of CSE involved in Operation Stovewood. RDaSH were working with the CCG to put together a proposal on how they would support adult survivors going through the Court system

- CAMHS had undergone a massive improvement journey over the past 2 years and had changed the way it delivered its services. It had worked really well with consistency of approach for the organisation and very specific according to place. One of the major achievements in Rotherham was that, where it used to take months in terms of the transition from CAHMS into Adult Services, a transition service was now delivered within 3 weeks
- Work was being carried out with Service users and parents, Healthwatch Rotherham, voluntary sector and the Rotherham Parents Forum in terms of the kind of support and commitment given in terms of looking at the CAMHS pathways and trying to do something different
- CAMHS now had an Advice and Consultation Service; a single point of approach meant not only seeing the right children but seeing them very quickly
- There had been recent consultation on the Green Paper around Schools and the role of the Medical Practitioner in Schools. There had been a real positive change in RDaSH's relationship with Schools and regularly met with the Head Teachers to look at new ways of working
- Healthwatch Rotherham had been commissioned to carry out a further piece of work looking at the improvement journey to ascertain if the changes RDaSH felt it had made were coming through
- There had been much improvement but there was still work to do with regard to Pathways
- RDaSH provided an Advocacy Service around CAHMS and was the main issue that members of the Public contacted Healthwatch Rotherham with regard to
- With regard to prevention, there were areas within Aims 1 and 2 as well as the Green Paper referring to working with Schools in a much more co-ordinated way. The Service was seeing a number of children that had been affected through cyber bullying and the need for discussions between organisations as to the role of the School Nurse and the first tier of intervention about positive Mental Health, what was and was not acceptable and start to build children's resilience to some of the issues
- The My Mind Matters website was available for young people and parents to access good quality information

Phyll Cole, NGHS England, reported that there was to be a Yorkshire and Humber event looking at feedback from NHS England's Leader Programme hosted by England North. They would be particularly

interested in feedback on case studies around mortality reports and would welcome representation from Rotherham.

Resolved:- That the update be noted.

#### **67. WINTER PLAN - UPDATE**

Chris Edwards, Chief Operating Officer Rotherham CCG gave a verbal update on the Winter Plan.

Rotherham had not met the 95% national target but had been the highest performer in South Yorkshire – ranked 24<sup>th</sup> out of 130 nationally.

The Hospital had reported internal issues with the workforce, bed pressures, a busy flu season, Norovirus and the adverse weather conditions. However, despite all the afore-mentioned, the Emergency Care Centre had performed at least comparable with other areas in South Yorkshire.

The next step was the Easter Plan for which a very similar approach was being taken. There were still issues around the medical workforce in the Hospital and work was taking place with GPs to hopefully achieve a solution. Although technically the flu season had ended, there were still high numbers being seen with flu-related infections i.e. chest and respiratory.

The new Emergency Care Centre had opened in July; evidence suggested that it took 6 months to settle down and there had been existing workforce pressures when the Trust had moved into the new system. Between July and November 2017 performance had been extremely challenging but since November had improved with patients having a better understanding as to how to access the service and better engaged by the GPs with the service.

There was a lot of positivity around the Centre; the environment was significantly better and the medical professionals thought that it worked better. Actual access performance had significantly improved from December 2017 to January 2018.

Resolved:- That the update be noted.

#### **68. PHARMACEUTICAL NEEDS ASSESSMENT**

In accordance with Minute No. 47 of the meeting held on 15<sup>th</sup> November, 2017, Steve Turnbull, Public Health, presented the final draft of the Rotherham Pharmaceutical Needs Assessment (PNA) for approval and publication by 1<sup>st</sup> April, 2018.

The formal consultation period had run from 15<sup>th</sup> December, 2017 to 16<sup>th</sup> February, 2018, with consultees sent a copy of the draft PNA by email together with a brief questionnaire.

The conclusion of the PNA was that the population of Rotherham had sufficient service provision to meet their pharmaceutical needs. It was well provided for with respect to pharmaceutical dispensing services having a greater than the national average of pharmacies per 100,000 people. 95% of residents were within a 1 mile walk and 100% within a 10 minute drive of a community pharmacy. They were accessible and offered extended opening times to suit patients and consumers including 100-hour pharmacies that gave good geographical cover.

Rotherham also had good coverage of advanced services e.g. Medicine Use Reviews.

Resolved:- That the publication of the Rotherham Pharmaceutical Needs Assessment 2018-2021 be approved for publication.

**69. MEETING DATES FOR 2018/19**

Resolved:- That meetings be held as follows during the 2018/19 Municipal year commencing at 9.00 a.m. venues to be confirmed:-

Wednesday, 16<sup>th</sup> May, 2018

11<sup>th</sup> July

19<sup>th</sup> September

21<sup>st</sup> November

23<sup>rd</sup> January, 2019

20<sup>th</sup> March

29<sup>th</sup> May

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

Resolved:- That a further meeting be held on Wednesday, 16<sup>th</sup> May, 2019, commencing at 9.00 a.m.

**PLANNING BOARD**  
**8th March, 2018**

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bird, D. Cutts, Fenwick-Green, Ireland, Jarvis, Price, Taylor, Tweed, Vjestica, Walsh and Whysall.

An apology was received from Councillor John Turner.

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

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

**67. DECLARATIONS OF INTEREST**

Councillor Walsh declared a personal interest in application RB20171577 on the grounds of being a member of the Energy Institute.

**68. MINUTES OF THE PREVIOUS MEETING**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 15<sup>th</sup> February, 2018, be approved as a correct record for signature by the Chairman.

**69. DEFERMENTS/SITE VISITS**

There were no deferments or site visits recommended.

**70. 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 well site and creation of a new access track, mobilisation of drilling, ancillary equipment and contractor welfare facilities to drill and pressure transient test a vertical hydrocarbon exploratory core well and mobilisation of workover rig, listening well operations, and retention of the site and wellhead assembly gear for a temporary period of 5 years at land adjacent Dinnington Road Woodsetts for INEOS Upstream Limited (RB2017/1577)

Mr. Tom Pickering and Mr. Matthew Shepherd (Applicant)  
Mr. Richard Scholey, Ms. Christine Burton, Mr. Barry Cartwright,  
Ms. Kelly Jennings and Ms. Sue Gildersleve (Woodsetts Against Fracking Action Group)



Councillor Clive Jepson, Ward Councillor, Anston and Woodsetts/Anston Parish Council (Objector)  
 Mr. Martin Ladbroke, Letwell Parish Council (Objector)  
 Ms. Wendy Hamilton, Firbeck Parish Council (Objector)  
 Ms. Monica Carroll, Woodsetts Parish Council (Objector)  
 Mr. Andy Tickle, C.P.R.E. (Objector)  
 Mr. Gary Pickering, Resident (Objector)  
 Mr. Adrian Knight, Resident (Objector)  
 Mr. Nigel Butler, Resident (Objector)  
 Mr. Kenneth Goodall, Resident (Objector)  
 Councillor Yasseen, Chair of the Parish Council Network (Objector)

(2) That application RB2017/1577 be refused for the reason contained within the submitted report along with a further reason for refusal relating to highway safety and the conflict with other road users. The Assistant Director, Planning, Regeneration and Transport, in consultation with the Chair and Vice-Chair of the Planning Board, to be authorised to determine the wording for the additional reason for refusal.

(3) That application RB2017/1840 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 additional condition/reason below relating to the list of approved plans:-

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)

Revised Site Plan (received 1 March 2018)  
 PL001 House Type 1 (Received 7 March 2018)  
 PL001 House Type 2 (Received 7 March 2018)  
 PL001 House Type 3 (Received 7 March 2018)  
 PL001 House Type 4 (Received 7 March 2018)  
 PL001 Flat Block A (Received 7 March 2018)  
 PL001 Flat Block B (Received 7 March 2018)  
 PL002 Flat Block A (Received 7 March 2018)  
 PL002 Flat Block B (Received 7 March 2018)

Surface Treatment Plan (Received 19 December 2017)  
 Boundary Treatment Plan (Received 19 December 2017)  
 Boundary Treatment Detail (Received 19 December 2017)

Reason - To define the permission and for the avoidance of doubt.

## 71. UPDATES

There was no update information to report.

**72. DATE OF NEXT MEETING**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 29<sup>th</sup> March, 2018 at 9.00 a.m.

**PLANNING BOARD  
29th March, 2018**

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bird, D. Cutts, Price, Taylor, John Turner, Tweed, Vjestica and Walsh.

Apologies for absence:- Apologies were received from Councillors M. Elliott, Fenwick-Green, Ireland and Whysall.

The webcast of the Council Meeting can be viewed at:-  
<https://rotherham.public-i.tv/core/portal/home>

**73. DECLARATIONS OF INTEREST**

Councillor Tweed declared his personal interest in application RB2017/0892 (Erection of new grain store and new internal access road to site at Hatfield Farm, Thorpe Lane, Shireoaks for M. J. Blagg) because of his brief social meetings with the applicant in the past. Having declared that interest, Councillor Tweed remained in the meeting and participated in the Planning Board's consideration of this application and voted thereon.

**74. MINUTES OF THE PREVIOUS MEETING HELD ON 8TH MARCH, 2018**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 8th March, 2018, be approved as a correct record for signature by the Chairman.

**75. DEFERMENTS/SITE VISITS**

There were no site visits nor deferments recommended.

**76. 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:-

- Erection of new grain store, and new internal access road to site at Hatfield Farm, Thorpe Lane, Shireoaks for M. J. Blagg (RB2017/0143)
- Mr. Mr. J. Blagg (Applicant)

- Demolition of existing reservoir and construction of new 12,000 m<sup>3</sup> service reservoir with associated valve house structure, dosing housing structure, below ground pipework, earth embankments and perimeter security and construction of new water pumping station with associated underground pipework with new access road, car parking and associated earth works at Boston Park, Boston Castle Grove, Moorgate, Rotherham for Yorkshire Water Services Limited (RB2017/0892)
  - Mr. A. Rayner (on behalf of the applicant Company)
  - Mrs. J. Worrall (objector)
  - Mrs. A. Rodgers (objector)
  - Mr. M. V. Skellum (objector)
  - Mr. T. Brannen (objector)
  - Mr. J. Platts (objector)
  - Councillor T. Yasseen (objector, on behalf of the Borough Ward Councillors of the Boston Castle Ward)

(2) That application RB2017/0143 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3)(a) That, with regard to application RB2017/0892, the developer shall provide a satisfactory unilateral undertaking made under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing a financial contribution of £30,000 in order for the Council to undertake and implement a full Playing Pitch Strategy in accordance with Sport England's recommended guidance; this contribution will cover the Playing Pitch Strategy only; any further improvement works or land-transfer sale agreed by the applicant and the Council will be subject to a separate Agreement and does not form part of the planning application.

(b) That, consequent upon the satisfactory signing of the Section 106 Legal Agreement, planning permission be granted for the reasons adopted by Members at the meeting and subject to the conditions set out in the submitted report.

(Councillor Tweed declared his personal interest in application RB2017/0892 (Erection of new grain store and new internal access road to site at Hatfield Farm, Thorpe Lane, Shireoaks for M. J. Blagg) because of his brief social meetings with the applicant in the past. Having declared that interest, Councillor Tweed remained in the meeting and participated in the Planning Board's consideration of this application and voted thereon)

## **77. UPDATES**

Discussion took place on the following matters:-

(1) Members were invited to notify officers of any suggested sites for inclusion in the Planning Board's tour of completed developments, due to take place during June or July, 2018;

(2) Proposed leisure resort and theme park etc. at land off Mansfield Road, Wales (planning permissions RB2016/1454 and RB2016/1455) – further to Minute No. 62 of the meeting of the Planning Board held on 16th February, 2017, reference was made to the development of the whole site taking place over a number of years; to facilitate this process, a Local Development Order was being drafted which would enable the developer to continue with the development of this site without the need to obtain several different planning permissions for individual aspects; this draft Order would shortly be the subject of a public consultation exercise, after which the draft Order will be submitted for consideration at a meeting of the Planning Board .

**PLANNING BOARD**  
**19th April, 2018**

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bird, D. Cutts, Fenwick-Green, Jarvis, Taylor, John Turner, Tweed, Vjestica, Walsh and Whysall.

Apologies for absence were received from Councillors M. Elliott, Ireland and Price.

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

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

**78. DECLARATIONS OF INTEREST**

Councillor R. A. J. Turner withdrew from the meeting whilst the Planning Board considered the item at Minute No. 82 below (Update - appeal against non-determination of application for planning permission for the construction of an exploratory well on land at Common Road, Harthill (RB2017/0805)).

**79. MINUTES OF THE PREVIOUS MEETING HELD ON 29TH MARCH, 2018**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 29th March, 2018, be approved as a correct record for signature by the Chairman.

**80. DEFERMENTS/SITE VISITS**

There were no site visits nor deferments recommended.

