



Council

Wednesday, 31 October 2018

2.00 p.m.

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

Rotherham
Metropolitan
Borough Council 

WELCOME TO TODAY'S MEETING

GUIDANCE FOR THE PUBLIC

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

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

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

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

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

FACILITIES

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

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

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

Contact:- James McLaughlin, Head of Democratic Services
Tel.:- 01709 822477
james.mclaughlin@rotherham.gov.uk

Date of Publication:- **23 October 2018**

COUNCIL

Wednesday, 31 October 2018 at 2.00 p.m.
Council Chamber, Town Hall, Moorgate Street, Rotherham. S60 2TH

THE MAYOR (Councillor Alan Buckley)
DEPUTY MAYOR (Councillor Jenny Andrews)

CHIEF EXECUTIVE (Sharon Kemp)

MEMBERS OF THE COUNCIL

ANSTON AND WOODSETTS

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

KEPPEL

CLARK, Maggi
CUTTS, Dave
HAGUE, Paul

SITWELL

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

BOSTON CASTLE

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

MALTBY

BEAUMONT, Christine
PRICE, Richard
RUSHFORTH, Amy L.

SWINTON

CUSWORTH, Victoria
SANSOME, Stuart
WYATT, Kenneth J.

BRINSWORTH AND CATCLIFFE

BUCKLEY, Alan
CARTER, Adam
SIMPSON, Nigel G.

RAWMARSH

BIRD, Robert
MARRIOTT Sandra
SHEPPARD, David R.

VALLEY

ALBISTON, Kerry
REEDER, Kathleen
SENIOR, Jayne E.

DINNINGTON

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

ROTHER VALE

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

WALES

BECK, Dominic
WATSON, Gordon
WHYSALL, Jennifer

HELLABY

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

ROTHERHAM EAST

COOKSEY, Wendy
FENWICK-GREEN Deborah
KHAN, Tajamal

WATH

ATKIN, Alan
ELLIOT, Jayne C.
EVANS, Simon

HOLDERNESS

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

ROTHERHAM WEST

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

WICKERSLEY

ELLIS, Susan
HODDINOTT, Emma
READ, Chris

HOOBER

LELLIOTT, Denise
ROCHE, David J.
STEELE, Brian

SILVERWOOD

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

WINGFIELD

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

Council Meeting Agenda

Time and Date:-

Wednesday, 31 October 2018 at 2.00 p.m.

Venue:-

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

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 - 32)

To receive the record of proceedings of the ordinary meeting of the Council held on 5th September, 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 FORMER CABINET AND COMMISSIONERS' DECISION MAKING MEETING (Pages 33 - 42)

To note the minutes of the former Cabinet and Commissioners' Decision Making Meeting held on 17 September 2018.

11. RESPONSE TO OVERVIEW AND SCRUTINY RECOMMENDATIONS - USE OF INTERIM, AGENCY AND CONSULTANCY STAFF (Pages 43 - 52)

To note the response of the Cabinet to recommendations from Overview and Scrutiny Management Board in respect of the use of interim, agency and consultancy staff.

12. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY - ADULT RESIDENTIAL AND NURSING CARE HOMES (Pages 53 - 68)

To note recommendations from the Health Select Commission following a workshop into adult residential and nursing care homes.

13. RECOMMENDATION FROM STANDARDS & ETHICS SUB-COMMITTEE - OUTSIDE APPOINTMENTS - COUNCILLOR BRIAN CUTTS (Pages 69 - 82)

To consider recommendations from the Standards and Ethics Sub-Committee in respect of Councillor Brian Cutts' appointments to serve on outside bodies on behalf of the Council.

14. NOTICE OF MOTION -TUC'S GREAT JOBS AGENDA

This Council notes that:-

- Insecure work includes people working on zero-hours contracts, temporary and agency work, and low-paid self-employment.
- 3.5 million people could be in insecure work by start of 2022 if current trends continue - a rise of 290,000. That's the equivalent of the entire working population of Sheffield.
- Workers on zero-hours and short-hours contracts earn a third less per hour than the average worker.
- 1 in 13 Black, Asian and minority ethnic employees are in insecure jobs, compared to 1 in 20 white employees.
- Insecure work costs the Treasury £4 billion a year in lost income tax and national insurance contributions, along with extra benefits and tax credits.

This Council further notes that:-

- UK workers are still on average £38 a week worse off than before the crash in 2008 (figures to April 2017). This is the longest squeeze on pay since Victorian times.
- Public sector workers' real wages are down thousands of pounds a year compared to 2010. For example, prison officers and paramedics are all down over £3,800 a year. Firefighters are down nearly £2,900, while teachers are down approximately £2,500.
- Just one in three people (33%) people say their employer offers regular training opportunities - and one in four workers (24%) say that no training is offered at their workplace at all apart from a new starters' induction.
- More than a million workers suffer from ill-health related to their employment, and around 23 million working days are lost each year due to injury or illness in the workplace.
- Almost one in three workers have been bullied in the workplace.
- More than a third (37%) of Black and minority ethnic workers have been bullied, abused or singled out at work.
- More than half (52%) of women and nearly two-thirds (63%) of women aged 18-24 years old have experienced sexual harassment at work.

This Council believes that:-

- Every job should be a secure and great job. That means every worker must be paid fairly; work in a safe and healthy workplace; be treated decently and with respect; have guaranteed hours; have the chance to be represented by unions and be consulted on what matters at work; have the chance to get on in life.
- Currently, too many jobs in the UK aren't great jobs – and too many people feel that great jobs aren't available where they live.
- It is positive that there is now a public debate about how we improve jobs in the UK – much of it driven by union campaigning and legal action against bad employers like Sports Direct, Uber and Hermes.
- The TUC have been clear that the proposals put forward by Mathew Taylor's review of employment standards for the government are

inadequate.

This Council resolves to:-

- Support the TUC's Great Jobs Agenda, which sets out the actions employers and the government must take for every job to be a great job, and tell the TUC of this support.
- Ask for a paper to be presented to cabinet setting out the actions the authority is taking to ensure that every job in this authority is a great job, and relating those to the six standards in the Great Jobs Agenda. At a minimum this should include:-
 - Confirming how many council staff receive the real Living Wage.
 - Reporting on how many workers are employed on zero- or short-hours contracts or agency contracts, and what actions the authority is taking to reduce this.
 - Setting out how the authority proposes to use its procurement process to raise employment standards among its subcontractors.
- Write to all MPs in Rotherham and the Mayor of South Yorkshire, Dan Jarvis, informing them of our position and encouraging them to support the Great Jobs Agenda too.
- Invite a trade union representative to present the Great Jobs Agenda to a meeting of the Rotherham Together Partnership's Business Growth Board.
- Make increasing job quality a key part of the conversation when pursuing local economic development opportunities in Rotherham.
- Continue to value meaningful workforce engagement and representation through our recognised trade unions in RMBC.

Mover:- Councillor Steele

Seconder:- Councillor Rose Keenan

15. NOTICE OF MOTION - FOSTERING

This Council recognises:-

- The invaluable role of foster carers and families, caring for, nurturing and loving children who for any reason cannot be with their biological families.
- As corporate parents to those children, we owe a debt of gratitude to those 171 foster carers – including three same sex families – currently caring for 190 children (in October 2018).
- That foster families will often go on to become adoptive “forever” families. Indeed more than 100 children in the borough have been living with the same foster families for more than two years.
- That individuals and families have the right to be treated equally before the law when they apply to become a foster parent, irrespective of their background, sexuality, ethnic origin, marital status or other protected characteristic. A good foster parent is a good foster parent.
- That according to the government-backed website, Fosterline; “In 2010, The Centre for Family Research at the University of Cambridge conducted interviews for Stonewall with 82 children and young people who have lesbian, gay or bisexual parents to learn more about their experiences both at home and at school. The study found that:

- Very young children with gay parents tend not to see their families as being any different to those of their peers.
- Many of the older children said they saw their families as special and different, but only because all families are special and different – though some felt that their families were a lot closer than other people's families.
- Children with gay parents like having gay parents and would not want things to change, but that sometimes they wish that other people were more accepting.”
- That 277 children from Rotherham are currently placed with Independent Fostering Agencies, often outside the borough, many of whom would benefit from fostering and adoptive families here in Rotherham right now.

This Council resolves:-

- To thank all the foster families who make a difference in the lives of children in the council's care.
- To send a clear message: that we need more foster families for our children, and that we welcome applications from residents of all backgrounds and ages; men and women; black, white or Asian; gay or straight; of all religious backgrounds and none; married, unmarried or single.
- To support efforts to recruit more foster carers and adoptive families in order to fulfil our objective of giving every child the best start in life.

Mover:- Councillor Read

Seconder:- Councillor Elliot

16. MEMBERSHIP OF BOARDS, COMMITTEES AND PANELS

To approve the following changes to the membership of committees, boards and panels:-

Committee, Board or Panel	Outgoing Member	New Appointment
Standards and Ethics Committee	Councillor Brookes	Councillor Pitchley
Planning Board (Substitute)	Vacant	Councillor Short

17. STANDARDS AND ETHICS COMMITTEE (Pages 83 - 86)

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

To confirm the minutes as a true record.

18. AUDIT COMMITTEE (Pages 87 - 93)

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

To confirm the minutes as a true record.

19. HEALTH AND WELLBEING BOARD (Pages 94 - 106)

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

To confirm the minutes as a true record.

20. PLANNING BOARD (Pages 107 - 117)

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

To confirm the minutes as a true record.

21. LICENSING (Pages 118 - 130)

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

To confirm the minutes as a true record.

22. SHEFFIELD CITY REGION COMBINED AUTHORITY (Pages 131 - 142)

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

23. SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY (Pages 143 - 163)

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

24. SOUTH YORKSHIRE PENSIONS AUTHORITY (Pages 164 - 171)

To receive the minutes of the South Yorkshire Pensions Authority.

25. SOUTH YORKSHIRE POLICE AND CRIME PANEL (Pages 172 - 184)

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

26. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS

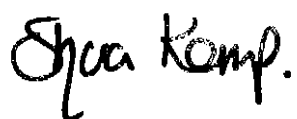
To put questions, if any, to the designated Members on the discharge of functions of the South Yorkshire Police and Crime Panel, South Yorkshire Fire and Rescue Authority, Barnsley, Doncaster, Rotherham and Sheffield Combined Authority and South Yorkshire Pensions Authority, in accordance with Council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

27. 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).

28. URGENT ITEMS

Any other public items which the Mayor determines are urgent.

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

SHARON KEMP,
Chief Executive.

**The next meeting of the Council will be on
Wednesday 5 December 2018 at 2.00 p.m. at Rotherham Town Hall.**

COUNCIL MEETING
5th September, 2018

Present:- The Mayor of Rotherham (Councillor Alan Buckley) (in the Chair); Councillors Alam, Albiston, Allcock, Allen, Atkin, Beaumont, Bird, Brookes, Cooksey, Cowles, Cusworth, D. Cutts, Elliot, M. Elliott, R. Elliott, Ellis, Evans, Fenwick-Green, Hoddinott, Ireland, Jarvis, Jepson, Keenan, Lelliott, McNeely, Mallinder, Marles, Napper, Pitchley, Read, Reeder, Roche, Rushforth, Russell, Sansome, Senior, Sheppard, Short, Simpson, Steele, Taylor, John Turner, Julie Turner, Tweed, Walsh, Watson, Williams, Wilson, Whysall, Wyatt and Yasseen.

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

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

50. ANNOUNCEMENTS

The Mayor was pleased to present his activity since the last Council meeting which was attached for information to the Mayor's letter. In doing so he wished to draw particular attention to the forthcoming Rotherham Show on the 8th and 9th September, 2018.

51. MINUTE'S SILENCE

The Mayor invited Members, officers and the public to join in him a minute's silence following the recent deaths of Barry Elliott and former Mayor and Councillor, Peter Wootton.

52. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Andrews, Beck, Carter, Clark, B. Cutts, Hague, Khan, Jones, Price and Vjestica.

53. COMMUNICATIONS

There were no communications received.

54. MINUTES OF THE PREVIOUS COUNCIL MEETING

Resolved:- That the minutes of the meeting of Council held on 25th July, 2018, be approved for signature by the Mayor.

Mover:- Councillor Read

Seconder:- Councillor Watson

55. PETITIONS

The Mayor reported receipt of four petitions, three of which had not met the threshold for consideration by Council, and would be referred to the relevant directorate for a response to be prepared. The petition calling for CCTV in the memorial garden in Clifton Park which would be referred for consideration by the Overview and Scrutiny Management Board:-

- From the Stand Up for Rotherham Group calling on the Chief Executive of Rotherham Metropolitan Borough Council (RMBC) to write a letter of apology to every individual who did not have an annual assessment completed, as best practice required, under the Care Act 2014 between 1st August, 2017 and 31st July, 2018 and to state publicly how many individuals this affects.

Mr. L. Harron addressed the Council as part of the presentation of the petition seeking a letter of apology for every individual from the Chief Executive who had not had an annual assessment.

- Containing 1,921 signatures calling for CCTV in the memorial garden in Clifton Park.

Councillor Cooksey addressed the Council on behalf of the Spafford Family who were seeking CCTV to prevent further vandalism and make safe the quiet area of the memorial garden.

- Containing 300 signatures calling on the Council to provide for a Barber's Avenue Community Park.
- Containing 61 signatures opposing the proposed demolition of the former Kimberworth Infants School.

Mr. R. Wainwright addressed the Council requesting reconsideration of the demolition of the former Kimberworth Infants School and for this building to become a self-financing community hub.

56. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

57. PUBLIC QUESTIONS

(1) Mr. L. Harron asked following his question at the last Council meeting and the Leader's response, what action was taken after a Legal Officer referred his concerns on 12th January, 2016 to the Interim Director of Legal Services and Monitoring Officer and the Deputy Monitoring Officer. Further details on this matter had been provided by email on 25th July, 2018.

The Leader confirmed the Interim Director of Legal Services left the authority in March, 2016, and it was not possible to say what action was taken in response to the email.

When the Chief Executive met Mr. Harron in July, 2017 she confirmed that an independent review of his concerns would be welcome, but that it needed to be dealt with by the Information Commissioner and that the Council would take action based on the outcome of that review.

Mr. Harron raised his concerns with the Information Commissioner, who published their decision notice on 7th December, 2017. The Commissioner's decision was that the Council did not hold the requested information and had, therefore, complied with Section 1 of the Freedom of Information Act, but had failed to respond to the request within the twenty working day time limit.

The Leader believed Mr. Harron then raised the same concerns when he appealed to the First Tier Tribunal and that his appeal was heard last week and the Council was waiting for the outcome.

The Council's position remained that it would consider the outcome of the appeal and take any appropriate action.

In a supplementary question Mr. Harron indicated the information given by the Leader was false and he would evidence this. He did refer his concerns to the Information Commissioner's Office when he received some emails that he requested that took seven months to be provided. However, the Information Commissioner said he was out of time on that particular issue and have not, in fact, looked at this issue at all.

Mr. Harron, therefore, asked if he sent the Leader the information would he look into the matter again.

The Leader confirmed he would be more than happy to look into this.

(2) Mr. M. Sylvester asked could the Cabinet Member please confirm that an approach had been made by the Nexus Academy Trust to take over the running of the Addison Day Centre and if so what was the nature of services they proposed to offer if successful in taking over its management?

Councillor Roche confirmed there was an initial meeting over two years ago with Nexus which did not come to any specific conclusion. An options paper was also received in June, 2017. The options paper was not progressed at that time as it was unclear what the benefits would be.

However, a recent approach to the Council had been made by Nexus and a meeting had been arranged with the Assistant Director and the Learning Disability Transformation Team to discuss the use of the building. At this stage it was unclear what their proposal was.

It would appear there had been some misunderstanding thinking Nexus could simply take over the existing day care facility. It was made clear that this was not the case. The building would only come into alternative use once the service has closed. At that point Nexus, as well as any other provider, could request an asset transfer and this would be dealt with by the Asset Management Board in line with usual policy.

In a supplementary question Mr. Sylvester referred to the demand for learning disability day care centres and how Nexus had an excellent reputation for transforming local schools. Nexus would not show an interest in running the day care centres if there was not such a need or demand. Given this, and considering all the doubt and worry over the closures, would an alternative management of the centres not be considered rather than a straight closure system.

Councillor Roche was fully aware of the strengths of Nexus and what they brought to Rotherham's special schools, however, what was being proposed did not fit with the vision for learning disabilities. An alternative provision could not be considered until the centres were closed. Nexus or any alternative use provider could then come along and talk to the Council about an asset transfer.

(3) Mr. R. Symonds explained the Council had confirmed in response to a petition that 1,424 customers (39.19%) have not had a review or reassessment in the last twelve months (broken down into categories according to length of time) and asked what were the corresponding figures for learning disability customers?

Councillor Roche confirmed there were 752 Learning Disability customers, 424 (56.38%) that have not had a review or reassessment in the last 12 months, 114 (1-2 years); 70 (2-3 years); 164 (3-4 years) and 76 (over 4 years).

The Council did take this issue very seriously and was addressing this with a dedicated team of social workers undertaking reviews with the support of existing staff and, where necessary, advocates.

The data for 2017/18 was not currently available across all local authorities, however, this could be provided in writing with information from 2016/17 to provide an indication of the benchmark.

In a supplementary question Mr. Symonds referred to the Cabinet report on the 21st May, 2018 being silent on missed assessments and reviews and gave a false impression that each person had a review. Were Cabinet Members told about the number of service users that have not had a review or a re-assessment and if not why not. Did the Cabinet Member accept that this crucial mission called into question the propriety of the Cabinet decision to close the centres.

Councillor Roche explained Adult Social Care was in a different place to what it was a number of years ago. It now had a dedicated team to work on the new assessments. The Service realised and accepted that what happened in the past with assessments was not good enough and the Service was now confident it could move forward with the assessments through the new dedicated team.

In terms of the decision the report was two years in the making and included going to other authorities and best practice. All available information was brought before the Cabinet before a decision was made.

(4) Councillor Donna Sutton, Maltby Town Council, asked why did Rotherham Council not meet with Nexus to explore their proposal regarding Addison Day Centre, and why were all RMBC Councillors not informed of the NEXUS offer or involved in the decision making of the centre closures?

Councillor Roche confirmed he and an officer did meet with Nexus, but this was not progressed as it did not produce any viable options at that time. Possible uses of the building would continue to be explored. A meeting was scheduled with officers and Nexus in the near future.

As the Leader of the Council had reported it was a legal requirement for a decision regarding day centre and the future of learning disabilities to be taken by Cabinet was this as an executive decision of the Council.

In a supplementary question Councillor Sutton asked why had Town and Parish Councils not been personally approached or involved directly in the decision making process or in the purpose and uses of the building to be able to support the centres staying open.

Councillor Roche assumed the question referred to the consultation as Town and Parish Councils would not be involved in the decision making. He confirmed he would send a more detailed answer about the consultation, but broadly outlined that consultation commenced in November, 2016 and included expected Service users and their families which ran from 5th December, 2016 to 2nd February, 2017 and engaged 627 people. This led to a report to the Cabinet and Commissioners' Meeting.

As part of the consultation the Service also engaged with customers, information was placed in the local press and flyers were distributed. Information was also placed on the Council website to raise awareness of the consultation to the wider community. A more detailed answer on the process of consultation would be provided in writing.

(5) Ms. S. Healey referred to the Cabinet Member recently saying on television that the number of people wanting to go to day centres was going right down and asked what was this statement based on and specifically how many people have left Addison or the Oaks and not moved on to another day centre.

Councillor Roche explained people and families have higher expectations of an independent life in their community and want more control over their lives.

This change was reflected in the declining number of people who have accessed traditional building based 'day services'. Over the past two years there had been Oaks: 0, Addison: 2, Adpro: 4.

In September, 2016 there were 118 people attending Addison day centre and there were now 108, which meant ten people had left. In September, 2016 there were 121 attending Oaks day centre and there were now 84 people attending, which mean 37 had left. Unfortunately, there were no other Council owned day care centres which meant none of these Service users had moved onto another Council run centre.

People and families were saying they expected support and services to be more person centred, flexible, available during the day, evening and weekends and as close to where the person lived as possible and community based. People and families wanted more opportunity to contribute and be part of mainstream life.

A number of people have a mixed package of support which included access to a range of services.

In a supplementary question Ms. Healey asked if the Cabinet Member was aware that in 2015 social workers were told to dissuade people from using traditional day centres and if he was aware why was this done.

Councillor Roche confirmed he was aware of the rumours and raised this issue with the then Strategic Director and made it clear that this should not happen.

(6) Mr. R. Wainwright asked had the Council explored any other avenues for the community use of the former Kimberworth Infants School, other than demolition, and if so who and what were they, and would the Council be prepared to put the decision on hold until these other avenues have been explored?

Councillor Lelliott explained the Council did consider the option to make the building available for expressions of interest from the community, however, it was decided not to on the basis of:-

- The Council still had an operational need for the site (but not the building).
- The condition of the building and its annual running costs would require a substantial investment by a community group and the Council could not offer any security on the length of tenure on any Community Asset Transfer.
- The building was located on the wider site in such a way that any future development of the whole site would be reliant on the Council maintaining control of this area of the site.

- The costs to secure such a vacant building are £100k pa.

The Council would not be putting the demolition on hold due to the reasons outlined and the costs associated with other options.

In a supplementary question Mr. Wainwright asked how the removal of the building fitted in with the new neighbourhood working strategy which involved devolving power down to local communities. He believed the obligations at officer level had not been fulfilled with regards to consulting with other parties and asked could he please be provided with a copy of the new Asset Review Strategy in relation to this building.

Councillor Lelliott confirmed this would be provided in writing.

(7) Mrs. M. Hudson referred to Councillor Roche saying "assessments will take into account the wishes, preferences and outcomes sought by the individual" and asked what if the individual was happy and benefiting from current service provision and wished to remain with existing arrangements?

Councillor Roche confirmed that where an assessment identified that an individual had needs for care and support then the Council must decide if the unmet needs met the national eligibility criteria, consistent across England, and how the provision of care and support could contribute to the outcomes that the customer wished to achieve. While the Council could not commit to the support being provided by the current building and service it would ensure that any unmet needs and personal outcomes were taken into account.

In a supplementary question Mrs. Hudson asked if the Council was going to ignore the needs of a person with learning disabilities and move them to another service. She further asked what would happen to the carers of these people and would the Council force people to move from services they were happy with to others they did not want to move to.

Councillor Roche explained the reports outlined the vision of Adult Social Care over the next two years whilst moving towards closure of Addison and Oaks day centres. Assessments would take into account needs and wishes of both the carer and the service user.

(8) Mrs. M. Reed referred to it being five years since her daughter had a care assessment or a review, but when she used to have them they were done by qualified social workers and now asked why were they now being undertaken by unqualified workers?

Councillor Roche confirmed in all Adult Care Services there were qualified and unqualified staff undertaking assessments, this included qualified occupational therapists as well as occupational therapy assistants.

The Care and Support (Assessment) Regulations 2014 set out that a local authority must carry out an assessment in a manner which was appropriate to the needs and circumstances of the individual to whom it related and ensure that the individual was able to participate in the process as effectively as possible.

Assessors must be appropriately trained and competent whenever they carry out an assessment and have the skills and knowledge that related to a specific condition or could identify the circumstances when they may need to consult with someone with expertise in a particular matter prior to completing the assessment.

Dependent upon complexity, assessments may sometimes be co-worked or transferred to a more experienced worker if the situation dictated. Should any safeguarding issues arise, they would always be undertaken by qualified social workers.

In a supplementary question Mrs Reed referred to the report that went to Cabinet on the 21st May, 2018 when the decision was made to close the day centres and indicated that each person would have a review based on a person's centre approach which would inform the Services that the Council would need to cover to meet their individual needs by 2020. This indicated that a dedicated team of social workers and existing staff would undertake the reviews. She asked did the Cabinet Member consider the statement to be accurate and Cabinet Members were misled as clearly each person did not have a review and those that had had reviews were not necessarily carried out by social workers.

Councillor Roche confirmed that all the assessments were carried out by qualified staff as was the case across all England. He confirmed the Cabinet were given the full facts.

(9) "T" referred to all the positive feedback from her event "Other Words For Anger" (OWFA) on 29th June, 2018, and her wish to do even more to support adult survivors of CSE and asked in what ways were officers and Councillors at RMBC prepared to work with her.

The Leader thanked "T" for her question and the invitation to the event on the 29th June and appreciated the contribution being made.

The Council was reviewing its post-Abuse Services and officers had approached individuals who have expressed an interest in being part of the process.

"T" had met with the Assistant Chief Executive to discuss support and he was in the process of looking of what could be done further. The Leader was happy to follow this up if there were more specific ideas to take forward.

In a supplementary question "T" confirmed that on Sunday she had started fundraising for the first objective and all Councillors were sent an email about this.

The first objective was to build on holding follow up events and an annual event. A series of art workshops were now scheduled starting on 13th September, 2018 for adult survivors of CSE. "T" was delighted that ROAR were supporting the initial workshops and in response to the email on Sunday one Councillor had agreed to pay for the venue for six weeks from their Community Leadership Fund. She, therefore, asked if Councillors were prepared to provide some funds to support the next annual event.

The Leader was unable to make any spending commitments due to the budget position, but was happy to take up the conversation of looking at funding some event space.

58. 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.

59. LEADER OF THE COUNCIL'S STATEMENT

The Leader of the Council was pleased to offer his congratulations to the young people of Rotherham who achieved amazing exam results with a 99.1% pass rate at "A" Level which was an increase on last year with further progress on GCSE results. The provisional GCSE results for students was 60.6% with four or more subjects, including English and Maths and 38% of students with five or more subjects, including English and Maths. He thanked everyone involved including parents and the schools for their contributions.

Attention was also drawn to the forthcoming Rotherham Show, which was the biggest open access outside event in the north of England this weekend - 8th and 9th September, 2018.

60. 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 6th August, 2018, be received.

Mover:- Councillor Read

Second:- Councillor Watson

61. CABINET RESPONSE TO RECOMMENDATIONS FROM SCRUTINY REVIEW - DRUG AND ALCOHOL TREATMENT AND RECOVERY SERVICES

Further to Minute No. 25 of the meeting of the Cabinet held on 6th August, 2018, consideration was given to the report which detailed the outcome of the spotlight review that aimed to ensure the Drug and Alcohol Service, operating within a reduced budget, would provide a quality, safe service under the new contract.

The Cabinet considered and agreed the response enclosed 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 Drug and Alcohol Treatment and Recovery Services set out at Appendix A to this report be noted.

(2) That the response be referred to the next meeting of the Health Select Commission on 6th September, 2018.

Mover:- Councillor Roche

Seconder:- Councillor Read

62. AUDIT COMMITTEE ANNUAL REPORT 2017/18

Further to Minute No. 20 of the meeting of the Audit Committee held on 30th July, 2018, consideration was given the submitted Annual Report 2017/18 which brought together in one document a summary of the work undertaken by the Audit Committee.

The Chartered Institute of Public Finance and Accountancy (CIPFA) had issued guidance to local authorities to help ensure that Audit Committees operated effectively and recommended that they should report annually on how they have discharged their responsibilities.

Resolved:- That the contents of the Audit Committee Annual Report 2017/18 be noted.

Mover:- Councillor Wyatt

Seconder:- Councillor Walsh

63. OVERVIEW AND SCRUTINY UPDATE

Councillor Steele, Chair of the Overview and Scrutiny Management Board, provided an update on the latest work carried out by the Overview and Scrutiny Management Board and the Select Commissions - Health, Improving Lives and Improving Places over the last few months.

The majority of the work included that of pre-scrutiny and he reported the Cabinet had accepted nearly all the recommendations put forward. His thanks were offered to all scrutiny colleagues.

Further information was also provided on the work undertaken by the other Select Commissions carried out on behalf of the Council, which included:-

Health – evaluation of outside organisations and their procedures to ensure people's health was fit for purpose.

Improving Lives – ongoing updates on child sexual exploitation and domestic abuse and challenge to officers.

Improving Places – consideration of modular housing involving visits to other areas as well as continued scrutiny of the contract with Dignity.

The work taking place demonstrated the value of scrutiny and plans were in place to work with Voluntary Action Rotherham in the next few months to explore collaborative working and further scrutiny.

In seconding the report Councillor Cowles, Vice-Chair, confirmed three visits had been made to areas with modular housing as part of the scrutiny review and the review group were now at the stage of preparing a report which he hoped members would find interesting.

Councillor Cowles did express some concern about some of the issues presented to scrutiny recently and had questioned these appropriately.

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

Mover:- Councillor Steele

Seconder:- Councillor Cowles

64. MEMBERSHIP OF COMMITTEES, BOARDS AND PANELS

Further to Minute No. 190 of the meeting of Council held on 23rd May, 2018, consideration was given to the following proposed changes to the membership of committees, boards and panels:-

Committee, Board or Panel	Outgoing Member	New Appointment
Health Select Commission	Councillor Marriott	Councillor John Turner
Improving Lives Select Commission	Councillor Allcock	Vacancy
Licensing Board	Councillor M. Elliott	Councillor Marriott
Planning Board	Councillor Ireland	Councillor Steele

Resolved:- That the appointments be approved.

65. AUDIT COMMITTEE

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

Mover:- Councillor Wyatt Second:- Councillor Walsh

66. HEALTH AND WELLBEING BOARD

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

Mover:- Councillor Roche Second:- Councillor Mallinder

67. PLANNING BOARD

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

Mover:- Councillor Sheppard Second:- Councillor Williams

68. LICENSING BOARD SUB-COMMITTEES

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

Mover:- Councillor Ellis Second:- Councillor Beaumont

69. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS

(1) Councillor Carter was unable to attend today's meeting so his question would be responded to in writing by the Designated Spokesperson for South Yorkshire Fire and Rescue Service.

(2) Councillor R. Elliott referred earlier this year to Labour amending the UKIP motion – Reinstatement of the second appliance in Rotherham adding “when finances become available”.

Recent published accounts showed a further £2.1m would be made available to the general fund and Councillor Elliott asked when would the second appliance be reinstated ensuring the ongoing safety of residents throughout the night?

Councillor Atkin explained South Yorkshire Fire & Rescue recognised that a responsible and transparent course of action must be adopted in order to generate the £1.4m savings per annum that the use of CPC had delivered; this must also be in the context of providing the best possible service to the people of South Yorkshire within the budget that was available.

The Chief Fire Officer and his senior leadership team had therefore recommended a number of options for the South Yorkshire Fire Authority to consider as a response to the recent legal judgement.

After consideration, the Fire Authority duly directed the Chief Fire Officer to prepare a revised Integrated Management Plan. The planning process requires that a service periodically reviews resource disposition in light of the changing environment in which it functioned, and the production of an IRMP was regulated via the Home Office Fire and Rescue National Framework 2018. Once the Fire Authority had approved the new draft IRMP, the Service would engage in wide ranging public consultation, including with the local Authorities, on the proposals and the impact that they were likely to have across the whole of South Yorkshire, no other guarantee could be provided at this time.

In a supplementary question Councillor Elliott made reference to the fire brigade being recently required to support the Police during the night in a search and rescue operation due to reduced manpower leaving no fire coverage whatsoever. The fire appliance was moved from Dearne to Rotherham leaving no cover and he questioned was it going to take a major incident like Grenfell and urged for the second appliance to be reinstated immediately.

Councillor Elliott heard the argument that an additional £1.4 million was needed to cover the removal of CPC but this was deemed illegal. This left £750,000 which would more than cover the second appliance. This was on top of the additional £20 million which was ear marked for capital projects. He, therefore, asked would Councillor Atkin please make ensure current fire authority accounts were made publically available and subject to a full scrutiny review showing that there was sufficient funds available to support the funding of the second appliance and that Labour honoured their commitment to do so.

Councillor Atkin explained the accounts of the Fire Authority were publically available, open to scrutiny and were externally audited.

In terms of CPC the Fire Authority had been told it was illegal so this could not be done. However, to reinstate to a normal crewing system at all stations would cost £1.4 million with an extra sixty firefighters. This, combined with the extra pension costs, would mean that the reserves would soon be depleted.

70. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRMEN

(1) Councillor Jepson asked why the Rotherham Bus Partnership advertised on national television, why was this considered necessary for a local service and what was the cost to the Council as a member of this organisation.

The Leader confirmed the advertising element of the Rotherham Bus Partnership (RBP) was funded through its own Marketing and Promotions budget, to which the Council did not financially contribute. This budget was supported solely by the Bus Operators.

In relation to the Rotherham Bus Partnership paying for national advertising, this did not happen. Owners of digital smart televisions received bespoke advertisements during 'ad breaks' on national TV stations based on their demographic and geographic location. For example Members may have seen an advert on a national TV channel for local buses, this would not have been a National Advert where people in other parts of the country would have received it.

(2) Councillor Napper asked would R.M.B.C. promote the teaching of ancient history in our schools?

Councillor Watson confirmed Local Authority maintained schools were required to follow the National Curriculum. The teaching of history in the UK and the ancient world was included in the History Curriculum for KS1 pupils (5-7 year olds), KS2 pupils (7-11 year olds) and KS3 pupils (11-14 year olds).

Academies did not have to follow the National Curriculum, but the vast majority of them did as national tests and examinations were based on their content.

Therefore, the response to the question was 'Yes,' RMBC did promote the teaching of ancient history in its schools as it was a key element of the History National Curriculum.

In a supplementary question Councillor Napper referred to the young people of today who had the misconception that the Jews of Israel had pinched Jerusalem, which was not accurate so if schools taught history correct they may get rid of some of the conflict that had arisen.

Councillor Watson confirmed that all young people should be educated about the world, but the difficulty in schools was that examples in the national curriculum were non-statutory and schools could choose which bits of ancient history were actually taught.

(3) Councillor Jepson asked how many households have signed up to the new green waste collection service that was due to start in October?

Councillor Hoddinott confirmed that as of this morning 2,530 households had signed up to the green waste collection.

In a supplementary question Councillor Jepson asked what percentage this was out of the total households in Rotherham.

Councillor Hoddinott confirmed that it was approximately 2% of the total households.

(4) Councillor M. Elliott referred to Ulley Country Park recently having signage erected indicating the only means of payment was by mobile phone, using either a Debit or Credit Card and asked would the Cabinet Member for Green Spaces consider re-installing the coin operated ticket machine to operate alongside the RINGO SYSTEM of payment?

Councillor Allen had spoken to Councillor Elliott on this already so was aware of the changes that had been implemented. The reason why the car parking payments were recently changed to the 'Ring and Go' system was because over the years various machines have either been vandalised or stolen.

The system operated effectively at a number of other Council car parks, particularly where they were in isolated locations.

However, Kevin Burke (Countryside and Ecology Manager) was in discussions with the Park user group and friends group to see what additional measures could be put in place to make the parking charge as accessible as possible and this was being considered.

It was worth noting that people could pay via the internet before leaving home or purchase annual/biannual car parking pass from the Park.

In a supplementary question Councillor Elliott confirmed the Ringo system was causing some confusion and not everyone was in possession of a mobile telephone or payment cards. He pointed out that some visitors were parking on the busy main road and on the access to the car park to avoid being fined and the Council should be encouraging visitors and not deterring them. He urged the Cabinet Member to reconsider the payment options.

Councillor Allen confirmed she was aware of the parking that was now taking place, but urged everyone to ensure they always carried a mobile telephone with them for their own personal safety.

(5) Councillor Jepson asked had there been any savings made as a result of the reduced number of grass cuts that have taken place due to the exceptionally dry summer weather.

