



Council

Wednesday, 22 May 2019

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:-

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Date of Publication:- **14 May 2019**

COUNCIL

Wednesday, 22 May 2019 at 2.00 p.m.
Council Chamber, Town Hall, Moorgate Street, Rotherham. S60 2TH

THE MAYOR (Councillor Jenny Andrews)
DEPUTY MAYOR (Councillor Ian Jones)

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, 22 May 2019 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 - 58)

To receive the record of proceedings of the ordinary meeting of the Council held on 27th February, 2019 and to approve the accuracy thereof.

5. PETITIONS

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

6. DECLARATIONS OF INTEREST

To invite Councillors to declare any disclosable pecuniary interests or personal interests they may have in any matter which is to be considered at this meeting, to confirm the nature of those interests and whether they intend to leave the meeting for the consideration of the item.

7. PUBLIC QUESTIONS

To receive questions from members of the public who may wish to ask a general question of the Mayor, Cabinet Member or the Chairman of a Committee in accordance with Council Procedure Rule 12.

8. EXCLUSION OF THE PRESS AND PUBLIC

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

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

9. LEADER OF THE COUNCIL'S STATEMENT

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

10. MINUTES OF THE CABINET (Pages 59 - 78)

To note the minutes of the Cabinet Meeting held on 18th March and 15th April, 2019.

11. RECOMMENDATION FROM CABINET - ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 RELATING TO 'SEXUAL ENTERTAINMENT VENUES' (Pages 79 - 104)

To consider a recommendation from Cabinet proposing that the Authority adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

12. RESPONSE TO OVERVIEW AND SCRUTINY RECOMMENDATIONS - ADULT RESIDENTIAL AND NURSING CARE HOMES (Pages 105 - 111)

To note the response of the Cabinet to recommendations from the Health Select Commission in respect of adult residential and nursing care homes.

13. RESPONSE TO OVERVIEW AND SCRUTINY RECOMMENDATIONS - ROTHERHAM YOUTH CABINET'S CHILDREN'S COMMISSIONER TAKEOVER CHALLENGE SPOTLIGHT REVIEW ON WORK EXPERIENCE (Pages 112 - 118)

To note the response of the Cabinet to recommendations from the Overview and Scrutiny Management Board and Rotherham Youth Cabinet review of Work Experience.

14. RESPONSE TO OVERVIEW AND SCRUTINY RECOMMENDATIONS - SPOTLIGHT REVIEW OF THE OFSTED INSPECTION OF ADULT COMMUNITY LEARNING (Pages 119 - 124)

To note the Cabinet's response to recommendations from the Improving Lives Select Commission arising from a spotlight review of the OFSTED Inspection of Adult Community Learning.

15. ANNUAL REVIEW AND ADOPTION OF THE CONSTITUTION (Pages 125 - 240)

To consider the recommendations of the Constitution Working Group in respect of proposed amendments to the Council's Constitution and to adopt the document for the 2019-20 municipal year.

16. MEMBERSHIP OF POLITICAL GROUPS ON THE COUNCIL, POLITICAL BALANCE AND ENTITLEMENT TO SEATS (Pages 241 - 250)

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

17. DESIGNATION OF MONITORING OFFICER (Pages 251 - 257)

To consider a recommendation to designate the Head of Legal Services as the Monitoring Officer until an appointment is made to the post of Assistant Director of Legal Services.

18. THRIVING NEIGHBOURHOODS - UPDATES FROM WARD COUNCILLORS (Pages 258 - 263)

To receive updates from ward councillors from Brinsworth and Catcliffe, Hooper and Keppel on the activities supporting Thriving Neighbourhoods across the Borough.

19. STANDARDS AND ETHICS COMMITTEE (Pages 264 - 274)

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

To confirm the minutes as a true record.

20. AUDIT COMMITTEE (Pages 275 - 278)

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

To confirm the minutes as a true record.

21. HEALTH AND WELLBEING BOARD (Pages 279 - 288)

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

To confirm the minutes as a true record.

22. PLANNING BOARD (Pages 289 - 304)

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

To confirm the minutes as a true record.

23. STAFFING COMMITTEE (Pages 305 - 312)

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

To confirm the minutes as a true record.

24. LICENSING (Pages 313 - 333)

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

To confirm the minutes as a true record.

25. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS

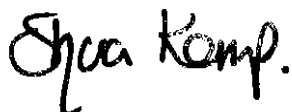
To put questions, if any, to the designated Members on the discharge of functions of the South Yorkshire Police and Crime Panel, South Yorkshire Fire and Rescue Authority, Barnsley, Doncaster, Rotherham and Sheffield Combined Authority and South Yorkshire Pensions Authority, in accordance with Council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

26. 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).

27. URGENT ITEMS

Any other public items which the Mayor determines are urgent.



SHARON KEMP,
Chief Executive.

**The next meeting of the Council will be on
Wednesday 24 July 2019 at 2.00 p.m. at Rotherham Town Hall.**

COUNCIL MEETING
27th February, 2019

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

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

146. ANNOUNCEMENTS

The Mayor was delighted to welcome Jamie Noble from the Rotherham United Community Sports Trust, which was widely regarded as one of the top performing community organisations in the county delivering the National Citizen programmes aimed at 15-18 year olds to engage them in life long volunteering and community social action projects.

The Mayor had also learnt the Club had again been recognised as the Regional Community Club of the Year for 2019 beating big clubs.

Rotherham United Community Sports Trust continued to shine on a local and national level and as recognition for the support they have given the community for the past ten years the Mayor was humbled to receive the Community Plaque from the Trust as a symbol to the strong partnership with the Council. In recognition of the excellent partnership working, the Mayor was also privileged to be presenting Jamie with a Rotherham plaque and asked the Council to join him in congratulating all those involved.

He invited Jamie Noble to come forward and join him in the exchange of plaques.

The Mayor was also pleased to present his activity since the last Council meeting which was attached for information to the Mayor's letter.

147. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Fenwick-Green and Julie Turner.

148. COMMUNICATIONS

There were no communications received.

149. MINUTES OF THE PREVIOUS COUNCIL MEETING

Resolved:- That the minutes of the meeting of Council held on 23rd January, 2019, be approved for signature by the Mayor.

Mover:- Councillor Read

Seconder:- Councillor Watson

150. PETITIONS

There were no petitions received.

151. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

152. PUBLIC QUESTIONS

(1) Mr. D. Smith asked when was it decided that United Caps could build a factory on land in Dinnington?

Councillor Lelliott confirmed a planning application for United Caps was submitted on the 17th October, 2018, but this had not yet been decided. The application would be considered by the Planning Board in due course.

In a supplementary question Mr. Smith referred to a press release from Monday, 23rd July, 2018 and a photograph outside Riverside House showing Councillor Lelliott, Councillor Watson, the Chief Executive and the Project Officer for United Caps with a statement that United Caps had announced it would be constructing a new manufacturing plant in Dinnington. A statement by the Leader of the Council confirmed the Council was excited to have a company of the quality of United Caps joining in the community and looked forward to working with them to ensure a timely completion of the new factory as well as their future expansion.

Councillor Lelliott referred to a planning application being submitted in October when a Plant Manager had already been appointed and machines were being transferred to the Dinnington plant. Reading this article the public could be led to believe there was an attempt to unduly influence the Planning Board.

The planning application was forwarded to Dinnington Town Council in November. Mr. Smith was not against the factory being built if the company were allegedly going to employ local people, but what he was against was the Leader, Deputy Leader and the Cabinet Member's bias on the July statement when it was decided that this factory would be built in Dinnington.

Councillor Lelliott pointed out that as Chair of the Parish Council Mr. Smith would be fully aware of the Local Plan and the designated sites for development in industrial areas. That particular site had always been in the Local Plan as an industrial site. The planning application was submitted in October, 2018 and was referred onto the Parish Council in November. Due process would be followed and the Cabinet Member gave her assurance that there had never been nor would there be any influence by the Planning Department to the Planning Board to make any decision. It was a statutory requirement to follow the law.

(2) Mr. P. Thirlwall asked could the Leader, following his question to the Leader at the October Council meeting, tell him what progress had been made to ensure that Elected Members complied with the law and properly completed their register of interests?

The Leader confirmed that both he and the Leader of the Opposition had reminded group members about their responsibilities under the law and he understood that virtually all Members have reviewed and updated their registers of interest. Many were accurate to start with, but have been reviewed. He pointed out that it was the responsibility of each individual Member to ensure their register was updated.

In a supplementary question Mr. Thirlwall confirmed that despite Councillor Read's efforts as Leader there were still six UKIP Members who had not completed their register of interests. He referred to both Councillor John Turner and Dave Cutts, both on the Planning Board, who had not listed their properties that they owned. This brought into question the decisions made at Planning Board because no one could tell whether in fact it could have been influenced by the properties that were not listed.

Councillors Short and Simpson, both on the Standards and Ethics Committee, one had not listed his UKIP membership and the other had not filled in a declaration of interest form at all which was a criminal offence. Also Councillor Brian Cutts had not listed the property that he owned and Councillor Marriott again had not bothered to complete a declaration of interest.

To not complete the register of interests within twenty-eight days of being elected was a criminal offence and carried a £5,000 fine and potentially being barred from standing for office.

In addition, the Council had paid Councillor Cowles £8,000 a year for being Leader of the Opposition, but up to a few weeks ago had only three members of UKIP. The rest had technically been the biggest opposition party as Independents. He, therefore, asked did the Leader believe that he, and the Monitoring Officer, were complicit in knowingly allowing six UKIP Members to commit a criminal act.

The Leader confirmed he did not believe that he and the Monitoring Officer were complicit in knowingly allowing six UKIP Members to commit a criminal act.

(3) Mr. S. Ball explained that despite several calls to adopt the IHRA the Leader had dismissed them and asked was he following in the Labour Leader's footsteps?

The Leader confirmed he was only aware of one request from a resident for the Council to adopt the IHRA, which was the one Mr. Ball himself had sent him back in November. The Leader also confirmed he had the exchange of e-mails in front of him that had taken place at the time. His answer to Mr. Ball was exactly the same which was to say that if there was some suggestion that there were issues where members of the Jewish Community felt the Council had not acted properly and that any allegations of antisemitism were not being treated seriously, or if there was any evidence that adopting that definition would help the Council and would ensure that the rights of Jewish people, who lived in Rotherham, were well respected and well regarded, then the Leader would be very happy to have the debate.

At the moment there was no evidence, other than the one request from Mr. Ball himself. If the evidence could be presented or if people were willing to come forward, even anonymously, and provide information or views that suggested that the Council needed to adopt to ensure it was functioning properly, then the Leader would take this very seriously. Until then without the evidence the Leader was not prepared to play politics.

In a supplementary question Mr. Ball pointed out that this was not about politics, but about protecting people. As a guideline it did not cost anything to follow, but shared information to advise what was anti-Semitic and what was not. He expected the Council to sign up and this take on board so it knew what it was and was in no way political.

He assumed the Council would know what this was all about when he submitted his question. However, he received an email from a member of staff seeking clarification and he questioned why someone should be asking as all the information had been forwarded about what anti-Semitic was.

The Leader pointed out that on occasions it was quite appropriate for staff to seek clarity from a member of the public about exactly what they were asking. Again he referred Mr. Ball to his first answer which was that if there were evidence that this Council had not given due regard to any issues in relation of anti-Semitism or any issues which affected Jewish people who lived in the borough, then he would take this very seriously. He had not seen this yet and it was, therefore, not necessary to take forward this definition.

(4) Mr. M. Eyre asked, given this Council's troubled relationship with the Chuckle Brothers, including regarding Barry's support for a free school and previously forcing them to cease filming and leave the Town Hall steps, was the "Chuckle Square" decision, which had been labelled "unbelievable" and "a PR own goal" in any way, personal?

Councillor Steele confirmed it was a different Council to one in 1996 when the request to leave the Town Hall steps was made.

In terms of the free school the decision was made by the Secretary of State for the Conservative Party.

Looking at the evidence regarding the petition by the Advertiser it claimed it was in the best interests of Rotherham and it was fully supported. The 681 valid signatures that signed the petition amounted to 0.26% from a population of 260,786.

The Overview and Scrutiny Management Board was an independent Committee made up of cross party Members. The unanimous decision was made following advice. It would be for the Strategic Director for Regeneration and Environment to consider and decide upon following recommendations from the Board.

In a supplementary question Mr. Eyre referred to the support for the petition to honour one of the town's most loved local celebrities and bring some pride back to the town centre, which supposedly this Council was all about. He was shocked at the decision and whilst it was claimed not to be personal he asked the question because this was what other people had been saying. There was reference to Maltby, but there appeared to be a lack of understanding about where the brothers were allegedly from and whether the Councillors in making the decision looked at an early episode of Chuckle Vision for their misconception.

He, therefore, asked if the Council had any plans to review the decision; after all the Labour Party made a lot of news about second votes.

Councillor Steele, again pointed out that only 0.26% of Rotherham's population had signed the petition. As the Chair he was only one member of the Board, but would not change his mind. He was unable to comment on behalf of the Board's other Members. A clear recommendation had been made and this was now in the hands of the Council.

(5) Mr. L. Harron in asking his question referred to Rotherham's values and being accountable about doing the right thing not just the easiest thing, responding in a timely manner and seeing things through with pace. He referred to a constructive meeting on the 30th November, 2018, when he requested written guidelines about the petition scheme's silence about switching off the webcast after the initial Overview and Scrutiny Management Board discussion when a petitioner had requested a review

COUNCIL MEETING - 27/02/19

of the response to a petition. He asked why did it take 75 days to get an initial response?

Councillor Steele confirmed he had agreed to a meeting on the 30th November where several issues were discussed. A commitment was made to provide feedback, but this was following further clarification from relevant officers. He apologised for the delay, but had not committed to a timescale in the meeting. However, a full response was provided on 13th February, 2019. Councillor Steele would have preferred if Mr. Harron had raised his concern about the delay earlier. He confirmed he was more than willing to meet with Mr. Harron to discuss matters further.

In a supplementary question Mr. Harron thanked Councillor Steele for his apology, but had emailed the Head of Democratic Services on the 10th December and also forwarded the e-mail to the Assistant Chief Executive. In it he wrote his understanding about the steps being taken about the response – one; that guidelines would be drawn up, which he had received and which provided written clarity. Secondly, which he had put in writing on the 10th December was the Chair's views and why the webcast should be switched off. He found Councillor's Steele's response interesting as it claimed he would follow due process while he remained in the role as Chair.

Mr. Harron agreed and disagreed with some of the views of Councillor Steele in the meeting, but with regards to the decision about the switching off of the webcast after the discussion, it seemed as though this was the decision for the Chair and if this seat was vacated and another Chair took the role then they may make a different decision. This seemed wrong because it was about correct procedure and process and he, therefore, asked if this could be reconsidered to ensure this was not a decision that lay with an individual Chair, but that some mechanism was found for stating that this was the position of the Council.

Councillor Steele believed it was not appropriate to discuss in public issues that may have an impact and that due process should follow through the Council. The Board considered it appropriate that both Cabinet Members and officers should leave the room during deliberations and full recommendations suggested.

Councillor Steele had responded and fed back to Mr. Harron following the meeting on the 30th November, 2018. However, unless the Constitutional Working Party altered its position with regards to petitions the practice about discussing a petition in private would continue.

(6) Mrs. M. Harris wished to focus on the dismal, dirty state of Wellgate; a major historic thoroughfare, which the Council had made few attempts to improve. Litter, filth, food, glass, dirty nappies like “Slumdog Millionaire”. She asked, why this was the case when two concrete litter bins were scrapped with no replacements. This was a HUGE problem in and around Wellgate and the roads that it served.

Councillor Allen thanked Mrs. Harris for her question and once received immediately when to look at the area for herself and every day since.

Councillor Allen had consulted with the service about what action was taken in Wellgate as she was sorry to hear that residents have observed litter and waste problems, especially as the Council did prioritise this area. Wellgate was cleaned every day from the town centre to the multi-storey car park, with the remainder of the street being cleansed on a weekly basis. This level of service was well above that delivered to the majority of the Borough.

On Monday Councillor Allen observed Streetpride litter-picking and a guy from the vegan restaurant was also out sweeping his frontage. However, it was obvious residents were observing different as they lived in the area.

Council enforcement staff also undertook regular patrols, and since the enhanced enforcement arrangement began in September 2018, twenty fines have been issued for littering on Wellgate.

In terms of the concrete bins these were in the process of being replaced or removed. There were eleven litter bins on that stretch of Wellgate. However, given the issues raised, Councillor Allen asked Mrs. Harris if she could meet her on site and walk around the area to identify together to look at what needed to be done.

Mrs. Harris commented that she was happy to meet Councillor Allen and suggested a walk along Warwick Street which she had walked down about three hours ago. It was something like Slumdog Millionaire.

The Council had tidied up the lovely Minster gardens and had employed a private firm to fine people. The area was much improved, but if people could see the cigarette ends, litter around the ancillary areas, dog excrement, cans and takeaway food litter. It was disgusting.

Mrs. Harris was not complaining about the inefficiency of Streetpride, although their role was limited, it was more about the actions of the residents of Rotherham. She suggested the Council take a more stringent policy of fining outside the town centre.

153. 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.

154. LEADER OF THE COUNCIL'S STATEMENT

The Leader reported on the Independent Review which had taken place in early February giving the Council an opportunity to demonstrate its continued improvement and to showcase the progress it was continuing to make since the Commissioners had left. The review went really well with the view of the Review Team being that excellent progress had and continued to be made by the Council.

The Leader wished to thank everyone for their continued support in turning the Council around.

In addition, an update on the progress of projects being led by the City Region highlighted:-

An independent bus review chaired by Clive Betts, which would examine all aspects of Sheffield City Region's bus services with recommendations expected to address declining patronage, congestion and air quality.

- The Council had secured £663,000 from the Sheffield City Region's housing fund as part of a £2.6m "Modern Methods of Construction" pilot. The scheme would deliver twelve bungalows and ten single person pods on five sites.
- The Council were awaiting the outcome of a bid to "Tranche 1" of the Transforming Cities Fund which, if successful, would fund cycle infrastructure improvements between the Town Centre and Greasbrough totalling £1m.
- The Secretary of State had written to Yorkshire Leaders and Mayor Jarvis in response to the One Yorkshire devolution proposal saying that the proposals did not meet the Government's criteria for devolution, largely due to the geography being "far greater than any of today's functional economic city regions". However, the Government were prepared to open discussions around a different localist approach to devolution in Yorkshire.

The letter did stress the importance of "honouring commitments to the people of Sheffield City Region through the implementation of the Sheffield City Region devolution deal which still remains a priority".

Finally, in partnership with other South Yorkshire Authorities and Sheffield Hallam University, as part of the South Yorkshire Futures work, the Council had secured funding from the South Yorkshire Early Outcomes Bid, securing a proportion of the overall funding pot of £6.5m.

The ambition of the fund was to increase the number of local authorities starting a transformation journey to improve, and to build knowledge of how to improve, the collective operation of local services in securing good early language outcomes for children.

Councillor Carter asked about the bus consultation and the review over the next twelve months and sought the Leader's stance on having London-style bus contract for South Yorkshire that could lead to an ever more unified and joined up service.

The Leader believed legally a Transport for London type regulation could not be introduced. As part of the bus deregulation there was only one part of the country that was exempted.

As part of the devolution deal the Leader would continue to support proposals around bus franchising, but nowhere in the country had this yet been taken that forward. This did warrant some closer attention. It was not certain whether this would necessarily resolve some of the challenges being faced, but certainly some form of better co-ordination and better decision making to ensure that services covered the places where people needed them would be a welcome outcome.

155. MINUTES OF THE CABINET MEETING

Resolved:- That the reports, recommendations and minutes of the meeting of the Cabinet held on 21st January, 4th and 18th February, 2019, be received.

Mover:- Councillor Read

Seconder:- Councillor Watson

156. RECOMMENDATION FROM CABINET - BUDGET AND COUNCIL TAX 2019-20 AND MEDIUM TERM FINANCIAL STRATEGY

Further to Minute No. 109 of the meeting of the Cabinet held on 18th February, 2019 consideration was given to the report which proposed the Council's Budget and Council Tax for 2019/20. This was based on the outcome of the Council's Final Local Government Finance Settlement, budget consultation and the consideration of Directorate budget proposals through the Council's formal Budget and Scrutiny process (Overview and Scrutiny Management Board) alongside a review of the financial planning assumptions within the Medium Term Financial Strategy.

The Council remained committed to protecting the most vulnerable children and adults, but despite the positive direction of travel for the Council, the challenges were still significant in the following areas:-

- Children's social care continued to overspend over and above the significant additional resources that have been provided for the service in recent years.
- More children than anticipated required care and protection by the local authority.
- Implications for support services as the increase in looked after children numbers had led to additional legal costs.
- Adult Care budgets continued to be under pressure due to demographic pressures.

In setting the proposed 2019/20 budget, approval was sought for an increase of 2.99% in the Council's basic Council Tax.

The Leader wanted to place on record his thanks to the people whose hard work enabled him to present this budget today; his Cabinet colleagues who have worked hard and selflessly again to deliver the best possible proposals, staff, especially in Finance, and of course Councillor Alam.

He explained this was the fifth budget he had presented with the grim gruelling tide of Tory austerity reaching a little higher and a little further. Each year the steps taken hold off the worst effects from those least able to afford it.

A decade of austerity that meant, by the end of the next two years, the Council would have been forced to find cuts and savings amounting to more than £200 million from its budget. That was nearly £800 for every man, woman and child who lived in the borough.

Only this week five of the biggest children's charities in the country joined forces to slam what they called the "devastating and dangerous" funding cuts to Children's Services across the country.

The Leader described how when he became Leader of this Council four years ago, there were a little over 400 children in care. Last year that number hit 660. Whilst that number had since fallen and steps were being taken to ensure that more vulnerable children were able to stay in a family setting, with the right support, the primary obligation was to children.

In setting the budget plans for the next two years, the Council were committing a total of £17 million more than was planned to ensure that the needs of children in the Council's care were met.

In 2014/15, the net revenue budget for the Children's Services directorate was £42.9 million. Next year it would be £65.4 million.

The Leader confirmed that the number of agency social workers in Children's Services was now well below national average. Changes to Early Help Services were already well underway and the new pathway would ensure that children dealt with fewer professionals, with fewer hand offs and improving their experience. This would reduce costs over time, but it would be done in the right way, in a way that was sustainable.

In terms of Adult Social Care, the plans would continue to be followed set out, maximising personal independence, working more closely with partners in the National Health Service and building more specialist housing.

In initial proposals, reductions were put forward to reduce the funding for the contracts currently held by Healthwatch and Rotherham Sight and Sound, which together would have totalled nearly £90,000 next year.

Strong representations were received during the consultation, including from service users, expressing concern about this reduction and the impact this would have.

Those concerns were listened to £55,000 would continue to be provided which should allay some of the fears of those service users.

For Environment and Community Safety at every stage it had been strained to save the money without reducing the services that residents relied upon.

In Customer Services four out of every five people who signed up for the new garden waste service did so online – with three times as many people registering in the first wave. It was, therefore, odd that in order to request a bulky waste collection from the Council this could only be achieved by speaking to someone on the telephone.

Frontline street cleaning staff performed a great job, in all weathers, and often in very difficult circumstances. Why could their jobs not be made simpler by allowing them to see the actual pictures of problems that people reported.

The Council's website was outdated and too often people who used services were forced to repeat the same information to different services and departments. It was frustrating for them and inefficient. Information technology was, therefore, to be upgraded and it was expected to launch a new Council website in the autumn, making it easier for residents to use the services they wanted to and, therefore, reducing the cost of running them.

In Neighbourhoods people's expectations of their Councillors have changed. Good Councillors have always been part of their communities, engaged in local issues, hearing local concerns and advocating local solutions. This was why £30,000 was removed from the Members' budget when the move was made to the new Neighbourhoods model.

As a result, Wath Councillors were providing investment to improve Montgomery Hall. Rother Vale Ward Councillors were helping to secure a regular Afternoon IT session at Treeton Community Centre and Sitwell and Boston Castle Members were tackling crime and nuisance on the Duke of Norfolk Estate. In each area the issues may be different, but the need to work alongside communities was the same.

Approval of the budget and financial strategy assumed the carry forward into 2019/20 of any remaining funds from the Community Leadership Fund and delegated Ward Budgets. This was in line with the agreed principle of the allocation of these funds for Neighbourhood Working that the funds were spent according to the priorities of Ward Members.

Building on the principle of locality working, proposals would be brought forward in the next few weeks to bring together the HRA funding currently allocated through the Area Housing Panels and provide challenge to work more closely with housing tenants to spend that money wisely to resolve local issues. This proposal would mean additional resources in the hands of Ward Councillors in every Ward to help deliver the Ward plans set out.

Councillor allowances would continue to be frozen in cash terms, keeping the Council's spend on Councillors below the level it was over a decade ago.

From the work within Neighbourhoods speeding traffic was a growing concern, so an additional £450,000 was being allocated from capital investment over the coming three years to address local concerns about speed limits and road safety.

South Yorkshire Police would be joining in this work and allocating additional resources available for speeding enforcement.

With the need to save money in Streetpride the service would be remodelled so that it was more focussed on providing the right services in each Ward and locality. Teams in Enforcement and Regulatory Services would also be integrated building on the work that had already been done to co-locate staff with the Police in Rawmarsh, Maltby and at Riverside.

Only a few months ago the Council heard about the frustration of the family who have seen anti-social behaviour and vandalism to their memorial in Clifton Park. The provision of the CCTV would be funded and the Council would look to see where else in the borough cameras may need to be deployed.

In addition to the CCTV, the Sight and Sound and Healthwatch funding and road safety, free parking would also be provided in the town centre every Saturday through the year. The Council had listened to the public and subsequently responded.

However, sometimes matters were made difficult and unpopular and the financial crisis facing Local Government only made that situation worse.

The public understood this and as part of the budget consultation, 63% of the people who expressed a view said that in light of the £30 million funding gap being faced, they would be willing to pay at least 3% more Council Tax in order to protect services.

Last year the Leader believed the whole future of Local Government hung in the balance and despite the patching up from Central Government it still did. Within the next year, the Government must decide how Councils were going to be funded in the long term.

In the last week, the Institute for Fiscal Studies showed how their plan to remove deprivation from the funding formula moved even more funding away from areas like Rotherham to wealthier parts of the country. For Rotherham this could mean as much as a further 10% reduction in the assessed need per resident.

This was not right as it would hurt those least able to afford it and betrayed the consciences of those who were proposing it.

Last year Northamptonshire had just issued their Section 114 notice when they had run out of money. To those that asked why difficult decisions were being made each year, the Council knew what would happen if those decisions were not taken.

Northamptonshire's Children's Services were now in their second period of Government intervention. Hundreds of children were reportedly having to wait for months for social work assessments and Ofsted were reporting that staff felt "overwhelmed" and "drowning", with caseloads in some cases as high as fifty. Rotherham knew how this felt

In contrast with the changes made in Rotherham Ofsted now regarded the services for the most vulnerable children as "transformed". Significant improvements have been made in the response to child sexual exploitation with services for care leavers reported as "outstanding".

With Rotherham's history the Council must not be complacent. It's the public that lost out the most when responsibilities were backed away from. Always those who needed the system to work the most and always those whose voices were heard the least.

On behalf of all those people the Council was doing all that it could to give certainty to residents, service users and staff and this budget was the plan.

In seconding the budget Councillor Alam confirmed this was a responsible budget for public services that directly impacted on day-to-day lives of people. The Council had undergone a major improvement journey since May, 2015 and the Corporate Improvement Plan fully implemented. Services have been transformed and the commitments made today would mean the Council was once again focusing on putting residents first, despite the Government underfunding social care.

This was a budget truly fit for purpose and the Council remained committed to protecting the most vulnerable children and adults and delivering value for money. The budget prioritised how Council, in partnership with residents, could promote Rotherham. Despite being faced with cuts to Rotherham's Government grant the Council had to find £30 million over the next two years. Today the Council was presenting a balanced budget which was realistic.

Councillor Alam wished to thank the Leader of the Council for chairing endless working budget meetings, the very inclusive approach, Cabinet Members for their participation and one Council approach, members of the working group, officers of the Council including the Chief Executive, Assistant Chief Executive and the Strategic Director and her team who have worked tirelessly to get the Council to this position and Scrutiny Members.

The national picture was grim. Austerity was not over. The Government was elected with a promise to reduce the national debt, but this had failed and was damaging those people who were most in need. The promise was for more cuts to come. There was no hiding place from the fact that the most vulnerable and poorest members of the community were paying the highest price for this failure.

There were those who were suffering, were in most need with the cuts causing extensive inequality in society where more people were attending food banks and facing poverty.

The £30 million of savings required over next few years were in addition to that that had already be made resulting in a reduced budget. These were unfair cuts by the Tory Government and a direct discrimination against a Council with high demand needs so it left few options and some difficult decisions on savings. In doing so frontline services to most vulnerable in communities would be protected and efficiencies sought through the transformation of services which would save the Council resources in the longer term.

The savings presented today were a challenge to the Council. The Council must show it was prepared to think differently, use more accessible IT, put technology at the forefront of change to expand services online and be more inclusive.

Savings in resources would be made in the longer term but would also provide user friendly services. Rotherham's residents should not have to suffer mercy of this uncaring Central Government. This budget was a continuation to protect Rotherham's most vulnerable children and adults.

Councillor Jepson referred to Page 109 of the document pack relating to the Capital Programme General Fund and its projections to 2023. It did not appear to reflect the boundary changes in 2020, which in turn would affect the budget amounts if the Ward changes were not applied and the allowances were not taken into account.

Councillor John Turner sought special consideration for the Rotherham Sea Cadets who had been in existence for seventy years and he described how support was limited compared to other armed force recruits.

Councillor Hoddinott endorsed the view put forward by the Leader and Councillor Alam and the emphasis of this Council becoming more responsive to residents' concerns whilst protecting the most vulnerable.

In terms of her own portfolio area, Councillor Hoddinott described how waste collection and roads made up less than 20% of the Council's budget. This Government were lowering taxes, but not investing in vital services. The proposals today meant there would be changes as the Council would not be able to do everything it did before.

The Council could not protect the services so in order to save money recycling was improved. 3,967 people were now receiving the new all year round green waste service and it was opportune to the staff and the residents who were making the changes in the bin system. Plastic was now being recycled with some items more than other Councils.

The state of the roads was a common complaint and although the Government had given an extra £1.65 million this year for roads it was far from the investment that was needed. This was why locally £10 million had been put into the 2020 roads programme with next year seeing £3 million invested equating to three roads being resurfaced every week. Not only were people seeing their roads improved, but the number of potholes was being reduced since 2016. This was also the final year of upgrading the street lights to make them more energy efficient and they were paying for themselves with energy bills down by 40%.

Councillor Hoddinott was proud of what this Labour Council was delivering and from the apprenticeship scheme five apprentices would join the Council in permanent jobs this year. In addition, eight highway apprenticeships would join next year.

The Council was hearing the concerns about road safety and last year voted for an increased budget for road crossings which meant the crossing on Bawtry Road would be installed this year. Councillor Carter voted against this investment last year, but was getting a second chance and his residents may be interested to see whether he voted against the proposals again as the Council invested a further £450,000 into road safety concerns. Ten new school would see a 20 miles per hour scheme put in place alongside the extra enforcement from South Yorkshire Police to catch those reckless on the roads. South Yorkshire Police were also commended for also listening to the Council and its residents' concerns and putting more resources into tackling off road motorbikes.

This Labour Council also decided to protect funding for domestic abuse services. Indeed in the last year the amount had been increased with bringing in external funding for this important work and 350 victims and survivors had been helped in the last year. Whilst 2,000 women were being turned away a year from refuges due to the cuts, Rotherham was one of the few places in the country that had retained this facility.

Councillor Hoddinott was proud that once again the Council was proposing to not cut domestic abuse services and the protection of the most vulnerable residents was being secured.

Councillor Cusworth spoke in favour of the proposals and in her position as Chair of Improving Lives Select Commission she had followed the journey very closely in the improvement of Rotherham's children's services and whilst difficult decisions had been taken children's lives were much improved.

This Council could not change universal credit or stop the roll out, but as others had already reported the impact of the austerity policies on the most vulnerable people was huge. It was emphasised this was a political choice not an economic necessity. It was difficult being a Councillor and not everyone could take those decisions, but Councillor Cusworth was really pleased to see the further investment in children's services as a sound pathway to safely reduce numbers of children coming into care, allowing children to return home or to move to permanent placements.

Councillor B. Cutts congratulated the Leader for his eloquent political comments, but sought clarification on the increasing number of children coming into care and whether this was a failure on the Council's part that this was happening when the Council was reducing the number of homes and care centres.

Councillor Roche considered it only right that the most vulnerable in society should receive protected services. It was a difficult year and in some cases the savings were because of changes in the service forced by the austerity on the Council and many other Northern Councils by the current and previous Governments.

This Council was facing a number of very significant challenges with an ageing population, a growing and increasing population with long-term care needs. On top of this there were also cost pressures with the National Living Wage.

The service had inherited some historical high cost care packages resulting in an overspend in adult social care. However, as previously promised the overspend had been reduced and was on track to reduce further. This would be improved with a more personalised community-based approach.

The continuing outstanding work in developing integration was as a result of a partnership between the Council the CCG, the hospital trust and other partners such as the Police and Voluntary Action Rotherham. Rotherham recognised as a leader in development integration in those services with the emphasis on allowing people to live as long as possible in their own homes

Councillor Roche echoed the Leader's thoughts about Sight and Sound and the magnificent work taking place and he was delighted the funding could continue along with additional funding for HealthWatch.

He described his own involvement in a small panel looking at grants from the Sheffield City Region to help improve mental health for men within the borough.

The Council was committed to providing the best service within a balanced budget within a decreasing grant from National Government and acknowledged the difficult decisions that had to be made.

He expressed his concern about health inequalities in Rotherham where the life expectancy was two years below the national average and even more so amongst the deprived Wards.

Councillor Roche particularly wanted to thank all the officers for their hard work and dedication as part of the difficult decisions that had to be made, but at same time improving services. He was happy to recommend this budget.

Councillor Walsh explained that any changes to the budget would always impact on the welfare of the people in the borough. He commended the Budget Working Group for their work in minimising the harm of British Government policies and for giving careful consideration to the budget

now presented.

Councillor Carter was unable to support today's budget. He described the many years of this Labour controlled Council and how they failed to make a real difference with an ever increasing debt being piled on the residents of Rotherham by Labour. The Council was failing by not maximising opportunities to increase the money from National Government and could have received money for building more homes. He believed over £30 million in funding had not been accessed through the City Region, but instead those Councillors chose to bicker amongst themselves and had let communities here in Rotherham down.

Councillor Carter claimed this administration had been found lacking in many areas, but when safeguarding the most vulnerable people in society chose to close adult day care centres where, in some cases, there was a five year backlog for vulnerable people with learning disabilities causing great uncertainty for those people, their families and the staff who worked with them.

Initially funding was proposed to be withdrawn from Rotherham's deaf and blind communities before an outcry forced them to change their mind.

He described how in a four year period in South Yorkshire 139 homeless people were convicted of being homeless under the Vagrancy Act. This did a disservice to these people rather than supporting them.

The Labour Leader of this Council promoted in the media the fact that the Council paid its staff the Joseph Rowntree Living Wage, but failed to mention the Council did not insist that hard-working care home staff and other sub-contractors who looked after vulnerable older people were not. This was something that this Labour Council could insist on in its minimum standards charter, but had chosen not to.

Councillor Carter believed this Labour leadership would much rather stand up and say the Advanced Manufacturing Park was doing well, which was correct, but they failed to say this project was heavily backed by Liberal Democrats when in Government contributing to its success.

Councillor Carter remained concerned that those most vulnerable went without a voice in Rotherham. Children achieving above the national average at Foundation stage was welcome, but by Year 6 were let down which was not acceptable and falling well below the national average trend towards A Level.

Councillor Carter went onto describe the factions and arguments in the media between the national Labour politicians and how this Council needed to bring forward proposals to make sure that all staff indirectly working for the Council received the Joseph Rowntree Living Wage, needed to write a presumption against fracking, properly fund services for

disabled people so they were not just seen as an optional extra, become a national leader in helping people have a good quality of life and give people the opportunity to succeed. On this basis he was unable to support the budget.

Councillor Lelliott responded to Councillor Carter's comments, particularly in relation to the Advanced Manufacturing Park, the education of Rotherham's young people and how the Budget Working Group, in relation to economic development, had teased out its core capital and capitalised on investments. Rotherham had a strong R.i.D.O. team that would deliver the Town Centre Masterplan and, therefore, commended the best budget for Rotherham.

Councillor Steele described the process for scrutiny of the budget and how the Overview and Scrutiny Management Board discussed proposals line by line, challenged officers and made recommendations. He was pleased to see the inclusion of funding for Sight and Sound and Healthwatch, the full review of Democratic Services and how the Opposition Party were fully in support of what had been put forward.

He referred to the Liberal Democrat and Conservative Parties becoming a coalition Government and agreed with Councillor Cusworth's comment that austerity was a choice. It was this Council's choice to provide top quality public services and work together to deliver the best possible services for Rotherham. He overwhelmingly supported the budget

Councillor Watson referred to the investments in Children's Services, which were making a difference. Numbers were increasing, but this did not mean the Council had failed. Austerity affected families and the introduction of Universal Credit was actually exacerbating situations, which was why the Council were having to assist more children.

Comments were made about the City Region and education which was good in the Borough and enhanced by the new University Campus allowing more local people to go to university and to seek jobs in the borough. Despite the promises the Liberal Democrats had increased tuition fees.

Councillor Watson also referred to neighbourhood working and how this was making a massive difference in local areas. Ward Members have been able to use relatively small funds to make a real difference in their Wards. On this basis he commended the budget proposals today.

Councillor Napper endorsed Councillor Steele's comments about the intensity of the Overview and Scrutiny Management Board looking at each budget proposal line by line. He could not see how Councillor Carter could comment when he failed to sit on any committee. He echoed his support for the budget.

Councillor Reeder was in support of the budget, but found the precept for the Police and the Fire Authority at 14% totally unacceptable.

Councillor Cowles referred to proposals to scrap student fees until it came to reality and then the proposals merely became aspirations. No one was really happy about the Government's actions, but everyone must understand and appreciate where the deficit came from which the Labour Party were not entirely blameless running up a deficit between 2003 and 2008. He described his own political views and how he was in favour of a high wage economy where people contributed and paid tax.

Councillor Allen referred to the report which identified the priorities for this budget and focused on the positives rather than the negatives. This budget looked to protect Rotherham's green spaces and improve the quality of the public realm ensuring streets were clean and safe. The report also listed the contribution that services would be making towards savings over the next couple of years.

In terms of capital investments there was to be work around the procurement of mechanical sweepers, new litter bins and very importantly a new caravan park at Rother Valley. From her experience as a Cabinet Member and having served for more than thirty years as a Local Government Officer there have always been calls to savings on local authorities, but gradually over the passage of time that situation had got worse. The pressures now on Local Authorities had increased and it was more onerous to achieve those requirements and those responsible for the cuts needed to hang their heads in shame.

However, from her own viewpoint Councillor Allen praised the efforts in this budget, which were far-reaching and very sensitive in its production, and was happy to commend the report today.

Councillor Cooksey wished to correct Councillor Cowles' comments on the issue of tuition fees and how Labour stood by its pledge to abolish them, but believed he was confused in that it was the Liberal Democrats who abandoned the policy. The Labour Leader had commented he would look at student debt.

Councillor Cowles commended the incredible achievement to get to this stage for the budget, but referred back to comments about low paid workers and the taxation system from a Government who had little regard for multinational corporations who used the U.K. as a base, but failed to contribute to the economy.

However, he confirmed he would be voting for the budget and suggested that in future there be two separate votes for the budget and council tax.

He further added that in terms of reserves and the good work taking place in Wards, which had proved to be well received and popular, he proposed

to move a relatively small sum of money intended for increased baseline reserves and divert this to Ward Councillors and their Ward budgets to £10,000 and thus using £210,000 in total for further improvement on the environment for local residents. He also asked that this vote be recorded.

Councillor Cowles also sought agreement for a similar project for cross party scrutiny, in conjunction with Improving Places Select Commission, to consider looking at leaves, especially when other projects consider the use of Christmas trees to assist with river bank erosion or oil extraction from leaves or pine needles. This may be extended to look at grass cuttings as well.

Mover: Councillor Read

Seconded:- Councillor Alam

Councillor Cowles moved an amendment to Rotherham's Budget for 2019/20 was put forward to the reserves strategy and the capital programme and this was seconded by Councillor M. Elliott:-

That the Budget and Council Tax 2019/20 report be accepted as proposed, with the exception of an amendment to the reserves strategy and the capital programme. The amendment proposes to utilise £210k of reserves in 2019/20 to allocate an additional £10k per Ward to the Neighbourhood Working capital programme budgets for 2019/20.

In accordance with Procedure Rule 19 Councillor Cowles' request for a recorded vote was supported by five or more other Members.

Councillor Jepson was in full support of the amendment, but looking again on the budget figures it would appear only four out of the twenty-one Wards had actually spent all their Ward allowance, which meant money was being carried forward. He wondered if consideration had been given to the changes to the Ward boundaries and how these funds must be spent. He fully supported the thriving neighbourhoods agenda, but urged all Members to spend their Ward budget wisely.

The Leader welcomed the support for the thriving neighbourhoods agenda as it demonstrated that it was worthwhile and received enthusiastically.

However, to consider introducing new spending commitments funded totally from reserves when work had been done on the budget process would be foolish and not a good idea at this stage. However, he was not against the principle of increasing the amount of money that Ward Councillors were responsible for as it was an excellent way of responding to the needs of residents. This was why work was taking place with the former Housing Panels so moving to a more devolved Ward budget was a move in the right direction.

Decisions were set to get more difficult and services had to be funded. Using money from reserves was not free money and it did not last forever.

Once it was gone it was not recoverable. On this basis he was unable to support the amendment, but was happy to continue working towards decisions about what was the right level of money for Ward Councillors to use in their areas.

Councillor Watson welcomed any opportunity to make a long term difference and actually improve the lives of the vulnerable. However, in this case he was not convinced that this was the right time. Councillor Jepson referred to monies not being spent and being carried forward into another year, but the report was simply a snapshot in time and the position had since changed.

It was not the right time to consider taking money from reserves and the cross party Neighbourhood's Working Group, that Councillor R. Elliott was a member, could consider how to take the potential to increase Ward budgets forward. He extended an invitation to Members to make suggestions.

A further report would come forward about funding proposals when the Ward boundaries and in some cases Ward Councillor numbers altered.

Councillor Walsh welcomed any opportunity for further Ward funding, but the Council had to be realistic where this came from and the public perception leading up to the 2020 election. This must be planned for appropriately. On this basis he was not in favour of the amendment, but was totally supportive of the thriving neighbourhoods agenda and wished to see it flourish.

Councillor Wyatt was also unable to support the amendment. There was no end to austerity in sight so it made financial sense to keep a sustainable level of reserves, but to look at methods of how neighbourhood working could be developed in the future.

Councillor John Turner was in support of the amendment and did not believe such small funds would be damaging and allow for a sustainable level of reserves to remain, which he was in favour of retaining.

Councillor Carter supported the principle of further devolution, but was unable to support the amendment for the reasons he outlined previously. However, he wished to record his support for greater focus on devolving power down to the lowest level possible.

Councillor Cusworth was unable to support the amendment and was in favour of retaining a sustainable level of reserves. The future remained unclear, but to take funds from one area to give to another area at this stage was not supportable.

Councillor Steele could have supported the amendment had this been brought at the appropriate time during the budget discussions. It could not be supported to propose this today.

In terms of the request for a cross party scrutiny review to look at the issue of leaves this would be considered.

In a right of reply Councillor Cowles referred to the baseline reserves and their protection which was not statutory or mandatory to maintain and could see no reason why they should be increased.

To propose a further funding boost devolved to Ward Members was in no way an attempt to boost election figures. It was interesting that this year a two year budget was being proposed so that any problems encountered this year could simply be rolled over into next.

The vote was put for the amendment and LOST.

(Councillor Cowles, B. Cutts, D. Cutts, M. Elliott, R. Elliott, Hague, Jepson, Marriott, Napper, Reeder, Simpson and John Turner voted in favour of the amendment)

(Councillors Alam, Albiston, Allcock, Allen, Andrews, Atkin, Beaumont, Beck, Bird, Brookes, The Mayor (Councillor Buckley), Carter, Clark, Cooksey, Cusworth, J. Elliot, Ellis, Hoddinott, Ireland, Jarvis, Jones, Keenan, Khan, Lelliott, Mallinder, Marles, McNeely, Pitchley, Read, Roche, Rushforth, Russell, Sansome, Senior, Sheppard, Steele, Taylor, Tweed, Vjestica, Walsh, Watson, Whysall, Williams, Wyatt and Yasseen voted against the amendment)

In a right of reply to the original motion the Leader responded to the comments by Members. To Councillor Jepson he confirmed Councillor Watson was already looking at proposals for neighbourhood working in readiness for the election in 2020. To Councillor John Turner he confirmed there was no money available to support the Sea Cadets, but he was happy to discuss the subject further.

He confirmed Councillor Cusworth spoke movingly about the impacts of decisions on some the most vulnerable members of the community and to Councillor Reeder that discussions today were only on Council's budget. The Fire Authority and Police precepts were set separately.

Quite right some Members raised points about tax equality and this situation could worsen. Councillor Carter, however, could not see the value of Labour Councillors, but had listened to comments about survivors of domestic violence, the services now in place now and the evolution of services for survivors of child sexual exploitation, which were making a huge difference in people's lives.

Reference had also been made about debt, but Treasury Management was saving around £5 million a year revenue to help protect services. Councillor Roche spoke about extra funding to prevent suicides, which was one of the top causes of death. Reflecting back to the publication of

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the Jay Report steps were being taken to make a real difference in people's lives and Councillor Carter's flippant comments were not justified. Councillor Carter was doing democracy a disservice as he spoke about scrutiny being labelled yet failed to engage in discussions and in the support to the budget.

Resolved:- (1) That the Budget and Financial Strategy for 2019/20 and 2020/21 as set out in the report and appendices, including the £23.536m of savings as set out in Appendix 1 and a basic Council Tax increase of 2.99% be approved.

(2) That the updated Medium Term Financial Strategy (MTFS) be approved.

(3) That the proposed use of reserves, as set out in Section 2.7 noting that the final determination will be approved as part of reporting the financial outturn for 2018/19, be approved.

(4) That the comments and advice of the Strategic Director of Finance and Customer Services (Section 151 Officer), provided in compliance with Section 25 of the Local Government Act 2003, as to the robustness of the estimates included in the Budget and the adequacy of reserves for which the Budget provides (Section 2.12) be noted and accepted.

(5) That the consultation feedback from the public, partners and trade unions following publication of Directorate budget savings proposals on the Council's website for public comment from Friday, 26th October, 2018 to 30th November, 2018 (Section 4) be noted.

(6) That the Council Fees and Charges schedules for 2019/20 attached as Appendix 6 be approved.

(7) That the proposed increases in Adult Social Care provider contracts as set out in Section 2.5 be approved.

(8) That the Business Rates Retail Discount for 2019/20 in line with Government guidance be applied.

(9) That the Business Rates Rural Relief Scheme for 2019/20 in line with Government guidance continue to be applied.

(10) That the annual determination of the Council Tax Base be delegated to the Director of Finance and Customer Services (Section 151 Officer), in consultation with the Leader of the Council and the Chief Executive, be approved.

(11) That the use of in-year Capital Receipts up to 2021/22 to maximise capitalisation opportunities arising from service reconfiguration to deliver efficiencies and improved outcomes for clients and residents, and thereby minimise the impact of costs on the revenue budget as included in the Flexible use of Capital Receipts Strategy 2019/20 (Appendix 4) be approved.

(12) That the proposed Capital Strategy and Capital Programme as presented in Section 2.10 and Appendices 2A to 2E be approved.

(13) That the approved Capital Programme budget be managed in line with the following key principles:-

- (i) Any underspends on the existing approved Capital Programme in respect of 2018/19 be rolled forward into future years, subject to an individual review of each carry forward to be set out within the Financial Outturn 2018/19 report to Cabinet.
- (ii) In line with Financial and Procurement Procedure Rules 6.17 and 13.9, any successful grant applications in respect of capital projects will be added to the Council's approved Capital Programme on an ongoing basis.
- (iii) Capitalisation opportunities and capital receipts flexibilities will be maximised, with capital receipts earmarked to minimise revenue costs.
- (iv) Approval of the Treasury Management Matters for 2019/20 as set out in Appendix 3 of this report including the Prudential Indicators, the Minimum Revenue Provision Policy, the Treasury Management Strategy and the Investment Strategy.

(Councillors Alam, Albiston, Allcock, Allen, Andrews, Atkin, Beaumont, Beck, Bird, Brookes, The Mayor (Councillor Buckley), Clark, Cooksey, Cowles, Cusworth, B. Cutts, D. Cutts, J. Elliot, M. Elliott, R. Elliott, Ellis, Hague, Hoddinott, Ireland, Jarvis, Jepson, Jones, Keenan, Khan, Lelliott, Mallinder, Marles, Marriott, McNeely, Napper, Pitchley, Read, Reeder, Roche, Rushforth, Russell, Sansome, Senior, Sheppard, Short, Simpson, Steele, Taylor, John Turner, Tweed, Vjestica, Walsh, Watson, Whysall, Williams, Wyatt and Yasseen voted in favour of the proposals)

(Councillor Carter voted against the proposals)

157. RECOMMENDATION OF THE CABINET - HOUSING REVENUE ACCOUNT - BUSINESS PLAN 2019/20

Further to Minute No. 92 of the meeting of the Cabinet held on 21st January, 2019 consideration was given the report which provided a detailed technical overview of the current position and the reason for changes to the Housing Revenue Account Business Plan.

The Housing Revenue Account (HRA) recorded all expenditure and income relating to the provision of Council housing and related services, and the Council was required to produce a HRA Business Plan setting out its investment priorities over a thirty year period.

Engagement work with tenants was ongoing and the Council had received national funding bodies support to the Housing Growth Programme. Funding had also been received to support the prevention of, and support to, victims and survivors of domestic abuse, rough sleepers and the Council would work towards supporting the most vulnerable of people.

Following the introduction in 2012 of HRA self-financing, whereby the Council was awarded control over its HRA in return for taking on a proportion of national housing debt, Rotherham's HRA was in a strong position with a healthy level of reserves. A number of policies were introduced by Central Government that resulted in a reduction to HRA resources, namely:-

- 1% per annum reduction in Council rents over four years. 2019-20 is the final year of this policy.
- Reinvigoration of the Right to Buy (RTB) (reduction of qualifying period to three years): Reducing stock
- Welfare reform - bedroom tax, universal credit and benefits cap: Impacting on tenants' ability to pay their rent, and increasing the resources required by the Council to collect rent from tenants in receipt of benefits.

At the time this resulted in the need for significant savings to be made over the life of the business plan.

The key shift in policies and legislation had resulted in changes to underlying assumptions were:-

- Agreed rent formula of CPI + 1% from 2020-21 onward for five years.
- Removal of the HRA Debt Cap.
- Removal of pay to stay which would have meant any household earning over £31,000 would have been required to pay at or near market rent.
- Removing the proposed restriction of Housing Benefit to Local Housing Allowance rate for new tenants from April 2019.

- Removal of the proposed enforced sale of higher value Council Properties.
- Removing the planned restriction of Universal Credit Housing costs to the majority of 18-21 year olds.

Whilst there have been a number of welcomed policy changes, there were still multiple policies which would continue to impact directly or indirectly on the amount of resources available with the HRA Business Plan. These were:-

- Roll out of full service Universal Credit to all remaining working age tenants in Rotherham since July 2018 onwards.
- Ongoing Right to Buy eligibility.

The combined effect of these changes was likely to have a significant impact on the nature of housing provision in Rotherham, not just in terms of Council Housing.

The Council would continue to invest in the future of its Council housing services in Rotherham and £51 million had already been agreed to deliver new housing across Rotherham. A further £54 million was earmarked for future housing to invest in the future and to try and replace as many of those homes lost through the Right to Buy each year.

Tenants would also receive a welcome 1% rent reduction in 2019/20 whilst at the same time the feeling the pressures from the welfare reform measures and the roll-out of Universal Credit.

Councillor Reeder sought clarification on how high value properties could return £2 million each year if they had not been sold.

In response the Cabinet Member explained about the Government decision and formulae relating to high value properties which mean here in Rotherham there was payment for the privilege of keeping those high value properties amounting to around £2 million a year or until they were sold.

With the amount of people desperately waiting for Council housing those properties were kept. That decision had since been quashed.

Resolved:- (1) That the proposed 2019-20 Base Case Option 2 for the HRA Business Plan be approved.

(2) That the Plan be reviewed annually to provide an updated financial position.

Mover:- Councillor Beck

Seconder:- Councillor Alam

158. LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 - ELECTION OF LEADER OF THE COUNCIL

Consideration was given to the report which set out details for the election of the Leader of the Council in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007.

In accordance with the Local Government and Public Involvement in Health Act 2007, under the system of governance used by Rotherham Metropolitan Borough Council, it was a requirement to elect the Leader of the Council for a four year term of office. The present Leader of the Council, Councillor Chris Read, was elected to this position on 4th March, 2015.

As the current term of office of the Leader of the Council was due to expire on 4th March, 2019, it was necessary to vote to ensure that the office of Leader was filled.

After the move to whole Council elections, it was recommended that the Constitution be amended to reflect the need to appoint a Leader for a four year term of office from the date of the first "Business" Annual Meeting after an election. This would ensure that the term of office was coterminous with the electoral cycle.

Resolved:- (1) That Councillor Chris Read, as Leader of the Majority Group, be elected as Leader of the Council, in accordance with the provisions of the Local Government and Public Involvement in Health Act.

(2) That Article 7.3 of the Constitution be amended to read:-

The Leader will be a councillor elected to the position of Leader by the Council at its annual meeting for a term of four years, to be coterminous with the electoral cycle of whole Council elections.

He or she will hold office until:

- *he or she resigns from the office; or*
- *he or she is no longer a councillor; or*
- *he or she is removed from office by resolution of the Council, whereupon his or her term of office as Leader shall end on the day of that Council meeting.*

Mover:- Councillor Keenan

Second:- Councillor Walsh

159. CALENDAR OF MEETINGS FOR THE 2019/20 MUNICIPAL YEAR

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

Resolved:- That the Calendar of Meetings for the 2019/20 municipal year be approved.

Mover:- Councillor Read

Seconded:- Councillor Watson

160. ATTENDANCE DISPENSATION UNDER SECTION 85 OF THE LOCAL GOVERNMENT ACT 1972

Consideration of this item was no longer required.

The Mayor was supported in welcoming Councillor Pitchley to the meeting and that her recovery would continue.

161. APPOINTMENT OF MAYOR-ELECT AND DEPUTY MAYOR-ELECT

Consideration was given to the report which invited Council to appoint a Mayor-Elect and Deputy Mayor-Elect, who would then be nominated for election as Mayor and appointment as Deputy Mayor at the Annual Meeting of the Council on 17th May, 2019.

It was also proposed that the Constitution Working Group be tasked with developing a protocol to codify the process for the appointment of a Mayor-Elect and Deputy Mayor-Elect in future years.

Councillor Napper moved and Councillor Reeder seconded the nomination for Councillor John Turner to be elected as Deputy Mayor Elect.

Councillor Read moved and Councillor Watson seconded the nomination for Councillor Ian Jones to be elected as Deputy Mayor Elect.

Councillor Read Moved and Councillor Watson seconded the nomination for Councillor Jennifer Andrews to be elected as Mayor Elect.

Resolved:- (1) That, after receiving nominations from the political groups of the Council, Councillors Andrews and Jones (respectively) be nominated Mayor-Elect and Deputy Mayor-Elect for the 2019-20 municipal year.

(2) That the Mayor-Elect and Deputy Mayor-Elect be nominated for election as Mayor and appointment as Deputy Mayor at the Annual

Meeting on 17th May, 2019.