**81. DEVELOPMENT PROPOSALS**

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following people attended the meeting and spoke about the following application:-

- Change of use of land to form camp site for touring caravans/motorhomes (129 pitches) and tents (34 pitches). Including erection of reception building with café/shop, 2 No. toilet/laundry blocks, associated vehicle and pedestrian hardstanding, soft landscaping, service points, dog wash area and children's play area at Rother Valley Country Park, Mansfield Road and Delves Lane, Wales for Rother Valley Country Park (RB2018/0264)

- Mr. P. Gill (speaking on behalf of the Local Authority as applicant)
- Mr. Lund (objector)

(2) That application RB2017/1103 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report, including a correction to condition 01 which shall read as follows:-

01

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) -

(Proposed GF Plan MS/IDN/17/01, Proposed FF Plan MS/IDN/17/04D, Proposed SF Plan MS/IDN/17/05D, Location Plan)(received 25/07/2017)  
(Proposed Site Plan MS/IDN/17/06)(received 25/10/2017)  
(Proposed Elevation Plan MSI/IDN/18/02)(received 12/04/2018)

(3) That application RB2018/0096 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and to the following additional condition:-

11

Prior to the occupation of the first dwelling a management company shall be established to maintain the car park and landscaped area shown on the Proposed Site Plan – Drawing No 105 Rev P01. The management company shall thereafter manage and maintain these areas for the lifetime of the development.

Reason

To ensure the satisfactory management and maintenance of these areas.

(4) That application RB2018/0264 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

**82. UPDATE - APPEAL AGAINST NON-DETERMINATION OF APPLICATION FOR PLANNING PERMISSION FOR CONSTRUCTION OF AN EXPLORATORY WELL ON LAND AT COMMON ROAD, HARTHILL (RB2017/0805)**

Further to Minute No. 61 of the meeting of the Planning Board held on 25h January, 2018, consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport concerning the forthcoming public inquiry (due to begin on Tuesday, 24th April, 2018) in respect of the above item (application reference RB2017/0805). The report stated that the appellant Company had submitted a revised Traffic Management Plan to be considered at the public inquiry. Accordingly, the Planning Board considered whether, in the light of the contents of the additional Enhanced Traffic Management Plan, this Council's reasons for

resisting the appeal on highway grounds should be withdrawn from the appeal process. Members expressed their dissatisfaction with the timing of the submission of the additional information which gave them and the public limited time to comment.

In accordance with the right to speak procedure, the following people attended the meeting and spoke about this item:-

Mrs. D. Gibson, Harthill Against Fracking (objector)  
Mr. R. Dyer, Friends of the Earth (objector)  
Councillor D. Beck, Ward Member – Wales (objector)

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

(2) That the Planning Board affirms the resolutions contained in Minute No. 61 of the meeting held on 25th January, 2018 stating the reasons for the Board not being in favour of this application for planning permission; the Planning Inspectorate is to be notified of the Council's position prior to the commencement of the Public Inquiry on 24th April, 2018 and an additional document shall be sent setting out the concerns raised by Members of the Planning Board.

(Councillor R. A. J. Turner withdrew from the meeting whilst the Planning Board considered the above item)

### **83. UPDATES**

Members were invited to notify officers of any suggested sites for inclusion in the Planning Board's tour of completed developments, due to take place on either 8th or 22nd June, 2018.



**STAFFING COMMITTEE**  
**24th April, 2018**

Present:- Councillor Alam (in the Chair); Councillors Read and Watson.

An apology for absence was received from Councillor Cowles.

**6. 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 following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 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 which is likely to reveal the identity of an individual).

**7. STRATEGIC DIRECTOR CHILDREN AND YOUNG PEOPLE'S SERVICES (DCS)**

Consideration was given to a report which detailed a request to maintain the current salary level for the Strategic Director of Children and Young People's Services (DCS), given the current national recruitment climate in respect of senior professionals in this area and with the challenges faced by Rotherham's Children's Services. The appendix to the report also provided recent salary benchmarking information of Director of Children's Services posts. Of those listed there were three that were not currently in the benchmarking group being Leeds, Manchester and Nottingham

The Committee noted its earlier decision in consolidating the market supplement and today's meeting was now considering the appropriate grade for the position and how it was imperative to appoint a suitably skilled and experienced professional to deliver the Council's key objectives in this area when compared with levels of salary elsewhere. It was, therefore, felt necessary to retain the current salary level for Rotherham to continue in attracting high calibre candidates that could support the Council's improvement journey.

In addition, it was recognised that with the national recruitment difficulties highlighted a basic salary of £120,000 be assigned to the post of Deputy Director of Children and Young People's Services

**Resolved:-** That the request to maintain the Strategic Director of Children and Young People's Services post's current arrangements with a salary of up to £147,915 be approved.

**STANDARDS AND ETHICS COMMITTEE**  
**1st May, 2018**

Present:- Councillor McNeely (in the Chair); Councillors Allen, Andrews and Simpson and Mr. R. Swann (Parish Council Representative) and Mr. P. Edler (Independent Co-opted Member).

Apologies for absence were received from Councillors Brookes, Ireland and Mallinder, Mr. D. Bates and Mr. D. Rowley (Parish Council Representatives) and Mrs. A. Dowdall and Mrs. J. Porter (Independent Co-opted Members).

**57.            DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**58.            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 appendices for Minute Nos. 65 and 66 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.

**59.            MINUTES OF THE PREVIOUS MEETING HELD ON 18TH JANUARY, 2018**

Consideration was given to the minutes of the previous meeting held on 18th January, 2018

Reference was made to Minute No. 52 (Outcome of Standards and Ethics Sub-Committee) and the need for training with Members on official capacity declarations. This would be actioned with the Democratic Services Manager in the new municipal year.

With regards to Minute No. 54 (Review of Concerns) it was noted that no recommendations had yet been received from Government.

Sub-Committee Hearings in relation to Minute No. 55 (Consideration of Complaints) would be arranged immediately following confirmation of the membership at Annual Council. With regards to (4) the Monitoring Officer would report back on future training sessions that incorporated social media issues.

**Resolved:-** (1) That the minutes of the meeting of the Standards and Ethics Committee held on 18<sup>th</sup> January, 2018 be approved as a true and accurate record of proceedings.

(2) That actions arising be reported back to the next meeting of the Standards and Ethics Committee.

**60. REVIEW OF THE STANDARDS AND ETHICS COMMITTEE ORDER OF PROCEEDINGS FOR SUB-COMMITTEE HEARINGS**

Further to Minute No. 53 of the meeting held on 18<sup>th</sup> January, 2018 consideration was given to the report presented by Stuart Fletcher, Deputy Monitoring Officer, which detailed the amendments which have now been incorporated into the Amended Order of Proceedings attached at Appendix 1.

In considering the amended Order of Proceedings, the Committee were asked if they wished to make any further suggestions for amendments and then approve the final version of the Order of Proceedings document.

**Resolved:-** That the final version of the Order of Proceedings, as submitted, be approved.

**61. STANDARDS BULLETIN**

Consideration was given to the report presented by Stuart Fletcher, Deputy Monitoring Officer, including the Standards bulletin prepared by North Yorkshire County Council (NYCC) for consideration by the Committee, and further circulation if appropriate.

Discussion ensued on accessibility of the information links, the appropriateness of parliamentary information, frequency of circulation and on the need to include Rotherham specific information prior to wider circulation.

**Resolved:-** (1) That the contents of the bulletin be noted.

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

**62. THE MEMBERSHIP OF THE STANDARDS AND ETHICS COMMITTEE AND THE APPOINTMENT OF INDEPENDENT PERSONS**

Consideration was given to the report presented by Dermot Pearson, Monitoring Officer, which detailed the need for a review and refresh of the current membership of the Standards and Ethics Committee along with the arrangements and re-appointment of the Council's Independent Persons.

The current members of the Committee were appointed by the Council at its Annual Meeting in May, 2017. However the original four year terms of office of the representatives of Town and Parish Councils expired in 2017

and the terms of office of three of the Independent Members expired in 2016. It was, therefore, timely to invite the Town and Parish Councils in the Borough to nominate fresh representatives and for the current representatives to be re-appointed by Council pending new nominations.

On the previous occasion the Town and Parish Councils selected their nominees by a ballot of all Town and Parish Councillors, but the mechanism for selecting the nominees would be a matter for the Town and Parish Councils. It was suggested that this be raised at the next meeting of the Parish Council Network Meeting and an item placed on their agenda for consideration with the Chair and the Monitoring Officer attending.

Similarly, the Independent Co-opted Members of the Committee were appointed by the Council and it was timely for the Committee to review its independent membership given the current long term vacancy and appointments made in due course.

The Council had also previously appointed two Independent Persons, who were not members of the Committee, but their terms of office expired in 2017. It was now a matter of some urgency that Council make arrangements to re-appoint the current Independent Persons retrospectively or to appoint new Independent Persons to enable the Council to hold Hearings Panels in compliance with the statutory requirements.

It was noted the Council's Constitution Working Group was reviewing the Council's Constitution and that work would include the terms of reference of this Committee.

Discussion ensued on the role, value and knowledge of the Independent Members and the merits of their roles continuing. It was also noted that with the all-out elections in 2020 nominated representatives of Town and Parish Councils may be affected should they not be re-elected. It was, therefore, suggested that their terms of office expire to coincide with the elections and a re-election process then take place for four year terms.

**Resolved:-** (1) That the Council be asked to confirm the appointment of the current Town and Parish Council representatives until further nominations were received.

(2) That the Town and Parish Councils in the Borough be invited to nominate three representatives who were members of a Town or Parish Council to be members of the Committee until May, 2020.

(3) That Council be asked to confirm the appointment of the current Independent Co-opted Members of the Committee until the end of the 2018/19 municipal year.

**STANDARDS AND ETHICS COMMITTEE - 01/05/18**

(4) That Council be asked to confirm the retrospective re-appointment of the current Independent Persons until the end of the 2018/19 municipal year.

**63. STANDARDS AND ETHICS COMMITTEE WORK PLAN**

Consideration was given to a report presented by Stuart Fletcher, Deputy Monitoring Officer, which set out the draft Work Programme for the Standards and Ethics Committee for the period June, 2018 to December, 2019.

The Committee considered the detail of the Work Programme and suggested that the review of procedures for appointment to outside bodies should take place sooner in the calendar in order to coincide with the decisions made by Cabinet. This should be moved to March, 2019.

In terms of the Training Plan in June, 2018, it was suggested that some consideration be given to linking training to an existing Parish Council Meeting, natural demographic areas to group training for several Parish Councils, to training already taking place with the Yorkshire Local Councils' Association and for information to be shared via the Parish Council Network Group.

Whilst it was noted that some detail on the Work Programme extended beyond the next municipal year, it was helpful to be aware of what had been considered and when.

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

(2) That the finalised Work Programme for the period June, 2018 to September, 2019 be approved, subject to the amendments above.

(3) That the Chair and Monitoring Officer attend a meeting of the Parish Council Network Group at a date/time to be confirmed.

**64. CONSULTATION BY COMMITTEE ON STANDARDS IN PUBLIC LIFE - REVIEW INTO ETHICAL STANDARDS IN LOCAL GOVERNMENT**

Consideration was given to the report presented by Stuart Fletcher, Deputy Monitoring Officer, which detailed the circulated consultation document by the Committee on Standards in Public Life and its review of local government ethical standards running from 29<sup>th</sup> January, 2018 to 18<sup>th</sup> May, 2018.

The terms of reference for the review were to:-

- Examine the structures, processes and practices in local government in England for:-

- Maintaining codes of conduct for local councillors.
  - Investigating alleged breaches fairly and with due process.
  - Enforcing codes and imposing sanctions for misconduct.
  - Declaring interests and managing conflicts of interest.
  - Whistleblowing.
- 
- Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government.
  - Make any recommendations for how they can be improved.
  - Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

Given the short timeframe for the consultation submission it was suggested that a small working group consider the consultation in detail, but that comments be welcomed from all members of the Committee for inclusion.

**Resolved:-** That the consultation document herewith be considered by a small working group on Friday, 11<sup>th</sup> May, 2018, to formulate a response for submission and that any other comments be invited and submitted in writing for consideration before this date.

**65. A REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY**

Consideration was given to the report and appendix presented by Dermot Pearson, Monitoring Officer, which provided an overview of the Whistleblowing cases which have been received over the past year.

The appendix to the report set out clearly the description of the concerns received and action.

It was noted that the Constitution Working Group would consider the most appropriate avenue for oversight of matters being reported under the Whistleblowing Policy.

The Committee welcomed the report and considered the reported matters in detail. However, reference was made to concerns relating to academies and the most appropriate place for reporting. Liaison would take place with relevant officers to ascertain.

**Resolved:-** (1) That the Whistleblowing concerns raised over the previous year and the actions taken to address these matters be noted.

(2) That the Deputy Monitoring Officer liaise with School Organisation colleagues to ascertain reporting routes for whistleblowing concerns from Academies.

**66. STANDARDS AND ETHICS COMMITTEE - CONSIDERATION OF COMPLAINTS**

Consideration was given to the report presented by Stuart Fletcher, Monitoring Officer, detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Town and Parish Councillors. The report listed the current cases of complaint and the action being taken in respect of each one.

Details of each related case and recommended outcome were highlighted, some of which required the arrangement of a sub-committee hearing. It was suggested that these be arranged as soon as possible and possibly on the same day to aid diary management for panel members.

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

(2) That the progress in respect of each case be noted pursuant to the Standards and Ethics Committee Complaints Procedure.

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

**Resolved:-** That the next meeting of the Standards and Ethics Committee take place on Thursday, 14<sup>th</sup> June, 2018 at 2.00 p.m. at the Town Hall.