Councillor Allen explained the period of dry weather saw the suspension of grass cutting when grass growth slowed down and cutting was not required. This resulted in some limited savings achieved relating to fuel and grass cutting equipment maintenance. However, given the unpredictable nature of the weather, seasonal staff were not laid-off. Instead they were deployed on alternative duties to improve the street scene environment including the removal of weed growth from key routes into the borough, snickets and heavily weeded areas. So whilst the good weather did not allow the Council to make any savings, it did allow for additional work to be undertaken that improved the street environment across Rotherham.

(6) Councillor Napper asked what was R.M.B.C. position with regards to women only session at Rotherham Leisure Centre.

Councillor Allen explained the women only sessions provided were mainly demand led and the evidence of need was demonstrated by attendance, as all the sessions were well attended on a regular basis. In addition funded programmes were offered in order to increase participation from women and girls through the 'This Girl Can Swim' programme, which had delivered sessions across the four leisure centres.

The provision of women only sessions was a continuation of service provision that was provided at the Council's old leisure facilities. The service was developed based on customer feedback and relevant research undertaken by the Council as well as recognised organisations such as Sport England and the Women's Sport and Fitness Foundation. There was also a process of meetings and discussions with a range of individuals, groups and organisations that took place in advance of the new leisure centres opening in 2008/9 and this confirmed the need for the sessions to continue.

The Council understood that it will remain lawful for service providers (and associations in their capacity of providing services to their members) to provide separate services for persons of each sex, to offer different services to persons of each sex, or to offer single-sex services where certain circumstances apply. This will be where it is not as effective to offer the service jointly to men and women and the single sex restriction is objectively justifiable. For example: A swimming pool may offer women-only sessions as certain women may feel uncomfortable swimming in front of men. To allow women-only sessions may widen access to facilities for women without disproportionately restricting access to the facilities at

other times. If this were the case, women-only sessions would not be unlawful under the Equality Act 2010.

In a supplementary question Councillor Napper asked what was the legal position in having women only sessions and could men only sessions be provided.

Councillor Allen confirmed that should there be sufficient demand and evidence for men only sessions to be provided at leisure facilities, the Council would work with its partners P&P Leisure to give it full consideration, but could not of course guarantee to meet all requests for service.

To date there had not been any demand for a general public men only session, but at least one men only programme had been run, sponsored by the Hairy Bikers and focused on weight loss.

(7) Councillor Reeder asked for a breakdown of the running costs of the day centres and how much had been budgeted for the Service users after closure thus giving a clear view as to how RMBC were going to save the £3 million that they were proposing to achieve.

Councillor Roche confirmed the savings on the running costs of existing facilities (based on full closure) were £2.895m. The building costs were different from the user costs so could not be put together.

(8) Councillor Carter would receive an answer to his question in writing.

(9) Councillor Napper referred to the L.G.A. setting up a national register for taxi and P.H.V. drivers (NR3) and run by National Fraud Network at Tameside M.B.C. and asked would R.M.B.C. be joining at a cost of £1050 per annum.

Councillor Ellis confirmed the Council already subscribed to the National Anti-Fraud Network (NAFN) and uses the service for a range of enforcement and investigative purposes. The National Register of Revocations and Refusals (NR3) went live in August 2018, and the Council's Licensing Service would undertake a check of the database as part of the process of assessing an applicant's fitness to hold a Hackney Carriage/Private Hire Driver's license in Rotherham.

Licensing officers and Members recognised that weaknesses in current legislation could be exploited by certain individuals who may seek a license in another part of the country with the intention of working in Rotherham. Some of these individuals may have been previous license holders in Rotherham and had their licenses revoked as a result of information that had been received by the licensing service. The service had made numerous representations to Central Government departments

in an attempt to address this issue, and had advocated the development of a national database that would allow local authorities to check the licensing history of individuals that made applications to them.

Council licensing officers initially contacted NAFN in March, 2017 and suggested that a shared database of revocations and refusals would be useful, and that the existing NAFN system could be adapted to provide this. Following this contact, other local authorities expressed an interest in the scheme and a "local authority user group" was established in July 2017 (hosted by the Local Government Association). Officers from Rotherham MBC were part of this user group, and over subsequent months officers were involved in the development and testing of NR3.

In a supplementary question Councillor Napper asked if the Council could lobby Rotherham's three Members of Parliament to push Clive Betts to get a national licensing strategy.

Councillor Ellis confirmed all three Members of Parliament were kept informed and kept up-to-date and discussions were now taking place with the Mayor of the Combined Authority to strengthen the voice.

(10) Councillor Carter would receive an answer to his question in writing.

(11) Councillor Cowles referred to a Lincolnshire Council having announced it is buying commercial properties in Sheffield as part of its strategy to fund social services and asked could the Cabinet Member advise if she was aware of whether or not they have bought any property in Rotherham?

Councillor Lelliott explained the Council was not aware of any Lincolnshire Council's property holdings in Rotherham.

In a supplementary question Councillor Cowles confirmed he recently attended a conference in London on commercial strategy and it seemed that there were many Councils and Local Authorities who had developed a commercial strategy. For example to name a few, Northumberland had a development company, Lincolnshire had bought a hotel and gym in Sheffield and Leeds had just implemented a new incinerator that burnt waste and produced hot water for social housing with 10% energy reduction costs for residents. He was aware Rotherham had a single unit at the Advanced Manufacturing Park, but this did not compare of what many others were doing so asked if the Council had any intention of developing a commercial strategy and if not, why not since people were doing this for the simple reason of developing a revenue stream to fund social services rather than announcing closures.

Councillor Lelliott confirmed the unit at the Advanced Manufacturing Park had not been supported by the opposition. However, further consideration was being given to the Beighton link project and where

further opportunities arose these would be explored in order to get the best for the residents of Rotherham.

(12) Councillor Carter would receive an answer to his question in writing.

(13) Councillor Napper referred to residents of Sandhill asking if the top 50 metres of Sandhill Road could revert back to two way traffic as ambulances etc. have to detour 500 to 800 metres with the exit view blocked by parked vehicles so why not.

Councillor Hoddinott had received advice to indicate that this fell far short of the minimum standards set out in the Department for Transport's advice for the Geometric Design of Major/Minor Priority Junctions TD 42/95 and suggested that she arrange for a meeting with Councillor Napper and officers for them to go through the technical detail and reasons for its layout.

In a supplementary question Councillor Napper argued officers had replied that it was Government advice for exits around that area, but when it came to Government advice this was not followed in relation to Ravenfield crossroads. Looking at this area with the exit onto North Street there were vans parked on both sides delivering to shops and traffic had to go into the middle of the road to see to come out. He asked could it either be made to "no parking" to keep it clear as no one used that stretch. There were no shops at the top of Sandhill Road so could officers take a further look.

Councillor Hoddinott confirmed she would facilitate a visit with officers and Councillor Napper.

(14) Councillor Cowles stated, having discussed Eastwood at the last meeting, the Cabinet Member told us about the wonderful mural created in Eastwood. He had visited that evening to take a look and guess what no mural and it was actually started on the 16th August, 2018, and he asked was it the Cabinet Member's policy to mislead the Council in order to create a false impression?

Councillor Hoddinott referred to the progress on this project which had been documented on social media.

The local community project led by volunteers involved a number of stages in the creation and completion of the mural; celebrating history and landmarks. The process started back in March with a community clean up and on the 9th and 10th June painting of the walls commenced in preparation, identifying designs and then transferring those to the walls and whilst it was not yet finished good progress was being made. The Cabinet Member asked if Councillor Cowles wished to support the community with their painting.

In a supplementary question Councillor Cowles quoted from the previous minutes of Council referring to the recent work in the subway transforming the area with the mural which had been created – no mural had been completed nor was there any mention the smell which had not improved and asked again was it the Cabinet Member's policy to mislead people.

Councillor Hoddinott confirmed there was a mural design which had been shared. The work had commenced in the subway with the base paints already being completed.

(15) Councillor Carter would receive an answer to his question in writing.

(16) Councillor Cowles referred to the Budget approved by the Council which included savings for 2017/18 of £100k in relation to enhanced enforcement of environmental crime. Based on 8,000 fines and working with Doncaster the business case showed a shortfall of £77,900 and asked was this proposed saving brought to scrutiny without prior proper evaluation?

Councillor Hoddinott confirmed the report to Cabinet and Commissioners in December, 2017 outlined that the Budget approved by Council on 8th March, 2018 included savings for 2017/18 of £100,000 in relation to enhanced enforcement of environmental crime. However, it was made clear that "...until the procurement process has been completed and details of the arrangements with Doncaster have been finalised it is not possible to report on what the final financial position will be although it is expected to achieve a saving. Should there be any budget shortfall this would need to be met from savings elsewhere in the Directorate and would require the approval of Cabinet due to the fact that the currently approved savings would be being delivered by a different means."

The pilot that was the initiative proved successful with a big increase in the number of fines for dog fouling and litter which were big concerns for the public. That pilot was useful and provided not only additional revenue, but allowed the Council to look at some of the costs through that process.

The Cabinet and Commissioners then agreed the shared service with Doncaster to move this forward and at that point it was made very clear until the process was completed the exact costs were not known. It was worth pointing out that this was additional money coming into the Council through an initiative and achieved enhanced enforcement alongside a surplus to the Council.

In a supplementary question Councillor Cowles referred to the hard work of scrutiny and in particular the Chair who pushed himself and the team hard. The team were required to attend meetings every two weeks, attend pre-scrutiny meetings and work through potential questions. The report on the website offered three options. Successful trial - no additional people were required and the option brought to scrutiny did not

require anyone else to run it and was brought as a £100,000 saving. The second was for the Council to employ additional administrative staff in Rotherham which had reduced the savings and the third option to work in conjunction with Doncaster which was the most expensive and created a shortfall of £80,000. This was from the cost conscious Cabinet Member who claimed to have taken Dignity to task and achieved the best deal, yet the least effective solution was chosen whilst wasting the time of scrutiny in asking them to evaluate an option based on recruiting no extra people.

Councillor Cowles was in favour of shared services, but from experience they saved money, but also cost money. The report talked about mitigation but there was no mitigation. Why bring savings for scrutiny to spend time looking at and raise questions and do something completely different which cost more money. He would be speaking and/or writing to the Chair of Scrutiny as it was not acceptable.

Councillor Hoddinott in response had taken this to scrutiny with all the options and the shared option was supported. Discussion had taken place around the pilot, the back office administration and she considered the shared service to be a good way forward. The estimate of the savings put forward was now back to officers to look at further savings around this.

(17) Councillor Carter would receive an answer to his question in writing.

(18) Councillor Cowles asked why, after repeated complaints about anti-social behaviour in Eastwood, had the Eastwood Deal not been amended to include the use of a 'community trigger'.

Councillor Hoddinott confirmed a Community Trigger could only be applied to individual incidents and not to a whole community. The Eastwood Deal covered the whole community and was a multi-agency response to some of the issues in that area.

In a supplementary question Councillor Cowles believed there were a number of incidents in Eastwood that would have triggered a response. There was one in place at Page Hall providing results and was having a positive effect on the problems they were experiencing. He asked the Cabinet Member again why there was not a similar facility in Eastwood

Councillor Hoddinott pointed out it was worth going back to understand what a Community Trigger was; it came from the community in response to anti-social behavior incidents. The Community Trigger could be called for by either a victim of anti-social behaviour or another person acting on their behalf such as a Carer, family member, Member of Parliament or Councillor. It would not be the Council who called for the trigger as it would be the Council that responded. The Council would need to look at issues and respond to the concerns with partners and act accordingly.

(19) **Councillor Cowles** referred to Councillor Sansome and himself having visited the Police and Crime Commissioner in July to discuss the poor performance of the 101 call and connect service. He expected that by now the Leader had been briefed on what we found and asked what conclusions had the Leader reached and what did he intend to do about it?

The Leader paid testimony to the work by Councillor Sansome, the Police and Crime Panel representative, who had had a meeting with the Police and Crime Commissioner and raised his concerns about the 101 service. He had also, at his urging, written to the Police and Crime Commissioner regarding the steps the Police were taking to address the problems and not routing internal calls through the 101 service.

In a supplementary question Councillor Cowles would have thought that the Police and Crime Panel representative would have briefed the Leader. He outlined what he had found:-

- Two proposed implementation dates – both failed.
- Would not provide a future date, unlikely this year.
- Asked for documentation for the quality and project plan – not received.
- Asked about commercials – commercially sensitive.
- Not chosen a tiered telecommunications/software provider.
- Software provider unheard of for such an important project.
- Told concerned if too much financial pressure on provider may go bust.
- This was taxpayers' money and hardly surprising Labour showed no interest.

He asked again what did the Leader intended to do about it.

The Leader confirmed he would keep sending the Labour representative to the Police and Crime Panel who took an interest in this subject and was vociferous about the concerns unlike the UKIP representative who was advised and never raised this issue.

71. URGENT ITEMS

There were none.



Metropolitan Borough of Rotherham

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

Mr. R. Wainwright,
1 South Road,
Kimberworth,
ROTHERHAM.
S61 1ET

24th September, 2018.

Dear Mr. Wainwright,

Council – 5th September, 2018

At the Council Meeting on the 5th September, 2018 you asked a “how the removal of the building fitted in with the new neighborhood working strategy which involved devolving power down to local communities. I believe the obligations at officer level had not been fulfilled with regards to consulting with other parties and could I please be provided with a copy of the new asset review strategy in relation to this building.”

I confirm that public consultation was not required for the Council to take the decision to demolish the building as consultation is only required if a building and its associated land is deemed surplus to the Council's requirements and a disposal is proposed. Should any land and its property have been declared surplus then further consultation would have been carried out.

Local Ward Councillors were informed of the decision to demolish in February, 2018.

You requested a copy of an “Asset Review Strategy”. The Council does not have such a document. The Council does have an Asset Management Plan which incorporates an Asset Management Policy and Strategy and I attach a copy of this. The Council also has a set of Asset Transfer Policy Principles and again a copy is attached.

In addition at the Cabinet meeting on the 17th September, 2018 you asked a three part question:-

(1) Who other than the Ward Councilors was consulted and did the Council explore all avenues to involve or find any interested parties, did the Council explore the possible benefit to the community and determine what the demand for this building would be, did the Council discuss or consider or determine what other uses there could be for this building and if so who and what were they?

- 2 -

I can confirm the decision to close the building was taken at the 13th February 2017 Council meeting as part of the Budget setting process. <http://modgov-pdb/documents/g13639/Public%20reports%20pack%2013th-Feb-2017%2010.00%20Cabinet%20and%20Commissioners%20Decision%20Making%20Meeting%20during.pdf?T=10>

The Leader of the Council, The Cabinet Member for Jobs and the Local Economy, the Strategic Director Regeneration and Environment and the Assistant Director Planning, Regeneration and Transport were all consulted on the demolition.

As the site is not available for disposal no one else was consulted or any other third parties approached.

(2) Was there a stakeholder or any other list made or a list made of any other stakeholders or anybody else before the decision was made to dispose of this building?

Again I confirm no decision has been made to dispose of the building/site as the land is being retained for Council use.

The Council would only consult and draw up lists of potential stakeholders if disposal was an option for a site, which in this case it was not.

(3) Why the community was not informed of the community right to bid for community asset transfers?

I can confirm Right to Bid and Community Asset Transfers are only relevant if a site is being disposed of. This site is not being disposed of. It is being retained in Council ownership.

Yours sincerely,

Denise Lelliott

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



Metropolitan Borough of Rotherham

***Town Hall,
Moorgate Street, Rotherham, South Yorkshire. S60 2TH
Telephone 01709 822721/2***

My Ref.
AA/EJH

Your Ref.

Telephone

Extension

Fax No.

Cllr Adam Carter
Town Hall
The Crofts
Moorgate Street
ROTHERHAM
S20 2TH

BY EMAIL

6 September 2018

Dear Cllr Carter

Further to the question that you were going to ask at the full council meeting but were unfortunately unable to attend. Please find below a written response.

“Will the spokesperson guarantee that no further cuts to on call fire pumps will take place after the Fire Authority’s close proximity crewing was found to be illegal?”

South Yorkshire Fire & Rescue recognise that a responsible and transparent course of action must be adopted in order to generate the £1.4m savings per annum that the use of CPC has delivered; this must also be in the context of providing the best possible service to the people of South Yorkshire within the budget that is available.

The Chief Fire Officer and his senior leadership team has therefore recommended a number of options for the South Yorkshire Fire Authority to consider as a response to the recent legal judgement. After consideration, the Fire Authority duly directed the Chief Fire Officer to prepare a revised Integrated Management Plan. The planning process requires that a service periodically reviews resource disposition in light of

the changing environment in which it functions, and the production of an IRMP is regulated via the Home Office Fire and Rescue National Framework 2018. Once the Fire Authority has approved the new draft IRMP, the Service will engage in wide ranging public consultation, including with the local Authorities, on the proposals and the impact that they are likely to have across the whole of South Yorkshire.

I'm afraid, as members will understand, as less and less funding is available, no other guarantee can be provided at this time.

I hope the above information adequately addresses your question.

Yours sincerely

A Atkin

Councillor Alan Atkin

Designated Spokesperson on South Yorkshire Fire and Rescue Service

Cllr David Roche

Riverside House
4th Floor, Wing B
Main Street
Rotherham
S60 1AE

☎ (01709) 823566

💻 david.roche@rotherham.gov.uk

Councillor A Carter
c/o Rotherham Town Hall
Moorgate Street
ROTHERHAM
S60 2TH

BY EMAIL

6 September 2018

Dear Councillor Carter

Further to the question that you were going to ask at the full council meeting but were unfortunately unable to attend. Please find below a written response.

“What are the legal costs accrued by the council so far in defending the changes to adult day care centres?”

I can confirm that there have been no legal costs accrued so far.

I hope the above information adequately addresses your question.

Yours sincerely



Cllr David Roche
Cabinet Member for Adult Social Care and Health

*Deputy Leader - Cllr Gordon Watson*Riverside House
4th Floor, Wing B
Main Street
Rotherham
S60 1AE

☎ (01709) 822701

💻 gordon.watson@rotherham.gov.ukCouncillor A Carter
c/o Rotherham Town Hall
Moorgate Street
ROTHERHAM
S60 2TH**BY EMAIL**

7 September 2018

Dear Councillor Carter

Further to the question that you were going to ask at the full council meeting but were unfortunately unable to attend. Please find below a written response.

"The crossing patrol person has been cut on Bawtry Road in Brinsworth. Please provide the report and rationale behind this?"

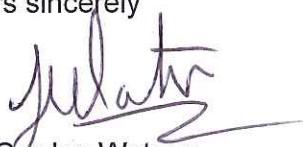
The Cabinet report on 14th November, 2016 (<http://modgov-p-db/documents/g13636/Agenda%20frontsheet%2014th-Nov-2016%2010.00%20Cabinet%20and%20Commissioners%20Decision%20Making%20Meetin g.pdf?T=0>) relating to School Crossing Patrols agreed that:-

1. the Council will fund school crossing patrols at crossing points only where national and local road safety criteria are met.
2. That a full independent survey review of school crossing patrol points take place every four years. There will be a requirement for the survey to take place in 2017/18.

The survey completed in October 2017 identified several changes and the School Crossing Patrol Point on Bawtry Road, Brinsworth did not meet the criteria for provision. The school was notified that from the end of the academic year 2017/18 the Council would no longer fund the provision of the service. Brinsworth Manor School was approached to offer a charged Service Level Agreement to enable the service to continue, they declined to take up this offer and so the Crossing Patrol ceased.

I hope the above information adequately addresses your question.

Yours sincerely


Cllr Gordon Watson
Deputy Leader

Councillor Denise Lelliott

Riverside House
4th Floor, Wing B
Main Street
Rotherham
S60 1AE

☎ (01709) 823566

💻 denise.elliott@rotherham.gov.uk

Councillor Adam Carter
Town Hall
The Crofts
Moorgate Street
ROTHERHAM
S60 2TH

BY EMAIL

10 September, 2018

Dear Councillor Carter

Further to the question that you were going to ask at the full council meeting but were unfortunately unable to attend. Please find below a written response.

“Does the council currently recycle single use cups used and sold in council buildings? And if not why not?”

I can confirm that the single use cups used and sold in council buildings are recyclable. The current arrangements with Waste services allow paper and card, cans and glass to be recycled at Council buildings. However at present coffee cups cannot be recycled.

The Asset Management Service and Waste Services as part of the ongoing work relating to recycling are currently working to agree a new recycling plan for Council buildings and the future recycling of these cups will be addressed as part of this piece of work.

Yours sincerely



Councillor Denise Lelliott
Cabinet Member for Jobs and the Local Economy

Cllr Saghir Alam

Riverside House
4th Floor, Wing B
Main Street
Rotherham
S60 1AE

☎ (01709) 55959

💻 saghir.alam@rotherham.gov.uk

Councillor A Carter
c/o Rotherham Town Hall
Moorgate Street
ROTHERHAM
S60 2TH

BY EMAIL

6 September 2018

Dear Councillor Carter

Further to the question that you were going to ask at the full council meeting but were unfortunately unable to attend. Please find below a written response.

“How many official complaints about social services are made each year and how does that compare to other councils in South Yorkshire?”

In 2017/18, the Council received a total of 318 complaints relating to social services, 91 in relation to Adult Services and 227 in relation to Children's Social Care. This is a modest increase of 2% on the previous year and indicates that complaints relating to social services are relatively stable.

Benchmarking is undertaken on a voluntary basis via the Yorkshire and Humber Complaints Manager Group and therefore does not include most councils in the region.

Only five authorities provided the data relating to Children's Social Care in 2017/18, of which one authority reported a higher number of complaints than Rotherham.

Only seven authorities provided information about Adult Social Care, with Rotherham being a middle ranking authority on this basis.

Table One: Rotherham Metropolitan Borough Council – complaints at all levels

Service	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Adult Services	88	76	73	76	90	91
Children's Social Care	73	72	151	195	221	227
Total	161	148	224	271	311	318

I hope the above information adequately addresses your question.

Yours sincerely

S Alam

Cllr Saghir Alam

Cabinet Member for Corporate Services and Finance

Councillor Emma Hoddinott

Riverside House
4th Floor, Wing B
Main Street
Rotherham
S60 1AE

☎ (01709) 822465

💻 emma.hoddinott@rotherham.gov.uk

Councillor Adam Carter
Town Hall
The Crofts
Moorgate Street
ROTHERHAM
S60 2TH

BY EMAIL

6 September, 2018

Dear Councillor Carter

Further to the question that you were going to ask at the full council meeting but were unfortunately unable to attend. Please find below a written response.

“Can I be provided with a paper and electronic copy of the legal advice received stating that Dignity's management of the crematorium is not in the council's view discriminatory?”

I understand that Legal Services have now provided you with the external legal advice requested.

I hope the above information adequately addresses your question.

Yours sincerely



Councillor Emma Hoddinott

Cabinet Member for Waste, Roads and Community Safety

**CABINET/COMMISSIONERS'
DECISION MAKING MEETING
17th September, 2018**

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

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

Apologies for absence were received from Councillor Beck, 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>

27. DECLARATIONS OF INTEREST

There were no declarations of interest.

28. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) A member of the public referred to the Neighbourhood Working Strategy 2017/18 in relation to the proposed demolition of the former Kimberworth Infants School and how assets could be drawn on with buildings revitalised through community asset transfer and used as local community hubs.

Councillor Lelliott had chaired a meeting on 14th March, 2018 which considered the Strategic Asset Management Plan and Property Reviews and a question was asked about non-operational properties and the criteria. The criteria applied depended on the benefit to the community and use and demand for properties. It stipulated consultation would take place with Ward Members and interested parties on the use of the properties going forward.

The member of the public, therefore, asked were the Ward Councillors consulted, did the Council explore all avenues, involve or find any interested parties, did the Council explore the possible benefit to the community and determine what the demand for this building would be, did the Council discuss, consider or determine what other use of the building and if so who and what were they.

Part of the process of asset transfers involved the asset management review and the member of the public also asked was there a stakeholder or any other list made before any decision was made to dispose of this building and why the community was not informed of the community right to bid for community asset transfers. He referenced the Rotherham West Ward Plan which put building stronger communities at the heart.

Councillor Lelliott confirmed the former Kimberworth Infants School building had not been declared surplus and still formed part of the Council estate. Had it been, it would have followed the due process outlined by the member of the public as part of the asset transfer rules.

The Assistant Director for Planning, Regeneration and Transport further reiterated the process if the building had been declared surplus to the Local Authority and how it would follow the asset transfer process. Whilst this dilapidated building was no longer required the Council had not declared the site surplus and wished to retain this for its own use. The building was recommended for demolition and the land was to be utilised by the Council.

In a supplementary question the member of the public failed to understand why the Council wished to retain the land, but not the building and asked what the Council required the land for. The site co-located an NHS building at the bottom of the site and had adequate parking. If this was to be used as further car parking this would come at a cost. He further asked what other uses the Council had planned for the site when the building had the potential to become a fantastic community hub. The Council's own policy stated that communities were to be consulted when a building was redundant, which was the case, but the land was still to be retained for further use by the Council. In his opinion no other avenues had been explored as to the community asset transfer of this building and the community of Kimberworth knew nothing about it other than a notice of demolition poster which was pre-ordained and raised many questions.

Councillor Lelliott reiterated the building had not been declared surplus and the site in which the NHS building was located did belong to the Council.

The Assistant Director for Planning, Regeneration and Transport confirmed Ward Members were consulted in early 2018 and the public consultation was via the published and posted demolition notice because the Council was not looking to dispose of the asset. If the asset was not to be retained, either the building or the land, then it would have followed the asset disposal process policy. The site initially was to be used as a car park to support the joint Council and NHS services co-located in this area.

The member of the public questioned the level of car parking by the NHS building at the bottom of the site which he believed had adequate car parking and was not needed. Since the publication of the demolition notice very few vehicles had been observed in the car park.

To assist the Leader of the Council asked that the Service set out in detail in writing the plans for this site.

(2) A member of the public also referred to the response to the question raised at the Council Meeting on the 5th September, 2018 relating to the former Kimberworth Infants School where he asked what were the Council's operational requirements for this site if it did not require the building and regarding any security on the length of tenure on the asset transfer. He referred to matters that were happening on this site and asked what the obvious things were when the car parking was adequate for the NHS and nothing to do with the Council ownership on this land or an evident need for a car park.

The Assistant Director for Planning, Regeneration and Transport confirmed there were financial considerations around maintaining a redundant building. Additional use for the site was for a car park to support the NHS and Council on that site.

In a supplementary question the member of the public asked what was happening on the site that would allow a poor security of tenure as referred to at the Council Meeting on 5th September, 2018.

Councillor Lelliott again confirmed there was a requirement for car parking overspill for those co-located services that were already on the site.

The Assistant Director for Planning, Regeneration and Transport pointed out the Council did not deem this site to be sold or leased to another organisation, but the asset was to be retained. Building demolition would follow and Ward Members had been informed accordingly.

(3) A member of the public asked what was proposed or planned for the Addison Centre or the land when the building closed down for its services.

Councillor Roche confirmed a number of options were being considered, but no definite plan. Nexus had now met with officers and had expressed interest in that building as a post-16 centre and this would be considered further once the centre was closed. Any other interest in the building or the site would also be considered should any come forward.

In a supplementary question the member of the public asked why would the Council wait until the building closed before any changes occurred and would there be further consultation with the surrounding areas about future use.

Councillor Roche confirmed Nexus was not interested in taking forward the building until it was empty and he would need to look into whether or not further consultation would be required and appropriate legal advice sought.

29. MINUTES OF THE PREVIOUS MEETING HELD ON 6 AUGUST 2018

Resolved:- That the minutes of the Cabinet and Commissioners' Decision Making Meeting held on 6th August, 2018, be agreed as a true and correct record of the proceedings.

30. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the agenda items 11 and 12 on the grounds that the appendices 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.

31. JULY 2018/19 FINANCIAL MONITORING REPORT

Consideration was given to the report which set out the financial position as at the end of July, 2018 based on actual costs and income for the four months April to July, 2018 with a forecast for the remaining eight months of the financial year.

As at July 2018, the Council was expecting to deliver a balanced General Fund budget by the financial year-end, after taking account of the £10m budget contingency approved within the 2018/19 budget.

However, to achieve this position a number of mitigating savings actions and further spending reductions were required to be identified and implemented across all Council services, in order to offset the impact of a range of cost and demand pressures impacting on the Council's budgets.

Cabinet Members outlined the current position for the two large areas of overspend and it was noted that for Children's and Young People's Services Directorate the overspending against budget was continuing in the current financial year as a result of demand for services outstripping budget capacity. The number of children in care continued to increase this financial year and had reached 649 at the time of writing this report. The increased number of Looked after Children also placed significant pressure as did the number of young people requiring support from the Leaving Care Service following the increase of provision up to the age of twenty-five.

The targeted initiative "Right Child, Right Care" was profiled to result in a significant reduction in looked after children and a process to ensure that the young people were in the right placements for their needs. There was also pressure within Early Help and whilst this was being reduced through effective vacancy management there still remained some pressure. Challenges to potential efficiencies were continuing to take place.

The Adult Care Services Directorate was forecasting an overall overspend of £6.221m. A combination of increased client numbers, the rising cost of care packages, and delays in delivery of savings plans had led to pressure on budgets across all client groups. A recovery plan had been developed to address previously undelivered savings and project plans were currently being finalised with the expectation that further savings would be identified from this activity. The main reasons for the delayed delivery of savings were related to the complexity of new cases and the historical assessment practice across all cohorts in terms of over reliance on residential care and poor application of self directed support.

Mitigating actions to deliver a balanced budget position, after use of the budget contingency were outlined as part of the report.

Resolved:- (1) That the forecast General Fund balanced budget position after use of the budget contingency be noted.

(2) That management actions continue to address areas of overspend, provide enhanced controls over all spend and identify alternative and additional savings.

(3) That the alternative budget savings proposals for Regeneration and Environment, and Finance and Customer Services as referenced in paragraph 3.4.4 and 3.6.7 be approved.

(4) That the updated Capital Programme be noted.

32. COUNCIL PLAN QUARTER 1 PERFORMANCE REPORT

Consideration was given to the report which detailed Quarter 1 Performance for the Council Plan and provided an analysis of the Council's current performance against fourteen key delivery outcomes and seventy measures.

At the end of the first quarter (April to June 2018) twenty-six measures had either met or had exceeded the target. This represented 47.2% of the total number of indicators where data was available or where targets have been set. This was an improvement over Q4 for 2017/2018 where 43.9% of indicators hit their targets. The direction of travel was positive for twenty-five (44.6%) of the indicators measured in this quarter. This, however, was down on the 49% figure for Q4 last year. The Priority area with the highest proportion of targets met remained Priority 4 (Extending Opportunity and Prosperity).

Cabinet Members were invited to highlight progress and performance related to their portfolio areas.

Councillor Allen, Cabinet Member for Cleaner Greener Communities, reported that visitor numbers overall were up against Quarter 4, but a little down compared to last year's figures due to the poor weather in April. The

customer satisfaction figures in relation to Clifton Park were yet to be included and this could change positively the direction of travel. There had also been an increase in the number of customer contacts related to street cleansing, grounds maintenance and litter. However, this was primarily as a result of the wet spring which led to a delay in grass cutting.

Changes have been made to the way in which informal complaints were registered and it was expected as a result there would be an increase in the number of registered complaints.

The number of engagements with the Council's culture and leisure facilities which helped adults and children learn, develop their skills and get a job was an area of strong performance achieving 37% of the annual target in Quarter 1.

Councillor Lelliott, Cabinet Member for Jobs and the Local Economy, reported that many of the measures related to her own area were annual targets. She reported a strong performance in relation to the number of businesses that received help to start up from the Council.

Performance on the number of new homes delivered in the borough fell slightly short with 134 homes against a target of 138, but with the adoption of the Local Plan this should move development forward. Rotherham's Planning Service had also won Service of the Year which was excellent news for the borough.

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, reported on the positive improvement to the reduction in the number of repeat victims of anti-social behaviour and the positive progress in the increased recycling rates.

Performance remained high in the percentage of taxi licence holders complying with the Council's Hackney Carriage and Private Hire Policy. However, proactive inspection of licensed vehicles in the first quarter highlighted a number of defects in vehicles which were rectified and ten drivers were issued with warnings for non-compliance.

An area requiring improvement related to a 4.3% reduction in positive outcomes to hate crime investigations to the same period last year. The Police had reported an increase in satisfaction levels for how hate crime was being dealt with and treated seriously.

Effective enforcement action required some improvement with a reduction in the number of fixed penalty notices being issued. The shared service with Doncaster was now operational and this should show significant progress in the next quarter.

Councillor Alam, Cabinet Member for Customer Services and Finance, reported on the in-year collection performance for Council Tax which was slightly down on the previous year. There were a number of contributory

factors including the gradual roll-out of Universal Credit, but this would be closely monitored.

Councillor Watson, Deputy Leader, highlighted positive progress in the number of children subject to repeat child protection plans, and the decreased trend in fixed term exclusions.

However, there had been an increase in the numbers of children requiring Social Care intervention with Rotherham being higher than similar authorities. There had also been an increase in the percentage number of children not in education, employment or training with a proportion of young people's status not being known increasing the target by 0.5%.

Councillor Roche, Cabinet Member for Adult Social Care and Health, reported on the positive progress in the reduction in the target for smoking during pregnancy and how Rotherham's smoking rates was the lowest in South Yorkshire.

Childhood immunisations latest data confirmed this to be above the target level of 95% at 96.7%.

Latest figures for successful completion of opiate and non-opiate exits had dropped, but the new contract and service with CGL was now in operation with positive early indications.

Adult Social Care was showing good performance in relation to the number of people provided with information and advice at the first point of contact along with the number of new clients receiving short term service.

Off target was the number of safeguarding investigations completed. However, the safeguarding role had now moved into the Single Point of Access team to share knowledge and support staff. This had also impacted on indicator 2.B2 as there had been a significant reduction in the number of concerns which progressed to further safeguarding enquiries. The Council was working alongside other Yorkshire and Humber authorities to develop a consistent approach to the recording and capture of safeguarding activity which would in turn support meaningful benchmarking data.

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 2018/19 be noted.

**33. RESPONSE TO OVERVIEW AND SCRUTINY RECOMMENDATIONS -
USE OF INTERIMS, AGENCY AND CONSULTANCY STAFF**

Consideration was given to the report which detailed the outcome of the review following concerns by the Overview and Scrutiny Management Board at the increasing and significant forecast of in-year agency and consultancy overspend.

The review sought assurance that the Council measured performance and value for money in its use of agency staff and consultants and was taking appropriate action to maintain spend within acceptable limits. The recommendations made by Members were based on information and evidence collated during the course of the review and their challenge of existing practices and developing protocols.

The Cabinet accepted all twelve broad recommendations arising from the scrutiny review and the submitted schedule provided the detail.

The Chair of the Overview and Scrutiny Management Board welcomed the positive response and acceptance from the Cabinet and the progress would continue to be closely monitored.

Resolved:- (1) That the Cabinet's response to the scrutiny review on the Use of Agency, Interim and Consultancy Staff be approved.

(2) That the Cabinet's response be referred to the next meeting of the Overview and Scrutiny Management Board on 17th October, 2018.

34. ARCHIVES ACCREDITATION – POLICY APPROVAL

Consideration was given to the report which sought approval for an application under the Archives Accreditation Scheme and the supporting Forward Plan and key policy documents were included as part of the appendices. This scheme was the UK standard for archive services maintained by The National Archives and defined good practice and supported the ongoing development of archive services across the country.

This would enable Rotherham to continue to be a recognised Place of Deposit under the Public Records Act 1958, and which required Rotherham Archives and Local Studies to submit an application.

A successful application would be essential not only for members of the public, but also for future funders and partners, who could have confidence in the delivery of this service.