(3) That the Constitution Working Group develop and recommend to Council a protocol to codify the process for appointing the Mayor-Elect and Deputy Mayor-Elect for ensuing municipal years.

Mover:- Councillor Read

Seconder:- Councillor Watson

162. 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.

An update was provided on the work undertaken by Scrutiny during the last few months and good progress was being made with the planned programme looking specifically at the budget, the Town Centre Masterplan and overspends in Children's and Adults Services.

In addition, Council at its last meeting considered a scrutiny review looking at modern methods of construction and it was hoped this policy would be adopted moving forward.

Health Select had focused on the Integrated Care Pharmacy and implementation of programmes integrating health and social care.

Improving Lives continued with its work on the Ofsted recommendations and the improvements to services like domestic abuse.

Improving Places were continuing to monitor the externalised contract with Dignity and to do further work for the benefit of the people of Rotherham.

Cabinet Members were able to bring forward projects for scrutiny to consider and Councillor Roche had requested some consideration to the care tendering process and particular recommendations were made. This would be evaluated after twelve months to ensure it was fit for purpose.

Scrutiny in Rotherham was making a difference and the Chair thanked all those involved in the process.

In seconding the report Councillor Cowles endorsed much of what the Chair had proposed. Scrutiny was an important function, but not always properly understood or appreciated and worked effectively on a cross-party basis.

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

Mover:- Councillor Steele

Seconder:- Councillor Cowles

163. THRIVING NEIGHBOURHOODS - UPDATES FROM WARD COUNCILLORS

Further to Minute No. 55 of the meeting of the Cabinet held on 19th November, 2018, consideration was given to the annual Ward Updates for Holderness, Dinnington and Hellaby as part of the Thriving Neighbourhoods Strategy.

The Strategy signalled a new way of working for the Council both for Members and for staff and covered every Ward in the borough delivered through Ward Plans developed with residents to address local issues and opportunities. Ward Members would be supported by the neighbourhood team and would work with officers and residents from a range of organisations to respond to residents.

Councillors M. Elliott and Taylor, on behalf of the Holderness Ward, gave an update on their ward priorities.

Councillor Elliott described the use of the devolved budget for worthwhile causes, the discussions with residents when formulating Ward Plans and the issues identified as a priority.

He further reported that Holderness Ward itself had around twenty-three groups and organisations undertaking fantastic work so wherever possible assistance was provided with raising funds through use of the Community Leadership Fund.

The Ward also supported, through the Start a Heart Project, the location of a defibrillator. In addition, the relocation of a community group to Heighton View Community Centre was supported through a variety of consultations and awareness raising sessions.

Additionally, there have been number of skip days at different venues around the Ward with the aim of avoiding residents' temptation to fly tip, engagement in the Love Where You Live initiative with residents and the local Scout Group and the installation of covert cameras deployed in known local hotspot areas.

These cameras have been used to gather information for offences linked to fly tipping and had resulted in the seizure of four vehicles and prosecution for the offenders.

A number of road safety initiatives have also been supported outside schools and public buildings. Aston Springwood School have also been asked to submit designs for signs to be erected to promote playgrounds around the Ward. The standard of entries was overwhelming.

Speeding traffic remained an issue in the Ward and liaison had taken place with the community to join together to use a handheld speed

camera, to undertake a survey with Highways and Councillors were in the process of purchasing a mobile speed activation sign to support the concerns on Nickerwood Drive.

Swallownest Bowling Club offered to support an initiative to allow groups of school children to experience crown green bowling, which would be taken forward.

Numerous estate roads were also in need of attention and through the utilisation of the multi-hog machine it was hoped the areas suggested would be repaired.

A number of community safety initiatives have also been supported for vulnerable persons including window, shed and scooter alarms, which were being distributed and based on a person's need. In addition, a community engagement initiative where local craftsmen would undertake small immediate repairs was promoted.

Councillor Taylor thanked his Ward colleague and commended how easy it had been to work together in developing ideas and solutions and wished to formally thank the Neighbourhood Working Team for all their hard work and support.

During the initial stages of the Ward Plan, various methods of communication and consultation were considered and as many groups as possible were visited to discuss and share ideas, taking into account individual residents' concerns raised at surgeries. It was emphasised this was a community plan to make the area better. Whilst around sixteen groups were visited initially, this had since risen to twenty and more visits were scheduled throughout the year to ensure the ideas were free-flowing, that they became more inclusive and diverse and the conversations taking place influenced ideas during the formulation of this year's Work Plan.

Councillors Mallinder, Walsh and Vjestica, on behalf of the Dinnington Ward, gave an update on their Ward Action Plan.

Councillor Mallinder formally thanked everyone involved in the Neighbourhood Strategy. This had been a collaborative process with partners in Neighbourhoods and the community who came together in one meeting to put forward ideas for the Ward Plan.

After several years of collaborative working Ward Members managed to turn what was an overgrown and unused piece of land into allotments, which would not only address issues of flytipping, but promote health loneliness and isolation. This showed community working with Neighbourhoods at its finest.

Work had also taken place with Laughton Junior School to place Billy and Belinda bollards outside the school. A competition was held for the design and the winner received book tokens and certificates from Ward Councillors.

Following receipt of a petition local residents were supported with a flashing speed camera sign on Lords Road.

In December a partnership community event was held for residents to receive advice and equipment to keep safe in their homes and neighbourhoods. This also provided an opportunity for residents to discuss with their Ward Councillors any issues of concern.

Ward Councillors put the community at the heart of everything and would continue into the future. Cabinet Members were also thanked for their support.

Councillor Tweed reported on the Ward budget spend through the Community Leadership Fund and how the first large project involved repairs and lighting to a multi-use games area so it could be used during the winter and dark evenings. This was now a well-used facility and provided outreach team activity.

There was a huge push to engage as many residents in the diverse Ward of Dinnington as much as possible and for all areas to benefit from the devolved budget in some way. With this promotion more and more applications for support were being received. The Ward Councillors worked collaboratively together and often merged funds from their Community Leadership Fund for the benefit of residents for certain projects.

Councillor Vjestica had great pleasure in reporting how inclusive and efficient the mechanism for neighbourhood working had been and thanked Cabinet Members for their work and support.

This had enabled the Ward to deliver on both local and Council priorities such as loneliness and supporting young people with environmental projects in schools. In the future it was planned to support training, provide play equipment, fund craft sessions for children during school holidays and also support cleaner communities.

Ward Colleagues were actively involved in the community clean-ups, promoted the events of the Salvation Army who provided advice and support on a range of issues and had recognised community heritage providing a memorial bench for coal miners and their families.

Information was regularly provided on information boards throughout the Ward of activities available from sewing groups to craft clubs. The contributions through neighbourhood working would hopefully enrich the

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lives of residents of all ages and the communities in which they lived. Particular thanks were made to the Neighbourhood staff for their dedicated and enthusiastic work.

Councillors Andrews, B. Cutts and John Turner, on behalf of the Hellaby Ward, referred to their Ward priorities.

Councillor Andrews welcomed the neighbourhood working approach and the opportunity to deliver projects in the community. Ward Members particularly supported a project to update Lyme Tree Park at Maltby following the concerns of residents about its condition. New play equipment was jointly funded by the Council and Area Housing Panel and the whole area had now been transformed into a safe play area for local children.

A number of walkabouts have been carried out to identify what was important to local people and businesses and how they could be supported.

To help raise awareness about suicide prevention signs were placed around the Ward, posters distributed to businesses and local clubs, including doctors' surgeries.

Councillor Andrews welcomed the support from her Ward Colleagues and from the neighbourhood staff who supported the area. More ideas had been received for the following year and the funds would be allocated accordingly. She was so pleased with what had been achieved and how the priorities had been met.

Councillor B. Cutts highlighted how social isolation and the safety of residents had been addressed through a modern concept of solar light which funded eight solar lights along a footpath that connected residents from an estate to local shops. This had been of great benefit to that particular community and had been very successful.

Councillor John Turner echoed the sentiments about the less satisfactory Area Assembly mechanism and the positivity around neighbourhood working on a cross party basis across the Ward.

Regular meetings had been held with the Police about crime, funding was provided for speed awareness cameras, regular liaison with schools involving some litter picking with them across the borough and speed reduction initiatives at St. Alban's School were only part of the good work taking place.

The value of the walkabouts, finding out what was important to local people, had been invaluable and information had been provided where possible advertising Councillor surgeries where residents could visit to share other concerns along with mechanisms of support that were in the area.

The Ward had a number of priorities that were being explored and work was already taking place with initiating double yellow lines for a Dementia Group, the Wickersley young people's music society had been supported and for Bramley Parish Council support had been given to the decoration of the youth club and village hall.

The Ward Councillors would continue to explore opportunities to improve road safety, provide resources to keep neighbourhoods clean, provide grants to various groups and had purchased burglar, shed and fire alarms to assist local residents in made their homes more secure.

Resolved:- That the Ward updates be received and the contents noted.

Mover:- Councillor Watson

Second:- Councillor Read

164. AUDIT COMMITTEE

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

Mover:- Councillor Wyatt

Second:- Councillor Walsh

165. 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

166. PLANNING BOARD

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

Mover:- Councillor Sheppard

Second:- Councillor Williams

167. STAFFING COMMITTEE

Resolved:- That the reports, recommendations and minutes of the meetings of the Staffing Committee be adopted.

Mover:- Councillor Alam

Second:- Councillor Read

168. RECOMMENDATION FROM THE STAFFING COMMITTEE - PAY POLICY STATEMENT 2019/20

Further to Minute No. 11 of the Staffing Committee held on 30th January 2019 consideration was given to the report which detailed how under the Localism Act 2011, Chapter 8 Pay Accountability, authorities were legally

required to produce and publish a Pay Policy Statement by the 31st March each year. This needed to include and detail the remuneration of its Chief Officers and must then comply with the Pay Policy Statement for the financial year in making any determination.

The format and content of this Pay Policy was in line with previous practice and in accordance with guidance previously issued by the regional Local Government Employers Association. It was, therefore, felt to reflect good practice and it had not been considered appropriate to deviate from this.

Resolved:- That the Pay Policy Statement for 2019/20 be approved.

Mover:- Councillor Alam

Second:- Councillor Read

169. RECOMMENDATION FROM THE STAFFING COMMITTEE - ADOPTION OF REMUNERATION PACKAGE FOR THE STRATEGIC DIRECTOR OF REGENERATION AND ENVIRONMENT

Further to Minute No. 13 of the meeting of the Staffing Committee held on 18th February, 2019, consideration was given to a report which detailed the open and rigorous recruitment process to fill the vacant post of Strategic Director of Regeneration and Environment.

The report also set out the recommended level of remuneration detailed in the Authority's Pay Policy Statement for the post of Strategic Director of Regeneration and Environment as earning £100,000 or more and, therefore, recommended this to Council for approval.

Resolved:- That, in accordance with the Pay Policy Statement 2018-19 and the Officer Employment Procedure Rules, the remuneration package of £117,976 for the post of Strategic Director of Regeneration and Environment be approved.

Mover:- Councillor Alam

Second:- Councillor Read

170. LICENSING BOARD SUB-COMMITTEE

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

Mover:- Councillor Ellis

Second:- Councillor Beaumont

171. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS

(1) Councillor Napper referred to the Police and Crime Commissioner increasing the precept to Police by 14% and asked why?

Councillor Sansome pointed firstly the South Yorkshire Police and Crime Panel was a scrutiny board and secondly it was for the Police and Crime Commissioner to answer questions on his budgets. He, however, made the following points. The budget assumed the Force could make £4.0m of savings and used £2.6 million of reserves. If the Police and Crime Commissioner did this he could increase the number of police officers by 55 (40 would go into neighbourhoods).

This would be the first time since 2010 that the overall number of police officers in South Yorkshire would have gone up.

At the same time South Yorkshire Police continued to face exceptional other cost pressures including Hillsborough and CSE which were expected to cost in the region of £7 million in the coming year.

The South Yorkshire Police and Crime Panel thoroughly scrutinised the budget proposals and did understand the need to increase the precept.

In a supplementary question Councillor Napper asked was part of the precept used to fund the false arrest of the residents in the tree protests and who were compensated out of court.

Councillor Sansome confirmed this was a question for the Commissioner and the Police, but gave a commitment he would seek to find an answer.

(2) Councillor Cowles explained Councillor Sansome had previously agreed with him that the 101 call system, despite being a straight forward application, remains unfit for purpose. Therefore, he asked could Councillor Sansome say why he had agreed to the uplift in the precept when he believe he stated he would oppose the increase?

Councillor Sansome explained having reminded himself of the response he gave at the Council meeting on 23rd January and clarified he had agreed that the 101 system was unfit for purpose. What he had said was that he shared Councillor Cowles' frustrations around the difficulties the public were experiencing with the 101 system. He had also assured fellow Councillors that the Police and Crime Panel had regular updates on 101, both at full Panel meetings and other meetings with the Chair and Vice-Chair of the Panel with the Commissioner and it was an issue the Panel was collectively concerned about, and would continue to monitor.

On the second point in respect of the uplift in the precept, he had not said he would oppose the increase, but both he and Councillor Short said it had to be right for the people of Rotherham.

The Panel held a Budget Workshop on 29th January, 2019 prior to the formal meeting on the 4th February, 2019. The proposals were looked at in great detail, and many questions asked. The Panel considered its options carefully and, whilst the increase in the precept was agreed, it

was with a strong recommendation that the Commissioner discussed an increase in police officers and/or PCSOs over and above the forty that were proposed for neighbourhood policing across South Yorkshire.

The Panel did not agree the increase lightly, and if anyone wished to watch the webcast of the Panel from 4th February, 2019, the statement Councillor Sansome read out voiced strong concerns about the need to increase the number of neighbourhood police officers put forward which was supported by Councillor Short. This debate would continue with the Commissioner and Chief Constable as to how this progressed.

In a supplementary question Councillor Cowles referred to last year the Police and Crime Commissioner being given the option to increase charges by £12.00 a year for homes in council tax Band D, with corresponding increases for other bands. This year doubling to £24.00.

In a recent interview Dr. Billings said early indications suggested South Yorkshire residents were struggling to keep pace with rising costs in a poor area, but were willing to pay more provided they could see the benefits.

Councillor Cowles wished the benefits could be seen as he had been asking for the 101 system and it had been promised for at least two years. He, had, therefore, asked for Councillor Sansome to invite the Police and Crime Commissioner and the Chief Constable to the Council to explain their actions and so therefore, asked when they were coming.

Councillor Sansome commented on the benefits of South Yorkshire Police and it was worth noting that when Chief Constable Crompton was in charge neighbourhood policing ended. Since Chief Constable Watson was in the position he was policing had moved back into neighbourhoods which was why he was pleased that a number of the UKIP councillors were pleased with the way community safety was progressing because of neighbourhood policing.

This was the stance the Police and Crime Panel had with the Chief Constable on the need for more neighbourhood policing.

On the other benefits concerning 101 yes the Commissioner and Chief Constable had been invited. He was sure the Cabinet Member would be willing to give a response. He was not particular on who was invited to the Chamber, but was keen to know the answers.

(3) Question 3 was withdrawn.

(4) Councillor Cowles asked what was the cost to the tax payer of the failed 101 system to-date?

Councillor Sansome provided some background information and pointed out from the actual precept only 7% of the properties in South Yorkshire were in Band D. More properties 75% were in Bands A and B which would have a weekly increase of 31p and 36p respectively.

In terms of 101 South Yorkshire Police had had old IT systems for many years. They kept breaking down and needed replacing.

Two new systems were being developed for South Yorkshire and Humberside Police. The total capital costs were £3.5m for South Yorkshire and this had been covered in the capital programme. The Police and Crime Commissioner received capital grants from the Government towards this.

All 101 systems across the country were facing unprecedented increases in calls and this was putting all systems under strain. In at least one force area the 101 system was recently completely discontinued for a while because the call handlers were overwhelmed.

The Police and Crime Commissioner accepted that as well as a new system, the volume of calls must be reduced, especially the high numbers of non-crime and non-police calls. He was looking to local Councillors to help educate the public about the appropriate use of 101.

In a supplementary question Councillor Cowles confirmed he was quite happy to pay the extra money when a system that worked was received.

He explained Dr. Billings also sat on the South Yorkshire Fire Authority and he chaired a collaboration board between that service and the Police to promote joint working. This could also include abolishing the Fire Authority made up from Councillors from the four districts and take over the service. According to him this would cut out duplication and save money by sharing services. He also said he was delaying this activity. Of course in other areas the role of the Police and Crime Commissioner was carried out by the Regional Mayor and that would save a further salary.

Councillor Cowles, therefore, asked could Councillor Sansome ask him why he was not getting on with this to the benefit of taxpayers.

Councillor Sansome pointed out that in terms of the Fire Authority and Police and Crime Panel it was worth noting that the Fire Authority did not hold or scrutinise the work. It was a separate body within the Fire Authority, so if there was the will to take away one body then consideration would need to be given as to who would hold that person and officers to account.

Councillor Sansome raised the profile of the Police and Crime Panel which held the Police and Crime Commissioner to account. He had raised issues previously about the former Member on the Police and

Crime Panel and the questions that had been asked and their relevance. However, he cared for the people of Rotherham and would continue to challenge the Commissioner with questions which were relevant.

(5) Councillor Carter asked did the South Yorkshire Pensions Authority invest in companies who have arms deals in countries such as Saudi Arabia, and if so what percentage of the pensions fund was this?

Councillor Ellis provided some background about South Yorkshire Pension Authority's first and legal duty was to provide pensions 50,000 members who have paid in and to be in a position to meet the liabilities.

This question was probably prompted following the Guardian publishing an article where it named five companies that were dealing in Saudi Arabia and it did mention that South Yorkshire Pensions Authority had ownership of some shares.

South Yorkshire Pensions Authority on 31st December, 2018 had approximately £29 million out of an £8 billion asset representing 0.36% value of the fund. The majority of that was in Airbus; whose primary manufacturing was in civil aircraft which showed the difficulty of actually separating this out.

In a supplementary question Councillor Carter was sure residents and pension holders would be shocked to know that that was happening. He asked what percentage in total investment in those companies have been made over the past ten years and what plans were there to make representations to the Pensions Authority of potentially divesting from these companies.

Councillor Ellis explained it was quite difficult to say actually what percentage of the £29 million was with companies who were actually trading with Saudi Arabia.

There were companies in this country who were producing arms for forces and who came under scrutiny from Government and subject to regulations about what they were able to sell and to whom. It was suggested that there was a need to lobby the Government to be a bit quicker in how they were judged who to sell to and Councillor Ellis confirmed she would be happy to join with Councillor Carter if he wanted to lobby by writing to Government in that regard.

(6) Councillor R. Elliott asked having reviewed the answer received from Councillor Atkin at last Full Council with regard to staffing and the response of Rotherham's second pump at night, he was concerned that the information given appeared to go against the previous information Councillor Atkin had given to Full Council and asked that he clarify his understanding?

Councillor Atkin explained Rotherham's second fire engine was available all of the time in the day and on an 'on call' basis at night, on occasions when the first fire engine was committed to an incident.

Originally, the service had intended to recruit 'on-call' firefighters to staff Rotherham's second fire engine at night. Instead, it made sense to use existing 'on-call' firefighters from Birley Moor fire station to provide this cover.

Birley also had a full time fire engine.

In a supplementary question Councillor Elliott had, as a result of Councillor Atkin's response at the last Council meeting, made inquiries himself and the information provided was factually incorrect. There were no retained staff at Rotherham. If the first pump was called out the retained staff at Birley or Dearne provided cover. Rather most specifically the pump was not staffed at night. The staff which Councillor Atkin referred to were located at Birley or Dearne and they responded to an alerter where they had five minutes to get to their stations and then they drove at normal road speed to Rotherham.

The average time for the other pump to arrive at Rotherham was forty minutes and as they were not called out until Rotherham One had been out for fifteen minutes. This meant Rotherham was not covered for the best part of one hour so he asked did Councillor Atkin agree this was an accurate picture of the situation.

Councillor Atkin confirmed he had already responded to this.

(7) **Councillor R. Elliott** explained it was deeply concerning that as an RMBC representative and Vice Chair of the FRA Councillor Atkin did not appear to have a grip on the matter at hand. The first requirement of a Council and an emergency service was to ensure the safety of residents and staff and he asked him if he agreed.

Councillor Atkin believed he had a grip on the matter and agreed the safety of residents and staff was paramount and the personal comments made against him were unwarranted. Both these statements he believed would be verified when the service was inspected in June this year.

In a supplementary question Councillor Elliott pointed out that as a result of the actions of the Fire Authority much of the routine work of the firefighters was not being done. In particular fire prevention checks and the installation of smoke alarms were outstanding. Additionally key performance figures were going in the wrong direction increasing instead of decreasing.

A motion was raised to full reinstate the second pump in Rotherham when finances allowed which everyone in this Chamber supported. The Fire

Authority were sat on £25 million of reserves - still no second pump. Furthermore he had asked for this to be brought back to scrutiny which Councillor Atkin refused saying there was no point as there was nothing further to discuss; yet two weeks ago the Assistant Fire Chief, who incidentally lives in North Yorkshire, argued the very points given to Councillor Atkin. This was not here where he could be questioned, but in the letter pages of the Advertiser. Therefore, Councillor Elliott asked was democracy at stake here, was this Chamber irrelevant and should the Council accept what was said or passed in the Chamber because it would be ignored in the hope it would go away or if this Chamber was to be respected would Councillor Atkin please stand up for Rotherham and instruct the Fire Authority to get the second pump reinstated.

Councillor Atkin agreed a motion was passed that when finances were available the second pump would be reinstated. Circumstances had since changed. Changes were required to the close proximity stations because of the judgment.

The fitting of smoke alarms was continuing, not as frequent as previously, but continuing nonetheless. If the second pump was reinstated this would mean there would be less money for the fitting of smoke alarms.

Reference was also made to vast reserves. The Fire Authority were going to be inspected in June and the Government had taken her Majesty's Inspectorate of Constabulary in collaboration with the Fire and Rescue to start inspecting Fire Services in three tranches.

South Yorkshire was in the third tranche some time in June. A report would then be received later in the year.

The first tranche had seen fourteen services inspected and the reports were available on the relevant website. Councillor Atkin drew attention to two such reports; one for Surrey who were criticised for using reserves to prop up outdated systems of working, which was exactly what Councillor Elliott was asking for in Rotherham.

The second for Lancashire was highlighted as an exemplar of good practice where they were using modern methods of shifting and staffing the pumps and ironically they had ten CPC stations,

172. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRMEN

(1) Councillor Carter asked what progress has been made with installing the twenty-one new CCTV cameras agreed for use by South Yorkshire Police?

Councillor Hoddinott was unsure about the reference to South Yorkshire Police, but confirmed the Council did allocate additional capital funding this year to purchase CCTV equipment for the Borough, with one camera dedicated to each ward and some had already been installed.

In a supplementary question Councillor Carter asked how many of the twenty-one have already been installed in their locations.

Councillor Hoddinott confirmed four were installed and five were about to be installed. Twelve wards were yet to formally agree where they wanted to put them.

(2) Councillor B. Cutts asked what numbers of foreign nationals have registered in Rotherham last year?

The Leader confirmed he would provide this in writing to Councillor Cutts so the detail could be clearly seen, but the numbers of National Insurance registrations for foreign nationals totalled 463. The full breakdown was:-

	2013	2014	2015	2016	2017	2018	TOTAL
Bulgaria		18	30	39	25	0	112
Czech Republic	31	43	61	27	21	15	198
Eritrea	5		15	16	14	6	56
Italy	12	15	18	24	29	11	109
Lithuania	40	27	38	45	51	30	231
Pakistan	56	26	47	55	39	44	267
Poland	134	106	132	97	62	42	573
Romania	9	131	206	279	190	72	887
Slovakia	131	137	76	55	52	29	480
Spain	9	16	31	30	18	10	114
Others	236	208	238	274	223	204	1,383
TOTAL	663	727	892	941	724	463	4,410

(3) Councillor Carter asked how much more did it cost to have an out of hours burial in Rotherham compared to Sheffield?

Councillor Hoddinott confirmed it was difficult to compare as Rotherham offered exclusive right of burial for one hundred years and Sheffield offered ninety years. Even with this difference Rotherham was nearly £200 cheaper.

(4) Councillor Carter asked what discussions had the Cabinet Member had with the Red Box Project and what were the outcomes regarding introducing free sanitary wear in secondary schools?

Councillor Watson confirmed this was one of the rare occasions where he and Councillor Carter were in agreement on where this should go. He explained the Red Box project was a voluntary charity that provided sanitary protection for girls in school. All schools have a small budget for girls who needed help during the day where they could be given products. The idea behind the Red Box Project was for families that were so financially challenged to be given a full week's worth of products and be

able to go to school rather than having to choose between food and heating and sanitary protection for their daughters. The Red Box Project was a voluntary charity with no paid staff.

Councillor Watson had met with all the Secondary School Head Teachers who were keen to have this project in their schools. The second step from this was the setting up a meeting with the officer that covered the South Yorkshire area for the Red Box Project and finding a convenience slot in her diary.

Councillor Watson had previously extended an invitation to Councillor Carter to be formally part of this meeting and would advise him of the date and time of the meeting accordingly.

In a supplementary question Councillor Carter welcomed the progress, but asked if consideration had been given as to what could be done in Council buildings such as libraries and Council offices with similar provision.

Councillor Watson confirmed this had not been considered, but was happy to take this forward.

(5) Councillor Cowles asked was the proposed extension of a PSPO to cover Eastwood a clear indication that both the Eastwood Deal and Selective Licensing have failed to deliver on much of their intended benefits?

Councillor Hoddinott disagreed, but pointed out this was simply an indication that every tool in the box would be used to improve the quality of life for residents in those areas.

In a supplementary question Councillor Cowles pointed out most reasonable people had read the last rites over the Eastwood Deal a long time ago, although Selective Licensing had had some effect on some properties it was not giving any power that the Council did not already have. It simply transferred the costs in the service to landlords and had not improved the environment one iota. Whilst he applauded any initiative that gave more power he reminded Councillor Hoddinott that previously at an Area Assembly meeting she had said it would take a couple of years to sort out the problems. Only former Councillor Dodson said you were completely wrong. He dismissed your approach stating it had all been tried before and in view of the recent statement from Mr. Goy of CLP it was suggested that it would take ten years in order to clean up Eastwood effectively.

Councillor Cowles, therefore, asked did the Cabinet Member accept that she was hopelessly wrong.

Councillor Hoddinott disagreed. These methods had not been tried before. The voluntary schemes had not worked and she found it incredible

that Councillor Cowles was saying there had been no improvements. It was right that landlords were challenged in that area and it was found that 90% of the private properties did not comply with the minimum legal standards. There have been huge improvements in the private properties in that area it was correct that landlords were responsible for the living conditions of their tenants.

Also the PSPO had not been tried before. The Council were willing to try new things in the area to improve it. There have been improvements over the last couple of years and work would continue to take place with local Councillors who were working really hard to improve the area.

(6) Councillor Cowles referred to NDRR, Non Domestic Rate Relief, the 80% mandatory relief awarded to charities occupying buildings and asked what processes, procedures and scrutiny was applied by RMBC to ensure that best use was made of both public and charity funding, or was it simply a tick box exercise on application?

Councillor Alam confirmed those charities seeking relief were required to complete an application form and where the Council was satisfied that the charity was in occupation it could not refuse to award relief because it considered that the use was insufficient or not making best use of the property.

An annual review process was carried out with a further application and appropriate checks and where the Business Rates Team were not satisfied that the charity was still entitled to the relief it would be cancelled.

In a supplementary question Councillor Cowles asked where buildings were unoccupied who scrutinised them, how often a check was made, what assurance was asked for with the charity to reveal its use of space, how was it determined that they met the requirements and where possible reduce the number of buildings in use to ensure the best use for both the taxpayer and charity funds.

Councillor Alam again pointed out that there was no legal obligations to check what buildings were being used for as long as the property was wholly or mainly used for charitable purposes.

(7) Councillor Mallinder asked the Cabinet Member to update her on the bin roll out and whether any positive changes to recycling have been seen yet?

Councillor Hoddinott confirmed the Waste Services was in the second phase of this implementation following the first phase before Christmas where people switched to the green bins for the paper and card collected at the kerbside. Residents and staff were thanked for working through the huge change and with the move to increased recycling rates 3,000 new

green bins have been issued for people to recycle. The service were half way through the roll out of the pink bins and whilst still early stages the amount of general waste had been reduced by about 15%.

In a supplementary question Councillor Mallinder asked if an update could be provided at the end of the phases to see how they were progressing.

Councillor Hoddinott confirmed there was a commitment to go back Scrutiny for an evaluation. The changes were big and hoped to be fully rolled out by the end of March. There was a continuing conversation about how recycling was increased and how it was made easier for people to use.

(8) Councillor Cowles asked what was the current total of Non Domestic Rate Relief awarded in the Rotherham borough at the current time and how many buildings were occupied under such arrangements?

Councillor Alam confirmed as at 31st January, 2019 the total of all Non Domestic Rates Relief, including mandatory charity relief, awarded for the 2018/19 financial year was £15,273,163.

There were 4,991 properties which have received relief during the 2018/19 financial year.

(9) Councillor Cusworth asked could the Cabinet Member for Waste please give an update on the early impact of recent changes to waste collection?

The question had already been answered as part of Question 7, but in a supplementary question Councillor Cusworth went on to ask the Cabinet Member if she could advise her how these changes have been received by the public of Rotherham in the form of sort of compliments and to check how well the changes have been received in Swinton so this was echoed throughout the borough.

Councillor Hoddinott confirmed to Councillor Cusworth, as a vocal advocate for Swinton, that Swinton was in the middle of getting the pink bins with the final drop off being next Monday.

A drop in event was held at Swinton at the start of this change and it was generally well received. The early signs were good in that most people were managing to work their way around the system and were seeing the impact.

There were some minimal compliments and complaints coming through and normally about individual issues. The service was working really hard to resolve them. If, however, there were residents or areas that were struggling with the changes door-to-door engagement was available if anybody was struggling with the new system.

(10) Councillor Cowles asked was there any grant funding this year, if so, what was the total amount donated?

Councillor Alam explained the Council had paid out £562k in grant payments, to date, in 2018/19 allocated as follows:-

- £0.187m to Voluntary Action Rotherham (VAR) which provided infrastructure and support services to voluntary and community organisations in Rotherham this being part of a three-year service level agreement which commenced on 1st April, 2018 (The total annual agreement being £0.203m)
- £0.240m to Citizens Advice Bureau, this being part of a three-year service level agreement which commenced on 1st April, 2018. This being the full annual amount of the agreement.
- £1k to a local business from the Rotherham Economic Regeneration Fund.
- In addition to the grants payments referred to previously, there were a number of social fund payments made totaling £0.076m. This included payments to Fareshare – Food in Crisis, VAR and Laser Credit. In setting the budget for 2018/19, Council agreed to fund these costs from the social care fund reserve.

Furthermore, a total of £0.058m had been also been paid from the Community Leadership Fund.

In a supplementary question Councillor Cowles asked the Cabinet Member if he could be provided with the list so it could be scrutinised more closely, how people were aware of grants, the information circulated and how people knew they could apply.

Councillor Alam advised this was all part of the tender process and it was the Rotherham Partnership that promoted grants to community sector organisations. The list of figures would be provided in writing to Councillor Cowles.

(11) Councillor Carter asked about reports that plastic recycling was removed from proposals to change household waste collections, between working group proposals and consultation and why this was the case.

Councillor Hoddinott explained plastic recycling had always been done at Manvers and Councillor Carter was probably referring to was the kerbside of recycling plastic. Discussions did take place and as part of the decision numerous options were considered resulting in proposals that were affordable within the budget in late 2017. Following a period of public consultation the Government subsequently allowed Councils to raise the

COUNCIL MEETING - 27/02/19

Council Tax which meant the service were able to respond to that really strong public feeling that they wanted recycling of kerbside plastics. So what was said in private was very much what was said in public.

(12) Councillor Cowles referred to the bus station refurbishment which had allowed a lot of the sheeting used in the process to get into the canal which looked a real mess. He, therefore, asked if it had not already been removed, could the Cabinet Member ensure the developers were alerted to this issue?

Councillor Lelliott confirmed following the report a site inspection was carried out on 22nd February, 2019 but nothing of significance was observed in the river. As the bus station refurbishment works were the responsibility of South Yorkshire Passenger Transport Executive both they and the developer have been alerted to the issue Councillor Cowles had raised. If there were any further problems she would ensure these were addressed.

(13) Councillor Carter asked how was the plastic waste being recycled under the new kerbside collection scheme?

Councillor Hoddinott confirmed all details were provided at the Members' Seminar. The presentation detailed various slides and a further copy would be provided to Councillor Carter if he had misplaced it.

(14) Councillor Carter asked when was the Council first aware of issues with care being provided at Rother Heights care home in Treeton and what steps did it take to address this?

Councillor Roche confirmed the service first became aware of the issues at Rother Heights following a compliance audit carried out by the Council in October 2018 as part of the ongoing effective care home monitoring service.

Since this date the Council had regularly audited the service against an agreed action and improvement plan, met on a regular basis with the senior management of the service and made it clear what the expectations were around delivering a safe and quality service. Officers have liaised regularly with the Care Quality Commission (CQC) who continued to monitor and review and there was a further review meeting between officers and CQC on the 26th February, 2019. It was worth noting that the Council did not have any placements with this service and officers were liaising regularly with the other commissioning authorities to fulfil their obligations where they did have places at the home.

There had been two seminars last year and the service record relatively speaking across Yorkshire was good, but even one home in a category that raised concerns was one too many. If Councillor Carter had attended the seminar he would know the Council's powers for private providers such as this one were extremely limited, but where there were concerns

these would be raised with the CQC and clients moved where necessary. In a supplementary question Councillor Carter was assured the Council did not have any users of that service there, but asked how long this was the case for.

Councillor Roche confirmed he would need to check this out and feedback in writing.

(15) Councillor Carter referred to a company getting in touch with him about wanting to recycle some of the waste plastic collected at the kerbside by RMBC and turn it into street furniture and asked was the Council open to this suggestion?

Councillor Hoddinott was happy to have those conversations within tendering rules if the details could be passed on.

(16) Councillor Cusworth asked could the Cabinet Member for Adult Social Care and Public Health tell her what the Council was doing to support residents with complex needs who may be struggling to maintain tenancies?

Councillor Roche explained that in recent years the Council's Housing Service had invested significantly in support for residents who were struggling to maintain their tenancies.

Additional staff have been employed in the Housing Income Team to offer Tenancy Support. These officers provided advice and support to vulnerable Council tenants, so that they were able to sustain their tenancy. They helped the tenant claim welfare benefits and often make referrals to other agencies such as drug and alcohol services and or to mental ill health services where appropriate.

Housing also funded a Social Worker in the Early Help team and their role was to work closely with families at risk of homelessness, irrespective of tenure.

The Council also had housing Related Support Funded Services aimed to:-

- Develop an individual's capacity to live independently or sustain their capacity to do so.
- Help to expand the tenancy choices for people. This included people in danger of becoming homeless.
- Provide immediate refuge places for victims of domestic abuse.

The Council were also funding a Housing First Scheme, with partners from South Yorkshire Housing Association and Target Housing to help people who have chaotic lives and who have failed to engage with or were the least likely to benefit from other service interventions.

Rotherham's Housing First pilot provided a home for twenty people who were homeless or sleeping rough in the Rotherham area. The scheme offered housing to people first, with no conditions around receiving support. Whilst there were no conditions for the customers receiving the accommodation the providers would always offer support, and persist with this offer even if were turned away at first.

Since April, 2018 when the pilot was launched twenty people with complex needs have been accommodated and there were fourteen on the waiting list. Early indications were that this was a highly successful scheme making a real difference to the lives of people.

(17) Councillor Walsh referred to Michael Gove announcing an intention to standardise domestic waste collection arrangements, introducing weekly food waste collections as part of the plan and asked would this work for Rotherham?

Councillor Hoddinott explained the service had been looking at the proposals that Michael Gove suggested and a lot of them did require new laws to be brought in. However, given the Government's ability at the moment to deliver Brexit consideration was being given to emergency provisions to keep waste collected in the event of a no deal as there was no guarantee from Government at the moment that Rotherham could move waste out of the borough.

There were some good ideas in what was being suggested to make producers of plastic pay for the waste was really welcome and to support consumers to buy more sustainable products. It could be of a concern to Rotherham if the proposal to standardise the bins and the waste collection arrangements and to introduce weekly food waste as this was likely to cost the Council substantially more. Of concern could then be the Government passing down the responsibility to local authorities, but not providing the funding for any changes otherwise it would be an extra cost on local taxpayers.

In a supplementary question Councillor Walsh was aware of the ludicrous consequences that segregated food waste collection would have for Rotherham's municipal neighbours over in Sheffield. They used incineration, but at the moment food waste was in the general waste stream and that quite happily was taken to the incinerator. With any changes they would have to have a segregated collection, pay extra money to do the segregated waste collection and then take it back to the depot to mix back into the general waste in order to get it through the incinerator.

Rotherham was not in this situation, but it was likely other location authorities were going to have equally ludicrous arrangements and he asked was it not time for the Local Government Association to gang up on Mr. Gove and point out the issues.

Councillor Hoddinott acknowledged Councillor Walsh's very important point, but highlighted that Rotherham already recycled a lot of waste at Manvers. Like plastic, food waste was also extracted so would be in a similar situation where different waste was being collected. A further bin for Rotherham's residents could probably be a step too far. However, a strong message should be sent to Michael Gove by taking part in this consultation and comments fed in about what should happen.

(18) Councillor Carter asked did the Council require contracted providers such as care homes to pay their staff at least the Joseph Rowntree Living Wage?

Councillor Roche confirmed the Council did not and could not mandate that external care providers paid their staff the Joseph Rowntree Living Wage, despite Councillor Carter's earlier comments.

The Council did take steps to encourage external providers to also be good employers and was keen to look at could be done to encourage this. This included when commissioning looking to see pay rates, training, professional development and other aspects so the Council could make sure the external providers were providing the best they could for their staff.

It was worth noting that currently Rotherham paid more than the Yorkshire average to care workers.

In a supplementary question Councillor Carter understood the minimum standard charter would be used for tendering contracts and would cover this so he asked was this not correct.

Councillor Roche reiterated the Council could not mandate what an external provider was going to pay their workers.

(19) Councillor Cowles asked could the Cabinet Member give assurance that the Police were on board with the PSPO and, therefore, patrols and out of hours cover were agreed between the two services so that it was then known very easily which service would be patrolling and when.

Councillor Hoddinott confirmed the Police were on board and joint patrols were already taking place. It was important the services worked together with reduced resources and local Councillors have been out on evenings to observe some of the patrols taking place.

In a supplementary question Councillor Cowles pointed out that since this would take additional officer time he could not recall this initiative coming before scrutiny at the time of the budget review. He, therefore asked was there a budget for this for this activity and if not how was it anticipated it would be paid for.

Councillor Hoddinott confirmed discussions had taken place at Scrutiny in terms of the current PSPO and also the future one which would still require a decision. Agreement had been made about going out to consultation and talking to partners, stakeholders and residents.

In terms of the PSPO, this was another tool that officers, during their normal working time, could use alongside the joint patrols with the Police in the Eastwood area. One of the advantages meant fixed penalty notices could be issued on the spot rather than having to go through much of the lengthy statutory procedures.

(20) Councillor Cusworth asked could the Cabinet Member for Adult Social Care and Public Health please tell her what the Council was doing to support people with physical and/or mental health conditions back into work?

Councillor Roche explained the Council's in house service AD-PRO Employment Services' aim was to enhance and harness skills and break down barriers to employment for adults with a learning or physical disability. AD-PRO provided a person centred training package for adults with disabilities who were preparing to move on to employment. The Council were intending, as reported, extending the work of AD-PRO across the whole of Rotherham.

The total number of people who were accessing the various different types of employment support activity through this service was fifty-eight broken down as:-

- Ten people were accessing voluntary opportunities (organisations include St Vincent's, Salvation Army, RSPB, Barnardo's).
- Nineteen people were accessing work experience (organisations include RMBC, BA components, Costa, Poundland, Riverside Café, Mears, Lifewise).
- Twenty-three people were accessing paid work (organisations/employers include dog walking, Premier Inn, Asda, RMBC, Partec, McDonalds, Broad Horizons).
- Six people were paid by BA components.

In addition to the above the Council was also engaged in two initiatives first the Sheffield City Region's "Working Win" health-led research. This innovative research trial, one of only two such projects in the UK, had also been credited in the NHS' Long-Term Plan, launched earlier this month.

Working Win aimed to find out whether a new type of support for people who were struggling with work due to health issues, was better than other services which were already on offer.

Funded by the NHS and the Government's Work and Health Unit, the trial – which covered South Yorkshire and Bassetlaw - was one of two research projects that had the potential to change the way that services were delivered nationally.

So far 3,000 people have already registered as volunteers for this support programme, it was aiming to have a further 4,000 people registered across the project area. This project was very successful.

The second was the Finishers and Interiors Sector BuildBack Programme which helped job seekers who were serious about developing a career in drylining. The programme put them through two weeks' college training in the skills and competencies required for installing drylining, followed by a two-week work placement on-site with a local employer.

The Council was pleased to be chosen for those two projects.

In a supplementary question Councillor Cusworth asked on the "Working Win" initiative how long was it set to run for in Rotherham and was it hoped this could be extended to run after the trial period.

Councillor Roche hoped it would be extended, but would not know until this had been evaluated. Initially the project it had been successful and still had another year yet to run.

(21) Councillor Cowles was becoming increasingly concerned at the uncontrolled percentage increase in precepts coming from the Police and Crime Commissioner, the Fire Authority and also from Parish Councils. They were simply using residents as a milk cow so asked if anything could be done to limit their demands?

The Leader explained if a properly anti-austerity Government were elected to fund public services the precept would not need to be increased quite so much.

In a supplementary question Councillor Cowles explained there appeared to be no real democratic mandate for the precepts and when attending a Parish Council meeting they usually followed along the lines that it was only so much a week or a month. It was Councillor Cowles' view that Parish Councils hide behind the Local Authority because the precept was collected for them by RMBC on their behalf.

As a resident if he refused to pay the Parish Council precept his argument was no longer with the Parish Council, but with the Council because he would not have paid his full council tax. If inflation was only running at two or three percent surely it was not justifiable for people to start raising their precepts by ten percent, fifteen, twenty or in some cases even thirty percent as an increase in the precept. He, therefore, asked the Leader if the Council could not take up this matter was Parish Councils.

The Leader pointed out Parish Councils were elected bodies and elected by their own residents who made their own decisions independently. Whilst the Council may individually have a view about any decision that an individual Parish Council took it was important that their rights were respected. If it was felt that the Parish Councillors were not making the right decisions then the election of Parish Councillors would need to be done in the same way as if people did not think Borough Councillors were making good decisions. The Council set the budgets collectively, so it was not a matter for individuals, but all together.

173. URGENT ITEMS

There were no urgent items.

Councillor Read – Leader

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CR/2702council

28 February 2019

Councillor Cutts

Rotherham Town Hall

Moorgate Street

ROTHERHAM

S60 1TH

Dear Councillor Cutts

With reference to the question asked at yesterday's council meeting relating to "What number of Foreign Nationals have registered in Rotherham last year?" Please find below the full breakdown of national insurance registrations relating to the arrival of foreign nationals aged 16+ in Rotherham. Please note that departures from Rotherham aren't tracked.

	2013	2014	2015	2016	2017	2018	TOTAL
Bulgaria		18	30	39	25	0	112
Czech Republic	31	43	61	27	21	15	198
Eritrea	5		15	16	14	6	56
Italy	12	15	18	24	29	11	109
Lithuania	40	27	38	45	51	30	231
Pakistan	56	26	47	55	39	44	267
Poland	134	106	132	97	62	42	573
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Slovakia	131	137	76	55	52	29	480
Spain	9	16	31	30	18	10	114
Others	236	208	238	274	223	204	1,383
TOTAL	663	727	892	941	724	463	4,410

Yours sincerely



Councillor Chris Read

Leader of Rotherham Council

Councillor Alam – Cabinet Member for Finance and Customer Services

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Our Ref:
SA/EJH

Councillor Cowles
Rotherham Town Hall
Moorgate Street
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S60 1TH

29 April 2019

Dear Councillor Cowles

With reference to the question asked at the council meeting held on 27th February, please find below the information supplied in the meeting as requested:-

“Is there any grant funding this year, if so, what is the total amount donated”?

The Council has paid out £562k to date, in 2018/19, in a combination of grants and grant programmes for commissioned services, allocated as follows:

- £187,000 to Voluntary Action Rotherham (VAR), through a grant programme which provides infrastructure and support services to voluntary and community organisations in Rotherham this being part of a three-year service level agreement which commenced on 1 April 2018. The service level agreement was arranged following an open competitive process which invited bids for a “lead organisation for the design and provision of voluntary and community sector infrastructure support services in Rotherham.”
- £240,000 to Citizens Advice Bureau, through a grant programme, this being part of a three-year service level agreement which commenced on 1 April 2018. This being the full annual amount of the agreement. The service level agreement was arranged following an open competitive process which invited bids for a “lead voluntary organisation for co-design and co-delivery of grant funded voluntary sector advice services in Rotherham.”
- £1,000 to a local business from the Rotherham Economic Regeneration Fund.
- In addition to the grants payments referred to previously, there are a number of social fund payments made totalling £76,000. This includes payments to Fareshare – Food in Crisis, VAR and Laser Credit Union. In setting the budget for 2018/19, Council agreed to fund these costs from the Social Fund (fund for change) reserve.

- Furthermore, a total of £58,000 has been also been paid from the Community Leadership Fund.

I hope you find this information useful.

Yours sincerely

S Alam

Councillor Saghir Alam
Cabinet Member for Finance and Customer Services



Metropolitan Borough of Rotherham

***Rotherham Town Hall,
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Telephone 01709 822722/1
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9th April, 2019.

Councillor Carter.

Dear Councillor Carter,

Council – 27th February, 2019

Further to your question at full Council where you asked in a supplementary question about whether or not the Council had service users at Rother Heights care home in Treeton and how long this was the case for.

I can confirm the Council did not have any directly placed residents with autism or a learning disability in Rother Heights as part of their support package, prior to the inadequate CQC rating. However, in 2015 the Council was handed financial responsibility for a placement on 'ordinary resident' grounds for an individual placed in Rother Heights by Doncaster Metropolitan Borough Council. The person has resided in the establishment since 2009.

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

Yours sincerely,

D. Roche

Councillor D. Roche,
Cabinet Member for Adult Social Care
and Health.

THE CABINET
18th March, 2019

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

Also in attendance Councillor Steele (Chair of the Overview and Scrutiny Management Board)

Apologies for absence were received from Councillors Watson.

116. MINUTE'S SILENCE

A minute's silence was observed as a mark of respect following the attack on the two mosques in New Zealand.

117. DECLARATIONS OF INTEREST

There were no declarations of interest to report.

118. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) A member of the public described his concerns about the allocation of housing, his perceived breaches of the law, influence of staff for property suitability, waiting times, tenant suitability and adaptations.

The Leader acknowledged the member of the public concerns, but pointed out allocations were all carried out appropriately. The Council's Choice Based Lettings (CBL) scheme advertised all available properties and if a tenant was eligible could express an interest in properties.

If the member of the public had any examples he wished to share then the Cabinet Member and the Housing staff would be happy to pick this up.

(2) Councillor Cooksey, Ward Member for Rotherham East, referred to the report on the agenda relating to the proposed Public Space Protection Order for Fitzwilliam Road, Rotherham. She had noticed that one of the recommendations was for Cabinet to receive a further report in June of this year before a final decision was made. Following that decision she asked how long would it then take for the implementation of the Public Space Protection Order.

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, thanked the Rotherham East Ward Members for putting this proposal together. If approval for consultation was approved then a report for a final decision would be submitted to Cabinet in June, 2019.

The report was seeking approval to proceed to public consultation. If the report submitted to Cabinet then in June, 2019 was approved with Rotherham's experience in terms of introducing Public Space Protection Orders with the protocols, the guidelines for officers and all the support in terms of resource required was currently in place so implementation could happen fairly quickly especially as the summer months would be fast approaching when noise and disturbance would be more prevalent with people being outside.

119. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the Cabinet meetings held on 21st January and 18th February, 2019, be agreed as true and correct records of the proceedings.

120. 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 Item 11 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.

121. DETERMINATION OF PROPOSALS TO MAKE PRESCRIBED ALTERATIONS TO THE WILLOWS SCHOOL

Further to Minute No. 72 of the meeting of the Cabinet held on 17th December, 2018, consideration was given to the report which sought the approval of proposals to make prescribed alterations to the Willows School, following the period of statutory consultation, in line with the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 by increasing the number of places available and changing the age range of the school.

The proposals that were consulted upon were to formally increase the registered number of places at the school from 100 to 120 to reflect the actual number of pupils now on roll at the school as a result of oversubscription and the additional 10 places being provided and, to change the upper age limit at the school from 16 to 19 by prescribed alteration, to enable continuity of education.

It was also pointed out that the Dedicated Schools Grant (High Needs Budget) was significantly overspent in this area. Indications were that there would continue to be significant increases in out of authority placements should 'in authority'

capacity not be increased, leading to further demand on high needs funding allocation as 'out of authority' placements were significantly more expensive than 'in authority' placements.

There were 20 representations received during the statutory consultation period. Responses were broadly supportive of the proposals and made reference to the benefits and opportunities that would be available to pupils attending the school and being able to continue their Post-16 education in a familiar environment.

Resolved:- (1) That, following a period of statutory consultation and consideration of representations received, approval be granted to make prescribed alterations to the Willows School by permanently changing the registered number of places at the school from 100 to 120 and changing the upper age limit at the school from 16 to 19.

(2) That the Secretary of State for Education be informed accordingly.

122. RESPONSE TO CHILDREN'S COMMISSIONERS TAKEOVER CHALLENGE SCRUTINY REVIEW: WORK EXPERIENCE

Further to Minute 37 of the meeting of Council held on 25th July, 2018 consideration was given to the report which responded to the findings and recommendations from a spotlight review undertaken by Rotherham Youth Cabinet under the auspices of the Children's Commissioner's Takeover Challenge regarding improving access to work experience opportunities for all young people in Rotherham.

The recommendations sought assurances that:-

- The Council, schools and partners would work together to develop an improved offer of work experience, interaction with employers and volunteering opportunities for all young people from 2019.
- That any specific needs of young people with mental health needs and/or special educational needs and disability who were in mainstream schools were taken into account in developing the offer, as well as those of young people in special schools.
- That from 2019 onwards Rotherham Youth Cabinet receive updates twice a year from schools regarding progress with the new offer.

Whilst all the recommendations were accepted it was acknowledged that some of what the Youth Cabinet was requesting was not current Government policy. However, the Council would support the Youth Cabinet in its influence to Government and partners to support schools to deliver high quality work experience via the Employment and Skills Plan.

The Rotherham Employment and Skills Plan would serve to assist in the mitigation of risks that may arise from the acceptance of the recommendations from the Youth Cabinet and it was anticipated that the Overview and Scrutiny Management Board would maintain oversight of the implementation of the agreed actions and provide challenge in respect of risks that may arise.

The Chair of the Overview and Scrutiny Management Board was pleased the work of the Youth Cabinet was recognised and urged all Cabinet Members to attend the next meeting of the Children's Commissioner Takeover Challenge Day on 2nd April, 2019.

Resolved:- That the Cabinet's response to the spotlight review of work experience undertaken by the Rotherham Youth Cabinet be approved.

123. COUNCIL PLAN 2018-2019 QUARTER 3 PERFORMANCE REPORT

Consideration was given to the Council Plan which was the core document that underpinned the Council's overall vision and which set out the headline priorities, outcomes and measures that would demonstrate delivery of the vision. The process for monitoring of performance against the vision was set out in the Council's Performance Management Framework which explains to all Council staff how robust performance monitoring should be carried out.

The Performance Report and Performance Scorecard included in Appendix A provides an analysis of the Council's current performance against 14 key delivery outcomes and 70 measures and was based on the currently available data including an overview of progress on key projects and activities which contributed to the delivery of the Council Plan.

At the end of the third quarter (October to December 2018) 24 measures had either met or had exceeded the target set in the Council Plan. This represented 42% of the total number of measures where data was available or where targets have been set. This was another successive slight decline in performance as 45% of measures hit their targets in quarter two and 47% in quarter one. The Priority area with the highest proportion of targets met was Priority 4 (Extending opportunity, Prosperity and planning for the future) where 67% of measures are marked as on target.

The direction of travel was positive for 36 (58%) of the measures calculated in this quarter. This was a slight improvement compared to the 57% figure for last quarter and suggested that, although there had been an increase in the number of targets marked as "off track", overall performance was improving.

Cabinet Members highlighted the headline progress made to deliver against the key delivery outcomes and any action arising:-

Councillor Alam reported on overall performance which had remained constant and the direction of travel positive in this quarter. Sickness absence had continued on an upward trend and had exceeded the annual target. Action was being taken to review current management of long term sickness.

Councillor Beck reported on the number of new homes delivered during the year via direct Council intervention. The measure allowed the Council to track the amount of homes delivered which the Council could actually influence. So far there have been 97 against a year-end target of 109. Officers were confident this target would be achieved, whilst acknowledging the Council had little influence in terms of housing growth within the private sector.

Councillor Roche confirmed that with the new service provider now in placement improvements in the successful completion of drug – non-opiate users would be seen within 6 months and be available in the final quarter of the year and would remain off target.

Where there were challenges action plans have been produced and were monitored by officers. Rotherham was just outside the top quartile range and needed just one more successful exit to compare favourably with the England average.

The proportion of people subject to a safeguarding risk who felt their outcomes had been met had improved to 99% against a target of 96%.

The measure relating to the number of people who were provided with information and advice at the first point of contact was performing well and on target. A new operating model was in the process of being developed which would produce a framework which would improve outcomes for people in the future.

Councillor Allen confirmed the number of engagements with the Council's culture and leisure facilities had already exceeded its target and the service would be pushing itself even further next year to improve performance.

The new camping and caravan park at Rother Valley Country Park was due to welcome its first customers at Easter. Performance would be monitored by the improving Place Select Commission in due course.

No complaints had been received about grounds maintenance and street cleansing in Quarter 2. In Quarter 3 there was just one on grounds maintenance, but on the other hand there were 3 compliments. The Service were not being complacent and a very positive meeting had been held last week with managers from the Streetpride Services to look

further at what measures could be introduced to better reflect a connection with Streetpride to locality based work.

Councillor Lelliott reported on a well performing area with the number of new businesses supported by the Council which was also linked to the survival rate of new businesses over a three year period.

The number of planning applications determined within the specified period was also on target.

An area for improvement was the percentage of vacant floor space in the town centre. Officers were working to address this. Problems with retail in the town centre were not just a Rotherham problem, but an issue nationally with the high street.

Councillor Hoddinott explained some of the indicators were not moving in the right direction, but discussions were taking place with services around fly tipping, missed bins and anti-social behaviour.

The direction of travel was improving for the percentage of positive outcomes for hate crime cases, which was welcomed. Work would continue with the Police about addressing hate crime and positive outcomes for victims.

The Chair was confident Quarter 4 would see an improving picture and ensure targets would be delivered upon.

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 2018-2019 be noted.

124. NEW APPLICATION FOR BUSINESS RATES DISCRETIONARY RELIEF FOR THE REALLY NEET PROJECT

Consideration was given to the report which detailed an application for the award of a business rate discretionary relief for The Really Neet Project Ltd. This was in accordance with the Council's Discretionary Business Rates Relief Policy (approved by Cabinet on 12th December, 2016).

Resolved:- That 100% discretionary relief be awarded to The Really Neet Project Ltd, 1 Chemist Lane, Rotherham S60 1NA for the period 1st April, 2018 to 31st March, 2020.

125. ROTHERHAM'S HOUSING STRATEGY 2019-22

Consideration was given to the report which detailed the new Housing Strategy 2019-22. The strategy had been developed in consultation with tenants and residents, officers and key stakeholders and set out the updated strategic priorities for housing over the next 3 years.

