



# Council

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**Wednesday, 4 September 2019**

**2.00 p.m.**

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

**Rotherham**  
Metropolitan  
Borough Council 

# WELCOME TO TODAY'S MEETING

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## GUIDANCE FOR THE PUBLIC

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

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

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

Copies of the agenda and reports are available on the Council's website at [www.rotherham.gov.uk](http://www.rotherham.gov.uk). The public can also have access to the reports to be discussed at the meeting by visiting the Reception at Rotherham Town Hall. The Reception is open from 8.30 a.m. to 5.30 p.m. each day. You may not be allowed to see some reports because they contain private information and these will be marked accordingly on the agenda.

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

Council meetings are webcast and streamed live or subsequent broadcast via the Council's website. At the start of the meeting the Mayor will confirm if the meeting is being filmed. You would need to confirm your wish not to be filmed to Democratic Services. Recording of the meeting by members of the public is also allowed.

Council meetings are open to the public, but occasionally the Council may have to discuss an item in private. If this occurs you will be asked to leave. If you would like to attend a meeting please report to the Reception at the Town Hall and you will be directed to the relevant meeting room.

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## FACILITIES

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

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

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

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

Date of Publication:- **27<sup>th</sup> August, 2019**

# COUNCIL

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Wednesday, 4 September 2019 at 2.00 p.m.  
Council Chamber, Town Hall, Moorgate Street, Rotherham. S60 2TH

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

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CHIEF EXECUTIVE (Sharon Kemp)

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## MEMBERS OF THE COUNCIL

### ANSTON AND WOODSETTS

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

### KEPPEL

CLARK, Maggi  
CUTTS, Dave  
HAGUE, Paul

### SITWELL

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

### BOSTON CASTLE

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

### MALTBY

BEAUMONT, Christine  
PRICE, Richard  
RUSHFORTH, Amy L.

### SWINTON

CUSWORTH, Victoria  
SANSOME, Stuart  
WYATT, Kenneth J.

### BRINSWORTH AND CATCLIFFE

BUCKLEY, Alan  
CARTER, Adam  
SIMPSON, Nigel G.

### RAWMARSH

BIRD, Robert  
MARRIOTT Sandra  
SHEPPARD, David R.

### VALLEY

ALBISTON, Kerry  
REEDER, Kathleen  
SENIOR, Jayne E.

### DINNINGTON

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

### ROTHER VALE

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

### WALES

BECK, Dominic  
WATSON, Gordon  
WHYSALL, Jennifer

### HELLABY

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

### ROTHERHAM EAST

COOKSEY, Wendy  
FENWICK-GREEN Deborah  
KHAN, Tajamal

### WATH

ATKIN, Alan  
ELLIOT, Jayne C.  
EVANS, Simon

### HOLDERNESS

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

### ROTHERHAM WEST

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

### WICKERSLEY

ELLIS, Susan  
HODDINOTT, Emma  
READ, Chris

### HOOBER

LELLIOTT, Denise  
ROCHE, David J.  
STEELE, Brian

### SILVERWOOD

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

### WINGFIELD

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

# **Council Meeting Agenda**

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**Time and Date:-**

Wednesday, 4 September 2019 at 2.00 p.m.

**Venue:-**

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

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**1. ANNOUNCEMENTS**

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

**2. APOLOGIES FOR ABSENCE**

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

**3. COMMUNICATIONS**

Any communication received by the Mayor or Chief Executive which relates to a recommendation of the Cabinet or a committee which was received after the relevant meeting.

**4. MINUTES OF THE PREVIOUS COUNCIL MEETING (Pages 1 - 32)**

To receive the record of proceedings of the ordinary meeting of the Council held on 24 July 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 Chair 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 33 - 45)**

To note the minutes of the Cabinet meeting held on 8th July, 2019.

## **11. AUDIT COMMITTEE ANNUAL REPORT 2018/19 (Pages 46 - 59)**

To consider the annual report of the Audit Committee in respect of its activities during the 2018/19 municipal year.

## **12. THRIVING NEIGHBOURHOODS - UPDATES FROM WARD COUNCILLORS (Pages 60 - 65)**

To receive updates from ward councillors from Rotherham East, Rotherham West and Silverwood on the activities supporting Thriving Neighbourhoods across the Borough.