## **Summary Sheet**

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

Council – 23 May 2018

### **Report Title**

Recommendation from Standards and Ethics Committee – Membership of the Standards and Ethics Committee and the Appointment of Independent Persons

### **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)**

Stuart Fletcher, Service Manager (Commercial and Governance)  
01709 823523 or [stuart.fletcher@rotherham.gov.uk](mailto:stuart.fletcher@rotherham.gov.uk)

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

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

All

### **Summary**

At its meeting on 1 May 2018, the Standards and Ethics Committee considered a report in respect of its membership and the appointment of Independent Persons under the Localism Act 2011.

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 Standards and Ethics Committee, consideration and approval by Council must be given to the recommendation set out below.

### **Recommendation**

1. That the appointment of the current Town and Parish Council representatives be confirmed until further nominations are received from the Town and Parish Councils.
2. That the appointment of the current Independent Members of the Committee be confirmed until the end of the 2018/19 municipal year.



3. That the retrospective re-appointment of the current Independent Persons be confirmed until the end of the 2018/19 municipal year.

**List of Appendices Included**

Appendix A    Membership of the Standards and Ethics Committee and the Appointment of Independent Persons – Report to Standards and Ethics Committee – 1 May 2018

**Background Papers**

Previous reports to Standards and Ethics Committee and full Council Minutes

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

Standards and Ethics Committee – 1 May 2018

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

## **Summary Sheet**

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

Standards and Ethics Committee – 1 May 2018

### **Report Title:**

The Membership of the Standards and Ethics Committee and the Appointment of Independent Persons

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

No

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

Judith Badger, Strategic Director of Finance and Customer Service

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

Stuart Fletcher, Service Manager (Commercial and Governance)  
01709 823523 or [stuart.fletcher@rotherham.gov.uk](mailto:stuart.fletcher@rotherham.gov.uk)

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

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

All

## **Executive Summary**

This report reviews the current membership of the Standards and Ethics Committee and the arrangements for the Council's Independent Persons and makes recommendations to refresh the membership of the Committee and to re-appoint the current Independent Persons.

## **Recommendations**

That the Committee:

1. Recommend that Council confirms the appointment of the current Town and Parish Council representatives until further nominations are received from the Town and Parish Councils.
2. Invite the Town and Parish Councils in the Borough to nominate three representatives who are members of a Town or Parish Council to be members of the Committee.

3. Recommend that Council confirms the appointment of the current Independent Members of the Committee until the end of the 2018/19 municipal year.
4. Recommend that Council confirms the retrospective re-appointment of the current Independent Persons until the end of the 2018/19 municipal year.

**List of Appendices**

N/A

**Background Papers**

Previous reports to Standards and Ethics Committee and full Council Minutes

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

None

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

## **The Membership of the Standards and Ethics Committee and the Appointment of Independent Persons**

### **1. Recommendations**

#### **1.1 That the Committee:**

- i) Recommend that Council confirms the appointment of the current Town and Parish Council representatives until further nominations are received from the Town and Parish Councils.
- ii) Invite the Town and Parish Councils in the Borough to nominate three representatives who are members of a Town or Parish Council to be members of the Committee.
- ii) Recommend that Council confirms the appointment of the current Independent Members of the Committee until the end of the 2018/19 municipal year.
- iii) Recommend that Council confirms the retrospective re-appointment of the current Independent Persons until the end of the 2018/19 municipal year.

### **2. Background**

- 2.1 The current Standards and Ethics Committee was established in 2012 following the implementation of the Localism Act 2011. Article 11 of the Council's Constitution makes the following provision for the membership of the Committee:

#### ***11 The Council's Standards Committee Membership***

*(1) The Council's Standards Committee will be composed of –*

- *eight Councillors other than the Mayor and Leader;*
- *three members of a town or parish councils within the Borough (parish members) to be appointed by the town and parish councils that have delegated their powers under Chapter 7 of the Localism Act 2011 to the Council; and*
- *five persons who are not councillors or officers of the Council (independent members).*

*Independent members*

*(2) Independent members are not entitled to vote at meetings of the Council's Standards Committee.*

*Parish members*

*(3) Town and parish council members are entitled to vote at meetings of the Standards Committees.*

## *Chairing the Committee*

*(4) The chair and vice-chair of the Committee shall be borough councillors.*

- 2.2 The current members of the Committee were appointed by the Council at its Annual Meeting in May 2017. However the original 4 year terms of office of the representatives of town and parish councils expired in 2017 and the terms of office of three of the Independent Members expired in 2016. It is therefore timely to invite the Town and Parish Councils in the Borough to nominate fresh representatives and for the current representatives to be re-appointed by Council pending new nominations. On the previous occasion the Town and Parish Councils selected their nominees by a ballot of all Town and Parish Councillors, but the mechanism for selecting the nominees would be a matter for the Town and Parish Councils. Similarly, the Independent Members of the Committee are appointed by the Council and it is timely for the Committee to review its independent membership.
- 2.3 The Localism Act also required the Council to appoint at least one Independent Person who has duties in relation to the handling of complaints. In particular the Localism Act requires the independent person's views to be sought, and taken into account, by the Council before it makes its decision on an allegation it has decided to investigate. Council has previously appointed two Independent Persons, who are not members of the Committee, but their terms of office expired in 2017. It is now a matter of some urgency that the Council make arrangements to re-appoint the current Independent Persons retrospectively or to appoint new Independent Persons to enable the Council to hold Hearings Panels in compliance with the statutory requirements.
- 2.4 The Council's Constitution Working Group is reviewing the Council's Constitution and that work will include the terms of reference of this Committee.

## **3. Key Issues**

- 3.1 As set out above in Section 2, it is timely for the Committee to invite the Town and Parish Councils to make nominations for their three representatives on the Committee and it is necessary for the Committee to make a recommendation to the Council on the appointment of Independent Members to sit on the Committee.
- 3.2 It is also necessary for the Committee to make recommendations to Council on the appointment of Independent Persons.

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

- 4.1 The recommendations to this report would enable the Town and Parish Councils to nominate new representatives and would secure the re-appointment of the current Independent Members and Independent Persons until the end of the 2018/19 municipal year. This would allow any further appointments to be considered in the light of any proposed changes to the terms of reference of the Committee which emerge from the Constitution Working Group.

**5. Consultation**

5.1 N/A

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

6.1 Any appointments made by Council will take effect immediately.

**7. Financial and Procurement Implications**

7.1 None

**8. Legal Implications**

8.1 The appointment of at least one Independent Person by the Council is a statutory requirement. The terms of office of the two Independent Persons previously appointed have now expired and in order for the Council to comply with its statutory duties a further appointment is required. Until further appointments are made it will not be possible to hold Hearing Panels as it is a statutory requirement for there to be consultation with an Independent Person before a decision is made on a complaint which has been investigated. The recommendation is that Council be asked to retrospectively re-appoint the current Independent Persons to ensure that any consultation of the Independent Persons since the expiry of their terms of office is valid.

**9. Human Resources Implications**

9.1 None

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

10.1 None

**11. Equalities and Human Rights Implications**

11.1 None

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

12.1 None

**13. Risks and Mitigation**

13.1 None

**14. Accountable Officer(s)**

Dermot Pearson, Assistant Director of Legal Services

**LICENSING BOARD SUB-COMMITTEE**  
**5th March, 2018**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Buckley, Jones and Reeder.

**52. 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).

**53. APPLICATIONS FOR THE RENEWAL AND REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

The Sub-Committee of the Licensing Board considered a report, presented by the Head of Service (Regulation and Enforcement) relating to applications for the renewal and review of hackney carriage/private hire drivers' licences in respect of Messrs. M.R.D., M.A.S., M.R. and M.H.

Messrs. M.R.D., M.A.S., M.R. and M.H. all attended the meeting and were interviewed by the Sub-Committee.

Resolved:- (1) That the hackney carriage/private hire driver's licence in respect of Mr. M.R.D. be revoked with immediate effect.

(2) That, further to Minute No. 12(3) of the meeting of the Licensing Board held on 17th August, 2011, the hackney carriage/private hire driver's licence in respect of Mr. M.A.S. be suspended for one month.

(3) That, further to Minute No. 51(4) of the meeting of the Licensing Board Sub-Committee held on 5th February, 2018, no action be taken as a consequence of the review of the hackney carriage/private hire driver's licence in respect of Mr. M.R.

(4) That, further to Minute No. 49(1) of the meeting of the Licensing Board Sub-Committee held on 15th January, 2018, the application for the renewal of a hackney carriage/private hire driver's licence in respect of Mr. M.H. be approved and his licence be renewed for a period of three years.

**LICENSING BOARD-SUB-COMMITTEE**  
**19th March, 2018**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Elliot, Hague and Sheppard.

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

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

**55. APPLICATIONS FOR THE GRANT OF PRIVATE HIRE OPERATOR LICENCES**

The Sub-Committee of the Licensing Board considered a report, presented by the Senior Licensing Enforcement Officer relating to applications for the grant of private hire operators' licences in respect of Messrs. R.A.M. and I.Y.

Resolved:- (1) That, further to Minute No. Q3(6) of the meeting of the Licensing Board Sub-Committee held on 13th December, 2016, consideration of the application for the grant of a private hire operator's licence in respect of Mr. R.A.M. be deferred and he be afforded the opportunity of attending a future meeting of the Licensing Board Sub-Committee.

(2) That, further to Minute No. C26(3) of the Commissioner's Case Hearing meeting held on 30th November, 2015, consideration of the application for the grant of a private hire operator's licence in respect of Mr. I.Y. be deferred and he be afforded the opportunity of attending a future meeting of the Licensing Board Sub-Committee.

**56. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

The Sub-Committee of the Licensing Board considered a report, presented by the Senior Licensing Enforcement Officer relating to an application for the grant of a hackney carriage/private hire drivers' licence in respect of Mr. S.I.K.

Mr. S.I.K. attended the meeting and was interviewed by the Sub-Committee.

Resolved:- That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. S.I.K. be refused.



(Before consideration of the above application began, Councillor Beaumont declared that the applicant was known to her; therefore, Councillor Beaumont withdrew from the meeting, left the meeting room and did not participate in the Sub-Committee's consideration of this item)

**LICENSING BOARD-SUB-COMMITTEE**  
**26th March, 2018**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Fenwick-Green, Napper and Wyatt.

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

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

**58. APPLICATIONS FOR THE GRANT AND REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

The Sub-Committee of the Licensing Board considered a report, presented by the Senior Licensing Enforcement Officer, relating to applications for the grant and review of hackney carriage/private hire drivers' licences in respect of Messrs. N.K., N.A. and C.Z.A.

Messrs. N.K., N.A. and C.Z.A. all attended the meeting and were interviewed by the Sub-Committee. Mr. N.A. was represented by his solicitor.

Resolved:- (1) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. N.K. be approved and he be granted a licence for a period of three years.

(2) That the hackney carriage/private hire driver's licence in respect of Mr. N.A. be suspended for a period of three months and he be required to attend and complete the safeguarding course prior to the end of the period of suspension.

(3) That, further to Minute No. 86(3) of the meeting of the Licensing Board held on 18th April, 2007, Mr. C.Z.A. be issued with a written warning as to his future conduct, with specific reference to the requirement to maintain accurate and appropriate records of every booking of a journey.

**59. APPLICATION FOR THE GRANT OF A PRIVATE HIRE OPERATOR LICENCE**

Further to Minute No. 55(2) of the meeting of the Licensing Board Sub-Committee held on 19th March, 2018, consideration was given to a report, presented by the Senior Licensing Enforcement Officer, concerning an application for the grant of a private hire operator's licence in respect of Mr. I.Y.

Mr. I.Y. attended the meeting and was interviewed by the Sub-Committee.

Resolved:- That the application for the grant of a private hire operator's licence in respect of Mr. I.Y. be approved.

**LICENSING BOARD-SUB-COMMITTEE**  
**9th April, 2018**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, McNeely, Reeder and Taylor.

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

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

**61. APPLICATION FOR THE GRANT OF A PRIVATE HIRE OPERATOR LICENCE**

Further to Minute No. 55(1) of the meeting of the Licensing Board Sub-Committee held on 19th March, 2018, consideration was given to a report, presented by the Licensing Manager, concerning an application for the grant of a private hire operator's licence in respect of Mr. R.A.M.

Mr. R.A.M. attended the meeting and was interviewed by the Sub-Committee.

Resolved:- That the application for the grant of a private hire operator's licence in respect of Mr. R.A.M. be approved.

**62. APPLICATIONS FOR THE GRANT AND 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 review of hackney carriage/private hire drivers' licences in respect of Messrs. A.H., K.H. and K.K.

Messrs. K.H. and K.K. attended the meeting and were interviewed by the Sub-Committee.

Resolved:- (1) That consideration of the review of a hackney carriage/private hire driver's licence in respect of Mr. A.H. be deferred and he be afforded the opportunity of attending a future meeting of the Licensing Board Sub-Committee.

(2) That the hackney carriage/private hire driver's licence in respect of Mr. K.H. be suspended for a period of two months.

(3) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. K.K. be refused.