Following extensive consultation with partners and stakeholders, 4 strategic priorities have emerged and would form the key areas of focus in the Housing Strategy:-

- Providing new homes to meet Rotherham's housing need.
- Investing in Rotherham's existing housing and communities.
- Improving people's health, wellbeing and independence through housing.
- Working in partnership to deliver the housing vision and to increase opportunities for all.

The Council was in the middle of its Housing Growth Programme where £57 million had been committed to deliver 576 new homes in an attempt to provide housing for people in need.

A key theme that would continue to be taken forward over the period of this new Strategy was to create communities and thriving neighbourhoods through the building of homes for people as there was a direct link between inequality and deprivation and the presence of poor housing.

Standards were rising through the provision of good quality housing and the Selective Licensing Scheme, which was already in operation in several areas of the Borough. This was now moving forward to include additional areas.

Stakeholders and Elected Members, through the Scrutiny process, had fed into the consultation and the service was now doing what it could to push forward with the Strategy over the next 3 years.

The Housing Strategy would be monitored by the Strategic Housing Forum with a clear set of actions which the progress would be monitored against.

Thanks and appreciation was given to staff for the work over the last 6 to 9 months in bringing this together into the format now for consideration.

Resolved:- That the Housing Strategy 2019-22 be approved.

126. SITE CLUSTER PROGRAMME AMENDMENTS

Further to Minute No. 24 of the meeting of the Cabinet and Commissioners held on 16th July, 2017, consideration was given to the report which detailed how the Site Clusters innovative development model was increasing and accelerating the amount of new housing and providing a range of additional benefits to Rotherham, including specialist accommodation and extensive employment and training opportunities.

The programme was progressing very well and all 7 sites were now under construction and delivering to the agreed construction programme.

At the point of reporting to Cabinet in 2017, the total scheme cost could only be estimated. The sites were extremely challenging and extensive ground remediation work had been necessary to make them developable. Other unforeseeable costs have arisen from utilities diversions and an industry-wide increase in the cost of materials and labour.

The Council must now decide whether to reduce the programme to ensure the original budget was not exceeded, or to increase the budget to enable all 217 homes to be built, and to receive the full range of benefits afforded by this innovative partnership.

It was suggested the contract be renegotiated to a fixed, guaranteed maximum price, which would ensure no further risk of cost increase for the Council.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, subject to the Section 151 Officer being requested to share the learning from this project in respect of the tender and contract agreement process and to ensure that larger scale projects undertaken across the authority were well managed and controlled.

Resolved:- (1) That the proposed revised funding profile for the Site Clusters Programme as set out in Appendix 2, which includes an overall increase to the project budget and a net additional impact on HRA reserves of £4.99m, be approved and Council be asked to approve the revision to the Capital Programme accordingly.

(2) That officers be authorised to renegotiate the contract with Wates to a fixed maximum price contract, subject to the cost being containable within a revised funding envelope as set out in Appendix 1.

127. AREA HOUSING PANEL REVIEW

Consideration was given to the report which set out the basis for a review of the current Area Housing Panel arrangements, in the context of the new neighbourhood working approach. It proposed that the current geographical arrangements for Area Housing Panels were reviewed and recommendations brought forward for Cabinet consideration later in the year.

Reference was made to the current arrangements for the allocation and governance of the annual Area Housing Panel budget and the options considered for the structuring of the budget from 2019/20, including revised governance processes.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, subject to the proposed second report in respect of arrangements for 2020/21 and beyond being brought for scrutiny prior to consideration by Cabinet and that the governance arrangements and clarity in respect of delegated decision making be addressed in the future report to be considered by Cabinet.

Cabinet Members welcomed the ongoing neighbourhood working process which would ensure Councillors were in a position to take action on the concerns of their residents on a local basis. Change would be varied, but Councillors would need to be fully engaged with the people who lived in their communities to deliver on their expectations and this was just the latest tool that would assist.

Resolved:- (1) That the annual Area Housing Panel budget for 2019/20 be allocated at Ward level.

(2) That a base budget of £8k be set per Ward, with the remaining annual budget provision then to be allocated to Wards, based upon the percentage of Council homes within each Ward.

(3) That a further report setting out recommendations for the new organisational and budget arrangements for Area Housing Panels from 2020/21, be presented to Cabinet.

128. ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 RELATING TO 'SEXUAL ENTERTAINMENT VENUES'

Further to Minute No. 10 of the meeting of Council held on 5th December, 2018, consideration was given to the report which outlined a proposal to adopt the amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 that classified lap dancing clubs and similar establishments, as 'sexual entertainment venues'.

Extra time was allowed for the consultation to cover the Christmas period for responses to be provided and covered a broad spectrum of considerations that a public view was desired upon. The consultation was publicised through a range of channels including social media, press releases, online promotion and written correspondence.

From the responses it was clear that there was a public desire to adopt powers to improve the licencing and regulation of 'sex establishments' including 'sexual entertainment venues'.

Approval was, therefore, sought to consider the findings of the public consultation on the adoption of the powers and to recommend that Council adopted the powers, to support more effective licensing of such venues and reflect the views of local communities.

It was anticipated that if the powers were adopted, then Cabinet would be able to consider the adoption of a specific Policy relating to 'sex establishments' including 'sexual entertainment venues' to ensure proper regulation and control.

Resolved:- (1) That Council be recommended to pass a resolution to adopt powers contained within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

(2) That Council be recommended that the appointed day for the provisions coming into effect is one month and one day from that resolution being made.

(3) That Council be recommended to delegate responsibility for the discharge of the adopted functions in relation to individual licences of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to the Licensing Board.

129. PROPOSED PUBLIC SPACE PROTECTION ORDER - FITZWILLIAM ROAD, ROTHERHAM EAST

Consideration was given to the report which introduced a potential Public Space Protection Order for the area surrounding Fitzwilliam Road, within Rotherham East, as a part of the Eastwood Deal with evidence available to support potential implementation, alongside a proposed process to meet the legal requirement in relation to due process, including statutory consultation.

This would be the second Public Space Protection Order; the first of which being in the town centre and whose area bordered onto Fitzwilliam Road. There were similar issues affecting both areas so it was important that there was not displacement from one area to another.

Ward Councillors were thanked for their neighbourhood working and engagement with residents and how best the common complaints could be tackled through statutory process enforcement.

There were a number of proposals for consideration within the Public Space Protection Order for the Fitzwilliam Road area, as a result of reports, anecdotal information, public and officer feedback in the area:-

- Restrictions on alcohol
- Restriction on use of foul and abusive language.
- Vehicle nuisance.
- Requirements around maintaining gardens in a condition that does not impact on the quality of life of those in the locality.
- Restricted access to open spaces/groups of people at certain times (Eldon Rd fields, Pocket Park).
- On-street noise that is likely to cause a disturbance. Excessive Noise emanating from properties
- Requirement for business to maintain a tidy curtilage.

The process of consultation would require discussion with key stakeholders, such as the Police and the Police and Crime Commissioner, alongside interested groups, the public and residents in the area to see how they felt about these measures and the issues in the area.

The consultation would cover a range of methods including traditional surveys, weekly drop-ins at various locations, face to face contact with community organisations that operate in the area, press releases and would involve discussing further with Ward Members about what it should cover and how this would fit in with neighbourhood working to fully engage with residents

In terms of that consultation this was a very diverse population so translation and language barriers would need to be factored in to ensure everyone in the area engaged in the consultation

A further report would then be brought back to Cabinet in June, 2019 for a decision with implementation as soon as possible thereafter.

Resolved:- (1) That consultation proposing a Public Space Protection Order based on the conditions contained in this report and specifically Section 3 be approved.

(2) That a further report be submitted in June 2019, to consider the outcomes and conclusions drawn from the consultation alongside the evidence referenced in this report and completed equality impact assessment, for a final decision to be made.

**130. 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.

**THE CABINET
15th April, 2019**

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

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

131. DECLARATIONS OF INTEREST

There were no declarations of interest to report.

132. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) A member of the public described a number of concerns relating to homelessness, the lack of available provision and numbers of staff to meet local need. He also expressed health and safety concerns around the urban area of Ferham for young people and pets, which had a serious problem with fly-tipping. He, therefore, suggested the Cabinet and officers should take cognisance, as part of their monthly meetings, and visit the areas in question.

The Leader pointed out Cabinet Members were regularly out and about in Wards dealing with various issues as part of their portfolios, but it was important that the meetings of Cabinet remained at the Town Hall as they were webcast to enable the public to view the proceedings.

Councillor Beck, Cabinet Member for Housing, referred to Item 9 of the agenda pack and the presentation of the Homelessness Prevention and Rough Sleeper Strategy 2019/22 which would support and advise homeless households and those threatened with homelessness moving towards more settled accommodation as soon as possible.

The Homelessness Team had also increased temporary supported accommodation from 29 units to 50 and the Council were investing more than £50 million over the next 4 to 5 years building affordable homes.

Over the course of 2017/18 the Homelessness Team prevented more than 700 households from becoming homeless either by assisting them in remaining in their existing home or through support in moving to a new home. Of these around a quarter of those rehoused were into the private sector through positive relationships with landlords.

In terms of the concerns around litter in Ferham, Enforcement Officers would be directed to the area to deal with the issues. It was also noted that Ferham was within a Selective Licensing area so landlords were expected to raise standards for residents. Of those that refused to comply the Council would seek to prosecute.

Councillor Allen, Cabinet Member for Cleaner Greener Communities, reinforced the need to improve cleanliness standards in Ferham and was more than happy to visit the area with officers to address the concerns.

133. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the Cabinet meeting held on 18th March, 2019, be agreed as a true and correct record of the proceedings, subject to a clerical correction at Minute No. 129.

134. EXCLUSION OF THE PRESS AND PUBLIC

There are no items requiring the press or the public be excluded from the meeting.

135. RESPONSE TO RECOMMENDATIONS FROM SCRUTINY WORKSHOP: ADULT RESIDENTIAL AND NURSING CARE HOMES

Consideration was given to the report which set out the response to the recommendations from the scrutiny workshop undertaken in April, 2018 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.

In light of their findings following the workshop, the Health Select Commission made 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 Council 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.

In accordance with the Overview and Scrutiny Procedure rules, Cabinet was required to respond to any recommendations made by scrutiny and this report was, therefore, submitted to meet that requirement.

The recommendations from the Health Select Commission scrutiny workshop have been accepted by Adult Care and the actions outlined in Appendix A would be implemented as part of the on-going requirements for the service.

The Chair of the Overview and Scrutiny Management Board was pleased that all recommendations had been accepted and thanked all Members who had worked hard to improve the quality of people's lives.

Resolved:- That the response to the recommendations of the Health Select Commission's report in respect of Adult Residential and Nursing Care Homes, as set out in Appendix A, be approved.

136. RESPONSE TO RECOMMENDATIONS FROM IMPROVING LIVES SELECT COMMISSION - SPOTLIGHT REVIEW OF THE OFSTED INSPECTION OF ADULT COMMUNITY LEARNING

Further to Minute 36 of the meeting of Council held on 25th July, 2018, consideration was given to the report which responded to the findings and recommendations of a spotlight review undertaken by the Improving Lives Select Commission in March, 2018 which followed the Ofsted Inspection of Adult Community Learning in June, 2017.

The purpose of the review was to seek assurance that there was a clear understanding of the issues leading to the inadequate judgement in June, 2017; that the issues arising from the inspection have been addressed and that there were clear plans in place to ensure that adult learners have pathways to secure employment or skills training. The conclusions and recommendations made by Members were based on information gathered from the spotlight review and examination of related documentation.

There were 5 broad recommendations arising from the review; all of which had been accepted and work had already progressed in relation to the relevant actions.

Work had been undertaken with Rotherham and North Notts College in relation to their role in the contribution to the Employment and Skills Plan and they would continue to contribute to the Strategy's development which was going well.

In accordance with the Overview and Scrutiny Procedure Rules, the Cabinet was required to respond to any recommendations made by scrutiny and this report was, therefore, submitted to meet that requirement.

The Chair of the Overview and Scrutiny Management Board was also pleased to see all the recommendations were supported.

Resolved:- That the response to the spotlight review following the Ofsted Inspection of Adult Community Learning be approved and the up-to-date position noted.

137. FEBRUARY 2018/19 FINANCIAL MONITORING REPORT

Consideration was given to the report which set out an improved financial position compared to that previously reported to Cabinet in February 2019. It was based on actual costs and income for 11 months of the financial year with forecasts for the final month of 2018/19.

Financial performance was a key element within the assessment of the Council's overall performance framework, and essential for the achievement of the objectives within the Council's Policy Agenda. For that reason, this report was part of a series of monitoring reports for the current financial year which were brought forward to Cabinet on a regular basis.

In February 2019, the Council reported that it needed to identify a further £0.507m of cost reduction actions by the financial year-end in order to achieve a balanced budget. The current revenue position after 11 months showed an improved position on that previously reported, however £0.126m of cost reduction actions were still required by the financial year-end in order to achieve a balanced financial outturn, after taking account of the £10m budget contingency approved within the 2018/19 budget.

This was a reduction of £0.381m in comparison to the £0.507m cost reductions reported in February, 2019. This was largely due to the improved forecasts for Assistant Chief Executive and Adult Care Services.

The overspending against budget in Children's and Young People's Services Directorate was continuing in the current financial year as a result of demand for services outstripping budget capacity. The forecast overspend on Children's Services had remained broadly consistent with the last report at £15.704m

The number of Looked after Children hearings also placed significant pressure on Legal Services within the Finance and Customer Services Directorate, with the current forecast overspend for Legal Services standing at £1.253m. The Finance and Customer Services Directorate overall was forecasting to outturn within budget after putting into place a range of actions to mitigate the Legal Service forecast overspend.

The Adult Care Services Directorate was on track to bring its overspend down to £5.399m. A combination of increased client numbers, the rising cost of care packages, and delays in delivery of savings plans have 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.

Regeneration and Environment Directorate was forecasting a balanced budget, although it was facing challenges from a combination of declining business from the School Meals Service and challenges with delivery of budget savings, including transport and property savings.

Mitigating savings and actions identified to date were set out in detail as part of the report along with details of the capital grant funded budget inclusions and variations within the Capital Programme 2018/19 to 2021/22.

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

Resolved:- (1) That the forecast General Fund outturn position be noted.

(2) That the actions being taken to reduce the forecast overspend be noted.

(3) That the updated capital programme 2018/19 to 2021/22 be noted.

(4) That the capital grant funded budget inclusions and variations as detailed within the updated Capital Programme be noted.

(5) That the alternative budget savings proposals for the Regeneration and Environment Directorate as referenced in Paragraph.2.4.4 be approved.

138. HOMELESSNESS AND ROUGH SLEEPERS PREVENTION STRATEGY

Consideration was given to the report which presented the new draft Homelessness Prevention and Rough Sleeper Strategy 2019-22. The Strategy had been developed in consultation with Council staff, stakeholders and residents and set the key strategic priorities over the next 3 years.

There were 6 aims in the Homelessness Prevention and Rough Sleeper Strategy 2019-22:-

1. To support people with complex needs.
2. To prevent homelessness and offer rapid housing solutions to get people in urgent need rehoused quicker.
3. To increase support for young people to prevent homelessness.
4. To end rough sleeping and begging.
5. To improve access to tenancy support, employment and health support services.
6. To ensure there is sufficient decent emergency accommodation.

The Strategy was based on a sound evidence base and met the increased demand and legislative requirements of the Homelessness Reduction Act 2017, it also reflected the views of people living and working in Rotherham.

There have been changes in legislation since the last Strategy but the Council had continued the clear focus on early intervention to prevent homelessness and would offer effective homelessness services, creating less disruption for people experiencing this difficult situation.

New legislation, the Homelessness Reduction Act 2017, was clearly recognised in terms of preventing or relieving homelessness for everyone, not just those in priority need. The impact was that the Council was able to help more people sooner and therefore, prevent crisis situations.

The Homelessness Team was currently working alongside agencies such as Shiloh, the charity that operated a Homelessness Day Centre, and was lucky to have this support in Rotherham. The Centre supported local people facing homelessness.

The Council also had a duty to provide emergency housing for people who may be eligible, homeless and in priority need of housing if they have nowhere else to stay. In addition to the Homelessness services available during working hours, the Homelessness "Out of Hours Service" was set up to help people move into temporary accommodation at weekends or during the night.

In 2018 the Council increased its temporary accommodation from 29 to 50 units.

It had also been noted that there was little provision of emergency accommodation for rough sleepers with dogs. The Homelessness Prevention and Rough Sleeper Action Plan would address this gap with the provision of 2 pet friendly units with specialist furnishing and floor coverings.

The Council with partners from South Yorkshire Housing Association and Target Housing also launched a Housing First Scheme providing a home for people, with highly complex needs, who were homeless or sleeping rough in the Rotherham area. The scheme offered housing to people first, with no conditions around receiving support with the belief that securing a stable home-base could be the starting point for the achievement of positive change.

Since the launch of the scheme 20 people with complex needs have been accommodated and there were 14 on the waiting list.

The Council had also previously commissioned a rough sleeper outreach service, but the funding had now ceased. Existing officers within the Homelessness Team would now embed this as part of their checks within the town centre.

Cabinet Members welcomed the report and its vision to end homelessness in Rotherham, the production of the Strategy in accordance with the Homelessness Strategy, 2017 and the legal definitions of homelessness and rough sleeping.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, subject to an annual review of the Strategy being submitted to the Improving Places Select Commission; reporting specifically on the Strategy's financial sustainability and compliance with Homelessness Reduction Act, 2017.

Resolved:- (1) That the proposed Homelessness Prevention and Rough Sleeper Strategy 2019 – 2022 be approved.

(2) That the Strategy be reviewed annually to provide an update of progress against the six aims.

139. SELECTIVE LICENSING – DESIGNATION OF SITES IN PARKGATE AND THURCROFT

In accordance with the pre-election publicity restrictions in respect of the European elections this report was deferred.

140. RATIONALISATION OF THE PROPERTY PORTFOLIO - LAND ADJACENT TO CHISLETT COMMUNITY CENTRE - ASSET TRANSFER REQUEST OUTSIDE OF THE ADOPTED POLICY

Consideration was given to the report which sought approval for the granting of an Asset Transfer Lease, without break options, which was a diversion from the current adopted policy and therefore could not be approved under the existing Officer Scheme of Delegation.

Chislett Community Centre - Kimberworth Park Community Partnership (KPCP) held an Asset Transfer lease, on the youth and community centre, dated 24th February, 2014 under a 21 year lease without break options and, therefore, fell outside the Council's current Adopted Asset Transfer Policy. This was granted to allow the partnership to secure funding to extend/develop and refurbish the community centre.

The Partnership subsequently requested that the existing term of the lease be extended to a 99 year lease to secure the long term future of the Community Centre, which was approved by Cabinet and Commissioner's on the 11th September, 2017.

At this time the Partnership also requested that the currently underutilised, former garage site to the north east be transferred to them under the Adopted Asset Transfer Policy with a mutual break option which could be dealt with under the existing Officer Scheme of Delegation. It was proposed to use this area as additional parking for the community centre, maintaining the required secondary access to the adjoining Redscope Primary School.

This current request, therefore, related to the lease for this part of the land. As the Partnership intend to carry out major improvements to this area of land they have requested that consideration be given to an Asset Transfer Lease, without break options, in line with the existing terms of the Chislett Centre. The lease would expire at the same time as the Community Centre lease.

The proposal was considered acceptable as, the former garage site had very limited development opportunity, due to its size and location, and served as the secondary access, to Redscope Primary School, which needed to be retained. Onsite parking at Chislett was restricted, and therefore without utilising this area of land users and visitors would have to park on Kimberworth Park Road, which could cause issues for neighbouring residents.

In order to mitigate any future maintenance liabilities to the Council, it was recommended that the access road was also included within the transfer, with full rights of access reserved over both this access way and the former garage site for Redscope Primary School.

Resolved:- (1) That the request for an Asset Lease agreement as detailed within the report be approved.

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

141. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD

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

142. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Cabinet take place on Monday, 20th May, 2019 at 10.00 a.m.

Summary Sheet

Committee Name and Date of Committee Meeting

Council – 22 May 2019

Report Title

Recommendation from Cabinet – Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to ‘Sexual Entertainment Venues’

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

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Lewis Coates, Head of Service – Regulation and Enforcement
01709 823117 or lewis.coates@rotherham.gov.uk

Ward(s) Affected

Borough-wide

Summary

At its meeting on 18 March 2019, the Cabinet considered a report in respect of the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to ‘Sexual Entertainment Venues’, which contained a recommendation for the Council to adopt Schedule 3 of the Act. Cabinet agreed to make the recommendations to Council.

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

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

Recommendations

1. That the powers contained within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) be adopted by Rotherham Metropolitan Borough Council.
2. That the appointed day for the provisions of Schedule 3 to come into effect be one month and one day, 24 June 2019, from this resolution being made.

3. That authority to discharge delegate the adopted functions in relation to individual licences of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 be delegated to the Licensing Board.

List of Appendices Included

- | | |
|------------|--|
| Appendix 1 | Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to 'Sexual Entertainment Venues' – Report to Cabinet – 18 March 2019 |
| Appendix A | Consultation on the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to 'Sexual Entertainment Venues' |
| Appendix B | Equalities Impact Assessment – Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to 'Sexual Entertainment Venues' |

Background Papers

Home Office Guidance for England and Wales in relation to Sexual Entertainment Venues

Council Meeting – 5 December 2018 Minute 103: Recommendation from Cabinet – Consultation on the Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and a Rotherham Sex Establishment Licensing Policy

Cabinet – 19 November 2018 Minute 62: Consultation on the Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and a Rotherham Sex Establishment Licensing Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 30 January 2019
Cabinet – 18 March 2019

Council Approval Required

Yes

Exempt from the Press and Public

No

Committee Name and Date of Committee Meeting

Cabinet – 18 March 2019

Report Title

Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to 'Sexual Entertainment Venues'

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

Yes

Strategic Director Approving Submission of the Report

Name of Strategic Director

Report Author(s)

Lewis Coates, Head of Service – Regulation and Enforcement
01709 823117 or lewis.coates@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

This report outlines a proposal to adopt the amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 that classifies lap dancing clubs and similar establishments, as 'sexual entertainment venues'.

This report asks Cabinet to consider the findings of the public consultation on the adoption of the powers and to recommend that Council adopts the powers, to support more effective licensing of such venues and reflect the views of local communities.

Recommendations

1. That Cabinet recommend to Council to pass a resolution to adopt powers contained within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
2. That Cabinet recommend to Council that the appointed day for the provisions coming into effect is one month and one day from that resolution being made.
3. That Cabinet recommend that Council delegate responsibility for the discharge of the adopted functions in relation to individual licences of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to the Licensing Board.

List of Appendices Included

- Appendix 1 Consultation on the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to 'Sexual Entertainment Venues'
- Appendix 2 Equalities Impact Assessment – Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to 'Sexual Entertainment Venues'

Background Papers

- Home Office Guidance for England and Wales in relation to Sexual Entertainment Venues
- Council Meeting 5th December 2018
Minute 103: Recommendation from Cabinet – Consultation on the Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and a Rotherham Sex Establishment Licensing Policy
- Cabinet 19th November 2018
Minute 62: Consultation on the Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and a Rotherham Sex Establishment Licensing Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 30 January 2019

Council – 22 May 2019

Council Approval Required

Yes

Exempt from the Press and Public

No

Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to 'Sexual Entertainment Venues'

1. Background

- 1.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') was amended by Section 27 of the Policing and Crime Act 2009, which classified lap dancing clubs and the like, as 'sexual entertainment venues' within the definition of 'sex establishments' found in the 1982 Act.
- 1.2 The definition of 'sex establishment' within the 1982 Act already included 'sex cinemas' and 'sex shops', which the Council already licences within the specific provisions. The amendments to Schedule 3 of the 1982 Act, will add 'sexual entertainment venues' to the meaning of 'sex establishments' within the 1982 Act.
- 1.3 This amendment is only available to Councils where the provisions are formally adopted. Home Office guidance highlights that public consultation on the adoption of the powers is not statutorily required but that it is good practice to seek public views.¹
- 1.4 Currently, premises where lap dancing or similar activity takes place in Rotherham are licensed and regulated under the Licensing Act 2003. This arrangement does not provide for appropriate regulation of these premises and activities, or for attachment of appropriate conditions to licences, given that the available conditions under the Licensing Act 2003 are not specific to 'sex establishments'.
- 1.5 In December 2018, the Council requested that a public consultation be undertaken to understand the view of local communities in respect of the Council adopting these powers.
- 1.6 The subsequent consultation began on 19th December 2018 and ended on 20th February 2019.

2. Key Issues

- 2.1 The Policing and Crime Act 2009 amendments and guidance, extended the meaning of 'sex establishment' within the 1982 Act, to include 'sexual entertainment venues' such as:
 - Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows and
 - Live sex shows

¹ Home Office, Sexual Entertainment Venues: Guidance for England and Wales, 2010, 3.8

- 2.2 The amendment to the meaning of 'sex establishment' extends the prescribed provisions within the 1982 Act to 'sexual entertainment venues'. These provisions include annual applications for sex establishment licences; grants, renewals and transfer of licences; variations and revocation of licenses; refusal of applications; and powers to make standard conditions.

3. Options considered and recommended proposal

- 3.1 **Option 1:** the Council does not adopt the provisions provided within the amended Schedule 3 to the 1982 Act.
- 3.2 This option would maintain the current position of regulating lap dancing clubs through the Licensing Act 2003, rather than the more suitable provisions under the 1982 Act which allows for prescription of appropriate standards to the industry.
- 3.3 **Option 2:** the Council adopts the amended Schedule 3 to the 1982 Act. This is the preferred option.
- 3.4 The preferred option to adopt Schedule 3 of the 1982 Act will allow the Council to licence and regulate 'sexual entertainment venues' within the most appropriate regime provided for by the 1982 Act.
- 3.5 This option will, amongst other things, ensure that specific and relevant conditions can be attached to licences that would be otherwise unavailable to the Council, allowing the most appropriate enforcement and licencing for this kind of establishment.
- 3.6 In addition, adoption of the powers will enable Cabinet to consider the usefulness of developing Policy around these particular venues.

4. Consultation on proposal

- 4.1 The consultation opened on 19th December 2019 and ended on 20th February 2019. Whilst this period was longer than that stated in the report to Council in December 2018, extra time was allowed for the consultation to cover the Christmas period and provide for sufficient time for responses to be provided.
- 4.2 The public consultation covered a broad spectrum of considerations that a public view was desired upon, which can be divided into two key elements: the adoption of powers; and the matters that need to be considered for Policy development should the powers be adopted. This paper focuses only upon the adoption of powers. Policy development will be considered at a later date.
- 4.3 Consultation responses were received from the following general groupings:
- Residents
 - Business
 - Religious Groups
 - Women's Interest Groups
 - Industry Workers
 - Charities

- Others

- 4.4 The consultation was delivered online together with specific community interest groups being written to advising of the consultation. In addition, printed copies of the consultation were made available at key access points and also provided to Councillors.
- 4.5 The consultation was publicised through a range of channels including social media, press releases, online promotion and written correspondence.
- 4.6 The consultation asking whether the Council should adopt powers to regulate and licence sex establishments, elicited the return of 422 responses, with a clear majority of respondents strongly agreeing or agreeing with the proposal for the Council to adopt the amended powers.
- 77.01% (325 responses) strongly agreed or agreed with the Council's proposals
 - 4.73% (20 responses) neither agreed or disagreed with the Council's proposals
 - 16.58% (70 responses) disagreed or strongly disagreed with the Council's proposals
 - 1.65% (7 responses) did not provide a view
- 4.7 From the responses it is clear that there is a public desire to adopt powers to improve the licencing and regulation of 'sex establishments' including 'sexual entertainment venues'.
- 4.8 A more detailed outline of the consultation responses can be found at Appendix 1.

5. Timetable and Accountability for Implementing this Decision

- 5.1 If a resolution is passed by the Council to adopt the amended Schedule 3 of the 1982 Act, the provisions will come into effect one month and one day after the resolution has been passed. This is the first appointed day.
- 5.2 If the powers are adopted, then within 28 days of the resolution being made, the matter will be publicised, stating the general effect of Schedule 3, for two consecutive weeks in a local newspaper that is circulated in the area.
- 5.3 Six months after the resolution comes into effect, the Council must consider all applications for licences that have been received after the first appointed day, together. If granted, the licences of new applicants will take immediate effect, whilst those of existing operators will come into effect after the transitional period.
- 5.4 If the powers are ultimately adopted, there is a requirement that a transitional period of twelve months is allowed for existing operators from the date that the resolution comes into force to allow compliance of existing licence holders. This is the third appointed day.

- 5.5 Whilst the functions under Schedule 3 are the responsibility of Council, the discharge of those functions can be delegated to the Licensing Board.
- 5.6 It is anticipated that if the powers are adopted, then Cabinet would be able to consider the adoption of a specific Policy relating to 'sex establishments' including 'sexual entertainment venues'.
- 5.7 Within the first six months of the scheme a costings exercise will be undertaken to review fees and to establish appropriate fees based upon full cost recovery.

6. Financial and Procurement Advice and Implications

- 6.1 Schedule 3 to the 1982 Act provides for the setting of a reasonable fee for applications for the granting, renewal, variation or transfer of a sex establishment licence.
- 6.2 The current annual fee is £7,635 for a new sex establishment licence. It is anticipated that were the powers to be adopted, then one further establishment in Rotherham would be brought into this charging scheme as existing 'sex shops' and 'sex cinemas' already fall within the provisions of the 1982 Act.
- 6.3 The current fee will be reviewed to ensure that it continues to recover all costs associated with sex establishment licence applications, in line with Central Government guidelines.
- 6.4 There are no anticipated procurement implications should the powers be adopted.

7. Legal Advice and Implications

- 7.1 If the provisions are to be adopted, Council must pass a resolution stating this decision.
- 7.2 If a resolution is made by the Council to adopt the amended Schedule 3 of the 1982 Act, then the Council must set a date (the first appointed date) from which the resolution takes place, not less than one month after the resolution has been passed.²
- 7.3 If a decision is made to adopt the powers, the Council must publish a notice that they have passed a resolution, stating the general effect of Schedule 3, for two consecutive weeks in a local newspaper that is circulated in the area. The first publication should not be later than 28 days before the day specified in the resolution for the provisions to come into force in the area.³
- 7.4 If the powers are ultimately adopted, there is a requirement that a transitional period of twelve months is allowed from the date that the resolution comes into force to allow compliance of existing licence holders.⁴ The transitional period allows for the following process:

² Home Office, Sexual Entertainment Venues: Guidance for England and Wales, 2010, 3.6

³ Home Office, Sexual Entertainment Venues: Guidance for England and Wales, 2010, 3.7

⁴ Home Office, Sexual Entertainment Venues: Guidance for England and Wales, 2010, 4.2

- To allow time to comply with the new regime, existing operators, who immediately before the first appointed day, hold a premises licence issued under the 2003 Licensing Act, which allows the licensee to lawfully use premises as a sex entertainments venue will be allowed to continue to provide relevant entertainment until either the third appointed day (which falls twelve months after the first appointed day) or until such time as any application they have submitted is determined.
- New operators (who do not hold relevant 2003 Act premises licences) who wish to use premises as sexual entertainment venues after the first appointed day will not be able to use those premises until they have been granted a sexual entertainment venue licence.
- After the second appointed day (which falls six months after the first appointed day) the local authority must consider all applications received since the first appointed day, together. New applications granted will then take immediate effect. Licences granted to existing operators come into effect on the third appointed day.
- Applications made after the second appointed day shall be considered when they are made but only once all applications made before the second appointed day have been determined.

7.5 Whilst the functions under Schedule 3 are the responsibility of full Council, the discharge of those functions can be delegated to the Licensing Board.⁵

8. Human Resources Advice and Implications

8.1 There are no HR implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 Children may be exposed to the risk of emotional or psychological harm if sex establishments are not effectively regulated, through coming into contact with activities or promotion of activities that are only appropriate for adults.

9.2 Vulnerable adults may be exploited by the practices of sex entertainment venues, consequently it is vital that appropriate safeguarding measures are taken to regulate such premises in order to mitigate the risks to vulnerable adults of exposure to any form of significant harm including, sexual, physical, emotional and psychological harm.

9.3 It is considered that the adoption of the amended Schedule 3 of the 1982 Act along with the introduction of the Sex Establishment Licensing Policy will allow for the effective regulation of sex establishments in Rotherham and the mitigate the risk of harm that is presented to children, young people and vulnerable adults.

⁵ Section 101 of the Local Government Act 1972; Home Office, Sexual Entertainment Venues: Guidance for England and Wales, 2010, 3.2 and 3.3

10. Equalities and Human Rights Advice and Implications

- 10.1 An Equality Impact Assessment has been undertaken on the proposed adoption of Schedule 3 (see Appendix 2), and identified that the adoption has no adverse impacts on equalities and human rights.
- 10.2 The findings of the Equality Impact Assessment will be incorporated into the final Sex Establishments Licensing Policy should it be adopted.

11. Implications for Partners

- 11.1 There are no implications anticipated for partners.

12. Risks and Mitigation

- 12.1 Failure to implement the adoptive legislation, presents continuing risks to children and vulnerable adults.
- 12.2 Failure to address sex establishments effectively with the best available tools presents a number of risks which would include:
- Lack of effective controls to regulate and licence 'sex establishments'
 - No licence conditions to support the welfare of workers in the industry
 - Possible adverse effects on the reputation of the Council.

13. Accountable Officer(s)

Tom Smith, Assistant Director, Community Safety and Street Scene
Paul Woodcock, Strategic Director of Regeneration and Environment

Approvals obtained on behalf of:-

	Named Officer	Date
Strategic Director of Finance and Customer Services	Julie Copley	21.02.2019
Assistant Director of Legal Services	Liz Anderton	21.02.2019
Head of Procurement	N/A	N/A
Assistant Director of Human Resources and Organisational Development	John Crutchley	20.02.2019

Report Author: Lewis Coates – Head of Service, Regulation and Enforcement
01709 823117 or lewis.coates@rotherham.gov.uk

This report is published on the Council's [website](#).

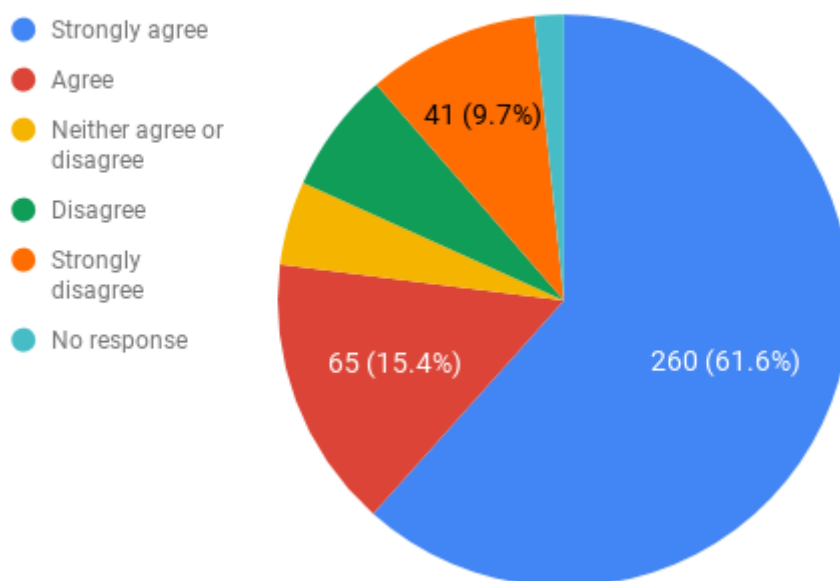
Appendix A: Consultation on the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to 'sexual entertainment venues'

1 General Overview

1.1 The consultation asking whether the Council should adopt powers to regulate and licence sex establishments, elicited the return of 422 responses, with a clear majority of respondents strongly agreeing or agreeing with the proposal for the Council to adopt the amended powers.

- 77.01% (325 responses) strongly agreed or agreed with the Council's proposals
- 4.97% (21 responses) neither agreed or disagreed with the Council's proposals
- 16.82% (71 responses) disagreed or strongly disagreed with the Council's proposals
- 1.18% (5 responses) did not provide a view

The Council should adopt powers to regulate and licence sex establishments



1.2 From the groups that responders identified with, residents were the highest proportion by a significant margin. It should be noted, that individuals were able to identify with several groups, for example a women's group might also identify as being a charity and a resident, consequently the figures for the group responses appear higher than the total number of responses received overall. Although overall there were 422 responses, in relation to identification with groups there were 452 responses where multiple identities were

recorded. Bearing this in mind, respondents to the survey identified with the following groups :

- 63.93% (289 responses) of responses were from residents
- 3.31% (15 responses) from business owners
- 1.76% (8 responses) from religious organisations
- 1.54% (7 responses) from charitable organisations
- 3.53% (16 responses) from women's groups
- 1.54% (7 responses) from workers employed in the industry
- 19.02% (86 responses) from those living outside Rotherham
- 5.30% (24 responses) from others not defined above

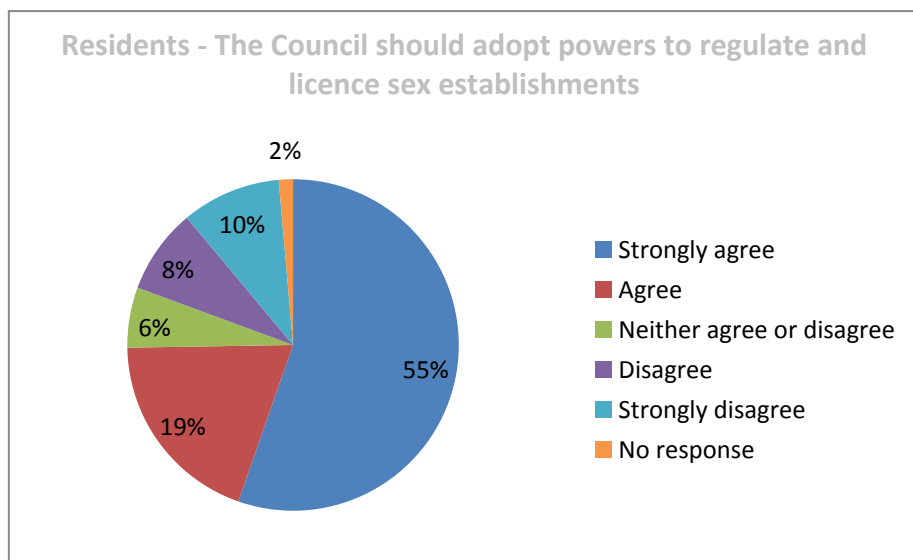
- 1.4 Of those that disagreed or strongly disagreed with the proposals some comments were made that appeared to suggest that a different interpretation had been made to the question asked. Some respondents advised against allowing 'sex establishments' in Rotherham, but did not agree with the Council adopting powers to regulate and licence such establishments. It might be feasible that the respondents had interpreted the question as one of the Council seeking to facilitate the establishment of such premises in Rotherham, rather than seeking to effectively regulate and licence those premises.

2. Residents

- 2.1 Residents returned 289 of the total 452 responses, accounting for 63.90% of all returns. Residents responded to the question of whether the Council should adopt the relevant powers in the following fashion:

Strongly agree	160	55.36%
Agree	56	19.38%
Neither agree or disagree	17	5.88%
Disagree	24	8.30%
Strongly disagree	28	9.69%
No response	4	1.38%
Totals	289	100.00%

- 2.2 There was clearly a response from the majority of residents that the Council should adopt the powers to better regulate and licence these venues.



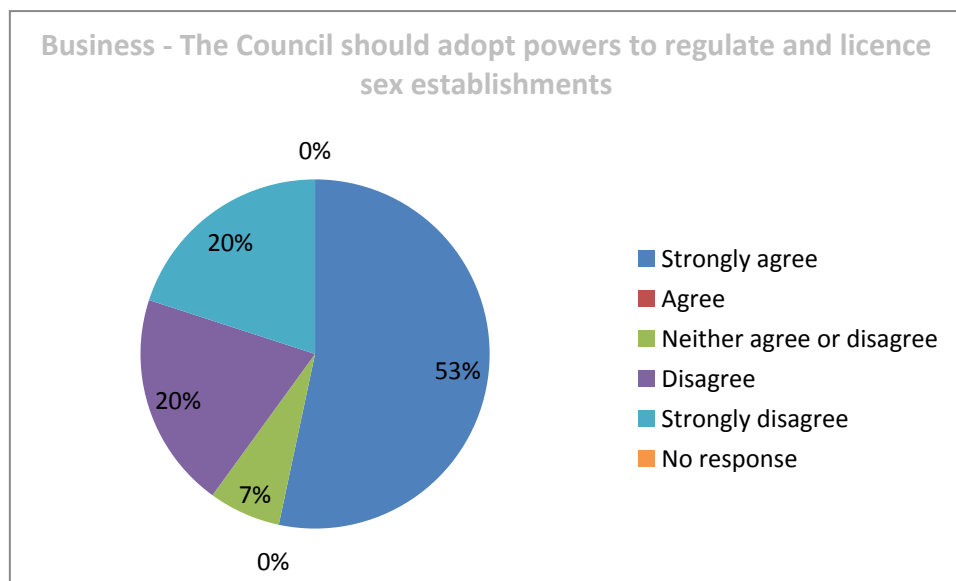
- 2.3 Residents provided the highest numbers of responses by a significant margin. A significant majority of those responses supported the adoption of these powers by the Council with 74.74% supporting the adoption and 17.99% not supporting adoption.

3. Business

- 3.1 Businesses returned 15 of the total 452 responses, accounting for 3.31% of all returns. The responses were as follows:

Strongly agree	8	53.33%
Agree	0	0.00%
Neither agree or disagree	1	6.67%
Disagree	3	20.00%
Strongly disagree	3	20.00%
No response	0	0.00%
Totals	15	100.00%

- 3.2 There was a majority who strongly agreed with the Council adopting those powers. This majority however, was not as sizable as that of residents with 53.33% supporting the adoption and 40.00% not supporting the adoption.



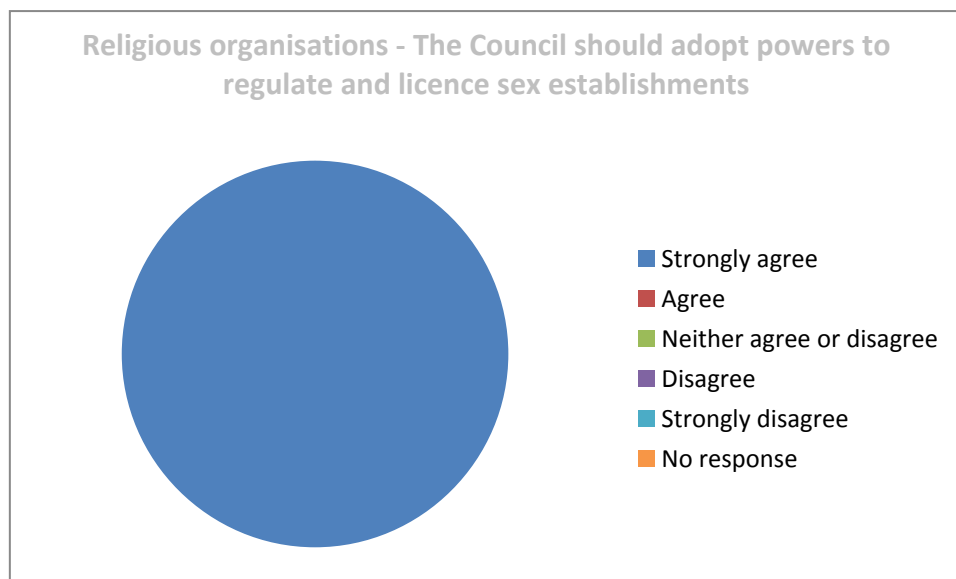
- 3.3 A number of the comments from business cited existing legislation and that it was not the Council's place to interfere in the operation of legal businesses. In addition, comments were received in relation to ensuring correct regulation and protecting workers.

4. Religious Organisations

- 4.1 Religious organisations returned 8 of the total 452 responses, representing 1.76% of all returns, responding in the following way:

Strongly agree	8	100.00%
Agree	0	0.00%
Neither agree or disagree	0	0.00%
Disagree	0	0.00%
Strongly disagree	0	0.00%
No response	0	0.00%
Totals	6	100.00%

- 4.2 All religious organisations responded that the Council should adopt the powers to regulate and licence sex establishments.



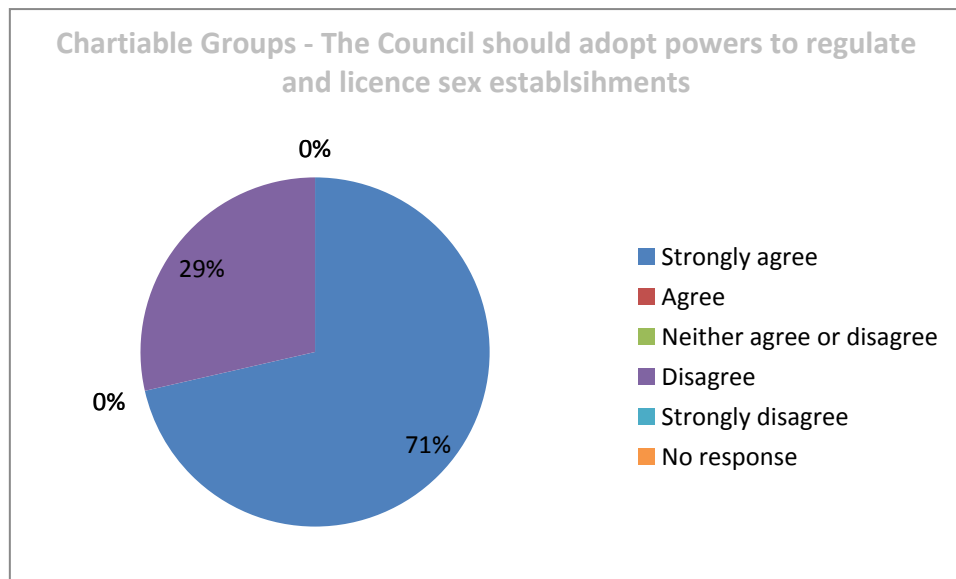
- 4.3 Comments received from religious organisations included concerns that the vulnerable and the well-being of those employed in the industry need to be considered, together with concerns that regulation could be by-passed.

5. Charitable Groups

- 5.1 Charitable groups provided 7 of the total 452 responses, representing 1.54% of all returns. Responses returned were as follows:

Strongly agree	5	71.43%
Agree	0	0.00%
Neither agree or disagree	0	0.00%
Disagree	2	28.57%
Strongly disagree	0	0.00%
No response	0	0.00%
Totals	7	100.00%

- 5.2 Charitable groups provided a small number of responses compared to the overall numbers. As a group, there was a clear majority of responses that support the adoption of the powers by the Council with 71.43% supporting the proposal and 28.57% not supporting it.



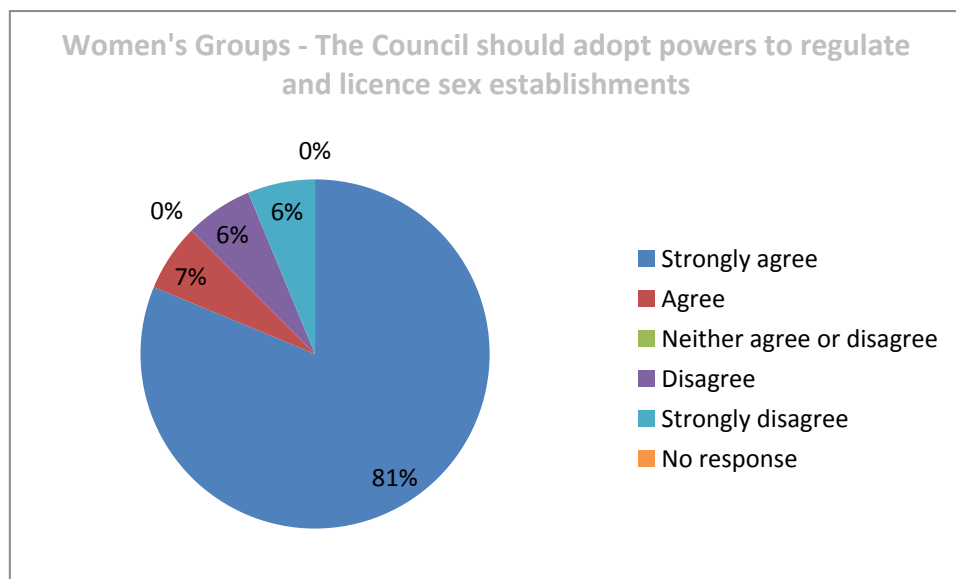
- 5.3 Comments that accompanied the responses were concerned largely for the welfare of those that worked in the industry and the effects that the industry has on individuals. One response that disagreed with the adoption of the powers indicated that they did not support the Council encouraging the sex industry.

6 Women's Groups

- 6.1 Women's groups provided 16 of the total 452 responses, providing 3.53% of all returns. Responses returned were as follows:

Strongly agree	13	81.25%
Agree	1	6.25%
Neither agree or disagree	0	0.00%
Disagree	1	6.25%
Strongly disagree	1	6.25%
No response	0	0.00%
Totals	16	100.00%

- 6.2 A clear majority of responses from women's groups were in favour of the Council adopting the powers to regulate and licence sex establishments, with 87.50% supporting adoption and 12.50% not supporting the proposals.



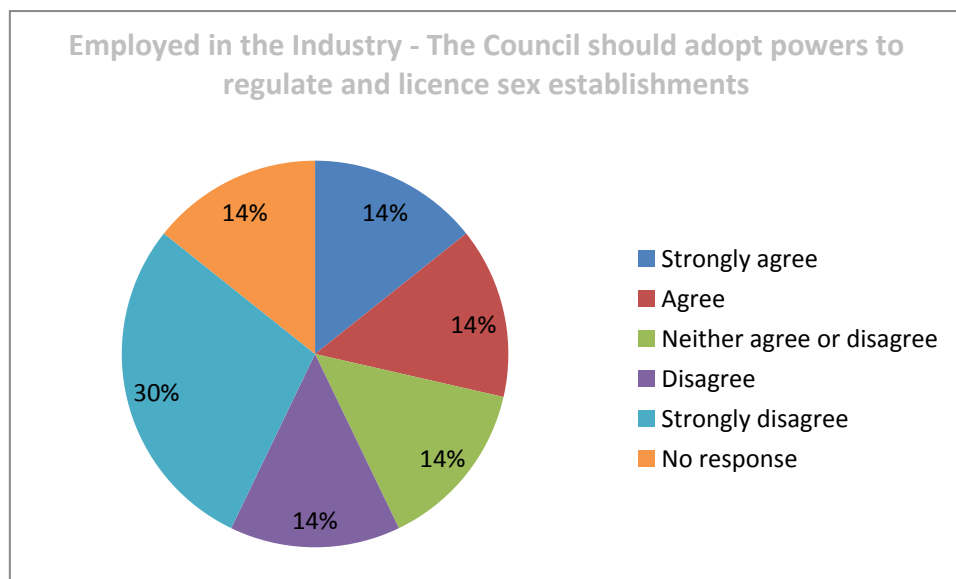
- 6.3 Comments from women's groups included concern for the well-being of individuals employed in the industry, and that the effect of regulation was limited. One response that did not support the adoption of the powers, expressed the view that sex establishments should not be supported.

7. Employed in the Industry

- 7.1 Those employed in the industry provided 7 of the total 452 responses, providing 1.76% of all returns, with the following returns:

Strongly agree	1	14.29%
Agree	1	14.29%
Neither agree or disagree	1	14.29%
Disagree	1	14.29%
Strongly disagree	2	28.57%
No response	1	14.29%
Totals	7	100.00%

- 7.2 There was a mixed response from those employed within the industry with a narrow majority not supporting the adoption of powers. Some 28.58% of respondents supported the adoption of powers, whilst 42.86% did not supporting the adoption.



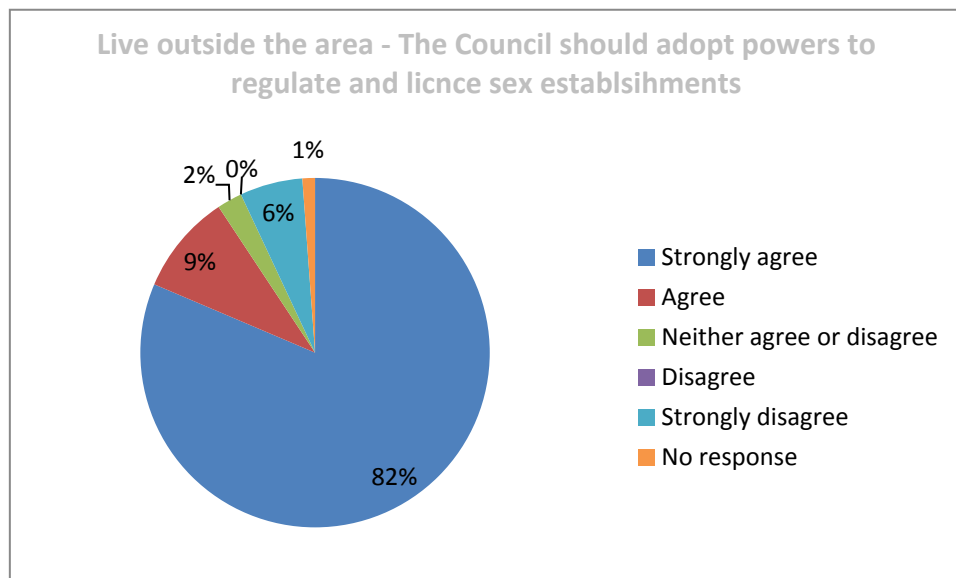
- 7.3 A number of comments were made by respondents expressing concern that livelihoods might be lost, including the risk that if premises are closed then the choice of venue for workers becomes more limited presenting more risks of being exploited. One comment received from a respondent who did not answer the question, made reference to the harassment and sexual assault on workers in the industry.

8 Live outside of the area

- 8.1 The second largest number of returns were received from those living outside of the area. This group provided 86 of the total 452 responses, providing 19.02% of all returns, with the following responses:

Strongly agree	70	81.40%
Agree	8	9.30%
Neither agree or disagree	2	2.33%
Disagree	0	0.00%
Strongly disagree	5	5.81%
No response	1	1.16%
Totals	86	100.00%

- 8.2 The majority of respondents in this group supported the Council adopting powers, with 92.70% supporting the adoption and 5.81% not supporting the adoption.



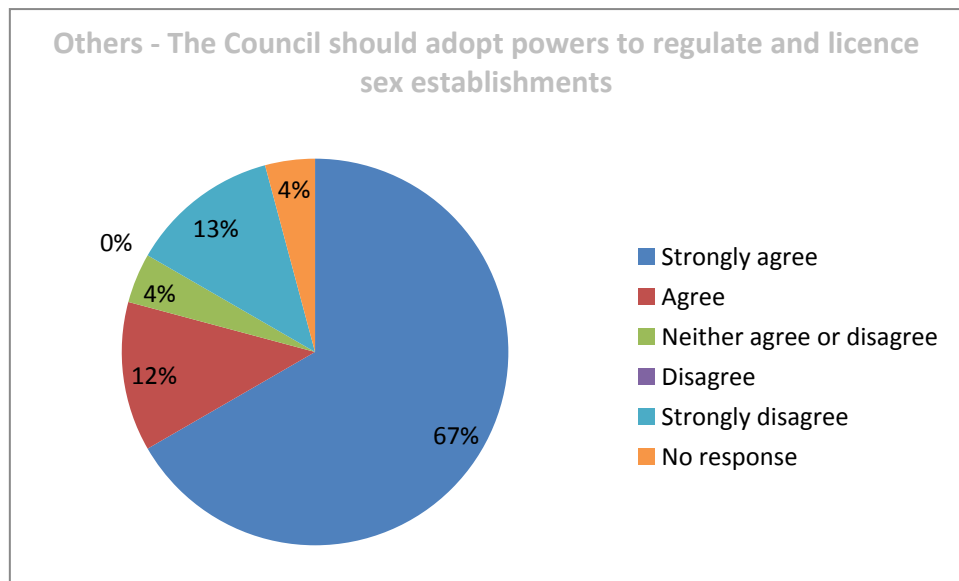
- 8.3 Comments received in supporting the adoption of powers included concerns relating to the welfare of those working in the industry.