## **13. NOTICE OF MOTION - ADOPTION OF INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE (IHRA) DEFINITION OF ANTI-SEMITISM**

This Council:

1. Abhors racism in all forms.
2. Notes the decision of the Sheffield City Region Combined Authority to join with the government and other local authorities across the UK in signing up to the internationally recognised International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism on 3rd June 2019.

The IHRA working definition states;

*"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, towards Jewish Community institutions and religious facilities.*

*Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to*

*harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.*

*Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:*

- *Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.*
- *Making mendacious, dehumanising, demonizing or stereotypical allegations about Jews as such or the power of Jews as collective - such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.*
- *Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.*
- *Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust)*
- *Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.*
- *Accusing Jewish citizens as being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations*
- *Denying the Jewish people their right to self-determination, e.g. by claiming that the existence of the State of Israel is a racist endeavour.*
- *Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation.*
- *Using the symbols and images associated with classic antisemitism (e.g. claims of Jews killing Jesus or blood libel) to characterise Israel or Israelis.*
- *Drawing comparisons of contemporary Israeli policy to that of the Nazis*
- *Holding Jews collectively responsible for the actions of the state of Israel."*

This Council therefore resolves to:

1. Restate its condemnation of all forms of racism in all its manifestations
2. Adopt the IHRA definition of antisemitism as the working model for challenging and confronting incidents of this form of racism.

Mover:- Councillor Read

Seconder:- Councillor Watson

**14. STANDARDS AND ETHICS COMMITTEE (Pages 66 - 70)**

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

To confirm the minutes as a true record.

**15. AUDIT COMMITTEE (Pages 71 - 83)**

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

To confirm the minutes as a true record.

**16. HEALTH AND WELLBEING BOARD (Pages 84 - 91)**

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

To confirm the minutes as a true record.

**17. PLANNING BOARD (Pages 92 - 97)**

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

To confirm the minutes as a true record.

**18. LICENSING (Pages 98 - 113)**

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

To confirm the minutes as a true record.

**19. 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).

**20. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRS OF COMMITTEES**

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

## **21. URGENT ITEMS**

To consider any other public items which the Mayor determines are urgent.

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

**SHARON KEMP,**  
Chief Executive.

**The next meeting of the Council will be on  
Wednesday, 30<sup>th</sup> October, 2019 at 2.00 p.m. at Rotherham Town Hall.**

**COUNCIL MEETING**  
**Wednesday, 24th July, 2019**

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

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

**208. ANNOUNCEMENTS**

The Mayor was delighted to welcome Toni Paxford who had received the Diana Award. Toni had been part of Rotherham Council's Youth Cabinet and in that time had been part of local, regional and national campaigns including community cohesion, mental health and awareness raising around invisible illnesses.

She had spoken up on behalf of those who were unable or not confident enough to share their voices and had been committed to making sure all young people were heard.

Toni had been presented with the prestigious accolade by Tessy Ojo, CEO of the Diana Award, and Zak Patel, CEO of high end jewellery franchise Pugata, and myself, the Mayor and Mayoress.

In addition, Rotherham had also won two national awards. The first was to Planning for the award for LLPG Address Data with Rotherham winning a Gold Performance Award for Address Data at the recent 2019 Geoplace Exemplar Awards. Local authorities must maintain a database of all residential, commercial, telecoms and utilities addresses within their area. The data had wide usage including the emergency services so it was vital it was accurate and up-to-date. The Mayor invited Scott Thurlby to join her to receive the award.

The second was to Highways for the Data Quality and Improvement Award for Streets. The Award was for Data Quality and Improvements in recognition of the way the Council managed its street information database. This related to the information capture on the Street Gazetteer. Data set requirements changed on a regular basis requiring constant management and inclusion of new data. Data in the Gazetteer included street geometry, ASD's (additional street data), sensitivities, engineering difficulties etc. The data was uploaded to Geo-place each month for verification where it had to pass various criterias as part of the Authorities Data Co-operation Agreement and current data entry conventions.

Utilities and others download the data direct from Geo-place which allowed them to plan and schedule their works on the highway, providing the data for the Electronic Transfer of Notices. The Street Gazetteer also provided data to the Local Land and Property Gazetteer that in turn provided data that was widely used by HMRC, National Office for Statistics, emergency responders etc. Grant Williams was invited to join the Mayor to receive the award.