The Chair of the Overview and Scrutiny Management Board confirmed this report had been considered at the meeting of the Board on 12th September, 2018 who were fully supportive of the recommendation.

Resolved:- That the Heritage Service's Forward Plan (2018-2022) and key policy documents to support the Council's application for Archives Accreditation be approved.

35. NEW APPLICATION(S) FOR BUSINESS RATES DISCRETIONARY RELIEF

Consideration was given to two applications submitted for the award of a business rate discretionary relief in accordance with the Council's Discretionary Business Rates Relief Policy (approved 12th December 2016).

Details of the two organisations were provided.

Resolved:- (1) That 20% top up relief be awarded to Barnsley Sexual Abuse and Rape Crisis Services, The Spectrum, Coke Hill, Rotherham, S60 2HX for the period 1st April, 2018 to 31st March, 2019.

(2) That 20% top up relief be refused for Sheffield YWCA, 89 Laughton Road, Dinnington, Sheffield, S25 2PN for the period 26th March, 2018 to 31st March, 2019.

36. DISPOSAL OF LAND AT WILLIAM STREET/ WHITELEE ROAD, SWINTON

Consideration was given to the report which sought approval for the disposal of an area of land used as a private car park by way of a private treaty to the occupier.

The current occupiers had used the land as a secure car park for use by staff since 2002 and under the protected tenancy arrangement the occupiers had the continued option to purchase the freehold interest in this land at an agreed Market Value.

Resolved:- (1) That the disposal of land, as shown edged and hatched in red at Appendices 1 and 2 as detailed within Option 1 of this report, be approved.

(2) That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate and agree the terms and conditions of the proposed disposal, with the Assistant Director of Legal Services negotiating and completing the necessary legal documentation.

37. WATH DISTRICT OFFICE, CHURCH STREET, WATH

Consideration was given to the report which sought approval for the disposal of the former Wath District Office, Church Street, Wath, which was declared surplus to requirements.

The recommended proposal (Option 1 as set out in the report) was to allow the District Office to be used for the benefit of the local community. Community interest groups such as Wath Hall Ltd. were to be given the opportunity to bid during the statutory moratorium period.

Wath Hall Ltd. have been using the building and were given a six months period to secure funding so that a community asset transfer lease may be granted. However, should the completion not be achieved during the statutory moratorium period the District Office would be disposed of at market value.

The site did have areas of green space which were used by the local community several times throughout the year. Because of the continued community use of these areas it was proposed that, should the site be disposed of, a restrictive covenant be put in place restricting any future development and any new owner from preventing access for community purposes.

Resolved:- (1) That the disposal of Wath District Office be approved, as shown edged in red at Appendix 1, as detailed within Option 1 of this report (should the disposal not complete within the six month statutory moratorium period then it is recommended that Option 2 is pursued instead).

(2) That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate and agree the terms and conditions of the proposed disposal in consultation with the Cabinet Member for Jobs and the Local Economy, with the Assistant Director of Legal Services negotiating and completing the necessary legal documentation.

38. 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 item and the details included accordingly.

Summary Sheet

Committee Name and Date of Committee Meeting

Council – 31 October 2018

Report Title

Response to Recommendations from Overview and Scrutiny Management Board –
Use of Agency, Interim and Consultancy Staff

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

Yes

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

Shokat Lal, Assistant Chief Executive
01709 822773 or shokat.lal@rotherham.gov.uk

Ward(s) Affected

All

Summary

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. 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.

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.

Under the Overview and Scrutiny Procedure Rules, the Cabinet is required to respond to any recommendations made by scrutiny and this report is submitted to meet that requirement. Following this, the response is submitted to Council for information.

Recommendations

1. That the Cabinet's response to the scrutiny review on the Use of Agency, Interim and Consultancy Staff be noted.

List of Appendices Included

Appendix A Cabinet's Response to Scrutiny Review on Use of Agency, Interim and Consultancy Staff

Background Papers

Report of the Overview and Scrutiny Management Board – [Scrutiny Review of Use of Agency, Interim and Consultancy Staff](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Cabinet and Commissioners' Decision Making Meeting – 17 September 2018
Overview and Scrutiny Management Board – 17 October 2018

Council Approval Required

No

Exempt from the Press and Public

No

Response to Recommendations from Overview and Scrutiny Management Board – Use of Agency, Interim and Consultancy Staff

1. Recommendations

- 1.1 That the Cabinet's response to the scrutiny review on the Use of Agency, Interim and Consultancy Staff be noted.

2. Background

- 1.1 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 was taking appropriate action to maintain spend within acceptable limits. The recommendations made by Members were based on information and evidence collated during the course of the review and their challenge of existing practices and developing protocols.
- 1.2 The review report was submitted to Council on 23 May 2018, which represented the formal publication of the report. Under the Overview and Scrutiny Procedure Rules, the Cabinet is required to respond to any recommendations made by scrutiny and this report is submitted to meet that requirement.

3. Key Issues

- 3.1 There are 12 broad recommendations arising from the scrutiny review of Use of Agency, Interim and Consultancy Staff, which are detailed in Appendix A. The schedule provides detail in respect of whether the recommendations are agreed, not agreed or deferred. Where recommendations are agreed, the schedule details what action will be taken, by when and who will be responsible.
- 3.2 By way of context, the twelve recommendations from Overview and Scrutiny Management were:
- (i) 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.
 - (a) 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.

- (b) 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.
 - (c) 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.
- (ii) That the above definition is appended to the Workforce Management Board's (WMB) 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.
- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) That the transformation plans for Adult Social Care are carefully monitored to ensure that agency and consultancy use is delivering value for money and practice improvements.
- (vii) 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.

- (viii) 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.
- (ix) 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.
- (x) 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.
- (xi) 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.
- (xii) 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.

4. Options considered and recommended proposal

- 4.1 The options considered were detailed within the report and recommendations from the Overview and Scrutiny Management Board. A number of recommendations from the Overview and Scrutiny Management Board have already been implemented, with arrangements for review by the Workforce Management Board in place.
- 4.2 This report proposes that all of the recommendations from the Overview and Scrutiny Management Board be formally accepted by the Cabinet. The recommendations from scrutiny are welcomed and contribute to the ongoing strengthening of arrangements to manage the use of agency, interim and consultancy staff by the Council.

5. Consultation

- 5.1 There has been no further consultation on this report beyond the requirements of internal processes, alongside consultation with the Cabinet member.
- 5.2 It should be noted that Trade Unions were consulted as part of the review by the Overview and Scrutiny Management Board. In response to recommendation 10, it has been agreed that Trade Unions will be consulted at quarterly Joint Consultative Committee meetings for their views on alternative options to the appointment of agency staff or consultants.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The timetable for implementing the recommended actions is set out in the attached schedule (Appendix A).
- 6.2 Various senior officers across the authority will be responsible for the implementation of the agreed recommendations. The Assistant Chief Executive and the Assistant Director of Human Resources and Organisational Development will be accountable for the overall implementation of the review's recommendations.

7. Financial and Procurement Advice and Implications

- 7.1 Finance and Procurement will develop and implement actions where appropriate in response to the recommendations in Appendix A. This includes communication of the revised definitions and the development of suitable controls and reports to monitor spend with clear escalation processes where required.

8. Legal Advice and Implications

- 8.1 There are no direct legal implications arising from the recommendations in this report.

9. Human Resources Advice and Implications

- 9.1 HR implications are contained in the recommendations shown in Appendix A. These recommendations will be incorporated into the Workforce Management Board terms of reference and Directorate board representatives charged with bringing full detail of agency, consultants and interim along with clear exit strategies to future board meetings.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are no implications for children and young people or vulnerable adults directly arising from this report.

11. Equalities and Human Rights Implications

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

12. Implications for Partners and Other Directorates

- 12.1 There are no implications for partners arising from the recommendations from the Overview and Scrutiny Management Board.
- 12.2 All directorates of the Council will be required to work within and comply with the procedures adopted in respect of the use of agency, interim and consultancy staff.

13. Risks and Mitigation

- 13.1 There are no additional risks presented by the recommendations from the Overview and Scrutiny Management Board. The recommendations themselves and the proposed actions serve to mitigate risks in relation to lack of action or compliance. Furthermore, risks to the arising actions will be monitored by officers and will be reported to the Overview and Scrutiny Management Board when reviewing the implementation of its recommendations.

14. Accountable Officers

Shokat Lal, Assistant Chief Executive

Lee Mann, Assistant Director – Human Resources and Organisational Development

Approvals obtained on behalf of:-

	Named Officer	Date
Strategic Director of Finance & Customer Services	Nikki Kelly	22.08.2018
Assistant Director of Legal Services	Dermot Pearson	29.08.2018
Head of Procurement (if appropriate)	Karen Middlebrook	21.08.2018
Assistant Director – Human Resources (if appropriate)	Lee Mann	28.08.2018

*Report Author: Shokat Lal, Assistant Chief Executive
01709 822773 or shokat.lal@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=>

Cabinet's Response to Scrutiny Review of Use of Agency, Interim and Consultancy Staff

Recommendation	Cabinet Decision <i>(Accepted/ Rejected/ Deferred)</i>	Cabinet Response <i>(detailing proposed action if accepted, rationale for rejection, and why and when issue will be reconsidered if deferred)</i>	Officer Responsible	Action by (Date)
<p>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.</p> <p>(a) 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.</p> <p>(b) 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.</p> <p>(c) 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.</p>	Accepted	The definition has been adopted across the Council.	Shokat Lal, Assistant Chief Executive	Complete
<p>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.</p>	Accepted	The Head of Procurement is now a member of WMB.	Karen Middlebrook, Head of Procurement	Complete

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.	Accepted	Budget codes will be updated accordingly. Details of the codes and descriptions will be communicated through a Manager Briefing.	Paul Stone	September 2018
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.	Accepted	Business case forms have been updated to reflect the changes. Head of Procurement now a member of WMB and will report on any variations.	Shokat Lal, Assistant Chief Executive	Complete
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.	Accepted	Business case forms have been updated to reflect the requested additional information.	Shokat Lal, Assistant Chief Executive	Complete
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.	Accepted	Monitoring to take place through the WMB.	Shokat Lal, Assistant Chief Executive	Ongoing
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.	Accepted	Audit has taken place and action plans developed.	Shokat Lal, Assistant Chief Executive	Complete
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.	Accepted	Processes and forms for WMB business cases updated to ensure additional info is considered by the Board	Shokat Lal, Assistant Chief Executive	Complete
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.	Accepted	Work ongoing and to be reviewed by WMB	Damien Wilson, Strategic Director – Regeneration and Environment	Ongoing – with monthly WMB review

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.	Accepted	Quarterly reports to be discussed with Trade Unions at JCC.	Shokat Lal, Assistant Chief Executive	Ongoing
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.	Accepted	Deferred until later in 2018/19. Scoping and feasibility work to be deferred until later in 2018/19	Shokat Lal, Assistant Chief Executive	Q3 – Q4 2018/19
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.	Accepted	This is a matter for the Overview and Scrutiny Management Board, but the recommendation is supported.	James McLaughlin, Head of Democratic Services	To be determined by OSMB

Summary Sheet

Name of Committee and Date of Committee Meeting

Council – 31 October 2018

Report Title

Scrutiny Workshop: Adult Residential and Nursing Care Homes

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

Ward(s) Affected

All

Executive Summary

This report sets out the main findings and recommendations from the scrutiny workshop undertaken by the Health Select Commission to consider residential and nursing care home for adults aged over 65. The purpose of the workshop was to consider progress in bringing about improvements to safety, quality and effectiveness in the sector.

The 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 Adult Residential and Nursing Care Homes be noted.
- 2 That the response of Cabinet and Commissioners be fed back to the Health Select Commission.

List of Appendices Included

Appendix 1 – Report of Scrutiny Workshop: Adult Residential and Nursing Care Homes

Background Papers

As listed in Appendix 1.

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Health Select Commission - 18 July 2018

Overview and Scrutiny Management Board - 12 September 2018

Cabinet – 19 November 2018

Council Approval Required

No

Exempt from the Press and Public

No

Scrutiny Workshop: Adult Residential and Nursing Care Homes

1. Recommendations

- 1.1 That the report and recommendations in respect of Adult Residential and Nursing Care Homes be noted.
- 1.2 That the response of Cabinet and Commissioners be fed back to the Health Select Commission.

2. Background

- 2.1 The Health Select Commission agreed to schedule a scrutiny workshop on residential and nursing care home provision for older people in their 2017-18 work programme to consider progress in bringing about improvements to safety, quality and effectiveness in the sector.
- 2.2 It was also an opportunity to explore the impact of the Care Home Support Service, as the care home sector is one of the transformation initiatives under the Rotherham Integrated Health and Social Care Place Plan, a significant part of the Select Commission's work programme.

3. Key Issues

- 3.1 Several key themes have been identified by partners to focus on to drive improvements across the care home sector through the auspices of the Quality Board established in September 2017. These are:
 - governance and leadership
 - addressing the turnover of Registered Managers
 - workforce development
- 3.2 Liaison and sharing information and intelligence between partner agencies, including the Care Quality Commission (CQC), is well established when there are concerns about an individual provider.
- 3.3 The Care Home Support Service and Clinical Quality Advisor are working to raise standards through support and training, and instigating improvements to operational care issues. They are also involved in supporting the care of specific cohorts of care home residents, especially ones most at risk of hospital admission or readmission, to try and reduce the need for secondary care services.
- 3.4 The RMBC Contract Compliance Team uses the Provider Risk Matrix Toolkit to collate information and produce a weighted score and red-amber-green rating for each care home. The team undertake routine visits and also take a proactive approach when there are issues with a provider.

4. Options considered and recommended proposal

- 4.1 Members were reassured by the range of actions that could be taken by RMBC, the CQC and health partners to address any issues that arise in care homes and to ensure the wellbeing of residents.

- 4.2 The work of the Quality Board was welcomed, especially the Leadership Academy project and the plans for the Quality Matters initiative, although these were still at an early stage at the time of the review. In particular being able to retain experienced and suitable Registered Managers in care homes and reducing turnover is critical.
- 4.3 In light of their findings, the Health Select Commission developed the following four recommendations:
- 1) That briefings should be provided for ward members on issues relating to any care home in their ward at an early stage.
 - 2) That RMBC officers liaise with the Care Quality Commission regularly around Registered Managers in care homes to identify potential concerns.
 - 3) That all care homes be encouraged to work with the Care Home Support Service and Clinical Quality Advisor to raise standards.
 - 4) That care home staff be encouraged to attend organised training sessions and that the take up and the impact of training be monitored.

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 the autumn.

7. Financial and Procurement Implications

- 7.1 Any financial and procurement implications will be considered by Cabinet and Commissioners in their response to the recommendations.

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.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The focus of the review was on older people in residential and nursing care homes.

11. Equalities and Human Rights Implications

- 11.1 Scrutiny focuses on improving services and support, ensuring the needs of groups sharing an equality protected characteristic, such as age and disability, are taken into account.

12. Implications for Partners and Other Directorates

- 12.1 Rotherham Clinical Commissioning Group is involved in commissioning services and the Care Home Support Service and Clinical Quality Advisor are based at Rotherham Hospital.
- 12.2 Positive partnership working is the key to raising quality in the sector with a need to involve providers as well as other agencies to gain commitment and buy-in.

13. Risks and Mitigation

- 13.1 Safe, quality care for older people living in residential or nursing care homes is vital. The work of partners through commissioning and contract management, the Quality Board and the Care Home Support Service contributes to improving standards.

14. Accountable Officer(s)

James McLaughlin, Head of Democratic Services

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 Workshop:
Adult Residential and Nursing Care Homes**

Health Select Commission

April 2018

Contents

	Page No.
1. Why Members wanted to undertake this scrutiny workshop	1
2. Method	1
3. Background	
3.1 Care Quality Commission	1
3.2 Transformation of the Care Home Sector	2
4. Rotherham Context	2
5. Findings	
5.1 Key Themes	2
5.2 Quality Board	4
5.3 RMBC Contract Compliance Team	5
5.4 Care Home Support Service	5
5.5 Potential Actions with Care Homes	5
5.6 Update on Specific Care Homes	6
6. Conclusions	7
7. Recommendations	7
8. Background papers and Glossary	8
Appendix A Quality Matters Initiative	9

1. Why Members wanted to undertake this scrutiny workshop

A Member seminar on 11 July 2017 focused on the powers of the Care Quality Commission (CQC) with regard to inspecting care homes. The CQC's ratings for Rotherham's independent sector residential and nursing care home provision for adults were also discussed. At that time four local care homes were rated as inadequate by the CQC – Byron Lodge, Meadow View, Queen's Care Centre and West Melton. The presentation at the seminar provided an overview of the main issues identified in each one, together with some general themes across the sector.

In order to improve quality, safety and effectiveness across registered services commissioned for adults by the Council and Rotherham Clinical Commissioning Group (RCCG), Members were informed that the partners had agreed to establish a new multi-agency Quality Board in the autumn of 2017.

Following the seminar, the Health Select Commission agreed to schedule a slot in their 2017-18 work programme to consider:

- progress made through the Quality Board in bringing about improvements
- the impact of the Care Home Support Service
- contract compliance and the latest position with regard to the four care homes

2. Method

A focused scrutiny workshop session was undertaken by the Health Select Commission in April 2018. Evidence comprised two detailed presentations, followed by discussion with the portfolio holder and officers from the Commissioning Service in the Adult Social Care, Housing and Public Health directorate.

Members would like to thank Cllr Roche, Nathan Atkinson, Jacqui Clark and Martin Hopkins for providing evidence for the spotlight review.

3. Background

3.1 Care Quality Commission

The CQC inspects care homes and rates them overall and on five domains (safe, caring, effective, well-led and responsive). The rating categories are "outstanding", "good", "requires improvement" or "inadequate". Special measures may be instigated following an unsatisfactory inspection or the CQC may change the registration status of the care home, including suspension or cancellation. The CQC may also issue requirement notices, warning notices, cautions or fines and may prosecute in cases where people are harmed or placed in danger of harm. CQC inspections may be announced or unannounced.

The CQC has statutory powers to:

- Protect people from harm and make sure that they receive care that meets the standards that people have a right to expect
- Make sure services improve if the standard of care they provide has fallen below acceptable levels
- Hold care providers and managers to account for failures in how care is provided

All care homes, local authority or private sector, must be registered with the CQC. The actual registration is with a “nominated individual” who is usually the Care Home Manager, therefore staff leaving may impact on the registration and on the whole care home. The CQC have to be notified if the nominated individual leaves. If there are issues within one care home of a multiple care home provider, the CQC are likely to look at their others.

3.2 Transformation of the Care Home Sector

This is an important element in the development of the integrated locality model of care, which is one of the priorities in the Rotherham Integrated Health and Care Place Plan. Principal drivers for health and social care include reducing hospital admissions, reducing patient length of stay in hospital, and having fewer permanent admissions to residential care, through more community-based care and closer working across health and social care. Approximately 15-18% of emergency hospital admissions are from care homes, with patients also tending to have a longer length of stay in hospital, in part reflecting that these are often frail, elderly patients. Working with the care home sector, including support to train and upskill staff, is important to drive up standards for care and to try and reduce demand for secondary care.

4. Rotherham Context

RMBC contracts with 35 independent sector care homes for adults aged 65+, with 1,709 beds available for residential care and nursing care, including residential and nursing places for people with dementia. At April 2018 19 were rated as good, 14 as requires improvement, one as inadequate, with one still to be inspected by the CQC.

Rotherham has 700 more beds than comparator local authorities but most are residential beds and there is a shortage of nursing beds due to a number of homes deregistering from providing nursing care and becoming solely residential care homes. Greater availability of nursing beds could assist in reducing demand for acute services, by potentially reducing hospital admissions and facilitating discharge back to the care home after an inpatient stay once the patient was well enough.

It is cheaper to run residential care homes than nursing care homes, although fees received are higher for the latter. The national shortage of nurses compounds the problem as care homes have to go to agencies when recruiting, leading to increased costs and an impact on the quality of care through lack of care continuity and staff not knowing the residents as well as permanent staff would do. Therefore affording, attracting and retaining staff will be vital in the care home sector.

5. Findings

5.1 Key Themes

Several key themes have been identified by partners to focus on to drive improvements across the care home sector and the HSC wished to explore in more detail what was being planned to address the challenges.

Governance

A lack of governance by senior managers or care home owners often leads to a poor CQC rating on the well-led domain. Concerns in this domain would include a lack of oversight and supervision, poor processes, failure to learn from complaints or incidents and improve,

and a lack of robust audits. Good systems and processes tend to result in good quality care.

Management

The inability of some care homes to keep a Registered Manager causes instability and results in issues in care homes, especially when care is very complex.

Operational Issues

CQC inspections cover a range of care aspects including care planning and recording, assessment of risk, safe medication management, infection prevention and control, falls prevention, safeguarding, and understanding and application of the Mental Capacity Act and Deprivation of Liberty Safeguards. Staffing and training issues are often linked to failings in these areas, exacerbated by a lack of governance and/or a good manager. These are some of the areas where the Clinical Quality Advisor (CQA) and Care Home Support Service (CHSS) will work with the care homes (see 5.4).

Finances

The State of Adult Social Care Services Report published in July 2017 stated that smaller services, designed to care for fewer people, tend to be better rated than larger services. From a financial perspective, large establishments tend to be more viable but this also means a greater challenge to deal with any issues that do arise. Members asked questions about financial risk and were assured that the financial risk of providers is looked at when awarding and monitoring contracts. Some are national or international companies so it may be difficult to track their finances, but others are small local businesses. Contracts are revisited if a provider is in default, with financial information, annual accounts and credit checks all used, together with relationship management, to determine viability.

Workforce

Two issues have already been mentioned, namely problems caused by frequent turnover of Registered Managers and the shortage of nurses leading to use of agency staff to fill vacancies. Recruitment and retention of other staff with few people aged under 40 working in the sector and a lack of career progression are other matters for the sector to address. Members inquired about staffing levels in care homes and officers confirmed there were no fixed staffing ratios even when in special measures.

In terms of addressing some of the other workforce challenges, the development of new job roles including blended roles/integrated roles has led to dialogue with Rotherham College about the syllabus. Apprenticeship pathways are also under discussion. Student placements in care homes are being considered but there are questions regarding appropriateness and Disclosure and Barring Service issues.

Members probed into training for care home staff and it was clarified that providers purchase their own training from independent sources although some bespoke training can be delivered by the CQA or CHSS (see 5.4). The workforce development plan for adult social care includes the independent sector, not only RMBC staff, and has multiple levels including leadership development (more for the smaller care homes). A decent offer is in place but take up can be hit and miss and there may be operational issues if someone is released for training and backfill needed. Some training is funded by RMBC and some through third party funding. As providers are facing challenges with their revenue streams, with uplifts agreed to help offset the impact of the Living Wage, training is something else that can be offered to them.

HSC viewed staff training and implementation of that training in people's job as another key aspect in raising safety and quality standards, such as moving and handling, medication management, awareness of safeguarding, and preventing falls and pressure ulcers.

5.2 Quality Board

The multi-agency board comprising representatives from the CQC, RCCG, Safeguarding, Public Health and RMBC Strategic Commissioning has been meeting regularly since September 2017. It is a proactive forum for information sharing and collaboration, providing:

- a shared view of risks to quality through sharing intelligence
- an early warning mechanism of risk about poor quality
- opportunities to coordinate actions to drive improvement
- ongoing strategic and operational liaison between organisations
- a conduit between the statutory bodies and the provider market

Leadership Academy

In light of the issues raised above in 5.1 the Board has a strong focus on addressing governance and management issues in care homes. One of the workstreams will be the Leadership Academy, learning from the work undertaken in Leeds City Council on workforce development, which will be integral to driving improvements in the quality of services. The Quality Board will work with the sector to develop the leadership academy jointly. Activity will include:

- consultancy to identify needs and ongoing support
- masterclasses and workshops
- programmes and qualifications
- Registered Managers Network – coaching/buddying/mentoring/action learning
- resources and toolkits such as Skills for Care, e-learning

Quality Matters Initiative

This initiative has been developed by the Department of Health and the CQC with a range of partners including NHS England and Healthwatch. The intention is to promote quality, support and encourage improvement, and co-ordinate action with a focus on six priorities that will support the seven steps to improvement (see Appendix 1). The Quality Board will develop a similar initiative to the one being taken forward in Leeds, engaging with partners and providers. A time specific action plan will be developed to take forward various initiatives, but this work is still at an early stage.

In addition to the two major projects above the Board meetings include the following issues as standard agenda items:

- Contract Monitoring and enforcement action reports
- Infection Prevention and Control
- Continuing Health Care/Funded Nursing care services
- Care Quality Commission intelligence reports
- Market sustainability

5.3 RMBC Contract Compliance Team

The team is based within Commissioning in the Adult Social Care, Housing and Public Health directorate and is responsible for monitoring delivery of contractual requirements for a number of services, including care homes. They undertake routine visits to care homes annually and are usually the first officers to go into a care home if any issues emerge, including a change of manager or high level of staff turnover, so it is risk-led. They share information and local intelligence with the CQC and health partners, which may originate from frontline social workers, the public or the police. If a provider is not complying with their contract a default notice may be issued. (See also 5.4.)

Provider Risk Matrix Toolkit

This toolkit was developed in-house by RMBC and has been shared with other local authorities. It collates information from the Liquid Logic database and produces weighted scores leading to a cumulative score and red-amber-green (RAG) rating for a service provider. If a care home has several contract issues it will be rated as amber and CCT activity is then based on preventing escalation to a worse rating. A red rating means compliance issues probably already exist. This toolkit enables the service to be flexible and proactive, without duplicating the work of the CQC, adding value and being person-centred to focus on achieving good outcomes for residents.

5.4 Care Home Support Service

RCCG commissions this service which is delivered by The Rotherham Foundation Trust. The team consists of occupational therapists, the nursing Clinical Quality Advisor (see below) and support workers who work in partnership with a care home's GP to support the care of residents at high risk of admission or readmission to hospital. Residents who have been admitted to hospital and are awaiting discharge are also supported by the CHSS, as are patients admitted to hospital with a fragility fracture, fractured neck of femur or falls related injury. This work helps to reduce demand for secondary care as stated above in 3.2. In addition to working with these specific groups, the service is looking to improve overall care in both nursing and residential care homes and to improve end of life care.

The CHSS has provided structured education sessions for care home staff and training and awareness sessions to health and social care colleagues to raise the profile of the service and highlight the needs and challenges of those living and working in care homes.

Clinical Quality Advisor (CQA)

Members welcomed the successful appointment to the CQA role of an experienced nurse and former care home manager who facilitates liaison between other staff in the CHSS with the CCT and will escalate concerns to relevant partners. The focus of the role is to provide clinical expertise, support and assistance ensuring services are consistent and meet required standards. Where improvements are needed the CQA identifies ways of addressing this through training, action planning and organising delivery of bespoke training for care home staff. In addition to visits to care homes and carrying out safe and well checks the CQA has identified areas for improvement in care quality and documentation and has worked closely with the CCT to drive improvements.

5.5 Potential Actions with Care Homes

An adverse CQC inspection or an issue with a particular provider often results in a multi-agency response involving RMBC and health, as well as liaison with the CQC. The CQC

has statutory powers and potential actions as outlined briefly in section 3.1 and following an unsatisfactory inspection the subsequent re-inspection will often be unannounced. On extremely rare occasions a 72-hour closure notice could be issued.

In contrast, RMBC's actual powers are quite limited and mainly revolve around issuing a contract default, for failure to meet a legal commitment, which may be accompanied by a suspension (voluntary or imposed) on any new RMBC placements. Following a contract default, providers are usually given six weeks to improve. A strong evidence base would be used before terminating a contract although a provider could mount a legal challenge, sue and seek compensation.

Other potential actions include:

- Contract Compliance Officers (CCO) undertaking additional visits to care homes – these can be daily initially scaling down in frequency to weekly, fortnightly then monthly as the risk rating on the matrix reduces.
- Specific actions may be undertaken by Commissioning, Safeguarding or Independent Living Support officers as well as by CCO.
- If the care home has a special measures improvement plan the CCO will monitor this to ensure improvements to practice become embedded.
- Undertaking a dementia friendly environment assessment - resulting in an improvement plan.

Activities undertaken by health, especially by the CQA and CHSS, will include safe and well checks; providing training and support; undertaking assessments; and regular visits from the CQA, both planned and unannounced.

A provider will be expected to work on improvement action plans, their own and those of RMBC and CQC. They may also be required to produce regular quality assurance audits or clinical audits, or a health and safety inspection report, depending on the nature of the issues. Given the central role of a Care Home Manager as the nominated individual with the CQC, if a person leaves their post recruitment of a new manager should be a priority.

Members explored reasons why care homes could have been a persistent cause for concern over a period of time despite the CQC inspection regime and contract management by RMBC. This was attributed to some providers taking immediate actions to improve following an unfavourable inspection/contract default but failing to embed the changes over time and slipping back. Officers assured HSC that every effort is made to work with providers but some are more willing to engage and to sustain improvements made in the short term as an immediate response to inspection than others. Special measures improvement plan actions being carried out may lead to a default being lifted but it can drag on. RMBC also has to wait for CQC activity, including re-inspections to be completed. Following CQC action and a notice of proposal to deregister a care home there is often an appeal by providers and this adds to time delays in resolving a situation as it is quite a protracted process.

5.6 Update on Specific Care Homes

A detailed overview about the current situation (as at April 2018) regarding each of the four care homes referred to earlier was presented to HSC. This included a timeline summarising the key activities undertaken by the providers and by RMBC, CQC and health between April 2017 and March 2018. Specific detail has not been included in this

report for reasons of confidentiality, although CQC ratings and inspection reports are in the public domain on their website.

Members were reassured by the actions taken by the CQC, RMBC and health to address the issues in the care homes and to ensure the wellbeing of residents. Some of the homes had made good progress in rectifying their previous problems and achieved an improved rating in their subsequent CQC re-inspection, but the key was to ensure this was sustained and improved further over time. The Commission also felt it would be helpful if Members were briefed on issues relating to care homes in their respective wards, so they could respond to any questions from members of the public from an informed position.

6. Conclusions

Members were concerned by the fluctuating performance of providers, some over a period of time, but recognised the limitations on what could be done by RMBC until CQC activity had concluded. Any suspension of new placements, especially in nursing care providers is likely to impact on capacity in the system as nursing beds are already in short supply and may also impact on the financial viability of the provider. If a care home closes for any reason, financial or otherwise, a major piece of work results to move the residents to alternative care homes, which for frail and elderly people would be a major upheaval.

With the focus on reducing hospital admissions and reducing lengths of stay by enabling people to be discharged once medically well enough, it is vital that Rotherham's residential and nursing care provision is safe, well managed and with a competent, skilled workforce. The Care Home Support Service and expertise of the Clinical Quality Advisor are already starting to drive up standards and Members anticipate this will lead to further improvements across the sector.

The work of the Quality Board to drive improvements and its intentions around participation in the Quality Matters initiative and development of the Leadership Academy, learning from good practice elsewhere, will tackle the absence of governance and leadership. In particular being able to retain experienced and suitable Registered Managers in care homes and reducing turnover is critical.

Positive partnership working is the key with a need to involve providers as well as other agencies to gain commitment and buy-in.

7. Recommendations

- 1) That briefings should be provided for ward members on issues relating to any care home in their ward at an early stage.
- 2) That RMBC Officers liaise with the Care Quality Commission regularly around Registered Managers in care homes to identify any potential concerns.
- 3) That all care homes be encouraged to work with the Care Home Support Service and Clinical Quality Advisor to raise standards.
- 4) That all care home staff be encouraged to attend organised training sessions and that the take up and impact of training be monitored.

8. Background papers

Notes and presentations from HSC spotlight session held in April 2018

Presentation from Member Seminar in July 2017

Information from Care Quality Commission website www.cqc.org.uk

Rotherham Integrated Health and Care Place Plan

HSC minutes September 2016

Adult Social Care Quality Matters

www.gov.uk/government/publications/adult-social-care-quality-matters

Glossary

CCO	Contract Compliance Officer
CCT	Contract Compliance Team
CHSS	Care Home Support Service
CQA	Care Quality Advisor
CQC	Care Quality Commission
HSC	Health Select Commission
RCCG	Rotherham Clinical Commissioning Group
RMBC	Rotherham Metropolitan Borough Council

Contact

Janet Spurling, Scrutiny Officer, RMBC

janet.spurling@rotherham.gov.uk

Six Priorities

1. Acting on feedback, concerns and compliments
2. Measuring, collecting and using data more effectively
3. Commissioning for better outcomes
4. Better support for improvement
5. Shared focus areas for improvement
6. Improving the profile of adult social care

Seven Steps for the Quality Board and Providers

1. Setting clear direction and priorities based on evidence including the views of people using services, their families, carers and staff
2. Bringing clarity to quality, setting standards for what high quality care looks like across all health and care settings
3. Measuring and publishing quality, harnessing information to improve the quality of care through performance and quality reporting systems
4. Recognising and rewarding quality by celebrating and sharing good and outstanding care
5. Maintaining and safeguarding quality by working together to sustain good quality care, reduce risk and protect people from harm
6. Building capability by improving leadership, management, professional and institutional culture, skills and behaviours to assure quality and sustain improvement
7. Staying ahead, by developing research, innovation and planning to provide progressive, high-quality care

Council Report

Council – 31 October 2018

Title

Recommendation from Standards & Ethics Sub-Committee – Outside Appointments
- Councillor Brian Cutts

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

Not applicable

Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

Report Author

Dermot Pearson, Assistant Director of Legal Services
01709 255768 or dermot.pearson@rotherham.gov.uk

Ward(s) Affected

All

Executive Summary

On 14 September 2018 the Standards & Ethics Sub-Committee held a hearing into complaints about the conduct of Councillor Brian Cutts. The Sub-Committee found that Councillor Brian Cutts' conduct at a pre-meeting of the Improving Lives Select Commission had been in breach of the Council's Code of Conduct for Members and Co-opted Members. The decision of the Sub-Committee included a recommendation to Council that Councillor Brian Cutts be removed from all outside appointments to which he has been appointed or nominated by the Council. Councillor Brian Cutts is a member of the South Yorkshire Police and Crime Panel.

This report informs Council of the detail of the decision of the Sub-Committee and seeks a decision from Council on the recommendation that Councillor Brian Cutts be removed from all outside appointments to which he has been appointed or nominated by the Council.

Recommendations

That Council remove Councillor Brian Cutts from the South Yorkshire Police and Crime Panel.

Appendix

Appendix Record of the Decision of the Standards & Ethics Sub-Committee Meeting held on 14 September 2018.

Background Papers

Not applicable

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Standards & Ethics Sub-Committee – 14 September 2018

Council Approval Required

Yes

Exempt from the Press and Public

No

**Recommendation from Standards & Ethics Sub-Committee – Outside
Appointments - Councillor Brian Cutts**

- 1 That Council remove Councillor Brian Cutts from the South Yorkshire Police and Crime Panel

2. Background

- 2.1 When it is not possible to informally resolve complaints about the conduct of a councillor the Monitoring Officer may refer them to the Council's Standards & Ethics Sub-Committee for consideration. The Sub-Committee is made up of five Members of the Standards and Ethics Committee, one of whom must be from the same political group as the councillor about whose conduct the complaints have been made (wherever possible), one from a different political group, one Parish Councillor and two independent members. Before reaching a decision on a complaint the Localism Act 2011 requires the Sub-Committee to seek and to take into account the views of one of the Council's Independent Persons.
- 2.2 At its meeting on 14 September 2018 the Sub-Committee considered complaints about the conduct of Councillor Brian Cutts. The record of the decision of the Sub-Committee forms the Appendix to this report and sets out the complaints, the evidence presented to the Sub-Committee and the Sub-Committee's decision.
- 2.3 The complaints about Councillor Brian Cutts' conduct were made by Councillor Maggi Clark and a Council officer and related to comments made by Councillor Cutts at a pre-meeting of the Improving Lives Select Commission on 13 March 2018. The name of the officer has been redacted from the record of the decision because the officer is not a manager.
- 2.4 The complaints were that during a discussion about the adoption of children, the Subject Member asked "*Why are we allowing lesbians and gay men to foster children?*" The Subject Member then made further comments, in particular that:
 - He "*knew right from wrong*"; and
 - He "*knew which side of the road to drive on and which way to go – straight.*"

Councillor Brian Cutts confirmed to the Sub-Committee that he had made the comments.