9 Others

- 9.1 This group provided 24 of the total 452 responses, providing 5.30% of all returns, with the following responses:

Strongly agree	16	66.67%
Agree	3	12.50%
Neither agree or disagree	1	4.17%
Disagree	0	0.00%
Strongly disagree	3	12.50%
No response	1	4.17%
Totals	24	100.00%

- 9.2 A majority of responses supported the adoption of powers with 79.17% wishing to see the powers adopted and 12.50% not supporting the adoption.



- 9.3 Comments expressed included concern for the welfare of workers and harrassment of women in the street. There were also comments that regulations and indeed CCTV could be by passed.

RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)

Under the Equality Act 2010 Protected characteristics are Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity.

Name of policy, service or function. If a policy, list any associated policies:	Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to 'sexual entertainment venues'
Name of service and Directorate	Community Safety and Street Scene, Regeneration and Environment
Lead manager	Lewis Coates
Date of Equality Analysis (EA)	21/02/2019
Names of those involved in the EIA (Should include at least two other people)	Alan Pogorzelec; Chris Burnett

Aim/Scope

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') was amended by Section 27 of the Policing and Crime Act 2009, which classified lap dancing clubs and the like, as 'sexual entertainment venues' within the definition of 'sex establishments' found in the 1982 Act.

This amendment is only available to Councils where the provisions are formally adopted. Home Office guidance highlights that public consultation on the adoption of the powers is not statutorily required but that it is good practice to seek public views.¹

Currently, lap dancing or similar activity in Rotherham is licensed and regulated under a premises licence issued under the Licensing Act 2003. This arrangement does not provide for sufficient regulation of licences or for appropriate conditions being included in those licences.

In December 2018, the Council requested that a public consultation be undertaken to understand the view of local communities in respect of the Council adopting these powers.

The subsequent consultation began on 19th December 2018 and ended on 20th February 2019.

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows and
- Live sex shows

The recommendation to Cabinet is to ask full Council to resolve to adopt these powers to better enable the Council to regulate and licence such establishments.

What equality information is available? Include any engagement undertaken and identify any information gaps you are aware of. What monitoring arrangements

¹ Home Office, Sexual Entertainment Venues: Guidance for England and Wales, 2010, 3.8

RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)

have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?

The adoption of the powers has been subject to full public consultation between 19th December 2018 and 20th February 2019. The consultation was designed in order to ensure a degree of anonymity for respondents.

The provisions to be adopted specifically relate to 'sexual entertainment venues' within the meaning of 'sex establishments', to better regulate and licence establishments where there is some potential for the exploitation of vulnerable individuals.

The adoption of powers will better enable the Council to regulate the conditions within such establishments including the working conditions of those employed in the industry.

Engagement undertaken with customers. (date and group(s) consulted and key findings)

The adoption of the powers has been subject to full public consultation between 19th December 2018 and 20th February 2019.

Key stakeholders that were consulted included:

- Residents
- Business
- Religious Groups
- Women's Interest Groups
- Industry Workers
- Charities
- Others

The consultation elicited the return of 422 responses, with a clear majority of respondents strongly agreeing or agreeing with the proposal for the Council to adopt the amended powers.

- 77.01% (325 responses) strongly agreed or agreed with the Council's proposals
- 4.97% (21 responses) neither agreed or disagreed with the Council's proposals
- 16.82% (71 responses) disagreed or strongly disagreed with the Council's proposals
- 1.18% (5 responses) did not provide a view

From the responses it is clear that there is a public

RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)

	desire to adopt powers to improve the licencing and regulation of 'sex establishments' including 'sexual entertainment venues'.
Engagement undertaken with staff about the implications on service users (date and group(s) consulted and key findings)	<p>The adoption of powers has little impact on staff and is likely to impact on only one service user who has been consulted as part of this exercise.</p> <p>There is potential for the single service user to be adversely affected by the new regulatory and licensing regime. The service user is a business owner who operates the only premises that might be classed as a 'sexual entertainment venue'. However, there is likely to be an equally positive impact on workers in the industry and residents, in particular women.</p>
The Analysis	
<p>How do you think the Policy/Service meets the needs of different communities and groups?</p> <p>A good number of responses to the consultation included comments expressing individual fears of harassment in such locations, the image of Rotherham, previous exploitation history associated with the town, and concerns relating to the exploitation and devaluation of women.</p> <p>It is anticipated that the adoption of the provisions to better regulate and licence such establishments will mitigate some of these fears and concerns.</p>	
<p>Analysis of the actual or likely effect of the Policy or Service: Does your Policy/Service present any problems or barriers to communities or Group? Does the Service/Policy provide any improvements/remove barriers?</p> <p>It is anticipated that the adopted powers will enhance individual, and in particular, women's, sense of safety and risk of harassment. In addition, it is expected that the adoption of powers, subject to the development of a complimentary Policy, will provide for effective regulation of working conditions within the industry.</p> <p>It is likely that some mitigation will be provided for fears associated with the night time economy and in particular those fears associated with the clientele of this type of establishment.</p> <p>What affect will the Policy/Service have on community relations?</p> <p>It is anticipated that the adoption of the powers will have a positive impact on communities; in particular providing a positive response to the expressed desires from the consultation of residents, women's groups and religious organisations, to better regulate and licence this sort of establishment.</p>	

RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)

Please list any **actions and targets** by Protected Characteristic that need to be taken as a consequence of this assessment and ensure that they are added into your service plan.

Website Key Findings Summary: To meet legislative requirements a summary of the Equality Analysis needs to be completed and published.

RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)

Equality Analysis Action Plan

Time Period 2019/2020

Manager: Tom Smith

Service Area: Community Safety and Street Scene

Tel: 01709 822902

Title of Equality Analysis:

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic.

List all the Actions and Equality Targets identified

Action/Target		State Protected Characteristics as listed below	Target date (MM/YY)
Monitor the impact of the adoption of the powers should they indeed be adopted		A, D, S, GR, RE, RoB, SO, C	July 2019
Name Of Director who approved Plan	Paul Woodcock	Date	

*A = Age, D= Disability, S = Sex, GR Gender Reassignment, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage. C= Carers, O= other groups

RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)

Website Summary – Please complete for publishing on our website and append to any reports to Elected Members SLT or Directorate Management Teams

Completed equality analysis	Key findings	Future actions
<p>Initial web-based assessment undertaken prior to proposed decision.</p>	<p>Potential positive impacts on local communities, women, younger people and children, and faith groups have been identified.</p> <p>The potential to limit the impact of sex establishments on the character or amenity of local areas, will limit the impact of such establishments on women, young people, different communities and faiths.</p> <p>The potential to regulate sex establishments employment practices through a policy, also has potential positive impacts on the women working within these establishments.</p> <p>The initial assessment is that there is unlikely to be any direct positive or negative impact on other protected groups, such as the LGBT+ community, pregnant women, civil partnerships or marriage, carers, or other groups.</p>	<p>To undertake thorough and robust monitoring of the adoption of schedule 3 of the 1982 Act to fully assess any potential equality and diversity impacts.</p>

Summary Sheet

Committee Name and Date of Committee Meeting

Council Meeting – 22 May 2019

Report Title

Response to Overview and Scrutiny Recommendations – Adult Residential and Nursing Care Homes

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

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Anne Marie Lubanski, Strategic Director of Adult Care, Housing and Public Health

Report Author(s)

Nathan Atkinson, Assistant Director of Strategic Commissioning
01709 822270 or nathan.atkinson@rotherham.gov.uk

Jacqueline Clark, Head of Strategic Commissioning
(01709) 822358 or jacqueline.clark@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

This report sets out the response to the recommendations from the scrutiny workshop undertaken in April 2018 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.

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.

Recommendation

1. That the Cabinet response to the recommendations of the Scrutiny Workshop: Adult Residential and Nursing Care Homes, as set out in Appendix A, be noted.

List of Appendices Included

Appendix A Response to Recommendations

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Cabinet – 15 April 2019

Council Approval Required

No

Exempt from the Press and Public

No

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1. Background

- 1.1 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.
- 1.2 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.

2. Key Issues

- 2.1 In light of their findings following the workshop, the Health Select Commission made 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 Council 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.

3. Options considered and recommended proposal

- 3.1 The recommendations from the Health Select Commission scrutiny workshop have been accepted by the Cabinet and the actions outlined in Appendix A will be implemented as part of the on-going requirements for the service.

4. Consultation on proposal

- 4.1 There is no requirement for consultation with regard to this activity.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The response from Council to the review recommendations will be reported back to the Health Select Commission on 13 June 2019.

6. Financial and Procurement Advice and Implications

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

7. Legal Advice and Implications

7.1 There are no direct legal implications arising from this report.

8. Human Resources Advice and Implications

8.1 Officer time is needed to implement the actions, but there are no further implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The focus of the review was on older people in residential and nursing care homes and there are therefore no implications for Children and Young People.

10. Equalities and Human Rights Advice and Implications

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

11. Implications for Partners

11.1 Rotherham Clinical Commissioning Group are involved in commissioning services and the Care Home Support Service and Clinical Quality Advisor are based at Rotherham Hospital.

11.2 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.

12. Risks and Mitigation

12.1 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

13. Accountable Officer(s)

Nathan Atkinson, Assistant Director of Strategic Commissioning
Jacqueline Clark, Head of Strategic Commissioning

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This report is published on the Council's [website](#).

Cabinet's Response to Scrutiny Workshop: Adult Residential and Nursing Care Homes

Recommendation	Cabinet Decision (Accepted/ Rejected/ Deferred)	Cabinet Response (detailing proposed action if accepted, rationale for rejection, and why and when issue will be reconsidered if deferred)	Officer Responsible	Action by (Date)
1) That briefings should be provided for Ward members on issues relating to any care home in their ward at an early stage.	Accepted	Officers have for some time liaised with Ward members over issues in Care homes. Briefings to Ward members where deviation from quality and regulatory standards are prepared for the Strategic Director of Adult Care, Housing and Public Health and disseminated to Ward members where appropriate. The process of termination of a care home contract due to quality concerns was recently discussed with Ward members, as was the provider led closure of another care home. Ward members were advised of the process and procedures to be undertaken and their queries were addressed at a dedicated meeting.	Nathan Atkinson (Assistant Director, Strategic Commissioning)	On-going requirement
2) That RMBC Officers liaise with the Care Quality Commission regularly around Registered Managers in care homes to identify any potential concerns.	Accepted	The recommendation reaffirms activity already conducted by Officers. The Care Quality Commission's (CQC) Inspection Manager attends the Quality Board and CQC inspectors meet with the Principal Contracts Officer on a 6 weekly basis. Contract Compliance Officers (CCOs) liaise regularly with CQC Inspectors and discuss a number of issues which arise around registered managers. CCOs meet with registered managers at least six monthly to discuss quality and contract compliance.	Jacqui Clark (Head of Prevention and Early Intervention Commissioning)	On-going requirement

Recommendation	Cabinet Decision (Accepted/ Rejected/ Deferred)	Cabinet Response (detailing proposed action if accepted, rationale for rejection, and why and when issue will be reconsidered if deferred)	Officer Responsible	Action by (Date)
3) That all care homes be encouraged to work with the Care Home Support Service and Clinical Quality Advisor to raise standards.	Accepted	<p>The recommendations reiterate the need to continue with a multi-agency response. The Clinical Quality Advisor, though an NHS employee, is an active member of the Contract Compliance Team and supports Quality Assurance Framework activity. She is part of the multidisciplinary team (MDT) that works collaboratively to consider issues that arise in care homes in particular that relate to health.</p> <p>The Clinical Quality Advisor has been instrumental for example in medication audits and tissue viability issues that arise and she was part of the MDT involved in the Special Measures Improvement Plan that led to the termination of the contract with two care homes. She also carries out training to increase skills in care planning, pressure area care, Malnutrition Universal Screening Tool and Moving and Handling and use of Equipment.</p> <p>Providers are actively encouraged to embrace this offer and any reluctance to engage informs soft intelligence to feed into the provider risk matrix.</p>	Jacqui Clark (Head of Prevention and Early Intervention Commissioning)	On-going requirement
4) That all care home staff be encouraged to attend training sessions and that the take up and impact of training be monitored.	Accepted	The Council has had a long standing commitment to supporting the independent sector with training, and this recommendation endorses that approach. Training schedules of the staff working in care homes are monitored by the Contract Compliance Officers.	Jacqui Clark (Head of Prevention and Early Intervention Commissioning)	On-going requirement

Recommendation	Cabinet Decision (Accepted/ Rejected/ Deferred)	Cabinet Response (detailing proposed action if accepted, rationale for rejection, and why and when issue will be reconsidered if deferred)	Officer Responsible	Action by (Date)
		<p>Care Home managers provide their training matrix to be verified by the CCOs. This identifies the training undertaken by staff including mandatory training i.e. Safeguarding, Medication Management, Moving and Handling, Mental Capacity Act. Specialist training also undertaken i.e. Caring for people who experience the symptoms of dementia is identified.</p> <p>Training that is due/overdue is also monitored. Where it is considered that the care home falls short in certain aspects of care then the training of staff is taken into account.</p> <p>Providers are expected to pay staff to attend training and many employ their own trainers via independent training organisations and utilise Skills for Care – a workforce development body for social care in England.</p> <p>A recent audit was carried out in respect of training undertaken in Dignity Challenge – Providers appoint champions – who are staff with enhanced knowledge or skills in certain areas who can support and advise staff. CCOs also examine evidence of good practice, team meeting minutes, care plans, customer experience surveys, resident activities etc. These audits inform the provider risk matrix score.</p>		

Summary Sheet

Committee Name and Date of Committee Meeting

Council – 22 May 2019

Report Title

Response to Overview and Scrutiny Recommendations - Rotherham Youth Cabinet's Children's Commissioner Takeover Challenge Spotlight Review on Work Experience

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

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Jon Stonehouse, Strategic Director of Children and Young People's Services

Report Author(s)

Jon Stonehouse, Strategic Director of Children and Young People's Services
01709 334162 or jon.stonehouse@rotherham.gov.uk

Ward(s) Affected

Borough-wide

Summary

This report responds to the findings and recommendations from a spotlight review undertaken by Rotherham Youth Cabinet under the auspices of the Children's Commissioner's Takeover Challenge regarding improving access to work experience opportunities for all young people in Rotherham.

The report and recommendations were submitted to Council in July 2018.

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.

Recommendations

1. That the Cabinet's response to the spotlight review of work experience under taken by the Rotherham Youth Cabinet be noted.

List of Appendices Included

Appendix A Cabinet's Response to the Spotlight Review of Work Experience by Rotherham Youth Cabinet

Background Papers

Report of the Overview and Scrutiny Management Board – Spotlight Review of Work Experience by Rotherham Youth Cabinet

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 2 April 2019
Cabinet – 18 March 2019

Council Approval Required

No

Exempt from the Press and Public

No

Response to Recommendations from Rotherham Youth Cabinet's Children's Commissioner Takeover Challenge Spotlight Review on Work Experience

1. Background

- 1.1 The review report presented the findings of spotlight review which Members of Rotherham Youth Cabinet had undertaken into work experience opportunities for young people across the borough.
- 1.2 As part of the Council's continuing commitment to the Children's Commissioner's Takeover Challenge, each year the Overview and Scrutiny Management Board supports Rotherham Youth Cabinet in undertaking a focused piece of work on a topic chosen by the young people. The takeover challenge is a national initiative where children and young people take over an organisation or meeting and assume management/leadership roles. Rotherham Youth Cabinet chose work experience as the theme for last year's takeover challenge, as it was one of the key priorities in their manifesto for 2018, emerging as the key issue in the UK Youth Parliament "Make Your Mark" results for Rotherham.
- 1.3 The review report was submitted to Council on 25 July 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.

2. Key Issues

- 3.1 There are three main recommendations arising from the review, 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.

4. Options considered and recommended proposal

- 4.1 The recommendations from the Youth Cabinet will be incorporated into the actions arising from the implementation of the Employment and Skills Plan. Updates will be provided to the Youth Cabinet bi-annually.

5. Consultation

- 5.1 Consultation has taken place with the Youth Cabinet.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The Cabinet's response may be implemented following the expiry of the call-in period from 29 March 2019.
- 6.2 The Strategic Director of Regeneration and Environment will be accountable for the delivery of the actions identified in Appendix 1.

7. Financial and Procurement Advice and Implications

- 7.1 There are no financial implications arising from this report as it is anticipated that proposals can be met from existing resources.

8. Legal Advice and Implications

- 8.1 There are no legal implications arising directly from this report, but schools are required to comply with all relevant legislation and the recent statutory guidance relating to the duties regarding careers guidance.

9. Human Resources Advice and Implications

- 9.1 There are no human resources implications associated with this report.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The intention of the review and the Cabinet's response was to impact positively on young people, through enhancing opportunities for work experience to develop skills and practical experience.

11 Equalities and Human Rights Implications

- 11.1 The recommendations aim to bring about a positive contribution to promoting equality through improving the offer for all young people. Specific needs of students with mental health needs and/or Special Educational Needs and Disability, in both mainstream and special schools, need to be taken into account in planning activity.

12. Implications for Partners

- 12.1 There are a number of implications for partners, however the majority of these will be addressed within the Rotherham Employment and Skills Plan. In addition, there will be implications for schools and businesses in supporting the actions agreed following the recommendations from the Youth Cabinet.

13. Risks and Mitigation

- 13.1 The proposed response to the Youth Cabinet details the importance of the Rotherham Employment and Skills Plan. This document will serve to assist in the mitigation of risks that may arise from the acceptance of the recommendations from the Youth Cabinet. It is anticipated that the Overview and Scrutiny Management Board will maintain oversight of the implementation of the agreed actions and provide challenge in respect of risks that may arise.

14. Accountable Officer(s)

Jon Stonehouse, Strategic Director of Children and Young People's Services
 Paul Woodcock, Strategic Director of Regeneration and Environment

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive	Sharon Kemp	03.03.2019
Strategic Director of Finance & Customer Services	Judith Badger	28.02.2019
Assistant Director of Legal Services	Stuart Fletcher	28.02.2019
Head of Procurement (if appropriate)	Karen Middlebrook	18.02.2019
Assistant Director of Human Resources and Organisational Development (if appropriate)	Amy Leech	19.02.2019

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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 Spotlight Review of Work Experience by Rotherham Youth Cabinet

Recommendation	Cabinet Decision (Accepted/ Rejected/ Deferred)	Cabinet Response (detailing proposed action if accepted, rationale for rejection, and why and when issue will be reconsidered if deferred)	Officer Responsible	Action by (Date)
<p>1. That RMBC, schools and partners work together to develop an improved offer of work experience, interaction with employers and volunteering opportunities for all young people from 2019. This should take account of the following recommendations made by Rotherham Youth Cabinet:-</p> <ul style="list-style-type: none"> (a) Have a system so that all young people can have work experience. (b) Make work experience count. (c) Have quality control for work experience offered – ensuring consistency and high standards. (d) Publicise available work experience in schools. (e) All schools to deliver work experience. (f) Wider sector of jobs included in work experience opportunities. (g) Have more support for young people with disabilities. (h) Support for young people doing work experience including expenses if needed. (i) Carry out regular research to ensure young people are not forgotten about – ensuring opportunities regardless of demographics or background. (j) Share positive practice from school-to-school and between employers 	Accepted	<p>The Council will support the Youth Cabinet to influence Government to support schools to deliver high quality work experience. In Rotherham the Council will work with partners, via the Employment and Skills Board and Rotherham Education Strategic Partnership to implement the Employment and Skills Plan.</p> <p>The recommendations a)-(j) are currently not all contained within national education policy. In addition to supporting the Youth Cabinet to influence central government, we will seek to influence partners locally via the Employment and Skills Plan which is currently going through a period of consultation and is expected to be presented to Cabinet in Spring 2019.</p> <p>The Plan identifies the following issue:</p> <ul style="list-style-type: none"> • Young people are unaware of opportunities available to them within the borough <p>Then sets out aims of:</p> <ul style="list-style-type: none"> • Providing careers and education advice • engaging with primary schools to raise awareness of career opportunities • promoting apprenticeships as a career choice for young people <p>The following relevant strategic aims and priorities are identified: Improved skill levels underpin strong and sustainable economic and employment growth, while supporting an increase in the levels and quality of employment for local residents. To achieve this, Rotherham partners will seek to deliver activities which:</p> <ul style="list-style-type: none"> I. Support Rotherham residents to secure good jobs and to progress within their careers. II. Provide specific tailored support to those people and groups facing (multiple) barriers to accessing employment and training opportunities. 	Simeon Leach / Pepe Diiasio	Following approval of the Employment and Skills Plan in April 2019.

		<p>III. Assist businesses to source and provide the training they need for their workforce, in order to maximise their future growth prospects</p> <p>IV. Develop enterprising young people, aware of the breadth of career and employment options and progression routes available to them (within Rotherham and the wider Sheffield City Region)</p> <p>V. Strengthen links between Rotherham's education providers and local employers.</p> <p>The recommendations from the Youth Cabinet (a) – (j) will be incorporated into the Skills Strategy Action Plan.</p>		
2. That any specific needs of young people with mental health needs and/or special educational needs and disability who are in mainstream schools are taken into account in developing the offer, as well as those of young people in special schools.	Accepted	The Employment and Skills Plan is applicable and relevant to the needs of all young people.	Simeon Leach	Following approval of the Employment and Skills Plan in April 2019.
3. That from 2019 onwards Rotherham Youth Cabinet receive updates twice a year from schools regarding progress with the new offer.	Accepted	Meetings with the Youth Cabinet are scheduled to ensure updates will be provided.	Simeon Leach	To be scheduled with Rotherham Youth Cabinet

Summary Sheet

Committee Name and Date of Committee Meeting

Council – 22 May 2019

Report Title

Response to Overview and Scrutiny Recommendations – Spotlight Review of the OFSTED Inspection of Adult Community Learning

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

No

Strategic Director Approving Submission of the Report

Jon Stonehouse, Strategic Director of Children and Young People's Services

Report Author(s)

John Stonehouse, Strategic Director of Children and Young People's Services
01709 334162 or jon.stonehouse@rotherham.gov.uk

Ward(s) Affected

Borough-wide

Summary

This report responds to the findings and recommendations of a spotlight review undertaken by the Improving Lives Select Commission in March 2018 which followed the Ofsted Inspection of Adult Community Learning in June 2017. The purpose of the review was to seek assurance that there was a clear understanding of the issues leading to the inadequate judgement in June 2017; that the issues arising from the inspection have been addressed; and that there are clear plans in place to ensure that adult learners have pathways to secure employment or skills training. The conclusions and recommendations made by Members are based on information gathered from the spotlight review and examination of related documentation.

The report and recommendations were submitted to Council in July 2018.

Under the Overview and Scrutiny Procedure Rules, the Cabinet is required to respond to any recommendations made by scrutiny and the enclosed response was agreed on 15 April 2019.

Recommendations

1. That the Cabinet's response to the spotlight review following the Ofsted Inspection of Adult Community Learning and the up to date position noted.

List of Appendices Included

Appendix A Cabinet's Response to the Spotlight Review following the Ofsted Inspection of Adult Community Learning

Background Papers

Report of the Improving Lives Select Commission – Spotlight Review following the Ofsted Inspection of Adult Community Learning

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 24 April 2019
Cabinet – 15 April 2019

Council Approval Required

No

Exempt from the Press and Public

No

Response to Overview and Scrutiny Recommendations – Spotlight Review of the OFSTED Inspection of Adult Community Learning

1. Background

- 1.1 The review report presented the findings of spotlight review which Members had undertaken in March 2018 following the Ofsted Inspection of Adult Community Learning in 2017. The purpose of the review was to seek assurance that:-
- there was a clear understanding of the issues leading to the inadequate judgement in June 2017;
 - the issues arising from the inspection have been addressed; and
 - there were clear plans in place to ensure that adult learners had pathways to secure employment or skills training.
- 1.2 The conclusions and recommendations made by Members are based on information gathered from the spotlight review and examination of related documentation.
- 1.3 The review report was submitted to Council on 25 July 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.

2. Key Issues

- 2.1 There are five broad recommendations arising from the review, 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. Options considered and recommended proposal

- 3.1 The recommendations in the scrutiny review have all been accepted and work has already progressed in relation to the relevant actions.

4. Consultation

- 4.1 Work has been undertaken with Rotherham and North Notts College in relation to their role in the contribution to the Employment and Skills Plan. The relevant council officers have been consulted with in relation to the 5 point action plan.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Each of the 5 actions has its own specific timescale and accountability sits with each of the named lead officers.

6. Financial and Procurement Advice and Implications

- 6.1 There are no financial or procurement implications

7. Legal Advice and Implications

7.1 There are no legal implications

8. Human Resources Advice and Implications

8.1 There are no human resources implications

9. Implications for Children and Young People and Vulnerable Adults

9.1 The delivery of the Adult Community Learning agenda is to ensure that those families including the BME and Roma communities have access to high quality learning to move them into employment.

10. Equalities and Human Rights Implications

10.1 Adult community learning has the potential to extend equality of opportunity to those excluded from employment opportunities including women, individuals from black and ethnic minority communities, those for whom English is a second language, and people with disabilities. Adult learning can be a key stepping stone to enable individuals to access further education, employment or skills development.

11. Implications for Partners

11.1 Delivery of Adult Community Learning was transferred to Rotherham and North Notts (RNN) College and as a partner they have contributed to the development of the Education & Skills Strategy

12. Risks and Mitigation

12.1 There are no specific risks in relation to the delivery of the relevant actions.

13. Accountable Officer(s)

Jon Stonehouse, Strategic Director of Children and Young People's Services

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive	Sharon Kemp	29/3/2019
Strategic Director of Finance & Customer Services	Graham Saxton	28/3/2019
Assistant Director of Legal Services	Stuart Fletcher	28/3/2019
Head of Procurement	Lorna Byne	25/3/2019
Assistant Director of Human Resources and Organisational Development	Amy Leech	25/3/2019

Cabinet's Response to Spotlight Review of the Ofsted Inspection of Adult Community Learning

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)
1. That areas of concern raised in external inspections or reviews are referred to the relevant scrutiny commission on a timely basis, alongside a plan detailing what action is proposed to address identified areas of improvement	Accepted	Performance information is shared with scrutiny through quarterly performance reports and includes information about areas of underperformance and action being taken to address these. A significant number of peer reviews and inspections take place in the council each year. These will be received and logged corporately. Where inspections raise areas of concern, Scrutiny will have the opportunity to review these and subsequent improvement plans on a timely basis	Strategic Directors, Jackie Mould, Head of Performance, Intelligence and Improvement	Establish log from February 2019 As required following an inspection or review.
2. That the Corporate Performance, Intelligence and Improvement Team ensures that learning from the reporting of areas of concern and in particular the issues arising from this spotlight review, are applied to inform how performance management information is shared and acted upon	Accepted	Performance management information is shared through the quarterly performance reports and are discussed within each directorate leadership team on a monthly basis. SLT / AD performance sessions chaired by the Chief Executive now take place on a quarterly basis to highlight and discuss areas of underperformance and agree any action needed. In future the performance, intelligence and improvement team will receive and log any peer reviews and inspections that are undertaken and it is the responsibility of each Strategic Director to ensure that these are acted upon. Internal audit are responsible for auditing a sample of recommendations each year.	Jackie Mould, Head of Performance, Intelligence and Improvement	Quarterly
3. That future performance reports and scorecards should signpost Members clearly to areas of declining performance and actions taken to address these	Accepted	Quarterly performance reports have been redesigned to clearly highlight areas of declining performance. Quarterly reports now include areas of under performance and the action being taken to address any issues and improve performance.	Jackie Mould, Head of Performance, Intelligence and Improvement	Completed and ongoing

4. That further details are provided to the Improving Places Select Commission to clarify how Council priorities linked to the skills agenda and community engagement will be delivered by Rotherham and North Notts College and how outcomes will be reported to Members	Accepted	A 'Skills Strategy' is currently being consulted upon. This will include how adult learning contributes to the development of skills in the borough. Rotherham and North Notts College will contribute to the development of the Strategy. RNN including the ACL team have been fully consulted in the development of the Employment Skills Plan and will be a member of RTP sub-group which will oversee delivery. Plan goes to April 2019 RTP Board for consideration and approval	Simeon Leach, Economic Strategy and Partnerships Manager	Ongoing due April 2019
5. That the Council's representatives on the Sheffield City Region Combined Authority Scrutiny Panel are asked to keep oversight of the devolution of adult education provision to ensure good outcomes for Rotherham learners	Accepted	This is a matter for the Council's representatives to report back to Members and the relevant scrutiny body in Rotherham on the outcomes of scrutiny activity relating to adult education provision.	James McLaughlin, Head of Democratic Services	Completed

Committee Name and Date of Committee Meeting

Council – 22 May 2019

Report Title

Annual Review and Adoption of the Constitution

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

No

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

Good governance has been a core tenet of the Council's improvement journey in recent years. The Constitution has been subject to external review and significant changes have been made to the way in which proposals are developed by Members and officers and how decisions are made across the authority. As the Constitution is the document that empowers the authority to discharge its statutory and discretionary responsibilities, it is important that its provisions are reviewed and changes made to strengthen the Council's governance and accountability arrangements.

This report is submitted to enable the Council to approve the Constitution for the 2019-20 municipal year and adopt amendments to various provisions which are detailed throughout the paper.

Recommendations

1. That the Constitution of Rotherham Metropolitan Borough Council be adopted for the 2019-20 municipal year.
2. That the Overview and Scrutiny Procedure Rule 14.2 be amended so as to enable public questions to be submitted to the Chairperson of the Overview and Scrutiny Management Board or Select Commissions in respect of matters to be considered on the agenda for the meeting at which they are in attendance.

3. That a new Council Procedure Rule 8(2) be inserted to establish a procedure for the designation of a Mayor-Elect and Deputy Mayor-Elect at the final meeting of the Council in a municipal year.
4. That a new Council Procedure Rule 10(10) be inserted to establish a procedure for Members to ask questions in respect of the minutes reported to Council of meetings of the Cabinet and committees and for such questions to be responded to by the Leader of the Council, relevant Cabinet Member or Chairperson.
5. That the word limit for general questions submitted by Members under Council Procedure Rule 11 be increased from 50 words to 60 words.
6. That Council Procedure Rule 11(8) be amended to provide for the number of verbal questions asked under Council Procedure Rule 11 to be limited to a maximum of ten verbal questions per Member, with an equal number of supplementary questions, with written responses to be provided for all other questions submitted.
7. That the word limit for questions submitted by members of the public under Council Procedure Rule 12 be increased from 50 words to 60 words.
8. That the Council's Petition Scheme be amended to:
 - (a) Require that petitions be addressed to the Council, rather than specific Members or officers.
 - (b) Define vexatious petitions and how a petition will be deemed vexatious by the Monitoring Officer
 - (c) Remove the provision for Lead Petitioners to request the Overview and Scrutiny Management Board to review responses to petitions and confirm that such requests should be referred to the Council's Complaints Procedures.
9. That Officer Employment Procedure Rules and Officer Code of Conduct be amended, as set out in Appendix 3.
10. That the terms of reference of the Employment Appeals Panel, Audit Committee, Health and Wellbeing Board, Staffing Committee and Chief Officer Disciplinary Panel be amended, as set out in Appendix 4.
11. That authority be delegated to the Monitoring Officer and Head of Democratic Services to make any minor consequential amendments to the Constitution arising from any changes made in the recommendations above.

List of Appendices Included

- Appendix 1 Tracked Changes – Overview and Scrutiny Procedure Rules
Appendix 2 Tracked Changes – Council Procedure Rules
Appendix 3 Tracked Changes – Petition Scheme
Appendix 4 Tracked Changes – Responsibility for Functions

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

Yes

Exempt from the Press and Public

No

Annual Review and Adoption of the Constitution Annual Review and Adoption of the Constitution

1. Background

- 1.1 The Council has undertaken a thorough review of the Constitution since 2016, with each Appendix being subject to amendment since that time. The Council has done much to increase accountability, openness and transparency over that period with the introduction of new provisions on the Council agenda to:-
- allow for the presentation of petitions containing 20 or more signatures
 - reduce the threshold for debates on petitions to 2,000 signatures
 - report on achievements in all 21 electoral wards, with each Member having the opportunity to address the meeting
 - report on the work of joint committees across South Yorkshire
 - report on a quarterly basis the work of Overview and Scrutiny
- 1.2 A significant amount of work was undertaken to draft a new Appendix 9 – Responsibility for Functions. This part of the Constitution sets out which body, committee or officer is responsible for the discharge of executive and non-executive functions. The new provisions have become embedded across the authority, resulting in greater clarity for Members and officers.

2. Key Issues

- 2.1 It is considered good practice across local government to undertake an annual review and refresh of the Constitution, with the document being adopted at the Annual Meeting of the Council. The review of the provisions of the Constitution in recent years means that the document is clear and concise and any further changes should be undertaken to further enhance the clarity of governance and democratic processes.
- 2.2 The proposals within this report summarise the recommendations of the Constitution Working Group, a cross party body of Members which is chaired by the Leader of the Council.
- 2.3 The proposed amendments for each part of the Constitution are summarised below:-

Part	Amendment(s) recommended
The Constitution	No amendments proposed
Appendix 1 – Executive Procedure Rules	No amendments proposed
Appendix 2 – Overview and Scrutiny Procedure Rules	To amend Overview and Scrutiny Procedure Rule 14(2) to amend the scope of questions from members of the press and public to concern matters on the agenda for the meeting attended.

Appendix 3 – Access to Information Procedure Rules	No amendments proposed
Appendix 4 – Council Procedure Rules	<ul style="list-style-type: none"> • Insertion of procedure for designation of Mayor-Elect and Deputy Mayor-Elect at the final Council meeting of the municipal year • Insertion of provision for questions to be asked on minutes of Cabinet and committee meetings • Review of Procedure Rule 11 (Questions from Members) – number of verbal questions to be asked at a meeting, increasing the word limit for questions and arrangements for written responses to be included with the minutes at future Council meetings • Review of Council Procedure 12 (Questions from the public) – increasing the word limit for questions. • Review of Petition Scheme and provisions for petitions:- <ul style="list-style-type: none"> ○ Petitions should be directed to the Council and not named Members or officers ○ Clarification of matters excluded under the Council's petition scheme ○ Removal of the review process by the Overview and Scrutiny Management Board and referral through Council's Complaints Procedure
Appendix 5 – Finance and Procurement Procedure Rules	No amendments proposed
Appendix 6 – Code of Conduct for Members and Co-opted Members	No amendments proposed
Appendix 7 - Officer Employment Procedure Rules	<ul style="list-style-type: none"> • Review of consistency of terminology used in this and in Appendix 9 – Responsibility for Functions • Update of the Employee Code of Conduct
Appendix 8 – Member Allowances Scheme	No amendments proposed

Appendix 9 – Responsibility for Functions	<ul style="list-style-type: none"> • Increased the membership pool of the Employment Appeals Panel • Review of terms of reference for Staffing Committee • Insertion of terms of reference for Chief Officer Disciplinary Panel • Amendment of terms of reference for Audit Committee • Amend terms of reference for Health and Wellbeing Board
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3. Options considered and recommended proposal

3.1 *Proposed Amendments to Appendix 4 – Council Procedure Rules*

- 3.1.1 At the Council meeting on 27 February 2019, Members recommended that a provision be inserted into the Constitution for the designation of a Mayor-Elect and Deputy Mayor-Elect at the final Council of the municipal year. It is proposed that such a provision be inserted as Council Procedure Rule 8(2), with the existing Rule 8(2) becoming Council Procedure Rule 8(3). The new rules introduces a requirement for nominations to be designated as Mayor-Elect and Deputy Mayor-Elect to be received no later than the deadline of Notice of Motions on the Monday of the week preceding the Council meeting.
- 3.1.2 During the 2018-19 municipal year, the Mayor permitted Members to ask questions on minutes of the Cabinet and committees in the absence of a provision to do so within the Constitution. The Constitution Working Group supported the introduction of a new provision, which will be detailed within Council Procedure Rule 10(10). This rule permits Members to ask questions on the minutes of the Cabinet and committees, with responses being provided by the Leader of the Council, relevant Cabinet Member or the Chairperson of the relevant committee.
- 3.1.3 Council Procedure Rule 11 details the provisions the submission of the questions by Members of the Council to the Leader of the Council, Cabinet Members or Chairpersons of committees. The Constitution Working Group has proposed that the word limit for such questions be increased to 60 words per question, rather than the present limit of 50 words. The proposed amendment can be found in Council Procedure Rule 11(2).
- 3.1.4 Furthermore, the Constitution Working Group reflected on the operation of the provisions on Council Procedure Rule in respect of the number of questions submitted. The working group have proposed that there should not be a limit on the number of questions submitted by Members to the Leader of the Council, Cabinet Members and Chairpersons of committees. However, the working group has recommended that the number of questions verbally asked by an individual Member at a meeting be limited to a maximum of ten, with all other questions submitted being responded to in writing and the response being included for report to Council with the record of the proceedings detailed in the minutes. Such a provision is detailed in Appendix 1 within a new Council

Procedure Rule 11(8)

- 3.1.5 Council Procedure Rule 12 details the provisions for questions to the Leader of the Council, Cabinet Members and Chairpersons of committees from members of the public. Having recommended that the word limit for Member questions be increased from 50 to 60 words, the Constitution Working Group also recommended that the word limit for public questions be similarly increased to 60 words. This change is detailed within Council Procedure Rule 12(3).
- 3.1.6 The Council's Petition Scheme was last reviewed in May 2017, when the present provisions were introduced. Reflecting on the use of the petition scheme since that time, the Constitution Working Group has proposed that the scheme be amended to ensure that petitions are addressed to the Council, rather than individual officers. In addition to this, the Group has recommended that the list of matters that are excluded from the petition scheme be amended to define where petitions will be excluded on the grounds of being vexatious. A new provision has been inserted to read "*A petition will be deemed to be vexatious where, for example but not exclusively, it is manifestly unjustified, inappropriate or improper use of a formal procedure.*" In such cases, the Monitoring Officer will determine whether a matter is vexatious.
- 3.1.7 The Constitution Working Group has also proposed an amendment to ensure that where a petition raises issues of possible competence or misconduct by an officer, the petition will be considered under the council's complaints and/or disciplinary procedures, and not under the petitions scheme.
- 3.1.8 Furthermore, the Working Group has reviewed the present provisions for the review of responses to petitions and the option to seek a review by the Overview and Scrutiny Management Board. Having reflected on the operation and effectiveness of this provision, alongside the workload of the Overview and Scrutiny Management Board, the Working Group has recommended that the scheme be amended to provide an opportunity for lead petitioners to make a complaint via the Council's Complaints Procedure.
- 3.2 ***Proposed Amendments to Appendix 2 – Overview and Scrutiny Procedure Rules***
 - 3.2.1 The Working Group has proposed that the Overview and Scrutiny Procedure Rules be amended to change the provisions in respect of questions from the public at meetings of the Overview and Scrutiny Management Board and the Select Commissions. The Working Group has proposed that Overview and Scrutiny Procedure Rule 14(2) be amended to indicate that questions should relate to the business of the meeting at which they are being asked.
- 3.3 ***Proposed Amendments to Appendix 7 – Officer Employment Procedure Rules***
 - 3.3.1 Appendix 7 of the Constitution details the Officer Employment Procedure Rules and the Employee Code of Conduct. A revised Employee Code of Conduct has been submitted for consideration and can be found at Appendix 2. The amendments to the Code of Conduct have arisen from Internal Audit

reviews.

- 3.3.2 Further amendments are proposed to ensure consistency of terminology and process with the terms of reference of the Staffing Committee, Appeals Panel, Chief Officer Appointments Panel and Chief Officer Disciplinary Panel. Specific changes have been recommended to remove Officer Employment Procedure Rule 5.6, which duplicates provisions in respect of the appointment of Chief Officers, and Procedure Rules 8.4.4 and 8.6 which govern the Executive objection procedure in respect of disciplinary processes. Furthermore, the Working Group has recommended the amendment of Procedure Rule 8.9 to incorporate the Appeals Panel, which would accord with the Terms of Reference detailed in Appendix 9 – Responsibility for Functions.

3.4 ***Proposed Amendments to Appendix 9 – Responsibility for Functions***

- 3.4.1 Audit Committee has proposed to amend its Terms of Reference. In May 2018 CIPFA issued an update to their publication Audit Committees – Practical Guidance for Local Authorities and Police. Following the guidance is not a statutory requirement, but is regarded to be essential good practice. The guidance details the purpose of Audit Committees; their core functions and possible wider functions; independence and accountability; and membership and effectiveness. Appendices refer to government guidance; suggested terms of reference; the skills and knowledge framework for audit committee members; and self-assessments of good practice and assess effectiveness. The main changes proposed to the Terms of Reference are as follows:
- They include the extended membership agreed in December 2015.
 - A Statement of purpose outlines the role of the committee
 - Detailed responsibilities are given for governance, risk and control; internal audit; external audit; financial reporting; treasury management; and accountability.
- 3.4.2 The Health and Wellbeing Board has recently reviewed its terms of reference. As a committee of the Council, any change to the terms of reference for the Health and Wellbeing Board must be approved and be reflected in the Council's Constitution. The revised terms of reference are incorporated with the revisions set out in Appendix 4 to this report.
- 3.4.3 The terms of reference for Staffing Committee have been reviewed and amendments are proposed as set out in Appendix 4 of this report. The proposed amendments remove provisions that do not accord with human resources policies and procedures and ensure that the terms of reference are complete. Furthermore, the Constitution Working Group has proposed the insertion of new terms of reference for the Chief Officer Disciplinary Panel, which are included within Appendix 4 to this report. The proposed terms of reference are consistent with the requirements of legislative provisions.
- 3.4.4 The Constitution Working Group has proposed that the pool of Members appointed for membership of Appeals Panels should be increased. The current pool of Members has experienced a heavy workload and this has seen the Panel become dependent on one Cabinet Member and a handful of other Members to hear all of the appeals in recent times. It is recommended that Members increase the size of the pool to include at least two further Cabinet

Members and up to nine non-executive Members of the Council. This will increase the involvement of non-executive Members whilst ensuring that availability for appeal hearings does not delay processes from being concluded.

4. Consultation on proposal

4.1 The Constitution Working Group was established a cross party body of Members following the completion of the Governance Review in 2016. This working group has overseen the external review of the Constitution since that time. Members of the Working Group have considered and indicated support for all of the proposed amendments to the Constitution.

4.2 The Statutory Officers of the Council have responsibility for overseeing the good governance of the authority. The Chief Executive, Chief Finance Officer and Monitoring Officer have been consulted on the proposed amendments to the Constitution. Their comments have been incorporated into the proposals and the main body of the report.

5. Timetable and Accountability for Implementing this Decision

5.1 The changes to the Constitution will be effective immediately if approved by the Council on 22 May 2019.

5.2 The Monitoring Officer and the Head of Democratic Services are accountable for the implementation of the changes to the Constitution. Where changes are made to the delegation of functions, Strategic Directors will be responsible for ensuring that the discharge of those functions is undertaken according to the provisions of the Constitution.

6. Financial and Procurement Advice and Implications

6.1 Beyond the proposals which directly amend the Finance and Procurement Procedure Rules, there are no specific financial or procurement implications arising from this report.

7. Legal Advice and Implications

7.1 The Council is required to have a Constitution in accordance with the provisions of the Local Government Act 2000. The proposed amendments set out within this report are compliant with the statutory framework for local authority governance. The legal implications of the proposals are detailed earlier in this report.

8. Human Resources Advice and Implications

8.1 There are no human resources implications beyond those detailed earlier in the report in respect of proposed amendments to Officer Employment Procedure Rules and the terms of reference of the Staffing Committee and the Chief Officer Disciplinary Panel set out in Appendix 9 – Responsibility for Functions.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no implications for children and young people or vulnerable adults arising from the proposals in this report.

10. Equalities and Human Rights Advice and Implications

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

11. Implications for Partners

- 11.1 Beyond the amendments to the terms of reference of the Health and Wellbeing Board, which have been supported by partner bodies on that committee, there are no implications for partners arising from these proposals.

12. Risks and Mitigation

- 12.1. The purpose of this report is to present proposals to amend the Council's Constitution to strengthen good governance arrangements across the authority. As such the proposals are intended to reduce risks in respect of governance.

13. Accountable Officers

Sharon Kemp, Chief Executive

Judith Badger, Strategic Director of Finance and Customer Services

Bal Nahal, Head of Legal Services

James McLaughlin, Head of Democratic Services

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive	Sharon Kemp	14/05/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	14/05/19
Assistant Director of Legal Services (Monitoring Officer)	Bal Nahal	14/05/19
Assistant Director of Human Resources (if appropriate)	N/A	N/A
Head of Procurement (if appropriate)	N/A	N/A

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This report is published on the Council's [website](#).

ROTHERHAM BOROUGH COUNCIL
OVERVIEW AND SCRUTINY PROCEDURE RULES

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PART I
APPOINTMENT AND TERMS OF REFERENCE

1. Appointment of overview and scrutiny select commissions

- (1) The Council's overview and scrutiny select commissions are set out in the Schedule to these Rules, and the Council will appoint to them from time to time as it considers appropriate and those select commissions may appoint sub-select commissions.
- (2) Overview and scrutiny review groups may also be appointed on an ad hoc basis for a fixed period with clear terms of reference, on the expiry of which they shall cease to exist.
- (3) In these Rules, unless the context otherwise requires, the term "overview and scrutiny select commission" means –
 - the Overview and Scrutiny Management Board (OSMB),
 - the overview and scrutiny select commissions appointed annually by the Council, and any of its or their Review Groups.
- (4) The Council may appoint from time to time informal select commissions or working groups, comprising members, council officers and others, such as representatives from local communities and businesses, to assist in the overview and scrutiny process.

2. Terms of Reference

- (1) The terms of reference of the OSMB and Select Commissions are set out in Appendix 9 of the Constitution – Responsibility for Functions. Details of the specific areas for scrutiny by each Select Commission are also set out in Appendix 9.

3. Membership

Appointment of members to overview and scrutiny commissions

- (1) All councillors except members of the Cabinet may be members of an overview and scrutiny committee, but no member may be involved in scrutinising a decision in which he or she has been directly involved.
- (2) All members of overview and scrutiny committees will be appointed annually by the Council, and each commission will be empowered to appoint members of the committee to its Review Groups.
- (3) The Chairs and Vice-Chairs of the overview and scrutiny select commissions will be appointed at the Annual Council meeting from the Councillors appointed to the committee.

Education representatives

(4) The Improving Lives Select Commission shall include in its membership the following voting representatives (“the education representatives”) –

- at least one Church of England diocese representative;
- at least one Roman Catholic diocese representative;
- between two and five parent governor representatives; and
- at the direction of the Secretary of State for Education representatives of other faiths or denominations.

(5) Where the Improving Lives Select Commission deals with other than educational matters, the education representatives shall not vote on those other matters, though they may stay in the meeting and speak to them.

Membership of particular committees

(6) The membership of the OSMB and the Select Commissions is set out in Appendix 9 of the Constitution – Responsibility for Functions..

(7) The membership of the overview and scrutiny select commissions are set out in paragraph 2 of Schedule 2.

4. Meetings

(1) The OSMB will hold ordinary meetings of the board at the frequency specified in paragraph 3 and at the place specified in paragraph 4 of Schedule 1 to the Rules, and, in addition, extraordinary meetings may be called from time to time as and when appropriate

(2) Each overview and scrutiny select commission will hold ordinary meetings at the frequency determined by the Council within its *Calendar of Council and Committee Meetings*, and, in addition, extraordinary meetings may be called from time to time as and when appropriate.

(3) The chairperson and vice-chairperson of an overview and scrutiny select commission may call an extraordinary meeting of the committee.

(4) All such meetings are subject to the Access to Information Procedure Rules.

5. Quorum

(1) The quorum for an overview and scrutiny select commission meeting will be one-third of its members.

PART II
ADMINISTRATION, BUDGET AND POLICY REVIEW AND
DEVELOPMENT AND ACCESS TO DOCUMENTS

6. Administration

Chairs of committees

- (1) The chairs and vice-chairs of the overview and scrutiny select commissions will be appointed at the Annual Council meeting from the Councillors appointed to the committee.

Work programme

- (2) Overview and scrutiny select commission work programmes will be set subject to any direction of the OSMB, taking into account the wishes of all members of the select commission including those who are not members of the largest political group on the Council.

Agenda items

- (3) A member of the Council may notify the Statutory Scrutiny Officer that he or she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the commission.
- (4) The Statutory Scrutiny Officer will inform the chair and vice chair of the particular overview and scrutiny select commission of the request at the earliest opportunity, and make arrangements for the matter to be considered by the select commission for inclusion on a future agenda. Where the Chair and Vice-Chair do not accept the request, this will be reported to the next select commission meeting.

Expeditious response to requests for reviews

- (5) OSMB and overview and scrutiny select commissions must respond, as soon as their work programme permits, to requests from the Council to review particular areas of Council activity.
- (6) On completion of a review, an overview and scrutiny select commission must report its findings and any recommendations to OSMB within one month. The findings and recommendations will then be referred to the Council within a further month.

7. Budget, policy framework, and related matters

Policy review and development

- (1) The role of overview and scrutiny select commissions in relation to the development of the Council's budget and policy framework is set out in detail in the Council's *Financial and Procurement Procedure Rules* and in Part V of the *Executive Procedure Rules*.
- (2) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, overview and scrutiny select commissions may make proposals to the Cabinet for policy developments in so far as they relate to matters within their terms of reference.
- (3) Overview and scrutiny select commissions may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process.

Site visits, public surveys, etc. and attendance of witnesses

- (4) Overview and scrutiny select commissions may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- (5) Overview and scrutiny select commissions may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for so doing.

PART III
REFERRAL, CONSIDERATION AND RESPONSE TO REPORTS

8. Reports from overview and scrutiny select commissions

Referral of report

- (1) Once it has formed recommendations on proposals for development, an overview and scrutiny select commission will prepare a formal report and submit it for consideration initially by the OSMB and then by the Cabinet. The OSMB may refer the matter to Council and shall do so if the matter relates to a responsibility of Council, (e.g. if the recommendation would require a departure from or a change to the approved budget and policy framework).
- (2) The response of the Cabinet to recommendations which are the responsibility of the executive shall be reported back to Council within two months of Council's original receipt of the report and recommendations from the OSMB.

PART IV
ACCESS TO DOCUMENTS AND ATTENDANCE AT COMMITTEE MEETINGS

9. Access to documents

Rights of overview and scrutiny select commission members to documents

- (1) In addition to their rights as councillors, members of overview and scrutiny select commissions have the additional right to documents and to notice of meetings, as set out in the *Access to Information Procedure Rules*.

10. Attendance of members and officers, etc at overview and scrutiny select commission meetings

Members and officers giving account

- (1) In fulfilling its scrutiny role, an overview and scrutiny select commission may invite any of the Cabinet Members or require any senior officer to attend before it to discuss or explain in relation to matters within the commission's remit -
- any particular decision or series of decisions,
 - the extent to which the actions taken implement Council policy,
 - his, her or their performance,
 - and it is the duty of those persons to attend if so required.
- (2) Where any officer is required to attend an overview and scrutiny select commission under this provision, the chairman of that commission will inform the Statutory Scrutiny Officer.
- (3) The Statutory Scrutiny Officer will inform the officer in writing that the commission requires their attendance, giving at least 10 working days' notice of the meeting at which he or she is required to attend.
- (4) The notice to the officer will state the nature of the matter on which he or she is required to attend to give account and whether any papers are required to be produced to the commission.
- (5) Where the account to be given to the commission will require the production of a report, the member or officer concerned will be given sufficient notice to allow for preparation of the report.
- (6) If in exceptional circumstances the officer is unable to attend on the required date, the commission must, in consultation with officer, arrange an alternative date for attendance or acceptable substitute.

Attendance by others

- (7) An overview and scrutiny select commission may invite other persons, such as residents, stakeholders, contractors and members and officers in other parts of the public sector, to address it and discuss issues of local concern or answer questions, criticisms or complaints. Those asked to address any panel will have access to support and guidance from the Statutory Scrutiny Officer.

**PART V
CALL-IN**

11. Call-in

Publication of Cabinet decisions

- (1) A decision of the Cabinet, a committee of the Cabinet, or an individual member of the Cabinet will be published online, ordinarily within three working days of the decision being made.
- (2) A notice of such decisions and the date on which they were made will be published and state that any decision specified in the notice will come into force on the expiry of 7 working days after its publication (“the notification period”), and may then be implemented, unless the decision is called-in.

Decisions that may be called-in

- (3) Any decision of the Cabinet may be called-in unless it is –
 - in the form of a recommendation to the full Council;
 - an urgent decision (as defined by rule 14 (2)) and the reason for urgency is recorded in the body of the decision;
 - a decision of the Adoption Panel;
 - concerned with procedural matters; or
 - in connection with an appeal.
- (4) Where a Cabinet decision takes the form of an approval of details only, the principle having been established by an earlier Cabinet decision, then call-in shall be confined to those details.

Call-in of decision for scrutiny

- (5) During the notification period –
 - in the case of a decision that does not relate to an education function, a member of the Council who is supported by at least three other members may request the chairman of the OSMB to call-in the decision for scrutiny by that board; and
 - in the case of a decision that relates to an education function, a member or education representative who is supported by three members or three education representatives (or a combination of both members and education representatives) may request the chairman of the OSMB to call-in the decision.
- (6) If the decision relates to an education function, the education representatives will be invited to the meeting of the OSMB where the call-in will be considered.

- (7) The Statutory Scrutiny Officer will record –
- the decision to which the call-in relates;
 - the name of the member, or in the case of a decision that relates to an education function the name of the member or education representative, requesting call-in of the decision;
 - the names of the members, or in the case of a decision that relates to an education function the names of the members or education representatives or members and representatives, supporting the request;
 - the reason for the call-in.
- (8) The Statutory Scrutiny Officer will notify the decision-maker and the strategic director of the directorate concerned of the call-in request and advise him or her that implementation of the decision be delayed until conclusion of the call-in process.
- (9) Where appropriate, and after consulting the chairman of the OSMB, the Statutory Scrutiny Officer will add the call-in request to the agenda for the next following meeting of the board.

Consideration of Call-In

- (10) If OSMB does not object to the decision called-in, it will come into force and take effect immediately. If having considered the decision the OSMB is still concerned about it, the board may refer it back to the decision-maker for reconsideration with reasons or refer the decision to full Council for consideration with reasons.
- (11) If the full Council –
- meets but does not object to the decision called-in and referred by the OSMB
 - meets but does not refer the decision back for reconsideration by the decision-maker

the decision shall come into force and take effect on the date of the Council meeting.

Decision referred back by Council

- (12) If the full Council objects to a decision called-in and referred to it by the OSMB the Council will refer the decision back to the decision-maker together with the Council's views on the decision, and the decision-maker may amend the decision or not before reaching a final decision and implementing it.
- (13) If the Cabinet as a whole or a committee or sub-committee of the Cabinet made the called-in decision, a meeting of the Cabinet or committee or sub-committee (as the case may be) will be convened within ten working days of the Council's request to reconsider it.

- (14) If an individual made the called-in decision, that individual will reconsider the decision within ten working days of the Council's request to reconsider it.

12. Call-in and urgency

Urgent Cabinet decisions

- (1) The call-in procedure shall not apply where the decision being taken by the Cabinet is urgent.
- (2) A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
- (3) The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision-maker, the decision is an urgent one and therefore not subject to call-in.
- (4) The Chair of Overview and Scrutiny Management Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The leader of the main opposition group shall be consulted on any decision to designate a Cabinet decision as urgent.
- (5) In the absence of the Chair, the Vice Chair's consent must be obtained and in the absence of both the Chief Executive's consent, or her nominee's consent in her absence, must be obtained.

Reporting and monitoring urgent Cabinet decisions

- (6) Where the Chair of Overview and Scrutiny Management Board, Vice Chair or Chief Executive consents to exempting a decision from call-in on grounds of urgency, the Statutory Scrutiny Officer will be informed as soon as possible after the decision is made.
- (7) Decisions taken as a matter of urgency must be reported to a meeting of the Cabinet, together with the reasons for urgency.
- (8) The operation of the procedures relating to scrutiny, call-in and urgency will be monitored annually, and a report submitted to the full Council with proposals, if necessary, for review of the procedures.