**SHEFFIELD CITY REGION COMBINED AUTHORITY**

**THE AMP TECHNOLOGY CENTRE, WAVERLEY, ROTHERHAM, S60 5WG**

**MINUTES OF THE MEETING HELD ON 9 MARCH 2018**

**PRESENT:**

Councillor Chris Read, Rotherham MBC (Chair)  
Councillor Tricia Gilby, Chesterfield BC (Vice Chair)

Councillor Julie Dore, Sheffield CC  
Councillor Sir Steve Houghton CBE, Barnsley MBC  
Mayor Ros Jones CBE, Doncaster MBC  
Councillor Lewis Rose OBE, Derbyshire Dales DC  
Councillor Ann Syrett, Bolsover DC

Councillor Chris Furness, Peak District National Park Authority  
Councillor Simon Spencer, Derbyshire CC (Observer)

Fiona Boden, SCR Exec Team  
Andrew Frosdick, Monitoring Officer  
Jeni Harvey, SCR Exec Team  
James Henderson, Sheffield CC  
Sharon Kemp, Rotherham MBC  
Felix Kumi-Ampofo, SCR Exec Team  
Mark Lynam, SCR Exec Team  
John Mothersole, Sheffield CC  
Mel Dei Rossi, SCR Exec Team  
Dave Smith, SCR Exec Team  
Daniel Swaine, Bolsover DC / NE Derbyshire DC  
Diana Terris, Clerk / Barnsley MBC  
Mike Thomas, SCC / SCR Exec Team  
Lee Tillman, Doncaster MBC  
Craig Tyler, Joint Authorities Governance Unit  
Eugene Walker, S.151 Officer

Apologies for absence were received from Councillor G Baxter and Councillor S Greaves

1 APOLOGIES

Members apologies were noted as above.

2 ANNOUNCEMENTS

None.

3 URGENT ITEMS

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

None.

5 VOTING RIGHTS FOR NON-CONSTITUENT MEMBERS

It was determined that voting rights should not be conferred on non-Constituent Members in respect of agenda item 19 – ‘Transport Funding Agreement’ as this matter regards the Constituent Local Authorities only.

It was agreed there were no additional agenda items for which the non-Constituent Members should not have full voting rights.

6 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

As Leaders of the relevant sponsoring authorities, all Members declared non-pecuniary interests in the schemes to be considered at items 12, 14 and 19.

7 REPORTS FROM AND QUESTIONS BY MEMBERS

None.

8 RECEIPT OF PETITIONS

Mrs Pauline Beadle presented the Committee with a 250 signature petition on behalf of the people of Thorne and Moorends, Doncaster. Addressing the Committee, Mrs Beadle reported this is an ageing population that would benefit from having a bus route from Moorends to the new retail park (Quora Park) in Thorne as many older people do not have their own transport and it is too far to walk. Mrs Beadle informed Members the petition has drawn the interest of the Mayor of Thorne, Cllr Susan Durant and the Labour MP for Doncaster North Ed Miliband who have both contacted her on several occasions to ensure her of their full support and backing. Mrs Beadle proposed a solution may be a rerouting of the current No.86 service.

Mayor Jones indicated her support for what the residents are saying and requested this matter be looked into by PTE officers.

Cllr Dore asked whether this matter could be looked at in more detail by the Doncaster Bus Partnership.

The Chair duly instructed the PTE officers to investigate the matter raised by Mrs Beadle and respond on the Authority's behalf.

9 PUBLIC QUESTIONS

A question was received from Mr Nigel Slack and read and follows:

What Skills Training or Apprenticeship contracts for SCR are currently delivered by Learndirect Ltd? An Ofsted inspection in 2017 found the company "inadequate" and a Government DfE spokeswoman said: "The government is ending Learndirect's contract to provide apprenticeships and adult education, because of its failure to meet the high standards expected." What will be the impact of this report and this statement on SCR learners?

In response the Chair noted Learndirect hold a national contract with the Education and Skills Funding Agency for the delivery of skills related activity (including Apprenticeships) and some of this delivery will be within Sheffield City Region. However, we don't at this time have any available data that shows the level or type of delivery in SCR.

The Chair tasked officers to investigate the matter in more detail in the interests of establishing whether a fuller response might be provided.

10 MINUTES OF THE MEETING HELD ON 29TH JANUARY

It was noted the attendance of Cllr Chris Furness should read representative of the Peak District National Park Authority, rather than Derbyshire Dales.

RESOLVED, that with exception of the above matter, the minutes of the meeting held on 29<sup>th</sup> January are agreed to be an accurate record.

11 CA LEP REVENUE BUDGET 2018/19

Members were presented with the final proposals for the Sheffield City Region CA/LEP Revenue Budget for financial year 2018/19.

Mayor Jones questioned the reference at Appendix 3 to the report which noted the draft accounts of SYITA Properties Ltd indicate that up to £550k of retained profits will transfer to the CA and the proposition these profits be ring-fenced in the short term for property-related issues. In discussion, the Authority agreed these profits should not be ring-fenced for property-related issues and would be open to other spend opportunities.

RESOLVED, that the Combined Authority:

1. Approves the proposed CA/LEP revenue budget and associated programmes for 2018/19



2. Approves the proposed CA Group reserves strategy and associated Section 73 Officer recommendations, with the above amendment
3. Notes that subscriptions payable by partner authorities will be frozen at 2017/18 levels
4. Notes that a medium term financial strategy will be brought back to the CA in Summer 2018

## 12 CA CAPITAL PROGRAMME 2018/19

Members were presented with the final proposals for the Sheffield City Region CA Capital Programme for the financial year 2018/19, split into the CA/LEP Capital Programme (primarily the Local Growth Fund programme) and the South Yorkshire Transport Capital Programme (a mixture of strategic and local schemes).

RESOLVED, that the Combined Authority:

1. Approves the Local Growth Fund capital programme for 2018/19 at a total value of £38.691m against an indicative LGF allocation of £43.29m with 4.6m available to fund schemes from the reserve pipeline.
2. Approves the South Yorkshire Transport capital programme for 2018/19 at a value of £44.7m.
3. Notes the capital strategy, which currently targets investment in pursuit of the objectives of the SEP, will be refreshed as part of the Medium Term Financial Strategy and brought back to the CA in summer 2018.

## 13 TREASURY MANAGEMENT STRATEGY 2018/19

Members were presented with the paper proposing the Annual Treasury Management Strategy for the financial year 2018/19 and advised this is a compliance paper which sets out how the Authority's debt and investment portfolio will be managed over the period. It was noted that like other public bodies, the Authority adopts an efficient approach to its affairs which seeks to mitigate risk above all else.

Members were advised the proposals contained within this paper do not contain any material amendments to parameters previously agreed by Leaders.

RESOLVED, that the Combined Authority:

1. Approves the annual Treasury Management Strategy and associated prudential indicators
2. Approves the annual Investment Strategy
3. Approves the minimum revenue provision policy

## 14 LGF CAPITAL PROGRAMME 2017/18

Members were presented with a paper requesting the approval of projects that have progressed through the Appraisal Framework.

Mayor Jones criticised the request for the Combined Authority to take a decision on the former Park Gardeners Club Housing Fund project ahead of the matter being subject to consideration at the (still to be convened) Housing Investment Board, but recognised the project has been subject to internal due diligence and the importance of not delaying the scheme's development.

RESOLVED, that the Combined Authority:

1. Approves taking the former Park Gardeners Club Housing Fund project to full approval and award of contract at a cost of £0.517m subject to the conditions set out in the appraisal panel summary table.
2. Approves the BIF project's request to accelerate expenditure of £0.708m in 2017/18 and of £0.708m and in 2018/19 of £8.678m.
3. Approves the STEP PTE project de-committing expenditure of -£0.224m and STEP SCC project de-committing expenditure of -£1.383m.
4. Approves the Disadvantaged Learner Pilot de-committing expenditure of -£1.5m).
5. Approves the Skills Capital Fund's request for slippage of £1.072m from 2018/19.
6. Approves the Housing Fund spend profile increase by £1.880m to re-instate the full £10m Housing Fund budget which was previously approved.
7. Notes the Knowledge Gateway project is reporting an update to the contracting / payment basis from a loan (which converts to grant) to an outcome based contract in line with other such approvals.
8. Notes the membership of the Sheffield City Region Housing Investment Board (HIB).
9. Notes the appraisal of 53 Open Call applications has been completed and the awaiting of confirmation of the outturn position for 2017/18 and annual spend targets from DCLG for 18/19 prior to making recommendations regarding progression of these schemes.
10. Approves the delegation of authority to Head of Paid Service and Section 73 Officer in conjunction with the Chair of the CA to maximise the outturn spend position at year end to mitigate against any potential loss of funding, noting the CA will be informed when these delegated approvals take place.
11. Approves the delegation of authority to the Head of Paid of Service, in conjunction with the S73 Officer, to enter into contractual arrangements required as a result of the above approvals.

15 FINANCIAL REGULATIONS

A report was received to remind Members of the SCR's requirement to update its Financial Regulations on a regular basis to ensure that they remain up to date, fit for purpose and robust, and to seek approval of the updated Financial Regulations.

RESOLVED, that the Combined Authority approves the revised 2018 Financial Regulations, with the amendment that virements on revenue be kept at £100k

16 ASSURANCE FRAMEWORK

A report was received to remind Members of the SCR's requirement to update its Assurance Framework on a regular basis to ensure it remains up to date, fit for purpose and robust, and to seek approval of the updated Framework.

Members were advised that revisions have been identified through a review of the existing Framework in light of additional national guidance and through the evolution of arrangements in the City Region.

It was noted the changes will in part make processes less onerous for scheme promoters.

RESOLVED, that the Combined Authority:

1. Approves the updated Assurance Framework.
2. Notes the actions required to implement the updated Assurance Framework.

17 AMP

A report was received requesting the approval of the recommendation to appoint a Facilities Management Provider for the Advanced Manufacturing Park Technology Centre and agree to funding a Programme Director and activity budget to accelerate the delivery of the next stages of the Advance Manufacturing Innovation District.

RESOLVED, that the Combined Authority:

1. Approves the appointment of Creative Space Management Ltd as the preferred Facilities Management provider for the AMP Technology Centre for 5 years from the 1st April 2018, with an option to extend for a further 2 years subject to performance.
2. Approves the reinvestment of £135,000 per year for three years of the revenue generated from the AMP Technology Centre, to fund a Programme Director and activity budget to accelerate the development of the Advanced Manufacturing Innovation District

3. Approves the delegation of authority to the Head of Paid of Service, in conjunction with the Section 73 Officer, to enter into the contractual arrangements required as a result of the above approvals.

## 18 HS2 GROWTH STRATEGY

A report was received to provide an update on progress in developing the HS2 Growth Strategy.

Cllr Houghton suggested that whilst the report deals with many of the 'positives' associated with HS2; there is equally another side to the impact HS2 will have and proposed that (as well as HS2 Ltd undertaking its own environmental assessment) the SCR undertakes its own impact study into the potential 'negatives' and what we need to see done about them, including the lobbying of government and HS2 Ltd to reduce the impact on communities.

RESOLVED, that the Combined Authority:

1. Approves the re-profile of the £145,000 HS2 Growth Strategy budget from 17/18 to 18/19 as detailed in the Q3 2017-18 Monitoring Report.
2. Approves the acceptance of £625,000 of tranche two funds to progress the second phase of the Growth Strategy Work.
3. Approves entering into a number of agreements to progress activity including:
  - £200,000 with the HS2 Growth Partnership to deliver the masterplan for Sheffield Midland Station
  - £130,000 with Chesterfield Borough Council to deliver the masterplan for Chesterfield Station,
  - the delivery of the single Economic Commission at a likely value of over £100,000 (subject to completion of procurement) and delegate authority to the Head of Paid Service for the Combined Authority to appoint consultants and
4. Approves extending the appointment of the HS2 Programme Director from March 2018 until September 2018 at an additional cost of up to £73,000 (noting a total ceiling amount of £152,000),
5. Approves the delegation of authority to the Head of Paid of Service, in conjunction with the Section 73 Officer, to enter into the contractual arrangements required as a result of the above approvals.
6. Agrees to undertake an assessment of the potential 'negatives' of HS2 and identify the courses of action required to mitigate these matters.

## 19 TRANSPORT FUNDING AGREEMENT

A report was received proposing the creation of a £3.5m, defined parameter, local transport pot for Barnsley, Doncaster and Rotherham.

The report suggested the funding landscape for local transport programmes in South Yorkshire will change from April 2018 with the conclusion of some existing funding streams and in seeking alternate funding sources it is intended this pot be created in parallel with the pursuit of other emerging opportunities, such as the Transforming Cities fund.

Cllr Dore questioned the rationale of this pot and asked why, as a South Yorkshire badged initiative, it is only available to 3 of the 4 districts. Officers suggested this arises from the identification of a large discrepancy in the amount of borrowing being invested in the Supertram network in Sheffield and the amount of borrowing being used to support projects in the other 3 districts.

Cllr Dore asserted the Supertram network is not only used by residents of Sheffield.

Cllr Dore asked if this sets a precedent for how other funding sources might be allocated between partners going forward. Officers noted there are no current plans to repeat this exercise.

Cllr Dore requested a recorded vote be taken in respect of the recommendations. This request was supported by a sufficient number of Members to proceed (as determined by the SCR Constitution).