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

**209. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Allcock, Beaumont, Clark, Cusworth, Pitchley, Whysall and Wyatt.

**210. COMMUNICATIONS**

There were no communications received.

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

**Resolved:-** That the minutes of the meetings of the Council held on 17<sup>th</sup> and 22<sup>nd</sup> May, 2019, be approved for signature by the Mayor.

Mover:- Councillor Read

Seconder:- Councillor Watson

**212. PETITIONS**

The Mayor reported receipt of three petitions, which had not met the threshold for consideration by Council, and would be referred to the relevant Directorate for a response to be prepared:-

- Containing 89 signatures calling on the Council to remove the Streetpride units on Brinsworth Road, Catcliffe.
- Containing 22 signatures calling on the Council to investigate an unauthorised business use operating from domestic premises (No. 79 Dovedale Road) causing disturbance to neighbouring residents.
- Containing 26 signatures calling on the Council to give unanimous support to the establishing of an independent panel, with the direct involvement of adult survivors of childhood exploitation and residents of Rotherham, to investigate the aftermath of intervention in Rotherham since October 2014.

**213. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**214. PUBLIC QUESTIONS**

(1) From Mr. L. Harron asked could the Leader of the Council give one or maybe two examples of situations where he thinks it would be appropriate for the Chief Executive of Rotherham Metropolitan Borough Council (RMBC) to apologise?

The Leader of the Council responded that in broad terms if there was an issue or failure in the administration of Council policies, he would expect responsibility to sit with the Chief Executive. However, if there was failure arising from a policy decision taken by Members, then the Leader of the Council would ultimately be accountable.

As a supplementary question, Mr Harron asked if the Leader of the Council expected the Chief Executive to apologise for any aspect of an investigation which had taken three years to complete and explain what actions had been taken to establish how information from the investigation report had allegedly been leaked to the media. In response, the Leader of the Council restated that regret on the part of the authority at the length of the investigation, but reiterated that the issues under investigation had been complex. He did not consider that there was a need for the Chief Executive to apologise beyond the apology that had previously been issued in respect of the delay in concluding the investigation.

(2) Mr. P. Cawkwell was unable to attend the meeting so would be provided with a written response to his question.

(3) Mr. L. Wildblood was unable to attend the meeting so would be provided with a written response to his question.

(4) Mrs. C. Meleady, M.B.E. was unable to attend the meeting so would be provided with a written response to her question.

(5) Mr. J. Smith asked how many complaints had been made against services commissioned by RMBC to work with victims/survivors and families since the publication of the Jay Report in August 2014 and of those complaints how many were subject to an external independent investigation?

Councillor Read replied that there had been at least two complaints of this nature that he was specifically aware of, relating to two different providers. One of these – which was raised by more than one individual and covered a number of areas of concern – was investigated externally by independent investigators. He further indicated that it was not unusual for investigations to be conducted independently of the Council where it was more appropriate for this to happen.

As a supplementary question, Mr Smith enquired what governance had been put in place by the Council under the Care Act 2014 to protect and support individuals in respect of the aforementioned investigation process.

In response, the Leader of the Council confirmed that he could not respond to the specific issues raised by Mr Smith in the meeting, but would be happy to correspond further in writing outside of the meeting.

(6) Elizabeth stated that The Rotherham Advertiser had recently reported that "Rotherham Borough Council spent almost £60,000 on conducting a flawed three year Investigation into a charity supporting child sex abuse victims". In addition to the almost £60,000 what were the additional indirect legal and other costs?

Councillor Read answered that indirect legal costs were not separately recorded and the final and total costs were likely to be over the £60k costs.

As a supplementary question, Elizabeth asked whether the former Strategic Director of Children and Young People's Services had received a copy of the investigation report and whether the Leader of the Council understood the cost of the investigation in terms of the impact on survivors and individuals who worked at the charity in question.

In response, the Leader of the Council indicated that he did not believe that the former Strategic Director of Children and Young People's Services was in receipt of the report. He further responded to indicated that the Council had a responsibility to look at the issues raised by service users, as they deserved to have their questions answered and the authority ensured that this happened in that particular case.