**PART VI
PETITIONS**

13. Petitions

The Council's scheme for handling petitions

- (1) Overview and scrutiny select commissions have the following responsibilities in respect of petitions submitted under the above scheme.

Petitions referred by the Council

- (2) The Council may refer to the Overview and Scrutiny Management Board a petition received or debated at the Council meeting, which has received 600 or more signatures.
- (3) The petition will be reported to the next convenient meeting of the commission. The commission shall consider the petition and make a report in response to the Council or to Cabinet. The report may make recommendations as to the steps to be taken by Council or Cabinet in response to the petition.

PART VII
PROCEDURE AT OVERVIEW AND SCRUTINY MEETINGS

14. Order of business at overview and scrutiny committee meetings

Order of business

- (1) The order of business at overview and scrutiny committee meetings will be determined in accordance with the Council's Procedure Rules for Council Meetings.

Questions from the public and Press

- (2) An overview and scrutiny committee will allocate time at its meetings for questions from members of the press and public on matters to be considered on the agenda for the meeting ~~within the committee's remit.~~

Investigations

- (3) Where an overview and scrutiny committee conducts investigations (for example with a view to policy development), the committee may invite persons to attend to give evidence at panel meetings.
- (4) In conducting an investigation, a committee will ensure that
- the investigation is conducted fairly and that all members of the committee are given the opportunity to ask questions of attendees and to contribute and speak;
 - those assisting the committee by giving evidence are treated with respect and courtesy; and
 - the investigation is conducted so as to maximise the efficiency of the investigation or analysis.
- (5) Following an investigation or review, the committee will prepare and submit a report to the Council and shall make the report and findings public.

15. The party whip

- (1) When considering any matter, in respect of which a member of a committee is subject to the operation of a party whip, the member must declare the existence of the whip and the nature of it before the commencement of the committee's deliberations on the matter.
- (2) The declaration and the detail of the operation of whipping arrangements will be recorded in the minutes of the meeting.

16. Councillor Call-for-Action

- (1) In accordance with Section 119 of the Local Government and Public Involvement in Health Act 2007 and Sections 19 and 20 of Part 3 of the Police and Justice Act 2006, any member of the Council may submit a Councillor Call for Action (CCfA) on a local government or crime and disorder matter. This is intended only to be used when all the usual channels for resolving such issues have been exhausted.
- (2) Referral is by way of notice to the Statutory Scrutiny Officer that an item be placed on the next available meeting of the OSMB and will be dealt with under the procedure set out in these Rules.
- (3) Any member of the Council may submit a Councillor Call for Action (CCfA) on a local government or crime and disorder matter.
- (4) A local government matter means a matter which:
 - (a) relates to the discharge of any function of the Council;
 - (b) affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and;
 - (c) is not an excluded matter.
- (5) A local crime and disorder matter, in relation to a member of a local authority, means a matter concerning –
 - (a) Crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
 - (b) The misuse of drugs, alcohol and other substances.

which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.

- (6) Specifically excluded from becoming a CCfA is –
 - (a) any matter relating to a planning decision;
 - (b) any matter relating to a licensing decision;
 - (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
 - (d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the OSMB or at a meeting of a sub-committee of the OSMB.
- (7) Procedure Rule 6(a) to (d) shall not apply if the CCfA relates to an allegation that the Council has failed wholly or partly to provide a service on an individual or systematic basis. This will apply even though the matter might relate to a planning or licensing decision or one concerning an individual or entity who have a right of review or appeal.

(8) Unless specifically excluded, with regard to crime and disorder matters, the OSMB has the power to –

- (a) review or scrutinise decisions made, or other action taken, in connection with, the discharge by the responsible authorities* of their crime and disorder functions;
- (b) to make reports or recommendations to the Safer Rotherham Partnership with respect to the discharge of those functions.

Notes:

A licensing decision means any decision in relation to:

- an application for any authorisation within the meaning of section 2 of the Licensing Act 2003 (b), or
- a request for a review of any such decision; or
- any enforcement decision made under that Act or subordinate legislation made under that Act.

Planning decision means –

- any decision on an application under the planning Acts or subordinate legislation made under those Acts for any agreement, approval, consent or permission; or
- any enforcement decision relating to any development within the meaning of those Acts; and
- “right of recourse to a review” does not include any right to make a complaint to the Commission for Local Administration pursuant to the Local Government Act 1974.

*Responsible authorities means the bodies or persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998. Namely –

- (i) the council for the area;
- (ii) the police and police and crime commissioner for the area;
- (iii) the fire and rescue service and fire and rescue authority for the area; and
- (iv) the NHS.

ROTHERHAM BOROUGH COUNCIL

COUNCIL PROCEDURE RULES

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**PART I
COUNCIL MEETINGS**

Annual meeting etc

1. Annual Meeting and other Council meetings

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

2. Timing and Business of the Annual Council Meeting

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

(3) The Council will:-

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

3. Ordinary Council meetings

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

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

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) Mayor's announcements;
- (iii) to approve as a correct record and sign the minutes of the last meeting of the Council;
- (iv) receive any declarations of interest from councillors;
- (v) to deal with any business required by statute to be done before any other business;
- (vi) to receive and consider any petitions received in accordance with the Council's Petition Scheme
- (vii) to deal with any other business expressly required by statute (not required under (v) above) or specified in the summons including reports from the Executive, Proper Officers, Overview and Scrutiny Committees or Joint Committees and Partners;
- (viii) to answer questions asked under Procedure Rule 11;
- (ix) to consider motions; and
- (x) other business, if any, specified in the summons

4. Budget Council Meetings

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

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

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

5. Extraordinary Council Meetings

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

6. Declarations of interests

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

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

7 Quorum for Council meetings

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

8 Appointment of Mayor and Deputy Mayor of the Council

- (1) The members of the Council shall elect annually a chairperson and vice-chairperson of the Council (the Mayor and Deputy Mayor), who shall hold office on the terms and conditions set down in the Local Government Act 1972 and preside at Council meetings.

~~(1)~~(2) Consideration will be given to the designation of a Mayor-Elect and Deputy Mayor-Elect at the final Council meeting of a municipal year. Nominations will be invited to be proposed in accordance with Council Procedure Rule 15(5), with notice having been provided by 12noon on the sixth clear day before a Council meeting. The members designated as Mayor-Elect and Deputy Mayor-Elect will be nominated for election as Mayor and Deputy Mayor at the Annual Meeting of the Council.

- ~~(2)~~(3) In the absence of the Mayor and Deputy Mayor, another Member of the Council, who is chosen by the Members of the Council present at the meeting, shall preside and exercise the powers and duties conferred on the Mayor by these Procedure Rules.

9. Leader's Statement

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

10 The minutes of Council meetings

- (1) The minutes of the proceedings of Council meetings shall be drawn up and entered in a book or books kept for that purpose and a copy sent to

Members with the summons for the next following Council meeting.

- (2) The minute books for each Council meeting shall comprise the Council Minute Book and the Orange Book. Minutes within the Council Minute Book shall be submitted to the Council meeting for consideration. Minutes within the Orange Book shall be circulated to Members for information, but not considered at the Council meeting.
- (3) The Council Minute Book shall contain:–
 - the minutes of meetings of the Council;
 - the minutes of meetings of the Cabinet;
 - the minutes of delegated powers meetings of Members of the Cabinet;
 - the minutes of meetings of the Audit Committee;
 - the minutes of meetings of the Licensing Board and Licensing Board Sub-Committee;
 - the minutes of meetings of the Planning Board;
 - the minutes of meetings of the Standards Committee.
- (4) The Orange Book shall be available electronically and contain the minutes of the Appeals Panel, Staffing Committee and Select Commissions.
- (5) The Mayor shall put the question that the minutes of the preceding Council meeting be approved as a correct record.
- (6) Except upon the question of their accuracy, the minutes of a Council meeting shall not be debated.
- (7) A question on the accuracy of a minute or minutes shall be raised by motion.
- (8) If the minutes are approved without question, or any question on their accuracy is resolved, the Mayor shall certify and sign them as a true record of the Council meeting on the specified date.
- (9) Where an extraordinary meeting of the Council is called between programmed Council meetings, the next programmed meeting of the Council shall be treated as a suitable meeting for the purposes of certifying and signing the minutes of the extraordinary meeting.
- (10) At the invitation of the Mayor, members of the Council may ask questions regarding items of business referred to in the minutes of Cabinet meetings or committee meetings which are included within the Council agenda. Where questions are put, the Mayor will invite the Leader of the Council, the relevant Cabinet Member or Chairperson of a committee to:-
 - (a) respond directly to the question put;
 - (b) refer the Member to a publication of the Council; or
 - (a)(c) undertake to provide a written answer for circulation to the

Members of the Council.

11 General questions by Members at Council meetings

General questions to Members of the Cabinet and committee chairpersons

- (1) A Member may, subject to Procedure Rule 11(7), ask a general question of a Member of the Cabinet (or his/her representative) or the chairperson (or his/her representative) of a committee that is relevant to the affairs of the Council or the Borough.
- (2) A general question asked under Procedure Rule 11(1) must not exceed 6050 words in length and –
 - (a) must not relate to an individual case; and
 - (b) must not, without the Mayor's consent, repeat or substantially repeat any question that has been asked and answered in the preceding three Council meetings.
- (3) Following the reply to a question put under Procedure Rule 11(1), the Member who asked the question may ask a supplementary question of the Member of the Cabinet (or his/her representative) or the chairperson of the committee (or his/her representative) who responded to the question.
- (4) A supplementary question under Procedure Rule 11(3):–
 - (a) must relate to the subject matter of the original question and answer; and
 - (b) must be fair and reasonable.

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

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

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

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

Notice of questions

- (7) A Member must submit a question to be put at the Council meeting, in writing to the Chief Executive by 10.00am three working days before the day of the Council meeting (ordinarily by 10.00am the Friday preceding a Council meeting the following Wednesday),
- (a) to a Member of the Cabinet or the chairperson of a committee; or
 - (b) to a Member who is both a representative of the Council and the nominee of a joint authority specified in Procedure Rule 11(6).

(8) There shall be no limit to the number of questions that a Member may submit, but the number of questions to be put verbally by a Member at the Council meeting until Procedure Rule 11(1) will be limited to ten. Members who submit more than ten questions will be required to indicate which questions they wish to submit verbally to the Council meeting. Written responses will be provided by the Leader of the Council, relevant Cabinet Member or Chairperson of a committee for any outstanding questions which were not put by the Member after their tenth verbal question at the Council meeting. A record of the response provided will be reported with the minutes of the meeting to the next Council meeting.

~~(8)~~(9) (a) The Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall draw up a list of questions, and may group together questions addressed to the same Member of the Cabinet or chairperson of a committee that relate to the same subject matter. If a question from a Member substantially duplicates a question of which another Member has already given notice, the Assistant Director of Legal Services may exclude the latter question after consulting the member who submitted it.

(b) If a question is determined to substantially duplicate a question from another Member and is excluded from the agenda, the original Member asking the question is allowed to ask a supplementary question that relates to the subject of his/her original question.

Manner of answering questions

~~(9)~~(10) In accordance with this procedure rule, a question and reply shall be put and answered without debate, but the Member to whom a question has been addressed may decline to answer.

~~(10)~~(11) Questions may be answered by:–

- (a) responding directly to the question put;
- (b) referring the Member to a publication of the Council; or
- (c) undertaking to provide a written answer for circulation to the Members of the Council.

Absence of member

~~(11)~~(12) In the absence of a member who gave notice of a question and who has submitted his or her apologies, the question will receive a written answer.

~~(12)~~(13) In the absence of either a Cabinet Member or Committee Chair, the Leader of the Council or the Vice-Chair of the relevant committee will answer a question on behalf of the absent Member.

~~(13)~~(14) If an emergency issue or event occurs in the period between the deadline for submission of questions and 12.00pm on the day of the Council meeting, a Member may approach the Chief Executive to ask that a question relating to the event can be asked to a Member of the Cabinet, the chair of a committee or to a Member who is both a representative of the Council and the nominee of a joint authority or other body specified in Procedure Rule 11(6).

12 General questions by members of the public at council meetings

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

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

Notice of questions

- (2) A member of the public must submit a question to be put to the Mayor, a Member of the Cabinet or the chairperson of a committee, in writing to the Chief Executive by 10.00am three working days before the day of the Council meeting, (ordinarily by 10.00am the Friday preceding a Council meeting the following Wednesday)
- (3) The notice must contain the text of the question and the question must not exceed ~~6050~~ words in length.

Acknowledgement of receipt of notices etc

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

Manner of answering questions

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

Supplementary questions

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

Questions by members of the public at the Annual Council Meeting

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

13 Petitions

- (1) A member of the public may present a qualifying petition and speak for a maximum of five minutes. A period of not longer than 15 minutes will be allocated for the presentation of petitions, which allows for three petitions to be presented to a Council meeting.
- (2) A member of the public may ask a Member to present a qualifying petition on his/her behalf, and the Member may speak for a maximum of five minutes in presenting the petition.
- (3) A petition will not be considered if it meets the criteria set in paragraphs 3.1 and 3.3 of the Council's Guidance on Petitions and/or it has not been received by the Council at least ten days before the date of the next Council meeting.
- (4) A qualifying petition with signatures meeting the threshold set out in paragraph 1.1 of the Council's Guidance on Petitions will automatically trigger a debate of the Council, except where the petition is asking for a senior Council officer to give evidence at a public meeting.
- (5) A petition meeting the criteria set out in Procedure Rule 13(4) may be debated at the meeting at which it is presented, or at a later meeting.
- (6) There shall be a guillotine on the debate of a petition of 15 minutes, after which the vote will be put, unless the Mayor at his/her discretion extends the debate.
- (7) The Council shall decide how to respond to the petition and shall decide either:–
 - (a) to take the action the petition requests;
 - (b) not to take the action the petition requests for reasons stated in the debate;
 - (c) to commission further investigation into the matter, which may include reference to a particular committee for its views, prior to consideration at a future meeting of the Council; or
 - (d) to refer the petition to the Cabinet where it relates to an executive function, in which case the Council may make recommendations to

the Cabinet, but Cabinet will not be bound by those recommendations in discharging its executive functions.

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

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

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

Notice of motion

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

Order of motions

- (5) In each summons for a Council meeting, the Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall add to the order of business –
 - (a) in the case of a Council meeting on Wednesday, motions for which notice has been received before 12 noon on the Monday of the preceding week; and
 - (b) in other cases, motions for which notice has been received before

12 noon on the day preceding the day for summoning the meeting.

- (6) Motions for which the Assistant Chief Executive, or the officer delegated by him/her to carry out this task, has duly received notice, shall be considered by the Council in the order in which they were received.
- (7) Such motions may be submitted by email and the identification of the proposer and seconder in the email (or any form of Motion attached to the email) shall be deemed to satisfy the requirements of Procedure Rule 15(1) above.

Consideration of motions

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

Limit on number of motions

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

16 Motions that may be moved without notice

The following motions may be moved without notice:–

- A motion to appoint a chairperson at the meeting at which the motion is made.
- A motion to use the electronic voting system for the whole of the meeting or for an item of business on the agenda for the meeting.
- A motion relating to the accuracy of the minutes.
- A motion that an item of business specified in the summons should take precedence.
- A motion that an item of business should be referred to the Cabinet or a particular committee or a council meeting.
- A motion to appoint a committee or working party (comprising members or officers or both) to deal with an item on the agenda for the meeting.
- A motion to amend the recommended minutes being discussed.
- A motion to adopt the reports and recommendations of the Cabinet, committees or officers and any consequent resolutions.

- A motion that leave be given to withdraw a motion.
- A motion that another motion be amended.
- A motion that the Council proceed to the next item of business.
- A motion that the motion being debated be put to a vote.
- A motion that the debate be adjourned.
- A motion that the Council meeting be adjourned.
- A motion that a procedure rule be suspended, in accordance with Procedure Rule 31(Suspension of Procedure Rules).
- A motion to exclude the press and public from the meeting or part of the meeting.
- A motion that a Member named under Procedure Rule 19 (Misconduct by a Member at a Council meeting) be not further heard or must leave the meeting.
- A motion that the consent of the Council be given, where the consent of the Council is required.

17 Previous Decisions and Motions

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

18 Rules of debate for Council meetings

Respect for the chairperson

- (1) If the Mayor rises during the meeting, any Member then standing will resume his seat and the Members of the Council shall be silent. Only one Member may rise at one time
- (2) A Member must rise and address the Mayor when speaking.
- (3) If two or more Members simultaneously rise to their feet, the Mayor will call on one to speak and the other or others to return to their seats.

- (4) Except where a Member rises to a point of order or to give a personal explanation, Members must remain seated when one of their number rises to speak.
- (5) Members must address each other by their formal titles when transacting Council business.

Motions and amendments

- (6) Motions and amendments must be formally moved and seconded as set out on the agenda. If a motion or amendment is not moved and seconded, it is treated as withdrawn and cannot be moved without fresh notice.
- (7) The proposer of a motion may, with the permission of the meeting, withdraw the motion. If a motion is withdrawn, a Member cannot speak on it.
- (8) Usually only one motion may be discussed at a time but the Mayor may allow two or more motions to be discussed together if this is conducive to the efficient conduct of business.
- (9) An amendment to a motion must be in writing and contain the names of the proposer and seconder. It must be delivered to the Assistant Director of Legal Services at least four hours before the start of the meeting (no later than 10.00am). Amendments will be listed for each agenda item in the order in which they were received. Copies of every amendment received will be made available to every Member at the meeting.
- (10) An amendment must directly relate to the subject matter of the motion and may:-
 - (i) Refer the motion to a committee or sub-committee for consideration.
 - (ii) Leave out words.
 - (iii) Add words.
 - (iv) Leave out words and add words.
- (11) Amendments must not have the effect of nullifying the motion before the meeting.
- (12) An amendment may be moved and seconded either by the Members who submitted it or other members on their behalf.
- (13) The proposer of an amendment may withdraw it with the permission of the meeting. If the proposer asks to withdraw an amendment, there shall be no discussion on the amendment until the vote has been taken.

- (14) The proposer of a motion may, with the consent of the mover of an amendment, incorporate the amendment into the motion. If this happens, unless the motion and amendment stand in the same name, the proposer of the amendment will still have the same speaking rights as if the amendment had been dealt with separately.
- (15) Amendments will be discussed together unless the Mayor decides to discuss each one separately.
- (16) Amendments will be put to the vote in the reverse of the order in which they were moved at the meeting. The first amendment to be carried will become the substantive motion and other amendments will not be put to the vote.
- (17) The order of speeches on a motion and any amendment shall be:-
- (i) Proposer of the motion.
 - (ii) Proposer of the first amendment.
 - (iii) Proposer of the second amendment and so on until all movers of amendments have spoken.
 - (iv) Any member who has not already spoken under paragraphs (i) to (iii) above.
 - (v) Right of reply of movers of amendments in reverse order until right of reply of proposer of second amendment.
 - (vi) Right of reply of proposer of first amendment.
 - (vii) Right of reply of proposer of motion.
- (18) A Member may only speak once on a motion except:-
- (i) In reply at the conclusion of the debate.
 - (ii) On a point of order.
 - (iii) On a point of personal explanation.
 - (iv) If the first speech was formally to move or second a recommendation or amendment.
- (19) A Member may nominate another Member to exercise any of the above rights to speak.
- (20) When a motion is being debated, the only motions that may be moved are to:-
- (i) Put the question to the vote immediately.
 - (ii) Move immediately to the reply of the chairperson of the committee or sub-committee about whose work the motion is concerned, then the reply of the proposer of the motion, then to the vote.
 - (iii) Refer the matter to the next ordinary meeting or to the Executive, a committee or sub-committee.
 - (iv) Move to the next business.
 - (v) Adjourn the debate or the meeting.
 - (vi) Exclude the public.

Secunder's speech

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

Length and contents of speeches

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

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

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

When a Member may speak again

- (24) Having spoken to a motion, a Member must not speak again to the motion while it is being debated, except –

- (a) to speak once on an amendment to the motion moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) to speak to the motion if his/her first speech was on an amendment moved by another Member (regardless of whether the amendment to which he/she first spoke was carried);
- (d) to exercise a right of reply in accordance with Procedure Rule 18(22);
- (e) to speak once on a point of order; or
- (f) to give a personal explanation to the meeting.

Alteration of a motion

- (25) With the consent (given without discussion) of the Members of the Council,

a Member may:–

- (a) alter a motion of which he/she has given notice, or
- (b) alter with the consent of his/her seconder a motion which he/she has moved;

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

Withdrawal of a motion

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

Right of reply of the proposer of a motion

- (28) Immediately before a motion is put to a vote, the proposer of the motion has the right of reply at the close of the debate. The right of reply will be permitted for ten minutes.
- (29) Where an amendment to a motion is moved, the proposer of the original motion has the right of reply at the close of the debate on the amendment but must not otherwise speak to the amendment.
- (30) Once an amendment has been determined, the proposer of an amendment does not have the right of reply at the conclusion of the debate on the original or substantive motion.

Closure of motions

- (31) At the conclusion of a Member's speech, another member may move without comment:–
 - that the question be put;
 - that the meeting proceed to the next item of business;
 - that the debate be adjourned; or
 - that the meeting be adjourned.
- (32) Unless he/she is of the opinion that the item of business being considered by the meeting has been insufficiently discussed, on the seconding of a motion under Procedure Rule 18(31) the Mayor shall –

- (a) put to a vote a motion that the question be now put or that the meeting proceed to the next item of business, then if the motion is passed, give the proposer of the original motion the right of reply under Procedure Rule 18(28) before putting the motion to a vote; or
- (b) put to a vote a motion to adjourn the debate or the meeting without giving the proposer of the original motion the right of reply.

Points of order

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

Personal explanation

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

19 Voting

- (1) The method of voting at Council meetings shall be by a show of hands or, where requested or required by law, a recorded vote.
- (2) Before a vote is taken, a Member may request a recorded vote. That Member must be supported by five other Members who show their support by standing in their places. The Mayor will have the discretion to refuse a recorded vote if he/she considers the request to be unreasonable to impede the proper discharge of the business of the meeting. The vote will then be recorded in the minutes of the meeting to show how each Member present voted (or whether they abstained from voting). The Mayor will announce the numerical result as soon as it is known.
- (3) In the case of an equality of votes, the Mayor shall have a second or casting vote.
- (4) Subject to Procedure Rule 19(5), where a Member present at a Council meeting requires the manner in which he/she cast his/her vote or abstained from voting to be recorded in the minutes of the meeting, immediately after the vote is taken the Clerk to the meeting (Head of Democratic Services)

shall record in the minutes of the meeting whether that Member cast his/her vote for the question or against the question or whether he/she abstained from voting.

- (5) For the purpose of Procedure 19(4), the leader of the majority opposition group may indicate to the Clerk to the meeting (Head of Democratic Services) how his/her colleagues had cast their votes for or against the question put to the vote or abstained from voting.
- (6) Where the Council votes to set its budget and on any decision relating to the making of a calculation in respect of setting the level of Council Tax, the names of those voting for or against the decision or who abstained from voting will be recorded in the minutes of the meeting by means of a recorded vote in accordance with Procedure Rule 19(2) above.
- (7) For the avoidance of doubt, the rule detailed in Procedure Rule 19(2) above applies to proposed amendments, as well as to a substantive motion.

20 Misconduct by a Member at a Council meeting

Misconduct

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

Member not to be heard further

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

Member to leave the meeting

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

General disturbance

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

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

- (1) If a group or an individual member(s) of the public interrupts the proceedings at any meeting, the Mayor shall warn the person(s) concerned.

If the interruption continues, the Mayor shall order their removal from the meeting room.

- (2) In case of general disturbance in any part of the room open to the public, or of the premises where the meeting is being held, the Mayor will order that part to be cleared. If in the Mayor's view, this is not practicable and it is not possible to continue the meeting in the light of the disturbance, he/she may rule that the meeting should be reconvened in a different venue.

22 The Council in committee

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

23 Recording Council meetings

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

- (a) recordings will include sound and vision;
 - (b) the original version will be available to the Council on request; and
 - (c) that recordings will not be edited in a potentially misleading way.
- (6) If a meeting passes a motion to exclude the press and public then all right to record the part of the meeting to which the exemption applies will be removed.

24 Members' record of attendances

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

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

25 Election of the Leader

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

26 Appointment of committees

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

resolution of the Council at an earlier date.

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

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

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

28 The summoning of meetings of the Cabinet and committees

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

29 Procedure Rules in Part I to apply to committees

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

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

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

PART III
SUSPENSION ETC AND INTERPRETATION OF PROCEDURE RULES

31 Suspension of Procedure Rules

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

32 Variation, revocation or supersession of Procedure Rules

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

33 Interpretation of Procedure Rules

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

PART IV
PROCEDURE RULES FOR THE APPOINTMENT OF COUNCIL
REPRESENTATIVES TO EXTERNAL ORGANISATIONS AND PARTNERSHIPS

34 Scope of Rules

- (1) These Procedure Rules relate to those external organisations and partnerships (referred to as Outside Bodies) which have requested the Council to appoint an Elected Member (or suitable nominee) to them
- (2) For the avoidance of doubt, these Procedure Rules do not apply to appointments to Joint Committees/authorities which are reserved to Council.
- (3) Additionally it is recognised that, often at a local level, individual Elected Members may be personally approached to attend meetings of a variety of organisations in their personal capacity rather than in their capacity as a Councillor. Such instances are not covered within the scope of these Procedure Rules

35 Determination of Outside Bodies to which an appointment should be made

- (1) The Head of Democratic Services will maintain a list of all Outside Bodies to which the authority appoints an Elected Member.
- (2) Each year the Cabinet will review the list of notified Outside Bodies and will determine whether the authority should make/continue to make an appointment to those bodies.
- (3) Determination will be based on one or more of the following criteria being met:
 - (a) the proposed appointment is a statutory requirement
 - (b) the proposed appointment would be consistent with the Council's policy or strategic objectives; and/or
 - (c) the proposed appointment would add value to the Council's activities.
- (4) Requests to make an appointment received after such an annual review will be similarly referred to the Cabinet for determination by reference to the same criteria.

36 The Appointment Procedure

- (1) In April each year (and after elections have taken place every fourth year after 2016), the Head of Democratic Services will circulate the list of positions on outside bodies to the political groups of the Council for nominations to be submitted to the first Cabinet meeting of the new municipal year.

- (2) The Cabinet will be responsible for making any appointment. In doing so, the Cabinet should have regard to a Member's current interests prior to making any appointment. Whilst not being bound by the requirements of political balance, a key consideration for the Cabinet in appointing representatives will be to ensure appropriate representation of the Council's views and policies.
- (3) The Cabinet will be responsible for making any appointment. In doing so, the Cabinet should have regard to a Member's current interests prior to making any appointment. The Cabinet will also have regard to, but not be bound by, the principle of securing an overall allocation of places which reflects the proportion of Members from each Political Group on the Council as a whole.
- (4) All appointments will be subject to annual change unless otherwise stated in the constitution of the external organisation. Each appointment (including in-year replacements) runs for the municipal year, ending at the next Annual Council Meeting.
- (5) Elected Members will fill all available appointments but it is recognised that Political Groups may not wish to take up vacancies which are made available to them. In such circumstances vacancies will be notified to the Cabinet and a decision sought as to whether the vacancy will be filled.
- (6) A vacancy occurring during the municipal year will normally be referred to the Cabinet for an appointment to be made, having regard to the principles as described above.

37 Support for Appointees to Outside Bodies

- (1) **Lead officer:** A lead officer will be identified by the Head of Democratic Services in consultation with the relevant Strategic Director for all relevant appointments. This officer will work closely with the appointed Member(s) to provide briefings and support. Further advice will also be offered by the Chief Finance Officer and/or the Monitoring Officer, as appropriate.
- (2) **Briefings:** For organisations which are community focussed and/or about encouraging local engagement, a lead officer will not be allocated unless the Strategic Director and/or relevant Cabinet Member for the service area deem that this will be beneficial. However, the representative may still seek support and briefings from Council officers.
- (3) **Induction:** External organisations are expected to provide an induction into their affairs for newly appointed Council representatives. In the case of those organisations that are of a strategic interest to the Council, it is the lead officer's responsibility to ensure that an induction is arranged.

ROTHERHAM BOROUGH COUNCIL



PETITION SCHEME

1. [Guidelines for submitting a petition](#)
2. [How the petition will be dealt with](#)
3. [Matters excluded from the petition scheme](#)
4. [The Council's response to petitions](#)
5. [Review](#)
6. [E-petitions](#)

1. Guidelines for submitting a petition

1.1 Petitions to the Council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take. The petition should be directed at the Council, not to specific Members or officers.
- The subject matter of the petition must relate to a function of the Council, or its partner authorities if the petition relates to an improvement in the economic, social or environmental well being of the borough which a partner authority could contribute to. Petitions may also relate to matters which are sub-regional and cross-authority.
- The petition should contain the name, address and signature of at least 20 people who either are resident, work or study in the borough of Rotherham. This includes under 18 year olds.

1.2 Petitions should be accompanied by the contact details of the lead petitioner, including an address and/or telephone/email details. This is the person the Council will contact to explain the process for considering petitions. The contact details of the lead petitioner or any of the petitioners will not be published by the Council. If the petition does not identify a lead petitioner, we will contact signatories to the petition to agree who should act as the lead petitioner.

1.3 If the petition does not follow the guidelines set out above a letter will be sent to the lead petitioner explaining that the guidelines have not been met and that the petition has been forwarded to the appropriate Strategic Director for consideration.

2. How the petition will be dealt with

- 2.1 The petition will normally be acknowledged in writing within 5 working days of receipt although there may be a delay if it is not clear from the petition who the lead petitioner is.
- 2.2 The lead petitioner will need to confirm how he/she would prefer the petition to be dealt with and assistance will be provided by [Democratic Services](#) to help the lead petitioner decide which is the most appropriate route. Petitions will be progressed in one of the following ways:

Officer (relevant Strategic Director)

On receipt the petition will be forwarded to the relevant Strategic Director who has responsibility for the subject matter of the petition. The Strategic Director will nominate a Named Senior Officer to deal with the petition and the Named Senior Officer will contact the lead petitioner within 3 weeks to inform them of what action will be taken on the petition. As a lead petitioner you will be informed within the 3 week period if action has already been taken on the matter before the petition was received, or is in the process of being taken.

The Named Senior Officer will consult with the councillor who is the Member of the Cabinet holding the relevant portfolio for the service area, and if the subject matter of the petition is concerned with a particular locality, the ward councillors, to determine the action to be taken. The lead petitioner will be notified of the outcome in writing. However, it may be appropriate for the Named Senior Officer to take a report to a meeting of the Cabinet or another council committee. The lead petitioner and local ward councillors will be informed of the date of the meeting with an invitation to attend. After the meeting the Named Senior Officer will confirm the outcome to the lead petitioner, local ward councillors and any other relevant Member in writing within 10 working days.

Meetings of Full Council

Petitions can be presented to a meeting of [Council](#). All Councillors on the Metropolitan Borough Council of Rotherham are Members of Council, so attending one of these meetings will provide the opportunity for the views in the petition to reach all Councillors.

The ordinary meetings of Council are held approximately every six weeks, and as a limit of 5 petitions are considered at each meeting, the lead petitioner should contact [Democratic Services](#) at the earliest opportunity. If there are more than 5 petitions then it will be necessary to consider the petitions that were received latest at the next meeting. At the Council meeting, a representative of the petitioners may speak on the subject matter of the petition for 5 minutes after presenting their petition to the Mayor. Council will not debate the petition but can refer the petition to the appropriate committee, panel or officer for response.

Full Council debates

If a petition contains more than 2,000 signatures it will be debated at a meeting of Council. Normally the petition will be considered at the next ordinary meeting of the Council, although on some occasions this may not be possible and consideration will then take place at the following meeting. A representative of the petitioners will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The Council will then decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for the reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council's Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will be sent written confirmation of this decision within 10 working days. This confirmation will also be published on the Council's website.

Consideration by Overview and Scrutiny Management Board

If the petition contains at least 600 signatures, the call for action will be considered by the [Overview and Scrutiny Management Board](#). The Overview and Scrutiny Management Board may decide to call a relevant councillor to attend the meeting such as the member of the Cabinet who holds the portfolio for the service mentioned in the petition.

A report will be presented to a meeting of the Overview and Scrutiny Management Board setting out the background to the matter. The lead petitioner will be able to attend the meeting to present the petition for up to 5 minutes. At the meeting the relevant councillor and/or senior officer will be questioned by the Committee members. If the public is to be excluded during any part of the meeting under the provisions of Schedule 12A of the Local Government Act 1972 this will be set out in the attendance notification to the lead petitioner. The Committee will then make recommendations in accordance with the Council's Constitution to the relevant decision making body. It may be necessary for the Committee to defer making the recommendations to a future meeting, for instance, if further information is requested. When the Committee has finalised its recommendations written notification will be sent to the lead petitioner within 10 working days and be published on the Council's website.

3. Matters excluded from the Petitions Scheme

3.1 A petition cannot be dealt with through this scheme if it addresses or includes:

- a planning or licensing application for which other arrangements are in place.
- Matters subject to prescribed statutory requirements, e.g. an elected mayor.
- Matters where there is already an existing right of appeal, such as council tax banding and non-domestic rates, where other procedures apply.
- Repetitive or vexatious correspondence
- Potentially libellous, false or defamatory statements.
- Material which is commercially sensitive
- Material generated by local political parties
- The names of individuals in relation to criminal accusations or information which easily identifies an individual
- Statements which contravene equalities and anti-discrimination legislation
- Matters subject to appeal processes or legal actions, e.g. enforcement action, investigation by a public body, court cases or tribunals.
- Refers to a particular official of a public body
- Material which is vexatious, abusive or is deemed otherwise inappropriate by the Monitoring Officer. A petition will be deemed to be vexatious where it is manifestly unjustified, inappropriate or improper use of a formal procedure.

3.2 Where a petition raises issues of possible competence or misconduct by an officer, the petition will be considered under the eCouncil's complaints and/or disciplinary procedures, and not under this petitions scheme.

3.3 If the petition contains any of the above the lead petitioner will be informed of the reason for not accepting the petition in writing.

3.43 If the petition is about a matter over which the Council has no direct control your petition will be forwarded to the relevant organisation. However, if the petition relates to a partner organisation the Council will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. The lead petitioner will be informed of any action the Council has taken to progress the petition.

Please consult with [Democratic Services](#) if clarification is required.

4. The Council's response to petitions

4.1 The Council's response to a petition will depend upon what the petition is asking for and which of the options is taken for dealing with the petition, but the response will include one or more of the following:

- Writing to the lead petitioner and relevant Ward Councillors setting out the Council's views about the request in the petition
- Taking the action requested in the petition
- Commissioning research on the matter
- Holding a consultation
- Holding a meeting with petitioners
- Holding a public meeting
- Undertaking a referendum in a locality
- An inquiry
- Referring the petition for consideration by the Cabinet or relevant Scrutiny Committee (committees responsible for scrutinising the work of the Council and holding the decision makers to account)
- Discussing the petition with other relevant organisations
- Publish notification on the Council's website on how the petition is being dealt with.

5. Review

5.1 There is no right of review to the response of the Council in respect of petitions. Where a lead petitioner is dissatisfied with the response provided by the Council, they may submit a complaint and it will be considered under the eCouncil's complaints procedures, and not under this petitions scheme.

6. E-petitions

6.1 The Council welcomes petitions which are created and submitted through the Council's [website](#). E-petitions must follow the same guidelines as paper petitions as outlined above. The petition organiser will need to provide the Council with their name and email address. They will also need to decide how long they would like their petition to be open for signing.

6.2 When an e-petition is created, it may take five working days before it is published online. This is because the Council has to check that the content of the petition is suitable before it is made available for the public to sign. If the Council feels it cannot publish the petition for some reason, they will contact the petition organiser within this time to explain why. The petition organiser will then be able to change and re-submit their petition if they wish.

6.3 When an e-petition has closed for signing, it will automatically be submitted to [Democratic Services](#) in the same way as a paper petition and the petition organiser will receive an acknowledgement within five working days. It will ask them how they prefer to progress the petition in line with the Council's petition

scheme. Assistance will be provided to help them decide which is the most appropriate route.

ROTHERHAM BOROUGH COUNCIL

RESPONSIBILITY FOR FUNCTIONS

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 - [Standards and Ethics Committee](#)
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 - [Health Select Commission](#)
 - [Improving Lives Select Commission](#)
 - [Improving Places Select Commission](#)

INTRODUCTION

This part of the Constitution sets out who is responsible for the various functions of the Council.

Functions are categorised as:

1. Local Choice Functions

There are some functions that the authority may treat as the responsibility of the Executive (the Cabinet) (in part or whole) or as Council (non-executive functions, as its discretion. Section 1 details these functions and who is authorised to discharge them.

2. Council (non-executive) Functions

These are functions which, under the law, cannot be the responsibility of the Executive. In some cases, such as adopting the Council's budget or the Policy Framework, only Council may discharge the function. In other cases, the Council may delegate the responsibility for discharging a function to a committee or an officer.

3. Executive Functions

All other functions are executive functions. Decisions on these will be taken by the Executive, unless they are dealt with under joint arrangements or delegated to a committee of the Executive, the Health and Wellbeing Board or an officer. Section 3 details how these functions are delegated.

SECTION 2: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

These functions have been specifically identified as being reserved to the Council or delegated to a committee or officers, rather than being executive functions.

Local Choice Functions¹	Decision Making Body	Delegation of functions to Committees or officers
Functions under a local Act (other than one specified or referred to in Reg 2 or Schedule 1 of the Regulations 2000)	Cabinet	The relevant Strategic Director for the function concerned.
To determine appeals against any decision of the authority	Cabinet generally ² , except in matters referred under the terms of reference of the Licensing Board and its sub-committees and appeals panels for employment matters	Assistant Chief Executive ³
To appoint review boards under the Social Security Act 1998 ⁴	Council	Assistant Director of Legal Services
To make arrangements for appeals against exclusion of pupils from maintained schools	Council	Assistant Chief Executive
To make arrangements for appeals regarding school admissions ⁵	Council	Admitting authorities and Assistant Chief Executive ⁶
To make arrangements for appeals by governing bodies ⁷	Council	Strategic Director of Children and Young People's Services
Any function relating to contaminated land ⁸	Cabinet	Strategic Director of Regeneration and Environment
The control of pollution or the management of air quality ⁹	Cabinet	Strategic Director of Regeneration and Environment

¹ Local Authorities (Functions and Responsibilities) Regulations 2000, Schedule 2

² Including appeals in relation to access to information by Members under S100F of the Local Government Act 1972, Regulation 17 Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and the common law "need to know" rules

³ In relation to arrangements for employee appeals, save those dealt with by the Appeals Panel

⁴ S34(4) Social Security Act 1998

⁵ S94(1), (1A) AND (4) School Standards and Framework Act 1998

⁶ The Assistant Chief Executive will be responsible for clerking functions set out in paragraphs 1.10 to 1.11 of the School Admission Appeals Code, with the relevant admitting authority making all other necessary arrangements.

⁷ S95(2) School Standards and Framework Act 1998

⁸ Part IIA Environmental Protection Act 1990 and subordinate legislation

⁹ Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

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To serve an abatement notice in respect of a statutory nuisance ¹⁰	Cabinet	Strategic Director of Regeneration and Environment
To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area ¹¹	Cabinet	Strategic Director of Regeneration and Environment
To inspect the authority's area to detect any statutory nuisance ¹²	Cabinet	Strategic Director of Regeneration and Environment
To investigate any complaint about the existence of a statutory nuisance ¹³	Cabinet	Strategic Director of Regeneration and Environment
To obtain information about interests in land ¹⁴	Cabinet	Strategic Director of Regeneration and Environment
To obtain particulars of persons interested in land ¹⁵	Cabinet	All Strategic Directors in pursuance of their delegated authority
To make agreements for the execution of highways works ¹⁶	Cabinet	Strategic Director of Regeneration and Environment
To appoint any individual (a) To any office other than an office in which he is employed by the authority and to revoke any such appointment	Council ¹⁷	
To appoint any individual (b) To any body other than – (i) The authority (ii) A joint committee of two or more authorities; (c) To any such committee or sub-committee of such a body And to revoke any such appointment	Cabinet	
To make agreements with other local authorities for the placing of staff at the disposal of those other authorities	Cabinet	

¹⁰ S80(I) Environmental Protection Act 1990

¹¹ S8 Noise and Statutory Nuisance Act 1993

¹² S79 Environmental Protection Act 1990

¹³ S79 Environmental Protection Act 1990

¹⁴ S330 Town and Country Planning Act 1990

¹⁵ S16 Local Government (Miscellaneous Provisions) Act 1976

¹⁶ Section 278 Highways Act 1980

¹⁷ Council acts as Appointing Body for the purposes of making appointments to:

- South Yorkshire Mayoral Combined Authority
- South Yorkshire Fire and Rescue Authority
- South Yorkshire Pensions Authority
- South Yorkshire Police and Crime Panel

SECTION 3: FUNCTIONS OF THE COUNCIL (NON-EXECUTIVE FUNCTIONS)

These are functions which, under the law, cannot be the responsibility of the Executive. In some cases, such as adopting the Council's budget or the Policy Framework, only Council may discharge the function. In other cases, the Council may delegate the responsibility for discharging a function to a committee or an officer.

	Function	Legislation
1	The levying or issuing of a precept for a rate and the setting of council tax (unless delegated in accordance with s67 (3) Local Government Finance Act 1992) and limits for borrowing money	Local Government Finance Act 1988. Local Government Finance Act 1992. Section 3 Local Government Act 2003.
2	The decision to introduce or revise a council tax reduction scheme	Section 13A(b) Local Government Finance Act 1992 Section 67(2)(aa) Local Government Finance Act 1992
3	Agreeing council tax discounts and exemptions	Sections 11A and 11B of the Local Government Finance Act 1992
4	The establishment, agreeing and/or amending the terms of reference for and abolition of Committees (other than of the Executive) and Joint Committees (with other local authorities) and the appointment, replacement and removal of members of them other than in cases where the Executive is entitled to make appointments.	Local Government Act 1972. The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.
5	Resolution to operate executive arrangements or to make a change in governance arrangements.	Section 29 of the Local Government Act 2000. Paragraph 3 or 8 of Schedule 4 to the Local Government and Public Involvement in Health Act 2007.
6	Authorising applications to the Secretary of State for disposals of council dwelling houses to be included in his disposals programme or for consent to such disposals where consent is required.	Section 135, Leasehold Reform and Urban Development Act 1993. Sections 32 and 43 of the Housing Act 1985.
7	Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about the discharge of an Executive function where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget.	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

8	Adopting or amending the Members' Allowances Scheme.	Section 18 of the Local Government and Housing Act 1989. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
9	Election the Leader of the Council.	Sections 11 and 44C of the Local Government Act 2000.
10	Adoption of the Members' Code of Conduct.	Section 51 of the Local Government Act 2000. Section 27 Localism Act 2011
11	Approval of the appointment or dismissal of the Chief Executive.	The Local Authorities (Standing Orders) (England) Regulations 2001.
12	Adopting or approving the Policy Framework and the Budget	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
13	Changing the name of the borough	Section 74 of the Local Government Act 1972.
14	Appointment of the Mayor & Deputy Mayor	Schedule 4 to the Local Government Act 1972.
15	Power to confer title of honorary alderman or to admit to be an honorary freeman	Section 249 of the Local Government Act 1972
16	The making, altering or revoking of procedural rule except as provided for in the Constitution	Sections 29, 106 and Schedule 12 of the Local Government Act 1972. Sections 8 and 20 Local Government and Housing Act 1989.
17	Adopting and changing the Constitution except in relation to those arrangements which it is the responsibility of the Leader to make.	Local Authorities (Arrangements for the Discharge of Functions) Regulations 2000 as amended.
18	Making, amending, revoking, re-enacting or adopting byelaws.	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978.
19	Promoting or opposing the making of local legislation or personal Bills.	Section 239 of the Local Government Act 1972.
20	The making of an agreement to establish a joint planning committee or to prepare a joint development plan document or to request the Secretary of State to revoke an order establishing such a joint committee.	Sections 28 to 31 of the Planning and Compulsory Purchase Act 2004. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
21	Power to resolve not to issue a casino premises licence and duty to publish the 3 year licensing policy.	Sections 166 and 349 of the Gambling Act 2005.
22*	Power to introduce a late night levy	Police Reform and Social Responsibility Act 2012
22	Approving the annual Pay Policy Statement	Section 38 Localism Act 2011
23	Power to make an early morning alcohol restriction order.	Section 172A Licensing Act 2003

24	Any other matter that by law is reserved for Full Council.	
25	Agreeing the discharge of functions (scheme of delegation) within Appendix 9 of the Constitution	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
26	Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council	
27	All local choice functions which the Council decides should be undertaken by itself rather than the Executive	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
28	Appoint the Council's statutory officers (and to provide adequate resources/staffing	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
29	Appoint a Returning Officer (for local government elections) and an Electoral Registration Officer	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
30	To approve a pay policy statement	Sections 38 and 39 Localism Act 2011

SECTION 3A: GENERAL DELEGATIONS TO OFFICERS

1. The fact that a function has been delegated to an officer does not require that officer to give the matter his/her personal attention and that officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the officer to whom the delegation has been made remains responsible for any decision taken pursuant to such arrangements.
2. Subject to the exception listed below, in respect of approvals, licences, permission or registrations which come within the terms of their delegated authority, the Chief Executive, Strategic Directors, Assistant Chief Executive and Assistant Director of Legal Services are authorised¹:
 - (a) To impose conditions, limitations or restrictions;
 - (b) To determine any terms to which they are subject;
 - (c) To determine whether and how to enforce any failure to comply²;
 - (d) To amend, modify, vary or revoke; and
 - (e) To determine whether a charge should be made or the amount of such a charge
3. The Chief Executive, Strategic Directors, Assistant Chief Executive and Assistant Director of Legal Services are authorised to carry out the following in respect of those functions for which they have delegated authority³:
 - (a) To make payments or provide other benefits in cases of maladministration (in consultation with the Strategic Director of Finance and Customer Services as Section 151 Officer)⁴
 - (b) Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as an employer;
 - (c) To:
 - (i) appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure, subject to the powers delegated to the Staffing Committee and Senior Officer Appointments Panel;

¹ An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

² Including

- Any failure to comply with such an approval, consent, licence, permission or registration,
- Any failure to comply with a condition, limitation or term; to which any such approval, consent, licence, permission or registration is subject; or
- Any contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the executive

³ An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

⁴ Item 48 of Para I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended
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- (ii) appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision and corporate approval processes.
 - (iii) To determine issues relating to officers' terms and condition of employment and to take such action and enter into such agreement as may be required to give effect to such determinations.
- (d) The enforcement of byelaws.

SECTION 3B: CHIEF EXECUTIVE

1. The Chief Executive is the Head of Paid Service for the Council.
2. The Chief Executive is the Electoral Registration Officer for the Council, and the Returning Officer for local elections.
3. The Chief Executive¹ is authorised to discharge the following Council (non-executive functions):

Functions relating to Elections

(a)	To assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983
(b)	To provide assistance at European Parliamentary elections	Section 6(7) and (8) of the European Parliamentary Elections Act 2002
(c)	To divide constituencies into polling districts	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983
(d)	To divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983
(e)	Powers in respect of holding elections	Section 39(4) of the Representation of the People Act 1983
(f)	To pay expenses properly incurred by electoral registration officer	Section 54 of the Representation of the People Act 1983
(g)	To fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985
(h)	To declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972
(i)	To give public notice of a casual vacancy	Section 87 of the Local Government Act 1972
(j)	To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000
(k) Functions relating to community governance ²		
	i) Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007

¹ The fact that a function has been delegated to the Chief Executive does not require the Chief Executive to give the matter his/her personal attention and the Chief Executive may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the Chief Executive remains responsible for any decision taken pursuant to such arrangements.

² Functions relating to making of recommendations under sections 87-92 of the Local Government and Public Involvement in Health Act 2007 (Item 5 Paragraph EB of Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000/2853)) are reserved to the relevant committee that is responsible for making recommendations to Council.

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	ii)	Functions relating to community governance petitions	Section 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007
	iii)	Functions relating to terms of reference of review	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007
	iv)	Power to undertake a community governance review	Section 82 of the Local Government and Public Involvement in Health Act 2007
	v)	Duties when undertaking review	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007
	vi)	Duty to publicise outcome of review	Section 96 of the Local Government and Public Involvement in Health Act 2007
	vii)	Duty to send two copies of order to Secretary of State and Electoral Commission	Section 98(1) of the Local Government and Public Involvement in Health Act 2007
(l)		Functions relating to consultation and notification processes in relation to changing the name of an electoral area ³	S59 of the Local Government and Public Involvement in 2007
(m)		To dissolve, subject to Council approval, small parish councils	Section 10 of the Local Government Act 1972
(n)		To make orders, subject to Council approval, for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(o)		To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

Functions relating to changing governance arrangements

(a)	To secure that copies of a document setting out new governance arrangements are available for public inspection, and to publish a notice about the change	Section 9KC of the Local Government Act 2000
(b)	To take any step, subject to timely consultation with the relevant committee in advance of any action being taken, under or for the purposes of complying with any order from the Secretary of State under Section 9N of the Local Government Act 2000, or related to regulations	Section 9N of the Local Government Act 2000

³ The function of passing a resolution to change the name of an electoral area under s59(1) of the Local Government and Public Involvement in Health Act 2007 is reserved to Council.
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SECTION 3B: ASSISTANT CHIEF EXECUTIVE

1. Subject to the exception listed below, the Assistant Chief Executive¹ is authorised to discharge the following Council (non-executive functions):

Functions relating to Human Resources

(a)	Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972
(b)	To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal ²	Section 112 of the Local Government Act 1972
(c)	To determine employee terms and conditions	Section 112 of the Local Government Act 1972

¹ The fact that a function has been delegated to the Assistant Chief Executive does not require the Assistant Chief Executive to give the matter his/her personal attention and the Assistant Chief Executive may arrange for such delegation to be exercised by an officer of suitable experience and seniority, however the Assistant Chief Executive remains responsible for any decision taken pursuant to such arrangements.

SECTION 3C: STRATEGIC DIRECTOR OF REGENERATION AND ENVIRONMENT

Subject to the exceptions listed below, the Strategic Director of Regeneration and Environment is authorised to discharge the following Council (non-executive) functions:

1. Regulatory Functions

(a)	Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).
(b)	Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c. 49).
(c)	Power to license hackney carriages and private hire vehicles.	<p>(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57);</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>
(d)	Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
(e)	Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
(f)	Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963
(g)	Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963
(h)	Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963
(i)	Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968
(j)	Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976
(k)	Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976
(l)	Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985
(m)	Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968

(n)	Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33), section 79 of the Licensing Act 1964 (c. 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).
(o)	Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
(p)	Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46)
(q)	To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (SI1995/510)
(r)	To licence premises for acupuncture, tattooing, ear piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(s)	To licence premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(t)	To licence pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, Section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, Section 1 of the Breeding of Dogs Act 1973 and Sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(u)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(v)	To licence zoos	Section 1 of the Zoo Licensing Act 1981
(w)	To licence dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(x)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(y)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(z)	To licence the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(aa)	To licence collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(bb)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(cc)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(dd)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(ee)	Power to authorise officers to undertake enforcement in respect of smoking cessation and smoke free premises, vehicles etc.	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(ff)	Functions related to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smokefree (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)
(gg)	Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)
(hh)	To licence pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907

(ii)	To authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980
(jj)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(kk)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(ll)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(mm)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(nn)	To determine applications for public path extinguishment order	Section 118ZA and 118C(2) of the Highways Act 1980
(oo)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(pp)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(qq)	To make a public path diversion order	Section 119ZA and 119C(4) of the Highways Act 1980
(rr)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(ss)	To make a special diversion order	Section 119B of the Highways Act 1980
(tt)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(uu)	To make an Sites of Special Scientific Interest diversion order	Section 12B of the Highways Act 1980
(vv)	To keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
(ww)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(xx)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(yy)	To apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980
(zz)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 of the Highways Act 1980
(aaa)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(bbb)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(ccc)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981

(ddd)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(eee)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
(fff)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(ggg)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(hhh)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(iii)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(jjj)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
(kkk)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(lll)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000
(mmm)	To licence market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
(nnn)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
(ooo)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987
(ppp)	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(qqq)	To grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers	Section 115E, 115F and 115K of the Highways Act 1980
(rrr)	To publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980
(sss)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(ttt)	To licence planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(uuu)	To licence works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980

(vvv)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
(www)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
(xxx)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
(yyy)	To consent to construction of cellars etc under street	Section 179 of the Highways Act 1980
(zzzz)	To consent to the making of openings into consent etc under streets and pavement lights and ventilators	Section 180 of the Highways Act 1980
(aaaa)	To make a special extinguishment order	Section 118B of the Highways Act 1980
(bbbb)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(cccc)	To serve notice of proposed action in relation to obstruction	Section 130A of Highways Act 1980
(dddd)	To apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980
(eeee)	To make good damage and remove obstructions	Section 135B of the Highways Act 1980
(ffff)	To remove nuisances deposited on the highway	Section 149 of the Highways Act 1980
(gggg)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(hhhh)	To authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act

2. Functions of the Licensing Authority delegated by Council

Subject to the exception set out below, the Strategic Director of Regeneration and Environment is authorised to discharge the functions of the licensing authority as set out below:-

(a)	Any function of a Licensing Authority ¹	Licensing Act 2003 and any regulations or orders made under that Act ²
(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter.

Exceptions:

- Any function of the Licensing Authority reserved to Council³

¹ These functions will be carried out to support those matters which cannot be delegated by the Licensing Authority

² Including functions which, by virtue of the Gambling Act 2005 are delegated to the Licensing Committee

³ Section 3 of Appendix 9 of the Constitution sets out licensing functions reserved to Council, as licensing authority under the 2011 Act

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3. Town and Country Planning and Development

(a)	To determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
(b)	To determine applications to develop land without compliance with conditions	Section 73 of the Town and Country Planning Act 1990
(c)	To grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
(d)	To decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990
(e)	Duties relating to the making of determinations of planning applications	Sections 69 and 92 of the Town and Country Planning Act 1990 and Articles 5, 10, 12, 15 to 18, 20 to 24, 25 to 30 and 32 to 35, 25 and 26 of the Town and Country Planning (General Development Management Procedure) Order 2015/595 ⁴ 1995 (SI 1995/419) and directions made thereunder.
(f)	To determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492)
(g)	To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 1 to 19 of Schedule 2 to the Town and Country Planning (General Permitted Development Order 2015 (SI 2015/596) ⁵
(h)	To enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
(i)	To issue a certificate of existing or proposed lawful use or development	Sections 191 and 192 of the Town and Country Planning Act 1990
(j)	To serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
(k)	To grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
(l)	To authorise entry onto land	Section 196A of the Town and Country Planning Act 1990
(m)	To require discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
(n)	To issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990
(o)	To serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
(p)	To issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990
(q)	To apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
(r)	To determine applications for hazardous substances consent and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
(s)	To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25), and paragraph 6(5) of Schedule 14 to the Act

⁴ This Order replaced 1995/419 which is cited in the Functions and Responsibilities Regulations

⁵ This Order replaced 1995/418 which is cited in the Functions and Responsibilities Regulations
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(t)	To require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990
(u)	To determine application for listed building consent, and related powers	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(v)	Duties relating to applications for listed building consent	Section 13(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas Regulations 1990 and Arrangements for Handling Heritage Applications Direction 2015 and The Conservation Areas Direction 2015 ⁶
(w)	To serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(x)	To issue enforcement notice in relation to demolition of listed building in conservation area	Section 38 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(y)	To acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(z)	To apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(aa)	To execute urgent works	Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990

4. Commons Registration

(a)	To register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to (i) An exchange of lands affected by section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or (ii) An order section 147 of the Inclosure Act 1845 (c 8 & 9 Vict c 118)	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843)
(b)	To register variation of rights of common	Regulation 29 of the Commons Registrations (General) Regulations 1966 (SI 1966/1471)
(c)	Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c 26)
(d)	Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006
(e)	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Section 45(2) of the Commons Act 2006
(f)	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2) of the Commons Act 2006

⁶ This Direction replaced Circular 01/01 cited in the Functions and Responsibilities Regulations
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5. Hedgerows and Trees

(a)	The protection of important hedgerows	The Hedgerows Regulations 1997
(b)	The preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation)(England) Regulations 2012 ⁷

6. High Hedges

(a)	Complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003
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Exceptions:

The Strategic Director of Regeneration and Environment is not authorised to discharge the following town and country planning, development control and commons registration functions:

(a)	The determination of applications following a written request ⁸ to the Strategic Director of Regeneration and Environment by a Ward Member concerning an application within the Ward he/she represents that the application be referred to the Planning Board
(b)	The determination of application for development that would constitute a significant departure from the Development Plan, including a significant departure from any Local Development Framework currently in force
(c)	The determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council
(d)	The determination of applications for major development ⁹ which the Chair of Planning Board, in conjunction with the Strategic Director of Regeneration and Environment, considers are sensitive, controversial or would have significant impacts on local communities
(e)	The approval of applications, where approval would reverse a previous decision taken by the Planning Board
(f)	The approval of applications, where approval would conflict with an objection raised by a statutory technical consultee
(g)	Where the Chair of Planning Board, in conjunction with the Strategic Director of Regeneration and Environment, considers that the application should be referred to the Planning Board for determination because of the significance, impact or sensitivity of the proposal
(h)	The determination of applications submitted in a personal capacity by or on behalf of Members, Strategic Directors or any other officer who carries out development management functions.