The outcomes of which were as follows:

- Votes for: Cllr Houghton, Mayor Jones and Cllr Read.
- Votes against: Cllr Dore

RESOLVED, that the Combined Authority:

1. Approves the creation of a £3.5m local transport pot, through prudential borrowing, for the exclusive use of Barnsley, Doncaster and Rotherham Metropolitan Borough Councils
2. Approves that the £3.5m pot be distributed to the 3 recipient authorities on the per capita proportionate split outlined in this report.
3. Endorse that the £3.5m pot be used to fund the named transport priorities set out in this report, subject to further due diligence delegated to SCR's Director of Commissioning and Section 73 Officer, to ensure compliance with the Combined Authority's transport borrowing powers.

## 20 TFN NOMINATIONS

A report was received seeking to nominate the Sheffield City Region's representatives on the Transport for the North (TfN) Scrutiny Board

Members were reminded in April 2018, TfN will be established as the country's first sub-national statutory transport body. In establishing appropriate governance arrangements the 2018 regulations require TfN to appoint a Scrutiny Committee.

Commenting on wider TfN matters, Mayor Jones suggested Doncaster has been seriously underrepresented in the TfN Statutory Transport Plan consultative draft and requested Doncaster and SCR Exec Team officers contribute appropriate responses via the consultation to raise this matter.

RESOLVED, that the Combined Authority approves the nomination of those Members from RMBC and BMBC, with transport portfolio responsibilities, to the positions of TfN Scrutiny Committee Member and substitute Member.

21 DELEGATED AUTHORITY REPORT

Provided for information.

22 RESOLUTION RECORD - SKILLS EXECUTIVE BOARD

RESOLVED, that the decisions and recommendations contained within the report are duly endorsed.

23 RESOLUTION RECORD - HOUSING AND INFRASTRUCTURE EXECUTIVE BOARD

RESOLVED, that the decisions and recommendations contained within the report are duly endorsed.

24 RESOLUTION RECORD - TRANSPORT EXECUTIVE BOARD

RESOLVED, that the decisions and recommendations contained within the report are duly endorsed.

25 RESOLUTION RECORD - BUSINESS GROWTH EXECUTIVE BOARD

RESOLVED, that the decisions and recommendations contained within the report are duly endorsed.

CHAIR

**SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY****19 FEBRUARY 2018**

PRESENT: Councillor L Burgess (Chair)  
Councillor A Atkin (Vice-Chair)  
Councillors: S Ayris, A Buckley, P Haith, C Hogarth,  
M Maroof, C Ransome, J Satur and Dr A Billings

CFO J Courtney, QFSM, DCFO M Blunden, ACFO A Johnson,  
S Booth and V Smith (South Yorkshire Fire & Rescue Service)

A Brown, N Copley, M McCarthy, M McCoole, L Noble and  
S Bradley (Barnsley MBC)

M Buttery (Office of the South Yorkshire Police and Crime  
Commissioner)

Apologies for absence were received from  
Councillor M Clements and Councillor T Damms

1 **APOLOGIES**

Apologies for absence were noted as above.

2 **ANNOUNCEMENTS**

None.

3 **URGENT ITEMS**

None.

4 **ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS**

None.

5 **DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO  
ANY ITEM OF BUSINESS ON THE AGENDA**

None.

6 **REPORTS BY MEMBERS**

Members provided a summary of the visits and meetings attended since the last  
Authority meeting held on 22 January 2018.

Councillor Burgess and Councillor Atkin had visited Dearne Fire Station on 16 February 2018, where HRH Prince Charles had been in attendance, in recognition of the excellent work undertaken by SYFR and SYP through the Princes' Trust.

7 RECEIPT OF PETITIONS

None.

8 TO RECEIVE ANY QUESTIONS OR COMMUNICATIONS FROM THE PUBLIC, OR COMMUNICATIONS SUBMITTED BY THE CHAIR OR THE CLERK AND TO PASS SUCH RESOLUTIONS THEREON AS THE STANDING ORDERS PERMIT AND AS MAY BE DEEMED EXPEDIENT

None.

9 MINUTES OF THE AUTHORITY MEETING HELD ON 22 JANUARY 2018

Councillor Maroof requested that his apologies be recorded for the last Authority meeting.

Councillor Ayris queried whether there had been a delay in presenting the Barnsley Fire Station tender report to the Authority.

The Director of Support Services stated that the report would form part of the progress report on South Yorkshire Fire and Rescue Property and Procurement Services, to be presented at today's meeting.

Councillor Haith requested that the minutes be amended, in relation to the Facilities Management procurement, to indicate that Members proposed the implementation of the foundation living wage.

Councillor Ransome queried whether SYFR's implications had been identified from the findings within Dame Judith Hackitt's report.

ACFO Johnson stated that Dame Judith Hackitt's interim report had identified the work to be undertaken; workshops had been arranged to assist with the completion of the work.

Councillor Ayris queried whether Members had been provided with the LGA Tax Implications Workshop slides.

DCFO Blunden stated that Councillor Clements had been provided with the workshop slides. He would forward the workshop slides to L Noble, for circulation to all Members.



RESOLVED – That:-

- i) Members to be provided with the LGA Tax Implications Workshop slides.
- ii) Subject to the above amendments, Members agreed that the minutes of the Authority meeting held on 22 January 2018 be signed by the Chair as a correct record.

10 2018/19 ANNUAL REVENUE BUDGET AND COUNCIL TAX SETTING

A report of the Clerk and Treasurer and the Chief Fire Officer and the Chief Executive was submitted to seek Authority approval to the 2018/19 budget and to set the Council Tax and precept by 28 February 2018.

Councillor Satur queried the decrease in the Control Staff budget for 2018/19 in comparison to 2017/18.

The Director of Support Services stated that he would provide Members with a detailed analysis of the Control Staff budget for 2018/19.

Councillor Ayris expressed concerned at the increase of supplies and services related costs, and he requested a breakdown of the legal costings. He queried why additional funding was required for Support Services.

The Director of Support Services stated that he would provide Members with a breakdown of the legal costings in relation to the supplies and services related costs.

DCFO Blunden added that SYFR had the sufficient capacity and skill set required. However, additional staff would be required to enable existing officers to concentrate solely on the inspection process to ensure that all of the information was drawn upon and presented correctly.

The Deputy Clerk referred to the Member related allowances and expenses, and the recommendation to review Allowances every four years. Dr D Hall from LG Research & Consultancy had recently been commissioned to undertake an independent review of the Members allowances scheme; the recommendations would be presented to the Authority for consideration / decision.

The Director of Support Services apologised for the typographical error in the 'Other Expenses (including BMBC Service Level Agreement)' table.

Dr Billings queried whether additional learning could be drawn from SYP in respect of the inspection regime. The Policing and Fire Minister had been very clear with SYP around establishing greater use of reserves, rather than increasing the precept. He sought reassurance that the Authority was content to receive 10% of the general reserves, in comparison with most local authorities which received 4% - 5% or lower, and Police were looking towards those amounts as a percentage of the revenue budget.

The Treasurer stated that, having considered the risks moving forward in terms of the fair funding review that local government was subject to, together with Brexit and other risks in future years, the strategy to use the cumulative reserves to fund the one off capital investment was a prudent and sensible approach. It was difficult to compare organisations in relation to general reserves i.e. SYFR had encountered greater funding cuts compared to South Yorkshire Police.

The Director of Support Services referred to the expectation that by 2020, subject to the capital investment being spent in line with the profile within the report, that SYFR's reserves would go from £25m to between £5m - £8m; it was entirely prudent to use the reserves for capital investment purposes. He considered that SYFR had been very transparent in terms of the reserves review.

Councillor Burgess thanked the officers for the detailed report.

RESOLVED – That Members:-

- i) Be provided with a detailed analysis of the Control Staff budget for 2018/19.
- ii) Be provided with a breakdown of the legal costings in relation to supplies and services related costs.
- iii) Noted that the recommendations from the independent review of the Members allowances scheme would be presented to the Authority.
- iv) Approved the Authority's 2018/19 Revenue Budget at Appendix A to the report.

**All Members voted in favour of the Authority's 2018/19 Revenue Budget, with the exception of Councillors Ransome and Ayris, who voted against the decision.**

- v) Approved the updated 2018/19 to 2019/20 Capital Programme as set out in Appendix B to the report.

**All Members voted in favour of the updated 2018/19 to 2019/20 Capital Programme, with the exception of Councillors Ransome and Ayris, who voted against the decision.**

- vi) Approved the Treasury Management and Investment Strategy at Appendix C to the report.

**All Members voted in favour of the Treasury Management and Investment Strategy, with the exception of Councillors Ransome and Ayris, who voted against the decision.**

- vii) Approved a Council Tax increase of 2.97% for 2018/19.

**All Members voted in favour of a Council Tax increase of 2.97% for 2018/19, with the exception of Councillors Ransome and Ayris, who voted against the decision.**

11 SYFR AND SYP COLLABORATION UPDATE

DCFO Blunden stated that the Police and Fire Collaboration Board had not met since the last Authority Meeting; he would provide a report to the next meeting.

Members noted that the interviews for the Joint Head of Estates position would be held on 5 and 6 March 2018. Two internal applications had been received from SYFR and SYP for the Joint Head of Fleet position; confirmation of the interview dates was awaited. The Joint Community Safety Team, headed by AM Helps, continued to operate at the Lifewise Centre.

DCFO Blunden had provided L Noble with the notes of the Collaboration Workshop, for circulation to Members.

RESOLVED – That Members:-

- i) Be provided with a Police and Fire Collaboration Board report to the next Authority meeting.
- ii) Noted the verbal update.

12 STRONGER SAFER COMMUNITY RESERVE SPRINKLER FUND

A report of the Assistant Chief Fire Officer and the Director of Service Delivery was submitted to request Members support for two bids from DMBC in partnership with St Leger Homes (Doncaster) and RMBC.

ACFO Johnson confirmed that the two bids had been assessed against the criteria for the Stronger Safer Community Reserve Sprinkler Fund (SSCR), and had met the criteria for the people most vulnerable.

Members noted that if the two bids were approved, a total of £813,000 would be committed from the £1,000,000 SSCR sprinkler funding, which would leave £187,000 remaining in the fund.

RESOLVED – That Members agreed to fund the two Fire Sprinkler Projects from the Stronger Safer Community Reserve (SSCR) Sprinkler Fund.

13 PROGRESS REPORT ON SOUTH YORKSHIRE FIRE AND RESCUE PROPERTY AND PROCUREMENT SERVICES

A report of the Director of Support Services was submitted, which was the latest in a series of update reports presented to the Authority on a bi-monthly basis since June 2017, regarding SYFR Property and Procurement Services.

It was noted that the condition surveys, which had been undertaken across the SYFR estate, had indicated that it was in a reasonable state; £10m would be invested into SYFR properties over the next 2 to 3 years through a planned maintenance programme.

Councillor Hogarth queried whether asbestos containing materials (ACM) would be removed from the buildings, prior to demolition.

The Property Manager confirmed that ACM and other hazardous materials would be removed from the buildings, prior to the buildings being cut or demolished; surveys would be undertaken to govern the way in which the materials would be removed.

Councillor Ayris requested that regular progress reports be presented to the Audit and Governance Committee. He queried how Property and Procurement Services fit with the overall strategy in relation to jointly managing SYFR assets with SYP.

The Director of Support Services confirmed that best value for consultant costs remained at the forefront. A key emphasis for the role of the Joint Head of Estates would be strategy development and taking forward the asset management plans which SYFR and SYP required together with strategic collaboration, to be implemented as soon as possible.

Dr Billings welcomed the broad approach that was outlined within the report and the potential appointment to the Joint Head of Estates position. He considered that SYFR was ahead of SYP in this area. However, he felt it was imperative for both organisations to work together in order to identify opportunities.

Councillor Haith welcomed the progress made, in particular the customer centric focus. She queried whether there was a timeline for the completion of the outstanding repairs and maintenance work at the fire stations.

The Director of Support Services referred to the high proportion of work that was underway around the Facilities Management contract. The Property Manager had worked closely with ACFO Johnson and her team in preparation for the recent visit of HRH Prince Charles to Dearne Fire Station. A different approach had been adopted around the community clear up event, together with a concerted effort to get Dearne Fire Station ready, which would be replicated across the SYFR estate.

RESOLVED – That Members:-

- i) Noted that regular progress reports would be presented to the Audit and Governance Committee.
- ii) Noted the contents of the report.
- iii) Endorsed the ongoing, positive progress being made in Property and Procurement Services as part of their improvement journey towards becoming an efficient and effective Support Service of SYFR.

#### 14 PAY POLICY STATEMENT

A report of the Clerk to the Fire and Rescue Authority was presented to provide the revised Pay Policy Statement for the Authority for 2017/18 as required under the Localism Act 2011.

DCFO Blunden stated that the present SYFR Senior Management Team did not claim an allowance for telephone and internet connections, if Managers had a second residence.

Councillor Haith commented that, when the last Pay Policy Statement report had been presented to the Authority in 2017, she had requested a comparison of the figures from the previous year to be included in future reports; she requested that a comparison be included in future reports. She requested SYFR pay the foundation living wage in the future.

Councillor Hogarth requested that the report be amended under the 'Contribution to Service Priorities' section, to include the 'People - Valuing People – Those we serve and employ' box.

DCFO Blunden confirmed that the report would be amended prior to publication.