(7) Mr. P. Smith asked, because the permit conditions stipulate that Phase Two cannot be commenced until Phase One is completed, can you confirm what action the Council will be taking to ensure this condition is met, given that Phase One is un-engineered and over tipped making it impossible to complete.

Councillor Hoddinott replied that Rotherham Metropolitan Borough Council had no regulatory powers in terms of the Environmental Permit for Grange Landfill. The Permit was issued by the Environment Agency and is enforced by them. The Council was, however, assessing all of the available options in respect of the site. The Council had written to the Environment Agency to seek clarification on a number of issues, including the practical steps they have taken to ensure the pre-commencement conditions of the permit have been met. In addition the Council, as Local Planning Authority, was reviewing the legal position in relation to the planning permission at Grange Landfill site. Until the review was completed, the Council would not be in a position to say what action might be taken.

(8) Mr. P. Elwell asked what enforcement action are the Council going to take against the Environment Agency and Grange Landfill to stop them tipping against the existing tip in Phase One, given that the Environment Agency have confirmed that this is what will happen.



Councillor Hoddinott replied that, as previously stated, the Council was assessing all of the options that were open to us in terms of the site. She had met with a representative of the Environment Agency myself, along with Sarah Champion MP, to make clear the concerns collectively shared about the tip. However, the disclosure of any information relating to legal advice or potential action could prejudice the Council's ability to take action in future. The Council was therefore not in a position to give any further information but would update residents when able to do so.

(9) Mr. D. Barlow asked why have the Council not proceeded with the legal action against the Environment Agency and Grange Landfill after seeking favourable independent legal advice suggesting they do so?

Councillor Hoddinott replied that, as previously stated, the Council was assessing all of the options in terms of the site. Any legal advice provided to the Council was under legal privilege and should not be shared publicly.

(10) Mr. M. Marshall asked what powers do the Council's Planning Department have in this matter, and what assurances can you give that these powers will prevent Grange Landfill doing as it pleases on site and when using the entrance to the site?

Councillor Lelliott reported that the Council, as Local Planning Authority, was reviewing the legal position in relation to the planning permission at Grange Landfill site. Until the review is complete, the Council was not in a position to say what action might be taken.

## **215. 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.

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

The Leader of the Council indicated that he would forego the opportunity to provide a statement to the meeting given the warm temperature in the Council Chamber and heatwave being experienced outside of it.

## **217. MINUTES OF THE CABINET MEETING**

**Resolved:-** That the reports, recommendations and minutes of the meetings of the Cabinet held on 20th May and 10th June, 2019, be received.

Mover:- Councillor Read

Second:- Councillor Watson

**218. MEMBERSHIP OF POLITICAL GROUPS ON THE COUNCIL, POLITICAL BALANCE AND ENTITLEMENT TO SEATS**

In accordance with the Local Government (Committees and Political Groups) Regulations 1990, the Proper Officer reported that, since the Annual Meeting on 22<sup>nd</sup> May, 2019, notification had been received of the operation of a new political group.

With effect from 16<sup>th</sup> July, 2019, there were two political groups in operation on the Council – the Brexit Party Group (12 Members) and the Labour Group (48 Members) – with three non-aligned Members who were not in a political group.

There were 149 seats available on Committees, Boards and Panels to which the Labour Group was entitled to 144 seats and the Brexit Party Group to 28. The remaining 7 seats could not be given to members of the political groups and should be allocated to the three non-aligned Councillors.

The Authority had two seats on the South Yorkshire Police and Crime Panel. The current vacancy must be filled by a member of the Brexit Party and be appointed to by the Council. Councillors Cowles and R. Elliott of the Brexit Party Group nominated Councillor Brian Cutts to serve on the Police and Crime Panel, whilst Councillors Read and Watson of the Labour Group nominated Councillor Cowles to the same role.

Councillor Cowles indicated that if the Council were minded to appoint him to the position he would refuse to accept the appointment and would be happy for the matter of which Brexit Party Group representative should serve on the South Yorkshire Police and Crime Panel to be referred to the Secretary of State for determination. Furthermore he reiterated his view that the Brexit Party Group was entitled to nominate whomever it wished to fill its entitlement to representation on the panel.

Councillor Cutts addressed the meeting to indicate that he did not understand why he had been removed from the South Police and Crime Panel.