- 2.5 The Sub-Committee heard from Councillor Maggi Clark, the officer who had also made a complaint, other councillors who had attended the pre-meeting, Councillor Brian Cutts and a person who attended to support Councillor Cutts.

- 2.6 As set out in the record of decision, the Sub-Committee found that Councillor Brian Cutts' conduct was in breach of the Code of Conduct in that he had failed to treat others with respect. They found that the two further comments set out in paragraph 2.4 were homophobic, being indicative of a dislike or prejudice towards LGBT people and that in making those comments he had failed to treat others with respect, namely the LGBT community and in particular same sex couples who foster or adopt children or who wish to do so.
- 2.7 The Sub-Committee also found that by making the comments Councillor Brian Cutts was also in breach of the Code of Conduct in that he had done something which may cause the Council to breach any of the equality duties and had conducted himself in a manner which could reasonably be regarded as bringing his office of councillor or the Council into disrepute.
- 2.8 The Sub-Committee decided that the following sanctions should be applied to the Subject Member:
- 2.8.1 The member shall be censured
- 2.8.2 The formal decision notice setting out the findings of the Sub-Committee shall be published on agenda of the next meeting of the Standards & Ethics Committee ;
- 2.8.3 The Sub-Committee shall recommend to the Councillor's Group Leader that he be removed from the Committees or Sub-Committees of the Council upon which he sits;
- 2.8.4 The Monitoring Officer shall be instructed to arrange equalities training for the Subject Member;
- 2.8.5 That the Sub-Committee shall recommend to Council that the Subject Member be removed from all outside appointments to which he has been appointed or nominated by the Council ;
- 2.9 This report is concerned with the recommendation at 2.8.5 that Councillor Brian Cutts be removed from all outside appointments.

3 Key Issues

- 3.1 At its Annual Meeting on 23 May 2018 Council made appointments to a number of joint bodies which are required to reflect political balance. One such body is the South Yorkshire Police and Crime Panel to which the Labour Group had the right to nominate one member and the UK Independence Party Group had the right to nominate one member. Councillor Brian Cutts was nominated by the UK Independence Party and was appointed by Council to the South Yorkshire Police and Crime Panel.

- 3.2 The South Yorkshire Police and Crime Panel is a statutory body under the Police Reform and Social Responsibility Act 2011 which scrutinises and holds to account the South Yorkshire Police and Crime Commissioner. The Panel agrees the priorities in the Police and Crime Plan, monitors the delivery of those priorities, sets the Policing precept as part of the Council Tax and has roles in relation to the recruitment and dismissal of the Chief Constable. The Panel also supports broader community safety activities across the County.
- 3.3 The effect of implementing the recommendation of the Standards and Ethics Sub-Committee to remove Councillor Brian Cutts from the South Yorkshire Police and Crime Panel would be that the UK Independence Party Group would have the opportunity to nominate a different member to the Police and Crime Panel, thereby preserving the political balance on the Panel.

4. Options considered and recommended proposal

- 4.1 The purpose of the report is to seek a decision from Council on the recommendation from the Standards and Ethics Sub-Committee that Councillor Brian Cutts be removed from all outside appointments to which he has been appointed or nominated by the Council. The options are therefore that either the Council remove Councillor Brian Cutts from the South Yorkshire Police and Crime Panel or it does not.

5. Financial and Procurement Implications

- 5.1 There are no financial or procurement implications arising from this report.

6. Legal Implications

- 6.1 The Council has a statutory duty to promote and maintain high standards of conduct by members.

7. Human Resources Implications

- 7.1 There are no human resources implications arising from this report.

8. Implications for Children and Young People

- 8.1 There are no direct implications for children and young people arising from this report.

9. Equalities and Human Rights Implications

- 9.1 The decision of the Standards & Ethics Sub-Committee set out at the Appendix considers the equalities implications of the conduct of Councillor Brian Cutts.

10. Implications for Partners and Other Directorates

- 10.1 As set out above, there are implications for the South Yorkshire Police and Crime Panel.

11. Risks and Mitigation

- 11.1 If the recommendations of the Standards and Ethics Sub-Committee are adopted there is the risk of legal challenge from anyone aggrieved by the outcome of the standards process. That risk is mitigated by the Sub-Committee making a reasoned decision as set out at Appendix 1.

12. Accountable Officer(s)

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

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

STANDARDS AND ETHICS COMMITTEE

RECORD OF THE DECISION OF THE STANDARDS AND ETHICS SUB-COMMITTEE MEETING HELD ON 14 SEPTEMBER 2018

SUBJECT MEMBER Councillor Brian Cutts [Rotherham MBC] [in attendance] supported by Mr Reynolds [former Rotherham MBC councillor]

COMPLAINANTS Councillor Maggi Clark [Rotherham MBC] [in attendance]
[Rotherham MBC officer] [in attendance]

WITNESSES FOR THE COMPLAINANTS Councillor Christine Beaumont [Rotherham MBC]
Councillor Victoria Cusworth [Rotherham MBC]
Councillor Pat Jarvis Rotherham MBC]
Councillor Jayne Senior [Rotherham MBC]

THE COMPLAINTS SUB-COMMITTEE

Councillor McNeely (Rotherham MBC) (in the Chair)
Councillor Simpson (Rotherham MBC)
Councillor Rowley (Ravenfield Parish Council)
Mr P Edler (Independent Co-opted Member)
Ms J Porter (Independent Co-opted Member)

INDEPENDENT PERSON

Mr Phil Beavers

ROTHERHAM MBC OFFICERS

Dermot Pearson (Monitoring Officer)
Stuart Fletcher (Investigating Officer)
Dawn Mitchell (Senior Democratic Services Officer)

Preliminary

Councillor Cutts confirmed that he was content for complainants' witnesses to attend the whole of the hearing rather than being called in individually to give evidence.

The Complaint

The Investigating Officer presented his investigation report to the Sub-Committee.

The complainants had attended an Improving Lives Select Committee (ILSC) pre-meeting on 13 March 2018. The complainants are the Chair of the ILSC, Councillor Maggi Clark and

The Subject Member, Councillor Brian Cutts, also attended at the pre-meeting. During a discussion about the adoption of children, the Subject Member asked "*Why are we allowing lesbians and gay men to foster children?*" The Subject Member made further comments, in particular that:

- He "*knew right from wrong*"; and
- He "*knew which side of the road to drive on and which way to go – straight.*"

These comments were challenged by the Complainants and other councillors present. The Subject Member confirmed to the Sub-Committee that he had made the comments.

The Investigating Officer took the Sub-Committee through the complaint forms and the written responses from the Subject Member [attached]. The Subject Member had wished to meet the complainants to discuss his objections to children being parented by gay and lesbian couples, but the Monitoring Officer had determined that such a meeting would not be an attempt at an informal resolution of the complaint as provided for in the Council's Procedure, and the Subject Member had confirmed that he wished the complaint to be considered by the Sub-Committee.

The Investigating Officer referred the Sub-Committee to the following parts of the Code of Conduct for Members and Co-Opted members:

Scope

2. (1) *Except when you are acting as a representative of the Council when sub-paragraph (2) applies, you must comply with this Code whenever you -*

- (a) *conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed); or*
- (b) *Act, claim to act, or give the impression you are acting as a representative of the Council.*

General obligations

(3) (1) *You must treat others with respect.*

(2) *You must not –*

(a) *do anything which may cause the Council to breach any of the equality duties;*

(5) *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.*

The Evidence of the Complainant

Councillor Clark went through the circumstances of the complaint and her complaint form. At a seminar for councillors held on 29 January 2018 about the OFSTED inspection the Subject Member had said he had been excluded from information

relating to the Children & Young People's Service [CYPS]. As the Chair of the Improving Lives Select Commission [ILSC] Councillor Clark had invited the Subject Member to attend ILSC meetings as a guest, as all councillors are entitled to do, to give him the opportunity to be well informed about issues which were being scrutinised.

On 13 March 2018 the Subject Member attended a pre-meeting of the ILSC but gave his apologies for the formal meeting. The meeting was attended by Councillor Clark, the councillors who were members of the ILSC, the Subject Member and the officer complainant, who was an officer from the scrutiny team. During the meeting a councillor raised a query about adoptions and the Subject Member said "*Why are we promoting fostering and adoption with lesbians and gay men*" and expressed his disagreement with the Council doing this. Committee members challenged the Subject Member, appalled by the views he was expressing. The Subject member went on to say that he "*knew right from wrong*" and that he "*knew which side of the road to drive on and which way to go – straight.*" Councillor Clark told the Subject Member his comments were completely out of order and would not be tolerated, and the officer present advised him that the comments were offensive and could warrant referral to the Standards & Ethics Committee.

Councillor Clark said the issue was about respect. The Subject Member's comments were unacceptable, unpalatable and she could not accept that behaviour in the Council or anywhere else. She had never complained about another councillor's conduct before but the Subject Member had breached the Code of Conduct and the Council's equalities duties. The behaviour was unacceptable for any member of the Council. Councillor Clark had circulated a draft of her complaint to the other councillors present at the pre-meeting before submitting it and all but one had agreed the contents, with the remaining councillor accepting that the comments had been made by the Subject Member.

When the Chair asked what outcome she wanted from the hearing, Councillor Clark said that was up to the Sub-Committee but invited the Sub-Committee to consider the Subject Member's role on outside bodies.

The Subject Member was asked if he had any questions for Councillor Clark and confirmed he did not.

In response to questions from the Sub-Committee Councillor Clark gave the following responses;

- The councillors at the pre-meeting had challenged the Subject Member's comments at the time.
- The Subject Member had not been aggressive at the pre-meeting.
- The pre-meeting was a private meeting.
- There was no link between the previous discussion about adoption and the Subject Member's comments about gay and lesbian adoption.
- The comments had been made towards the end of the meeting.

The Subject Member then asked if the meeting was over when he made his comments and Councillor Clark said she had chaired the meeting and the Subject Member had left before the meeting finished.

The officer complainant then gave evidence.

She had been supporting the ILSC to go through the agenda for a future meeting. There was nothing on the agenda about adoption or LGBT adoption. Councillor Senior had raised a query at the pre-meeting about adoption from a constituent. The Subject Member had then asked why the Council was allowing lesbians and gay men to foster, had gone on to say that children should only be brought up by a mother and a father and it was not acceptable for lesbians and gay men to parent. He had then said that he could discriminate between good and bad and made a comment about knowing which side of the road to drive on and driving "straighlt". These two comments were homophobic.

The Subject Member had no questions for the officer complainant.

The Sub-Committee asked about the law on adoption by same sex couples and the Monitoring Officer confirmed that the law provided for adoption by single people and couples, and that the definition of "couple" included both two people of different sexes or the same sex.

The Subject Member said that the pre-meeting had finished when he made his comments. The officer complainant replied that the discussion on the agenda for the next ILSC meeting had concluded but members were still discussing the arrangements for the meeting.

Cllr Clark said that she did not see the difference between whether the meeting had finished or not, but it had not finished.

The witnesses for the complainants, who were councillors who had attended the pre-meeting then gave evidence.

Councillor Jarvis confirmed that she had been in attendance at the ILSC pre-meeting and that she had witnessed the comments made by the Subject Member.

Councillor Cusworth said there was nothing on the agenda about adoption. She had given the pre-meeting feedback from the Corporate Parenting Panel, and would do so at pre-meetings either verbally or in writing if relevant. Councillor Senior had raised a query from a constituent about adoption and the Subject Member had then made his comments. The response has been that assessment for adoption was about the fitness of the applicants to adopt not their sexual orientation. The Subject Member's comments had got worse as he went on and she believed he knew his remarks were offensive. He had been invited because he had said he was excluded from information about CYPS. The Subject Member had left early and she was not sure why he had raised the issue of LGBT adoption. His comments were in breach of the Council's equalities duties and the Code of Conduct.

The Sub-Committee asked whether the Subject Member had been aggressive at the pre-meeting. Councillor Cusworth replied that the Subject Member's comments got stronger, saying the Council should not be allowing same sex couples to adopt, that he knew right from wrong. He was challenged by other councillors and was aware he was offending people but continued. She had not stood up at the meeting.

Councillor Senior said that when the councillors challenged the Subject Member about his comments the challenge was calm not aggressive. She found the suggestion itself offensive. The Council places children with parents who can meet their needs.

Councillor Beaumont said that she could not agree that there had been any aggression from the councillors at the pre-meeting, but the councillors had been united in their shock and horror. It had not been loud, there had been no increase in volume.

The Evidence of the Subject Member

The Investigating Officer referred to the two documents provided by the Subject Member appended to his report and invited the Subject Member to present his case.

The Subject Member said that Council officers who select parents [to adopt] go through an assessment process and do a good job. He does not understand how they can anticipate how an 8 year old will feel at 18 when they realise that they have been adopted by same sex parents. How do the officers know the child will not be bullied? He does not have issues with gay or lesbian people. Other children will have the benefit of mother and father of different sexes.

He acknowledged that he had made the comments and had been expressing his views as councillor and did not agree with private pre-meetings for scrutiny select commissions.

The Subject Member could not understand why the Council was placing children for adoption with two men. The best situation would be a married different sex couple, then an unmarried different sex couple, then two women then two men. He did not think that his comments should have offended anyone and there had been a loud and instant reaction. It was not relevant that he had left the meeting to get back to his car. The issue is that the care of children is best when they are looked after by a man and a woman.

Cllr Cusworth commented that she found the idea that two women could not be as good parents as parents of different genders offensive.

The Subject Member felt he had been sprung on by the unanimous response from the other councillors at the pre-meeting.

In response to questions from the Sub-Committee the Subject Member gave the following responses;

- If divorce or bereavement leaves children with one parent, being united in grief will bond the family together.
- Mr Reynolds [supporting the Subject Member] said that the Subject Member's view was that a traditional family might be more robust.
- He had been a councillor for 14 years but was not aware of the law on same sex adoption. He had not gone to the pre-meeting with the intention of being controversial.
- He apologised for any offence caused and said he was only concerned about the welfare of children.

- He was aware of the Code of the Code of Conduct and had received it recently. [The Monitoring Officer confirmed to the Sub-Committee that when councillors are elected or re-elected they make a Declaration of Acceptance of Office which included an undertaking to comply with the Code of Conduct.]
- When asked about what he meant by his comment that he knew right from wrong, Mr Reynolds said that the Subject Member had only expressed his disagreement with the policy of [same sex adoption] and that he was entitled to his personal view even if it contradicted the "party line".

Cllr Cusworth said that the way the Subject Member had spoken in the meeting had repeated the distress he had caused in the pre-meeting.

Summary

The Investigating Officer summarised the matters before the Sub-Committee. In particular that the comments were admitted, the Sub-Committee had to decide whether the comments had been made during the pre-meeting or after it had finished and that the evidence of the complainants and their witnesses was of the distress and distaste caused by the Subject Member's comments at the pre-meeting.

The Subject Member confirmed he did not wish to sum up.

The Findings of the Sub-Committee

The Sub-Committee considered, in consultation with the Independent Person, whether the Code of Conduct applied to the Subject Member's conduct at the pre-meeting on 13 March 2018.

They noted that the comments were made at a private pre-meeting to which the Subject Member had been invited as a councillor and the evidence of Councillor Clark, as Chair of the pre-meeting that the Subject Member had left before she closed the meeting. They found on balance that the Subject Member had been conducting the business of his office as a councillor when he made the comments at the pre-meeting and that the Code of Conduct applied to his conduct at the pre-meeting.

The Sub-Committee then considered, in consultation with the Independent Person, whether by making the comments the Subject Member had failed to treat others with respect. They considered the comments made by the Subject Member that:

- He *"knew right from wrong"*; and
- He *"knew which side of the road to drive on and which way to go – straight."*

And found that those comments were homophobic, being indicative of a dislike or prejudice towards LGBT people.

The Sub-Committee found on balance that that the Subject Member had breached the Code of Conduct in making those comments in that he had failed to treat others with respect, namely the LGBT community and in particular same sex couples who foster or adopt children or who wish to do so.

The Sub-Committee then considered, in consultation with the Independent Person, whether by making the comments the Subject Member had done something which may cause the Council to breach any of the equality duties. They noted the Council's responsibility under the Equality Act 2010 when exercising public functions to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

And found on balance that by making the homophobic comments at a pre-meeting of the Improving Lives Select Commission the Subject Member had done so.

The Sub-Committee then considered, in consultation with the Independent Person, whether by making the comments the Subject Member had conducted himself in a manner which could reasonably be regarded as bringing his office of councillor or the Council into disrepute. They found on balance that by making the homophobic comments at a pre-meeting of the Improving Lives Select Commission the Subject Member had done so, both in respect of his office as councillor and the Council.

Given their findings that the Subject Member had breached the Code of Conduct the Sub-Committee considered what sanctions, if any, to impose upon him. They noted that the Subject Member sat on the South Yorkshire Police and Crime Panel and on the Council's Improving Places Select Commission.

The Sub-Committee decided that the following sanctions should be applied to the Subject Member:

- (1) The member shall be censured
- (2) The formal decision notice setting out the findings of the Sub-Committee shall be published on agenda of the next meeting of the Standards & Ethics Committee ;
- (3) The Sub-Committee shall recommend to the Councillor's Group Leader that he be removed from the Committees or Sub-Committees of the Council upon which he sits;
- (4) The Monitoring Officer shall be instructed to arrange equalities training for the Subject Member;
- (5) That the Sub-Committee shall recommend to Council that the Subject Member be removed from all outside appointments to which he has been appointed or nominated by the Council ;

Signed: *ON BEHALF* [Chair of Sub-Committee]
OF COUNCILLOR ROSE MCNEELY

Dated: *19th September 2018*

STANDARDS AND ETHICS COMMITTEE
13th September, 2018

Present:- Councillor McNeely (in the Chair); Councillors Clark, Fenwick-Green, and Simpson, along with Parish Council Representatives Messrs. D. Bates, D. Rowley and R. Swann and also Mr. P. Edler and Mrs. J. Porter, Independent Co-optees.

Also in attendance was Mr. P. Beavers, Independent Person.

Apologies for absence were received from Councillors Brookes, Ireland and Vjestica and Mr. D. Roper-Newman, Independent Person.

11. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

12. 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. 15 and 16 and Minute No. 17 on the grounds that they involve 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.

13. MINUTES OF THE PREVIOUS MEETING HELD ON 14TH JUNE, 2018

Consideration was given to the minutes of the previous meeting held on 14th June, 2018.

Reference was made to Minute No. 3 (Minutes of 1st May, 2018) in terms of the appointment of the Town and Parish Council representatives and the agreement that their membership continued until the 2020 elections. Whilst this had been agreed in principle it was suggested that this be confirmed in writing in consultation with the Cabinet Member with responsibility.

It was also suggested that clarification be sought on the nomination/voting mechanism to be used for the appointment of the Town and Parish Council representatives in the future.

With regards to Minute No. 3 and the response to the consultation (Review into Ethical Standards in Local Government) this had been circulated to all members of the Standards and Ethics Committee.

It was also noted that with regards to Minute No. 4 (Training Plan) liaison was taking place with the Yorkshire Local Councils Association via the Parish Liaison Officer to ascertain their training programme for the year to

avoid any duplication. The Committee emphasised the need for training on social media and urged officers to take this forward.

In terms of the Review of the Whistleblowing Policy (Minute No. 9) the Deputy Monitoring Officer confirmed that any additional information that could be incorporated for the Committee's consideration would be included and updated accordingly for the next meeting.

Resolved:- That the minutes of the meeting of the Standards and Ethics Committee held on 14th June, 2018 be approved as a true and accurate record of proceedings.

14. THE WHISTLEBLOWING POLICY AND MODERN SLAVERY

Consideration was given to the report which provided a briefing following the Motion adopted by Council at its meeting on 25th July, 2018 in relation to modern slavery and recommended an amendment to the Whistleblowing Policy so that it made explicit reference to modern slavery.

The Motion committed the Council to ensuring that the whistleblowing system for staff to blow the whistle on any suspected examples of modern slavery be publicised. The current wording of the Whistleblowing Policy covered criminal activity and anyone could use the whistleblowing procedures to raise concerns about modern slavery, but the Policy did not specifically identify modern slavery as a matter which could be raised via whistleblowing procedures. Given the Council's commitments in relation to modern slavery it was, therefore, proposed that the wording of the Policy be amended to make explicit reference to modern slavery.

The Committee welcomed the amendment and highlighted the need for this to be widely publicised and for all citizens to be vigilant about slavery practices taking place in the borough.

Resolved:- That the detail of the Motion adopted by Council at its meeting on 25th July, 2018 be noted and the Whistleblowing Policy be amended to make explicit reference to modern slavery as set out at Paragraph 3.3 of the report, and that the Whistleblowing Policy be publicised as stated in the Council Motion.

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

Consideration was given to the report and appendix presented by the Deputy 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.

The Committee considered the reported matters in detail which would identify if there were any particular trends or issues. However, the Committee asked if more information could be provided on an activity log for timescales and whether or not a target date for completion would assist in preventing any unnecessary delays.

The Deputy Monitoring Officer agreed to check what was and not viable to assist the Committee in their consideration of trends moving forward.

Resolved:- That the Whistleblowing concerns raised over the previous year and the actions taken to address these matters be noted.

16. STANDARDS AND ETHICS COMMITTEE - CONSIDERATION OF COMPLAINTS

Consideration was given to the report presented by the Deputy 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 and an updated complaint schedule was circulated.

Details of each related case and recommended outcome were highlighted.

Reference was made to Ref. No. 21/17 where the Committee was happy to proceed on the basis suggested to give the complainant seven days to provide his agreement to the documents being considered by the Monitoring Officer at Wakefield, failing which the complaint would be considered as concluded.

In respect of Ref. No. 03/18 it was confirmed that this complaint had now been concluded and that no further action would be taken.

The Committee also sought an update on the Committee on Standards in Public Life Review of Local Government Ethical Standards and whether there was anything further to report. The Deputy Monitoring Officer had nothing further to add at this stage, but confirmed that authorities had put forward their views as part of the consultation and these would be taken into account when the Committee on Standards in Public Life concluded its review which was due towards the end of the year.

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.

17. OUTCOME OF A STANDARDS AND ETHICS SUB-COMMITTEE HEARING REGARDING AN ALLEGED BREACH OF THE CODE OF CONDUCT

Consideration was given to the report presented by the Deputy Monitoring Officer which set out clearly the outcome of a Standards and Ethics Sub-Committee Hearing which took place on 11th July, 2018 in relation to an alleged breach of the Code of Conduct for Members by a town or parish councillor. The Sub-Committee, in light of their findings, recommended the complaint be not upheld.

Resolved:- That the outcome of the Standards and Ethics Sub-Committee Hearing be noted.

18. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 13th December, 2018 at 2.00 p.m.

AUDIT COMMITTEE
2nd October, 2018

Present:- Councillor Wyatt (in the Chair); Councillors Vjestica and Walsh; together with Mr. B. Coleman (independent member).

Messrs. G. Mills and T. De Zoya, Grant Thornton UK LLP, were also present.

Apologies for absence were received from Councillor Cowles.

29. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

30. QUESTIONS FROM MEMBERS OF THE PUBLIC OR THE PRESS

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

31. MINUTES OF THE PREVIOUS MEETING HELD ON 30TH JULY, 2018

Consideration was given to the minutes of the previous meeting of the Audit Committee held on 30th July, 2018.

Resolved:- That the minutes of the previous meeting of the Audit Committee be approved as a correct record of proceedings.

32. AUDIT COMMITTEE TERMS OF REFERENCE

Consideration was given to a report presented by David Webster, Head of Internal Audit, proposing an update to the Audit Committee's Terms of Reference.

The Chartered Institute of Public Finance and Accountancy (CIPFA) had published 'Audit Committees – Practical Guidance for Local Authorities and Police' in May 2018, an update of the 2013 guidance. The Guidance included suggested Terms of Reference for audit committees which had been used as the basis for the proposed update.

The main changes to the Terms of Reference were:-

- Inclusion of the extended membership agreed in December 2015
- A Statement of Purpose outlining the role of the Committee
- Detailed responsibilities were given for governance, risk and control, Internal Audit, External Audit, financial reporting, Treasury Management and accountability

AUDIT COMMITTEE - 02/10/18

A number of textual amendments were suggested to the Terms of Reference and it was proposed that an item also be included in respect of the Audit Committee having oversight of the Council's whistle-blowing procedure.

Resolved:- (1) That the updated Terms of Reference for the Audit Committee, as now amended, be approved insofar as this Committee is concerned.

(2) That the updated Terms of Reference for the Audit Committee be recommended for further consideration by the Constitution Working Group and to the Council for approval and adoption.

33. INTERNAL AUDIT CHARTER

Further to Minute No. 22 of the meeting of the Audit Committee held on 19th September, 2017, David Webster, Head of Internal Audit, presented the revised Internal Audit Charter which had been reviewed to ensure compliance with Public Sector Internal Audit Standards (PSIAS).

The main changes were:-

- Updates to refer to the International Professional Practices Framework which PSIAS were based upon
- The need for auditors to have regard to the Committee in Public Life's Seven Principles of Public Life (the Nolan Principles)
- Changes in reporting arrangements whereby summary reports were sent to Cabinet Members
- The referral of reports to the Corporate Risk Manager so that findings could be considered for inclusion in Risk Registers

A number of textual amendments were suggested to the Internal Audit Charter. The external assessment of Internal Audit against PSIAS last took place in early 2016 and it was suggested that, although the requirement is for this to be completed at intervals of five years, the next review ought to take place at an earlier date.

Resolved:- That the Internal Audit Charter, as now submitted and with the inclusion of the suggested textual amendments, be approved.

34. ANTI-FRAUD AND CORRUPTION POLICY AND STRATEGY

Further to Minute No. 23 of the Audit Committee meeting held on 19th September, 2017, consideration was given to a report presented by David Webster, Head of Internal Audit, which detailed the proposed update to the Council's Anti-Fraud and Corruption Policy and Strategy following an annual review process designed to ensure that the Policy and Strategy were up-to-date with current best practice and to take into account any changes to the Council's organisational structure.

The report also provided a summary of proposals to further strengthen the Council's fraud and corruption arrangements following a refresh of the self-assessment against the CIPFA Code of Practice on managing the risk of fraud and corruption.

The main changes to the documents were:-

- Update on the way to report a suspected wrongdoing, so that it was in line with the Whistleblowing Policy
- The inclusion of information on the use of a Protected disclosure
- Clarification on the procedure for reaching a decision on contacting the Police
- Deletion of reference within the Strategy to the Rotherham Improvement Plan

The updated Anti-Fraud and Corruption Policy was attached at Appendix A and the updated Strategy at Appendix B. Appendix C of the report contained an update to the self-assessment against the CIPFA's Code of Practice on Managing the Risk of Fraud and Corruption and Appendix D was an update to the Council's action plan for Managing the Risk of Fraud. It was important that the arrangements continued to be reviewed and updated where necessary to ensure the risk of fraud continued to be minimised.

A number of textual amendments were suggested to the Anti-Fraud and Corruption Policy and Strategy. Discussion took place on the possibility of matters of concern initially being raised with Elected Members.

Resolved:- (1) That the proposed revisions to the Anti-Fraud and Corruption Policy and Strategy, including the textual amendments now discussed, be approved.

(2) That the proposed actions intended to strengthen the Council's fraud and corruption arrangements be noted.

(3) That all Members of the Council be informed that matters of concern which were raised with them should be referred in the first instance to the Council's Monitoring Officer/Assistant Director of Legal Services in accordance with the Council's Whistleblowing Policy.

35. PLANNED AUDIT FEE FOR 2018-19

Consideration was given to correspondence dated 17th April, 2018, received from Grant Thornton UK LLP concerning the scale fees for the audit of the Borough Council's accounts for the current, 2018/19 financial year. The scope of the scale fees would cover the Company's work on:-

AUDIT COMMITTEE - 02/10/18

- : the audit of the Council's financial statements;
- : reaching a conclusion on the economy, efficiency and effectiveness in the Council's use of resources (the value for money conclusion); and
- : the work on the whole of Government accounts return.

Resolved:- That the correspondence now submitted from Grant Thornton UK LLP relating to the scale fees for the audit of the Council's 2018/19 accounts, be received and its contents noted.

36. EXTERNAL AUDIT PROGRESS REPORT

Consideration was given to a report submitted by Grant Thornton UK LLP providing details of the progress of the external audit of the Council's accounts and financial statements for the 2018/19 financial year, for the period from 1st April to 24th September, 2018.

The Committee welcomed Messrs. G. Mills and T. De Zoysa (representatives of Grant Thornton UK LLP) who presented the report and answered questions from Members.

It was noted that a meeting was to be arranged between the members of the Audit Committee and the team of auditors from Grant Thornton UK LLP.

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

(2) That the Audit Plan be submitted to the meeting of the Audit Committee to be held on 29th January, 2019.

37. AUDIT COMMITTEE FORWARD PLAN

Consideration was given to proposed forward work plan for the Audit Committee covering the period November, 2018 to September, 2019.

Resolved:- That the Audit Committee forward work plan, now submitted, be supported and any amendments arising actioned in due course.

38. ITEMS FOR REFERRAL FOR SCRUTINY

There were no items for referral to Scrutiny.

39. 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006 (information relates to finance and business affairs).

40. INTERNAL AUDIT PROGRESS REPORT 1ST JUNE TO 31ST AUGUST 2018

Consideration was given to a report presented by the Head of Internal Audit which provided a summary of Internal Audit work completed during 1st June to 31st August, 2018, and the key issues that had arisen therefrom.

The completion of the audit plan had been impacted by 2 staff vacancies within the Audit Team. The recruitment process had now begun in respect of these vacancies.

Performance against key indicators had been maintained with performance meeting or almost reaching the required level with the Service having been impacted by the departure of 2 members of staff.

Summary conclusions in all significant audit work concluded during the period were set out in Appendix B of the report submitted. 14 audits had been finalised since the last Audit Committee meeting 2 of which had No Assurance and 6 had Partial Assurance. The remaining 6 all had Substantial Assurance or Reasonable Assurance.

Reference was also made Appendix C which detailed significant responsive work completed since the last Audit Committee meeting.

Appendix D showed the results of a Control and Risk Self-Assessment exercise undertaken by maintained schools during 2017/18. The results will be used to develop themed audits on specific subjects, to be carried out in a sample of schools with the results reported to all.

Appendix E summarised Internal Audit's performance against a number of Indicators and Appendix F showed the number of outstanding recommendations that had passed their original due date, age rated. For those over 120 days old the detail was then given, where they had been deferred the comment received from the Manager was given and where there was no change to the due date or comment, the Manager had not updated the system.

Discussion ensued on various matters contained within the agreed actions section of the report.

Resolved:- (1) That the Internal Audit work undertaken since meetings of the Audit Committee, 1st June to 31st August, 2018, and the key issues arising therefrom be noted.

(2) That the information submitted regarding the performance of Internal Audit and the actions being taken by management in respect of the outstanding actions be noted and an updated version of the report be submitted to the next meeting.

(3) That the progress of the following items be reviewed at the next meeting:-

Supported Living, Day Care Services and Direct Payments
Supported Living – new contracts

41. RISK REGISTER - ASSISTANT CHIEF EXECUTIVE

Consideration was given to a report, presented by Shokat Lal (Assistant Chief Executive) providing details of the Risk Register and risk management activity within the Assistant Chief Executive's Directorate and in particular highlighting:-

- How the Register was maintained/monitored and at what frequency
- Involvement of the Cabinet member for Finance and Corporate Services
- How risks were included on and removed from the Register
- Anti-fraud activity in the Directorate

Discussion ensued with the following issues raised:-

- partnership working and commissioning arrangements - the need for the Council to be satisfied as to the governance arrangements of those organisations which received funding from the Council and which delivered services on behalf of the Council (via the commissioning process);
- Three risks were currently rated as red :
 - Tackling Family Poverty
 - Improving Confidence in Rotherham
 - Operating sound Recruitment Practices encompassing statutory and safeguarding requirements.
- Reference was made to the new HR and Payroll system being implemented in April, 2019.

Resolved:- (1) That the progress and current position in relation to risk management activity in the Assistant Chief Executive's Directorate, as detailed in the report now submitted, be noted.

(2) That a further report be submitted to a future meeting of the Audit Committee concerning the governance arrangements of those organisations which received funding from the Council and which delivered services on behalf of the Council (via the commissioning processes for Adult Social care and for Children and Young People's Services).

42. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Audit Committee take place at the Town Hall, Rotherham on Tuesday, 27th November, 2018, commencing at 2.00 p.m.

HEALTH AND WELLBEING BOARD
19th September, 2018

Present:-

Councillor David Roche	Cabinet Member, Adult Social Care and Health (in the Chair)
Tony Clabby	Healthwatch Rotherham
Dr. Richard Cullen	Strategic Clinical Executive, Rotherham CCG
Chris Edwards	Chief Operating Officer, Rotherham CCG
Carole Lavelle	NHS England
Councillor Janette Mallinder	Chair, Improving Places Select Commission
Mel Meggs	Deputy Strategic Director, Children and Young People's Services
Chris Morley	Chief Nurse, Rotherham Foundation Trust (representing Louise Barnett)
Rob Odell	District Command, South Yorkshire Police
Dr. Jason Page	Governance Lead, Rotherham CCG
Jacquie Wiltchinsky	Consultant in Public Health (representing Terri Roche)

Also Present:-

Kate Green	Public Health Specialist, RMBC
Gordon Laidlaw	Communications Lead, Rotherham CCG
Councillor Short	Vice-Chair, Health Select Commission
Janet Spurling	Scrutiny Adviser, RMBC
Hannah Upstone	Strategic Housing Assistant
6 Members of the Public	

Report Presenters:-

Tom Bell	Assistant Director of Housing
Ruth Fletcher-Brown	Public Health Specialist, RMBC
Polly Hamilton	Assistant Director, Culture, Sport and tourism
Dermot Pearson	Assistant Director, Legal Services
Sarah Watts	Strategic House Manager

Apologies for absence were received from Louise Barnett, Sharon Kemp, AnneMarie Lubanski, Kemp, Roche, Barnett, Wheatley and Watson.

11. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

12. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

With regard to the Hospital Services Review, why have you not involved the staff in such a way that they understand the whole picture of what you are asking of them and where it may lead? In terms of consultation you have hardly grasped it with the fervour it warrants. Why have you not involved the staff inside the NHS so they understand the whole of what they are working on?

The Chair stated that, from the Council perspective, he had spoken out in public, including to the regional board, of his concerns about the lack of public consultation on the regional STP. He had argued long and hard for the Local Plan to be accountable and had insisted that it come under the Health and Wellbeing Board and, therefore, the minutes of the sub-groups belonging to the Place Board were submitted to the Board meeting. There had been at least 2 All Member seminars on the Plans to inform all Members of the Council and where they could ask questions. The Health and Wellbeing Board and the Place Board were both public meetings and the item had been included on both agendas in the “open” session. The Local Place Plan was based on what was happening locally and had formulated some of the actions but there were no cuts and no involvement in private companies. This had also been subject to public meetings and was aimed at improving the health of Rotherham people and not about bringing in another organisation.