RESOLVED – That Members:-

- i) Noted that a comparison of the previous year's figures to be included in future reports.
- ii) Requested SYFR to pay the foundation living wage in the future with the financial implications of this brought back to Members for approval.
- iii) Noted that the report to be amended, prior to publication, under the 'Contribution to Service Priorities' section to include the 'People - Valuing People – Those we serve and employ' box.
- iv) Approved the Pay Policy Statement.

## 15 REVIEW OF COUNTER FRAUD FRAMEWORK POLICIES

A report of the Director of Support Services was submitted to present the recently revised Anti-Fraud and Corruption Policy, the Anti-Fraud and Corruption Strategy, the Anti-Bribery Policy, the Confidential Reporting (Whistleblowing) Policy, the Prosecution Policy and the Fraud Response Plan. The documents had been revised as part of the periodic review process to ensure such policies were up to date, to reflect best practice and any changes in the legislation.

Councillor Ayriss requested that the date of the next review should be included in the report; he suggested a timescale of every 18 months, unless changes were made to the legislation.

The Director of Support Services stated that the expectation was to keep the documents under constant review with a periodic annual review process; he would include the date of the next review in the report.

M Buttery raised an issue on behalf of Dr Billings, who had left the meeting. She made an offer, on behalf of SYP, for them to have sight of the documents in order to achieve quality assurance.

The Director of Support Services agreed that it would be advantageous for SYP to have sight of the documents.

RESOLVED – That Members:-

- i) Noted that the date of the next review would be included in the report.
- ii) Noted that SYP would have sight of the documents in order to achieve quality assurance.
- iii) Approved the Anti-Fraud and Corruption Policy, the Anti-Fraud and Corruption Strategy, the Anti-Bribery Policy, the Confidential Reporting (Whistleblowing) Policy, the Prosecution Policy and the Fraud Response Plan and continued to endorse the Authority's overall 'zero tolerance' approach.
- iv) Agreed that through the Authority's Audit and Governance Committee, the effectiveness of these policies and strategy would be monitored via the work of the Corporate Anti-Fraud Team in the Internal Audit Service.

#### 16 SYFR ENTRY LEVEL APPRENTICE PROGRAMME PROPOSAL

A report of the Deputy Chief Fire Officer and the Director of Service Development was presented to inform Members of the SYFR entry level apprentice programme proposal.

Members noted the valid development pathways in place at SYFR i.e. SYFR Fire Cadets, Princes Trust Programme alumni and the volunteer cohort in addition to those not in education, employment or training (NEET) to the under 25's within South Yorkshire.

A target of 2.3% had been set by the Government for the SYFR headcount for new starters on apprenticeships in each year. For SYFR this equated to approximately 21 new starters on the apprenticeship programmes in each financial year.

Following the capacity issues that had arisen over the past 18 months from the reduction in support staff, Councillor Haith suggested, that the corporate risk assessment and business continuity implications section of the report be amended to include a risk on the impact to the current SYFR staff whilst undertaking the training of apprentices.

The Director of Support Services confirmed that he would amend the corporate risk assessment and business continuity implications section of the report accordingly.

Councillor Hogarth queried why the SYFR apprentices had been excluded from the living wage.

DCFO Blunden stated that the SYFR apprentices worked alongside the full time SYFR employees to learn their trade on a part time basis, together with further study at college; it would be cost prohibitive to pay the apprentices a full time wage. The apprenticeship rate was governed nationally.

RESOLVED – That Members:-

- i) Noted that the corporate risk assessment and business continuity implications section of the report be amended to include the risk on the impact to the current SYFR staff whilst undertaking the training of apprentices.
- ii) Noted the contents of the report and related Equality Analysis.
- iii) Approved the £125,000 investment for the Apprenticeship Programme delivery.

17 2017/18 FINANCIAL PERFORMANCE REPORT: AN UPDATE

A report was submitted by the Director of Support Services, which was the fourth report in a series of reports to be presented to the Authority during the financial year. The report informed Members of the likely financial performance for the year ended 31 March 2018, an estimated revenue outturn position when compared to the annual budget set on 13 February 2017, an updated reserves position statement and an update on the capital programme, alongside a narrative commentary to provide an explanation of the key financial changes that were contributing to these.

Members noted a net increase in overall general reserves of £2.134m, based on the projections within the report, with £1.246m planned (budgeted) contribution to reserves, plus the in-year estimated surplus of £0.637m, and the notified additional funding of £0.251m.

Councillor Ransome referred to the agency staff that had been utilised at Central Headquarters to provide the canteen services provision. She queried the total number of staff that were employed at Central Headquarters.

The Director of Support Services stated that options for a permanent canteen provision at Central Headquarters would be considered, with the intention to reduce the overall cost. There was a potential opportunity to align the canteen arrangements for Central Headquarters with the Training and Development Centre.

The Property Manager would provide Members with the total number of SYFR staff employed at Central Headquarters.

Councillor Ayris queried whether the decision to remove injury pensions was discretionary.

DCFO Blunden stated that in 2014 the Authority had requested a review of the injury pensions payable to SYFR staff. The process had concluded at the end of 2017, whereby a number of individuals had been subject to appeal; a reduction in

the budget had resulted from the outcome of the appeals. CFO Courtney had the ultimate discretion for the injury pensions payable to SYFR staff.

RESOLVED – That Members:-

- i) Be provided with the total number of SYFR staff employed at Central Headquarters.
- ii) Noted and considered the latest estimated revenue performance which showed an underspend of £0.637m for the financial year ended 31 March 2018.
- iii) Noted the latest estimated increase in General Reserves of £2.134m for the financial year ended 31 March 2018.

18 DRAFT MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE HELD ON 15 JANUARY 2018

RESOLVED – That Members noted the draft minutes of the Audit and Governance Committee held on 15 January 2018.

19 MINUTES OF THE YORKSHIRE AND HUMBER EMPLOYERS' ASSOCIATION HELD ON 11 JANUARY 2018

Councillor Haith referred to the presentation that had been received from Humberside Fire and Rescue on the UN Campaign for Gender Equality HeforShe. Members' attention was drawn to the link <http://www.heforshe.org/en/our-mission>, if they wished to register for the campaign.

RESOLVED – That Members noted the minutes of the Yorkshire and Humber Employers' Association held on 11 January 2018.

CHAIR



**SOUTH YORKSHIRE PENSIONS AUTHORITY****15 MARCH 2018**

PRESENT: Councillor S Ellis (Chair)  
Councillor R Wraith (Vice-Chair)  
Councillors: S Cox, K Richardson, A Sangar and I Saunders

Trade Unions: N Doolan-Hamer (Unison), D Patterson (UNITE) and G Warwick (GMB)

Officers: G Chapman (Head of Pensions Administration),  
B Clarkson (Head of Finance), N Copley (Treasurer),  
A Frosdick (Monitoring Officer), G Graham (Fund Director),  
M McCarthy (Deputy Clerk) and G Richards (Democratic Services Officer)

Observers: G Boyington and J Thompson (SY Local Pension Board)

Apologies for absence were received from Councillor S Durant, Councillor K Harpham, Councillor T Hussain, Councillor J Mounsey, Councillor Z Sykes and Councillor K Wyatt

1 **APOLOGIES**

Apologies were noted as above.

2 **ANNOUNCEMENTS**

M McCarthy informed the Authority that, as the Chair could not attend the LGA's Cross Pool Open Forum on 27 March 2018, Cllr Saunders would be attending on behalf of the Authority.

As this was G Chapman's last Authority meeting, the Chair asked Members to stay behind at the end of the meeting for a presentation.

3 **URGENT ITEMS**

None.

4 **ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS.**

RESOLVED: That the following items would be considered in the absence of the public and press:

- i) Item 16 – Pooling Update – Border to Coast Joint Committee
- ii) Item 17 – Accommodation
- iii) Item 18 – Debt Write-Offs

- iv) Item 19 – Fund Directors Objectives and Appraisal
- v) Item 20 – Amendments to the Post-Pooling Investment Staffing Arrangements

5 DECLARATIONS OF INTEREST.

None.

6 MINUTES OF THE AUTHORITY MEETING HELD ON 18 JANUARY 2018

RESOLVED: That the minutes of the Authority meeting held on 18 January 2018 be agreed and signed by the Chair as a correct record.

7 WORK PROGRAMME

The Authority considered its Work Programme.

M McCarthy informed Members that the Work Programme would be populated further if the Authority approved its 2018/19 meeting cycle later in the agenda.

RESOLVED – That the Work Programme be noted.

8 SECTION 41 FEEDBACK FROM DISTRICT COUNCILS

There was no Section 41 representative from Doncaster at the meeting. There was nothing to report from the Barnsley, Rotherham or Sheffield representatives.

9 APPOINTMENT OF HEAD OF PAID SERVICE

A report was submitted regarding the Appointment of the Head of Paid Service.

Members were informed that there was a statutory requirement on the Authority to designate one of its officers as Head of Paid Service in accordance with S.4 (1) (a) of the Local Government and Housing Act 1989. The Head of Paid Service was responsible for the overall corporate and operational functions performed by staff of the South Yorkshire Pensions Service. The Authority's Constitution designates this role to the Fund Director.

Following the appointment of George Graham as Fund Director with effect from 12 February 2018, the Authority is formally required to make such an appointment.

RESOLVED:

- i) That the report be noted.
- ii) That the Authority approve the appointment of George Graham, Fund Director, as its Head of Paid Service with effect from 12 February 2018.

10 QUARTER 3 PERFORMANCE SNAPSHOT REPORT

The Authority considered the Q3 Performance Snapshot report which was a summary of various information and statistics previously considered by the Authority's Boards.

G Chapman reported that Administration performance continued to improve despite a high level of sickness in December due to an outbreak of flu.

The numbers of employers continued to increase, particularly in the case of academies. The Authority was participating in a national group looking at how to improve the administration performance of academies.

G Graham informed the Authority that the Fund was now in excess of £8bn with a current funding level of between 100% and 102%, although this varied according to movements in the market.

RESOLVED- That the report be noted.

#### 11 TREASURY MANAGEMENT STRATEGY STATEMENT 2018/2019

A report was submitted to seek Members' approval of the treasury management procedures and strategy followed by the Authority.

B Clarkson informed the Authority that higher amounts of cash were being held at the moment (4%), due to the process of moving funds from equities into alternatives but this was still within the benchmark limit.

The limit of £40m per borrower remained the same as did the strict credit rating criteria detailed in Appendix D.

Currently, £50m was being held in the Money Market Fund; more money had been lent to local authorities and the overdraft limit remained the same. The Debt Management Office had been used on 26 occasions during the period.

RESOLVED:

- i) That the Authority adopts the Annual Investment Strategy and Recommendations set out in Appendix 1.
- ii) That the Authority approves an Affordable Borrowing Limit of £250,000, being the maximum amount the Authority could afford to borrow, on a rolling basis for the forthcoming year and two successive years, as outlined in Appendix 2 and in accordance with Section 3(1) of the Local Government Act 2003.
- iii) Approves the Minimum Revenue Provision Policy Statement outlined in Appendix 3 and in accordance with the Local Authorities (Capital Finance and Accounting) (England) Regulations 2008.
- iv) Notes the list of counterparties used in Appendix 4.
- v) Keeps the above under review.

#### 12 MEETINGS OF THE AUTHORITY AND BOARDS IN 2018/2019

A report was submitted to consider the proposed schedule of meetings of the Authority and its Boards for 2018/19.

It was noted that, as Barnsley MBC meetings are held on a Thursday, the schedule had been produced against the 2018/19 Barnsley MBC meetings calendar. Where possible, the dates had also been checked against the meeting calendars of the other three districts.

As in previous years, it was noted that it may be necessary to arrange additional meetings to facilitate decision making around the investment transition to Border to Coast and the Investment Strategy Review.

When the transition to Border to Coast was complete there would also be a need to look at the governance framework to ensure that it remained fit for purpose.

RESOLVED – That the cycle of meetings of the Authority and its Boards in 2018/19 be approved.

13 GENERAL DATA PROTECTION REGULATION (GDPR)

A report was considered which updated Members on the work being undertaken to prepare for the implementation of the General Data Protection Regulation on 25 May 2018.

The project update contained within the report concentrated on specific areas of work being undertaken.

G Chapman confirmed that the project was on schedule.

It was hoped to supply training for Members in May.

RESOVLED – That the report be noted.

14 REVIEW OF THE AUTHORITY'S ADMINISTRATION STRATEGY

A report was submitted which provided Members with the opportunity to approve and ratify, as the definitive current version, the revised Pensions Administration Strategy which was presented to the Authority in draft form at the meeting of 18 January 2018. There had been no further changes to the draft strategy.

Members approved the revisions and the draft Strategy in January without further comment.

The consultation period with the Employers ended on 12 February 2018 having run since 1 January 2018. The Local Pension Board were also consulted on the revised Strategy.

Only one employer responded with comments which centred on concerns over the imposition of increased financial penalties. A considered response had been issued to the employer stressing that financial penalties were a last resort following the provision of as much assistance, training and guidance by the Authority as possible.

If approved the Strategy would go "live" on 16 March 2018.

RESOLVED: That the Authority approve and ratify the Pensions Administration Strategy.

15 POOLING UPDATE

A report was submitted to update the Authority on progress towards the pooling of the Fund's assets within the Border to Coast Pool.

The report covered key areas of progress, investment related progress, staffing matters, non-executive directors and tax strategy.