Councillor Read recalled the reasons why the Council in October 2018 had determined that Councillor B. Cutts had not been a suitable representative to serve on the South Yorkshire Police and Crime Panel, after a finding from the Standards and Ethics Sub-Committee that he had breached the Member Code of Conduct. Councillor Read reminded Members that the decision had been reached unanimously following the finding of the Standards and Ethics Sub-Committee. He was clear that any member of the Brexit Party Group except Councillor Cutts would have been an acceptable nomination to serve on the panel. By virtue of his failure to meet the requirements of the Member Code of Conduct,

Councillor Cutts was uniquely unqualified to represent the borough.. He further referenced a petition directed to the leader of Brexit Party Group to urge him not to nominate Councillor Brian Cutts as a representative on the Police and Crime Panel, which had received in excess of 350 signatures.

Members from all sides of the Council Chamber contributed to the debate as to the suitability of both nominees, with reference being made to the previous contribution of Councillor B. Cutts to the South Yorkshire Police and Crime Panel since 2016 and the circumstances that surrounded the complaint which led to the finding of a breach of the Member Code of Conduct.

**Resolved:-** (1) That the operation of two political groups on the Council and the detail of their designated Leaders be noted:-

Labour Group – Councillor Chris Read (Leader of the Council)  
Brexit Party Group – Councillor Allen Cowles (Leader of the Majority Opposition Group).

(2) That the entitlement of the membership of the political groups and non-aligned Members 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 of the Brexit Party Group to Committees, Boards and Panels, and the appointment of Vice-Chair of the Health Select Commission, as set out on the schedule tabled at the meeting.

(4) That Councillor Cowles, a representative from the Brexit Party Group, be appointed to serve on the South Yorkshire Police and Crime Panel.

**219. RECOMMENDATION FROM CABINET - COUNCIL PLAN REFRESH 2019-20**

Further to Minute No. 151 of the Cabinet held on 20<sup>th</sup> May, 2019, consideration was given to the report which detailed how the 2017-20 Council Plan with the core document that underpinned the Council's overall vision, setting out headline priorities and measures that would demonstrate its delivery.

Alongside the Council Plan was the Corporate Performance Management Framework explaining to all Council staff how robust performance monitoring and management arrangements (including supporting service business plans) were in place to ensure focus on implementation. The Performance Management Framework was refreshed in February 2019.

Services had recently reviewed their performance throughout the year in order to determine new targets for 2019-2020. Although the 2017-2020 Council Plan was intended to cover three financial years, it was good practice to carry out an annual review of the performance measures included in it. The refreshed performance measures and targets had been set by Services using reference to both in-year performance, benchmarking data and the priorities for the coming year. The overall number of measures had reduced from 72 in 2018-19 to 69 for 2019-2020.

The 2019-2020 Council Plan provided an analysis of the Council's proposed 69 measures against its 14 key outcomes.

The Leader of the Councillor and Cabinet Members provided an overview of progress against the priority areas of the plan and aspirations for the 2019-20 financial year in respect of performance and anticipated outcomes.

**Resolved:-** That the Council Plan 2019-2020 be adopted.

Mover:- Councillor Read

Seconder:- Councillor Watson

**220. RECOMMENDATION FROM CABINET - FINANCIAL OUTTURN 2018-19**

Further to Minute No. 25 of the Cabinet held on 8<sup>th</sup> July, 2019, consideration was given to the report which outlined the final revenue and capital outturn position for 2018/19.

The Revenue Budget 2018/19 was approved by Council on 28<sup>th</sup> February 2018. A budget of £216.876m was set for General Fund services; this excluded schools budgets and Housing Revenue Account (HRA).

The final outturn position was a balanced budget which required £3.2m less use of corporate reserves than planned for. The original budget proposed a planned use of corporate reserves of £5.2m as part of a budget contingency of £10.0m. Additional funding received in year, use of earmarked grants and balances and flexible use of capital receipts had resulted in a reduced call on the planned reserves leaving a balance of £3.2m available to support the budget in later years.

The Council's General Fund minimum balance had been increased from £11.269 to £16.812m, as a result of the planned use and profiling of reserves balances as set out in the Council's Reserves Strategy reported in the Budget and Council Tax Report 2019/20. The reserve was held to protect the Council against unforeseen events and realisation of contingent liabilities.