⁷ These regulations replace the Regulations cited in the Functions and Responsibilities Regulations.

⁸ This request must be made to the Strategic Director of Regeneration and Environment (or officer(s) authorised by him or her to receive such requests) and should normally be made within 21 days of the date of validation. The application can be legally determined after the 21 days statutory advertisement deadline if no such request has been received by that deadline. The request must set out the reason(s) for the referral based on material planning considerations and must give rise to concerns affecting more than neighbouring properties (these being those which are notified by means of a letter as part of the Council's policy regarding publicity on householder planning applications).

⁹ "Major development" for these purposes means:

- Residential development involving the erection of ten or more dwellings or, if the number of dwellings is not known, sites of 0.5 hectares or more.
- Other development proposals (apart from minerals and waste development) where the application would result in the erection of gross floorspace of not less than 1,000 msq, or sites of 1 hectare or more
- Minerals and waste development where an Environmental Statement is required.

(i)	Where objections have been received to Commons Registrations
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SECTION 3D: STRATEGIC DIRECTOR OF CHILDREN AND YOUNG PEOPLE'S SERVICES

1. The Strategic Director of Children and Young People's Services¹ is authorised to discharge the following Local Choice Functions which have been assigned to Council

(a)	To make arrangements for appeals by governing bodies
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2. The Strategic Director of Children and Young People's Services² is authorised to discharge the following Council (non-executive functions):

(a)	To licence the employment of children	Part II of the Children and Young Persons Act 1933 bylaws made under that Part, and Part II of the Children and Young Persons Act 1963
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¹ Appointed as Director of Children's Services under Section 18 of the Children Act 2004

² The fact that a function has been delegated to the Strategic Director does not require the Strategic Director to give the matter his/her personal attention and the Strategic Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Strategic Director remains responsible for any decision taken pursuant to such arrangements.

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SECTION 4A: RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

- 3.1 Executive functions include those local choice functions identified in Section 2 as the responsibility of the Executive (Cabinet), and all other functions of the Authority not specified in Section 3.
- 3.2 All executive functions will be discharged by the Executive as a whole, save to the extent that such functions are delegated to joint committees or officers.
- 3.3 The names of the Leader of the Council and Members of the Authority appointed by the Leader to the Executive are as follows:-

Leader of the Council	Councillor Chris Read
Deputy Leader of the Council	Councillor Gordon Watson
Cabinet Member	Councillor Saghir Alam
Cabinet Member	Councillor Sarah Allen
Cabinet Member	Councillor Dominic Beck
Cabinet Member	Councillor Emma Hoddinott
Cabinet Member	Councillor Denise Lelliott
Cabinet Member	Councillor David Roche

SECTION 4B: EXECUTIVE PORTFOLIOS

Leader of the Council (Councillor Chris Read)

The Leader has responsibility for overall leadership of the Council and representing the borough at a national regional and sub-regional level. The Leader will take personal responsibility for leading the drive towards corporate improvement, organisational and cultural change, and is responsible for the Council's governance and ethical framework.

- Overall leadership of the Council
- Overall coordination of the Council's response to Child Sexual Exploitation
- Overall responsibility for ensuring the Council sets and delivers a balanced budget
- Setting Corporate Policy including the Corporate Plan
- Reputation Management and corporate communication
- Corporate Improvement, Innovation and Organisational change
- To lead on Standards & Governance
- Overall responsibility for Corporate Governance, including signing the Council's Annual Governance Statement to confirm the Council has appropriate rules, policies and procedures in place and operating effectively for managing its business
- To lead the Council's formal Conciliation and Consultation arrangements
- Member of the Rotherham Together Partnership Board
- To lead on City Region activity and devolution, including as member of Sheffield City Region Combined Authority
- Customer Services
- Community Cohesion

Deputy Leader and Cabinet Member for Children and Young People's Services and Neighbourhood Working (Councillor Gordon Watson)

The Deputy Leader will support the Leader day to day activity to allow him to concentrate on strategic issues. The portfolio holder will have specific responsibilities around child safeguarding, child protection and incorporates education, lifelong learning and the prevention early and intervention strategy. The Deputy Leader will also take Cabinet responsibility for the Member Neighbourhood Working model.

- Statutory position as lead member for Children
- Chair of the Children and Young People's Partnership
- Children's Safeguarding and prevention and early intervention strategies
- Family intervention, fostering, adoption and looked after children including out of borough placements; corporate parenting lead
- Transitional arrangements from childhood to adulthood for young people with complex needs
- Lifelong Learning and lead member for Education & 14-19 Strategy including early years, schools, special schools, and pupil referral units.
- School catering; School place planning; School effectiveness; School music service; contributing to Children, Young People and Families partnership; The Family Steering Group; School Admissions and Appeals

- Early Help services including the Troubled Families agenda
- Children and Adolescent Mental Health Services (CAMHS)
- Neighbourhood Working Model
- Member Development and Member Services

Adult Social Care and Health (Councillor David Roche)

This portfolio retains the oversight and all commissioning activities and provision of adult social care, public health functions and the interface with NHS. The main thrust is to provide services in a personalised manner around the citizen and to lead on the integration of local health and adult social care services.

- Adult Social Services including adult safeguarding, services for older people, a range of services to meet the needs of people with learning disabilities, support for people with mental health issues and dementia, and services to support people with physical disabilities
- Arrangements from childhood to adulthood for people with complex needs
- Lead member for preparation of the Joint Strategic Needs Assessment with health partners
- Lead for liaison with health partners to lead on the integration of local health services including prevention/early intervention activity
- Chair of the Health and Wellbeing Board
- Health Watch Liaison
- Public Health, including overseeing the Health Protection Plan, prevention and improvement

Jobs and the Local Economy (Councillor Denise Lelliott)

This portfolio has an emphasis on delivering jobs and strengthening the local economy combining, as well as strategic responsibilities around planning.

- All matters relating to Planning (including the Local Plan), Building Regulations and Highways Development Control
- All matters relating to Transportation (including Transportation Planning, Transportation Strategy, Transportation Policy, Traffic Manager Statutory Duty, Public Transport, sustainable transport initiatives, (including Traffic Regulation Orders in relation to the issues within this portfolio)
- All matters relating to overall management of traffic movement
- Economic Development and Regeneration Strategy and Services
- Member of the Rotherham Together Partnership Economic Growth Board
- The development and Implementation of Economic Growth Regeneration projects including Inward Investment and Business Growth
- Town Centres, retail and commercial investment
- Major town centre projects and development
- Asset Management (alongside the Cabinet Member for Housing)
- Advising on the Council's bidding prospectus relating to economic and business growth schemes into City Region and national funding opportunities
- External Affairs relating to business growth and inward investment

- All matters relating to car parking (including enforcement, parking appeals and parking permits)
- Blue Badge Fraud Investigation
- Untaxed and Abandoned vehicle removal

Waste, Roads and Community Safety (Councillor Emma Hoddinott)

This portfolio oversees issues relating to community safety, including most of the council's enforcement activity, highways maintenance, and household waste services:

- Community Safety, Crime Reduction and Anti-Social Behaviour Strategies
- Chair of the Safer Rotherham Partnership
- Overall responsibility for Enforcement policy and performance (including Licensing)
- All matters relating to Waste Management, collection and recycling
- Highways schemes, repairs and maintenance including all highway inspection, design, network management, enforcement, winter maintenance, highways adoptions, highway licenses, public rights of way, street lighting (including design and build), winter maintenance, and road safety including educational initiatives, road safety strategy (including safety audits), Safety Camera Partnership, Pedestrian Crossing assessments, Local safety schemes (including vehicle activated signs and 20mph zones) and school safety schemes
- Highways Asset Management Policy and Strategy, highway claims, highway, utility company works (including scaffolding, skips, events and planning) and vehicle access crossing applications
- Maintenance of signs, bollards, benches, cenotaphs, street name plates, road markings, highway fencing and barriers
- Strategic lead in all matters relating to Domestic Violence and Abuse
- All matters relating to the deployment of portable CCTV
- Lead on Local Flood Authority duties
- All matters relating to Highway Drainage (including septic tank and cesspool emptying)
- Environmental health, food hygiene, cemeteries, crematorium and mortuary services
- All matters relating to Allotments
- All matters relating to Traffic Control Strategies (including Traffic Regulation Orders in relation to the issues within this portfolio), Intelligent Traffic Management (automated signs) and Signing Strategy

Cleaner, Greener Communities (Councillor Sarah Allen)

This portfolio oversees street cleansing and grounds maintenance services, including in parks and green spaces, culture and leisure services, and other aspects of work in communities:

- All matters relating to litter, street cleansing and grounds maintenance, including mechanical sweeping and litter collection and graffiti removal, and

grounds maintenance of green spaces (Streetpride services unless specified in another portfolio)

- Representing the Council on partnerships as requested by the Leader, including Parish Council Liaison and the voluntary and community sectors
- Social Inclusion
- Cultural Services, including libraries, heritage, theatres and arts and service centres
- All matters relating to Leisure Services, recreation and sport
- Development of events programme in Parks, green spaces and recreational facilities
- The Food for People in Crisis and crisis loans schemes
- Community Cohesion (supporting the Leader)

Housing (Councillor Dominic Beck)

This portfolio is responsible for the council's housing stock and Rotherham Housing Strategy, increasing access to affordable housing and regulation of private sector landlords.

- Responsibility for management, improvement and adaptation of the housing stock
- Oversight of the Housing Revenue Account
- Housing Strategy and affordability policies
- Asset Management (in relation to Housing and HRA assets)
- Planning for future housing needs (alongside the Cabinet Member for Jobs and the Local Economy)
- Selective Licensing and regulation of private landlords

Corporate Services and Finance (Councillor Saghir Alam)

This portfolio is concerned with the proper and efficient working of the council and its processes. Specific responsibilities are:

- To lead on day to day working of financial activity (including Revenues and Benefits), and to support the Leader in development of the Budget and Capital Strategy
- Human resources strategies, policies and procedures
- To lead on all matters relating to Legal and Democratic Services
- To lead on the Corporate Performance Management arrangements
- To lead on ICT, particularly on new ways of working
- To lead on Internal Audit and Risk Management
- To be responsible for corporate Commissioning and Procurement strategies and implementation
- To lead on Health, Safety and Equalities at Work
- To lead on Emergency Planning issues

SECTION 4C: OFFICER DELEGATION SCHEME (EXECUTIVE FUNCTIONS)

INTRODUCTION

1. This officer delegation scheme sets out the executive functions delegated to officers by the Leader under his/her Executive Arrangements¹.
2. The fact that a function stands delegated to an officer under these arrangements shall not preclude the Cabinet, from exercising the function directly.
3. An officer may consider that a delegated authority should not be exercised and that it should be referred to the Cabinet for determination.
4. An appropriate Cabinet Member may require that an officer refrains from exercising a delegated authority in respect of a particular matter and refer it instead to the Cabinet, for a decision.
5. The Cabinet may determine to reserve decisions about particular matters to itself.
6. In addition to the delegations set out in this scheme, the Cabinet can arrange for further delegations on specific matters.
7. Unless expressly indicated, the fact that a function has been delegated to an officer under this scheme does not require that officer to give the matter his/her personal attention. The officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the officer specified under this scheme will remain responsible for any decision taken pursuant to such arrangements.
8. Delegations set out in this scheme will be read in conjunction with all provisions of the Council's Constitution, and decisions taken by officers in accordance with this scheme will be taken in accordance with all relevant rules and protocols.
9. In taking decisions in relation to executive functions, officers will ensure that they:
 - (a) take appropriate advice in relation to legal and financial considerations;
 - (b) make appropriate arrangements for assessing the impact of the decision in relation to equalities; and
 - (c) undertake appropriate consultation, including Cabinet Members and Ward Members (where appropriate).
10. Strategic Directors will be required to maintain a sub-scheme of delegation for their directorate and publish such sub-schemes following the Annual Meeting of the Council

¹ Council functions are delegated by Full Council and are set out in the Officer Delegation Scheme (Council (non-executive) Functions). The executive functions delegated by the Leader should be construed in a broad and inclusive fashion to include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of those functions. They should not however be understood to include any Council function.

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SECTION 4C1: CHIEF EXECUTIVE – DELEGATED EXECUTIVE FUNCTIONS

The Chief Executive is authorised¹ to discharge any function of the Executive not otherwise delegated to a Strategic Director including the following functions in relation to²

1. Functions in relation to elections including:-
 - (a) The registration of electors;
 - (b) Elections and referenda in relation to local matters, including reviews of polling districts, places and stations;
 - (c) Assisting with and responding to consultation in relation to boundary reviews of all types, including:-
 - (i) parliamentary constituency reviews;
 - (ii) electoral reviews;
 - (iii) principal area boundary reviews;
 - (iv) structural reviews; and
 - (d) Community governance reviews.
2. Civic and ceremonial functions of the Council including provision of support to the Mayor, ceremonial occasions; and authorisation of use of Council's Crest.
3. Devolution and local freedoms including delivery of devolved powers and freedoms and liaison with:-
 - (a) South Yorkshire Combined Authority and Sheffield City Region bodies; and
 - (b) Central government departments.

SECTION 4C2: ASSISTANT CHIEF EXECUTIVE – DELEGATED EXECUTIVE FUNCTIONS

The Assistant Chief Executive is authorised³ to discharge executive functions in relation to:-⁴

1. Change and Innovation
2. Communications and Marketing
3. Democratic Services, including Scrutiny and Management Support
4. Human Resources
5. Neighbourhood Working and Thriving Communities
6. Performance, Intelligence and Improvement, including Policy and Partnerships

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Chief Executive considers that the matter should be referred to Cabinet for consideration

² Together with similar and ancillary functions which have not been delegated to another Strategic Director

³ Save where the Leader or the relevant Portfolio Holder has directed or the Assistant Chief Executive considers that the matter should be referred to Cabinet for consideration

⁴ Together with similar and ancillary functions which have not been delegated to another Strategic Director

SECTION 4C3: STRATEGIC DIRECTOR OF ADULT CARE, HOUSING AND PUBLIC HEALTH – DELEGATED EXECUTIVE FUNCTIONS

The Strategic Director of Adult Care, Housing and Public Health is authorised¹ to discharge executive functions² through the commissioning and provision of social services for adults and public health services for the whole population and delivery of housing for the Borough, including:-

- 1. Adult Social Care**
 - (a) Care Services
 - (b) Independence and Support Planning
 - (c) Provider Services
 - (d) Safeguarding and Professional Practice
- 2. Housing**
 - (a) Business and Commercial Development
 - (b) Contract and Service Development
 - (c) Housing and Estates
 - (d) Housing Options
 - (e) Housing Strategy and Investment
- 3. Public Health**
 - (a) Commissioning and Quality
 - (b) Health Improvement
 - (c) Health Intelligence
 - (d) Health Protection
- 4. Strategic Commissioning**
 - (a) Commissioning
 - (b) Quality and Performance

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Strategic Director considers that the matter should be referred to Cabinet for consideration

² Together with similar and ancillary functions which have not been delegated to another Strategic Director

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SECTION 4C4: STRATEGIC DIRECTOR OF CHILDREN AND YOUNG PEOPLE'S SERVICES – DELEGATED EXECUTIVE FUNCTIONS

The Strategic Director of Children and Young People's Services is authorised³ to discharge executive functions for:-⁴

- 1. Commissioning, Performance and Quality**
 - (a) Commissioning and Partnerships
 - (b) Performance and Planning
 - (c) Programme Management
- 2. Early Help and Family Engagement**
 - (a) Locality working
 - (b) Projects and Transformation
 - (c) Troubled Families
 - (d) Youth Offending and Prevention
- 3. Education**
 - (a) Early Years, Childcare and Community Learning
 - (b) Education Place Planning
 - (c) Inclusion
 - (d) Performance, Quality and Outcomes
 - (e) Virtual School
- 4. Social Care**
 - (a) First Response
 - (b) Locality Social Work
 - (c) Looked After Children and Children in Care
 - (d) Safeguarding and Quality Assurance

³ Save where the Leader or the relevant Portfolio Holder has directed or the Strategic Director considers that the matter should be referred to Cabinet for consideration

⁴ Together with similar and ancillary functions which have not been delegated to another Strategic Director

SECTION 4C5: STRATEGIC DIRECTOR OF FINANCE AND CUSTOMER SERVICES – DELEGATED EXECUTIVE FUNCTIONS

The Strategic Director of Finance and Customer Services is authorised¹ to discharge executive functions for:-²

- 1. Setting, support and monitoring the Council's financial strategy and ensuring effective financial management and controls³, including:-**
 - (a) Reporting on the robustness of the Council's financial plans;
 - (b) Managing the Council's borrowing and investment requirements;
 - (c) Managing and monitoring the Council's revenue budget and capital programme;
 - (d) Preparation and closure of the Council's financial accounts;
 - (e) Managing the Council's tax affairs
 - (f) Internal audit; and
 - (g) Determining requests for early release and flexible retirement, in consultation with the relevant Cabinet Member.
- 2. Implementing effective financial management and controls, including:-**
 - (a) Collecting council tax and business rates, and collecting other money that is owed to the Council;
 - (b) Administration of pensions; and
 - (c) Insurance for the Council.
- 3. Setting, supporting and monitoring the Council's policies and procedures for managing:-**
 - (a) Budgets
 - (b) Information and communications technology and digital services
 - (c) Information governance
 - (d) Procurement and purchasing
 - (e) Legal Services
- 4. Supporting the corporate governance of the Council, particularly in respect of (delegated to the Assistant Director of Legal Services as Monitoring Officer, where appropriate):-**
 - (a) The requirements of the Members' Code of Conduct
 - (b) Upkeep of the Constitution; and
 - (c) Preparation of the Annual Governance Statement
- 5. The council's corporate customer services functions including:-**
 - (a) The telephone contact centre
 - (b) Digital access, including the Council's website

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Strategic Director considers that the matter should be referred to Cabinet for consideration

² Together with similar and ancillary functions which have not been delegated to another Strategic Director

³ The Strategic Director of Finance and Customer Services has responsibility for these arrangements as Section 151 Officer

Revised July 2018

SECTION 4C6: STRATEGIC DIRECTOR OF REGENERATION AND ENVIRONMENT – DELEGATED EXECUTIVE FUNCTIONS

The Strategic Director of Regeneration and Environment is authorised¹ to discharge executive functions for:-²

1. Community Safety and Street Scene

- (a) Community Safety, Resilience and Emergency Planning
- (b) Highways and Network Management
- (c) Regulation and Enforcement
- (d) Waste and Street Scene

2. Culture, Sport and Tourism

- (a) Culture, Heritage and Sports
- (b) Libraries and Neighbourhood Hubs
- (c) Museums

3. Planning, Regeneration and Transport

- (a) Asset Management
- (b) Business, Retail and Investment
- (c) Economic Development
- (d) Facilities Services
- (e) Planning and Building Control
- (f) Transport Strategy

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Strategic Director considers that the matter should be referred to Cabinet for consideration

² Together with similar and ancillary functions which have not been delegated to another Strategic Director

Revised July 2018

SECTION 5: TERMS OF REFERENCE FOR COMMITTEES, BOARDS AND PANELS

Name of Committee	Committee Size	Terms of Reference
Cabinet	Up to 10 Members	<p>The Cabinet has the following terms of reference and has power to determine all matters arising under these, save those which are reserved for approval by the full Council.</p> <ol style="list-style-type: none"> 1. Providing a focus for community leadership in the borough. 2. The development of plans and strategies for approval by the full Council and the determination and approval of plans and strategies which do not require the approval of the full Council. 3. The preparation and submission of budget proposals for approval by the full Council. 4. The determination of the council tax base and recommendations to full Council as to the level of council tax. 5. The preparation and submission of the Capital Programme and any changes thereto for approval by full Council. 6. Making recommendations to Council on other matters which are reserved to full Council, except where this is the specific responsibility of some other body on the Council, such as the Standards and Ethics Committee or Audit Committee. 7. The approval of variations to strategies and policies, plans and programmes within the budgetary and policy framework as determined by full Council and in accordance with the Council's Constitution. 8. The approval of variations to the Capital or Revenue Programme budgets within the overall Capital Programme and budgetary framework determined by full Council and in accordance with Financial Regulations. 9. The taking of all key decisions. 10. The adoption of Corporate Policies which assist in the preparation and delivery of service and business plans. 11. The overall co-ordination of the Council's business and the determination of any action required to implement plans and policies agreed by the Council. 12. The monitoring of the Council's performance including performance of the Council's land and property. 13. The determination of the future use of the Council's land and property.

		<p>14. The determination of schedules of maintenance and other expenditure upon property within the approved capital programme and revenue budget.</p> <p>15. Agreement to the disposal by way of sale or lease of land and buildings, including disposal of land and buildings at less than best consideration.</p> <p>16. The determination of the Council's response in discussions and dealings with the public, voluntary, business and community sectors.</p> <p>17. The formation and monitoring of partnerships with other agencies.</p> <p>18. Responding to reports or recommendations received from overview and scrutiny committees within two months of receipt.</p> <p>19. Consideration of any recommendations from the Council's Standards and Ethics Committee or Audit Committee.</p> <p>20. Consideration of any motions or petitions referred from the full Council.</p> <p>21. The receipt of and consideration of action consequent upon any report relating to any inspection of the whole or part of the Council.</p> <p>22. The receipt of and consideration of action consequent upon any report concerning the inspection of any school within the borough.</p> <p>23. The approval of the exercise of any powers under sections 14 or 15 of the Schools Standards and Framework Act 1998 (Intervention by local education authorities in schools causing concern) or any amendment or re-enactment thereof.</p> <p>24. The exercise of any other executive function which the Leader or Cabinet determines shall be decided by the full Cabinet or which has been referred to the Cabinet by an individual Cabinet member.</p>
Health and Wellbeing Board	<p><u>The board will be chaired by the Council's Cabinet Member for Adult Social Care and Health, with the vice-chair from a non-council health partner (e.g. Rotherham Clinical Commissioning Group). Members of the board should be of sufficient seniority to be able to make significant commitments on behalf of their relevant organisations. All members of the</u></p>	<p><u>The Health and Wellbeing Board brings together local leaders and decision-makers, to work to improve the health and wellbeing of Rotherham people, reduce health inequalities and promote the integration of services. The Health and Wellbeing Board is a statutory subcommittee of the Council, but will operate as a multi-agency board of equal partners.</u></p> <p><u>The board is responsible for overseeing delivery of the joint Health and Wellbeing Strategy, 2018-2025 and also sets the strategic direction for the Integrated Care Partnership Place Board.</u></p> <p><u>Rotherham's Health and Wellbeing Board is committed to delivering the four aims outlined within the strategy, which are:</u></p>

	<p>board will have equal voting status. The board is committed to having a broad membership, engaging as many partners as possible. In order to ensure that this continues to be the case, membership will be reviewed on a regular basis. The membership of the board is as follows:</p> <ul style="list-style-type: none"> • <u>Cabinet Member for Adult Social Care and Health (Chair)</u> • <u>Chair of NHS Rotherham Clinical Commissioning Group (Vice Chair)</u> • <u>Cabinet Member with responsibility for Children's Services</u> • <u>Deputy Leader, RMBC</u> • <u>Director of Public Health</u> • <u>Chief Executive, RMBC</u> • <u>Strategic Director of Adult Care, Housing and Public Health</u> • <u>Strategic Director of Children and Young People's Services</u> • <u>Chief Officer, NHS Rotherham Clinical Commissioning Group (CCG)</u> • <u>GP Executive Member of NHS Rotherham CCG</u> • <u>Senior representative, NHS England South Yorkshire and Bassetlaw</u> • <u>Chief Executive Officer, Healthwatch Rotherham</u> 	<ul style="list-style-type: none"> • <u>All children get the best start in life and go on to achieve their potential</u> • <u>All Rotherham people enjoy the best possible mental health and wellbeing and have a good quality of life</u> • <u>All Rotherham people live well for longer</u> • <u>All Rotherham people live in safe and resilient communities.</u> <p>The Health and Wellbeing Board has a number of responsibilities. This includes:</p> <ul style="list-style-type: none"> • <u>Assessing the needs of the population and producing the local joint strategic needs assessment (JSNA)</u> • <u>Using the data and knowledge in the JSNA to publish a local health and wellbeing strategy, setting priorities for joint action</u> • <u>Using the strategy and its priorities to influence and inform commissioning decisions for the health and wellbeing of Rotherham people</u> • <u>Enabling, advising and supporting organisations that arrange for the provision of health or social care services to work in an integrated way</u> • <u>Holding relevant partners to account for the quality and effectiveness of their commissioning plans</u> • <u>Ensuring that public health functions are discharged in a way that helps partner agencies fully contribute to reducing health inequalities.</u>
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	<ul style="list-style-type: none"> • <u>Rotherham District Commander, South Yorkshire Police</u> • <u>Chief Executive, Voluntary Action Rotherham</u> • <u>Chief Executive, Rotherham NHS Foundation Trust</u> • <u>Chief Executive, Rotherham Doncaster and South Humber NHS Foundation Trust</u> <p><u>Standing invites will also be circulated to:</u></p> <ul style="list-style-type: none"> • <u>Chair, Rotherham Local Safeguarding Children Board</u> • <u>Chair, Rotherham Safeguarding Adults Board</u> • <u>Strategic Director of Regeneration and Environment, RMBC</u> • <u>Representative, South Yorkshire Fire and Rescue Service</u> • <u>Rotherham ICP Place Board Manager, CCG</u> 	
Audit Committee	<p>To be comprised of:-</p> <ul style="list-style-type: none"> • Five Councillors, none of which are members of the Cabinet. • One person who is not a councillor or officer of the Council (independent member). 	<p><u>Statement of purpose</u></p> <ol style="list-style-type: none"> 1. <u>The audit committee is a key component of RMBC's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.</u> 2. <u>The purpose of the audit committee is to provide independent assurance to the Council of the adequacy of the risk management framework and the internal control environment. It provides independent review of RMBC's governance, risk management and control frameworks and oversees the financial reporting and</u>

		<p><u>annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.</u></p> <p><u>Governance, risk and control</u></p> <ol style="list-style-type: none"> 3. <u>To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider RMBC's code of governance.</u> 4. <u>To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.</u> 5. <u>To approve the final AGS for publication.</u> 6. <u>To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.</u> 7. <u>To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.</u> 8. <u>To monitor the effective development and operation of risk management in the council.</u> 9. <u>To monitor progress in addressing risk-related issues reported to the committee.</u> 10. <u>To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.</u> 11. <u>To review the assessment of fraud risks and potential harm to the council from fraud and corruption.</u> 12. <u>To monitor the counter-fraud strategy, actions and resources.</u> 13. <u>To review the governance and assurance arrangements for significant partnerships or collaborations.</u> <p><u>Internal audit</u></p> <ol style="list-style-type: none"> 14. <u>To approve the internal audit charter.</u> 15. <u>To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.</u> 16. <u>To approve significant interim changes to the risk-based internal audit plan and resource requirements.</u> 17. <u>To make appropriate enquiries of both management and the head of internal audit to</u>
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		<p><u>determine if there are any inappropriate scope or resource limitations.</u></p> <p>18.<u>To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.</u></p> <p>19.<u>To approve the internal or external assessments of Internal Audit against Public Sector Internal Audit Standards. This will include:-</u></p> <ul style="list-style-type: none"> <u>regular reports on the results of the Quality Assurance and Improvement Programme (QAIP)</u> <u>reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN), considering whether the non-conformance is significant enough that it must be included in the AGS</u> <p>20.<u>To consider reports from the head of internal audit on internal audit's performance during the year. These will include updates on the work of internal audit including:-</u></p> <ul style="list-style-type: none"> <u>progress against the plan</u> <u>key findings and issues of concern</u> <u>action in hand as a result of internal audit work</u> <u>performance indicators</u> <p>21.<u>To approve the head of internal audit's annual report:-</u></p> <ul style="list-style-type: none"> <u>The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement.</u> <u>The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion.</u> <p>22.<u>To consider summaries of specific internal audit reports.</u></p> <p>23.<u>To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.</u></p> <p>24.<u>To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.</u></p> <p>25.<u>To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for him to meet privately with the committee.</u></p> <p><u>External audit</u></p>
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		<p><u>external audit report or other review.</u></p> <p><u>Accountability arrangements</u></p> <p>42. <u>To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.</u></p> <p>43. <u>To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.</u></p> <p>44. <u>To submit a report on the work of the committee to the Council on an annual basis.</u></p>
Licensing Board	21 Members	<ol style="list-style-type: none"> 1. The determination of matters relating to the Councils Statutory Licensing Functions as set out below:- <ol style="list-style-type: none"> (a) Hackney Carriage and Private Hire; (b) Charitable collections (Street Collections and House to House Collections); (c) Marriage and Civil Partnership Premises; (d) Small Bus Permits; (e) Scrap Metal Dealers; (f) Motor Salvage Operators; (g) Sex Establishment Licences (including variation and revocation); (h) Hypnotism 2. To determine any matters referred to the Licensing Board by the Assistant Director of Community Safety and Street Scene in relation to 1a to e above. 3. To review and approve terms and conditions (where appropriate) of any licence, permit, registration or consent or in relation to certificate any of the functions within the remit of the Board. 4. To consider and recommend to the Council, the making, amendment and revocation of Byelaws. 5. To determine and review in line with Government Guidance any Designated Public Places Orders which are in place within the Borough. <p>In order to discharge its functions, sub-committees of five Members of the Licensing Board may be established to appointed by the Head of Democratic Services.</p>

Licensing Committee	15 Members	<ol style="list-style-type: none"> 1. To consider and determine applications under the Licensing Act 2003: <ol style="list-style-type: none"> (a) for personal licences where there are unspent convictions or where relevant Police representations have been received; (b) for the variation of a designated personal licence holder where relevant Police representations have been made; (c) for the transfer of a premises licence where relevant Police representations have been made; (d) for premises licences/club premises certificates, provisional statements and the variation of premises licences/club premises certificates where relevant representations have been made (e) to review a premises licence/club premises certificate; (f) for determination of a Police representation to a temporary event notice; (g) for a provisional statement where relevant representations have been made; (h) for interim authorities where relevant representations have been made; (i) for determination of an application for a summary review on the grounds of serious crime and/or disorder made by the Chief Officer of Police under Section 53(A) of the Licensing Act 2003; (j) any other matter referred to a Sub Committee by the Assistant Director of Community Safety and Street Scene. 2. To consider and determine applications under the Gambling Act 2005: <ol style="list-style-type: none"> (a) for a premises licence where relevant representations have been received and not withdrawn; (b) for a variation to a premises licence where relevant representations have been received and not withdrawn; (c) for a provisional statement where relevant representations have been received and not withdrawn; (d) for club/gaming machine permits where objections have been received and not withdrawn; (e) the cancellation of club/gaming machine permits; (f) to give a counter notice to a temporary use notice; (g) to attach/exclude a condition under Section 169 (i) (a) or (b) of the Act where the consent of the applicant or interested party who has made relevant representations has not been given; (h) for small lottery registrations where objections have been made and not
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		<p>withdrawn;</p> <p>(i) for other permits where objections have been made and not withdrawn;</p> <p>(j) any other matter referred to the Sub Committee by the Assistant Director of Community Safety and Street Scene.</p> <p>In accordance with the Licensing Act 2003 and Gambling Act 2005, sub-committees of three Members will be appointed by the Head of Democratic Services in order effectively to discharge the functions of the Licensing Committee.</p>
Planning Board	15 Members	<ol style="list-style-type: none"> 1. Power to determine applications for planning permission – sections 70 (1) (a) and (b) and 72 of the Town and Country Planning Act 1990. 2. Power to determine applications to develop land without compliance with conditions previously attached – section 73 of the Town and Country Planning Act 1990. 3. Power to grant planning permission for development already carried out – section 73A (a) of the Town and Country Planning Act 1990. 4. Power to decline to determine an application for planning permission – section 70A of the Town and Country Planning Act 1990. 5. Power to determine an application for planning permission made by a local authority, alone or jointly with another person – section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492). 6. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights – Parts 6,7,11,17,19,20,21 to 24,26,30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418). 7. Power to enter into an agreement regulating development or use of land –section 106 of the Town and Country Planning Act 1990. 8. Power to issue a certificate of existing or proposed lawful use or development – sections 191 (4) and 192 (2) of the Town and Country Planning Act 1990. 9. Power to serve a completion notice – section 94 (2) of the Town and Country Planning Act 1990. 10. Power to grant consent for the display of advertisements – section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992. 11. Power to authorise entry onto land.

		<p>12. Power to require the discontinuance of a use of land – section 102 of the Town and Country Planning Act 1990.</p> <p>13. Power to serve a planning contravention notice, breach of condition notice or stop notice – sections 171C, 187A and 183 (1) of the Town and Country Planning Act 1990.</p> <p>14. Power to issue an enforcement notice – section 172 of the Town and Country Planning Act 1990.</p> <p>15. Power to issue a temporary stop notice.</p> <p>16. Power to apply for an injunction restraining a breach of planning control – section 187B of the Town and Country Planning Act 1990.</p> <p>17. Power to determine applications for hazardous substances consent, and related powers – sections 9 (1) and 10 of the Planning (Hazardous Substances) Act 1990.</p> <p>18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject – paragraph 2 (6) (a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9 (6) of Schedule 13 to the Environment Act 1995 and paragraph 6 (5) of Schedule 14 to that Act.</p> <p>19. Power to require proper maintenance of land – section 215 (1) of the Town and Country Planning Act 1990.</p> <p>20. Power to determine application for listed building consent, and related powers – sections 16 (1) and (2), 17, 27 (2) and 33 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p> <p>21. Power to determine applications for Conservation Area Consent – section 16 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74 (3) of that Act.</p> <p>22. Duties relating to applications for Listed Building Consent and Conservation Area Consent – sections 13 (1) and 14 (1) and (4) of the Planning (Listed Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.</p> <p>23. Power to serve a Building Preservation Notice, and related powers – sections 3 (1) and 4 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p>
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Staffing Committee	<p>The Committee shall comprise:</p> <ul style="list-style-type: none"> • Leader of the Council • Deputy Leader of the Council • Other Cabinet Members whose portfolios are affected by the issues to be considered • Leader of the Majority Opposition party. 	<ol style="list-style-type: none"> <u>1. To prepare and recommend for approval by the Council the annual Pay Policy Statement</u> <u>2. To recommend for approval by the Council conditions of service and remuneration for officers earning £100k or more in line with the Council's approved Pay Policy Statement</u> <u>3. To make recommendations to Council in relation to decisions affecting the remuneration of any post whose remuneration is or is proposed to be or would become £100,000 p.a. or more and in relation to proposed severance packages with a value of £100,000 or more.</u> <u>4. To determine new employment policies and procedures, beyond those delegated to officers</u> <u>5. To respond to formal government consultations</u> <u>6. To consider changes to senior management structure of the Council</u> <u>7. To determine the payment of honoraria in respect of posts at and above Assistant Director level.</u> <u>8. To determine policies relating to local government pensions and discretionary compensation for early termination of employment.</u> <u>4.9. To constitute the Employers' side of any Local Joint Committee with the relevant trade unions.</u>
Senior Officer Appointments Panel	<p>The Panel shall comprise:-</p> <ul style="list-style-type: none"> • Leader of the Council • Deputy Leader of the Council • Relevant Cabinet Member(s) • Leader of the Majority Opposition Group • Chair of Overview and Scrutiny Management Board • Other members to be determined by the Leader of the Council, in order to achieve a representative composition reflecting the diversity of the Council 	<ol style="list-style-type: none"> 1. To appoint strategic directors and assistant directors

	who will have undertaken appropriate training in respect of recruitment and selection	
<u>Chief Officer Disciplinary Panel</u>	<u>The Panel shall consist of three members of the Council and two independent persons appointed by the Council under section 28(7) of the Localism Act who will be invited to a Panel meeting as and when required.</u>	<ol style="list-style-type: none"> <u>1. To consider allegations against the Chief Executive, Section 151 Officer or Monitoring Officer (Statutory Officers) which may ultimately lead to his/ her dismissal, in accordance with the procedures agreed by Council;</u> <u>2. To determine whether an allegation made against a Statutory Officer requires further investigation or other appropriate action;</u> <u>3. To give informal, unrecorded oral warnings in appropriate cases where no further formal action is required;</u> <u>4. To appoint an Independent Investigator, agree the terms of remuneration, provide the investigator with their terms of reference and working methods;</u> <u>5. To take decisions on the suspension of the Chief Executive, Section 151 Officer or Monitoring Officer while investigations are undertaken (suspensions to be reviewed after two months in conjunction with the Independent Investigator);</u> <u>6. To consider the recommendations of the Independent Investigator;</u> <u>7. To determine whether action(s) short of dismissal should be imposed;</u> <u>8. Where dismissal is recommended, to refer matters to the Independent Panel for consideration, and;</u> <u>4.9. To recommend dismissal to Full Council</u>
Employment Appeals Panel	<p>The Panel shall comprise three members of the Council selected from a pool of eight members:</p> <ul style="list-style-type: none"> • two of whom shall be Cabinet members, • four of whom shall be Scrutiny Panel members and • two of whom shall be members of the opposition party) <p>who have received appropriate training on employment related issues.</p>	<ol style="list-style-type: none"> 1. The determination of an appeal against any decision made by or on behalf of the Council (no member of the executive or other member of the Council who was involved in making the decision appealed against may sit on the panel that considers the appeal).

Housing Tenancy and Anti-Social Behaviour Review Panel	The Panel shall comprise at least three elected members from the Improving Lives Scrutiny Commission or Improving Places Scrutiny Commission and a housing policy and community safety advisor	<ol style="list-style-type: none"> 1. The Panel and the senior officers in Housing and Neighbourhood Services or Community Safety and Street Scene may review and confirm, confirm with conditions attached or not confirm, notices of proceedings for possession in respect of breaches of tenancy agreements. 2. The Panel may undertake the statutory reviews of the Council's decisions to seek a possession order of a Council tenancy on the absolute ground of ant-social behaviour, as required by section 85ZA of the Housing Act 1985.
Standards and Ethics Committee	<p>To be comprised of:-</p> <ul style="list-style-type: none"> • eight Councillors, other than the Mayor and Leader; • three members of town or parish councils within the Borough (parish members) to be appointed by the town and parish councils that have delegated their powers under Chapter 7 of the Localism Act 2011 to the Council; and • five persons who are not councillors or officers of the Council (independent members). 	<ol style="list-style-type: none"> 1. To promote and maintain high standards of conduct by the members and co-opted members of the Council. 2. To assist members and co-opted members of the Council to observe the Council's Code of Conduct for Members and Co-opted Members. 3. To advise the Council on the adoption and revision of its Code of Conduct for Members and Co-opted Members. 4. To monitor the operation of the Code of Conduct for Members and Co-opted Members and to recommend to Council revisions as appropriate, and to ensure that the Code is fully understood and applied throughout the Council. 5. To advise, train or arrange to train members and co-opted members of the Council and members of local town and parish councils on matters relating to the Code of Conduct. 6. To authorise dispensations to Members and Co-opted Members of the Council in accordance with section 33 of the Localism Act 2011. 7. To review arrangements as to the declarations of the interests of members, co-opted members and officers, to monitor the operation of such arrangements and to offer advice on their application. 8. To review and recommend such other protocols, local codes and guidance as may be considered desirable to build upon the rules contained within the Code of Conduct for Members and Co-opted whilst not forming part of it. 9. To establish a Complaints Hearing Sub-committee to hear complaints about the conduct of Members and Co-opted Members and the Members of local town and parish councils which have not been capable of informal resolution and to decide: <ol style="list-style-type: none"> a. Whether the subject Member has failed to comply with the relevant Code of Conduct;

		<p>b. Whether further action is warranted; and</p> <p>c. What form of action might be appropriate.</p> <p>And to then make any appropriate recommendations to Standards and Ethics Committee, Council or the relevant local parish or town council.</p> <p>10. To consider any other recommendations, guidance or direction referred to the Committee or the Monitoring Officer.</p> <p>11. To consider any application for exemption from political restriction made to the Committee by the holder of any post under the Council and to give directions to the Council requiring it to include a post in the list of political restricted posts maintained by the Council.</p> <p>12. To establish and monitor the operation of Whistleblowing Procedures.</p> <p>13. To review the application of the Council Procedure Rules and Financial & Procurement Procedure Rules and other such provisions.</p> <p>14. To consider reports arising from external inspections, audit investigations, Ombudsman investigations, legal challenges and other sources which cast doubt on the honesty or integrity of the Council, its members or officers, and to recommend action to the full Council or Cabinet as appropriate.</p> <p>15. To consider and offer advice and guidance as appropriate on other matters which in the view of the Committee or the Council's Monitoring Officer could have a bearing on the honesty and integrity of the Council, its members, co-opted members and officers.</p> <p>16. To consider and make recommendations on such other matters as the Committee itself thinks appropriate or which are referred for attention by the Council or the Cabinet which further the aim of promoting and maintaining high standards of conduct within the authority.</p> <p>In these terms of reference "co-opted member of the Council" means a person who is not a member of the Council, but who:-</p> <p>(a) is a member of any committee or sub-committee of the Council, or</p> <p>(b) is a member of and represents the Council on any joint committee or joint sub-committee of the Council</p> <p>and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee.</p>
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Overview and Scrutiny Management Board	<p>12 Members comprising;-</p> <ul style="list-style-type: none"> • a chairperson who shall be a councillor appointed by the Council; • a vice-chairperson who shall be appointed by the Council and who shall be a member of the main opposition group; and • the chairs and vice-chairs of the overview and scrutiny select commission who shall be councillors appointed by the Council so as to reflect the political balance of the Council • the chair and vice-chair of the Audit Committee (subject to the political balance of the Council) • sufficient opposition councillors nominated by Opposition Parties or councillors and appointed by the Council, to ensure political balance 	<ol style="list-style-type: none"> 1. To consider matters relating to the conduct, structure and procedures of overview and scrutiny; 2. To provide overview and scrutiny of the Council's values, plans and strategies and to make recommendations for improvements as it considers appropriate; 3. To co-ordinate and prioritise the overview and scrutiny work programme and assign work, as it considers appropriate, to the various select commissions 4. To establish task and finish scrutiny working groups; this includes:- <ol style="list-style-type: none"> (a) determining their size and membership; and, (b) approving their terms of reference; 5. To liaise with the Leader and Cabinet to regularly attend the OSMB to assist in consideration of the scrutiny work programme, 6. To co-ordinate respective work programmes with the Chair of the Audit Committee and Parish Councils to identify areas of joint working as appropriate and. minimise areas of duplication, 7. To consider a request made under a Councillor Call for Action in relation to a local government matter (under the powers outlined in Section 119 of the Local Government and Public Involvement in Health Act 2007) 8. To consider a request made under a Councillor Call for Action in relation to crime and disorder issues (under the powers outlined in the Police and Justice Act 2006). 9. To act as the designated Crime and Disorder Committee under powers outlined in the Police and Justice Act 2006. 10. To monitor and hold to account the performance of service delivery within the Council and its partners etc with particular reference to the Corporate Plan; 11. To scrutinise and monitor whether efficiency savings are achieved or exceeded; 12. To co-ordinate the carrying out of value for money reviews; 13. To scrutinise the annual budget setting process; and 14. To monitor the Council's budget and medium term financial strategy. 15. To consider matters relating to equalities and diversity and the Council's specific initiatives to promote them; 16. To make recommendations to the Cabinet, partners or to any organisation on issues scrutinised relevant to those bodies, and where appropriate, direct to Council; 17. To co-ordinate for joint scrutiny activity with other authorities and non-executives/scrutineers from other bodies;

		<p>18.To approve an annual overview and scrutiny work programme, including the programme of any sub- committees it appoints;</p> <p>19.To ensure that there is efficient use of the board's and overview and scrutiny select commission's time, and that the potential for duplication of effort is minimised.</p> <p>20.To ensure that members of the board and overview and scrutiny select commissions may efficiently carry out their work.</p> <p>21.To prepare and approve an annual overview and scrutiny work programme for implementation by the select commissions or their review groups, including –</p> <p>(a) liaison with the Cabinet and Senior Leadership Team, service reviews conducted on the basis of a scheduled programme of reviews or in response to a matter brought to the committee's attention by –</p> <ul style="list-style-type: none"> • an overview and scrutiny select commission; • an organisation with which the Council is in partnership, or • the public as a result of a public consultation exercise, or • the Forward Plan of key decisions; <p>22.To undertake reviews in consequence of the Council's Corporate Plan and;</p> <p>23.To undertake performance reviews of joint authorities, committees and other bodies whose activities concern the borough and its inhabitants (eg the Police, and public transport operators);</p> <p>24.To undertake reviews under the statutory powers to scrutinise the health service;</p> <p>25.To undertake reviews under the Council's general power of competence and power to promote the well-being of the citizens of Rotherham;</p> <p>26.To monitor and review the implementation of changes made following the acceptance by the Council of recommendations in earlier scrutiny reports;</p> <p>27.To submit an annual report to the Council on the operation of overview and scrutiny select commissions and recommendations for future work, in accordance with article 8(6) of the Constitution;</p> <p>28.To determine which overview and scrutiny select commission will assume responsibility for any particular issue, where matters fall within the remit of more than one select commission and to resolve any issues of dispute between them;</p> <p>29.To receive requests from the Cabinet and the Council or both for reports from a select commission and to allocate them as appropriate;</p> <p>30.To put in place and maintain a system to ensure that referrals from select commissions to the Cabinet, either by way of report or for reconsideration, are managed efficiently;</p>
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		<p>31. To make reports or recommendations to the Cabinet or the Council in respect of functions which are the responsibility of the executive;</p> <p>32. To review or scrutinise decision making processes or actions taken in connection with the discharge of functions which are not the responsibility of the Cabinet</p> <p>33. To make reports or recommendations to the Council in respect of functions which are not the responsibility of the executive;</p> <p>34. To make reports or recommendations to the full Council or the Cabinet on matters which affect the borough or the inhabitants of the borough; and</p> <p>35. To arrange public consultation exercises for the purpose of assessing public satisfaction with current policies or to assist in the development of new policies.</p>
Scrutiny Select Commissions	<p>The Commissions shall comprise:</p> <ul style="list-style-type: none"> • 18 Members of the Council • any non-voting co-optees appointed from time to time by each select commission; and • in the case of the Improving Lives Select Commission the education representatives appointed by the Council. 	<ol style="list-style-type: none"> 1. To carry out the annual overview and scrutiny work programme set for each select commission by the OSMB, including – <ol style="list-style-type: none"> (a) service reviews conducted on the basis of clear priorities set in response to Cabinet, Council or a matter brought to the select commission's attention by a petition, other overview and scrutiny select commission, organisation with which the Council is in partnership, referral from tenant or user group bodies (for example area housing panels or Rotherham Youth Cabinet) or as a result of a public consultation exercise; (b) performance reviews of joint authorities, other select commissions and other bodies whose activities concern the borough and its inhabitants (eg the Police, and public transport operators). 2. To submit reports commissioned by the OSMB in response to requests from the Cabinet or the Council (or both) for reports from overview and scrutiny select commissions. 3. To submit reports with recommendations to the Cabinet or the full Council in respect of functions which are the responsibility of the executive and which fall within the remit of the particular select commission. 4. To review and scrutinise decisions made or actions taken in connection with the discharge of functions which are not the responsibility of the executive but which fall within the remit of the particular select commission. 5. To submit reports with recommendations to the full Council in respect of functions which are not the responsibility of the executive but which fall within the remit of the particular select commission. 6. To submit reports commissioned by the OSMB with recommendations on matters

		<p>that affect the borough or the inhabitants of the borough for submitting to the Council or the Cabinet.</p> <p>7. To arranging public consultation exercises for the purpose of assessing public satisfaction with current council policies or to assist in the development of new policies.</p> <p>SPECIFIC FUNCTIONS</p> <p>1. Health Select Commission</p> <p>(1) The Health Select Commission is tasked with carrying out in-depth overview and scrutiny as directed by the OSMB, including –</p> <ul style="list-style-type: none"> (a) performing the role of the Council’s designated scrutiny body for any issue relating to health and the public health agenda including those functions contained within the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013; (b) scrutinising the health services commissioned for the people of Rotherham (under the powers of health scrutiny as outlined in the Health and Social Care Act 2001); (c) scrutinising partnerships and commissioning arrangements in relation to health and well-being and their governance arrangements and the integration of health and social care services and budgets (d) scrutinising measures for achieving health improvements and the promotion of wellbeing for Rotherham’s adults and children; (e) scrutinising measures designed to address health inequalities; (f) scrutinising public health arrangements; (g) scrutinising food standards and environmental health ; and (h) scrutinising issues referred to the select commission by the Healthwatch Rotherham (or any successor body). (i) Those elements of this scrutiny function relating to NHS England’s new review of Congenital Heart Disease services are delegated to the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) <p>(2) The Health Select Commission will also act as a consultee in respect of those matters of “substantial variation” on which NHS bodies must consult with the Council</p>
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		<p>in relation to its health scrutiny function.</p> <p>(3) The Health Select Commission will lead on the overview and scrutiny of any regional and specialist health service health matters affecting residents of two or more local authorities within Yorkshire and the Humber, and will conduct such overview and scrutiny reviews in accordance with the Protocol for the Yorkshire and the Humber Council's Joint Health Scrutiny Select Commission.</p> <p>2. Improving Lives Select Commission</p> <p>(1) The Improving Lives Select Commission is tasked with carrying out in-depth overview and scrutiny reviews as directed by the OSMB, including –</p> <ul style="list-style-type: none"> (a) scrutinising the Every Child Matters agenda (note Health Select Commission responsibilities); (b) scrutinising the “Think Family” and early intervention/ prevention agendas; (c) scrutinising other cross-cutting services provided specifically for children and young people; (d) scrutinising the implementation of Rotherham's plans to tackle Child Sexual Exploitation <p>3. Improving Places Select Commission</p> <p>(1) The Improving Places Select Commission is tasked with carrying out in-depth overview and scrutiny reviews as directed by the OSMB, including –</p> <ul style="list-style-type: none"> (a) scrutinising community cohesion and social inclusion and the Council's specific initiatives to promote them; (b) scrutinising tourism, culture and leisure services and strategies; (c) scrutinising borough wide housing and neighbourhood strategies; (d) scrutinising economic development and regeneration strategies; (e) scrutinising the environment and sustainable development; and (f) scrutinising devolved neighbourhood working.
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Summary

Name of Committee and Date of Committee Meeting

Council – 22 May 2019

Report Title

Membership of Political Groups on the Council, Political Balance and Entitlement to Seats

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

Not applicable

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author

James McLaughlin, Head of Democratic Services
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Ward(s) Affected

Borough-wide

Executive Summary

Section 15 of the Local Government and Housing Act 1989 places on local authorities the duty to allocate seats to political groups and set out the principles to be followed when determining such allocation following formal notification of the establishment of political groups in operation on the council.

There is a requirement to annually review the entitlement of the political groups to seats on the committees of the council.

The allocation of seats must follow two principles:

- (a) Balance must be achieved across the total number of available seats on committees; and
- (b) Balance must be achieved on each individual committee or body where seats are available

There are presently two political groups in operation on the council – the Labour Group and the UK Independence Party Group – with two non-aligned councillors (members who are not in a political group).

There are 149 seats available on committees, boards and panels and under the calculation the Labour Group is entitled to 114 seats and the UK Independence Group is entitled to 31. This leaves four seats which cannot be given to members of the political groups and should be allocated to the two non-aligned councillors.

Recommendations:

1. That the operation of two political groups on the Council and the detail of their designated Leaders be noted:
 - (a) Labour Group – Councillor Chris Read (Leader of the Council)
 - (b) UK Independence Party Group – Councillor Allen Cowles (Leader of the Majority Opposition Group)
2. That the entitlement of the membership of the political groups be agreed and such entitlements be reflected in Council's appointments of members to committees.
3. That approval be given to the appointment of Members to committees, boards and panels, and the appointment of Chairs and Vice-Chairs, as set out on the schedule to be tabled at the meeting.
4. That approval be given to the appointment of Members to joint committees, as set out on the schedule to be tabled at the meeting.

Background Papers

The Council's Constitution

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

Yes

Exempt from the Press and Public

No

Membership of Political Groups on the Council, Political Balance and Entitlement to Seats

1. Background

- 1.1 Section 15 of the Local Government and Housing Act 1989 places on local authorities the duty to allocate seats to political groups and sets out the principles to be followed when determining such allocation. The main principles, which must be satisfied sequentially, include:
- (a) That the number of seats on ordinary Committees/Bodies ... which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary Committees of that Authority, as is borne by the Members of that group to the membership of the Authority (i.e. the allocation of the **total** number of seats available must mirror the political composition of the council).
 - (b) That the number of seats on the Body (Committee, etc.), which are allocated to each political group, bears the same proportion to the number of all the seats on that Body as is borne by the number of Members of that group to the membership of the Authority (i.e. the allocation of seats on **individual** committees must mirror the political composition of the council).
- 1.2 Local authorities are able to depart from the statutory provisions where there is unanimous agreement to do so.
- 1.3 Those members not in a political group are entitled to a due share of seats, although the council will decide how to allocate seats to non-aligned councillors.
- 1.4 In line with the provisions of the council's Constitution, appointments will be made to committees of the council at this annual meeting. This report confirms the entitlement to seats on committees.

2. Political Groups

- 2.1 The Proper Officer has received formal notification, under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, of the establishment of two political groups in operation on the council, namely:

Name of Group	Designated Leader & Deputy Leader (number of Members)
Labour	Leader – Councillor Chris Read Deputy Leader – Councillor Gordon Watson (48 Members)
UK Independence Party	Leader – Councillor Allen Cowles Deputy Leader – Councillor Peter Short (13 Members)

- 2.2 Whilst Councillor Adam Carter is affiliated to the Liberal Democrats and Councillor Clive Jepson is unaffiliated to a political party, neither Member belongs to a political group. For the purpose of this report, Councillors Carter and Jepson are regarded as non-aligned councillors.