With regard to investments, the Authority were informed that BCPP had proposed to reduce the number of sub-funds at launch. The issue was that BCPP was proposing to move away from a position agreed with all Funds of mirroring their initial asset allocation. The Investment Board had discussed the implications in depth at their meeting the previous week and had reluctantly agreed to the proposal but with several conditions.

Cllr Sangar questioned the need for some of the BCPP meeting papers to be in private, for example the tax strategy. At present the Company did not feel particularly open and transparent.

A Frosdick remarked that during the transitional phase there were numerous sensitive decisions to be made, but agreed that BCPP appeared to be using excessive caution.

The Chair agreed that the matter needed clarification.

G Warwick expressed disappointment that there was no reference anywhere in the papers to Trades Union representation and pointed out that the Unions had seats on the Shadow Advisory Board. It was important that Trade Unions were involved in their members' pensions.

The Chair replied that she had made South Yorkshire's position very clear but unfortunately had lost the vote; the matter would be reviewed in the future. The Chair suggested that the Unions approach Board members with a view to securing a place on BCPP's Board.

A Frosdick commented that BCPP's governance structure had been settled; the Joint Committee's position was not to pursue the matter any further at this time although the issue would be revisited in due course.

The Chair commented that she had support from other Funds and would keep pressing for Trades Union representation when the time was right.

The Authority discussed the decision of the Joint Committee to agree to the Board's request to appoint two non-executive directors who would be Shareholder representatives on the Board, i.e. an elected member from any of the Partner Funds.

It was noted that this created a potential conflict of interest and it had already been decided that a Member could not be a member of the Joint Committee and sit on BCPP's Board.

A Frosdick pointed out that the person did not have to be an Authority Member but could be any elected member with experience of the LGPS.

The local authorities could nominate someone but it was up to them to take their own view. Some local authorities from other Funds had already decided not to nominate anyone.

The Chair suggested that Members take advice from their Districts and that a paper would be brought to the June meeting of the Authority to make a decision as to whether the Authority should nominate a Member for the post of non-executive director of BCPP.

RESOLVED:

- i) That the Authority notes the progress being made towards BCPP becoming operational.
- ii) That the Authority delegate to the Fund Director, having consulted the advisors, and in consultation with the Chair and Vice-Chair, the authority to authorise the transition of assets to the BCPP investment pooling structure.

#### 16 POOLING UPDATE - BORDER TO COAST JOINT COMMITTEE

A report was considered to provide Members with the details of the reports covered by the BCPP Joint Committee.

Then reports attached as appendices were:

- The regular progress and budget report.
- A Strategic Update which dealt with the issues surrounding which sub-funds would be created and when.
- The Authorised Contractual Scheme prospectus and the process for approving it.
- The Company's Tax Strategy.

RESOLVED: That the report be noted.

#### 17 ACCOMMODATION

A report was submitted which informed the Authority of BMBC's offer to relocate the Authority to Gateway Plaza.

Members were informed that BMBC, the Authority's landlord, had indicated that they wished to use the Authority's current accommodation for other operational purposes and had offered to relocate the Authority to Gateway Plaza.

The Authority discussed the financial and practical implications also noting that the move would create the opportunity to work as a single organisation all on the same floor.

G Graham commented that the move would not be without challenges but that a full equality impact assessment would be carried out.

RESOLVED: That the Authority

- i) Accept, in principle, the offer from Barnsley MBC for the Authority to relocate to Gateway Plaza.
- ii) Authorise the Fund Director to investigate the practicality of a salary sacrifice scheme for staff car parking and if practical implement such a scheme.
- iii) Authorise the Fund Director to negotiate appropriate terms with Barnsley MBC and to incur expenditure on removals and the relocation of ICT equipment up to a maximum of £75,000.
- iv) Agree to a maximum initial lease term of 5 years with the intention of conducting a further review of the Authority's requirements and the options for meeting them during this period.

18 DEBT WRITE-OFFS

A report was submitted to request the Authority to write-off two outstanding rent accounts as detailed within the report.

RESOLVED: That the Authority authorise the write-off of the two debts as detailed in the report.

19 FUND DIRECTOR'S OBJECTIVES AND APPRAISAL

A report was submitted requesting that formal arrangements be put in place to set the Fund Director's Objectives and Appraisal.

Members were informed that the Authority currently did not have a formal mechanism in place for setting objectives and monitoring the progress of the Fund Director. The Fund Director had requested that such a mechanism be developed.

As the Fund Director had recently taken up their post it was an appropriate time to set objectives for the first year. Suggested areas for detailed objectives which balanced the three aspects of the role were:

- Oversight of the Fund's assets and development of the Investment Strategy.
- The delivery of services to members and employers.
- The running of the organisation.

Taking this balance into account the suggested areas in which detailed objectives, each of which was supported by a number of detailed deliverables were contained within the report.

Progress in achieving the tasks set would be evident to Members throughout the year through reporting to the Authority and its Boards. However, a formal appraisal mechanism was necessary for the Fund Director and it was suggested that the Clerk develop appropriate arrangements in consultation with the Chair and Vice-Chair.

RESOLVED: That the Authority:

- i) Note the areas in which it was proposed to set objectives for the Fund Director.
- ii) Delegate to the Clerk, in consultation with the Chair and Vice-Chair, the establishment of formal arrangements for the setting of objectives for and appraisal of the Fund Director.

20 AMENDMENTS TO THE POST-POOLING SYPA INVESTMENT STAFFING ARRANGEMENTS

A report was submitted requesting amendments to the post-pooling SYPA staffing arrangements.

Members were informed that following the agreement of the Authority's equity protection strategy, the appointment of the new Fund Director and greater clarity about the scale of the various residual investment portfolios, a review of the level of professional investment resources available to the Authority, post-pooling, had been carried out and proposals for some changes to the arrangements previously agreed by Members were detailed within the report.

The report detailed the activities that the new style investment function would be required to undertake and the resources needed to be able to facilitate this.

RESOLVED: That the Authority:

- i) Note the changes to the considerations influencing the level of professional investment resource required by the Authority since they were previously considered.
- ii) Approve the replacement of the post of Investment Performance Manager with a post of Head of Investment Strategy at Grade SM3 (subject to job evaluation), to be filled through a ring fenced recruitment process.
- iii) Approve the establishment of an additional post of Investment Analyst at Grade J (subject to job evaluation), and note the arrangements proposed in the event of difficulties in recruiting to this role.
- iv) Note the budgetary implications would be contained within cash limits in 2018/19 and that a pressure of £87K would be reflected in the 2109/20 budget.

CHAIR





**SOUTH YORKSHIRE POLICE AND CRIME PANEL**

**OFFICES OF THE SOUTH YORKSHIRE JOINT AUTHORITIES, 18 REGENT STREET,  
BARNSELY, S70 2HG**

**2 FEBRUARY 2018**

PRESENT: Councillor S Sansome (Rotherham MBC) (Chair)

Councillors: J Dunn (Sheffield City Council), D Hughes (Doncaster MBC), J Otten (Sheffield City Council) and S Wilkinson (Doncaster MBC)

Independent Co-opted Members: Mr A Carter and Mr S Chu

Dr A Billings (South Yorkshire Police and Crime Commissioner), M Clements (Office of the South Yorkshire Police and Crime Commissioner), E Redfearn (Office of the South Yorkshire Police and Crime Commissioner) and F Topliss (Office of the South Yorkshire Police and Crime Commissioner)

Officers: D Cutting, M McCarthy, L Noble and A Shirt (Barnsley MBC)

Apologies for absence were received from:  
Councillor A Khayum (Sheffield City Council), Councillor B Cutts (Rotherham MBC), Councillor D Griffin (Barnsley MBC), Councillor B Johnson (Sheffield City Council), Councillor R Sixsmith MBE (Barnsley MBC), M Buttery (Office of the South Yorkshire Police and Crime Commissioner) and S Parkin (Office of the South Yorkshire Police and Crime Commissioner)

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were noted as above.

The Panel wished Councillors Khayum and Sixsmith MBE well in their recovery from long term illnesses.

2 **ANNOUNCEMENTS**

None.

3 **URGENT ITEMS**

None.

4 **ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS**

None.

5 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

None.

6 PROPOSED COUNCIL TAX PRECEPT FOR 2018/19

A report was submitted to notify the Police and Crime Panel of the South Yorkshire Police and Crime Commissioner's ("the Commissioner") proposed Council Tax precept for 2018/19.

The Commissioner reported that the provisional 2018/19 Police Finance Settlement had been announced on 19 December 2017. The Government's grant funding had been maintained at 2017/18 levels with the expectation that, should each PCC raise their precept by the maximum allowed, along with the new Council Tax base, there would be an increase in funding for each Police force.

The draft Council Tax referendum principles for 2018/19 would allow PCCs to increase Band D properties by up to £12 for the year. For South Yorkshire, this represented an increase of 7.6% and would produce a Band D Council Tax of £170.16. 70% of South Yorkshire properties are Band A and Band B, equating to annual increases of £8.00 and £9.33 respectively.

This would generate Council Tax income of £61m (including estimated collection fund surplus of £1.8m) for 2018/19, an increase of approximately £5.2m.

M Clements outlined the proposed budget for 2018/19, including the anticipated effect of inflation of £4.9m (£2.5m for the full 2% pay award), £1.3m cost pressures, £1.9m growth pressures, costs of transitioning to a new policing model and the continued cost of historic 'Legacy' issues relating to the Hillsborough disaster and child sexual exploitation (CSE). It was highlighted that the proposed increase in Precept and use of £7.3m reserves would be required to balance the 2018/19 budget.

There was estimated to be additional, non-recurrent costs of £2.0m for transitioning to the new Target Operating Model (TOM), Local Policing Review, Crime Review and Atlas Court Review. The extensive change programme would embed in 2018/19 and was predicated by SYP to facilitate significant improvements in both efficiency and effectiveness, which would be a catalyst to budget savings from 2019/20.

All the cost pressures, including Legacy costs totalled £17m. The Force had identified savings plans totalling approximately £6m (2.5%) for 2018/19, to off-set some of those costs. These included non-pay savings, additional income, review of establishment control processes and review of shift patterns and associated allowances.

It was highlighted that there was a significant risk and key pressures associated with Legacy costs. The outcomes of any Home Office Special Grant Funding

applications could affect the level and adequacy of the reserves in future years. In preparing the budget it had been assumed, under the current rules, that the maximum entitlement of the Special Grant would be given to South Yorkshire.

With the maximum grant entitlement there would be a £7.1m shortfall to fund within the 2018/19 budget.

The Commissioner and Force would be meeting with representatives from the Home Office on 13 February to follow-up on written correspondence to the Home Secretary around key pressures / Legacy issues and Special Grant Funding.

Members noted that the level of reserves would be kept under review as part of the medium term resources planning and the monitoring of risks.

Councillor Dunn asked if the Force was successful in its application for Home Office Special Grant Funding, what the timescales would be for receiving this funding, and whether this had affected the way the budget had been formulated.

The Commissioner provided a detailed response relating to the complexities around Home Office Special Grant Funding.

M Clements added that there was generally a time delay between incurring the Legacy costs and grant funding being received from the Home Office. It was confirmed that Legacy costs were monitored closely and the funding matched with the expenditure in the accounts.

Councillor Dunn commented that it was very important for the Commissioner to continue working closely with the four local authorities and their respective Community Safety Teams.

The Commissioner agreed that working with the four local authorities and other partners was essential. All were being asked to do the same amount of work with fewer resources. It was important for the Force to understand where demand was arising; this could not be done without the help of partners.

Councillor Dunn asked, in terms of the proposed budget, if there would be any reduction in the number of visible Police Officers patrolling neighbourhoods.

The Commissioner replied that, over recent years Police Officer numbers had reduced by 500 to 2,400 Officers in South Yorkshire. Currently, there was no opportunity to grow this budget and restore the number of Officers. The Commissioner commented that he would be pressing the Chief Constable to become much smarter in the ways the Force engages with members of the public and local Councillors.

Mr Chu referred to the proposed budget for 2018/19. He asked if further details could be provided regarding the 'Non Recurrent Budget Adjustment' and the '2017/18 Unachieved Savings'.

M Clements replied that the 'Non Recurrent Budget Adjustment' related to additional support to the Force, which had been reflected in the current financial

year. This was non-recurrent in its nature and had been adjusted in the base budget. The 'Unachieved Savings' related to budget pressures in 2017/18 and would be resourced in the new financial year.

The Commissioner added that the Force had graded its confidence in achieving savings proposals for 2018/19 as 'high', 'medium' and 'low'. This, caused him some anxiety given previous failures to meet proposed savings. He added that he would be holding the Force to account in this area to ensure that they effectively programme manage the delivery of the savings identified.

Councillor Otten asked if the Commissioner was aware that Police Officers who were using the new Connect system were working on paperwork at the end of their shifts and thus, working overtime. He asked if this practice was affecting the overtime budget.

The Commissioner replied that officers and staff had received training on the new Connect system via a phased approach. There had been some issues with the system and work was ongoing to resolve these. The Commissioner added that he was not aware of any significant problems that impacted on the level of overtime and, regular discussions with the Chief Constable did take place regarding the Force's overtime budget.

Councillor Wilkinson asked what plans were in place for the future if the expected savings were not achieved and all reserves were used in 2018/19. If there were additional Legacy claims received during any year, what effect would this have on Police Officer numbers, operations and cash flow.