Dr. Cullen stated that, in his view as a GP, the Place Board was part of closer working together and that was reflected through the organisations to the workers. People on the ground wanted that facility to work together more closely; they were listening to the patients and did not want duplication. The Place Board was the top part that would allow better working on the ground to improve patient care and co-ordinate the best value out of the Rotherham pound.

Chris Edwards reported that the Hospital Services Review was conducted by an independent company commissioned to produce a report. The comments regarding the length of the document and how it had been publicised would be fed back. Any major service change that affected Rotherham would legally require full public consultation and any decisions would be made in public.

The Rotherham Integrated Care Partnership Agreement would tie all representatives to make the best decisions for Rotherham people and to meet the Key Performance Indicators.

Rotherham was at the forefront of the possible changes. Can we not bring a team from the Labour Party down to look at it? We would press the local labour Party to deal with this

The Chair stated that there was no problem at all with people looking at what Rotherham had done and what intended to do.

Tony Clabby, Healthwatch Rotherham, reported that an engagement event on the Hospital Services Review had been held on 10th September at the Carlton Park Hotel at which over 40 people from hard to reach communities had attended.

13. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of the previous meeting of the Health and Wellbeing Board held on 11th July, 2018, were considered.

Resolved:- That the minutes of the previous meeting held on 11th July, 2018, be approved as a correct record.

14. COMMUNICATIONS

A. The following question had been received from a member of the public on 29th July, 2018, submitted to all South Yorkshire Health and Wellbeing Boards. A South Yorkshire response had been provided. The question was:-

“The organisation in charge of the Health and Wellbeing Board i.e. the council must take these questions and statements and have them answered by the board under the Public Sector Equality Act. Circumventing any relevant policy that is not law, that would block these questions or statements, any non-compliance of this request will be subject to a legal challenge by myself (name removed) and any relevant persons or peoples to whom the issue applies.

Statement:

JSNA does not provide the full waiting list for primary care and secondary care services for assessment and diagnosis. Given that it is up to the statutory authority to deal with making sure that public sector equality is upheld will they do the following:

Question 1) Will the chair including all associated bodies that commission local services, now ask or provide waiting lists for each contract in place for assessment and diagnosis, in the NHS and provide the total cost of clearing each waiting list?

Question 2) Will the chair request that the waiting list for all Social Care services are published on a monthly basis for review emergency or otherwise, and the first assessment and provide a cost for each month to clear that waiting list?

Question 3) Will the board then provide the list to the Secretary of State for Health and Social Care, to make sure they are aware of the waiting list and hold them to account on funding the clearing of such waiting list under the health and social care act and the care act?”

A response was provided via email from the Chair which stated:-

“Thank you for your email. Unfortunately the Rotherham Health and Wellbeing Board cannot accept your request as it is not within the remit of the Board to do so.

The Health and Wellbeing Board is a strategic body whose role is to improve the health and wellbeing of the people in its area by encouraging integrated commissioning between health, social care and public health. It does not have a role in monitoring performance or waiting times, which are operational matters. You should, therefore, direct your request for information on waiting lists and the cost of clearing these lists to each individual provider of commissioned services.”

B. Peer Support Offer for Local Systems

An offer of Peer Support had been received from the Local Government Association for local systems, which included LGA NHS providers, NHS Clinical Commissioner and NHS Confederation, to provide a group of people to visit and work locally looking at what the Board was doing and how it was progressing.

However, a condition of the impending restoration of powers to the Council on 24th September, 2018, by the Secretary of State was that the Council undergo a health check in January/February, 2019.

It was felt that the Board may wish to consider the Peer Support Offer towards the end of 2019.

15. HWB STRATEGY AIM 4 UPDATE

A Draft Cultural Strategy for Rotherham 2018-2025

Polly Hamilton, Assistant Director, Culture, Sport and Tourism, presented the above document, with the assistance of a powerpoint presentation, which was developed by the Rotherham Cultural Partnership Board, an organisation formed during 2018 bringing together people and agencies that cared about Rotherham's future.

The Strategy set out Rotherham's aims for culture, leisure and green spaces and described how it would develop the local assets and resources, making the best use of what existed and building agreement about priorities for development, supporting the case for external funding and investment.

The Strategy would build understanding about how engagement with the arts, sport and natural environment could improve people's personal growth, health and wellbeing and sense of purpose. It would set out how enabling more people to participate, to get active, get create and get outdoors, would not only make sure that everyone felt part of and proud of their community but also help to strengthen the economy.

The document was out for consultation until 31st October, 2018.

The Board was asked:-

- Do you support our key goal – to enable everyone to get active, get creative and get outdoors, more often?
- Was the argument clear?
- What can you or your organisation do to support the ambitions and actions of the Strategy?
- Volunteers from NHS/CCG to develop action plan?

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

(2) That representatives email Polly Hamilton with any comments on how their organisation could support the ambitions and actions of the Strategy.

ACTION: All Board members

(3) That Dr. Jason Page and Rob Odell assist with the development of the action plan.

ACTION:- Rob Odell/Jason Page

(4) That Voluntary Action Rotherham be contacted as to whether they could assist with the development of the action plan.

ACTION: Polly Hamilton

Housing Strategy Refresh 2019-2022

Sarah Watts, Strategic Housing Manager, gave the following powerpoint presentation:-

- Overview of housing in Rotherham
 - 112,000 households – largely 3 bed semi-detached houses
 - 6,500 applicants on the housing register
 - The Council owns and manages 20,500 tenanted properties, 500 leaseholders
 - 64% were owner-occupiers, 22% social rented and 14% private rented
 - 900+ overall target for homes built (SHMA) per annum
 - 600 average delivery in recent years
 - 202 sold via Right to Buy last year
- Current Strategy: The 5 Themes - Housing growth, Social housing, Private rented housing, Affordable housing and Specialist housing
- Achievements e.g. Grant funding for new homes, Shared ownership and affordable housing, Clusters Partnership – Wates, Town Centre residential programme, Excellence in Tenant Engagement Award and Selective Licensing

- Things have changed - Housing and Planning Act 2016, Policy updates, HRA Business Plan refresh, Increasing resources, Homelessness Reduction Act and Social Housing Green Paper
- The New Strategy – Vision
 - Meeting housing need through growth
 - People living in high quality homes, affordable and energy efficient homes
 - Rotherham Council being the best housing provider in the country
 - Rotherham's people can live independently in safe, healthy and vibrant communities
 - A revitalised town centre with a new urban community
- Value of new housing - More than bricks and mortar, Economic, Social value, Energy efficiency, Health, Neighbourhoods and Community engagement
- Structure – 5 Priorities
 - Providing new homes to meet Rotherham's housing needs
 - Investing in Rotherham housing stock
 - Improving health and wellbeing through housing
 - Strengthening Rotherham's economy
 - Working in partnership to deliver the Strategy
- Timetable for Refresh
 - July-October, 2018 – consultation period
 - November 2018 – first draft
 - January 2019 – final draft
- Pipeline Projects – More new homes, housing profiles and land review, transformation of Adult Care, modern methods construction and the new Repairs and Maintenance Contract
- Public Health would be interested in the work around health inequalities and the targeting of what might need to be considered specifically
- In the past enforcement had been missing; now 95% of Rotherham citizens lived in safer and warmer homes
- It had only been quite recent that the connection between Housing and health had been taken into account
- As various parts of the Borough were developed it would change what the localities had been set up to accommodate. The Locality Plan would need to adapt

- The Local Estates Forum was crosscutting and starting to develop and look at the whole of Rotherham estates and the housing implications as well as the health implications

Resolved:- (5) That the presentation be noted.

(6) That Public Health be included in the work with regard to health inequalities.

ACTION:- Sarah Watts/Jacqui Wiltchinsky

Loneliness

Ruth Fletcher-Brown, Public Health Specialist, gave a brief update on loneliness.

It was felt that the Better Mental Health For All Group contained all the partners required to address loneliness and to get the strong message across that loneliness did not just affect older people. Following discussion it not felt necessary to have a public campaign to address loneliness as the Five Ways to Wellbeing Campaign was a good tool to use

There was a strong message that anyone could experience loneliness at any point in their life. Work was taking place in the South Multi Agency Group which had identified loneliness as a key theme and from April 2019 MECC would address Loneliness. It was felt that there should be some initial pilot work and discussions were taking place with the South MAG with regard to possibly piloting some workers making MECC around Loneliness. Discussions were also taking place with Voluntary Action Rotherham with regard to their website GISMO which tried to capture all the community groups.

The Chair stated that performance indicators would be submitted to the next meeting. A Loneliness Plan was being developed and would be submitted in due course.

Councillor Short reported that there was a Loneliness project in his Ward, working with Churches Together, and a coffee morning held every week.

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

(8) That the Five Ways to Wellbeing Group drive the Loneliness agenda

(9) That the Board support the need to take the Five Ways to Wellbeing message forward as partners and consideration be given as to it being the front facing message around Loneliness.

16. HWB STRATEGY AIM 2 UPDATE

Ruth Fletcher-Brown, Public Health Specialist, presented an annual update on the action detailed in 2 partnership action plans i.e. the Rotherham Suicide Prevention and Self-Harm Action Plan for 2016/2018 and the Better Mental Health for all Action Plan 2017-2020.

Both actions plans evidenced the work that all partners were carrying out to promote the mental health of people living and working in Rotherham and the prevention of suicide.

Better Mental Health for All

The action plan drew upon the evidence of what worked promoting the mental health for the whole population, for individuals who were more at risk of developing mental health problems and for those living with a mental health problem.

The co-ordination of the action plan was through a local implementation group with partners of the Health and Wellbeing Board represented. The focus of the work was linking into community assets (strengths) and connecting people within their local community. The Strategy and action plan recognised the skills, knowledge and expertise of individuals and the assets that communities and organisations had to improve mental health and wellbeing.

10.8% of adults over the age of 18 years in Rotherham (2014/15) had depression, the average for England for the said period being 7.3%. For self-reported emotional wellbeing (2015/16) Rotherham residents reported high levels of low satisfaction with life, low happiness and high anxiety; these rates were higher than the average for England and for the Yorkshire and Humber region.

Key Actions:-

- Film and resources produced to support the Five Ways to Wellbeing campaign completed by April 2018
- Launch of the Five Ways to Wellbeing Campaign in May 2018
- Partner organisations signed up to roll out the different topic areas (Be Active, Connect, Give, Keep Learning and Take Notice) from the launch until October/November 2018
- Work now ongoing to ensure the Five Ways to Wellbeing principles were embedded in all partners' commissioning processes and provider services
- A future focus of the Better Mental Health for All Group would be to look at actions to address loneliness in line with Aim 4 of the Health and Wellbeing Strategy. The proposal was to utilise the Five Ways to Wellbeing campaign as the public campaign to combat loneliness
- The action plan was being updated with a progress report to the November meeting

Rotherham Suicide Prevention and Self-Harm Action Plan

The Plan had been written to recognise the role of all partners in addressing the complexity of preventing deaths from suicide.

The All Party Parliamentary Group (APPG) on Suicide and Self-Harm published an “Inquiry into Local Suicide Prevention Plans in England” January 2015. The APPG considered there were 3 main elements that were essential to the successful local implementation of the national strategy. All local authorities must have in place:-

1. Suicide audit work in order to understand local suicide risk
2. A suicide prevention plan in order to identify the initiatives required to address local suicide risk
3. A multi-agency suicide prevention group to involve all relevant statutory agencies and voluntary organisations in implementing the local plan

Key Actions:-

- Launch of the young people’s campaign STILL on World Mental Health Day on 10th October 2017 at Oakwood School
- All Rotherham schools received an updated Critical Incident Prompt sheet from Educational Psychology in May 2017
- 6 schools piloted a Whole School Approach to mental health and emotional wellbeing during 2016-17. This work had now been shared with other schools across the Borough
- Suicide prevention training provided in May 2017 by Public Health Specialist to Crossroads and Rotherham Alzheimer’s Society staff. In 2018 Youth Mental Health First aid training courses also provided to the Rotherham Parent Carers Forum and a second women’s group from BME communities
- During 2017 Wentworth Valley Area Assembly identified funding for suicide prevention work in the Maltby, Hellaby and Wickersley Wards
- 4 SafeTalk suicide prevention courses delivered in March 2017
- Bereavement pathway for children who had experienced a sudden and traumatic death revised in October 2017 and re-issued to all partners. The next revision was due in October 2018
- Rotherham Samaritans launched their bereavement support project in January 2017
- The action plan was currently being refreshed and would address issues highlighted through Rotherham’s real time surveillance work
- South Yorkshire and Bassetlaw had received NHS England funding for suicide prevention work for one year. The funding could not be used to support local plans in their entirety but could be used to support the national themes of:-

- Reducing suicide and self-harm in Mental Health Services
- Reducing self-harm in Community and Acute Services
- Suicide prevention in men and/or work with Primary Care

The Rotherham Suicide Prevention and Self-Harm Group had submitted initial proposals for spending the funding in the Borough to NHSE. The proposals had been supported by the Rotherham Mental Health and Learning Disability Transformation Board and were in line with priorities within the Local Plan. Discussions were still taking place as to how the funding would be divided. It was hoped to know of the outcome by the end of September.

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

- The 6 schools who had piloted a Whole School Approach were all meeting on a regular basis and were taking the work forward. They had presented their approach to various school meetings resulting in additional schools expressing interest
- The Whole School approach had a really strong element of environment level and local level and would feature in the new SEMH Strategy
- The participating schools had given a presentation to Children Services' Departmental meeting and looked at how it could be taken wider than schools. It had made a difference to the culture of those schools
- Rotherham CCG had bid for Trailblazer funding which would place Mental Health Workers within schools. It was hoped to hear if the bid had been successful sometime next month
- Excellent suicide prevention work had been carried out in the Wentworth Valley Area Assembly. It was now a matter of persuading individual Wards if they would fund similar work
- The refresh of the action plan gave an opportunity to establish which partners were still missing/not engaging with the work
- The Police were obviously involved in the crisis but intervention after the event to hopefully prevent a further attempt was really important
- All Healthwatch Rotherham staff had received Safe Talk training and suicide prevention training

Resolved:- (1) That the Lead Officers from their organisations continue to assist with the implementation of the Better Mental Health for All Action Plan and the Rotherham Suicide Prevention and Self-Harm Action Plan.

(2) That the proposal for the Better Metal Health for All Group being the place to implement the section on loneliness within Aim 4 of the Health and Wellbeing Strategy be supported.

(3) That the revised Rotherham Suicide Prevention and Self-Harm Action Plan be submitted in December 2018.

(4) That annual progress updates be submitted to the Board on both action plans.

(5) That updates on the NHSE funding for suicide prevention and how this was being implemented locally be submitted to the Board.

ACTION: Ruth Fletcher-Brown

17. FINAL INTEGRATED CARE PLACE PLAN

Chris Edwards, Chief Operating Officer, RCCG, presented the final draft of the Rotherham Integrated Health and Social Care Place Plan for information and endorsement.

Rotherham's first Integrated Health and Social Care Place Plan (Place Plan) was published in November 2016. It had now been refreshed to facilitate alignment with the revised Health and Wellbeing Strategy agreed in April 2018.

The version attached addressed all the comments received from partners and all sections were complete with the exception of some minor additions which would be completed shortly. It should also be noted that there was an additional priority within the Children and Young Peoples Transformation Workstream in relation to Maternity and Better Births:-

The areas to be completed were:-

- Completion of milestones and KPIs for the new Maternity and Better Births priority
- Addition of a patient story for Children and Young Peoples Transformation Workstream

Resolved:- That the final draft of the Integrated Health and Social Care Place Plan be endorsed.

18. ROTHERHAM INTEGRATED CARE PARTNERSHIP AGREEMENT

The Board received the final draft of the Rotherham Integrated Care Partnership Agreement.

The Agreement was intended to strengthen the governance arrangements underpinning the Rotherham Integrated Care Partnership Place Plan and to capture the culture of how the Place Plan Board worked together.

The Agreement was based on a Memorandum of Understanding approach and aimed to provide an overarching arrangement to oversee the development of integrated multi-agency solutions for health, care and support across Rotherham. The Agreement was not intended to be

legally binding except for specific elements such as confidentiality or intellectual property. However, if areas such as payment mechanisms and risk sharing/outcomes performance were developed over time, the partner organisations would need to consider moving to a legally binding agreement in the future.

Clause 21 of the Agreement confirmed that the Council did not have the obligations of the other parties to the Agreement in relation to the South Yorkshire and Bassetlaw Integrated Care System.

Resolved:- That the Agreement be approved and the Chief Executive be delegated, in consultation with the Chair, authority to finalise and sign the Agreement.

ACTION: Councillor Roche/Sharon Kemp

19. HEALTHWATCH ROTHERHAM ANNUAL REVIEW 2017-18

The Board received, for information, the 2017-18 annual report of Healthwatch Rotherham.

Attention was drawn to the review of CAMHS undertaken by Healthwatch Rotherham. A report would be produced by the end of the month which would contain some far reaching recommendations.

20. ADULT SOCIAL CARE VISION FOR ROTHERHAM

The Board received, for information, the Adult Social Care Vision 2017-2020, which was based on 3 key themes:-

Theme 1	Act to help yourself
Theme 2	Act when you need it
Theme 3	Act to live your life

It was a very important document that set up the framework by which current decisions were made.

21. HEALTH AND CARE SELECT COMMITTEE - REVIEW OF INTEGRATED CARE SYSTEMS

The Board noted the House of Commons Health and Social Care Committee "Integrated care: organisations, partnership and systems" seventh report of session 2017-19.

22. THE LOCAL GOVERNMENT ASSOCIATION GREEN PAPER: THE LIVES WE WANT TO LEAD

The Board noted the Local Government Association Green Paper for Adult Social Care and Wellbeing "The Lives We Want to Lead".

23. INTEGRATED CARE PARTNERSHIP PLACE BOARD

The notes of the minutes of the Rotherham Integrated Care Partnership Place Board held on 6th June, 4th July and 1st August, 2018, were noted.

24. DATE AND TIME OF NEXT MEETING

Resolved:- That a further meeting be held on Wednesday, 21st November, 2018, commencing at 9.00 a.m. venue to be determined.

PLANNING BOARD
7th September, 2018

Present:- Councillor Sheppard (in the Chair); Councillors Andrews, Atkin, Bird, D. Cutts, M. Elliott, Sansome, Steele, Tweed, Walsh, Whysall and Williams.

An apology for absence was received from Councillor John Turner.

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

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

27. DECLARATIONS OF INTEREST

Councillor Sheppard declared he had previously attended meetings against hydraulic fracturing, but would judge this application on its own merits.

Councillor Steele declared he was a former Secretary to an anti-fracking group, but was no longer involved. He had participated in training associated with exploratory drill operations and would judge this application on its own merits.

Councillor Walsh declared a personal interest on the grounds of being a member of the Energy Institute.

28. DEFERMENTS/SITE VISITS

No site visit or deferment was requested.

29. DEVELOPMENT PROPOSAL - CONSTRUCTION OF A WELL SITE INCLUDING THE 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 (RB2018/0918)

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 application:-

PLANNING BOARD - 07/09/18

- Mr. Tom Pickering and Mr. Matthew Shepherd (Applicant)
- Mr. Richard Scholey, Ms. Christine Burton, Mr. Barry Cartwright, Ms. Diane King and Mr. Gerald Kells (Woodsetts Against Fracking Action Group)
- Councillor Clive Jepson, Ward Councillor, Anston and Woodsetts/Anston Parish Council (Objector)
- Ms. Monica Carroll, representing Firbeck, Letwell and Woodsetts Parish Councils (Objector)
- Mr. Andy Tickle, C.P.R.E. (Objector)
- Mr. Matthew Wilkinson, Resident (Objector)

(2) That the Planning Board declares that it is not in favour of application RB2018/0918 and that the application be refused on the grounds of unacceptable highways safety issues and potential conflict with vulnerable road users and would have a detrimental impact on local residents on Berne Square in terms of noise nuisance and general disturbance due to the close proximity of the proposed access and that the Chairman and the Vice-Chairman be authorised to approve the precise wording of the reasons for refusal.

30. UPDATES

There were no updates to report.

31. DATE AND TIME OF THE NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 13th September, 2018 at 9.00 a.m.

PLANNING BOARD
13th September, 2018

Present:- Councillor Sheppard (in the Chair); Councillors Andrews, Atkin, Bird, D. Cutts, M. S. Elliott, Fenwick-Green, Sansome, Steele, R.A.J. Turner, Tweed, Walsh, Whysall and Williams.

The webcast of the Council Meeting can be viewed at:-
<https://rotherham.public-i.tv/core/portal/home>

32. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

33. MINUTES OF THE PREVIOUS MEETING HELD ON 23RD AUGUST, 2018

Resolved:- That the minutes of the meeting of the Planning Regulatory Board held on Thursday, 23rd August, 2018, be approved as a correct record for signature by the Chairman.

34. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

35. 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 applications listed:-

- Erection of 2 No. dwellinghouses at land to rear of 15 Station Road, Laughton Common for Mr. C. Fisher (RB2017/1376)

Mr. C. Fisher (Applicant)
Mr. B. Paxman (Objector)
Mrs. J. Hoey (Objector)

- Erection of 144 No. dwellinghouses with associated car parking, garages, access, landscaping, open space and drainage and new vehicular access on to Upper Wortley Road at land North of Upper Wortley Road, Thorpe Hesley for Jones Homes (Yorkshire) Ltd. (RB2017/1484)

Mr. G. Winter (on behalf of the applicant Company)
Mrs. D. Stevenson (Objector)
Borough Councillor M. Clark (Councillor for the electoral Ward,
objecting to the application)

- Erection of memorial wall, statue and plinth and associated works at Coronation Park, Laughton Road, Dinnington for Dinnington Colliery Old Boys (RB2018/0923)

Mr. D. Smith (Supporter)
Mrs. M. P. Smith (Supporter and Secretary of the Applicant Group)
Mrs. J. Hart (Objector)

(2) That application RB2017/1376 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and with the inclusion of an Informative relating to the treatment of the Poplar trees situated adjacent to the development site.

(3) That, with regard to application RB2017/1484:-

(a) the Council shall enter into an Agreement with the developer in accordance with the provisions of Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-

- 36 affordable housing units (25% of total units proposed) on site;
- a financial contribution of £252,936 towards Education provision for improvements to schools in the Thorpe Hesley area; and
- a financial contribution of £72,000 towards sustainable travel measures to support the development.

(b) consequent upon the satisfactory signing of the Section 106 Agreement, planning permission be granted for the proposed development for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(4) That application RB2018/0923 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

36. UPDATES

Members of the Planning Board were informed of the publication, by the Government Department for Communities and Local Government, of consultation documents relating to the following issues:-

(1) permitted development for shale gas exploration; and

(2) the inclusion of shale gas production schemes in the list of Nationally Significant Infrastructure Projects (NSIP).

The consultation documents were available to view via this Internet web site:-

<https://www.gov.uk/government/news/ministers-seek-views-on-shale-planning-reforms>

<https://www.gov.uk/government/consultations/permitted-development-for-shale-gas-exploration>

<https://www.gov.uk/government/consultations/inclusion-of-shale-gas-production-projects-in-the-nationally-significant-infrastructure-project-nsip-regime>

Reports on these matters, including suggested responses by the Council to both of these consultation documents, were to be submitted for consideration at the next meeting of the Planning Board to be held on Thursday, 4th October, 2018.

**PLANNING BOARD
4th October, 2018**

Present:- Councillor Sheppard (in the Chair); Councillors Andrews, Atkin, M. S. Elliott, Fenwick-Green, Sansome, Steele, Walsh and Williams.

Also in attendance:- Councillor W. Stevens (Chair of Planning Committee at Plymouth City Council), attending at the invitation of the Chair.

Apologies for absence were received from Councillors Bird, D. Cutts, R.A.J. Turner, Tweed and Whysall.

The webcast of the Council Meeting can be viewed at:-
<https://rotherham.public-i.tv/core/portal/home>

37. DECLARATIONS OF INTEREST

Councillor Sheppard declared a personal interest in application RB2018/1134 (Demolition of existing teaching block, bridge link and gym and erection of teaching block, link and associated works at Saint Bernard's Catholic High School, Herringthorpe Valley Road, Herringthorpe for Engie) because he has a nephew who is currently a pupil of this High School. Councillor Sheppard left the room during the Planning Board's consideration of this application, with the Vice-Chair Councillor Williams assuming the Chair.

38. MINUTES OF THE MEETINGS HELD ON 7TH AND 13TH SEPTEMBER, 2018

Resolved:- That the minutes of the two previous meetings of the Planning Regulatory Board held on 7th and 13th September, 2018, be approved as correct records for signature by the Chairman.

39. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

40. VISIT OF INSPECTION - ERECTION OF 108 NO. DWELLINGHOUSES ON LAND OFF NETHERMOOR DRIVE, WICKERSLEY (RB2017/0215)

Consideration was given to a report of the Assistant Director of Planning Regeneration and Transport relating to the above application for planning permission. Prior to the meeting, Members of the Planning Board made a visit of inspection to the above site, the subject of this application.

In accordance with the right to speak procedure, the following people attended the meeting and spoke about the application:-

Mr. M. Beevers (on behalf of the applicant Company)
 Mr. J. Close, Mr. N. Cragg and Mrs. M. Woodhead (Objectors, collectively speaking on behalf of the W.R.O.N.G. campaign group)
 Parish Councillor P. Thirlwall (Objector speaking on behalf of Wickersley Parish Council)
 Mr. P. Thirlwall (Objector)
 Mr. K. Crompton (Objector)
 A letter from Mr. Martin (objector) was also read out at the meeting

Resolved:- (1) That, with regard to application RB2017/0215:-

(a) the Council shall enter into an Agreement with the developer in accordance with the provisions of Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-

- 25% on site affordable housing provision;
- a commuted sum of £500 per dwelling towards sustainable transport measures; and
- the establishment of a management company to manage and maintain the areas of greenspace, including the proposed Local Equipped Area for Play (LEAP);

(b) consequent upon the satisfactory signing of the Section 106 Agreement, planning permission be granted for the proposed development for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

41. 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 this application:-

- Erection of toilet block to side and canopy to front at 131 Bawtry Road, Wickersley for Mr. D. Baker (RB2018/1299)

Mr. D. Baker (Applicant)
 Parish Councillor P. Thirlwall (Objector speaking on behalf of Wickersley Parish Council)

(2) That applications RB2018/1032 and RB2018/1093 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application RB2018/1134 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and with the inclusion of the following additional condition:-

07

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

(4) That application RB2018/1299 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and with an amendment to condition number 03 (as shown below) and with the inclusion of the following additional condition number 04 and an amendment to condition 05 (previously 04) as detailed below:-

03

No above ground development shall take place until details of the materials to be used in the construction of the proposed single storey side extension and all external surfaces of the canopy (including the retractable sides) hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design.'

04

No above ground development shall take place until full details of the means of operation of the proposed roof (to include any moving parts) and the retractable sides of the canopy have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that appropriate materials are used in the construction of the development.

05

The seating area located below the canopy hereby approved shall only be used between the hours of 08:30 to 00:00 on any day.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Policy SP52 'Pollution Control'

(Councillor Sheppard declared a personal interest in application RB2018/1134 (Demolition of existing teaching block, bridge link and gym and erection of teaching block, link and associated works at Saint Bernard's Catholic High School, Herringthorpe Valley Road, Herringthorpe for Engie) because he has a nephew who is currently a pupil of this High School. Councillor Sheppard left the room during the Planning Board's consideration of this application, with the Vice-Chair Councillor Williams assuming the Chair)

42. CONSULTATION ON PLANNING PERMISSION FOR NON-HYDRAULIC SHALE GAS EXPLORATION DEVELOPMENT THROUGH A PERMITTED DEVELOPMENT RIGHT

Further to Minute No. 36(1) of the meeting of the Planning Board held on 13th September, 2018, consideration was given to a report submitted by the Assistant Director of Planning Regeneration and Transport concerning the consultation document issued by Central Government on proposed planning reforms for exploratory shale gas development in England. The purpose of this consultation was to seek views on the principle of whether non-hydraulic fracturing shale gas exploration development should be granted planning permission through a permitted development right and in particular the circumstances in which it would be appropriate. Copies of both the consultation document and of the Council's suggested response were included with the submitted report.

Members asked whether details of the various submissions made by other local authorities about this consultation document could be obtained from Central Government.

Resolved:- (1) That the report be received and the contents of the Government's consultation document be noted.

(2) That the contents of the Council's response to the consultation document, as now submitted, be approved.

43. CONSULTATION ON THE INCLUSION OF SHALE GAS PRODUCTION PROJECTS IN THE NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT (NSIP) REGIME

Further to Minute No. 36(2) of the meeting of the Planning Board held on 13th September, 2018, consideration was given to a report submitted by the Assistant Director of Planning Regeneration and Transport concerning the consultation document issued by Central Government on the timings and criteria for major production phase shale gas projects (where 'fracking' takes place) to be included in the Nationally Significant Infrastructure Project (NSIP) regime under the Planning Act 2008. Copies of both the consultation document and of the Council's suggested response were included with the submitted report.

Resolved:- (1) That the report be received and the contents of the Government's consultation document be noted.

(2) That the contents of the Council's response to the consultation document, as now submitted, be approved.

44. APPEAL DECISION - VARIATION OF CONDITIONS - HARRYCROFT QUARRY, WORKSOP ROAD, SOUTH ANSTON (RB2016/1539)

Further to Minute No. 9(3) of the meeting of the Planning Board held on 22nd June, 2017, consideration was given to a report submitted by the Assistant Director of Planning Regeneration and Transport concerning the decision of the Planning Inspectorate to allow this appeal against the Council's decision to refuse the application to vary certain conditions imposed by permission RB2010/1308 in respect of quarrying operations at Harrycroft Quarry, Worksop Road, South Anston. The permission would have effectively allowed the quarry to re-open as the period of consent had lapsed (reference RB2016/1539).

The report stated that the Inspector had concluded that, having regard to the prevailing highway conditions and subject to the provision of the measures volunteered by the appellant by way of condition and planning obligation, the operations on the site as a result of the appeal proposal would not materially harm highway safety on the A57.

The decision notice included 45 conditions, some of which are 'pre-commencement' conditions that have to be addressed before the development takes place.

The appellant had requested costs on the basis that the Council had acted unreasonably, but the Inspector dismissed that request, stating that the Council had satisfactorily demonstrated how it had considered the proposal would compromise highway safety on the A57 in the vicinity of the site access.

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

(2) That the Planning Board notes:-

(a) the decision to allow the appeal, in accordance with the terms of the application reference RB2016/1539, dated 30th June, 2017 and subject to the conditions listed at the end of the decision; and

(b) that the application for costs was dismissed.

45. UPDATES

Further to Minute No. 61 of the meeting of the Planning Board held on 25th January, 2018, Members noted the impending Judicial Review (hearing scheduled on Tuesday 13th November, 2018) in respect of the following development and asked to be kept informed of progress:-

Construction of a well site including the 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 five years on land adjacent to Common Road, Harthill, Rotherham at Land adjacent Common Road Harthill for INEOS Upstream Limited (RB2017/0805).

LICENSING SUB-COMMITTEE**13th August, 2018**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont and Clark.

**2. LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE -
BIG APPLE PLAY CITY, OLD SHEFFIELD ROAD, ROTHERHAM**

The Sub-Committee considered an application for the grant of a premises licence, in accordance with the provisions of the Licensing Act 2003, in respect of the premises known as Big Apple Play City, Old Sheffield Road, Rotherham. The applicant company operated a business in this former warehouse as a children's indoor soft play centre with a large café and also offered the venue for hire for private functions such as corporate events, wedding receptions and private parties for both children and adults. This application was for the grant of a premises licence for the one licensable activity of the supply of alcohol every day during the period from 1100 hours until 1800 hours and also until 2000 hours on the days and occasions when the venue was hired for private events and was closed to the general public.

The Licensing Authority had received one representation from a local Borough Councillor for the electoral Ward in which the premises were situated, which was not withdrawn and the Sub-Committee considered that representation.

The applicant's representative referred to the submitted plan of the premises' interior and informed the Sub-Committee of the intention that only part of the whole premises would be the subject of the premises licence (if granted). This area was adjacent to the kitchen and included the bar and measured approximately three square metres and was capable of accommodating only twelve persons or so, seated on chairs at tables. The alcohol purchased would be restricted to this licensed area and would not be permitted to be taken elsewhere on the premises. Children would not be allowed to enter this licensed area. A closed circuit television system was installed and in operation at the premises.

The Sub-Committee was also informed of the detail of staff employed at the premises, the training they had already received and the intention of the applicant company to operate the Challenge 25 scheme (relating to the sale of alcohol). It was also confirmed that persons entering the premises were required to sign a register and that children must be accompanied by a person aged 18 years or older. Many of these measures taken were requirements of the insurance policy for the premises and the activities taking place at the premises.

Included within the bundle of documents submitted to this hearing were the additional conditions of licence suggested by the Borough Council as Licensing Authority and also by the South Yorkshire Police. The

representative of the applicant company confirmed the company's acceptance of these conditions, as well as the intention to promote the four Licensing objectives as defined by the Licensing Act 2003, in particular the protection of children from harm.

The representation from the local Ward Councillor referred to concerns about children gaining access to the licensed area and to the possibility of adults leaving alcoholic drinks unguarded. There were also concerns about private functions possibly continuing later into the evening than the premises' stated closing time of 2000 hours, which may lead to issues of anti-social behaviour. Specific reference was made to an unpleasant incident at the premises which had been reported by the local press. The representative of the applicant company explained the measures which were already in place to ensure the safety of children at all times on the premises, including the necessary training of staff. The company would close the premises no later than 2000 hours each day, with the premises being closed for children's play activities at 1800 hours. On those days when the premises were hired for private functions, there would be no access for the general public. The specific incident which had been reported in the press had been a single isolated incident, which had occurred in the outdoors area of the car park adjacent to the premises and had involved only members of one family. There had been no other occurrences of that type of incident at or near the premises.

The Sub-Committee was satisfied that the measures to be put in place by the applicant company to ensure the protection of children from harm were sufficient. However, Members were of the view that it would be beneficial for there to be an additional member of staff at the premises who is a personal licence holder (under the terms of the Licensing Act 2003), because of the likelihood of the frequent absence of the Designated Premises Supervisor.

The Sub-Committee also considered the application in terms of the Borough Council's stated policy as a child-centred Borough, as well as noting that research had been published recently by the Institute of Alcohol Studies about the possible detrimental effects upon young children of being in the company of adults who are drinking alcohol. The research is published at:-

<http://www.ias.org.uk/News/2017/18-October-2017-Like-sugar-for-adults-report-highlights-anxiety-about-parents-drinking.aspx>

In conclusion, the Sub-Committee took due note of all of the written representations made and also of the fact that there had been no representations made by the South Yorkshire Police in respect of this application.

The Sub-Committee considered the application for this premises licence and the representations made specifically in the light of the following Licensing objectives (as defined in the 2003 Act):-

- Public safety;
- The protection of children from harm.

Resolved:- (1) That the application for a Premises Licence, under the provisions of the Licensing Act 2003, in respect of the Big Apple Play City, Old Sheffield Road, Rotherham, be granted and be subject to the standard conditions and to all of the various conditions suggested by the Licensing Authority and by the South Yorkshire Police as set out within the bundle of documents submitted to this hearing.

(2) That, further to resolution (1) above, the Premises Licence shall also be subject to the following additional conditions:-

(a) the licence shall be effective only on those days and at those times when the premises are being hired for private functions and are closed to the general public and only between the hours of 11.00am and 8.00pm;

(b) in addition to the Designated Premises Supervisor, at all times one other member of staff employed at the premises shall be a personal licence holder (in accordance with the terms of the Licensing Act 2003).