3. Allocation of Seats

- 3.1 The allocation process must be applied 'so far as is reasonably practicable' to achieve a balanced outcome. The allocation of the 149 seats to the two political groups is determined by the following formula:

$$\frac{\text{Number of Members of Political Group}}{\text{Total Number of Members of Council}} \times \text{Number of Seats to be allocated}$$

For the 149 seats available in applying principle (a) in paragraph 1.1, this gives:

Political Group	Seat Entitlement
Labour	114
UK Independence Party	31
Non-aligned	4
TOTAL	149

- 3.2 Application of principle (b) in paragraph 1.1 of this report, relating to the number of seats on individual committees, gives the following:

	Seats Available	Labour	UK Independence Party	Non-aligned
Regulatory Committees/Boards				
Audit Committee	5	4	1	0
Licensing Board	21	16	4	1
Licensing Committee	15	11	3	0
Planning Board	15	11	3	0
Staffing Committee	5	4	1	0
Standards and Ethics Committee	8	6	2	0
Overview and Scrutiny				
Overview & Scrutiny Management Board	12	9	3	0
Health Select Commission	18	14	4*	1
Improving Lives Select Commission	18	14	4*	1
Improving Places Select Commission	18	14	4*	1

	Seats Available	Labour	UK Independence Party	Non-aligned
Other Bodies				
Corporate Parenting Group	5	4	1	0
Introductory Tenancy Review Panel	4	3	1	0
Joint Consultative Committee	5	4	1	0
TOTAL	149	114	32	4

3.3.1 This calculation does not reflect the entitlement to seats from the calculation under principle (a). Numbers followed by an asterisk identify where Council will need to determine the allocation of seats on individual committees.

3.3.2 Under the application of principle (b) the UK Independence Group has an entitlement of 31 seats, which is one fewer than the 32 seats under principle (a). The difference in the number of seats falls under the entitlement to seats on one of the Select Commissions, which will need to reduce by one to achieve balance.

3.3.3 Under the application of both principle (a) and principle (b) the non-aligned councillors have an entitlement of 4 seats.

3.3.4 As the non-aligned councillors are not a group under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, there is no requirement to appoint those members to those seats. The Council has the discretion to appoint the non-aligned councillors to none, some or all of the four seats available. The Council may not appoint members of other political groups to fill those seats.

3.4 In the table in paragraph 3.2 above, the committees and panels listed have locally agreed provisions in respect of their membership which were determined by the Council at its annual meeting in May 2018, with the pool of membership of the Appeals Panel proposed to be increased to 13 Members on this agenda. For ease of reference, these are set out below:

Panel	Description of Role and Function
Appeal Panel	Appeal Panels shall comprise three members of the Council selected from a pool of 13 members (four of whom shall be Cabinet members, and nine of whom shall be Scrutiny Panel members and three of whom shall be members of the opposition party), who have received appropriate training on employment related issues.

Panel	Description of Role and Function
Corporate Parenting Group	The Panel, in addition to the Members appointed by the Council, shall comprise of two representatives of the Adoption Panel and one representative of the Fostering Panel.
Introductory Tenancy Review Panel	The Panel shall comprise of at least three elected members from the Improving Lives Scrutiny Commission or Improving Places Scrutiny Commission and a housing policy advisor.
Joint Consultative Committee	The Committee shall comprise of the Deputy Leader, three Cabinet Members and one member of an opposition group.

- 3.5 Political Groups are invited to submit their nominations to the Head of Democratic Services in order for Council to consider a schedule of nominations and confirm appointments to committees, board and panels at its meeting on 22 May 2019.

4. Appointment of Chairs and Vice-Chairs – Overview & Scrutiny

- 4.1 At the annual meeting of the Council in 2016, the recommendations of the Governance Working Group were approved which introduced a provision for the Vice-Chair of the Overview and Scrutiny Management Board to be a member of the main opposition party and for the allocation of the positions of Chair and Vice-Chair on the Select Commissions according to the political balance of the council.
- 4.2 Applying the principles of political balance to the positions available on the council's Overview and Scrutiny bodies, the entitlement is set out in the table below:

	Chairs	Vice-Chairs
Labour	4	2
UK Independence Party	0	1 (inc. Overview and Scrutiny Management Board)
TOTAL	4	4

- 4.3 It is a matter for the political groups to nominate Members as Chairs and Vice-Chairs of the Overview and Scrutiny bodies, however the appointments must be made by the individual committees.
- 4.4 There is no provision in law or within the Constitution for the other bodies of the council to appoint Chairs or Vice-Chairs according to the authority's political make up.
- 4.5 Political Groups are invited to submit their nominations for the positions, detailed in paragraphs 4.2 ahead of this meeting on 22 May 2019.

5. Appointments to Joint Bodies

- 5.1 The council also appoints to a number of joint authorities, which are required to reflect political balance:

Joint Committee	Seats
Sheffield City Region - Combined Authority	1 and 1 substitute
Sheffield City Region - Combined Authority Audit Committee	2
Sheffield City Region - Combined Authority Scrutiny Committee	2
South Yorkshire Fire and Rescue Authority	2
South Yorkshire Pensions Authority	2
South Yorkshire Police and Crime Panel	2

- 5.2 The entitlement to seats for these bodies is calculated according to political balance across the four South Yorkshire local authorities. Nominations will be required from the two political groups in operation on the Council in respect of the seats available.

- 5.3 The entitlement in respect of the political groups in operation in Rotherham is set out below:

Joint Committee	Membership	Entitlement
Sheffield City Region - Combined Authority	1 Member plus 1 substitute	Leader of the Council (Deputy Leader of the Council – substitute member)
Sheffield City Region - Combined Authority Audit Committee	2	Labour = 1 seat UK Independence Party = 1 seat
Sheffield City Region - Combined Authority Scrutiny Committee	2	Labour = 1 seat UK Independence Party = 1 seat
Sheffield City Region - Combined Authority Transport Committee	2	Labour = 2 seats
South Yorkshire Fire and Rescue Authority	2	Labour = 2 seats
South Yorkshire Pensions Authority	2	Labour = 2 seats
South Yorkshire Police and Crime Panel	2	Labour = 1 seat UK Independence Party = 1 seat

6. Other Bodies

- 6.1 The authority to appoint councillors to serve on external organisations and partnerships (outside bodies) is a matter for Cabinet and a report will be submitted to the June Cabinet meeting recommending appointments.
- 6.2 The bodies listed in the table below require the appointment of Members according to local conventions (those appointments required by Select Commissions will be made at those commissions' first meeting of the new municipal year). There is no requirement for political balance to be applied in respect of appointment to these bodies.

Body	Membership requirement
Adoption Panel	Two Members of the Council
Complaints Panel	Three non-Executive councillors
Education Consultative Committee	Cabinet Member Representative of Improving Lives Select Commission
Education School Transport Appeals	Panel of six non-Executive Members from a pool
Emergency Planning Shared Service Joint Committee	Cabinet Member – Jobs & the Local Economy Cabinet Member – Corporate Services and Finance
Fostering Panel	Two Members of the Council
Health, Welfare and Safety Panel	To be appointed by the Cabinet Member for Corporate Services and Finance
Local Admissions Forum	Deputy Leader of the Council, along with two councillors appointed within the 'Community Representative' category of the Forum's membership
Parish Councils – Liaison Meetings	Cabinet Member with responsibility for Cleaner, Greener Communities Other Cabinet Members depending on matters being discussed
Rotherham Schools Forum	Deputy Leader of the Council and one other Member
Standing Advisory Committee for Religious Education (SACRE)	Deputy Leader of the Council and two other Members

Body	Membership requirement
Transport Liaison Group	To comprise of : (a) the Leader and Deputy Leader of the Council, (b) the two representatives appointed to the Sheffield City Region Transport Committee (c) one representative of each electoral ward (d) two representatives of the parish councils in the authority area

- 6.3 Political Groups are invited to submit their nominations for the bodies set out in the table at paragraph 6.2 to the Head of Democratic Services by 22 May 2019.

7. Options considered and recommended proposal

- 7.1 The law and the authority's Constitution provide for the appointment of members to serve on committees and other bodies as a power reserved to the Council.
- 7.2 The Council may determine not to appoint to the committees at this meeting, however this will delay the conduct of the authority's business until the next available council meeting. This option is not recommended.

8. Consultation

- 8.1 Political groups have been advised of the requirement for political balance and have been requested to provide nominations to the Head of Democratic Services for the available seats ahead of this meeting.

9. Timetable and Accountability for Implementing this Decision

- 9.1 There is a requirement for the Council to make appointments to committees, boards and panels at its meeting on 22 May 2019.

10. Financial and Procurement Implications

- 10.1 There are no financial and procurement implications directly arising from this report

11. Legal Implications

- 11.1 The legislative requirements are set out at paragraph 1.1 above.

12. Human Resources Implications

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

13. Implications for Children and Young People and Vulnerable Adults

- 13.1 The appointment of members to serve on committees and other bodies of the council will indirectly impact on children and young people and vulnerable adults through the activities and decisions of those bodies. There are no apparent direct implications at the time of writing this report.

14. Equalities and Human Rights Implications

- 14.1 There are no equalities implications arising from the report. Political groups are required to have regard to the provisions of the Equality Act 2010 when nominating Member appointments to committees and other offices.

15. Implications for Partners

- 15.1 The appointment of councillors to serve on external bodies and partnerships is designed to have a positive impact on the council's relationship with those organisations and enhance the relationship through the presence of accountable and elected representatives.

16. Risks and Mitigation

- 16.1 By having regard to the detail of the report above in respect of meeting statutory requirements, any risk implications will have been mitigated. Consequently there are no risks to be borne in mind in respect of the recommendations.

17. Accountable Officer(s)

James McLaughlin, Head of Democratic Services

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This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Committee Name and Date of Committee Meeting

Council – 22 May 2019

Report Title

Designation of Monitoring Officer

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

No

Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The Council has received the resignation of the Assistant Director of Legal Services, who is also appointed as the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989. This report recommends that the Council designate the Head of Legal Services, Bal Nahal, as the Monitoring Officer to ensure compliance with the requirements of the Local Government and Housing Act 1989 until such a time as a permanent appointment is made to the post of Assistant Director of Legal Services.

Recommendations

1. That in accordance with Section 5 of the Local Government and Housing Act 1989 that Council be recommended to designate the Head of Legal Services as the Council's Interim Monitoring Officer until such time a permanent appointment has been made.
2. That the functions of the Assistant Director of Legal Services detailed within the Articles of the Constitution be undertaken by the Head of Legal Services, as Interim Monitoring Officer, until such time as a permanent appointment has been made.
3. That the Mayor be recommended to convey the thanks and very best wishes of the Council to the former Assistant Director of Legal Services and Monitoring Officer.

List of Appendices Included

Appendix 1 – Article 15 of the Constitution – The Monitoring Officer's Role

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

Yes

Exempt from the Press and Public

No

Designation of Monitoring Officer

1. Background

- 1.1 The Council received the resignation of the Assistant Director of Legal Services in April 2019. Dermot Pearson held the position of Assistant Director of Legal Services from March 2016 and, as part of the Council's Strategic Leadership Team, made a significant contribution to the restoration of powers to local democratic control and the improvements made at the authority.
- 1.2 The position of Assistant Director of Legal Services is also designated as the Council's Monitoring Officer within the authority's Constitution.
- 1.3 Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to appoint a Monitoring Officer. Neither the Head of Paid Service (Chief Executive) nor the Chief Finance Officer (Strategic Director of Finance and Customer Services) can hold the position of Monitoring Officer.
- 1.4 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and our arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct. A full list of the Monitoring Officer's responsibilities and delegated powers detailed in Article 15 of the Constitution, which is attached at Appendix 1.

2. Key Issues

- 2.1 Following receipt of the resignation of the Assistant Director of Legal Services, the Council is required to designate an officer as its Monitoring Officer to comply with the requirements of Section 5 of the Local Government and Housing Act 1989, as detailed in paragraph 1.3 above.
- 2.2 The Constitution currently requires the Monitoring Officer to be the Assistant Director of Legal Services. The Articles of the Constitution are not permitted to be suspended under Article 19.1, therefore the Council will need to determine how the functions allocated to the Assistant Director of Legal Services will be undertaken and to ensure that these accord with the arrangements to designate a Monitoring Officer for the authority.
- 2.3 Whilst the former Assistant Director of Legal Services had appointed Deputy Monitoring Officers, these appointments are no longer valid following the departure of the Monitoring Officer from the authority. It is therefore necessary for Council to consider the designation of the Monitoring Officer role.

3. Options considered and recommended proposal

- 3.1 Whilst a further decision will be taken in respect of the appointment to the Assistant Director role, it is proposed that the Head of Legal Services be designated as the Monitoring Officer on an interim basis until a permanent appointment is made to the role of Assistant Director of Legal Services.

- 3.2 In view of Article 19.1 which prohibits the suspension of the Articles of the Constitution, it is also recommended that all of the functions of the Assistant Director of Legal Services which are detailed within the Articles be undertaken by the Head of Legal Services, as Interim Monitoring Officer, until such a time as a permanent appointment is made.
- 3.3 As the authority is required to designate an officer as the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989, there is no option to leave the position unfilled. Although many councils appoint their most senior legal officer as their Monitoring Officer this is not a specific requirement. Whoever is designated must though ensure that the Council receives correct and appropriate advice on the lawfulness of its decision making. On this basis, it is recommended that the Head of Legal Services be designated as Interim Monitoring Officer.

4. Consultation on proposal

- 4.1 Consultation has taken place with the Leader of the Council and the Cabinet Member for Corporate Services and Finance prior to preparing this report. They have indicated their support for the recommended approach.
- 4.2 The Head of Legal Services has also indicated that, subject to the approval of the Council, they would be willing to be designated as Monitoring Officer until a permanent appointment is made to the post of Assistant Director of Legal Services.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The proposal submitted for consideration by Council will take immediate effect following any resolution agreed at the meeting on 22 May 2019.

6. Financial and Procurement Advice and Implications

- 6.1 There are no financial implications arising from the report.

7. Legal Advice and Implications

- 7.1 There are no additional legal implications other than those set out elsewhere in the report.

8. Human Resources Advice and Implications

- 8.1 There are no additional human resources implications other than those set out elsewhere in the report.

9. Implications for Children and Young People and Vulnerable Adults

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

10. Equalities and Human Rights Advice and Implications

- 10.1 There are no equalities implications arising from this report as it relates to the designation of an officer of the Council to the role of Monitoring Officer.

11. Implications for Partners

- 11.1 There are no implications for partners arising from this report.

12. Risks and Mitigation

- 12.1 The proposals within this report are submitted to reduce the risks associated with the Council not having designated an employee as the Monitoring Officer. There are no risks arising from this report or its recommendations.

13. Accountable Officer(s)

Judith Badger, Strategic Director of Finance and Customer Services

*Report Author: Judith Badger, Strategic Director of Finance and
Customer Services
01709 822046 or judith.badger@rotherham.gov.uk*

This report is published on the Council's [website](#).

APPENDIX 1

15. The Monitoring Officer's role

Maintaining the Constitution

- 15.1 The Assistant Director of Legal Services will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

Unlawful decisions or maladministration

- 15.2 After consulting with the Chief Executive and the Strategic Director of Finance and Customer Services, the Assistant Director of Legal Services will report to the full Council or to the Cabinet (in relation to an executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness, or if any decision or omission has given rise to maladministration.
- 15.3 A report submitted to the full Council or to the Cabinet by the Assistant Director of Legal Services under article 15 (2) will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Supporting the Council's Standards and Ethics Committee

- 15.4 The Assistant Director of Legal Services will contribute to the promotion and maintenance of high standards of conduct by providing support to the Council's Standards and Ethics Committee.

Conducting investigations or taking other action

- 15.5 The Assistant Director of Legal Services will conduct investigations into matters referred by the Standards and Ethics Committee or take other action as may be directed by the Committee following allegations that members are in breach of the Council's Code of Conduct and make reports or recommendations in respect of them to the Standards and Ethics Committee.

Register of Members' Interests

- 15.6 The Assistant Director of Legal Services will maintain the *Register of Members' Interests* which members and co-opted members are required to complete under the terms of the Council's *Code of Conduct for Members and Co-opted Members*. The register is available for public inspection at the Council's offices at Riverside House, Main Street, Rotherham S60 1AE and on the Council's website.

Proper officer for access to information

- 15.7 The Assistant Director of Legal Services will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.

Contributing to corporate management

- 15.8 The Assistant Director of Legal Services will contribute to the corporate management of the Council, in particular through the provision of professional, legal and constitutional advice and advising whether decisions of the executive are in accordance with the budget and policy framework.

Providing advice

- 15.9 The Assistant Director of Legal Services will provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and the budget and policy framework, and will support and advise councillors and officers in their respective roles.

Legal proceedings

- 15.10 The Assistant Director of Legal Services is authorised to institute and defend matters on behalf of the Council in respect of legal proceedings in any court or tribunal.

Restrictions on posts

- 15.11 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Brinsworth and Catcliffe Ward

Councillor Alan Buckley (07775 822147)

Councillor Adam Carter (01709 255924 / 07490921955)

Councillor Nigel Simpson (01709 255946)



Councillor
Buckley



Councillor
Carter



Councillor
Simpson

PUTTING COMMUNITIES AT THE **HEART** OF EVERYTHING WE DO

The Brinsworth and Catcliffe Ward Priorities are

- Meet regularly with the community through community events and activities.
- Build community infrastructure by developing a ward based network of key individuals and groups. Identify opportunities to engage with the new community at Waverley.
- Develop tenant engagement and support around neighbourhood centres.
- Support and develop community safety initiatives in response to emerging hotspots and areas of concern.
- Work with partners and residents to support the most vulnerable communities in the ward.
- Improve the local environment by empowering our communities.
- Explore opportunities to improve road safety across the ward.

Over the past several months we have delivered a number of projects across the ward that support our ward priorities:-

£4000 was spent on CCTV equipment to tackle fly-tipping, littering and dog fouling in the area. The funding enabled us to purchase 2 CCTV cameras. One is a portable dome camera that can be fitted to a lamp post and the other is a hidden camera. These cameras are being deployed in hotspot areas in the Brinsworth and Catcliffe Ward and offenders caught will be prosecuted.

£1400 was used to purchase and install a community defibrillator in Catcliffe. We worked in partnership with Catcliffe Parish Council and the Ambulance Service to identify a suitable location on the outside wall of the Post Office on Brinsworth Road, it can be accessed when needed by dialling 999 to receive an access code.

We match funded £1750 with RVW Area housing Panel to provide a power supply to Catcliffe Kiln. This has allowed us to work with Museum staff, Friends of Catcliffe and the Church group to hold an annual nativity scene and carol service. we have also held a number of Heritage days, and are busy planning future events.



£1000 was used to replace several broken and worn out road signs and purchase a new Aluminium 'Welcome to Brinsworth' sign located on Bawtry Road .

£750 was received by The Friends of St Georges Churchyard group as a contribution towards the total cost of repair and improvements to the roadway and path at St. George's Churchyard, allowing them to hold events including the annual remembrance service in partnership with the Parish Council.

£350 has been allocated for Community Safety Items. These have been distributed in partnership with South Yorkshire Police at a number of community safety events across the Ward, these were attended by over 500 people.

£960 was used to install a pedestrian barrier on The Black Path to deter off-road motor bikes and deal with issues of anti-social behaviour.

£400 was spent to cut down vegetation behind the garages at Barden Crescent and alongside the footpath. This was in response to a number of complaints from residents around anti-social behaviour and has improved community safety.

£370 was used to cut down and tidy the alleyway to the rear of Brinsworth Road, which has improved the environment for local residents.

We look forward to continuing the delivery of locally identified, Ward based projects over the coming months, these include :-

- ♦ We are working with head teachers and School Councils of Primary Schools in Brinsworth to improve road safety and encourage considerate parking outside school.
 - ♦ £2000 has been allocated to install 4 Billy and Belinda Bollards at Brinsworth Whitehill School
 - ♦ £2000 has been allocated to replace 20mph flashing slow down signs outside Brinsworth Manor Primary School
- ♦ We will be working with Brinsworth Parish Council to further develop our Brighten up Brinsworth, festive lights project and have allocated £3000 as match funding.
- ♦ We have allocated £1000 towards providing 3 dog bins and dispensers, that will be managed by Brinsworth Parish Council working alongside RMBC.
- ♦ We will be working with South Yorkshire Rehabilitation Services and local community groups to re-furbish a Neighbourhood Centre in Catcliffe
- ♦ We are working with Parish Councils to provide litter picking kits that will be used to set up new environmental groups in Catcliffe and Brinsworth



Councillor Denise Lelliot (07587687086)
Councillor David Roche (07792 421800)
Councillor Brian Steele (01709 255962)



Councillor
Lelliot



Councillor
Roche



Councillor
Steele

PUTTING COMMUNITIES AT THE **HEART** OF EVERYTHING WE DO

Ward Priorities

- Improve the local environment
- Address social isolation and loneliness
- Increase participation within the local community.
- Reducing crime and anti-social behaviour
- Provide more facilities and activities for young people and families.

Environmental Improvements

Ward Councillors are committed to working towards improving the environment in their ward. Projects include wild flower planting on Pontefract Road, Lions Lodge and Hurley Croft.



The Wath, West Melton and Brampton litter picking group have come together as volunteers to tackle litter in both Hoober Ward and Wath Ward. Hoober Ward Councillors have funded litter picking equipment for the group. The group regularly carry out litter picks in the areas of Brampton, West Melton and Upper Haugh.

Councillors have funded a number of community skips for local residents, in areas such as West Melton, Brampton and Manor Farm. This has allowed residents to dispose of unwanted bulky items.





Reducing Crime and Anti social behaviour - Councillors have contributed towards the purchase of two electric bikes for the police to enable the areas PCSO's more movement around the Ward. The PCSO's are regularly using the bikes increasing their visible in the area.

Councillors have organised regular walkabouts with South Yorkshire Police in the Ward. The Councillors are in the process of producing a 'Know Who to call' leaflet to encourage reporting in the ward.

Activities for young people and families -

Councillors contributed funding to support the Tin Pot Theatre who work with young people aged 8-18 who would not usually have access to drama. Funding allowed the group to update scenery, costumes and purchase a license. The group helps develop young peoples acting skills as well as improving confidence, team building and communication skills.



Social Isolation and Loneliness and improving facilities



Ward Councillors have supported local groups to address social isolation and loneliness. Cortonwood Senior Citizens lunch club is open to anyone over the age of 55, offering a warm welcome, affordable lunches and an opportunity to meet new people. Funding from the Ward Councillors contributed towards a Summer trip and Christmas lunch.



Harley Mission Rooms has recently been acquired and refurbished by a newly established Trust. Ward Councillors were keen to help and funded equipment and fixtures to enable them to set up a new community café which is open to all the community.

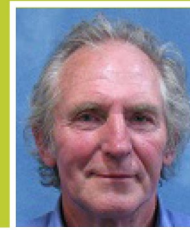
The Mission Rooms is now able to host a variety of community activities including film nights, fitness classes and toddler groups.

Keppel Ward

Councillor Maggi Clark (07477 794745 - 01709 550653)
 Councillor David Cutts (01709 255925)
 Councillor Paul Hague (01709 255720)



Councillor
Clark



Councillor
Cutts



Councillor
Hague

PUTTING COMMUNITIES AT THE **HEART** OF EVERYTHING WE DO

Over the past 12 months since the review, we have been:

- Engaging with the various activities and groups based in the ward
- Responding to community concerns covering Crime / ASB, speeding and the environment

The shift to ward based working has ensured a positive focus on Keppel and provided dedicated resources to support our local work.

Engaging with the various activities and groups based in the ward

Dragons Dens / Community Awards

We held our first Dragons Den in 2018 for groups to pitch for funding. The event brought some groups together for the first time. We received an e-mail the following day from a participant saying 'thank you' for staging the funding event which gave them the opportunity to meet other groups. They went on to say 'It was quite humbling . . . and inspiring to see people go out of their way to make situations better.' We decided to aim for bigger and better in 2019 and held a combined Dragons Den / Community Awards. The event in February was attended by 80+ people from across the ward. Again, it was humbling and inspiring to hear of the work people do and to thank them for this.

£6,700+ awarded to 15 local groups



15 individuals and 1 group were presented with awards for community work. Inc 2 Longstanding Service



Santa comes to town

We worked with Wortley Rotary to enable Santa and his Elves to visit Thorpe Hesley on Christmas Eve

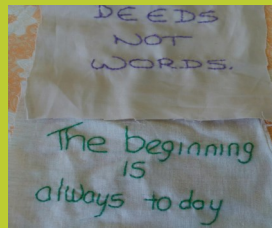
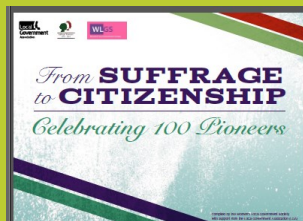


Millmoor Juniors

Supported the club to erect a players shelter and purchase of Football Kits



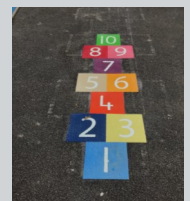
Artworks Councillor Clark and the Neighbourhood Co-ordinator attended a banner making event. The banner is now displayed in the Town Hall and has an entry in the LGA 'From Suffrage to Citizenship— Celebrating 100 Pioneers publication



Responding to community concerns

Crime / ASB

- PCSOs very supportive. Held a community meeting with them in Thorpe Hesley in July 2018. Re-started surgeries. Plans to hold Joint surgeries with Cllr Clark in Thorpe Hesley from June 2019
- Ward based CCTV deployed
- Police, Housing and Neighbourhoods undertook reassurance visits to Wellgate Lodge with security packs , further visits to vulnerable tenants planned
- Improved provision e.g. Thorpe Hesley / Barnsley Rd play areas



Speeding

- Community meeting held in Thorpe Hesley in January 2019 attended by 50+ people. Concerns parking on pavement, speed / volume of traffic, re-routing and HGV signage
- Requested speed / volume of traffic counts
- Deployed illuminated speed sign on Thorpe Street



Environment

- Replaced 3 bins in Barkers Park which have been relocated where paths cross to increase footfall and encourage less rubbish to be dropped in the park
- Finally, important again to recognise role played by local community. Presented a resident with an award who arranged a litter pick attended by 100+ people



Future Plans

We will continue to work with Local Groups, Partners and Voluntary Organisations to ensure that the ward priorities for 2019/20 are met.

STANDARDS AND ETHICS COMMITTEE
21st March, 2019

Present:- Councillor McNeely (in the Chair); Councillors Clark, Fenwick-Green, Ireland, Simpson, Short and Vjestica, in addition to Mr. D. Rowley and Mr. R. Swann (Parish Council Representatives) and also Mrs. A. Bingham, Mr. P. Edler, Mrs. M. Evers and Ms. J. Porter (Independent Co-optees).

Also in attendance was Ms. Kate Penney (Observer).

Apologies for absence were received from Councillor Pitchley and Mr. D. Bates.

28. MONITORING OFFICER

The Committee were sorry to learn that the Monitoring Officer was currently off work ill and wished to offer him their best regards for a speedy recovery.

29. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

30. MINUTES OF THE PREVIOUS MEETING HELD ON 13TH DECEMBER, 2018

Consideration was given to the minutes of the previous meeting held on 13th December, 2018.

With regards to Minute No. 22 (Complaints) the Committee noted the need for a Standards hearing and sought nominations for a Sub-Committee on a date to be agreed.

Resolved:- (1) That the minutes of the meeting of the Standards and Ethics Committee held on 13th December, 2018 be approved as a true and accurate record of proceedings.

(2) That a Sub-Committee comprising Councillors McNeely and Simpson, Mr. R. Swann (Parish Council Representative), Mr. P. Edler and Mrs. A. Bingham (Independent Members) and Mr. P. Beavers (Independent Person) be arranged for Friday, 3rd May, 2019 at 10.00 a.m. at the Town Hall.

31. DIFFERENCES BETWEEN THE REQUIREMENTS FOR MEMBERS AND OFFICERS WITH REGARDS TO DECLARATIONS FOR GIFTS AND HOSPITALITY

Further to Minute No. 26 of the meeting of the Standards and Ethics Committee held on 13th December, 2018, consideration was given to the report presented by the Head of Internal Audit which informed the Committee of the requirements to declare gifts and hospitality received by Members and Officers.

The Code of Conduct for Members and Co-Opted Members depicted that a Member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority's Monitoring Officer of the existence and nature of that gift or hospitality. A member must similarly provide written notification of gifts and hospitality received on more than one occasion during a twelve month period from the same person or body, even though each gift or hospitality was of a lesser value than £25, unless the gifts were of nominal value for publicity purposes in the Register of Interests.

The staff Code of Conduct stated that, as a general rule, gifts should be refused. Where that was not possible gifts should be recorded in the Corporate Gifts and Hospitality Register, available from the management support team and that employees should exercise discretion in offering and accepting hospitality, with regard given to seven criteria. Again, any hospitality received or offered should be recorded in the Corporate Gifts and Hospitality Register.

Financial Procedure Rule 34 gave overall guidance for Gifts, Loans and Sponsorship defining them as the voluntary provision to the Council of non-public funds, services, equipment or other resources. It stated that gifts, loans and sponsorship must not be accepted where there was a risk of damaging the integrity or propriety of the Council, and provided guidance of offers that should be avoided. It also stated that Strategic Directors have discretion to accepting individual gifts, loans or sponsorship related to their directorates in accordance with the above guidance up to a value of £25,000. Above this value, the approval of Cabinet was, therefore, required.

The Deputy Monitoring Officer offered further information on proposals to increase the amount for gifts and hospitality for Members up to £100.00 and would liaise with the Head of Internal Audit accordingly on the detail.

With regards to gifts and hospitality received as part of the role as Mayor, it was noted that a separate register recording all the detail was available via the Mayor's P.A.

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

32. 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.

Details of each related case, recommended outcome any actions identified were highlighted.

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.

(Councillor Ireland left the room during consideration of this item)

33. 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.

Clarification was sought on the programme of publicity around the Whistleblowing Policy and awareness raising with staff.

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

34. APPOINTMENT OF STANDARDS AND ETHICS COMMITTEE INDEPENDENT PERSONS

Consideration was given to the report presented by the Deputy Monitoring Officer which reviewed the arrangements for the Council's Independent Persons and recommended the re-appointment of the current Independent Persons.

It was noted the Council had previously appointed two Independent Persons, who were not members of the Committee, and their terms of office were renewed at the Council meeting in May, 2018 until the end of the 2018/19 Municipal Year.

STANDARDS AND ETHICS COMMITTEE - 21/03/19

A recruitment exercise in respect of the two Independent Person posts had commenced, but this may not be concluded before the end of the 2018/19 Municipal Year. Therefore, it was recommended that the terms of office for the current Independent Persons be extended to the end of the 2019/20 Municipal Year. This extension would be on the basis that following the conclusion of the recruitment exercise a further report would be brought to the Standards and Ethics Committee and if necessary subsequently Council.

The recruitment exercise had not been undertaken previously as it was felt appropriate to take into account the recommendations from the review into Local Government Ethical Standards by the Committee on Standards in Public Life. With regards to Independent Persons the review recommended that “The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once”.

The Committee welcomed the continuity and extension of the terms of office for the current Independent Persons and could see the continued added value of appointing two separate people to deal with complaints from 2020.

Resolved:- (1) That Council be asked to confirm the appointment of the current Independent Members of the Committee until the end of the 2019/20 Municipal Year.

(2) That the ongoing recruitment exercise in respect of the Independent Person roles be noted and that a further report be submitted to the Standards and Ethics Committee at the conclusion of the recruitment process.

(Mr. P. Beavers and Mr. D. Roper-Newman, Independent Persons, left the room during consideration of this item)

(THE CHAIR AUTHORISED CONSIDERATION OF THE APPOINTMENT OF AN INDEPENDENT MEMBER IN ORDER TO FULLY REALISE THE FULL MEMBERSHIP OF THE STANDARDS AND ETHICS COMMITTEE)

35. APPOINTMENT OF INDEPENDENT MEMBER TO THE STANDARDS AND ETHICS COMMITTEE

Further to Minute No. 21 of the meeting of the Standards and Ethics Committee held on 13th December, 2018, consideration was given to an update following the recruitment process to try to fill the last remaining Independent Member vacancy.

An interview process involving the Chair, Monitoring Officer and one of the Independent Persons confirmed the candidate, who was interviewed on Monday, 18th March, 2019, to be an appropriate person to undertake the role of Independent Member. The candidate was Kate Penney.

The Committee were pleased to finally have a full membership and were happy to support the appointment.

Resolved:- That Council be recommended to confirm the appointment of Kate Penney as Independent Members of the Standards and Ethics Committee for a period of four years.

(Ms. Kate Penney left the meeting during discussion of this item)

36. COMMITTEE ON STANDARDS IN PUBLIC LIFE (CSPL) - REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS

Consideration was given to the report as submitted and a short presentation (by way of PowerPoint) by the Deputy Monitoring Officer, which presented the findings of the Committee on Standards in Public Life review of Local Government Ethical Standards and sought views from the Committee on what action should be taken at this stage if any.

On 30th January, 2019, the Committee on Standards in Public Life published its report and key recommendations included:-

- A new power for local authorities to suspend councillors without allowances for up to six months with a right of appeal for suspended councillors to the Local Government Ombudsman.
- Revised rules on declaring interests and gifts and hospitality.
- An updated voluntary Model Code of Conduct to be introduced with local authorities to retain ownership of their own Codes of Conduct.
- A strengthened role for the Independent Person.
- Monitoring Officers provided with adequate training, corporate support and resources and statutory protections to be expanded
- Greater transparency about the number and nature of Code complaints
- Political groups set clear expectations of behaviour by their members and code of conduct training be mandatory.

Many of the recommendations would require primary legislation; the implementation of which would be subject to Parliamentary timetabling. Some changes could be made through secondary legislation or amendments to the Local Government Transparency Code, which could be implemented by Government relatively quickly.

STANDARDS AND ETHICS COMMITTEE - 21/03/19

The best practice was a matter for individual local authorities and, therefore, could be introduced by the Council straightway through the establishment of a Working Group. This would allow for consideration of the steps to be taken to introduce all of the best practice recommendations as set out in the report.

The Committee welcomed the recommendations set out in the report, but suggested that the Working Group be delayed and included as an agenda item at the next meeting in June, thus allowing for potential changes to the membership at the Annual Council Meeting in May. This was due to the Council already having some of the best practice in place; notably prohibition on bullying and harassment in the code of conduct, the code of conduct and arrangements for dealing with complaints clearly published on the website, access to two Independent Persons and a requirement to consult with the Independent Person at initial assessment stage.

The presentation highlighted:-

- A Reminder of the Current Regime.
- Remit for the Review.
- Headline Findings.
- Specific Recommendations – Code of Conduct.
- Specific Recommendations – The Scope of the Code.
- Specific Recommendations – Sanctions.
- Specific Recommendations – The Role of the Independent Person.
- Specific Recommendations – Standards Committees.
- Specific Recommendations – The Role of the Monitoring Officer.
- Best Practice in Local Government.
- Next Steps.

The Committee were in full support of the steps to introduce all the best practice recommendations as this would demonstrate the Committee's continued commitment to promote and maintain high standards of conduct by members and co-opted members of the Council.

The introduction of an updated voluntary Model Code of Conduct for Local Authorities to retain ownership of their own Codes of Conduct would provide consistency across the borough and provide clarity when the Code was applicable. The eventual application of any sanctions would be subject to a level to be determined by the Council once the legislation had been approved.

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

(2) That consideration of a Working Group being established, to consider the steps be taken to introduce all of the best practice recommendations set out in the Committee on Standards in Public Life report, be deferred to the next meeting.

**37. DATE AND TIME OF NEXT MEETING - THURSDAY, 13TH JUNE, 2019
AT 2.00 P.M.**

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 13th June, 2019 at 2.00 p.m.

Summary Sheet

Name of Committee and Date of Committee Meeting

Standards and Ethics Committee - 21 March 2019

Report Title

The Re-appointment of Standards and Ethics Committee Independent Persons

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

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Legal Services
01709 823523 or stuart.fletcher@rotherham.gov.uk

Ward(s) Affected

Borough-wide

Executive Summary

This report reviews the arrangements for the Council's Independent Persons and makes recommendations to re-appoint the current Independent Persons.

Recommendations

That the Committee:

- i) **Recommend that Council confirms the appointment of the current Independent Members of the Committee until the end of the 2019/20 Municipal Year.**
- ii) Notes the ongoing recruitment exercise in respect of the Independent Person roles, and agrees to receive a further report at the conclusion of the recruitment process.

List of Appendices

N/A

Background Papers

Previous reports to Standards and Ethics Committee and full Council Minutes

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

The Re-appointment of Standards and Ethics Committee Independent Persons

1. Recommendations

1.1 That the Committee:

- i) Recommend that Council confirms the appointment of the current Independent Members of the Committee until the end of the 2019/20 Municipal Year.
- ii) Notes the ongoing recruitment exercise in respect of the Independent Person roles, and agrees to receive a further report at the conclusion of the recruitment process.

2. Background

- 2.1 The Localism Act requires the Council to appoint at least one Independent Person who has duties in relation to the handling of complaints. In particular the Localism Act requires the independent person's views to be sought, and taken into account, by the Council before it makes its decision on an allegation it has decided to investigate. Council has previously appointed two Independent Persons, who are not members of the Committee, and their terms of office were renewed at the Council meeting in May 2018 until the end of the 2018/19 Municipal Year.
- 2.2 A recruitment exercise in respect of the two Independent Person posts has been commenced, but this may not be concluded before the end of the 2018/19 Municipal Year. Therefore it is recommended that the terms of office for the current Independent Persons be extended to the end of the 2019/20 Municipal Year. This extension would be on the basis that following the conclusion of the recruitment exercise a further report will be brought to the Standards and Ethics Committee and if necessary subsequently Council.
- 2.3 The recruitment exercise has not been undertaken previously as it was considered appropriate to wait for and take into account the recommendations from the Committee on Standards in Public Life review into Local Government Ethical Standards, which is discussed in another report to this meeting. In relation to Independent Persons, the Recommendations state as follows: Recommendation 8 – The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.

3. Key Issues

- 3.1 It is necessary for the Committee to make recommendations to Council on the appointment of Independent Persons.

4. Options considered and recommended proposal

- 4.1 Recommendations are set out above.

5. Consultation

5.1 N/A

6. Timetable and Accountability for Implementing this Decision

6.1 Any appointments made by Council will take effect immediately.

7. Financial and Procurement Implications

7.1 None

8. Legal Implications

8.1 The appointment of at least one Independent Person by the Council is a statutory requirement. If the terms of office of the two Independent Persons previously appointed are extended, this will allow the Council to comply with its statutory duties, pending the conclusion of the ongoing recruitment exercise.

9. Human Resources Implications

9.1 None

10. Implications for Children and Young People and Vulnerable Adults

10.1 None

11. Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 None

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

AUDIT COMMITTEE
26th March, 2019

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

Gareth Mills and Thilina De Zoysa (Grant Thornton UK LLP) were also in attendance.

An apology was submitted by Councillor Watson (Minute No. 88 Children and Young People's Service Risk Register).

79. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

80. QUESTIONS FROM MEMBERS OF THE PUBLIC OR THE PRESS

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

81. MINUTES OF THE PREVIOUS MEETING HELD ON 29TH JANUARY 2019

Consideration was given to the minutes of the previous meeting of the Audit Committee held on 29th January, 2019.

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

82. 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, as at 14th March, 2019.

Mr. G. Mills, Engagement Lead, Grant Thornton UK LLP, drew attention to, and responded to Members' questions, as follows:-

- Interim audit visit had commenced on 18th February and would continue into March.
- The next quarterly meeting with the Chief Executive and Section 151 Officer was scheduled to take place on 9th April
- Discussions continued with Finance staff regarding emerging developments and to ensure the audit process was smooth and effective
- The information systems specialist team had performed a high level review of the general IT control environment as part of the overall review of the internal controls system at the Council

AUDIT COMMITTEE - 26/03/19

- Work carried out to date had not identified any weaknesses which impacted upon their audit approach

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

83. INTERNAL AUDIT STRATEGIC PLAN 2019/20 TO 2021/22

Consideration was given to a report, presented by the Head of Internal Audit, regarding the Internal Audit Strategic Plan for the 3 year period 2019/2020 to 2021/2022.

The report explained the Internal Audit approach to the development of the Strategic Plan, as well as detailing the specific activities to be reviewed during the 3 years' period of the Plan. It was noted that the Plan reflected a comprehensive risk assessment process, which also included discussions with the Council's Strategic Directors and Assistant Directors to obtain their views of key risks and areas for audit coverage.

Outline scopes for each review were submitted. The following types of audit work would be completed:-

- Risk based work
- System based work
- Follow up audits
- Advisory work
- Value for money
- Grant claims
- Schools
- Counter fraud work

The Committee discussed the following salient issues:-

- The Improving Places Select Commission was due to receive a progress report on the Scrutiny Review recommendations of Emergency Planning and Business Continuity as well as its biannual upgrade
- The Home to School Transport review would involve a lot of change and development required to try to enable young people to travel more independently

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

(2) That the Internal Audit Strategic Plan for the 3 years' period 2019/2020 to 2021/2022, as now submitted, be approved.

84. AUDIT COMMITTEE FORWARD WORK PLAN

Consideration was given to the proposed forward work plan for the Audit Committee covering the period June, 2019 to March, 2020.

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

85. ITEMS FOR REFERRAL FOR SCRUTINY

There were no items for referral to Scrutiny.

86. 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).

87. INTERNAL AUDIT PROGRESS REPORT 1ST JANUARY-28TH FEBRUARY 2019

Consideration was given to a report presented by David Webster, Head of Internal Audit, which provided a summary of Internal Audit work completed during 1st January to 28th February, 2019, 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, however, replacement staff had commenced work in January 2019 and the Team was now fully staffed.

Performance against key indicators had been maintained apart from audits completed within planned time where there was an overrun on one review.

The updated plan was given in Appendix A. There had been one change to the plan since the half year update reported to the last Committee (Appendix B).

6 audits had been finalised since the last Audit Committee meeting including 3 with Partial Assurance (Appendix C).

Appendix D set out details of the unplanned responsive work completed since the last Audit Committee with Appendix E summarising Internal Audit's performance against a number of Indicators.

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 which included:-

- Crisis loans
- Out of Authority placements of young people
- Liquid Logic Case Management
- Mental Capacity Act
- Direct Payments
- Outstanding former tenant arrears
- Refresh of Members' Register of Interests

Resolved:- (1) That the Internal Audit work undertaken since meetings of the Audit Committee, 1st January to 28th February, 2019, 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.

88. CHILDREN AND YOUNG PEOPLE'S SERVICES (CYPS) RISK REGISTER

Consideration was given to a report, presented by Jon Stonehouse, Strategic Director, Children and Young People's Services, providing details of the Risk Register and risk management activity within the Children and Young People's Services' Directorate.

The Committee sought reassurance on the Risk Register and risk management activity in particular highlighting:-

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

A detailed breakdown was given of the 7 risks included within the Register.

Resolved:- That the progress and current position in relation to risk management activity in the Children and Young People's Directorate, as detailed in the report now submitted, be noted.

89. DATE AND TIME OF NEXT MEETING

Resolved:- That a further meeting be held on Tuesday, 18th June, 2019, commencing at 2.00 p.m.

HEALTH AND WELLBEING BOARD
20th March, 2019

Present:-

Councillor David Roche	Cabinet Member, Adult Social Care and Health (in the Chair)
Nathan Atkinson	Assistant Director, Strategic Commissioning (representing Anne Marie Lubanski)
Steve Chapman	Temporary District Commander, South Yorkshire Police
Dr. Richard Cullen	Strategic Clinical Executive, Rotherham CCG
Chris Edwards	Chief Operating Officer, Rotherham CCG
Tony Clabby	Healthwatch Rotherham
Sharon Kemp	Chief Executive, RMBC
Carole Lavelle	NHS England
Councillor Janette Mallinder	Chair, Improving Places Select Commission
Dr. Jason Page	Governance Lead, Rotherham CCG
Jon Stonehouse	Strategic Director, Children and Young People's Services
Janet Wheatley	Voluntary Action Rotherham
Jacqui Wiltschinsky	Public Health (representing Terri Roche)
Angela Wood	Chief Nurse, TRFT (representing Louise Barnett)

Also Present:-

Alex Hawley	Public Health (representing Glennis Leathwood)
Gordon Laidlaw	Communications Lead, Rotherham CCG
Councillor Short	Vice-Chair, Health Select Commission
Paul Woodcock	Strategic Director, Regeneration and Environment Services
Becky Woolley	Policy and Partnerships Officer, RMBC
Dawn Mitchell	Democratic Services, RMBC

Report Presenters:-

Bev Pepperdine	Performance and Planning, RMBC
Kate Green	Public Health Specialist, RMBC

Apologies for absence were received from Louise Barnett (TRFT), Anne Marie Lubanski (Strategic Director, Adult Care, Housing and Public Health), Terri Roche (Director of Public Health) and Kathryn Singh (RDASH).

50. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

51. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

The member of the public present at the meeting did not wish to ask a question.

52. MINUTES OF THE PREVIOUS MEETING HELD ON 30TH JANUARY, 2019

The minutes of the previous meeting of the Health and Wellbeing Board held on 30th January, 2019, were considered.

Resolved:- That, subject to the inclusion of Carol Lavelle's apologies, the minutes of the previous meeting held on 30th January, 2019, be approved as a correct record.

53. LOCAL AUTHORITY DECLARATION ON HEALTHY WEIGHT

In accordance with Minute No. 41(4), Kate Green, Public Health Specialist, presented a report on the Local Authority Declaration on Healthy Weight (LADHW) which was a commitment encompassing services e.g. Planning, Public Health, to work collectively to positively impact on the health of the local population.

The Declaration had been developed by Food Active in the North West and was now being rolled out across the Yorkshire and Humber region following the regional Director of Public Health network collectively commissioning it.

It was proposed that the Authority work towards the LADHW as a way of bringing together relevant services as well as engaging with partners across the health and wellbeing system to use collective influence to create a healthier environment for its staff and residents. It comprised of 14 standard commitments designed to be bold but achievable with the opportunity for areas to make further local commitments to supplement the Declaration if they so wished.

Activity in relation to the commitments would be focussed mostly around the environment and culture, opportunities for physical activity and promotion of healthy messages to local people. Working towards the Declaration had the potential to support and enhance other actions in the wider Healthy Weight for All Plan which would contribute towards the local Health and Wellbeing Strategy and Place Plans.

Signing the Declaration did not mean that all the actions in relation to the commitments were complete but a statement of intent that the whole Council, working closely with partners, was committed to actions to address key challenges in relation to obesity.

The 7 'steps' suggested by Food Active to successfully adopt the Declaration were set out in the report submitted.

Discussion ensued with the following issues raised/clarified:-

- The Rotherham United Community Trust was very active but partners were not always aware of the areas work was taking place in
- When a food premise was inspected for food hygiene could it be included whether they provided healthy eating
- Should Childhood Obesity be more explicit in the plans given the high percentage of obese children within Rotherham?
- Whole system approach required for Obesity including parenting skills and a whole family approach

Resolved:- (1) That the proposal to work towards adopting the Local Authority Declaration on Healthy Weight by all partners be noted.

(2) That the Board contribute to activity where appropriate and consider other local priorities to be included in the Declaration.

(3) That activity be monitored as part of the wider update on the 'Healthy Weight for All' Plan under Aim 3 of the Health and Wellbeing Strategy.

54. VOICE OF THE CHILD LIFESTYLE SURVEY 2019

Bev Pepperdine, Performance Assurance Manager, with the aid of a powerpoint presentation, presented the outcome of the annual Voice of the Child Lifestyle Survey 2019.

Participation 2018

- 16 mainstream schools offered the opportunity to participate in the survey – 12 participated with 4 schools choosing not to do so and providing an explanation as to why
- 3 special schools chose to participate
- 3 pupil referral units participated
- 3,499 pupils participated in the 2018 survey (52% of the relevant population)

What is Working Well – Young People's voice about their health and wellbeing

- Fewer pupils with diagnosed medical condition
 - Y10 pupils were drinking more water
 - More pupils avoiding drinking fizzy sugar drinks
 - More pupils avoiding high energy drinks
 - Y10 pupils improved mental health
 - Fewer Y10 pupils taking up smoking and fewer Y10 pupils trying
- These were the areas where there had been a noticeable percentage improvement from the 2017 results

What areas are we worried about – Young People's voice about their health and wellbeing

- Increase in the diagnosis of Autism and Asthma
- Fewer pupils eating recommended portions of fruit and vegetables
- Decline of Y7 pupils and excellent mental health
- Increase in concerns around weight
- Decline of Y7 pupils and them feeling good about the way they looked
- Increase in appropriate sexual behaviour as a form of bullying
- Increase in the use of Cocaine
- Frequency of drug use on the increase
- Decline of education around the subject of Child Sexual Exploitation
- Increase of Y10 pupils having sexual intercourse after participating in either alcohol or using drugs
- Decline in the use of contraception

These were the areas where there had been a noticeable percentage decline from the 2017 results

Actions – What actions take place to share the results and highlight the impact of the survey

- Each school received their own individual data with comparison to the previous year's results highlighting what was working well and what we were worried about
- Partners received highlight reports and there was an expectation they would provide feedback on the actions taken and the impact thereof and planned actions for the future
- Results were shared with young people to help them identify and develop new ideas and to communicate positive messages to them
- Stakeholders were supported to review the results and develop action plans to address them
- Work was undertaken with schools to highlight to young people opportunities and forums where they could get involved and have their voice heard i.e. School Council, Youth Cabinet, Young Inspector

Young People's Voice

- The Rotherham Lifestyle Survey has run for 12 years and in the time over 30,000 young people had had their voice heard
- In the past 5 years, 17,410 had participated. Schools welcomed and valued the survey with 12 schools already signed up to participate again in 2019
- The high volume of young people's voices needed to be recognised and become integral to shaping and developing the services offered

Discussion ensued with the following issues raised/clarified:-

- SYPTE would carry out work around the new bus station and the young people's perception of being safe

- Work was taking place to encourage the 4 non-participating schools to take part in the 2019 survey
- Consideration to be given to the inclusion in the 2019 survey report of 5 year trend information
- Any individual/partner/organisation could request information on a specific issue
- Barnardos had presented an evaluation of their reachout work to a recent meeting of the Improving Lives Select Commission which showed that, despite the fact that it was a free offer to schools, not all schools had taken it up. Engagement work with all schools across the Borough was required across the to get the message out and compare to the previous position
- Schools were to receive significant funds from the Mental Health Trailblazer Project – could this be used as leverage to encourage participation in the survey
- Concern that the number of young people who would not recommend Rotherham as a place to live and as a place in the future had increased again
- The need to be clear which sub-groups under the Rotherham Together Partnership were addressing which issues in the survey to avoid duplication/no action being taken and the Board trying to tackle everything when others were better equipped

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

(2) That Health and Wellbeing Strategy leads and sponsors consider the issues of the report relevant to their particular Aim and Joint Strategic Needs Assessment.

ACTION:- Becky Woolley/all Aim leads and sponsors

(3) That a summary report for each Aim be submitted setting out which areas within the report came within that particular Aim's remit.

ACTION:- Becky Woolley/all Aim leads and sponsors

55. NHS LONG TERM PLAN

It was noted that Chris Edwards, RCCG, and Becky Woolley, Policy and Partnerships Officer, were to give a presentation to an All Members seminar on Tuesday, 26th March, 2019.

56. HEALTH AND WELLBEING STRATEGY AIM 4

Aim 4: All Rotherham people live in healthy, safe and resilient communities

Stephen Chapman, South Yorkshire Police, and Paul Woodcock, Strategic Director of Environment and Development, presented an update in relation to Aim 4 of the Health and Wellbeing Strategy 2025 particularly focussing on Priority 2.

With the aid of a powerpoint presentation, following the principles of Signs of Safety, the Board considered:-

What's working well
What are we worried about
What needs to happen

Discussion ensued with the following issues raised/clarified:-

- The annual Get Up to Speed event was to be held next week at Magna for young people aged 10-25 years. The aim was to inspire the next generation of manufacturers and engineers
- The Dearne Valley Partnership, involving the 3 Wards in the north of Rotherham and the Wards in Doncaster and Barnsley which formed part of Rotherham, was working with local communities and local Members to increase health opportunities within those areas
- A new Equal and Healthy Communities Supplementary Planning document was in development which would strengthen any refusal of a fast food takeaway planning application although the applicant would still have to right of appeal
- Should reference be made to the new Supplementary Planning Guidance in plans with regard to Childhood Obesity?
- Participation of South Yorkshire Police in the recent national Knife Crime Week, Operation Sceptre, had involved visits to schools conveying the message regarding the carrying of a knife. There had also been targeted activity in known hotspots. During December 2018 7 people had been stopped and searched; in February there had been 120. The stop and search would continue as well as the targeting of repeat offenders
- A knife arch would be used in pubs/clubs to increase the publicity/engagement targeting those premises where known organised crime took place

- The recent terrorist attack in New Zealand to which there had been no direct link between the individual and Rotherham. Immediate contact had been made with vulnerable groups within Rotherham and a meeting held to provide reassurance

Resolved:- That the report be noted.

57. HARMFUL GAMBLING

Alex Hawley, Public Health, presented a report on the role of Public Health, a Council-wide approach, to identify people impacted by harmful gambling and how Council regulatory tools could help tackle gambling-related harm.

Harmful gambling was defined as any type of repetitive gambling that disrupted or damaged personal, family or recreational pursuits. It could have many and varied impacts including an individual's physical and mental health, relationships, housing and finances and affected a wide range of people such as families, colleagues and wider local communities.

Research, education and treatment of harmful gambling was overseen by the Gambling Commission, Responsible Gambling Strategy Board and GambleAware funded by voluntary donations from the gambling industry.

The LGA guidance paper outlined a number of recommendations around 'What Councils can do' which included consideration of designating an organisational lead for harmful gambling issues, awareness raising and training for frontline staff within the Council and partner organisations, development of relationships with local treatment organisations and screening processes and strengthened data collection implemented.

The following actions were recommended to ensure that Rotherham was compliance with the guidance:-

- That harmful/problem gambling be governed through the Health and Wellbeing Board
- That Public Health be allocated the organisational lead for harmful/problem gambling
- That harmful/problem gambling be addressed and included within relevant strategies including the Suicide Prevention Strategy, the Homelessness Reduction and Rough Sleeper Strategy, the Financial Inclusion Strategy and the Domestic Violence Strategy.

Discussion ensued with the following issues raised/clarified:-

- 6 days free training had been offered by the Citizens Advice Bureau. The first half day would include 50 people gaining a better awareness of gambling and then 15 looking at case studies and developing skills

- A decision was still to be made regarding the remaining 5.5 days but would probably look at the breadth of awareness and equipping officers with the skills to recognise a gambling addiction and making the appropriate referrals
- Proposal to develop a new Public Health Outcome Framework Indicator which would measure the number of referrals to advice services. However, it was difficult to know exactly how many people had a gambling problem
- The criteria to be used for selecting the first 50 trainees
- The evaluation should include how those trainees had taken forward the training in their workplace
- The extent to which the school community was engaged. The impact on children and young people, even if not directly involved, would be key as the training was rolled out

Resolved:- (1) That harmful/problem gambling be governed through the Health and Wellbeing Board.

(2) That Public Health be the organisational lead.

(3) That Malcolm Chiddy, as lead offer, attend the Yorkshire and Humber Public Health 'Problem Gambling' Working Group.

(4) That harmful/problem gambling be addressed and included within relevant strategies including the Suicide Prevention Strategy, the Homelessness Reduction and Rough Sleeper Strategy, the Financial Inclusion Strategy and the Domestic Violence Strategy.

(5) That further discussions take place within the Council with regard to a review of Licensing policies on gaming licence applications.

(6) That a Task and Finish Group be established to oversee compliance with the recommendations within the guidance document and oversee the delivery of awareness training to frontline staff.

58. HEALTH AND WELLBEING STRATEGY PERFORMANCE FRAMEWORK

Further to Minute No. 45 of the previous meeting, Beck Woolley, Policy and Partnerships Officer, presented the updated document which also now included indicators.

The draft Performance Framework sought to compliment additional information available to the Board such as the JSNA and the ICP Place Plan quarterly performance reports by providing a high level and outcomes-focussed overview of performance based on a number of priority indicators.

One indicator remained to be confirmed – loneliness. The indicator with regard to Child and Adolescent Mental Health Services had now been confirmed.

Once approved, a scorecard would be developed including data benchmarking Rotherham's position to national and regional averages. Updates to the scorecard would become a standing item on future Board agendas.

Resolved:- That the draft Performance Framework be approved.