The Housing Revenue Account had an underspend of £1.4m. This reduced the overall amount required from reserves to balance the budget. The final drawdown from the HRA reserve was just under £11m.

The schools outturn position which was funded by the ring-fenced Dedicated Schools Grant had an underspend of £1.968m, therefore, increasing schools balances at the end of 2018/19 for the Council's maintained schools and pupil referral units to £3.369m.

The capital outturn showed slippage and underspend of £8.1m against the estimated spend for 2018/19 included within the Capital Programme. Of this, £7.073m related to slippage on projects which had been factored into the revised Capital Programme 2019/20 – 2022/23.

Cabinet Members noted the financial outturn, but in doing so sought clarity on the High Needs Block and was advised the outturn at the end of March 2019 was an in-year overspend of £5.4m of which £5.1m was the High Needs Block with minor movements of £0.3m across the other blocks.

**Resolved:-** (1) That the updated financial position as set out in the report be noted.

(2) That the updated Capital Programme as set out in paragraphs 2.65 to 2.69 of the report to 8<sup>th</sup> July, 2019, Cabinet and Appendices A-D be approved.

Mover:- Councillor Alam

Seconder:- Councillor Read

## **221. OVERVIEW AND SCRUTINY ANNUAL REPORT 2018-19**

Consideration was given to the report which presented the final draft of the Overview and Scrutiny Annual Report for 2018-19 for Members' approval, having been endorsed by the Overview and Scrutiny Management Board on 3rd July, 2019.

The Overview and Scrutiny Annual Report provided a retrospective summary of the work completed and outcomes achieved by the Overview and Scrutiny Management Board and the three Select Commissions last year. It also offered a look ahead for 2019-2020 in terms of future priorities through a headline work programme.

In proposing and seconding the annual report, the Chair and Vice-Chair of Overview and Scrutiny Management Board, Councillors Steele and Cowles, paid tribute to the work of those councillors who had participated in the scrutiny process during the course of the 2018-19 municipal year. Reference was made to some of the notable outcomes from scrutiny activity during the year and Members were content to approve the report.

**Resolved:-** That the Overview and Scrutiny Annual Report 2018-19 be approved.

Mover:- Councillor Steele

Seconder:- Councillor Cowles

**222. CABINET RESPONSE TO SCRUTINY RECOMMENDATIONS - MODERN METHODS OF CONSTRUCTION**

Consideration was given to a report for information which detailed the response of the Cabinet to recommendations arising from the review of Modern Methods of Construction (MMC) undertaken by the Improving Places Select Commission.

Councillor Beck, as Cabinet Member for Housing, welcomed the report which set out the actions to be taken by the Housing Service to progress a number of recommendations arising from the review. Members who had participated in the review also contributed to the debate to indicate that they were pleased to see the Cabinet endorsing and looking to implement the recommendations. Furthermore, Members were keen to understand the extent to which this area of work would complement the Employment and Skills Strategy which had recently been adopted by the Rotherham Together Partnership.

**Resolved:-**

That the Cabinet's response to the Scrutiny Review of Modern Methods of Construction be noted.

Mover:- Councillor Beck

Seconder:- Councillor Steele

**223. THRIVING NEIGHBOURHOODS - UPDATES FROM WARD COUNCILLORS**

Further to Minute No. 55 of the meeting of the Cabinet held on 19<sup>th</sup> November, 2018, consideration was given to the annual Ward Updates for Maltby, Rawmarsh and Rother Vale as part of the Thriving Neighbourhoods Strategy.

Councillors Price, on behalf of the Maltby Ward, gave an update on the Ward priorities. In rising to provide an update, he welcomed the opportunity that the Thriving Neighbourhoods had given to backbench councillors to champion and advocate for their communities in the Council Chamber. He was proud to represent the people and town of Maltby and listed a number of initiatives that had taken place in the Maltby ward, including:-

- Community litter picks and skip days
- Working with Tenants and Residents Associations
- Greater collaboration from the Council, South Yorkshire Housing Association, South Yorkshire Fire and Rescue Service, South

Yorkshire Police, Maltby Town Council, Coalfields Regeneration Trust, local schools and faith groups.