LICENSING BOARD-SUB-COMMITTEE
3rd September, 2018

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, M. S. Elliott, McNeely and Steele.

11. 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).

12. REVIEW OF PRIVATE HIRE OPERATOR LICENCE AND HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

Further to Minute No. 59 of the meeting of the Licensing Board held on 17th March, 2010, the Sub-Committee of the Licensing Board considered a report, presented by the Licensing Manager, relating to the review of the private hire operator licence and of the hackney carriage/private hire driver's licence in respect of Mr. W.S.H.

Mr. W.S.H. attended the meeting and was interviewed by the Sub-Committee.

Resolved:- (1) That the private hire operator licence in respect of Mr. W.S.H. be revoked.

(2) That the hackney carriage/private hire driver's licence in respect of Mr. W.S.H. be revoked.

**LICENSING BOARD-SUB-COMMITTEE
10th September, 2018**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Buckley, McNeely and Napper.

13. 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).

14. APPLICATIONS FOR THE GRANT OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

The Sub-Committee of the Licensing Board considered a report of the Licensing Manager relating to applications for the grant of hackney carriage/private hire drivers' licences in respect of Messrs. U.A., N.A. and Z.M.

Messrs. U.A. and Z.M. attended the meeting and were interviewed by the Sub-Committee.

Resolved:- (1) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. U.A. be approved and he be granted a licence for a period of three years.

(2) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. Z.M. be refused.

**LICENSING BOARD
24th September, 2018**

Present:- Councillor Ellis (in the Chair); Councillors Buckley, Beaumont, Clark, Elliot, Fenwick-Green, Jones, Marriott, McNeely, Napper, Reeder, Senior, Sheppard, Steele, Taylor and Vjestica.

Apologies for absence were received from Councillors Hague, Mallinder, Rushforth and Wyatt.

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

2. MINUTES OF THE PREVIOUS MEETING HELD ON 23RD APRIL, 2018

Consideration was given to the minutes of the previous meeting of the Licensing Board held on 23rd April, 2018.

Members discussed the following matters arising from the minutes:-

(1) (Minute No. 11 – Taxi and Private Hire Licensing Performance and General Update Report) – it was noted that the forthcoming review of fees and charges for Licensing will include the possible introduction of a fee to be charged to insurance companies and third parties requesting data downloaded from the camera hard-drive installed within licensed hackney carriages and private hire vehicles.

(2) (Minute No. 12 - Rotherham MBC House To House Collections Policy) – this proposed Policy was to be considered by the Cabinet at its meeting to be held on Monday, 22nd October, 2018; the Licensing Board members suggested that this Policy ought to include a specified time/hour of the day after which House to House collections must not take place.

Resolved:- That the minutes of the previous meeting of the Licensing Board held on Monday, 23rd April, 2018, be approved as a correct record for signature by the Chairman, with the inclusion of a clerical correction by the deletion of the words “or exceed” from the final bullet point within Minute No. 12 (Rotherham MBC House To House Collections Policy).

3. ROTHERHAM MBC SEX ESTABLISHMENT POLICY

Consideration was given to a report, presented by the Licensing Manager, concerning:-

- the proposed adoption by the Council of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009); and

- the proposed Rotherham MBC Sex Establishment Licensing Policy.

Members noted that other relevant provisions of the of the Local Government (Miscellaneous Provisions) Act 1982 had previously been adopted by the Council (reference : Minute No.1236(2) of the meeting of the Policy and Resources Committee held on 20th October, 1982).

The report stated that Section 27 of the Policing and Crime Act 2009 had come into effect in April 2010 and had the effect of reclassifying lap dancing clubs and similar as 'sexual entertainment venues' and added these to the category of "sex establishment" within the 1982 Act (along with sex shops and sex cinemas). Members were informed that, currently, there was only one sex shop situated within the Rotherham Borough area and no sex cinemas. There was one club situated within the Rotherham town centre classified as a sexual entertainment venue.

A copy of the draft Sex Establishment Licensing Policy was appended to the submitted report.

In discussion of the submitted report and of the draft Sex Establishment Licensing Policy, Members of the Licensing Board referred to the following salient matters, which shall be considered further as part of the process of determining the final Policy:-

- Members debated the requirement for a full equality assessment of the Policy to be undertaken and decided, by a majority vote, that this assessment should be undertaken after the consultation period has ended and at the time when the final draft of the Policy is near to completion;
- the public consultation exercise is to be undertaken in respect of the Policy, involving (amongst others) the general public, statutory authorities, religious groups, community and voluntary groups, residents living near to premises, the employees within the industry and their representatives, as well as industry representatives;
- the arrangements for the regular and routine review of the Sex Establishment Licensing Policy, after implementation;
- concerns in respect of persons within the industry who have convictions for sex offences or offences involving indecency and who may be on the register of sex offenders;
- the defined area within which sex establishment venues shall be permitted to be situated shall be a defined area of the Rotherham town centre; a specific definition and map of this area shall be included within the Policy;

- no other parts of the whole Rotherham Borough area shall be included within the defined area, thereby restricting the location of sex establishment venues only to the Rotherham town centre;
- a maximum number of two licensed sex establishment venues shall be permitted within the defined area at any time;
- ensuring that the contents of the proposed Policy accord with the Council's Development Plan and the Rotherham town centre masterplan in respect of the suitability of locations for premises/venues;
- multi-use premises and outdoor venues which may be used for various activities at different times and only on occasions as a sex establishment;
- the Policy must be kept up-to-date ensuring that it is compliant with relevant legislation and current guidance issued by Central Government;
- enforcement issues and the possibility of unregulated activities taking place at premises and venues which are unlicensed;
- the need for a rigorous examination of the persons who are responsible for licensed sex establishments, including a thorough assessment of their past conduct as holders of licences issued by local authorities and other appropriate statutory bodies;
- the industry practice of fining employees should be prohibited, both by a rigorous condition of a licence and by enforcement;
- the process conducted by the local authority in determining applications for licences for a sex establishment venue shall include notification of and consultation with residents living (including in residential homes) adjacent or near to the premises/venue which are the subject of the application;
- the need for careful control of the advertising of sex establishment venues, including the methods of distribution of advertising leaflets and the external appearance of premises/venues;
- applicants for licences must provide details in writing in respect of employee welfare policies, codes of conduct both for employees and for customers and also of pricing policies.

(1) Resolved:- (a) That the report and draft Policy be received and their contents noted.

(b) That the Licensing Board expresses the view that it is in favour of the Council implementing the proposed Rotherham MBC Sex Establishment Licensing Policy, as now submitted, provided that:-

(i) further consideration is given to the contents of the proposed Policy in the light of both comments now made by the Members of the Licensing Board and representations received by the Council during the forthcoming public consultation exercise;

(ii) the completion of a full equality assessment, the findings of which are to be included within the Policy eventually approved and implemented by the Council;

(iii) the Council shall make arrangements to undertake a review of the Sex Establishment Licensing Policy one year after its implementation and thereafter regular reviews at intervals of three years.

(2) Recommended:- That Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) be formally adopted by the Council.

4. TAXI AND PRIVATE HIRE LICENSING PERFORMANCE AND GENERAL UPDATE REPORT

Consideration was given to a report, presented by the Licensing Manager, providing an update in relation to the Licensing Service performance against the Taxi and Private Hire Licensing Performance Framework. In addition, the report contained information on the key activities and actions undertaken by the Licensing team during the first six months of 2018/19. Specific reference was made to:-

- Enforcement actions and other activity undertaken by the Licensing service;
- Licensing Enforcement work – options available to officers, including compliance advice, guidance and support.
- Corporate performance measures for the Licensing Service (second quarter update);
- Licensing performance framework (second quarter update);
- Current priority work – review of private hire operators and takeaways and late night restaurants;
- Licensing Service – review of structure and recruitment of staff;
- Statistics of decisions on Licensing matters made by the Sub-Committee of the Licensing Board (calendar year 2018 to date);
- Summary information about appeals made by individuals against the refusal or revocation of licences.

Members noted that the National Register of Revocations and Refusals (NR3) had become a live national database during August, 2018 and was being hosted by the National Anti-Fraud Network (NAFN). This facility enabled participating Licensing Authorities to undertake a check of the

database as part of the process of assessing an applicant's fitness to hold a Hackney Carriage/Private Hire Driver's licence. Officers from this Council had been involved in the establishment of the NR3 national database.

Discussion took place on the sharing of relevant information about Licensing matters with the Multi-Agency Safeguarding Hub (including the South Yorkshire Police). Members of the Licensing Board requested an assurance that appropriate information was being shared in a timely manner, enabling necessary investigation work to begin at the earliest opportunity.

Members of the Licensing Board were informed that persons in receipt of a Police Caution (usually issued within a Police station) would receive a printed document, from the Police, giving details of the nature of the Caution.

The submitted report also provided details of forthcoming issues affecting the Licensing Service:-

(i) The introduction of a window sticker to be displayed in licensed vehicles. The sticker will confirm that the vehicle is licensed by Rotherham MBC and provide details of the way in which passengers may obtain further information about the vehicle and raise a concern about or compliment the driver. It was anticipated that these stickers would be introduced in licensed vehicles during October or November 2018.

(ii) There will be a general review (beginning early in 2019) of the conditions that are attached to Hackney Carriage / Private Hire licences.

(iii) There will be a review of the way that camera systems used in licensed vehicles are procured and approved. This review may involve a tendering process and the identification of a single or several approved suppliers.

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

(2) That, with regard to Licensing enforcement work, the options available to officers, including compliance advice, guidance and support, as detailed in the report now submitted, be supported.

5. LICENSING ENFORCEMENT PENALTY POINTS SCHEME

Consideration was given to a report, presented by the Licensing Manager, concerning the proposed introduction of a Licensing Enforcement Penalty Points Scheme, a method by which licenced drivers, operators or owners can be issued with points against their Council (Hackney Carriage and/or Private Hire) Licence by authorised officers of the Council.

The report stated that points would be used for less serious breaches of licence condition or legislation. The issuing of points formalises the previous practice of issuing warnings. The aim is to encourage licence holders to comply with all legislation, licence conditions and behave in an acceptable manner at all times, thereby improving the professionalism and reputation of the licensed vehicle trade. The points system would operate in addition to all existing enforcement options and would have regard to the principles of the Council's 'General Enforcement Policy'.

The draft schedule of enforcement penalty points and list of offences was appended to the submitted report.

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

(2) Recommended:- (a) That a Licensing Enforcement Penalty Points Scheme be implemented by the Council in accordance with the details contained within the report now submitted and incorporating the items listed at (i) to (v) below, as now determined by the Licensing Board:-

(i) offences relating to the installation and use of taxi camera systems shall not be included in the Penalty Points Scheme and such matters shall be determined either by the Licensing Board, the Licensing Board Sub-Committee or the appropriate officer in accordance with the Council's scheme of delegation to officers on Licensing matters;

(ii) the various offences which are concerned with aspects of the attitude, behaviour and conduct of licence holders shall be consolidated into one offence;

(iii) appeals submitted to the Council against the imposition of penalty points shall be determined as follows:-

1 to 6 points – by the Assistant Director of Community Safety and Street Scene, or appointed representative;

7 to 12 points – by the Licensing Board or the Licensing Board Sub-Committee;

(iv) licence holders who accumulate a total 12 points shall be referred for a case hearing by the Licensing Board or the Licensing Board Sub-Committee.

(v) the Assistant Director of Community Safety and Street Scene and the Assistant Director of Legal Services shall, in consultation with the Chair and the Vice-Chair of the Licensing Board, determine the following matters:-

(A) the guidance to be used by Licensing staff when considering the imposition of penalty points upon a licence holder;

(B) the period (ie: the maximum number of days) within which a licence holder who wishes to appeal against the imposition of penalty points must submit the appeal to the Council;

(C) the date of implementation of the Licensing Enforcement Penalty Points Scheme.

(b) That the Licensing Manager submit a progress report about the use of the Licensing Enforcement Penalty Points Scheme to the first meeting of the Licensing Board which takes place after the implementation of the Scheme and thereafter information about the use of the Scheme shall be included within the Taxi and Private Hire Licensing Performance and General Update reports.

LICENSING BOARD-SUB-COMMITTEE
8th October, 2018

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Fenwick-Green, Reeder and Vjestica.

15. 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).

16. APPLICATIONS FOR THE GRANT/RENEWAL/REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

The Sub-Committee of the Licensing Board considered a report of the Licensing Manager relating to applications for the grant and renewal of hackney carriage/private hire drivers' licences in respect of Mrs. S.B. and Mr. A.R.M.

Mrs. S.B. and Mr. A.R.M. attended the meeting alongside their solicitor and were interviewed by the Sub-Committee.

Resolved:- (1) That the application for the renewal of a hackney carriage/private hire driver's licence in respect of Mrs. S.B. be approved and she be granted a licence for a period of three years.

(2) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. A.R.M. be refused.

(Councillor Fenwick-Green was not present during the interview and decision in respect of applicant Mrs. S.B.)

17. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE OPERATOR LICENCE

Further to Minute No. 39 of the meeting of the Licensing Board Sub-Committee held on 16th October, 2017, consideration was given to a report of the Licensing Manager, relating to an application from Uber Britannia Ltd. for the renewal of this Company's Private Hire Operator Licence.

Resolved:- That consideration of this matter be deferred until the next meeting of the Licensing Board Sub-Committee.



SHEFFIELD CITY REGION COMBINED AUTHORITY

THE AMP TECHNOLOGY CENTRE, WAVERLEY, ROTHERHAM, S60 5WG

MINUTES OF THE MEETING HELD ON 30 JULY 2018

PRESENT:

Mayor Dan Jarvis MBE, Sheffield City Region (Chair)

Councillor Graham Baxter MBE, North East Derbyshire DC
Councillor Julie Dore, Sheffield CC
Councillor Tricia Gilby, Chesterfield BC
Councillor Simon Greaves, Bassetlaw DC
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
Sir Nigel Knowles, SCR LEP Chair

Matthew Ackroyd, KPMG
Ruth Adams, SCR Exec Team
Matthew Ackroyd, KPMG
Fiona Boden, SCR Exec Team
Steve Davenport, SYPTE
Steve Edwards, SYPTE
Andrew Frosdick, Monitoring Officer
Councillor Chris Furness, Derbyshire Dales
Andrew Gates, SCR Exec Team
Jeni Harvey, SCR Exec Team
Christine Marriott, SCR Exec Team
John Mothersole, Sheffield CC
Dave Smith, SCR Exec Team
Daniel Swaine, Bolsover DC / NE Derbyshire DC
Neil Taylor, Bassetlaw DC
Diana Terris, Clerk / Barnsley MBC
Simon Tompkins, SCC / SCR Exec Team
Craig Tyler, Joint Authorities Governance Unit
Eugene Walker, S.73 Officer

Apologies for absence were received from Councillor C Read, H Bowen, S Kemp, M Lynam, J Miller and P Wilson

1 SCRMCA 18/028 APOLOGIES

Apologies were noted as above.

2 SCRMCA 18/029 ANNOUNCEMENTS

The Chair noted the recent publication of the 'Strengthened Local Enterprise Partnerships' review by the Ministry of Housing, Communities and Local Government and confirmed this would be discussed in detail at the forthcoming LEP Board meeting.

The Chair informed Members the SCR had not been successful in securing funding through wave 2 of the government's Industrial Strategy Challenge Fund initiative. The Chair noted his disappointment and confirmed he would be pressing government to find out why the SCR had not been included in wave 2.

3 SCRMCA 18/030 URGENT ITEMS

No urgent items were requested.

4 SCRMCA 18/031 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

None.

5 SCRMCA 18/032 VOTING RIGHTS FOR NON-CONSTITUENT MEMBERS

It was agreed there were no agenda items for which the non-Constituent Members should not have full voting rights.

6 SCRMCA 18/033 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

No declarations were noted.

7 SCRMCA 18/034 REPORTS FROM AND QUESTIONS BY MEMBERS

None.

8 SCRMCA 18/035 RECEIPT OF PETITIONS

None.

9 SCRMCA 18/036 PUBLIC QUESTIONS

Three public questions were received from Mr Nigel Slack.

Q1. "As an often solo member of the public at the current meetings of the CA in this location, would it be too early to suppose that the approval of Capital works at the CA's Broad Street West offices is a prelude to the CA meetings being consolidated in that location"?

The Mayor responded.

“We do plan to use Broad Street West for Mayoral Combined Authority meetings in the future. The capital works planned will enable this to happen and ensure that meetings at which the public are invited take place in an environment that is fully equipped for requirements of public meetings”.

“Openness, transparency and accountability to the public are important issues and I am sure Members will welcome the opportunity to put the Mayoral Combined Authority meetings on the same professional footing as the meetings they hold within their own Council Chambers”

Q2. “Noting that the inclusion in these plans for webcasting facilities at Broad Street West is, hopefully, a major positive for public engagement with the authority, what other steps is the Mayor considering for improving public understanding and engagement with the ongoing, if stalled, devolution process”?

The Mayor responded.

“I am ensuring that my Mayoralty uses the full range of social media channels available, broadcast and written press pieces, our website and of course my public meetings and visits to make sure I engage with a wide range of stakeholders in a variety of formats - this of course goes beyond just information about the devolution process”.

“The steps we are taking to develop the facilities at Broad Street West will be an important part of wider public engagement but I am sure that there will be other ways in which we can achieve greater public understanding and engagement and I welcome further formal and informal discussions as to how that can best be achieved”.

Q3. “With the Government continuing to vacillate over whether or not to engage with a 'Yorkshire Devolution' process, how will this impact on the Mayor's discussions about the completion of the Sheffield City region 'deal'”?

The Mayor responded.

“I am working with colleagues around this table and from across the whole of Yorkshire to ensure that we deliver the benefits of the Sheffield City Region Devolution Deal as well as exploring in full, how the will of a wide range of council leaders from across the political spectrum can be realised to deliver a devolution deal on the wider Yorkshire geography”.

10 SCRMCA 18/037 MINUTES OF THE MEETING HELD ON 11TH JUNE 2018

RESOLVED, that the minutes of the meeting held on 11th June are agreed to be an accurate record of the meeting.

11 SCRMCA 18/038 ANNUAL GOVERNANCE STATEMENT

Members were presented with the Authority's Annual Governance Statement for 2017/18, and Governance Improvement Plan for 2018/19, for consideration

Members thanks officers for their diligence in producing the Statement.

RESOLVED, that the Authority approves the Annual Governance Statement for 2017/18.

12 SCRMCA 18/039 APPROVAL OF THE STATUTORY FINANCIAL ACCOUNTS FOR THE FINANCIAL YEAR 2017/18

Members were asked to approve the 2017/18 Statement of Accounts and have regard to the External Auditor's audit report (ISA 260).

Members were presented with the External Auditor's 2017-18 external audit of the Sheffield City Region Combined Authority and South Yorkshire Passenger Transport Fund (Pension Fund)(ISA 260) and informed the audit had found no significant issues with the Authority's organisational and IT control environment .

Cllr Rose asked whether the SCR Audit Committee had identified any matter requiring more detailed consideration. However, it was confirmed the Committee were happy with the report and its contents.

The Chair welcomed the receipt of the unqualified plan and suggested this is reflective of the hard work undertaken by officers in continuing to strengthen the Authority's governance arrangements.

RESOLVED, that the Authority formally adopts the audited Statement of Accounts, having first had regard to External Audit's findings (ISA 260).

13 SCRMCA 18/040 LGF CAPITAL PROGRAMME AND APPROVALS

A report was received to update Members on the LGF Capital Programme at Q1 of the financial year, to seek approval for project changes to reduce the 2018/19 allocations, and to seek permission to over-programme spend in 2018/19.

Further to previous reports, it was confirmed the MHCLG have now accepted that the £8.66m underspend from 2017/18 can be used in 2019/20 to help smooth the programme allocations. This funding can also be used in 2018/19 if necessary.

Cllr Dore advised Members that the Claywheels Lane scheme had been withdrawn by its private sector developers, rather than by the City Council as the sponsoring Authority.

Explanations were provided in respect of the substantive recommendations.

Members acknowledged the benefits of effective over-programming, as a means of ensuring spend is maximised, but requested this process be carefully managed to avoid the risk of over-programming turning into over-spending. Assurances were provided this would be avoided and it was noted the over-programmed schemes

would remain 'in the pipeline' and have their expectations managed until available funding had been identified.

RESOLVED, that the Combined Authority:

1. Notes the withdrawal of 1 project from the LGF Programme and notes this releases £1.5m of funding (£1.2m in 2018/19) to be reallocated to other projects.
2. Notes the Full Business Case for the Housing Fund extension will be submitted for up-to £15m.
3. Approves the reprofiling of £5.15m of the BIF allocation from 2018/19 to 2020/21.
4. Approves programme over-programming of up to £16m.
5. Notes and approves the project slippage requests as set out in the report.

14 SCRMCA 18/041 DELEGATED AUTHORITY REPORT

A report was received to provide an update on delegations made in CA approved recommendations that have been acted upon in the last period.

RESOLVED, that the contents of the report are noted.

15 SCRMCA 18/042 RESOLUTION RECORDS – HOUSING & INFRASTRUCTURE EXECUTIVE BOARD (29TH JUNE)

RESOLVED, that the decisions and recommendations contained within the report are duly endorsed.

16 SCRMCA 18/043 RESOLUTION RECORD – SKILLS EXECUTIVE BOARD (24TH MAY)

RESOLVED, that the decisions and recommendations contained within the report are duly endorsed.

CHAIR

SHEFFIELD CITY REGION COMBINED AUTHORITY

THE AMP TECHNOLOGY CENTRE, WAVERLEY, ROTHERHAM, S60 5WG

MINUTES OF THE MEETING HELD ON 10 SEPTEMBER 2018

PRESENT:

Mayor Dan Jarvis MBE, Sheffield City Region (Chair)
Councillor Chris Read, Rotherham MBC (Vice Chair)

Councillor Graham Baxter MBE, North East Derbyshire DC
Councillor Simon Greaves, Bassetlaw DC
Councillor Sir Steve Houghton CBE, Barnsley MBC
Mayor Ros Jones CBE, Doncaster MBC
Sir Nigel Knowles, SCR LEP Chair

Fiona Boden, SCR Exec Team
Steve Davenport, SCR / SYPTE
Steve Edwards, SYPTE
Councillor Chris Furness, Peak Park NPA
Andrew Gates, SCR Exec Team
Jeni Harvey, SCR Exec Team
Sharon Kemp, Rotherham MBC
Mark Lynam, SCR Exec Team
Martin McCarthy, Deputy Monitoring Officer
Dave Smith, SCR Exec Team
Neil Taylor, Bassetlaw DC
Diana Terris, Clerk / Barnsley MBC
Mike Thomas, SCC / SCR Exec Team
Craig Tyler, Joint Authorities Governance Unit
Eugene Walker, S.73 Officer
Paul Wilson, Derbyshire Dales
Krysia Wooffinden, SCR Exec Team

Apologies for absence were received from Councillor J Dore, Councillor T Gilby,
Councillor L Rose OBE, Councillor A Syrett, R Adams, H Bowen, A Frosdick,
J Mothersole, J Miller and D Swaine

1 SCRMCA 18/044 APOLOGIES

Apologies were noted as above.

2 SCRMCA 18/045 ANNOUNCEMENTS

The Mayor informed the Authority of the launch of the new South Yorkshire active travel campaign, and commenting on why this is of importance, urged the Leaders to provide support to the campaign

The Mayor also noted the launch of the Working Win pilot.

Members were advised of intentions to move the CA meeting schedule from six weekly, to bi-monthly. It was noted the full findings of the Mayor's governance review were due to be presented to the next CA meeting in October. The Mayor thanked Leaders for their input into the review which seeks to make the CA a better decision making body.

The Mayor welcomed the announcements regarding the new SCR LEP Board members.

The Mayor informed the CA he is preparing a response to the All-Party Parliamentary Group investigating post-Brexit funding and will use this as an opportunity to reiterate why the SCR needs the 'best deal possible' from the new Prosperity Fund.

3 SCRMCA 18/046 URGENT ITEMS

No urgent items were requested.

4 SCRMCA 18/047 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

None.

5 SCRMCA 18/048 VOTING RIGHTS FOR NON-CONSTITUENT MEMBERS

It was agreed that voting rights would not be conferred on the non-Constituent districts for item 14 (Acceptance of the Enterprise Advisor Network Grant from the Careers and Enterprise Company) noting this matter only affects the Constituent districts.

It was agreed there were no further agenda items for which voting rights could not be conferred on the non-Constituent districts.

6 SCRMCA 18/049 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

None.

7 SCRMCA 18/050 REPORTS FROM AND QUESTIONS BY MEMBERS

None received.

8 SCRMCA 18/051 RECEIPT OF PETITIONS

None received.

9 SCRMCA 18/052 PUBLIC QUESTIONS

None received.

10 SCRMCA 18/053 MINUTES OF THE MEETING HELD ON 30TH JULY

It was noted the previous minutes incorrectly recorded Cllr Chris Furness as being representative of Derbyshire Dales District Council. It was noted this should have referenced the Peak District National Park Authority.

RESOLVED, that the minutes of the meeting of the SCR Combined Authority held on 30th July are agreed to be an accurate record.

11 SCRMCA 18/054 SCR MASS TRANSPORT STRATEGY

It was noted the title of this item should read 'SCR Mass Transit Strategy'.

The report provided an update on the development of a strategic mass transit network for Sheffield City Region, which would provide intra-regional connectivity to enable growth and provide access to opportunities.

In addition, the Mayor reminded Members of the intention to have the revised SCR Transport Strategy produced before the end of the year.

It was noted the report provides an update on the outcome of the SCR Integrated Public Transport Network study (SCRIPT), as a means of identifying a corridor-based strategic transit network for the mass movement of people within the region. This network identifies the key movement corridors in support of growth and access to opportunities, and provides a case for future transport investment in route specific solutions, including potential tram expansion, bus rapid transit and tram/train (subject to a successful trial).

Members were asked to note that the mass transit project does not at this stage refer to specific modes of travel, but rather a bespoke network capable of the mass movement of people – be it by tram, bus rapid transit or tram/train.

It was noted the next stages of work will seek to identify costed options for schemes capable of delivering the mass transit vision. These, including options for the renewal of the existing Supertram network, will be presented at future CA meetings and timed to meet any obligations to report proposals to the Department for Transport.

Mayor Jones welcomed the mass transit concept but asserted the cost of Supertram renewal must be met through grants and fares, and not passed on to the local authorities.

Cllr Read welcomed the report's recognition of the need to also address air quality issues through the mass transit study, noting the effect negative air quality has on local residents.

RESOLVED, that the Combined Authority:

1. Notes the progress to date, through the SCRIPT study, to develop and identify a SCR-wide Strategic Mass Transit network for enhanced intra-regional connectivity, and the potential role of tram/train as a complimentary system to support and enable strategic transport initiatives such as HS2 and Northern Powerhouse Rail.
2. Endorses the development of the SCR Mass Transit network as part of the medium term financial strategy but reserves decisions on scheme approvals until the full financial implications of schemes are known.
3. Notes the additional work required to develop the funding and financial model for renewal of the existing Sheffield tram asset, including ongoing development costs and a local capital contribution, and notes Members' comments regarding the need for funding to be covered by grants and fares.
4. Notes the September commencement of a required period of public consultation on the Sheffield tram renewal options, as a mandatory part of developing the outline business case to the DfT.

12 SCRMCA 18/055 AUDIT COMMITTEE TERMS OF REFERENCE

A report was received advising Members of the requirement to amend the SCR Constitution to reflect best practice in approving the annual accounts, and clarify this is the responsibility of the SCRCA itself rather than the SCR Audit and Standards Committee.

It was requested that the full wording of the amendment be provided.

RESOLVED, that the Combined Authority approves the proposed amendment to the Mayoral Combined Authority Constitution to clarify that it is the function of the Mayoral Combined Authority to approve its statement of accounts.

13 SCRMCA 18/056 REVENUE AND CAPITAL BUDGET MONITORING

A report was received to provide the Q1 position for the revenue and capital programmes of the Sheffield City Region (SCR) Mayoral Combined Authority (MCA) for the financial year 2018/19.

RESOLVED, that the Combined Authority:

1. Notes the forecast underspend of c. £246k on the MCA/LEP Budget

2. Notes the forecast underspend of c. £28k on the MCA/LEP Revenue Programmes budget
3. Notes the forecast for the SY Transport Revenue Budget to come in on budget
4. Notes the increase in the South Yorkshire Transport Capital Programme from £44.747m to £53.053m, consequent of a roll forward of grant from 2017/18
5. Notes the budgetary variations (detailed at section 2.7 of the accompanying report) which are deemed required as a consequence of programme slippage.

14 SCRMCA 18/057 ACCEPTANCE OF THE ENTERPRISE ADVISOR NETWORK GRANT FROM CAREERS AND ENTERPRISE COMPANY

A report was received outlining the proposed Enterprise Adviser Network (EAN) programme and seeking approval for delegated authority to the Section 73 Officer to accept the grant offered by the Careers and Enterprise Company (CEC) to the SCR LEP to resource this work for a further two years.

The Mayor welcomed the report's confirmation of the offer of the grant and suggested initiatives such as these are important steps to the SCR realising its skills and business growth ambitions.

It was noted that for delivery in 2018/19 the CEC have offered a grant of £180k. This is the amalgamation of two previous grants that covered the existing EAN across South Yorkshire and additional funds allocated to Doncaster as an Opportunity Area for an additional fully funded Enterprise Co-ordinator.

It was noted that is accepted, the grant will cover one full time Enterprise Co-ordinator for the Doncaster Opportunity Area (OA) Enterprise Co-ordinator (£50k), a 50% contribution to 5 Enterprise Co-ordinators working in partnership with the four Local authorities (in addition to the Doncaster OA post), pro-rata based on the number of schools in each Local Authority (£125k), and an uplift to one of the Enterprise Co-ordinators to be designated a Senior Enterprise Co-ordinator (£5k).

RESOLVED, that the Combined Authority:

1. Endorsed the proposed programme as presented.
2. On behalf of the LEP, delegates authority to the S73 Officer in conjunction with the Head of Paid Services to accept £180,000 grant from the CEC for delivery of the Enterprise Adviser Network across the 4 south Yorkshire Local Authorities for the academic year 2018/19.

15 SCRMCA 18/058 ACCEPTANCE OF THE SKILLS BANK GRANT

A report was received seeking approval to accept a grant from the Education and Skills Funding Agency for the SCR Executive elements of the Skills Bank Phase 2 delivery programme.

Members were reminded that Skills Bank forms part of a 6-year Growth deal for £21.6 m between the Government and SCR LEP running from 2015-2021. The funding has been split into two phases with Skills Bank Phase 1 completing in March 2018 and Skills Bank Phase 2 in 2018-2021. The Skills Bank service is directly managed on our behalf by the Education and Skills Funding Agency through a Managing Agent , with an amount of resource allocated to the SCR Executive to fulfil its functions re the Skills Bank.

The Mayor welcomed confirmation of the grant offer and noted the successes achieved during the Skills Bank phase 1 period. However, it was noted there are a number of risks associated with the initiative that officers need to remain mindful of.

Assurances were provided that, subject to acceptance, the programme's activities would continue to be monitored closely by all parties to ensure the expected deliverables are achieved.

As Chair of the Skills Executive Board, Cllr Read expressed his thanks to the officers involved with progressing this matter.

RESOLVED, that the Combined Authority approves the acceptance of the grant and delegates authority to the S73 Officer in conjunction with the Head of Paid Services to accept the grant of £2,182,700 from the Education and Skills Funding Agency for Skills Bank Phase 2, subject to their acceptance of the terms of the agreement when this is received.

16 SCRMCA 18/059 DELEGATED AUTHORITY REPORT

A report was received to provide an update on CA approved delegations acted on in the last period.

RESOLVED, that the contents of the report are noted.

17 SCRMCA 18/060 RESOLUTION RECORD – BUSINESS GROWTH EXECUTIVE BOARD (17TH JULY)

RESOLVED, that the decisions and recommendations contained within the report are duly endorsed.

CHAIR

SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY**23 JULY 2018**

PRESENT: Councillor C Lamb (Chair)
Councillor A Atkin (Vice-Chair)
Councillors: S Ayris, M Clements, T Hussain, C Ross,
T Damms, P Haith, C Hogarth, C Ransome, J Satur and
Dr A Billings

CFO J Courtney, QFSM, DCFO M Blunden, ACFO A Johnson
and S Booth (South Yorkshire Fire & Rescue Service)

A Frosdick, N Copley, M McCarthy, L Noble and M McCoole
(Barnsley MBC)

M Clements (Office of the South Yorkshire Police and Crime
Commissioner)

A Bosmans (Chair, Local Pension Board)

Apologies for absence were received from Councillor R Taylor,
A Brown, D Terris, M Buttery and R Brason

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

Councillors Satur, Haith, Clements and Lamb had attended the 61st Recruits
Course Passing Out Parade held at the SYFR Training and Development Centre on
20 July 2018. They expressed their congratulations to the 11 new firefighter
recruits.

Councillor Lamb said the event had been a very humbling experience in celebrating the success of the new firefighter recruits, and all of the SYFR staff involved, who had worked tirelessly in preparation and during the 13 week recruitment course.

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 ANNUAL AUTHORITY MEETING HELD ON 25 JUNE 2018

RESOLVED – That Members agreed that the minutes of the Annual Authority meeting held on 25 June 2018 be signed by the Chair as a correct record.

10 MINUTES OF THE ORDINARY AUTHORITY MEETING HELD ON 25 JUNE 2018

Councillor Ross highlighted that Members still awaited the details of the precise costing in relation to the judicial review on Close Proximity Crewing (CPC).

A Frosdick assured Members that he would provide them with the information as soon as clarification of the costings was known. He did not anticipate that the figures would be significantly different to what had been stated at the last Authority meeting. The legal costs incurred by the Authority in relation to the CPC judicial review would be in the region of £75k.

Councillor Ransome queried the whole cost to the Authority and ultimately to the tax payer.

A Frosdick reminded Members of the need to distinguish between the two elements of the litigation i.e. the ongoing detriment claims to the Employment Tribunal, and until these were resolved the precise cost of compensation to be paid to the individuals was unknown, and likewise the legal costs relating to those proceedings, and the more specific legal costs relating to the judicial review, which would be a much more compartmentalised figure.

Councillor Ayris queried whether the information to be provided to Members would include the potential compensation claims.

A Frosdick stated that the outcome of the hearing and the full financial implications would be reported to Members. The hearing was scheduled to be held during the last week of September and the first two weeks of October 2018.

RESOLVED – That Members:-

- i) Would be provided with the details of the full financial implications in relation to the detriment claims relating to Close Proximity Crewing (CPC), upon conclusion of the hearing.
- ii) Agreed that the minutes of the Ordinary Authority Meeting held on 25 June 2018 be signed by the Chair as a correct record.

11 LOCAL PENSION BOARD - ANNUAL REPORT

Andrew Bosmans, Chair of the Fire and Rescue Authority's Local Pension Board, presented its Annual Report for 2017/18. He had been Chair of the Board since its establishment on 1 April 2015; its primary aim to oversee the administration of the Firefighters' Pension Scheme. He was grateful for the support received from the Authority during this time.

The National Scheme Advisory Board had identified the South Yorkshire Board as a benchmark to other Fire Local Pension Boards in terms of the guidance, advice and range of topics discussed at its meetings.

The LGA had offered to provide a joint training session for both the Board and Members of the Authority in October 2018, which would ensure that the Authority was fully aware of its role and responsibilities as Scheme Manager. The Board would produce its own Breaches Policy, which would form part of the training and awareness session. A Bosmans urged Members to attend the event if possible.