The Commissioner replied that he had repeated in conversations to the Force that, if they did not make savings, they could not fall back on reserves, because reserves would eventually run out. The Commissioner added that he wished to avoid having to make cuts on Police Officer numbers, however, savings needed to be identified each year by the Force.

Councillor Sansome asked if the Commissioner could provide detail on the amount of efficiency savings which had been identified.

The Commissioner replied that the savings plans totalled approximately £6m for 2018/19. He also added that he would provide Members with a report considered at the January 2018 Public Accountability Board which set out the proposed areas where savings would be made by the Force in 2018/19.

Councillor Sansome informed the Commissioner that the Panel would like to establish a Budget Working Group consisting of one Member per District, plus one Independent Member and appropriate support from the OPCC to help Panel Members to monitor the budget throughout the year and consider the precept proposals.

The Commissioner replied that he would try to support the Panel's request. He reminded the Panel that it was his responsibility to hold the Force to account in this area and for the Panel to hold himself to account, and this was noted.

F Topliss outlined the consultation undertaken on behalf of the Commissioner throughout the year regarding the 2018/19 budget proposals. It was noted that intense public consultation had been carried out in January 2018 in each district to ask if members of the public would be willing to pay the extra £12 or equivalent. Across most of the districts the feedback was positive, however, residents in Barnsley were more reluctant to pay the additional cost.

Councillor Dunn asked if the consultation would be extended to allow members of the public to provide feedback throughout the year when the budget had been set to ask if they feel they are getting value for money.

F Topliss confirmed that consultation already takes place throughout the year and this would continue. During 2018/19 specific questions would be asked around neighbourhood policing and whether people feel safer in their communities.

Councillor Dunn added that Elected Members could also help provide feedback through their locality working.

Councillor Dunn asked what action the Commissioner was taking to address the considerable budget pressures on the Force and the local authorities regarding increasing operational costs for policing football matches.

The Commissioner replied that there was no specific formula in place to help recover the costs of policing of football matches. It was explained that the fee for policing football matches was negotiated by the Force with each football club.

The Commissioner referred to an application made to the Supreme Court for permission to appeal against the judgement made in the Court of Appeal relating to the charging for special policing services between Ipswich Town Football Club v Suffolk Constabulary. He added that, if Suffolk Constabulary lost the case, this could have consequences for every Police Force in the country. The implications may impact on those forces who had previously charged for on-street policing of football matches and crowd management at major entertainment events in the last 5 years, with fees being refunded to football clubs etc. by police forces and local authorities. This would add further pressures on the budget.

Further details regarding the Court Case would be circulated to Panel Members.

Councillor Sansome asked if the Commissioner could confirm that there would be no reduction in partnership grants given to the four local Community Safety Partnerships.

The Commissioner replied that he was currently in the process of examining the grants given to various partners. He added that there would be some reductions, however, negotiations were currently taking place.

D Cutting provided Members with guidance, as set out in Schedule 5 of the Police, Reform and Social Responsibility Act 2011, regarding the steps to be taken if the Panel decided to veto the proposed precept.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Voted unanimously on the recommendation within the report and agreed the proposed annual increase in Council Tax for 2018/19 of £12 for a Band D property (a 7.6% increase) to £170.16. For Band A properties this equated to an annual increase of £8.00, to £113.44 and for Band B properties an increase of £9.33, to £132.35 be approved.
- ii) Noted that the Commissioner had agreed to provide Members with a copy of a report considered at the January 2018 Public Accountability Board which set out the proposed areas where savings would be made by the Force in 2018/19.
- iii) Noted that the Commissioner would try to accommodate Members' request to support a Budget Working Group.
- iv) Noted that the Commissioner would provide Members with further details regarding the Supreme Court Appeal between Ipswich Town Football Club v Suffolk Constabulary.

7 PUBLIC QUESTIONS:-

8 TO THE POLICE AND CRIME COMMISSIONER

There were no written public questions to the Police and Crime Commissioner.

9 TO THE POLICE AND CRIME PANEL

There were no written questions to the Police and Crime Panel.

10 QUESTIONS FROM POLICE AND CRIME PANEL MEMBERS TO THE POLICE AND CRIME COMMISSIONER

In accordance with Procedure Rule 11 (General Questions from Members of the Panel), the following question had been submitted and the response from the Police and Crime Commissioner:-

**Received from Councillor Otten**

Do you believe it is a good use of police resources to intervene in peaceful protests regarding the felling of trees in Sheffield?

**Response**

The police have no reason to "intervene" in peaceful protests as long as they remain peaceful and within the law.

However, it is my understanding that the tree-felling contractors have employed a company (SIA) to remove protestors where they have been dismantling safety zones and trespassing within them (breaches of a High Court injunction).

In these circumstances it is prudent that the police are deployed on stand-by, not least so that they can de-escalate a situation, if possible.

### **Supplementary Question from Councillor Otten**

Councillor Otten asked if the Commissioner was aware that the Police had successfully de-escalated tree protests in Sheffield. Additionally, was the Commissioner satisfied that the Police are sufficiently aware of their duty to protect protestors from inappropriate use of force by the security company employed by the contractor.

### **Response**

The Commissioner commented that this was a very difficult area for the Police and that this situation had been ongoing for a considerable length of time.

He added that the Police have a responsibility to ensure peaceful protests can happen; problems arose when protests became un-peaceful and the Police have to intervene. The Police also have an equal responsibility to ensure that the contractor could implement the policy of Sheffield City Council in relation to tree felling and highway maintenance.

The Commissioner stated that his anxieties had increased more recently, due to the sheer numbers of people protesting, this had also been shared with Sheffield City Council.

The Commissioner understood that there was currently a pause in the works taking place. He hoped this would allow Sheffield City Council and its contractors to think about its policy and include dialogue with the peaceful protestors and the Police. The Commissioner concluded that, it was in everyone's interest to have a reasonable solution.

## **11 MINUTES OF THE PREVIOUS MEETING HELD ON 15 DECEMBER 2017**

Mr Chu requested that his suggestion set out in Minute 18 be amended to read:

‘Mr Chu suggested that, outside of the small grants programme, the Commissioner may wish to commission charities to undertake some of the missing person work’.

The following matters arising were noted:-

- L Noble reported that enquires had been made with West Yorkshire Police and Crime Panel to understand what scrutiny role their Panel performed in overseeing their Commissioner's risk management arrangements. It was confirmed that the Panel did not receive regular reports on risk management, nor did they receive a risk register. Instead, they requested that the Chair of the OPCC / Force Joint Audit Committee attends the Panel on an annual basis to speak about the work of the Committee.

After discussion, the Panel requested that the Chair of the South Yorkshire Joint Independent Audit Committee attends the June 2018 Panel meeting to update the Panel on the work of the Committee.

- With regards to the establishment of a Regional Network, work was progressing to formulate the terms of reference, agree a meeting venue and membership of the Network. The annual fee for being part of the Regional Network would be £500 per panel.
- In relation to the establishment of a Special Interest Group (National Association of Police and Crime Panels), work was progressing to formulate the terms of reference and how the Group would operate. Another Panel had raised the issue of funding the Special Interest Group from the Home Office grant and whether this was possible given the rules around use of Grant monies for lobbying / influencing. Confirmation from the Home Office was currently awaited.

Councillor Hughes referred to Minute 15, he asked the Commissioner if it would be beneficial to have less Force overtime and more Police Officers employed in the communities of South Yorkshire.

The Commissioner replied that Police Officer overtime did concern him and that he had discussed this with the Chief Constable. If overtime was used correctly, there could be savings for the Force. The overtime bill would be kept under review by the Commissioner.

Councillor Sansome referred to the 'Decision Log', noting that the actions in relation to Minute 18 from the Panel meeting held on 15 December 2017, were still outstanding. He asked the Commissioner when information would be provided to the Panel.

The Commissioner replied that the Force was currently compiling the figures; once this process was complete he would make what information he could available to Panel Members.

RESOLVED –

- i) That the minutes of the Police and Crime Panel held on 15 December 2017 be agreed and signed by the Chair as a correct record, subject to the above amendment requested by Mr Chu.
- ii) To request the Chair of the South Yorkshire Joint Independent Audit Committee attends the June 2018 Panel meeting to update the Panel on the work of the Committee.

## 12 SOUTH YORKSHIRE POLICE AND CRIME PLAN REFRESH 2018 / 2019

A report of the Police and Crime Commissioner was presented setting out a draft refresh of the Police and Crime Plan for 2017 to 2021 ('Plan') in accordance with the requirement set out in Chapter 3, paragraph 5 of the Police Reform and Social Responsibility Act 2011.



The Commissioner made the Panel aware that neither the overall aim nor the priorities in the Plan had changed since last year. Emphasis had changed in some of the outcomes to reflect new and evolving policing and crime demands identified through consultation. In the refreshed Plan, South Yorkshire Police and partners had been asked to work towards four key outcomes.

Councillor Sansome asked if Equality Analysis had been completed under the Equality Act in respect of the Police and Crime Plan.

E Redfearn replied that when the Police and Crime Plan had been prepared, the OPCC did consult with a wide variety of interested parties including the public and various community groups across South Yorkshire. It was confirmed that the OPCC did not formally carry out an impact assessment using the equality checklist. However, all the relevant points individuals had provided were taken into consideration.

Councillor Otten asked that sex workers be added to the key strands of vulnerability set out within the Plan. The Panel supported Councillor Otten's request.

The Commissioner acknowledged Councillor Otten's request.

Mr Carter suggested that further detail around the role of the Police and Crime Panel be added at page 16. E Redfearn commented that page 5 of the Plan had more detail around the work of the Panel, however, the Commissioner agreed to re-visit the wording set out at page 16.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Received the PCC's Draft Police and Crime Plan 2017 to 2021 – Refresh 2018/19; and
- ii) Agreed to provide comments to the Panel's Support Officer by 8 February 2018.
- iii) Requested that sex workers be added to the key strands of vulnerability.
- iv) Requested that further detail around the role of the Police and Crime Panel be added at page 16.

### 13 ATLAS COURT UPDATE

A report of the Police and Crime Commissioner was presented to provide Members of the Police and Crime Panel with an update on progress with SYP's review of Atlas Court.

A table within the report provided Panel Members with an update on the Force's progress in relation to each objective, including timescales for completion.

Councillor Wilkinson queried if the Sheffield City Council 101 and Out of Hours Service had been routed through to South Yorkshire Police. She asked what effect

this had on the waiting times for 101 and how many calls to 101 were for Sheffield City Council and how many were for the Police.

The Commissioner stated that he was unable to answer the latter part of Councillor Wilkinson's question, however, he could confirm that the contract for Sheffield City Council 101 and Out of Hours Service had been returned to SCC and therefore, it should reduce demand on the 101 service.

Mr Chu asked for assurances from the Commissioner that he would be holding the Force to account in terms of implementing each of the objectives.

The Commissioner replied that there was a significant amount of activity taking place around the implementation of Smart Contact, which he would be monitoring very closely. The timescales for the Force achieving the objectives were scheduled for completion by spring/summer 2018.

Mr Chu requested that a progress update report with regards to the review of Atlas Court / Contact Management Objectives be presented to the June 2018 Panel meeting.

The request was acknowledged by the Commissioner.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the contents of the report.
- ii) Requested that an update report on progress with regards to the review of Atlas Court / Contact Management Objectives be presented at the June 2018 Panel meeting.

#### 14 PCC DECISIONS

A report was presented to provide Members of the Police and Crime Panel with information on decisions taken by the Police and Crime Commissioner (PCC).

RESOLVED – That Members of the Police and Crime Panel noted the contents of the report.

#### 15 WORK PROGRAMME

Members considered the 2018/19 Work Programme.

L Noble reminded Members that, at the last meeting of the Panel, it was suggested that an additional (Member only) meeting be convened prior to the Annual Meeting, to look back at the year and start planning for the year ahead.

Members agreed that an additional Panel meeting be held in April 2018, possibly at the conclusion of the Panel meeting scheduled for 20 April 2018.

RESOLVED –

- i) That Members of the Police and Crime Panel noted the contents of the 2018/19 Work Programme.
- ii) That Members' availability be sought for an additional (Member only) Panel meeting to be held in April 2018 (possibly after the conclusion of the Panel meeting scheduled for 20 April 2018).

## 16 2018/19 POLICE & CRIME PANEL MEETINGS

A report was submitted to set out a schedule of meeting dates for the Police and Crime Panel in 2018/19.

Members were informed that future meetings of the Panel would be held at Barnsley Town Hall.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Considered and approved the 2018/19 dates as set out below:-

Meeting Date	Pre-meeting for Members	Panel meeting
Friday 20 April 2018	9:30 am	10:00 am
Monday 4 June 2018	12:30 pm	1:00 pm
Monday 2 July 2018	12:30 pm	1:00 pm
Monday 3 September 2018	12:30 pm	1:00 pm
Monday 3 December 2018	12:30 pm	1:00 pm
Monday 4 February 2019	12:30 pm	1:00 pm
Monday 1 April 2019	12:30 pm	1:00 pm

- ii) Agreed to hold additional / extraordinary meetings / training events as and when appropriate / necessary.

## 17 DATE AND TIME OF THE NEXT MEETING

The next meeting of the Panel will be held on Friday 20 April 2018, 10:00 am, at the Town Hall, Church Street, Barnsley, S70 2TA.

CHAIR