Councillors Bird, Marriott and Sheppard, on behalf of the Rawmarsh Ward, gave an update on their Ward priorities. Councillor Bird explained that he would focus on projects in the ward that had been funded externally and referenced the establishment as a charity of the Friends of Rawmarsh and Parkgate Green Spaces, which had received £8,000 of funding from a local business, which had been used to purchase equipment for the community to use on local green spaces. He further referred to a 'Dragons Den' approach to providing money to local causes and reported that in excess of £35,000 had been given to 25 local groups in the ward. Councillor Shepherd explained that he had been keen to support, with other ward councillors, various community clean up initiatives and had worked well with the Friends of Rawmarsh and Parkgate Green Spaces to collect approximately 4,000 bags of rubbish across the ward. Councillor Marriott indicated that she had not been contacted by her ward councillor colleagues to prepare for this agenda item.

Councillors Brookes and Walsh, on behalf of the Rother Vale Ward, gave an update on their Ward priorities. Councillor Walsh provided detail on the vast nature and diversity of the Rother Vale ward in respect of its geographical spread and gave examples of the kinds of initiatives that ward councillors had been involved in supporting in Thurcroft, Treeton and Waverley, which included supporting the creation of a new Waverley Parish Council, arts projects in Thurcroft and engaging with children and young people across the ward. Councillor Brookes reflected on what a neighbourhood was and the key questions that needed to be answered by local and national policymakers to address the issues faced by communities in her ward.

Responding to the point raised by Councillor Marriott, the Deputy Leader of the Council, Councillor Watson, reminded Members that the agenda for the meeting had been publicly available for five working days prior to 24 July 2019 and that should have been ample time to prepare an update in respect of delivering against ward priorities. In addition to that, a draft of the Ward Update would have been forwarded to Councillor Marriott for review and approval long before the agenda papers for the Council meeting were published.

**Resolved:-**

That ward updates in respect of Maltby, Rawmarsh and Rother Valley be noted.

Mover:- Councillor Watson

Seconder:- Councillor Read

**224. NOTICE OF MOTION - ONE HUNDRED YEARS OF COUNCIL HOUSING**

Proposed by Councillor Beck and seconded by Councillor Watson:-

This Council notes:-

- This year marks the centenary of The Housing Act of 1919, which made housing a national responsibility and enabled local authorities to build their own properties for the first time. These homes were given to families with a diverse variety of needs including veterans of the First World War.
- The then County Borough of Rotherham was one of the first Local Authorities in the country to use the powers granted in the Housing Act, building over 700 homes between 1919-1923. These homes were built to progressive design standards set out in the Tudor Walters report of 1918 and championed by Raymond Unwin; the Chief Architect of the Local Government Board who was born in Rotherham.
- The first major development completed by the then County Borough was East Dene, with the ground cut in 1919 and the first tenant of Rotherham occupying 1, First Avenue in April 1920.
- Rotherham Metropolitan Borough Council is embarking on the biggest Council housing delivery programme for more than a generation with 253 homes for Council rent or share ownership in the current programme (of which 36 are already built) and at least 160 planned for the next three years.

This Council resolves:-

- To reaffirm our commitment to Council Housing and the benefits it still holds to thousands of people across Rotherham.
- To deliver our current £57 million housing development programme whilst developing future plans to meet demand.
- To increase the number of new homes in the Town Centre.
- To examine the opportunities to provide further homes in the borough presented by the government's decision to lift the borrowing cap on the Housing Revenue Account.
- To increase the number of care and support ready housing options available for Council rent.
- To work with local housing providers and seek partnerships in the private sector to help address key issues such as homelessness and specific care and support needs.



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

**225. HEALTH AND WELLBEING BOARD**

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

Mover:- Councillor Roche                      Second:- Councillor Mallinder

**226. PLANNING BOARD**

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

Mover:- Councillor Sheppard                      Second:- Councillor Walsh

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

There were none.

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

**(1) Councillor Carter** asked did the Cabinet Member agree with him that the restrictions on volume of waste that residents could take to household recycling centres, and their opening times contributed to increasing fly-tipping within the borough?

Councillor Hoddinott stated that there was no excuse for people breaking the law. The Council had comprehensive, seven day a week Household Waste Recycling Centre provision, allowing residents to use these facilities whenever they needed them. Opening times were clearly displayed at the sites and advertised on the Council's web site. Household Waste Recycling Centres were provided for residents to dispose of their Household Waste.