The Board would be represented at the Annual Firefighters' Pensions Conference on 17 and 18 September 2018.

Councillor Lamb personally thanked A Bosmans for providing leadership to the Local Pension Board over the last 3 years, and he also thanked the Members of the Board.

Councillor Clements endorsed the remarks made from A Bosmans. He had found his first meeting as Lead Member to be very well run and looked forward to the training session in October 2018. He would arrange to meet with A Bosmans to discuss mutual support and looked forward to a long and happy relationship with the Board.

A Bosmans suggested the Chair of the Authority also be included in that meeting.

Councillor Ayris commented that it was pleasing to observe the employee representation on the Board, together with the £5k budget for expenditure, which was both refreshing and good practice.

RESOLVED – That Members noted:-

- i) The third Annual report of the Local Pension Board.
- ii) That A Bosmans would meet with the Chair of the Authority and the Lead Member, Councillor Clements.

12 CPC - THE WAY FORWARD

A report of the Chief Fire Officer and Chief Executive was submitted updating Members on the current position in regard to Close Proximity Crewing (CPC).

CFO Courtney stated that Mr Justice Kerr, who had recently presided over the judicial review on the use of CPC, had issued a Declaration that CPC was unlawful in the absence of a collective arrangement. This had presented the Authority and SYFR with a challenge to find a way beyond CPC and to determine how to continue to provide a service to the residents of South Yorkshire without use of that system.

During the early days of austerity, SYFR had researched the fire sector to ascertain the initiatives introduced elsewhere towards making savings from annual budgets, whilst having the least impact on the service provided. CPC style crewing systems had been utilised to good effect in other Fire and Rescue Services. SYFR had subsequently introduced CPC across four South Yorkshire fire stations. This had provided an opportunity to continue to maintain an immediate response from four of the existing, quieter, one pump fire stations, and reduced costs generating a net saving on the budget of £1.4m per year.

It would be necessary to ascertain a way forward to effectively generate similar savings from elsewhere in the absence of CPC. The options available for Members' consideration included in the first instance to prevail upon the SYFR's Fire Brigades' Union officials to recognise the detrimental impact of their current position relating to CPC and to adopt the 'no challenge' position which exists in all other services operating CPC style systems across the sector.

One approach put forward was that Authority reserves could be utilised to prop up the current system and employ firefighters to return the CPC stations to the previous wholetime 2-2-4 crewing system. SYFR did not consider this to be a feasible option, as the Authority had made a commitment to the Government within its Efficiency Plan to utilise its reserves on capital expenditure going forward, and not to increase the existing burden on capital debt. Should reserves be chosen to fund firefighter posts, then capital investment would have to be covered through additional borrowing. Furthermore the use of reserves for other than short term smoothing of adjustments to expenditure was not financially sustainable.

A third option was to increase the council tax precept to the local council tax payers by an amount in addition to the current cap which was approximately 2%. This option would require a referendum at an approximate cost of £0.5m; which would be a significant investment without any guarantee of the outcome. It was envisaged that the increase required to generate the amounts to balance the budget would be in the region of 8% to 10% on the existing council tax precept.

Additionally the Authority might choose to instruct the Service to commence the process of re-visiting the IRMP, to ascertain changes that could be made elsewhere to generate the savings required, whilst having the least possible impact on the service provided to the residents of South Yorkshire. Should Members choose to instruct SYFR to review the IRMP, this process could commence immediately, and would require full consultation as recommended in the National Framework for fire and rescue services.

Councillor Ayris expressed his disappointment at the lack of financial detail within the report. He sought clarification as to the £1.6m which had been referred to in the previous reports, in comparison to £1.4m detailed in the report today.

CFO Courtney stated that, whilst the debate around the CPC legality or otherwise, had continued it had not been possible to progress works to provide the required level of accommodation at the four CPC stations. The interim position was that those people working on CPC had been paid an allowance to accept the previous level of accommodation, until such time as the issue was resolved, and ultimately investment made at those fire stations to bring them up to the required level.

Councillor Ayris referred to the committed spend on capital projects. He had not observed any clear figures as to what had been committed.

The Director of Support Services stated that this had formed part of the budget setting programme, which had been presented to the Authority meeting in February 2018, and had provided a full breakdown on the £17m investment which had been planned across property, transport, ICT and operational equipment.

Councillor Ross suggested that the Authority should proceed with re-visiting the IRMP but keep all other options open, due to the fact that there was insufficient information available to make a final recommendation.

Dr Billings queried whether the CPC schemes, that had been agreed at other fire and rescue services across the country, were exactly the same as that rejected in South Yorkshire or whether they were materially very different.

CFO Courtney stated that the CPC schemes were materially the same as in South Yorkshire, insofar as the application of the working time directive issues. There were small differences between the CPC systems, but the key issues were materially the same for all of these systems.

Dr Billings felt that the Authority should not pursue all of the options. He suggested that the Authority should opt for Option 1, discussion with the FBU in order to gain a greater understanding of the position, and that Option 4, a revised IRMP, was the only other alternative.

Councillor Clements suggested that a number of issues had been omitted from the report. He expressed concern that the report had not referred to the issue of pay protection for those SYFR employees currently working CPC, and he queried whether the cost which would be incurred over a 2 year period would be met out of reserves. He also queried whether the figure of £1.4m was gross or net of the anticipated saving by not paying the 30% uplift to the SYFR employees currently working CPC, and whether this would result in a reduction. He believed that consultation was required either formally or informally, and that the employee representatives should be consulted as a matter of urgency. He would endorse any changes made to the recommendations.

CFO Courtney confirmed that the £1.4m was the net saving, together with all of the other costs taken into consideration; it did not include the allowance to firefighters operating the CPC system. He stated that the 30% uplift had been added to the running cost of CPC, which was deducted from the cost of a traditional one pump fire station and provided a saving of approximately £400k, which equated to £1.6m for the four one pump fire stations. The only difference was that those figures did not acknowledge the allowance paid to CPC operatives due to the accommodation situation.

A Frosdick stated that the report presented a number of options, to which a proposal would need to be moved. At this stage, it was necessary for the Authority to protect its position in terms of the litigation, and to evidence that appropriate action was being undertaken to respond to the implications of the judgement. He advised Members, given the implications of the other options, and with the exception of Option 4, to be prepared to recognise that, whilst the other options could be left open while progressing the more comprehensive implications of amending the IRMP, to be prepared to proceed clearly along those lines to amend the IRMP as necessary in order to deliver savings.

CFO Courtney stated that a decision had been made specifically not to directly reference Option 4, as it was recognised that Members would not want to immediately dismiss the other options. SYFR was very conscious of the significant work that was required in relation to Option 4, together with the need to demonstrate appropriate risk management planning etc. SYFR considered that the IRMP process would have to be undertaken in order to determine the ultimate impact upon the incident response arrangements of the Service.

Councillor Lamb proposed that Recommendation a) of the report be amended to indicate that 'Members continued to consider the various options available to the Authority within the report, but to recognise the need for management to prepare a revised IRMP', and to delete Recommendation b) of the report.

A Frosdick considered that the proposed amendments to the recommendations would be more than sufficient, to demonstrate the commitment to protect the Authority's interests.

Councillor Ransome agreed with many of the points raised and queried whether the consultation would include the Fire Brigades Union (FBU). She recalled the legal advice previously provided to the Authority, to proceed with the court case; Councillor Ayriss and herself had voted against that decision. She queried why the Authority was in this current situation.

Councillor Lamb suggested that there was little value in looking backwards. It was imperative that a conversation be undertaken with the FBU, to establish what they considered was potentially acceptable/unacceptable, and to determine whether they had an alternative plan.

CFO Courtney confirmed that the FBU, together with other representative bodies, and interested parties were always consulted in respect of the IRMP, this was laid down in national guidance. Members had predominately recognised, in relation to CPC, that SYFR were trying to protect the service provided to the residents of

South Yorkshire against the backdrop of cuts. CPC which was operated by personnel volunteering to work the system, continued to work well in other areas of the country, by virtue of the fact that the local FBU Officials had not chosen to challenge the position. It was extremely unfortunate for SYFR to be in this position today, given that potentially the outcome could result in a lesser service provided to the residents of South Yorkshire.

Councillor Ransome referred to earlier discussions on legal matters.

A Frosdick had not been privy to any direct discussions referred to between Members and Counsel. His assessment of the position as the Authority's Monitoring Officer was that CPC represented a system that operated satisfactorily in other areas without challenge from the FBU and significantly reduced the cost to the tax payer. SYFR had an arrangement that was compliant in terms of health and safety, and was operationally acceptable with firefighters who were willing to work the system and those that did not wish to work on CPC were able to work elsewhere. It was recognised that there was an issue of non-compliance with the working time directive, in the absence of a collective agreement, but Counsel's advice was that the Judicial Review proceedings should be resisted. It had been reasonable to request the Judge to take the approach, given that judicial review as a discretionary remedy, that it was reasonable not to offer relief in response to the FBU's claim. Mr Justice Kerr had suggested that the problem may ultimately be with the law and not with what SYFR was trying to achieve, but he could not condone something that was nevertheless not in compliance with the law. He had therefore made a declaration that what SYFR was undertaking was unlawful. In the circumstances the approach taken by the Authority was in A Frosdick's view as the Monitoring Officer a reasonable strategy to adopt and that it had been appropriate to defend the proceedings rather than to concede them.

CFO Courtney stated that by utilising the staff at Fire HQ, who would undertake the analysis, a set of proposals would be agreed to be included in a draft IRMP to be consulted on with SYFR staff and other bodies, who would have an opportunity to comment on the document. A draft of the IRMP would be presented to the Authority for approval.

DCFO Blunden referred to the draft proposals for the last IRMP, which had been presented to every member of SYFR staff for comments. Feedback had been undertaken between September and December 2016, which had resulted in the draft IRMP being amended before being submitted to the Authority for approval.

Councillor Ayris proposed an amendment to the recommendations within the report, to retain Recommendation a) and to replace Recommendation b) with 'to commence the process of developing a new draft IRMP in line with the requirements of the current National Framework document including further exploration of the use in the interim of reserve funds'.

A Frosdick considered that Councillor Ayris' suggestion to amend the recommendations in the report to be acceptable, although this would rule out one or two of the other options. The wording itself achieved the purpose that he was looking for the Authority to demonstrate progress.

N Copley stated that his advice as Treasurer would be that any use of reserves would only be a temporary bridging strategy whilst the revised IRMP was developed, and therefore the wording would be satisfactory.

CFO Courtney expressed SYFR's concern around the reserves in relation to recruiting a firefighter, which was a 40 year commitment. Reserves could be used in the short term, but recruitment was a lengthy process involving HR and others.

Councillor Clements spoke against Councillor Ayris' suggested amendment, as he felt it would commit the Authority to a particular course of action. He considered it to be premature for the Authority to commit to any course of action, until the widest discussions and consultations had been undertaken. He considered that the Authority was in this position due to the policy that had been adopted in an attempt to try to ameliorate the situation that the previous Government and this Government had imposed upon the Authority, leading to austerity.

Councillor Ross reiterated his previous comments for the Authority not to close off any of the options.

Councillor Lamb expressed concern at Councillor Ayris' proposed amendments to the resolutions, which he considered would rule in items e.g. the use of reserves. His proposal had intended to open the way for SYFR management to commence the process to gather the necessary statistics and information upon which the new IRMP would be based, and that would leave open the other options, including liaising with the FBU, examining reserves and to consider an option for a ballot. He maintained his position with the proposed amendment to the recommendations that he had made.

In the first instance, Councillor Lamb requested a recorded vote of the proposed amendments that Councillor Ayris had suggested to the recommendations:-

Councillors Ross and Ransome voted in favour of Councillor Ayris' proposed amendments to the resolutions.

Councillors Hogarth, Haith, Satur, Hussain, Atkin, Clements, Damms and Lamb voted against Councillor Ayris' proposed amendments to the recommendations.

Members then voted in relation to Councillor Lamb's proposed amendments to the recommendations:-

Councillors Satur, Damms, Clements, Atkin, Hogarth, Hussain and Haith voted in favour of Councillor Lamb's proposed amendments to the resolutions.

Councillor Ransome voted against Councillor Lamb's proposed amendments to the resolutions.

Councillors Ross and Ayris abstained from voting for Councillor Lamb's proposed amendments to the resolutions.

RESOLVED – That Members would continue to consider the various options available to the Authority within the report, but recognise the need for management to prepare a revised IRMP.

Councillor Ransome voted against the proposed amendments to the recommendations.

Councillors Ross and Ayris abstained from voting for the proposed amendments to the recommendations.

13 SSCR SPRINKLER FUND - REQUEST FOR RELEASE OF FUNDS

A report of the Chief Fire Officer and Chief Executive had been presented to provide Members with a further bid to the Sprinkler Fund for the Authority to consider.

SYFR was committed to protecting vulnerable members of the community, in line with the Sprinkler Position Statement. £1m had been set aside from the Stronger Safer Communities Reserve (SSCR) to help towards the costs of installing fire suppression systems in those buildings which housed high-risk residents.

Members recalled the three bids that had been approved at the Authority meeting held in July 2017, together with the additional two bids that had been approved at the Authority meeting held in September 2017.

Members considered the funding application received from Rotherham MBC for the purchase of 4 portable personal protection systems, for those residents that were considered to be at a very immediate risk of fire; to be utilised as a temporary risk reduction method whilst other longer term solutions were considered. The total cost of the systems, including training in maintenance and installation totalled £8,652.00, with an SYFR contribution of £4,326.00.

Councillor Ransome considered that the personal protection systems were an excellent idea. She queried the number of systems that were available in SYFR.

ACO Johnson reported that the local councils had now begun to purchase the personal protection systems with part funding. She would ascertain the number of systems owned by SYFR and how many had been purchased by the local councils.

Councillor Haith queried the remaining funding available, if other local authorities wished to apply to purchase the personal protection systems.

ACO Johnson stated that a report on SSCR Residual Funds would be presented to the Corporate Advisory Group in September 2018.

RESOLVED – That Members:-

- i) Agreed to fund the Fire Sprinkler Project from the Stronger Safer Communities Reserve Sprinkler Fund.

- ii) Would be provided with the number of personal protection systems that were owned by SYFR and how many had been purchased by the local councils.
- iii) The Corporate Advisory Group meeting to be held in September 2018 would discuss the SSCR residual funds.

14 SYFR RESPONSE TO DAME JUDITH HACKITT REPORT

A report of the Chief Fire Officer and Chief Executive was submitted which provided a summary of the new regulatory framework proposed by Dame Judith Hackitt. The report also addressed the key points within each chapter of her report, which, when implemented as a whole, would provide a stronger focus on creating and maintaining safe buildings.

Councillor Ransome thanked ACO Johnson for the comprehensive feedback provided. She queried whether the Authority could provide assistance or whether Members should take the matter back to their respective local authorities.

ACO Johnson stated that the role of the local authorities included the checks and balances to be undertaken with any new buildings and the local authority housing stock, to ensure that the buildings were safe. The local authorities would also support the Joint Competent Authority (JCA) when implemented, to ensure that the appropriate levels of authority were in place, to enable decisions to be made on any applications received, and to ensure that the local residents had a voice if they were living within high rise and high risk buildings; to potentially be rolled out to other buildings if deemed to be at high risk.

Dr Billings queried whether the police had been referenced within Dame Judith Hackitt's report; if so, whether they should be part of the JCA, and if not, whether they should be.

ACO Johnson did not recall reference being made to the police within the report. The JCA related to the design, construction and maintenance of buildings, and the police may possibly be involved in respect of enforcement action; fire and rescue services would act as the police's specialist witnesses for any action taken against any individual that had not undertaken the appropriate action.

Councillor Haith welcomed the fact that SYFR had highly trained staff. She queried whether this would involve additional work, and the capacity issues for the Service.

ACO Johnson stated that following the Grenfell Tower fire, SYFR had utilised a high proportion of its resources to check high rise buildings within South Yorkshire and to provide reassurance to residents. As a result of the implementation of a higher regulatory body, it was anticipated that the workload would not be as great in the long term, and that there would not be additional extra requirements, although there would always be risks attached to this.

Councillor Clements referred to Dame Judith Hackitt's presentation at the LGA Annual Fire Conference held in March 2018, where he had been concerned about her avoidance of the question of retrofitting of sprinkler systems to existing high rise residential buildings. He considered that there was a contradiction within

her report between Chapters 8 and 9, which referred to the new set of specific JCA interventions across the building life cycle. He queried whether those interventions included the ability to insist that buildings, which were deemed to be at risk, should be retrofitted with sprinkler systems. He queried whether the range of JCA interventions across the lifecycle of a building included the possibility of being able to insist on the installation of retrofitting of sprinkler systems, where it was deemed appropriate by the experts.

ACO Johnson referred to the National Fire Chiefs Council (NFCC) meeting which had been held a number of weeks after the LGA Annual Fire Conference, where Dame Judith Hackitt had been asked the same question in relation to sprinklers, and had stated that sprinklers formed one part. SYFR would always encourage the installation of sprinkler systems. She did not believe that the range of JCA interventions across the lifecycle of a building enabled the enforcement of sprinkler systems.

RESOLVED – That Members noted the contents and considered the changes that had been recommended by Dame Judith Hackitt to the current regulatory framework, and the positive impact that this would have on how all Fire and Rescue Services carried out their regulatory functions in the future.

15 PROCUREMENT REPORT - FACILITIES MANAGEMENT CONTRACT

A report of the Director of Support Services was presented providing Members with a detailed explanation of SYFR's procurement and the Facilities Management (FM) contract.

The Director of Support Services stated that when he had initially joined SYFR, a number of issues had been identified within SYFR's Property and Procurement, in particular around facilities management and how the estate was managed.

In September 2017, market engagement had commenced to determine how to rationalise the way in which the estate was managed and the number of contractors utilised to manage the estate, to ensure that mature, professional partnership arrangements were in place, with a hard and a soft FM provider or a totally integrated FM provider. At the beginning of 2019, the project had been the subject of a separate Corporate Advisory Group (CAG) meeting, and had been regularly referenced within the bi-monthly update reports presented to the Authority meetings.

Work had been undertaken with an industry specialist to ensure that SYFR adopted an industry best practice approach. This arrangement had been kept as flexible as possible, due to concerns around the market, in particular the extent to which SYFR would attract a sizeable national FM provider, or whether SYFR would be more attractive to a medium sized sub-regional FM provider. The tender opportunity had been put out to market in three lots i.e. a total FM integrated lot, a hard FM lot and a soft FM lot. A two stage evaluation process was then undertaken. The total number of bidders had been reduced from the first stage of the evaluation down to a total of 5 bidders submitting tenders for the total FM; 5 bidders had been invited for the hard FM, with only 4 bidding for the opportunity and 2 bidders for the soft FM, subsequently one of which had withdrawn. The tenders had been returned to

the Authority on 25 June 2018; a moderation meeting of the evaluation panel had been held on 20 July 2018. The evaluation process was still ongoing, and it was anticipated to make an announcement on the preferred bidder either this week or the week after.

Members noted the next steps post the evaluation, with the expectation to mobilise a contractor(s) onto the estate during September 2018. It was anticipated to have either 3/4 contractors on the estate to look after SYFR's assets for a minimum of 5 years or potentially 7 years, together with 2 specialist contractors regarding the appliance bay door maintenance, lifts and lifting equipment contracts.

Councillor Ayris queried the membership of the evaluation panel which assessed the contracts, together with the total value of the contracts.

The Director of Support Services stated that the evaluation panel consisted of Louise Murray, the Joint Head of Estates for SYP and SYFR, Sally Gleave an FM specialist at SYP and another individual; he would inform Members of the third member. The market guide price of the total value of the contracts was approximately £1m to £1.2m.

Councillor Clements queried whether the tender document had specified that the contractors would pay the foundation living wage to their employees.

The Director Support Services would ascertain the position.

Councillor Ross queried whether any of the bidders currently being evaluated, were undertaking existing work with SYFR.

The Director of Support Services stated, that to the best of his knowledge, none of the bidders were currently undertaking work with SYFR.

Councillor Ransome queried who liaised with RLB and pulled the specifications together. She also queried the anticipated amount to be saved regarding the one contract as opposed to the smaller contracts.

The Director of Support Services commented that he was the accountable officer, and that work had been undertaken with Chris Jeffers of RLB. M Wood had been heavily involved in ensuring that the contractual documentation was fit for purpose. Work had been undertaken with BMBC's Internal Audit to ensure they were fully sighted on the contract and the process undertaken. He added that the evaluation process was currently underway.

Councillor Lamb stated that it was the intention for the outcome of the tender exercise to be reported to the Authority meeting in September 2018.

RESOLVED – That Members:-

- i) Noted the contents of the report.
- ii) Would be informed of the third member of the evaluation panel.

- iii) Would be informed as to whether the tender document had specified that the contractors would pay the foundation living wage to their employees.
- iv) Noted the intention for the outcome of the tender exercise to be reported to the Authority meeting in September 2018.

16 REVIEW OF INJURY AWARDS POLICY

A report of the Deputy Chief Fire Officer and Director of Service Development was submitted which provided an update on the actions undertaken and to seek an opinion as to whether the Injury Award policy should be reviewed in light of the outcomes.

DCFO Blunden referred to the review which had commenced in 2012, looking at 92 former SYFR employees who were in receipt of an Ill Health Retirement Pension from the Firefighters Pension Scheme and an injury award payment.

The injury awards currently being paid to those individuals totalled almost £50k per month. The review had now concluded, with one individual outstanding. From the 92 people reviewed, unfortunately 2 individuals had died over the past 6 years, and therefore 90 individuals had been reviewed. Following the review of the benefits awarded to those members that had retired this had culminated in a small reduction in cost from £50k to £42k per month; 50% of the individuals reviewed had been over 65 years of age.

Councillor Ayris queried the total annual cost of paying the 92 individuals their injury awards. He also queried how this compared against the current total annual cost of paying the firefighter pensions.

DCFO Blunden stated that the 92 individuals included everyone within Band 1; only Bands 2, 3 and 4 had been reviewed, which totalled 92 individuals. He would provide Authority staff with a comparison of the total annual cost of paying the injury awards to the 92 individuals, against the current total annual cost of paying the firefighter pensions.

RESOLVED – That Members:-

- i) Discussed the contents of the report.
- ii) Confirmed that the current Injury Awards Policy should remain in place.
- iii) Would be provided with a comparison of the total annual cost of paying the injury awards to the 92 individuals, against the current total annual cost of paying the firefighter pensions.

17 2018/19 FINANCIAL PERFORMANCE REPORT

A report of the Chief Fire Officer/Chief Executive and Clerk and Treasurer was submitted as the first in a series of reports to be presented to Members throughout the financial year, to inform as to the likely financial performance for the year ended 31 March 2019.

The Director of Support Services stated that when Members had set the budget in February 2018 there had been an anticipated contribution to reserves of £449k, and the projected in year underspend at the current time was estimated at £85k or 0.15% of the budget. The expectation was a net contribution to reserves of £534k, which excluded any monies utilised for capital investment and the Safer Stronger Communities Reserve. The following known risks were noted with regard to the projected outturn position i.e. Close Proximity Crewing, the potential legal costs associated with the judicial review, the detriment claims and the employment tribunal. It was anticipated that costs could be offset against a potential claim against SYSTEL, for unresolved contractual matters that were being progressed by ACO Johnson.

Councillor Ayris queried the re-profiling of the £952k from ongoing/committed capital schemes in the previous financial year 2017/18.

The Director of Support Services stated that the £952k was the underspend on the 2017/18 capital programme. Members had received the outturn report for the Authority in June 2018, which had demonstrated that the capital programme had not been spent in line with the profile at that time, and therefore there was a carry forward of £952k which had been put into the 2018/19 capital programme.

Councillor Haith queried the additional mileage costs for the new Operational Resilience Team of £27k.

The Director of Support Services stated that this had resulted from an under estimation of the mileage costs when the Operational Resilience Team had first been established.

Councillor Ransome queried whether the reduction in Barnsley MBC services to the Authority of £106k included all monies i.e. Internal Audit services.

The Director of Support Services stated that SYFR had taken on board Members' comments in relation to the SLA, to achieve one SLA for the services that Barnsley MBC provided.

RESOLVED – That Members:-

- i) Noted and considered the latest estimated revenue performance which showed an operating underspend of £0.085m for the financial year ended 31 March 2019.
- ii) Noted the latest estimated increase in General Reserves of £0.534m for the financial year ended 31 March 2019, which was broadly in line with the expectations when the budget was set by Members in February 2018.
- iii) Noted the likely net impact of known financial risks that were as yet not able to be fully quantified at this stage in the financial year.

18 POLICE AND FIRE COLLABORATION BOARD

DCFO Blunden referred to the comprehensive report that that been presented to the last Authority meeting.

Members noted that the SYP and SYFR Section 1 Collaboration Agreement had been signed earlier today. Interviews would be provisionally held w/c 23 July for a Joint Head of Facilities Management post which, upon successful appointment, would provide for a fourth person within the joint collaborative agreement. A total of 13 SYFR members of staff had undertaken the Prince 2 project management training, to ensure that they were properly trained and equipped to engage in collaborative work with SYP.

RESOLVED – That Members noted the update.

19 POLICE AND FIRE COLLABORATION BOARD MINUTES OF 18 JUNE 2018

Dr Billings stated that Members may be unfamiliar with some of the acronyms used within the minutes. He would request that in the future, the minutes be produced as though they were for public consumption.

RESOLVED – Members thanked Dr Billings and noted the minutes of the Police and Fire Collaboration Board held on 18 June 2018.

20 DRAFT MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE HELD ON 25 JUNE 2018

RESOLVED – That Members noted the draft minutes of the Audit and Governance Committee held on 25 June 2018.

21 KEY ISSUES ARISING FROM THE PERFORMANCE AND SCRUTINY BOARD HELD ON 12 JULY 2018

Members were presented with a key issues paper arising from the Performance and Scrutiny Board meeting held on 12 July 2018.

At the meeting, Councillor Damms had been welcomed as the new Chair to the Board, and Councillor Ross as a new Member to the Board.

RESOLVED – That Members noted the key issues paper from the Performance and Scrutiny Board meeting held on 12 July 2018.

CHAIR

SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY

17 SEPTEMBER 2018

PRESENT: Councillor C Lamb (Chair)
Councillor A Atkin (Vice-Chair)
Councillors: R Taylor, C Ross, T Hussain, S Ayris,
M Clements, T Damms, P Haith, C Hogarth, C Ransome and
J Satur

CFO J Courtney, QFSM, ACFO A Johnson, S Booth and
L Murray (South Yorkshire Fire & Rescue Service)

D Terris, A Brown, M McCarthy, M McCoolle, D Cutting and
I Rooth (Barnsley MBC)

M Buttery (Office of the South Yorkshire Police and Crime
Commissioner)

Apologies for absence were received from Dr A Billings,
N Copley, A Frosdick, L Noble and DCFO M Blunden

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 23 July 2018. Visits had been made to a number of premises which supported and housed individuals with autism, mental health and physical disabilities, which had received sprinkler installation following SSCR

funding. Members had also visited Rotherham Fire Station's open day, the Bradway Fun Day at which a crew from Low Edges Fire Station had been in attendance, the Control Room and the Communications Department at Fire Headquarters.

All Members would be provided with a copy of SYFR's Workforce Diversity Profile, which had been provided to a Member at a recent Equality and Inclusion Improvement Board meeting.

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 23 JULY 2018

Members requested that consideration be given to the Facilities Management's tender documentation specifying that contractors would pay the foundation living wage to their employees.

Members requested that a report be submitted to the Authority, to provide the details of the full financial implications in relation to the detriment claims relating to Close Proximity Crewing (CPC) as a matter of urgency upon conclusion of the hearing, which was scheduled to be held during the last week of September and the first two weeks of October 2018.

It was agreed that the Performance and Scrutiny Board would consider, as part of its work programme, SYFR's staffing review, following the reorganisation undertaken and the review of the Facilities Management contract.

In relation to the outcome of the Facilities Management tender exercise, the evaluation process had concluded that a contract would be awarded to a nominated preferred bidder for Lot 1 for hard FM. Lots 2 and 3 in relation to soft FM and integrated FM had been cancelled; no new contractors had been appointed to the soft FM. It was proposed to continue to utilise the current incumbent suppliers for cleaning services, waste management, pest control and grounds maintenance. Invitations would now be sought for the separate lots for each of the activities which fell beneath the soft FM. J.F. Tomlinson, from Beeston, Nottingham had been nominated as the preferred supplier; a 10 day standstill period, due diligence and a 4 week mobilisation would now be undertaken. No tenders had been received from South Yorkshire based firms.

RESOLVED – That Members:-

- i) Agreed that the minutes of the meeting held on 23 July 2018 be signed by the Chair as a correct record.
- ii) Noted that a report be submitted to the Authority, to provide the details of the full financial implications in relation to the detriment claims relating to Close Proximity Crewing (CPC) as a matter of urgency upon conclusion of the hearing.
- iii) Agreed that the Performance and Scrutiny Board would consider, as part of its work programme, SYFR's staffing review.

10 PROGRESS REPORT ON ESTATES AND FACILITIES SERVICE IMPROVEMENTS

A report of the Chief Fire Officer and Chief Executive was submitted detailing progress on improving the Estates and Facilities Service (formerly Property Services) within South Yorkshire Fire and Rescue (SYFR). An unqualified Value For Money opinion had been received for the Procurement service from SYFR's external auditors. The Authority would be provided with updates on Estates and Facilities only from this point forward.

Members noted that separate structure reviews for SYFR and SYP were currently being undertaken, together with the Estates strategy for SYP and an Asset Management Plan for SYFR, with a view to eventually being brought into one structure. The terms of reference and scope had been drafted to enable future consideration, and would shortly be presented to the Fire and Police Collaboration Delivery Board. Members would be provided with a copy of the existing structure chart, together with the draft structure chart which was under development.

Engagement had been made with the Chartered Institute of Public Finance and Accountancy (CIPFA), who had a best practice model which would be used to deliver the Asset Management Plan, policy strategy and action plan in liaison with the Estates and Facilities team. The current estimated cost for the work undertaken by CIPFA was £12,000, which was envisaged to be completed by the end of the year.

Members suggested that in the future, consideration should be given to securing planning permission for the sites of former fire stations, prior to sale, which had the potential to increase the capital revenue.

The Head of Joint Estates (SYFR and SYP) was a member of the Joint Assets Board at Sheffield City Region (SCR), which received early information on funding opportunities. She was liaising with SCR regarding the One Public Estate Seven Programme, which may focus upon collaboration opportunities; the prospectus was expected later in the month. Members would be provided with feedback as the matter progressed.

RESOLVED – That Members:-

- i) Noted the contents of the report.
- ii) Endorsed the ongoing, positive progress and improvements made so far in Estates and Facilities as part of the Service's improvement journey towards becoming an effective and efficient support service of SYFR.

11 POLICE AND FIRE COLLABORATION BOARD UPDATE

A report of the Chief Fire Officer and Chief Executive provided Members with an update on the progress being made on current areas of collaboration with South Yorkshire Police (SYP), a view on the continuing fire – fire collaboration and background information on the Policing and Crime Act 2017. The report formed a standing agenda item on all Authority meetings.

On 23 July 2018 the Section 1 Legal Agreement had been formally signed by SYP and SYFR.

The Ambulance Service was in a process of constant change, which had proved difficult for wider blue light collaboration. Matters were progressing with the installation of defibrillators at some SYFR stations; work was ongoing to ascertain which fire stations would be utilised, together with training and maintenance of the equipment.

Members noted the draft infographic of 'Our Collaborative Journey' to date. M Buttery would provide Members with an updated version of the infographic.

RESOLVED – That Members noted the contents of the report.

12 REVISED FIRE AND RESCUE NATIONAL FRAMEWORK FOR ENGLAND - ASSESSMENT OF SOUTH YORKSHIRE FIRE AND RESCUE'S COMPLIANCE

A report of the Chief Fire Officer and Chief Executive/Clerk to the Fire and Rescue Authority was submitted providing gap analysis against the revised Fire and Rescue National Framework for England, which had shown that SYFR was compliant with all of the requirements set out within the revised National Framework.

RESOLVED – That Members:-

- i) Endorsed the contents of the report.
- ii) Agreed that there were no areas for improvement to be referred onto the Performance and Scrutiny Board.

13 LOCALISM ACT 2011 - ARRANGEMENTS FOR DEALING WITH ETHICAL STANDARDS COMPLAINTS: APPOINTMENT OF INDEPENDENT PERSONS

A report of the Clerk and Treasurer sought Authority confirmation of the recent appointment of two Independent Persons to assist the Monitoring Officer in dealing with Ethical Standards complaints as required by the relevant provisions of the Localism Act 2011.

In April 2018, a recruitment process had commenced to appoint two Independent Persons, and the shortlisted candidates had been interviewed on 17 July 2018. The appointed individuals would serve on the Authority for a four year term, and receive an annual allowance of £737.00 paid monthly, to be split equally between the Authority, Barnsley MBC and Sheffield CC.

RESOLVED – That Members confirmed the appointment of Ms J Cairns and Mr D Waxman as Independent Persons for the purposes of the relevant provisions of the Localism Act 2011 for the remainder of the municipal year, subject to reappointment on an annual basis at the Annual Meeting of the Fire and Rescue Authority; such reappointment not to extend beyond May 2022.

14 CONFERENCE REPRESENTATION - LOCAL GOVERNMENT ASSOCIATION (LGA) ANNUAL FIRE CONFERENCE AND EXHIBITION 2019 ON 12 - 13 MARCH 2019

A report of the Clerk to the Fire and Rescue Authority sought expressions of interest from Members to attend the LGA Annual Fire Conference and Exhibition 2019, on Tuesday 12 – Wednesday 13 March 2019, at the Hilton Brighton Metropole Hotel, Brighton.

Members were requested to inform the Deputy Clerk of their expressions of interest to attend the event.

RESOLVED – That Members approved representation at the LGA Annual Fire Conference and Exhibition 2019.

15 AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2017/18

The Audit and Governance Committee Annual Report for 2017/18 was submitted for consideration.

Members noted that, in support of good governance, the Audit and Governance Committee produced an Annual Report for the Authority which outlined the role of the Audit and Governance Committee, the responsibilities undertaken by its Members and the programme of work.

Councillor Lamb expressed his thanks to Councillor Haith for her sterling work as Chair of the Committee, together with the other Members on the Committee.

RESOLVED – That Members:-

- i) Considered the Annual Report of its Audit and Governance Committee.
- ii) Agreed to publish it on the Authority's website.

16 DRAFT MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE HELD ON 23 JULY 2018

Members were informed that a meeting of the SSUK Shareholders (the Authority) was to take place following this meeting. The minutes of the Shareholder Board meeting would be presented to the Authority meeting on 15 October 2018 for Members consideration.

RESOLVED – That Members:-

- i) Noted the draft minutes of the Audit and Governance Committee held on 23 July 2018.
- ii) Noted that the minutes of the meeting of the SSUK Shareholders Board would be presented to the Authority meeting in October 2018 for Members consideration.

17 DRAFT MINUTES OF THE LOCAL PENSION BOARD HELD ON 29 JUNE 2018

RESOLVED – That Members noted the draft minutes of the Local Pension Board held on 29 June 2018.

18 MINUTES OF THE YORKSHIRE AND HUMBER EMPLOYERS' ASSOCIATION HELD ON 5 JULY 2018

RESOLVED – That Members noted the minutes of the Yorkshire and Humber Employers' Association held on 5 July 2018.