59. HEALTH AND WELLBEING BOARD - UPDATED TERMS OF REFERENCE

Becky Woolley, Policy and Partnerships Officer, presented an updated Terms of Reference for the Board.

It was proposed that any member of the public/provider wishing to submit a question to the Board should do so one working day before the day of the meeting i.e. by 9.00 a.m. on the Tuesday. In responding to queries, the Board may wish to provide a written response and would commit to provide a response within a month of the Board meeting.

Carole Lavelle, NHSE, reported that NHSE and NHS Improvement were coming together. Regional and national teams would be appointed but as yet it was not known what local structures would look like and any impact on Board representation.

Resolved:- That the draft terms of reference of the Health and Wellbeing Board, as now submitted, be approved.

60. CQC INSPECTION OF ROTHERHAM HOSPITAL

The Board noted that the powerpoint presentation received at the 28th February 2019 meeting of the Health Select Commission regarding the CQC inspection of Rotherham Hospital.

61. MINUTES OF THE MEETINGS OF THE ROTHERHAM ICP PLACE BOARD HELD ON 12TH DECEMBER, 2018 AND 6TH FEBRUARY, 2019

The minutes of the Rotherham Integrated Care Partnership Place Board held on 12th December, 2018 and 6th February, 2019 were noted.

62. DRAFT MINUTES OF THE HEALTH SELECT COMMISSION HELD ON 28TH FEBRUARY, 2019

The draft minutes of the Health Selection Commission held on 28th February, 2019, were noted.

63. LOCAL GOVERNMENT ASSOCIATION

The Chairman reported that the Local Government Association was conducting a new study of the history of Health and Wellbeing Boards, from their inception to present day. Rotherham had been contacted specifically to take part in the study.

A provisional undertaking had been given to taking part in the survey.

64. SOUTH YORKSHIRE HEALTH AND WELLBEING BOARDS

The Chairman reported that he had attended the quarterly meeting with the South Yorkshire Health and Wellbeing Board Chairs and ICS.

65. DATE AND TIME OF FUTURE MEETINGS

Resolved:- That meetings be held during 2019/20 and 2020/21 as follows:-

2019/2020:-

Wednesday, 29th May, 2019
10th July
18th September
20th November
22nd January, 2020
11th March

2020/2021:-

Wednesday, 10th June, 2020
16th September
11th November
13th January, 2021
10th March

all commencing at 9.00 a.m. venues to be confirmed.

PLANNING BOARD
21st February, 2019

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

Apologies for absence were received from Councillors M. Elliott and Fenwick-Green.

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

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

79. DECLARATIONS OF INTEREST

Councillor Walsh declared a personal interest in Minute No. 84 (Proposed Tree Preservation Order No 3, 2018 - Land at Osborne House, 3 South Terrace, Moorgate Street, Rotherham) on the grounds that he was a patient of Osborne House Dental Surgery. He remained in the room, but did not speak or participate in the vote.

80. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 31st January, 2019, be approved as a correct record for signature by the Chairman.

81. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

82. 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.

(2) That application RB2018/1118 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

83. PROPOSED TREE PRESERVATION ORDER NO 4, 2018 - 3 THE CROFTS, WICKERSLEY

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport concerning the proposed confirmation and serving of a Tree Preservation Order without modification with regard to the Sycamore tree which is the subject of this report, situated on land at 3 The Crofts, Wickersley under Section 198 and 201 of the Town and Country Planning Act 1990.

The report detailed the various objections to the making of this Tree Preservation Order and also made reference to the tree's location, condition, the absence of the original TPO documentation and the original application to fell the tree (RB2013/0936), which was refused.

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

Mrs. S. Ralph (Objector)
Ms. Andrews (Objector)
Mr. P. Hemmingway (Objector)

The report detailed the evaluation of Sycamore tree, using the TEMPO system (Tree Evaluation Method for Preservation Orders).

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

(2) That the serving of Tree Preservation Order No. 4, 2018, be confirmed without modification with regard to the Sycamore tree which is the subject of this report, situated on land at 3 The Crofts, Wickersley under Section 198 and 201 of the Town and Country Planning Act 1990.

84. PROPOSED TREE PRESERVATION ORDER NO 3, 2018 - LAND AT OSBORNE HOUSE, 3 SOUTH TERRACE, MOORGATE STREET, ROTHERHAM

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport concerning the proposed confirmation and serving of a Tree Preservation Order without modification with regard to the Sycamore tree and 5 London Plane trees which were the subject of this report, situated on land at Osborne House, 3 South Terrace, Moorgate Street, Rotherham under Section 198 and 201 of the Town and Country Planning Act 1990.

The report detailed the various objections to the making of this Tree Preservation Order, the Tree Service Manager's considerations of the objections and also made reference to an application to fell the trees (RB2018/1288).

In accordance with the right to speak procedure, Mr. R. Atkinson (on behalf of himself and his wife, Mrs. C. Atkinson) (Objectors) attended the meeting and spoke about this proposed Order.

The report detailed the evaluation of the Sycamore tree and five London Plane trees, using the TEMPO system (Tree Evaluation Method for Preservation Orders).

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

(2) That the serving of Tree Preservation Order No. 4, 2018, be confirmed without modification with regard to the Sycamore tree and 5 London Plane trees, the subject of this report, situated on land at Osborne House, 3 South Terrace, Moorgate Street, Rotherham under Section 198 and 201 of the Town and Country Planning Act 1990.

85. UPDATES

There were no updates to report.

86. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 14th March, 2019 at 9.00 a.m.

**PLANNING BOARD
14th March, 2019**

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

Apologies for absence were received from Councillors Andrews and Tweed.

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

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

87. DECLARATIONS OF INTEREST

Councillor Williams declared a personal interest in application RB2018/0662 (demolition of existing buildings and erection of 66 No. dwellinghouses with access, parking, landscaping and other associated ancillary works at land off Melton High Street, Wath upon Dearne) on the grounds that a member of his extended family worked at the local school and lived in the caretaker's bungalow.

88. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 21st February, 2019, be approved as a correct record of the meeting.

89. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

90. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

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

- Demolition of existing buildings and erection of 66 No. dwellinghouses with access, parking, landscaping & other associated ancillary works at land off Melton High Street Wath-upon-Deerne for Persimmon Homes (West Yorkshire) Ltd. (RB2018/0662)

Mr. R. Hart (Objector)
Mrs. M. Hart (Objector)
Dr. D. Plews (Objector)
Councillor D. Roche (Objector)

- Proposed use for plant, machinery and equipment auction scheme for a temporary 12 month period at Maltby Colliery Tickhill Road Maltby for Hargreaves Land Limited (RB2019/0127)

Mr. L. Weatherall (Applicant)

(2) That, with regard to application RB2018/0662:-

(a) subject to a legal agreement with the applicant for the purposes of securing:-

- Provision on site of 6 No. bungalows as Affordable housing at Plots 14, 15, 16 and 36, 37 and 38.
- A commuted sum equating to 40% of the difference between the estimated open market value of 2 no. 2 bedroom properties at Plots 17 and 18 and 4no. 3 bedroom properties at plots 5, 6, 12 and 13 and the actual sales values achieved at the point of sale.
- £500 per dwelling towards sustainable transport improvements.

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report and further subject to an amendment to update the list of approved plans in Condition 2 to include the following:-

- Overall Planning Layout Ref: HFWM-2017-01H
- Clayton (Village) ref: HFWM-CA-WD16 Rev 0

(3) That applications RB2018/0037 and RB2019/0127 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(4) That, with regard to application RB2019/0044:-

(a) subject to a legal agreement with the applicant for the purposes of securing a commuted sum of £1,700 towards off-site Affordable Housing;

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

(5) That, with regard to application RB2019/0154:-

(a) subject to a deed of variation to the legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing:-

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

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

91. PROPOSED TREE PRESERVATION ORDER NO 9, 2018 - LAND AT DOCTOR LANE, THE HOP INGE AND SERLBY LANE, HARTHILL

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport concerning the proposed confirmation and serving of Tree Preservation Order No. 9 without modification with regard to the ten trees situated on land at Doctor Lane, The Hop Inge and Serlby Lane, Harthill under Section 198 and 201 of the Town and Country Planning Act 1990.

The report detailed the various objections to the making of this Tree Preservation Order, the Tree Service Manager's considerations to the support and the objections and also made reference to an application to fell 1 No. Sycamore tree protected by Tree Preservation Order (No.2) 1971 at No. 8 Doctor Lane (RB2018/1145).

The applicant had appealed the refusal of consent to the Secretary of State, but due to the age of the original Tree Preservation Order dating back to 1971 the Council could not locate the original legal documents and as such it was, therefore, necessary to serve a new Tree Preservation Order in order to protect the tree to the rear of No. 8 Doctor Lane, as well as other trees protected under the 1971 Tree Preservation Order. Furthermore the new Tree Preservation Order allowed the Council to reassess the trees in the area and to ensure that only those of good quality were protected. The current appeal was still undetermined and awaiting the outcome of the new potential confirmation.

The Council's Tree Service Manager had recommended ten trees in the area were protected as part of a new Tree Preservation Order, including the tree to the rear of No. 8 Doctor Lane.

In accordance with the right to speak procedure, Mr. and Mrs. Boot (Objectors) attended the meeting and spoke about this proposed Order.

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

(2) That the serving of Tree Preservation Order No. 4, 2018, be confirmed without modification with regard to the 10 trees which are the subject of this report, situated on land at Doctor Lane, The Hop Inge and Serlby Lane Harthill under Section 198 and 201 of the Town and Country Planning Act 1990.

92. UPDATE TO APPEAL AGAINST REFUSAL OF APPLICATION FOR CONSTRUCTION OF AN EXPLORATORY WELL ON LAND AT DINNINGTON ROAD, WOODSETTS

Further to Minute No. 29 of the meeting of the Planning Board held on 7th September, 2018 consideration was given to the report of the Assistant Director of Planning, Regeneration and Transportation which detailed formal notification from the Planning Inspectorate that an appeal against the refusal of planning permission had been received and which would be determined by Public Inquiry from Tuesday, 11th June, 2019.

As the application was refused contrary to officers' recommendation, officers have reviewed the information, taken legal advice and approached a number of private consultants in an attempt to engage external expert witnesses for the forthcoming Inquiry in order to avoid professional integrity issues arising.

Responses were received from five separate consultants, who had reviewed the information but were unable to provide a robust case to support the reason for refusal. One further consultant had indicated that they would be prepared to provide expert evidence, in support of the highways reason for refusal, but the information provided was not considered to be sufficiently robust to defend the decision to refuse the application on the highways grounds. Furthermore, the consultant's services would come at a significant cost to the Council.

Having reviewed the information raised by Members in relation to safety concerns and recognising that the concerns were valid, it was considered that these concerns would not warrant a refusal of planning permission for the proposed development.

Overall, therefore, officers recommend that Planning Board withdraw the highway reason for refusal as a ground for resisting the appeal. In this regard, it was relevant to note that advice had been sought from Counsel instructed to represent the Council at the forthcoming Inquiry. He had endorsed officers' recommendation as both pragmatic and appropriate in the circumstances.

The reason for refusal on noise and general disturbance would stand and be defended.

PLANNING BOARD - 14/03/19

Woodsetts Against Fracking (WAF) have gained 'Rule 6' status, which meant they would have equal standing to the Council and the Appellant at the Public Inquiry. Officers understood that WAF had instructed Counsel and a planning consultant to represent the group at the Inquiry. WAF have also indicated that they would call witnesses in relation to both highways safety and also the noise and general disturbance issue.

In accordance with the right to speak procedure, Mr. R. Scholey (WAF) attended the meeting and spoke about the request to withdraw the first ground for refusal on highway grounds.

Resolved:- That the Council's reason for refusal on highway grounds be withdrawn from the appeal process in light of the lack of evidence to support this aspect of the refusal.

93. UPDATES

There were no updates to report.

94. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 4th April, 2019 at 9.00 a.m.

PLANNING BOARD
4th April, 2019

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

An apology for absence was received from Councillor Whysall.

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

95. DECLARATIONS OF INTEREST

Councillor Walsh declared a personal interest in application RB2018/1236 (erection of 94 No. dwellinghouses including new access road and landscaping at land to the south of Wood Lane, Treeton for Jones Homes (Yorkshire) Ltd.) on the grounds that, as part of his role as an Elected Member for the Rother Vale Ward, he had provided the Treeton community with advice and information regarding planning application.

Although he had remained impartial and objective, he was aware that the applicant could infer bias, therefore, he would neither speak or vote on the application.

Councillor Sansome declared a personal interest in application RB2018/1172 (conversion, extension and change of use of existing building to create 109 No. apartments (use Class C3) at Humphrey Davy House, Golden Smithies Lane, Swinton for The Lettings Room Ltd.) on the grounds that he lived within the political boundaries of the Ward but had had no connection with the application.

96. MINUTES OF THE PREVIOUS MEETING HELD ON 14TH MARCH, 2019

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 14th March, 2019, be approved as a correct record of the meeting.

97. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

98. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

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

- Erection of 94 No. dwellinghouses including new access road and landscaping, land to the south of Wood Lane, Treeton (RB2018/1236)

Ms. C. Plant (Applicant)
Mr. R. Baker (Objector)

- Erection of industrial unit (use Class B2) with ancillary warehouse and office building, land off Todwick Road, Dinnington (RB2018/1683)

Chris Dawkins (Applicant)
Mr. D. Smith (Objector)
Councillor Vjestica (Objector)
Ms. M. Oldale, Bluebell Wood Hospice (Objector)

(2) That applications RB2018/1172, RB2018/1236 and RB2018/1692 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 No. RB2018/1683 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report together with the following additional and amended conditions:-

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) –

- Proposed Site Layout Drawing No. 11794-WMS-MS-00-DR-A-10000-SO-P9
- Preliminary Landscaping Masterplan Drawing No 11794-WMS-MS-00-DR-A- 19800-SO-P2
- Aerial View 1 Drawing No. 11794-WMS-ZZ-XX-VS-A-10201-SO-P4
- 3D visual 1 Drawing No. 11794-WMS-ZZ-XX-VS-A-10211-SO-P3
- 3D visual 2 Drawing No. 11794-WMS-ZZ-XX-VS-A-10212-SO-P3
- Office Elevations Drawing No. 11794-WMS-OF-XX-DR-A-10610-SO-P6
- Office GA Plans Drawing No. 11794-WMS-OF-XX-DR-A-10410-SO-P9
- GA Elevation Plans Drawing No. 11794-WMS-MB-XX-DR-A-10600-SO-P7
- First Floor GA Plan Drawing No. 11794-WMS-MB-01-DR-A-10402-SO-P7

- Ground Floor GA Plan Drawing No. 11794-WMS-MB-00-DR-A-10401-SOP12
- Block Plan of the Site Drawing No. 11794-WMS-ZZ-XX-DR-A-10021-SO-P2
- The Location Plan Drawing No. 11794-WMS-ZZ-XX-DR-A-10020-SO-P2

11

During the hours of 07.00 to 23.00, the BS4142:2014 rating level, measured over 1 hour, shall not exceed the background sound level by more than 3dB above the background (LA90) at the nearest noise sensitive properties. During the hours of 23.00 to 07.00 the BS4142:2014 rating level, measured over 5 minutes shall not exceed the background sound level by more than 3 dB above the background (LA90) at the nearest noise sensitive properties.

Nearest noise sensitive receptors are as identified in the Sharps Redmore Noise Report 20th February 2019, Points 5.11-5.15 inclusive (Page 17).

29

Within 3 months of the completion of each phase of the development a noise verification report to show that the development is being operated in accordance with the noise conditions above shall be submitted to and approved by the Local Planning Authority. If any breaches are identified the report shall include recommendations to rectify these, and further reporting shall be undertaken to be approved by the Local Planning Authority to ensure compliance with the conditions.

30

During the construction phase work shall only take place between the hours of 8:00 and 17:00 Monday to Friday.

99. UPDATES

Members were invited to notify the Chair of any suggested sites for inclusion in the Planning Board's tour of completed developments, due to take place late May/early June, 2019.

100. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 25th April, 2019 at 9.00 a.m.

PLANNING BOARD
25th April, 2019

Present:- Councillor Sheppard (in the Chair); Councillors Andrews, Bird, D. Cutts, Fenwick-Green, Mallinder, John Turner, Tweed, Walsh and Whysall.

Apologies for absence were received from Councillors Atkin, M. Elliott, Steele and Williams.

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

101. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

102. MINUTES OF THE PREVIOUS MEETING HELD ON 4TH APRIL, 2019

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 4th April, 2019, be approved as a correct record of the meeting.

103. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

104. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

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

- Conversion of existing building to create 24 No. apartments at former Rockingham College Of Further Education West Street Wath-upon-Deane for Empire Property Concepts Ltd (RB2018/1738)

Katrina Crisp (On behalf of the Applicant)
Lynn Cadman (Supporter)

- Demolition of existing café and erection of a bungalow and detached garage & formation of vehicular access at 2A Worksop Road Woodsetts for Mr P Beighton (RB2018/1960)

Mick Clay (On behalf of the Applicant)

- Outline application with all matters reserved except for structural landscaping, for Phase 4 Sheffield Business Park for Use Classes B1 b/c, B2 and B8, and associated works at Land adjacent to Europa Link Catcliffe for Sheffield Business Park Ltd (RB2018/1988)

Lewis Evans (On behalf of the Applicant)

- Erection of bungalow and detached garage and formation of vehicular access at land adjacent 2A Worksop Road Woodsetts for TJL Homes Ltd. (RB2018/1995)

Mick Clay (On behalf of the Applicant)

- Erection of 4m highfencing and 10 No. 8m high floodlight columns to illuminate play area and car park at St Bedes Catholic Primary School Wortley Road Kimberworth for St Bedes Catholic Primary School (RB2019/0050)

Amanda Wassall (Applicant)
Darren Hatfield (Supporter)
Ray Davies (Objector)

- Temporary use of land for siting of offices & 6 No. storage containers at The Pitches Sports Club Wickersley Road Broom for Hotel Van Dyk Ltd. (RB2019/0119)

Councillor K. Albiston (Objector)
Lynda Todd (Objector)
Andrew Fellows (Objector)
Jeanette Stead (Objector)
Philip Woodward (Objector)
Councillor B. Cutts (Objector)

- Reserved matters application (details of appearance, landscaping, layout and scale) for the erection of 177 No. dwellinghouses - phase 2D (reserved by outline RB2017/0743) at Waverley New Community off High Field Spring Catcliffe for Barratt David Wilson Homes (RB2019/0220)

Mark Jones (Applicant)

(2) That applications RB2018/1738, RB2018/1988, RB2019/0059 and RB2019/0220 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That, with regard to application RB2018/1960:-

(a) subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 with the developer for the purposes of securing:-

- A commuted sum of £640 towards off-site planting of two trees

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

(4) That, with regard to application RB2018/1995:-

(a) subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 with the developer for the purposes of securing:-

- A commuted sum of £640 towards off-site planting of two trees

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

(5) That the Planning Board declares that it is not in favour of application RB2019/0119 and that the application be refused on the grounds:-

That the Local Planning Authority consider that the proposed development is contrary to Policy SP38 'Protecting Green Space' of the adopted Local Plan as the siting of the offices and storage containers result in a loss of Green Space and the land is not suitable, even on a temporary basis, for such a development and that a compliance period of 28 days is authorised to ensure removal of the offices/containers from the site.

105. PROPOSED TREE PRESERVATION ORDER NO 5, 2018 - THE MANORIAL BARN, CHAFF CLOSE, WHISTON, ROTHERHAM

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport concerning the proposed confirmation and serving of Tree Preservation Order No. 5 without modification with regard to the Oak tree situated on land at The Manorial Barn, Chaff Close, Whiston under Section 198 and 201 of the Town and Country Planning Act 1990.

A Section 211 notice to prune the Oak tree was submitted under application reference RB2018/1532. The intended work was to crown lift to between 4 and 5 metres, top canopy and remove branches over hanging thatched roof.

A representation had been received from Whiston Parish Council objecting on the basis that the tree was only to be pruned and not felled, that structural issues in the tree had not been identified by the Council and concerns that the tree would damage the adjacent Grade II* Listed Building through direct damage. A copy of a letter provided by Birchwood Forestry Rail Division Ltd. for Whiston Parish Council was read out at the meeting.

The report detailed the Tree Service Manager's consideration of the objection and his comments as it was considered the proposed work to the tree was likely to cause significant damage to the tree's structure, the details were vague and open to interpretation and would result in a loss of amenity to the Conservation Area. As such, a Tree Preservation Order was placed on the Oak tree under TPO No. 5 2018 on 2nd November, 2018 and all interested parties notified.

The tree was estimated to be 180-190 years old and likely to have been a key feature in the Whiston street scene for the majority of that time given its prominent location. The rationale for, and the description of the proposed works, have not been clearly presented. A risk of excessive pruning was posed to take place destroying the excellent amenity of this tree.

It was, therefore, recommended that the Order be confirmed without modification having considered the objection to the Order.

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

(2) That the serving of Tree Preservation Order No. 5, 2018, be confirmed without modification with regard to the Oak tree which was the subject of this report, situated on land at The Manorial Barn, Chaff Close, Whiston, Rotherham under Section 198 and 201 of the Town and Country Planning Act 1990.

106. UPDATES

The following update information was provided:-

(a) Completed Developments Tour

Plans were being made for a Completed Developments Tour during June on either the 24th, 25th and 26th. Members of the Planning Board were asked to confirm their availability and to forward any proposed site suggestions to Committee Services.

(b) Parish Council Training – Enforcement

Details of an arranged Training Session with Parish Councillors on Planning Enforcement were shared with Planning Board Members and an invitation extended to them to attend.

PLANNING BOARD - 25/04/19

The session would be held at the Town Hall on Thursday, 2nd May, 2019 at 6.00 p.m. in the Garden Room.

Materials used as part of the session would be circulated for information.

Resolved:- That the information be noted.

107. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 16th May, 2019 at 9.00 a.m.

STAFFING COMMITTEE
Monday, 29th April, 2019

Present:- Councillor Alam (in the Chair); Councillors Cowles, Read and Watson.

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

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

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

The Chair advised that there were no items of business that would require urgent consideration.

- 16. CHILDREN AND YOUNG PEOPLE'S SERVICES SENIOR MANAGEMENT - ASSISTANT DIRECTOR CHILDREN'S SOCIAL CARE**

Consideration was given to a report which proposed the creation of a new Assistant Director post for Children's Social Care within the Children and Young People's Services directorate and proposed the deletion of the current Deputy Strategic Director post.

It was reported that a Deputy Strategic Director of Children and Young People's Services was created as part of the response to government intervention. Following the 'good' Ofsted judgement in 2018 and in line with most other Local Authorities, it was proposed that the Deputy Director post should be deleted and an Assistant Director post be established, which would have responsibility for all children's social care functions, which included:-

- referral and assessment
- child protection
- safeguarding
- looked after children and
- leaving care services.

It was further reported that the post would carry a range of statutory duties in relation to those functions, including agency decision maker for fostering and adoption. Members noted that the role of deputy for the Strategic Director would be undertaken as required and as appropriate by the Assistant Directors within Children and Young People's Services.

Resolved:-

1. That a new Assistant Director post in Children and Young People's Services directorate be established.
2. That the post of Deputy Strategic Director be deleted from the establishment.

17. UNISON VIOLENCE AT WORK CHARTER

Consideration was given to a report which provided detail in respect of UNISON's Violence at Work Charter, which set out measures that UNISON would like employers to put in place to prevent people that they are responsible for from being assaulted as they carry out their work.

It was reported that in order to qualify for the UNISON Violence at Work Charter mark, employers must meet ten standards and it was noted that the Council's current practices were in line with the key principles of the Charter, which were covered by the Health and Safety Policy.

It was suggested that a public awareness campaign to accompany the proposed adoption of the Charter would be helpful in highlighting the issues and difficulties faced by frontline staff both within Council buildings and working in communities.

Resolved:-

1. **That the Council be recommended to become a signatory to UNISON's Violence at Work Charter.**
2. That the existing activities of the Council in meeting the aims of the Charter be noted.
3. That a public awareness campaign be undertaken to promote the adoption of the Charter.

18. PENSION DISCRETION - FLEXIBLE RETIREMENTS

Consideration was given to a report which provided an overview of the pension discretion set by the Council in relation to flexible retirement and detailed options for review.

It was reported that the Council's Flexible Retirement Policy stated that applications would only be considered for 'significant' permanent contractual reductions to either grade or weekly contractual hours. In the policy 'significant' was defined as a change by which budget savings, or 'vacated' hours/position would enable the recruitment of a suitable replacement to maintain service delivery. The policy further stated that such reductions would be in the region of at least 40% of hours so that alternative resourcing options could be explored.

It was further reported that the current requirement for a 40% reduction does not always support business requirements, with requests being unable to be supported by management. Where requests were supported it could cause recruitment difficulties for a 2 day replacement or it could lead to rejection of the request because it impacts adversely on business need.

The report detailed a number of options:-

- Option 1 - Maintain current arrangements which have been in place for a number of years.
- Option 2 - Adopt a minimum 50% reduction so services are left with half a post to recruit to.
- Option 3 - Adopt a minimum 20% reduction where services are able to absorb the 1 day loss and are not allowed to backfill.
- Option 4 - Amend the discretion in line with the Local Government Pension Regulation.

In order to allow services the most flexibility in respect of service need, Option 4 was recommended so that the discretion would be aligned to the Local Government Pension Regulations. The business case aspect of the application for any costs associated with the request would continue to be dependent on those costs being covered by the reduction in salary costs.

Resolved:-

1. That the Council's discretion be amended to mirror the Local Government Pension Regulations.
2. That the revised discretion be applied based on consideration of the following criteria:-
 - Any reduction in working hours or salary must be permanent
 - The reduction in hours or reduction in responsibility allowing the member to be paid a reduced salary must not impact upon the organisation's ability to carry out its business efficiently and effectively
 - The individual flexible retirement concerned must support the organisation's overall business plan and strategy
 - Any costs associated with flexible retirement must be funded within the overall service budget.

Committee Name and Date of Committee Meeting

Staffing Committee – 29 April 2019

Report Title

Violence at Work Charter

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)

Ian Henderson Senior Employee Relations Officer
01709 822467 or ian.henderson@rotherham.gov.uk

Ward(s) Affected

None

Report Summary

This report provides detail of UNISON's Violence at Work Charter. The Charter sets out measures that UNISON would like employers to put in place to prevent people that they are responsible for from being assaulted as they carry out their work.

Recommendations

1. That Staffing Committee recommend to Council that the authority be a signatory to UNISON's Violence at Work Charter.
2. Staffing Committee are asked to note how the Council currently meets the aims of the Charter

List of Appendices Included

None

Background Papers

UNISON Violence at Work Charter

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Violence at Work Charter

1. Background

- 1.1 In 2015 UNISON surveyed its members and found that 48% of those working in the community and voluntary sector had experienced an incident of violence or aggression at work in the previous two years, whilst 27% felt threatened by violence or aggression at work.
- 1.2 Incidents included staff being physically or verbally abused, being punched, pushed and kicked, threatened with weapons and held against their will.
- 1.3 In common with the Health and Safety Executive, UNISON defines violence at work as “any incident in which an employee is abused, threatened or assaulted in circumstances relating to their work”.
- 1.4 UNISON wants to work with employers to put in place a basic level of monitoring, support, safeguards and training.
- 1.5 To qualify for the UNISON Violence at Work Charter mark, employers must meet ten standards. It should be noted that the Council’s current practices are in line with the key principles of the Charter and are covered by the Health & Safety Policy (referenced in **bold text**):
 1. The employer has a written violence and aggression at work policy which is available to all staff (**published on intranet and forms part of induction process**). The policy should also cover lone working (**point 3.19**)
 2. Responsibility for implementing these policies lies with a senior manager (**section 1 and 2**)
 3. Measures are taken to prevent staff working in isolated buildings, offices or other work areas on or off site
 4. Staff are encouraged to report all violent incidents and they are told how to do this (**section 3.1, 3.28 and intranet pages**)
 5. The employer collects and monitors data on violent incidents on a regular and ongoing basis (**2.9 and 2.10**)
 6. Where they are in place, union safety reps are able to access this data and are consulted on solutions to issues relating to violence in the workplace (**2.11**)
 7. Thorough risk assessments are conducted for staff placed in vulnerable situations (**3.27 and 4.0**)
 8. The employer has in place support pathways for staff who are victims of violence at work, so that they know where to turn for advice and support (**Health & Safety Team, Employee Assistance Programme**)
 9. Training to ensure staff are aware of the appropriate way to deal with threatening situations (**3.35**)

10. Where appropriate, independent counselling services are available to staff who are the victims of violence at work (**Employee Assistance Programme**)

2. Key Issues

2.1 As part of highlighting the Charter there is one minor point where Council practice doesn't appear to fully conform:

- Measures are taken to prevent staff working in isolated buildings, offices or other work areas on or off site

2.2 Council policy states that no employees will be expected to carry out any activity, which poses an unacceptable risk either to themselves or to other persons (**3.42**) and includes lone working protocols. Managers are required to undertake risk assessments to ensure that appropriate precautions are in place to protect employees and others.

3. Options considered and recommended proposal

3.1 Not to adopt the Charter.

3.2 The recommended option is to adopt the Charter at Council. The first point of the Charter includes lone working, which appears at odds to the third point highlighted in point 2.1 above. However, Council policy allows for appropriate assessment of risks for lone working, including mitigating any specific risks associated with 'working in isolated buildings, offices or other areas on or off site'.

4. Consultation on proposal

4.1 Consultation has been undertaken with Cllr Alam who supports the adoption of the Charter.

5. Timetable and Accountability for Implementing this Decision

5.1 There is no set timescale for implementation. The Council already operates in the spirit of the Charter so there would be no change to existing policy or implications for agreeing to adopt.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

6.1 There are no financial implications.

6.2 There are no direct procurement implications associated with this report.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

- 7.1 There are no direct legal implications from this report. The Charter would help facilitate RMBCs duty to provide a safe working environment for its employees.

8. Human Resources Advice and Implications

- 8.1 The Charter supports the standards of Health and Safety operated by the Council to protect employees.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The Charter would apply to all employees across the Council.

10. Equalities and Human Rights Advice and Implications

- 10.1 In making any decision the Council is required to have due regard to its equalities duties and in particular with respect to the Equality Act 2010, section 149, part 11 of the public sector duty:

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

- 10.2 The recommendation before the Council will not have any adverse impact on anyone with one or more protected characteristics, namely age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

11. Implications for Partners

- 11.1 There are no implications for Partners.

12. Risks and Mitigation

- 12.1 There is no risk associated in adopting the Charter.

13. Accountable Officer(s)

Shokat Lal Assistant Chief Executive
Lee Mann Assistant Director Human Resources

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive		Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	12/04/19

Assistant Director of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.
Assistant Director of Human Resources (if appropriate)		Click here to enter a date.

*Report Author: Ian Henderson Senior Employee
Relations Officer*

01709 822467 or ian.henderson@rotherham.gov.uk

This report is published on the Council's [website](#).

LICENSING BOARD SUB-COMMITTEE
18th February, 2019

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Elliot, Reeder and Wyatt.

39. 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).

40. 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 review of hackney carriage/private hire drivers' licences in respect of Messrs. A.H., A.B.K., M.N.L., M.J.R. and M.Z.A.

Messrs A.H., A.B.K., M.N.L., M.J.R. and M.Z.A. (and their representatives) 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. A.H. be refused.

(2) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. A.B.K. be approved and he be issued with a licence (subject to all other requirements being met).

(3) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. M.N.L. be refused.

(4) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. M.J.R. be approved and he be issued with a licence (subject to all other requirements being met).

(5) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. M.Z.A. be refused.

**LICENSING SUB-COMMITTEE
26th February, 2019**

Present:- Councillor Beaumont (in the Chair); Councillors Clark and Taylor.

5. LICENSING ACT 2003 - REVIEW OF PERSONAL ALCOHOL LICENCE

Consideration was given to an application to review a Personal Alcohol Licence in accordance with the provisions of the Licensing Act 2003.

The personal licence holder had been granted the licence on 9th February, 2017. However, since the granting of the personal licence she had not acted in the role of Designated Premises Supervisor at any premise in Rotherham although had worked in a number of licensed premises in Sheffield in the capacity of assistant manager.

The licence holder had appeared at Sheffield Magistrates Court on 26th June, 2018, where she was convicted of an offence of Common Assault and received a 12 month Probation Order and a Restraining Order preventing her from going near the victim or her family. She was ordered to pay compensation of £200 with an order for £100 costs.

The licence holder had notified the Court that she was the holder of a Personal Alcohol Licence issued by Rotherham Council.

The Sub-Committee gave due consideration to the application to review the Personal Alcohol Licence and the submissions of the various parties at the hearing.

Resolved:- That the Personal Alcohol Licence be suspended for 6 months.

**LICENSING SUB-COMMITTEE
26th February, 2019**

Present:- Councillor Beaumont (in the Chair); Councillors Clark and Taylor.

**6. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE -
TODAY'S LOCAL, 6 UPPER MILLGATE, ROTHERHAM**

Consideration was given to an application for the review of a premises licence in accordance with the provisions of Section 51 of the Licensing Act 2003, in respect of the premises known as Today's Local, 6 Upper Millgate, Rotherham.

The Licensing Authority received representations made by the Borough Council's Licensing Enforcement Unit (as a responsible authority), which had not been withdrawn, and the Sub-Committee considered those representations.

The Sub-Committee heard the representations from Mr. C. Burnett (Licensing Enforcement Officer, and from Mrs. A. Forrest (Solicitor), the Area Manager and the Premises Licence Holder.

The Licensing Authority had received representations from local businesses which were not withdrawn. Mr. M. Ridsdale (local business owner) attended the hearing and presented his concerns.

The Sub-Committee heard the representations from Mr. C. Burnett (Licensing Enforcement Officer), on behalf of the Borough Council. The subject premise was a small sized off-licence situated on the pedestrianised precinct within Rotherham Town Centre. The premises licence permitted the sale by retail of alcohol, from 0600 hours to 2300 hours daily, for consumption off the premises.

Members were informed of the details of the specific concerns in respect of the management of these premises:-

(i) Over the past 12 months there had been a steady increase in alcohol related disorder and nuisance;

(ii) The premises were initially visited on 19th April, 2017, by Mr. C. Burnett (Licensing Enforcement Officer) following a number of complaints in relation to nuisance and under age sales. The visit had revealed a number of breaches of the premises licence (set out in Annex 1 and 2);

(iii) A subsequent visit to the premises where it was found that some but not all of the breaches had been addressed;

(iv) Agreement was reached with the premises licence holder that a variation would follow to address conditions on the licence which would improve the general operating methods and also remove conditions which were either unhelpful or unenforceable. However, the application to vary the licence was never made;

(v) Further issues in respect of the premises were highlighted by the Police and the Environmental Health Team in March 2018. The issues continued to be around disorderly conduct fuelled by alcohol being served to persons in drink and known street drinkers;

(vi) A meeting was held on 12th June 2018 between the Local Authority, the Local Policing Team, the premises licence holder, the DPS, the general manager and the legal adviser for the premises. An action plan was agreed with a number of variations to the existing premises licence offered and voluntarily included within the action plan with a view to the conditions being applied by way of variation at Annex 2 of the premises licence during or following the 3 months action plan;

(vii) Following the action plan, however, incidents had continued to take place at the premises including disorder and a clear lack of willingness to assist the Police and ensure public safety was preserved. Numerous Police requests for CCTV footage in respect of incidents at the premises had been ignored by the management and continued lack of willing to provide evidence to address crime and disorder. There was evidence of staff serving to persons in drink and CCTV footage of staff serving to customers whilst fights were taking place within the premises;

(viii) The premises were visited by Police and Council Enforcement staff on 20th July, 2018 which had revealed continued breaches of the premises licence including a failure to implement and maintain an incident log and refusal register, staff training records unsigned and spirits on display on the shelves and not behind the counter. The fire exit was once again partially blocked with cases of alcohol;

(ix) Despite continued efforts by the Police and the Local Authority to work with the premises and a voluntary action plan, the premises appeared unwilling or unable to ensure the 4 licensing objectives were being properly promoted.

During the hearing various CCTV footage was viewed by everyone present illustrating some of the concerns highlighted above.

The Premises Licence Holder's legal representative replied to the issues raised and presented the Premise Licence Holder evidence as follows:-

(a) The alleged purchase of alcohol from Today's Local seen in blue carrier bags – Today's Local had red and white carrier bags;

(b) There was anti-social behaviour in Rotherham and clearly within the Town Centre but was this not an issue for the Police and not necessarily a matter for the premises?

(c) The main concern raised was that of street drinkers with the assumption that they were purchasing their alcohol from Today's Local;

(d) Witness statements had been submitted by other local businesses but they had not made their own representations. The review had been advertised but only one member of the public had felt it necessary to submit a representation. Some of the statements included within the documentation had been used for the purpose of seeking Criminal Behaviour Orders in Court a number of which related to incidents not linked to licensing e.g. fighting outside of the premises. There was also no evidence of independent complaints either as a result of the Criminal Behaviour Orders or incorporated into the review. There was no substantive evidence of complaints prior to the application to review;

(e) The current conditions attached to the licence were poor and not enforceable;

(f) It was intended that a new employee, who was a qualified door supervisor, and had been trained in dealing with conflict situations as well as Licensing objectives, would be registered as the new Designated Premises Supervisor once he had secured his Personal Licence. Attention was drawn to Section 11.21 of the Statutory Guidance i.e. that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly related to poor management decision made by this individual;

(g) Some of the staff named within the document bundle no longer worked at the premises. The staff structure had been revised and all staff had now been trained to Level 2. A new training manual was under development that would contain a refusals register, age restricted sales, accident report etc.;

(h) Unless there was evidence of the fighting in the shop being as a result of the sale of alcohol from the shop they could not be linked to the premises and made a premises problem;

(i) Statutory Guidance made it clear that there was Legislation to deal with anti-social behaviour and not Licensing;

(j) It was not the staff's responsibility to break up fights within the premises. The staff, as well as members of the public, felt intimidated by the street drinkers;

(k) The benches outside the premises were a focal point but it did not mean that the alcohol being consumed had been purchased from there;

(l) There had been minor breaches of the Licensing conditions in the past which had not had a direct impact on the public. These had now been rectified;

(m) Over the last few years there had been an increase in street drinkers in the Town Centre; the Premises Licence Holder did not want to add to those problems and just run a business in town like any other;

(n) Challenge 25 Policy was in operation at the premises. There was no suggestion or evidence that children had come to any harm or of any age restricted sales of cigarettes/alcohol or test purchases;

(o) No evidence that the shop serving alcohol was causing the problem of street drinkers; it just happened to be the nearest shop;

(p) Within the statements it mentioned “product” but did not stipulate what product it was or the ABV. Another shop close by to Today’s Local sold Karpackie which Today’s Local had not sold for the last 4 months. It no longer sold alcohol with a 9% ABV rating;

(q) If the Police believed that there was strong evidence that the premises were facilitating street drinkers why had the Police not submitted a Review application themselves or make representations?

(r) Revised conditions had been drawn up with Licensing which included training and the downloading of CCTV footage;

(s) A member of the Fire Service had attended the premises that morning to advise with regard to the fire exit;

(t) Attention drawn to Section 11.20 of the Statutory Guidance i.e. the remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

(u) Attention drawn to Section 11.27 of the Statutory Guidance which referred to the use of the licensed premises. These were issues that the review should look at in the first instance of revocation of a licence, however, what had been heard with regard to Today’s Local was anti-social behaviour which was not included within those categories listed;

(v) It was felt that revocation should not be considered and instead consideration given to the remedial action that had taken place together with the revised enforceable conditions to ensure the licence could be upheld;

The Sub-Committee considered the application for this review of the premises licence and the representations made specifically in the light of the following Licensing objectives (as defined in the 2003 Act):-

- The prevention of crime and disorder;
- Public safety;
- Public nuisance;
- The protection of children from harm.

Resolved:- That, after due consideration of the application for review and to the representations submitted, the premises licence for the premises known as Today's Local, 6 Upper Millgate, Rotherham, be revoked with immediate effect.

**LICENSING BOARD SUB-COMMITTEE
11th March, 2019**

Present:- Councillor Beaumont (in the Chair); Councillors McNeely, Napper, Steele and Vjestica.

(THE CHAIR AUTHORISED CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO PROGRESS URGENTLY THE REQUEST REFERRED TO)

41. DETERMINATION OF AN APPLICATION FOR A HOUSE TO HOUSE COLLECTION PERMIT

Consideration was given to a report, presented by the Licensing Manager, concerning an application for the grant of a promoter's permit to carry out a house-to-house collection on 31st March, 2019 covering the permit area of Maltby, Hellaby, Bramley, Wickersley, Brecks and Whiston in aid of Emma Burns (not a registered charity).

Resolved:- That, in accordance with the provisions of the House to House Collections Act 1939, the application be approved and a promoter's permit be granted for Miss Beverley Burns.

42. 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).

43. 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 review of hackney carriage/private hire drivers' licences in respect of Messrs. J.H., D.P., M.A. and Z.Q.

Resolved:- (1) That consideration of the review of hackney carriage/private hire drivers' licences in respect of Messrs. J.H., M.A. and Z.Q. be deferred and they be afforded the opportunity of attending the next meeting of the Licensing Board Sub-Committee.

(2) That the hackney carriage/private hire driver's licence in respect of Mr. D.P. be suspended until such time as he satisfactorily completes an appropriate driving assessment course – the details of which are to be provided by the Council.

44. APPLICATION FOR AN EXEMPTION TO AFFIX PLATES TO A LICENSING VEHICLE

The Sub-Committee of the Licensing Board considered a report, presented by the Licensing Manager, relating to an application from Mr. J.F. for an exemption from the requirements of the Council's Hackney Carriage and Private Hire Licensing Policy in respect of the licence plate and door signs being affixed to licensed vehicle TL10 NSL. This request was made on the basis that Mr. J.F. would be working in the corporate and executive sector.

Resolved:- (1) That the request from Mr. J.F. for an exemption from the Council's Licensing Policy in relation to the requirements to affix a licence plate and door signs to his licensed vehicle TL10 NSL be granted in respect of the licensed vehicle described in the report now submitted.

(2) That, further to resolution (1) above, a condition be attached to this permission granted to Mr. J.F. such that this specific exemption from the requirements of the Council's Licensing Policy shall be subject to both review and reconfirmation prior to each and every renewal of this vehicle licence and the power to determine the matter shall be delegated to the Assistant Director, Community Safety and Street Scene.

45. DATE AND TIME OF THE NEXT MEETING

Resolved:- That the next meeting of the Licensing Board Sub-Committee take place on the revised date of Tuesday, 26th March, 2019 at 9.30 a.m.

**LICENSING BOARD SUB-COMMITTEE
26th March, 2019**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Buckley, Reeder and Steele.

46. 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).

47. 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 review of hackney carriage/private hire drivers' licences in respect of Messrs. Z.Q., M.Au. and M.A.

Messrs M.Au. (and friend) attended the meeting and was interviewed by the Sub-Committee.

It was noted that Mr. M.Az. had surrendered his hackney carriage/private hire driver's licence.

Resolved:- (1) That consideration of the review of a hackney carriage/private hire driver's licence in respect of Mr. Z.Q. be deferred and he be afforded the opportunity of attending a future meeting of the Licensing Board Sub-Committee.

(2) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. M.Au. be refused.

(3) That the surrender of the hackney carriage/private hire driver's licence by Mr. M.Az. be noted.

(THE CHAIR AUTHORISED CONSIDERATION OF THE FOLLOWING ITEMS TO ENABLE THE MATTERS TO BE PROCESSED.)

48. APPLICATION FOR THE GRANT/RENEWAL/REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCE

The Sub-Committee of the Licensing Board considered a report of the Licensing Manager relating to an application for the review of hackney carriage/private hire drivers' licences in respect of Mr. M.Z.

Mr. M.Z., together with his wife, attended the meeting and was interviewed by the Sub-Committee.

Resolved:- That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. M.Z. be refused.

(The Mayor, Councillor Buckley, and Councillor Ellis did not consider the application for Mr. M.Z. having been part of the Sub-Committee that previously considered his application in 2016.)

(Councillor Beaumont assumed the Chair for consideration of the above application.)

(Councillor Ellis assumed the Chair.)

49. RENEWAL OF A PRIVATE HIRE LICENCE (AGE EXEMPTION)

Consideration was given to a request for an exemption from the Licensed Vehicle Age Policy (Appendix I to the Council's Taxi Licensing Policy) as the vehicle had first been registered more than five years ago for a private hire vehicle licence in respect of vehicle with registration FH09 FZG.

Resolved:- That the request for an exemption from the Licensed Vehicle Age Policy in respect of vehicle with registration FH09 FZG be approved.

50. APPLICATION FOR A PERFORMANCE OF HYPNOTISM

Consideration was given to a report, presented by the Business Regulation Manager, concerning an application from Mr. A.N. for a permit to undertake a performance of hypnotism at The Civic Theatre, Rotherham, on Friday, 29th March, 2019, between the hours of 19:45 pm and 21:45 p.m.

Resolved:- That, in accordance with the provisions of Section 2(1) of the Hypnotism Act 1952, the application be approved and Mr. A.N. be granted a permit to undertake a performance of hypnotism at The Civic Theatre, Rotherham, on Friday, 29th March, 2019.

LICENSING SUB-COMMITTEE
1st April, 2019

Present:- Councillor Beaumont (in the Chair); The Mayor (Councillor Buckley and Vjestica.

3. LICENSING ACT 2003 - VARIATION OF PREMISES LICENCE - THREE HORSESHOES, WICKERSLEY

At the commencement of the meeting, it was clarified that Councillor Ellis, although Chair of the Licensing Committee, was in attendance and objecting to the application in the capacity of a Parish and Ward Councillor.

Consideration was given to an application for the variation of a Premises Licence, under the provisions of the Licensing Act 2003, in respect of the premises known as the Three Horseshoes Public House, 133 Wickersley Road, Wickersley, Rotherham.

The Licensing Authority received representations which were not withdrawn and the Sub-Committee considered those representations.

No objections had been received by South Yorkshire Police or the Authority's Environmental Health Officer.

The application sought to vary the premises licence as follows:-

(i) to extend the sale of alcohol and regulated entertainment (excluding films) to commence at 07.00 hours, seven days a week

(ii) to remove reference to facilities for making music and facilities for dancing as these were no longer licensable activities

(iii) additional non-standard timings for notable days

(iv) to add conditions to the licence and remove condition following consultation with the Police Licensing and Environmental Health Officer as detailed in the application submitted to the Licensing Authority

(v) to vary the layout of the premises in accordance with plans (Drawing Number AM 01 Rev C) such variation to the plans to have effect upon the completion of the works as notified to the Licensing Authority in writing. Alterations included:-

- To show location of new fixed seating throughout premises, removal of partition and relocation of screen to right of entrance
- To show beer garden already in situ in previous rear car park area and to license a proposed external bar servery to permit sale of alcohol

- No change to first floor

The applicant company was Stonegate Pub Company Ltd. The solicitor representing the company at the hearing explained the rationale for the above proposed variations:-

(i) commencement of the sale of alcohol at 7.00 a.m. Currently the premises opened at 10.00 a.m. for the sale of breakfast whilst other establishments in the area opened earlier. It would also allow for one-off situations such as race days and gave the flexibility of opening earlier as and when required rather than applying for a special licence when the need arose. The Company had a series of Responsible Drinking Policies and the public house would have 3 Personal Licence Holders employed on the premises all of whom were trained in the licensing objectives

(ii) removal of entertainment facilities – since the inception of the 2012 Licensing Act, entertainment facilities for making music were no longer required to be licensed

(iii) to retain the existing non-standard timings for notable days i.e. Bank Holidays but also include an additional hour into the morning on St. George's Day, St. David's Day, St. Patrick's Day, St. Andrew's Day, Burns Night, Valentine's Night, Halloween, all Bank Holidays, Maundy Thursday, Christmas Day, 29th and 30th December and Bonfire night

(iv) as stated above

(v) layout of the premises

- it was proposed that there be some new fixed seating within the premises and moving around of screens
- it was also proposed that an external bar be erected in the beer garden for the sale of alcohol until 11.00 p.m.
- there was an existing condition relating to the first floor function room stating doors and windows be closed when there was regular entertainment. It now only related to live and recorded music

The points raised in the written representation from a local resident, in attendance at the hearing, were addressed by the Company's legal adviser.

It was stated that when Stonegate made an application, as a matter of policy, they pre-consulted with the main authorities i.e. Licensing, Police and Environment Health. No particular issues had been raised that had prevented the application being submitted. There had been a number of issues raised which related to the previous licence holder and the holding of live music events during the previous summer although from discussions held with Environmental Health it had become clear that some of the discussions had been on an informal basis.

It was not the intention to hold music events in the future. It was now known that there had been issues not reported to senior management and Stonegate did not want to jeopardise relationships with the neighbours in close proximity to the premises acknowledging the location of the premises was within a mainly residential area. The Company's overall intention was to operate the premises as a community public house.

Currently patrons of the premises could drink in the rear garden until 1.00 a.m. unsupervised. If granted, the external bar would have at least one person serving the drinks with another collecting glasses/monitoring the area and, therefore, the beer garden supervised at all times.

The current Premises Licence Holder had been in post at the premises since January, 2019. He had attended Pub Watch meetings where problems experienced by other public houses were discussed; these were not those experienced at the Three Horseshoes.

In recognition of its proximity to residential properties, the new Premises Licence Holder had instructed staff not to empty any of the bottle bins until after 8.00 a.m.

Two members of Wickersley Parish Council, Councillor Ellis and Mrs. Godfrey, together with a member of the public, presented their objections to the proposals.

In conclusion, the Sub-Committee took due note of all of the written and oral representations made and also of the fact that there had been no representations made by South Yorkshire Police and Environmental Health in respect of this application.

The Sub-Committee considered that the measures to be put in place by the applicant company to ensure the prevention of public nuisance, noise nuisance and to ensure that the premises were operated satisfactorily were sufficient and noted that the company would accept specific additional conditions of licence, as discussed at this hearing.

The Sub-Committee considered the application for the variation of this premises licence and the representations made specifically in the light of the following Licensing objectives (as defined in the 2003 Act):-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

Resolved:- That the application for the variation of the premises licence in respect of the premises known as the Three Horseshoes, 133 Bawtry Road, Wickersley, be approved and the licence variation granted as follows:-

- (a) the opening hours of the premises be extended to 08.00 hours, seven days a week, with no sale/purchase of alcohol until 09.00 hours;
- (b) the reference to facilities for making music and facilities for dancing be removed as they were no longer licensable activities;
- (c) the additional non-standard timings for notable days as set out in the application submitted;
- (d) the external bar servery be permitted for the sale of alcohol from 09.00 hours to 22.00 hours;
- (e) to add conditions to the licence and remove the condition following consultation with the Police Licensing and Environmental Health Officer as detailed in the application submitted to the Licensing Authority;
- (f) that the emptying of bottle bins be carried out during the hours of 09.00 to 21.00;
- (g) that any drinks to be consumed in the beer garden should be in polycarbonate drinking vessels with the appropriate signage reinforcing this requirement;
- (h) that the doors and windows be closed on the first floor where events involved amplified live or recorded music;
- (j) that signage be fixed onto the rear gate indicating that it was a fire exit only and that liaison take place with the Fire Service with regard to a closing mechanism on the rear gate to ensure usage for that purpose only.

LICENSING BOARD SUB-COMMITTEE
17th April, 2019

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, McNeely, Napper and Sheppard.

51. 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).

52. 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 review of hackney carriage/private hire drivers' licences in respect of Messrs. R.A., T.D. and R.K.

Messrs R.A. and R.K. (and representatives) attended the meeting and were interviewed by the Sub-Committee.

It was noted that, due to an administrative error, Mr. T.D. was unable to attend the meeting.

Resolved:- (1) That no further action be taken in respect of Mr. R.A.

(2) That the hackney carriage/private hire driver's licence in respect of Mr. R.K. be revoked.

(3) That consideration of the review of hackney carriage/private hire driver's licence in respect of Mr. T.D. be deferred and he be afforded the opportunity of attending the next meeting of the Licensing Board Sub-Committee.

(Councillor Beaumont did not take part in the consideration of Mr. R. A.'s application due to illness. She re-joined the meeting for consideration of Mr. R.K.).

(Councillor Sheppard declared that he was a contact of one of the representatives via social media, but they did not discuss cases and nor had he had any involvement with any of the applicants)

LICENSING BOARD SUB-COMMITTEE
29th April, 2019

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, McNeely and Napper.

53. 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).

54. 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/review of hackney carriage/private hire drivers' licences in respect of Messrs. M.B., Z.Q. and T.D.

Messrs M.B. and T.D. (and representatives) attended the meeting and were interviewed by the Sub-Committee.

Due to the overrunning of the hearing, Mr. Z.Q. had to leave before his review hearing took place.

Resolved:- (1) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. M.B. be refused.

(2) That the review of the hackney carriage/private hire driver's licence in respect of Mr. Z.Q. be deferred to allow him the opportunity of attending the hearing.

(3) That the hackney carriage/private hire driver's licence in respect of Mr. T.D. be suspended until he successfully completed the BTEC and Safeguarding courses.

(Councillor McNeely did not take part in the meeting for consideration of the application by Mr. M.B.)

(THE CHAIR AUTHORISED CONSIDERATION OF THE FOLLOWING ITEM TO ENABLE THE MATTER TO BE PROCESSED.)

55. RENEWAL OF A PRIVATE HIRE LICENCE (AGE EXEMPTION)

Consideration was given to a request for an exemption from the Licensed Vehicle Age Policy (Appendix I to the Council's Taxi Licensing Policy) as the vehicle had first been registered more than five years ago for a private hire vehicle licence in respect of vehicle with registration KX62 YUC.

Resolved:- That the request for an exemption from the Licensed Vehicle Age Policy in respect of vehicle with registration KX62 YUC be approved.

LICENSING BOARD SUB-COMMITTEE

1st May, 2019

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Clark, Reeder and Taylor.

56. 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).

57. 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/review of hackney carriage/private hire drivers' licences in respect of Messrs. F.H., M.A., Z.K., J.H. and G.K..

Messrs. F.H., M.A., Z.K., J.H. and G.K. (and representatives) 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. F.H. be approved.

(2) That the hackney carriage/private hire driver's licence in respect of Mr. M.A. be suspended until such time as he satisfactorily completes an appropriate driving assessment course, the details of which are to be provided by the Council, and Safeguarding course.

(3) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. F.H. be approved and he be issued with a licence (subject to all other requirements being met).

(4) That no action be taken as a consequence of the review of the hackney carriage/private hire driver's licence in respect of Mr. J.H., but he be issued with a formal final written warning as to his future conduct.

(5) That no action be taken as a consequence of the review of the hackney carriage/private hire driver's licence in respect of Mr. G.K., but he be issued with a formal written final warning as to his future conduct.

(Councillor Beaumont did not take part in the meeting for consideration of the application by Mr. G.K.)

**LICENSING BOARD SUB-COMMITTEE
1st May, 2019**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Clark, Jones and Napper.

58. 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).

59. 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/review of hackney carriage/private hire drivers' licences in respect of Messrs. A.R. and M.H.

Messrs. A.R. and M.H. (and representatives) attended the meeting and were interviewed by the Sub-Committee.

Resolved:- (1) That the hackney carriage/private hire driver's licence in respect of Mr. A.R. be suspended until he successfully completes a further Safeguarding course.

(2) That no action be taken as a consequence of the review of the hackney carriage/private hire driver's licence in respect of Mr. M.H., but he be issued with a formal final written warning as to the need to drive to specific licensing conditions and that he satisfactorily completes an appropriate driving assessment course within three months – the details of which are to be provided by the Council.

60. APPLICATION FOR THE GRANT OF A PRIVATE HIRE OPERATOR LICENCE

Consideration was given to a report, presented by the Licensing Manager, concerning an application for the grant of a private hire operator's licence in respect of Mr. M.J.R. (M.2.U.T.)

Mr. M.J.R. attended the meeting and was interviewed by the Sub-Committee.

Resolved:- That the application for the grant of a private hire operator's licence in respect of Mr. M.J.R. (M.2.U.T.) be approved for one year.