CHAIR

SOUTH YORKSHIRE PENSIONS AUTHORITY**4 OCTOBER 2018****PRESENT:**

Councillor M Stowe (Vice-Chair)

Councillors: A Bainbridge, A Hurst, A Sangar, I Saunders,
R Wraith and K Wyatt

Trade Unions: D Patterson (UNITE) and G Warwick (GMB)

Officers: J Bailey (Head of Pensions Administration), N Copley
(Treasurer), A Frosdick (Monitoring Officer), G Graham (Fund
Director), M McCarthy (Deputy Clerk) and G Richards (Senior
Democratic Services Officer)

J Thompson (Chair, SY Local Pension Board)

Apologies for absence were received from Councillor S Ellis,
Councillor S Cox, Councillor S Durant, Councillor J Mounsey,
Councillor A Teal and N Doolan-Hamer

1 APOLOGIES

M Stowe, Vice-Chair of the Authority, informed Members that the Chair had been delayed by a flight cancellation and therefore he would be chairing the meeting.

Apologies were noted as above.

2 ANNOUNCEMENTS

G Graham informed Members that the Annual Fund meeting would be held on Thursday 18 October 2018 at the Carlton Park Hotel, Rotherham at 5.30pm. All were welcome to attend.

3 URGENT ITEMS

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS.

RESOLVED: That item 22, 'Senior Management Arrangements' would be considered in the absence of the public and press.

5 DECLARATIONS OF INTEREST.

None.

6 MINUTES OF THE ANNUAL AUTHORITY MEETING HELD ON 7 JUNE 2018

M McCarthy informed the Authority that there were two outstanding matters to resolve from the Annual meeting.

It was confirmed that Cllr A Sangar would be the s41 substitute for Sheffield CC.

It was proposed that Cllr R Wraith would be appointed to the Investment Board and Cllr A Teal be appointed to the Corporate Planning and Governance Board. This was carried by a majority vote; Cllr A Sangar voted against.

RESOLVED:

- i) That Cllr A Sangar be appointed as the s41 substitute member for Sheffield CC.
- ii) That Cllr R Wraith be appointed to the Investment Board.
- iii) That Cllr A Teal be appointed to the Corporate Planning and Governance Board.
- iv) That the minutes of the Annual Meeting held on 7 June 2018 be agreed and signed by the Chair as a correct record.

7 MINUTES OF THE ORDINARY AUTHORITY MEETING HELD ON 7 JUNE 2018

RESOLVED: That the minutes of the Ordinary meeting held on 7 June 2018 be agreed and signed by the Chair as a correct record.

8 MINUTES OF THE CORPORATE PLANNING AND GOVERNANCE BOARD HELD ON 14 JUNE 2018

RESOLVED: That the minutes of the Corporate Planning and Governance Board held on 14 June 2018 be noted.

9 MINUTES OF THE CORPORATE PLANNING & GOVERNANCE BOARD HELD ON 19 JULY 2018

RESOLVED: That the minutes of the meeting of the Corporate Planning and Governance Board held on 19 July 2018 be noted.

10 MINUTES OF THE INVESTMENT BOARD HELD ON 21 JUNE 2018

Cllr Sangar queried when the agriculture portfolio would be reviewed. G Graham replied that this would be done alongside the Investment Strategy Review and be presented to the Authority and the end of 2019/beginning of 2020.

If it was decided to hold the portfolio it would have to be decided the best way to manage and structure the portfolio. If it was decided not to hold the portfolio the best way to dispose of the assets would have to be decided in conjunction with advisors.

RESOLVED: That the minutes of the meeting of the Investment Board held on 21 June 2018 be noted.

11 MINUTES OF THE LOCAL PENSIONS BOARD HELD ON 7 JUNE 2018

RESOLVED: That the minutes of the meeting of the Local Pension Board held on 7 June 2018 be noted.

12 WORK PROGRAMME

The Authority considered its Work Programme. Members were reminded that their contributions of additional items for the Work Programme would be welcomed.

RESOLVED: That the Work Programme be noted.

13 SECTION 41 FEEDBACK FROM DISTRICT COUNCILS

Members from Barnsley and Rotherham noted an increase in questions from constituents. Members were reminded that G Graham and J Bailey were happy to provide responses if so required.

14 PERFORMANCE SNAPSHOT REPORT 2018/19: Q1

The Authority considered the Performance Snapshot Report for 2018/19 Quarter 1.

Members noted the improved performance of the Administration team.

It was also noted that the staff turnover figures were artificial; 6 staff members had left but had TUPE transferred to Border to Coast.

The Fundamentals training percentage was lower than normal due to new Members not yet having completed the training; the training would be held over the coming months.

RESOLVED: That the report be noted.

15 SOUTH YORKSHIRE LOCAL PENSION BOARD ANNUAL REPORT 2017/18

The Chair welcomed Jill Thompson, Chair of the Local Pension Board, to the meeting to present the Board's Annual Report.

J Thompson highlighted the Board's work throughout the year, including assisting in the development of a Reporting Breaches of the Law procedure.

Attendance had been good throughout the year with 6 members attending every meeting, although it had been difficult to get the district councils to either appoint or attend on a regular basis.

Training events had been well attended including the recent Seminar and several Board members would be attending the Fundamentals training in the coming months.

J Thompson thanked G Boyington and members for their commitment to the Board.

In answer to a question from a Member, M McCarthy explained that, as major employers, the district councils had been offered two places on the Board on a two-

year rotation. From the outset attendance had been poor and this year one Authority had failed to appoint. Discussions were ongoing amongst officers to try and resolve the situation.

The Chair thanked J Thompson for attending to present the report.

RESOLVED: That the report be noted.

16 CP&GB AUDIT COMMITTEE FUNCTIONS ANNUAL REPORT 2017/18

The Authority considered the Corporate Planning and Governance Board's Audit Committee Function Annual Report.

The report covered the Board's:

- Roles and responsibilities.
- Membership.
- Meetings and attendance; and
- Achievements and outcomes.

The report was intended to provide reassurance in support of good governance.

RESOLVED: That the report be noted.

17 GOVERNANCE ARRANGEMENTS

A report was submitted which set out various immediate and longer term changes to the Authority's governance arrangements.

Members were reminded that the Chair, Cllr S Ellis, had been appointed as a Non-Executive Director of the Border to Coast Board.

Whilst a good result in terms of composition of BCPP's Board, the appointment raised conflicts of interest issues for the Authority. Also, an individual elected as a NED of BCPP was specifically excluded from membership of the BCPP Joint Committee.

Longer term, the Authority's current governance arrangements were designed for a very different organisation to the one that pooling would create.

It was proposed to disestablish the Investment Board and the Corporate Planning and Governance Board and deal with all business, with the exception of audit, through the full Authority.

An Audit Committee, comprised of the s41 members and one Councillor not from the majority party, would be constituted and would meet three times per year to deal with all internal and external audit matters.

It was also proposed to constitute a Staffing, Appointments and Appeals Committee to be chaired by the Chair of the Authority and with a remit to deal with staffing matters to make specific officer and other appointments (such as the appointment of Independent Advisors), and handle appeals which required to be heard by members).

The proposed arrangements would reduce the number of meetings by nearly 40%. The freeing up of time would provide the opportunity to run more informal sessions for members for either learning and development or policy development.

Another issue to be resolved was how to address shareholder matters and decision making in relation to routine shareholder resolutions relating to Border to Coast which fell outside the Authority meeting cycle. The two options proposed were:

- a) The Fund Director (or other appropriate officer) would advise the Chair on the detailed subject of the resolution and recommends how the Authority should vote; or
- b) As option (a), but with additional consultation, either with the Vice-Chair or the s41 members.

Another item absent from the Authority's governance arrangements was an "urgent business procedure". It was proposed that in the event of a decision being required to be taken urgently, they be taken by the relevant statutory officer (Clerk, Fund Director, Monitoring Officer or Treasurer) in consultation with the Chair and Vice-Chair and then reported at the next meeting of the Authority.

The Authority discussed the proposals in detail and, whilst recognising there was further work to be done on the finer details, generally accepted the proposals.

RESOLVED:

- a) To approve the changes to the arrangements for the chairing of the Authority's Boards for the remainder of the municipal year as set out in paragraph 3.3 of the report.
- b) That the Vice-Chair of the Authority will represent the Authority on the Border to Coast Joint Committee and act as the Authority's shareholder in the operating company until the end of the municipal year.
- c) That Cllr Ian Saunders would act as substitute to the Vice-Chair in the event he was unable to attend a meeting of the Joint Committee.
- d) To approve the disestablishment of the Investment Board and the Corporate Planning and Governance Board with effect from the beginning of the next municipal year, with their functions being passed to the full Authority.
- e) To approve the establishment of an Audit Committee to meet 3 times per year constituted as described in paragraph 3.10(b) of the report.
- f) To approve the establishment of a Staffing, Appointments and Appeals Committee with the role and membership as described in paragraph 3.10(c) of the report.
- g) That routine shareholder decisions in relation to Border to Coast which fall outside the Authority meeting cycle may be taken by the Fund Director in consultation either with the Vice-Chair or the s41 members.

- h) That officers bring forward an amended constitution for adoption at the Authority's next Annual Meeting.
- i) To approve the institution of an Urgent Business Procedure as set out in paragraph 3.17 of the report.

18 CONTRACT STANDING ORDERS

A report was submitted to seek approval of updated Contract Standing Orders.

Members were informed that the Authority's Contract Standing Orders were last reviewed in 2016. Recent procurement exercises had identified some deficiencies in the Contract Standing Orders, in particular the fact that they did not accommodate recent regulations requiring the use of electronic tendering.

The revised Contract Standing Orders fully incorporated e-procurement as the standard means by which the Authority would operate, and in addition the Authority had signed up to Yortender, the regional procurement portal to facilitate that.

Further work was being done with Barnsley MBC's procurement team to finalise a complete contract register which would be published on the Authority's website.

RESOLVED: That the Authority approve the revised Contract Standing Orders, as set out at Appendix A to the report, for immediate inclusion in the Authority's constitution.

19 GENDER PAY GAP

The Authority considered report which provided details of the organisation's gender pay gap.

Members noted that in terms of action to be taken to address the pay gap, steps would be considered as part of the HR and Organisational Development Strategy which was to be developed as part of the corporate planning process.

RESOLVED: That the report be noted.

20 GOVERNMENT ACTUARY'S DEPARTMENT SECTION 13 VALUATION

A report was submitted to make members aware of the result of the Government Actuary's 2016 Section 13 Valuation of the Local Government Pension Scheme and highlight implications for the Authority.

GAD look at LGPS as a whole and the individual funds using four themes.

Compliance: GAD concluded that the aims of s13 had been met in the local valuations. They commented that more consistency in presentation and the definitions used in valuations had been achieved.

Consistency: GAD made a recommendation for the fund actuaries in terms of the presentation of disclosures within the valuation reports. They made a recommendation that the Scheme Advisory Board look to achieve greater consistency in assumptions unless specifically justified by local factors.

Solvency: With regard to solvency, GAD noted an overall improvement in funding levels but noted issues with a number of individual funds which are furthest away from full funding or are potentially at risk in a stress situation. South Yorkshire was one of the four funds flagged as amber in relation to an asset shock test. GAD had determined that they would flag funds where an asset shock would result in a contribution increase for statutory employers of 3% or more of core spending power. Members were reminded that SYPA had put in place its equity protection strategy in, consultation with the statutory employers, to protect the fund against the sort of shock that GAD was testing in this case. Officers had made this point to GAD who acknowledged this in their report in positive terms.

Long-term cost efficiency: GAD noted the overall improvement in funding levels, but highlighted some funds which had extended their deficit recovery periods and recommended that funds reviewed their funding strategy statements to ensure that the treatment of surpluses/deficits were fair to both current and future taxpayers.

RESOLVED: That the report be noted.

21 POOLING UPDATE

The Fund Director gave members an update on activities within the Border to Coast Pooling Partnership (BCPP).

- Shareholder resolutions had been received to approve the appointment of Cllrs Sue Ellis and John Weighell as non-executive directors of BCPP.
- The last of the three equity transitions, the emerging markets portfolio, was currently taking place. It was noted that the cost of the previous transfers had been well within limits and the emerging markets was expected to be similar.
- The next meeting of the Joint Committee would be in November. Key items on the agenda included:
 - Practical measures for securing scheme member representation on the Joint Committee .
 - Annual review of the Responsible Investment policy and voting guidelines. This would be brought back for approval from the individual funds.
 - Officers had begun discussing the BCPP budget and business plan for the coming year. This would require a shareholder resolution early next year
 - BCPP continued to recruit to fill the gaps in their structure which was mainly at the moment junior investment roles.
 - The first performance report from BCPP was expected to be presented to the next meeting of the Investment Board. It was expected that BCPP's CIO would attend to present the report.

22 SENIOR MANAGEMENT ARRANGEMENTS

A report was considered which sought to secure the Authority's approval for changes in the senior management arrangements.

RESOLVED: That the Authority approve:

- a) The flexible retirement of the current Head of Finance on the basis set out in the report.
- b) The establishment of a fixed term role (to 31.12.20) at 0.4 FTE of Head of Transition.
- c) The redeployment of the current Head of Finance into the above mentioned role.
- d) The re-designation of the Head of Finance role as Head of Finance and Corporate Services from 31.01.19, and approve arrangements for recruitment into that role.
- e) The proposed changes to reporting lines and other restructuring proposals affecting the Finance Team as set out in the report.

CHAIR



SOUTH YORKSHIRE POLICE AND CRIME PANEL

IN MEETING ROOM 14, TOWN HALL, CHURCH STREET, BARNSELEY, S70 2TA

3 SEPTEMBER 2018

PRESENT: Councillor A Khayum (Sheffield City Council) (Chair)

Councillor S Sansome (Rotherham MBC) (Vice-Chair)

Councillors: R Frost (Barnsley MBC), D Nevett (Doncaster MBC), B Johnson (Sheffield City Council), 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 Buttery (OPCC), M Clements (OPCC), S Mawson (OPCC) and K Wright (OPCC)

Officers: D Cutting, M McCarthy, L Noble and A Shirt (Barnsley MBC)

Guest in attendance: P Hollingsworth (Barnsley MBC – Item 8)

Apologies for absence were received from Councillor B Cutts (Rotherham MBC), Councillor M Dyson (Barnsley MBC) and Councillor M O'Rourke (Sheffield CC)

1 **APOLOGIES FOR ABSENCE**

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 PUBLIC QUESTIONS:-6A TO THE POLICE AND CRIME COMMISSIONER

There were no public questions to the Police and Crime Commissioner.

6B TO THE POLICE AND CRIME PANEL

There were no public questions to the Police and Crime Panel.

7 MINUTES OF THE MEETING HELD ON 2 JULY 2018

Councillor Sansome referred to the discussion at the last meeting with regard to the 'Abuse of Position' letter dated 2nd October 2017 on the HMICFRS website.

He asked the Commissioner, what actions / plan was in place to prevent similar situations happening in future. Furthermore, he asked how the Commissioner was being visible in holding the Force to account on this issue.

The Commissioner replied that he did press the Chief Constable at the Public Accountability Board on this issue, which Councillor Sansome had attended and also at other meetings with the Force. Additionally, these issues would be picked-up by the HMICFRS on their next visit to South Yorkshire.

Councillor Sansome explained that he was seeking reassurance from the Commissioner that the contents of the letter from HMICFRS were now a past issue. He added that the people of South Yorkshire needed trust and confidence in South Yorkshire Police and reassurance that issues relating to counter corruption would not be reoccurring.

The Commissioner replied that the Chief Constable was seeking to increase staff in the area of counter-corruption. Additionally, the Chief Constable was the national police lead for this area of business. The Commissioner was satisfied with the response of the Chief Constable to the HMICFRS's letter.

M Buttery reported that, in relation to the counter corruption inspection, the evidence had not been available to satisfy the Inspector against a particular criteria. It was confirmed that this issue had been picked up by the Force.

Furthermore, since the letter was written, the Commissioner had asked that an Officer from the OPCC was now in attendance at Force meetings where discussions regarding Force inspections were being held to understand the methodology that the Inspectors were going to use, the information requested from the Force in advance of inspection and any risk areas for the Force where evidence was not available in order to satisfy the Inspectorate.

A Carter thanked the Commissioner for making arrangements for Members of the Panel to visit Atlas Court; the visit had been very beneficial for those Members in attendance.

The Commissioner thanked Councillors Khayum, Sansome, Otten and Mr Carter for attending the visit to Atlas Court. If any other Members of the Panel wished to visit Atlas Court, arrangements could be made via the Commissioner's Office.

A Carter expressed an interest in observing a YOYO session. It was agreed that L Noble would make arrangements via the Commissioner's Office for Panel Members to observe a YOYO session.

Councillor Sansome referred to an article published in the Rotherham Advertiser on 10th July 2018, which stated that "*South Yorkshire Police's Top Cops during Jay Report period were being probed by Police Watchdog*".

Whilst noting that the investigation would not involve any serving officers within South Yorkshire Police, Councillor Sansome asked how the Commissioner would be involved in supporting the IOPC in their investigation and ensuring transparency where appropriate.

The Commissioner replied that with regard to this investigation his responsibility was towards the Chief Constable by holding him to account. In relation to former officers it was for the IOPC to make its investigations first.

RESOLVED –

- i) That the minutes of the Police and Crime Panel held on 2 July 2018 be agreed and signed by the Chair as a correct record.
- ii) That L Noble would make arrangements via the Commissioner's Office for Panel Members to observe a YOYO session at a location suitable to them.

8 COMMISSIONING BUDGET REPORT - FEEDBACK FROM DISTRICTS

Councillor Khayum welcomed Phil Hollingsworth, Service Director, Safer, Stronger Healthier Communities, Barnsley MBC to the meeting. He thanked P Hollingsworth for stepping in for the Chair of Barnsley's CSP, Wendy Lowder.

Members were made aware that, unfortunately today's Panel meeting clashed with a CONTEST meeting and therefore, there were no CSP representatives from the other Districts available to attend today's meeting. The lines of enquiry set out in the briefing for the meeting would be circulated to the Chairs of the Rotherham, Doncaster and Sheffield CSPs.

To give context to the agenda item, Councillor Khayum reminded Members that a Commissioning report was submitted to the Panel in July, where Members had agreed that they would look to strengthen links with the District CSPs as set out in the 2012 guidance.

It was felt that it would be timely to invite CSP representatives to give their views on the relationship with the Commissioner's Office, the hot topics in their areas and how the Panel could help and support their work.

Councillor Khayum invited P Hollingsworth to address the meeting and inform the Panel about the work being carried out by the Safer Barnsley Partnership (SBP).

P Hollingsworth provided the Panel with a summary of the SBP's role, strategic priorities contained within the SBP Annual Plan 2018/19 and details of its relationship with the Commissioner's Office.

The SBP Annual Plan was refreshed annually and was currently open for consultation. The 2018/19 SBP Annual Plan was aligned with the priorities outlined in the Commissioner's Police and Crime Plan (2017 – 2021). The SBP's three strategic priorities for 2018/19 were: Protecting Vulnerable People, Preventing Crime, Tackling Anti-Social Behaviour and Promoting Community Tolerance and Respect.

Thematic Delivery Groups were in place for each of the strategic priorities, chaired by a local Councillor or a Police Officer. The Groups report back to the Performance and Delivery Group who in return report to the SBP.

Representatives from the Commissioner's Office regularly attend meetings of the SBP along with Councillors from Barnsley MBC. Councillor Dyson is the PCP's representative on the SBP.

In relation to the Commissioning Budget, the SBP had close contact with the OPCC and fed directly into the process annually with notification of its priorities. The budget allocated by the OPCC was monitored on a 6 monthly basis.

The SBP also feeds into the Countywide Community Safety Forum, which involves Community Safety Chairs from across the four districts and the OPCC. This Forum is chaired by the PCC and looks at priorities across South Yorkshire and how the CSPs can work together with the OPCC. Additionally, the Commissioner attends and supports key SBP events and initiatives held in Barnsley.

Councillor Sansome commented that he had attended a Countywide Community Safety Forum, where it had been announced by colleagues from Doncaster that they had been able to fund a Mental Health Officer. He asked if other CSPs were able to access this service. Additionally, he asked how much this service would cost if each CSP had to fund an officer from within their own district budget.

P Hollingsworth replied that he was unsure of the exact costs and was unaware of the specifics of the post in Doncaster. However, from a Barnsley perspective, the SBP had strengthened links with its Mental Health Services in relation to the SBP's Safer Neighbourhood Service; this partnership arrangement was working very well.

S Chu highlighted that 1-2% of the Commissioner's budget was used for commissioning services, other than the Police. He asked how the Commissioner made decisions on those commissioning services he sourced from the Police and those he sourced outside of the Police.

The Commissioner commented that the process was mainly historical; reviews were carried out yearly to review and understand how the commissioning budget

had been used. CSP funding was directly given to each CSP, and it was for them to decide how best to use the funds.

Following a question from S Chu regarding the promotion of prevention / social impact initiatives, the Commissioner informed the Panel that the Government had recently launched an Early Intervention Youth Fund (£22m over two years) which he had encouraged the district CSPs to work together on a joint bid. He was pleased to report that Doncaster, Barnsley and Rotherham CSPs would be formulating a joint bid via his Office.

The Commissioner stated that it would be a positive move in strengthening links between the Panel and CSPs if Members of the Police and Crime Panel were Members of their own district CSP. This would allow Members to understand the work taking place within their own district and relate those to the Panel's work in supporting and scrutinising the PCC.

RESOLVED – That Police and Crime Panel Members:-

- i) Thanked P Hollingsworth for his update.
- ii) Noted that L Noble would circulate the 'Key Lines of Enquiry' from the briefing to Sheffield, Doncaster and Rotherham CSP leads for response.

9 IMPACT OF NEIGHBOURHOOD POLICING ON SOUTH YORKSHIRE - OUTCOMES

A briefing paper was received to update Members on the impact of local uniformed Neighbourhood Policing.

Members noted that there had been a steady increase in the number of officers and staff working within neighbourhoods (up from 275 in April 2017 to 396 in June 2018).

The feedback received from the public and the positive impacts achieved within each district were presented within the paper for Members' information.

Councillor Wilkinson commented that she had noted from the Force's Budget Monitoring Report that a vacancy factor had been set to reflect that 1.5fte PCSO's were leaving the Force each month. She had also noted that there would be no further PCSO recruits during the year. Councillor Wilkinson asked if this would have an impact on the Neighbourhood Policing model, given that PCSO's were often the Officers most involved in neighbourhood policing.

The Commissioner replied that the Chief Constable was currently conducting a review of the powers, role and location of PCSO's. There would be a further discussion with the PCC prior to the Chief Constable concluding his review.

Councillor Sansome asked if the Chief Constable's review of PCSO's would be presented at future Panel meeting.

The Commissioner commented that details of the review would be presented at a number of forums, prior to being presented at a future Panel meeting.

S Chu stated that he welcomed the paper. He asked if any analysis would be carried out by the Force on a ward by ward basis to understand crime rates before and after the implementation of the new Neighbourhood Policing model.

The Commissioner commented that analysis work was vital to understand the situation before and after. Results would be presented in due course.

Councillor Sansome asked how the Commissioner would hold the Chief Constable / District Commanders to account when a district was failing and not meeting their targets.

The Commissioner commented that he would be holding the Chief Constable to account in this area at his PAB meeting, in private discussions with the Chief Constable and by requesting reports to be presented.

The OPCC also attended meetings of the Strategic Demand Group and Strategic Change Board where requests for distribution of district resources were considered; he asked questions at these meetings as part of holding the Force to account.

Councillor Nevett asked how the Force ensured that all communities were covered and not left vulnerable when the Force are re-routed elsewhere within the neighbourhood model and that a service remains in each area all the time.

The Commissioner replied that if there was a spike in demand, every District Commander understands their district and therefore, they would have to prioritise resources.

RESOLVED – That Police and Crime Panel Members noted the report.

10 BUDGET MONITORING REPORT 2018/19 - PERIOD ENDING 30TH JUNE 2018 (QUARTER 1)

A report of the Chief Finance and Commissioning Officer was submitted setting out the latest financial forecasts against revenue and capital budgets at the end of the first quarter of 2018/19. The report covered the costs of the Office of the Police and Crime Commissioner (OPCC), budgets managed by the OPCC and the budget managed by the Chief Constable (CC) of South Yorkshire Police Force (SYP).

Members noted that the overall revenue budget required a contribution of £7.347m from reserves in order to balance. The latest forecast position required £1.483m of reserves to balance, an improvement of £5.864m.

The Chief Constable's budget forecast a £4.018m underspend before the cost of legacy issues. The key reason for the forecast underspend related to the Crime Review and delays in recruitment of officers and staff.

Approval had been granted at the July PAB meeting to utilise £1m of the Force's underspend to create a £1m contingency towards potential costs of policing fracking sites.

The budget for 2018/19 included savings plans of £6.06m. SYP were forecasting to be on target to achieve this.

Legacy issues were currently forecast to underspend by £1.829m because costs will fall in the next financial years.

The PCC and OPCC budget was forecast to underspend by £0.017m.

The capital programme forecast expenditure was £15.97m after £1.16m of slippage. As at 31 March 2018, the overall level of revenue reserves available was £39.0m. This included general reserves of £13.4m and earmarked reserves of £25.6m.

S Chu asked what oversight the Commissioner had on the Force's Capital Programme.

The Commissioner commented that he was now the Chair of a revived Estates Board where the Force's Capital Programme was discussed and considered in detail.

RESOLVED – That Members of the Police and Crime Panel noted the financial outturns for 2018/19 for revenue and capital budgets.

11 BUDGET MONITORING REPORT: 2018/19: OUTTURN REVIEW - ADDENDUM

A report of the Chief Finance and Commissioning Officer was submitted to provide information on the updated financial position for 2017/18 as at 31 March 2018.

Members noted that the 2017/18 Budget Monitoring Report: Outturn Review report was presented at the Public Accountability Board meeting on 28 June 2018 (a copy of the report was circulated at the meeting for Members' information).

The final outturn position was an overall underspend of £6m with the overall level of revenue reserves of £38.9m.

Members were made aware that, following KPMG's annual audit of both the Chief Constable's and the PCC's draft Statement of Accounts, KPMG had requested that further provisions be made in the PCC's 2017/18 Statement of Accounts in relation to potential Child Sexual Exploitation (CSE) costs and Hillsborough Disaster related costs.

Provisions of £0.5m had now been included in the Accounts for potential future costs of CSE claims and £1m for Hillsborough Disaster related costs.

The effect of these changes had resulted in the overall outturn surplus reducing to £4.4m and the overall revenue reserves reducing to £37.3m.

RESOLVED – That Members of the Police and Crime Panel noted the report.

12 MONITORING DELIVERY OF THE POLICE AND CRIME PLAN - QUARTERLY REPORT (APRIL - JUNE 2018)

A report of the Police and Crime Commissioner was presented to provide Members of the Police and Crime Panel with the Police and Crime Commissioner's first Quarterly Report for the period April to June 2018. The report provided an overview of the progress against the Police and Crime Plan outcomes produced from the developing Police and Crime Commissioner's Police and Partners Performance Framework.

Members were informed at this stage, there were gaps in the data sets and information available to monitor contribution to, and achievement of, the outcomes in the Police and Crime Plan. It was noted that the OPCC were working closely with SYP colleagues and partners to continue the development of the data for use in the report.

Councillor Otten commented that he welcomed the Commissioner's independent report into South Yorkshire Police's handling of the Sheffield tree protests and the ten recommendations arising. He asked what progress had been made in implementing the recommendations. And secondly, did the decision need to be revised following the IOPC's decision to uphold complaints against the use of Trade Union legislation to arrest tree protestors in Sheffield, as reported in the Sheffield Star on 31 August 2018.

The Commissioner replied that the Force had received the report and had responded in writing to the Chair of the Independent Panel to inform them that they welcomed the report. The Force had also taken on board the recommendations contained within the report.

Moving forward, the Commissioner stated that he hoped for discussions between the contractor, Sheffield City Council and its residents would be progressed to allow the maintenance programme to go forward, so that fewer police officers would be in attendance when trees were felled.

S Chu asked what attempts were being undertaken in South Yorkshire to reduce violent crime, given that there was an increasing trend in violent crime across England.

The Commissioner commented that South Yorkshire was slightly above the national trend in violent crime. He confirmed that regular discussions with the Chief Constable were taking place with regard to this issue and in relation to knife crime, the Force had a better understanding of why this was occurring.

Councillor Frost queried if the new call handling service for the 101 system would be introduced in September. Additionally, could the Commissioner provide comment on what action the Force was taking to reduce inappropriate calls to both the 999 and 101 numbers.

The Commissioner replied that the Force was still to set a 'live' implementation date for the new call handling service. In relation to inappropriate calls, the Force were currently in the process of gathering a compendium of inappropriate requests which had been received. Discussions would take place with the Force to establish how they could educate the public in not making unnecessary calls.

Councillor Sansome suggested that a press release be issued by the Commissioner to highlight the inappropriate use of both 101 and 999 numbers.

The Commissioner acknowledged this suggestion. He added that the press had a big role in helping to address this issue.

Councillor Wilkinson commented that the number of individuals using the drug 'Spice' in Town Centres was becoming an increasing problem. She asked if the Panel could make a recommendation and write to the Home Secretary to ask for the re-classification of this drug to a higher category.

The Commissioner suggested that Councillor Wilkson could take-up this suggestion with her fellow colleagues at Doncaster MBC, due to there being a specific problem in Doncaster Town Centre.

In addition, the Commissioner stated that he would also take-up this suggestion with the Chief Constable, to understand if the re-classification of the drug would help, or whether there would be any consequences of doing so.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the contents of the report and commented on any matters arising.
- ii) Noted that the Commissioner would discuss Councillor Wilkinson's suggestion with the Chief Constable in relation to the Panel making a recommendation to write to the Home Secretary regarding the re-classification of the drug 'Spice'.

13 POLICE AND FIRE COLLABORATION UPDATE

A report was presented to inform Panel Members of the provisions of the Policing and Crime Act 2017, and the current position regarding collaboration between the emergency services in South Yorkshire, particularly the collaboration between South Yorkshire Police and South Yorkshire Fire and Rescue Service.

Members noted that the Policing and Crime Act 2017 ('the Act') placed a high level duty to collaborate on all three emergency services, to improve efficiency or effectiveness. The Act also enabled Police and Crime Commissioners (PCCs) to have greater involvement in Fire and Rescue governance.

Four options for consideration by PCCs under the Act were set out within the report for Members' information.

M Buttery reported that she was currently preparing a scoping document, outlining the advantages and disadvantages for South Yorkshire for each of the options provided for under the Act.

It was noted that South Yorkshire already had '*the Representation Model*', and that the focus would be the other Options. The Commissioner had asked for an objective assessment of options, without a conclusion being reached.

This work would be quality assured by an independent person. Although there was no legal requirement for consultation at this stage, the Commissioner intended to invite the Fire and Rescue Authority (or Chair only at this stage), the two services (SYFRS and SYP), the four local authorities, the Combined Authority, the trade unions/staff representatives and other key stakeholders (which included the Police & Crime Panel), to engage in the work, in order to incorporate wider views in the scoping document.

The Commissioner would then consider the options, and have further discussions.

Councillor Sansome commented that, in terms of the Panel holding the Commissioner to account, he felt that if the Commissioner took on the Fire and Rescue Service, the increase in the requirement to scrutinise two Services, the reduced powers of the Panel as opposed to the Authority would result in a lower level of scrutiny and, therefore, accountability to the public of South Yorkshire.

The Commissioner acknowledged Councillor Sansome's concern.

Councillor Wilkinson commented that if there was to be joint Police and Fire meetings, it would be difficult for the Commissioner to govern and scrutinise both bodies within the time available.

The Commissioner stated that business would have to be conducted differently if this option was progressed. He confirmed again that no conclusion had been reached.

In addition, the Commissioner reported that, on 12 January 2017 he had established a Police and Fire Collaboration Board to provide strategic oversight for collaborative activity between the two services. Examples of the achievements made were set out in the report for Members' information.

RESOLVED – That Members of the Police and Crime Panel noted the content of the report.

14 RULES OF PROCEDURE - SUGGESTED REVISIONS

A report of the Solicitor / Panel's Legal Adviser was submitted to remind Members that the Rules of Procedure are kept under review and were last updated (and approved by the Panel) on 4th June 2018.

The report recommended one amendment to the Rules of Procedure:

1. A change of wording to Section 11 (11.1) in respect of questions from Members of the Panel to the Commissioner.

This change followed discussions at the previous Panel meeting and advice from the Host Authority's Monitoring Officer.

Councillor Otten commented that Section 11.2 (c) of the Panel's Rules of Procedure, as written, restricted the discussion of any case, which, he felt the Panel should be able to scrutinise the Commissioner on. He therefore, proposed an amendment to Section 11.2 (c) as follows: 'must not relate to individual cases, except where this has wider policy or governance implications'.

D Cutting stated that the Panel was free to adopt this proposal, however he would carry out checks to ensure that there were no legislative prohibitions in doing so.

Members agreed that the Chair and Vice-Chair would consider Councillor's Otten proposal outside of today's meeting with a decision being made at the December meeting to adopt or otherwise.

M Buttery stated that the Rules of Procedure were silent regarding how long the Commissioner had to respond to Members' questions prior to a Panel meeting. Members were requested to submit their questions earlier, rather than later to enable the OPCC to respond prior to a Panel meeting.

Councillor Khayum acknowledged M Buttery's request.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the report.
- ii) Agreed that the suggested amendment would be considered by the Chair and Vice-Chair outside the meeting.
- iii) That D Cutting would liaise with Councillor Otten on the wording for Section 11.2 (c).
- iv) Noted that D Cutting would carry out checks in relation to Councillor Otten's proposal in respect of paragraph 11.2 (c) to ensure that there were no legislative prohibitions for the Panel in adopting the proposal.
- v) That a decision would be made at the December Panel meeting to adopt or otherwise.

15 PCC DECISIONS

A report of the Police and Crime Commissioner was presented to provide Members of the Panel with information on the decisions taken by the Commissioner since the last meeting.

Councillor Sansome asked for confirmation as to the amount of funding which had been received from the Police Transformation Fund. He also asked if further details regarding the Fund could be provided to Panel Members.

M Buttery agreed to provide the information outside of today's meeting.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the contents of the report and commented on any matters arising.
- ii) Noted that the OPCC would provide Members with further information in relation to the Police Transformation Fund.

16 LGA POLICE & CRIME PANELS WORKSHOP 11TH JULY 2018

A report was presented to provide Members with a summary of the LGA Police and Crime Panels Workshop held on 11 July 2018 in London. The Workshop was attended by the Chair, Councillor Abdul Khayum, Vice-Chair, Councillor Stuart Sansome, Independent Member, Alan Carter and the Panel's Support Officer, Linda Noble.

The report highlighted key issues of work to be explored further in respect of South Yorkshire Police and Crime Panel.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the update.
- ii) Noted the areas to be explored further in respect of South Yorkshire Police and Crime Panel.

17 WORK PROGRAMME (INCLUDING PAB DATES / ROTA)

Members considered the 2018/19 Work Programme and were reminded that they could submit issues for the Work Programme that fall within the Panel's statutory role in supporting and / or holding the Commissioner to account.

All issues would be given full consideration by the Chair, Vice-Chair and Commissioner at the pre-agenda planning meetings.

Additionally, Members were asked to volunteer to attend meetings of the Commissioner's Public Accountability Board (PAB) to increase their operational knowledge.

S Chu confirmed that he would be attending the PAB scheduled for 27 September 2018.

RESOLVED – That Members of the Police and Crime Panel noted the contents of the 2018/19 Work Programme.

18 DATE AND TIME OF THE NEXT MEETING

RESOLVED – That the next meeting of the Panel will be held on Monday 3 December 2018, at 1:00 pm in Meeting Room 14, Town Hall, Church Street, Barnsley.

CHAIR