In a supplementary question Councillor Carter asked given the changes to the brown bin and the payment service that happened in advance of October last year did the Cabinet Member not think this was a double whammy to residents who wanted to get rid of their garden waste in a safe and effective manner.

Councillor Hoddinott explained that the Council had not seen an increase in flytipping through garden waste. People were taking their waste to household recycling centres or purchasing a bin. As already heard in Rawmarsh there was some excellent work taking place around environmental stuff because was always better to compost rather than move waste around the Borough.

These charges for garden waste were necessary due to the cuts on Councils having to save millions. These were tough choices and it was hoped that the Council had not had to charge for garden waste, but it was a non-statutory service and it was something the Council had had to do.

**(2) Councillor R. Elliott** asked what was the cost for RMBC to clear away fly tipping from across the whole of the Borough?

Councillor Allen reported that in 2018/19 the Council had spent £160,292 on clearing away fly-tipping across the Borough.

In a supplementary question Councillor Elliott had asked for this information so it could be shared amongst residents and constituents as to where money was being wasted. Some people did just not respect the rules and as Councillor Williams would know in the Wingfield ward there had been an inordinate amount of fly tipping. These incidents though have been very well dealt with in an efficient and professional manner by Streetpride for which Councillor Elliott was thankful. However, he asked if consideration could be given to extending to residents the use of trailers and pick-ups to visit recycling sites to dispose of waste and possibly request, like neighbouring authorities, proof of residential status. Perhaps pilot this for twelve months to see if there is any impact on flytipping.

Councillor Allen shared Councillor Elliott's frustrations and would certainly pass onto Streetpride the suggestion. As Cabinet Member she would endeavor to try and get a greater understanding of the situation and would share that with Councillor Elliott in writing.

**(3) Councillor Cowles** referred to the Advertiser of 31/05 where Sarah Champion, M.P., claimed sexual harassment in schools was commonplace – "We have not moved on". RMBC response was "No Comment" and asked did the Deputy Leader seriously believe this to be an acceptable response and would he provide a comment on this serious issue now?

Councillor Watson confirmed an email had been received from the Rotherham Advertiser claiming to have been speaking to Sarah Champion, M.P., for an article relating to International Women's Day. During the discussion the M.P. referred to concerns raised by female students she had received and heard that when she visited schools and colleges female students were regularly subjected to sexual harassment by male students. The Council's response at the time was that each school had its own safeguarding policies. The Advertiser had not asked for a comment from the Council, which was different from giving no comment.

Sexual harassment was another form of bullying and completely unacceptable in schools. The Deputy Leader from experience believed it could not always be removed completely, but like bullying when it was evidenced this was dealt with. This behavior was wrong and it had to be dealt with appropriately and those involved educated to prevent the behavior continuing.

In a supplementary question Councillor Cowles was concerned about what had occurred in the past when people turned a blind eye and if what referred to in the article was true he certainly did not recognise this type of behaviour from his own school days. There had been previous talk about abusive teachers so he urged the Deputy Leader to take strong action if this was happening. Doing nothing about this situation was not an option and he asked the Deputy Leader if he agreed.

The Deputy Leader referred back to his previous answer. He reiterated that schools have their own policies, but any incidents were reported to the Council has the Council had a safeguarding duty. In 2018 there were seven incidents reported. This number was not acceptable. In 2017 there were six incidents report and the year before that five and whilst these were only small numbers there was an increasing trend.

Schools were aware of the situations and dealing with them. As with any sexual crime, including sexual harassment, these were under reported.

Schools were implemented policies and were fully supported. However, they needed to continue to be vigilant and those involved educated about their behavior. As everyone would be aware personal social health education was compulsory in schools and the importance of this was more prevalent. Anyone who believed they were being harassed or bullied in any sort of way should report it to the relevant authority. Only through reported could it be dealt with.

**(4) Councillor Napper** asked what was R.M.B.C.'s position with regards to enforcement of bus lane rules within the borough.

Councillor Lelliott reported that South Yorkshire Police had the statutory responsibility to undertake enforcement against these types of contraventions.

The Council recognised that the enforcement of bus lanes was fundamental in supporting and improving the bus offer for the residents of Rotherham and encouraging bus use was an important aspect of the Council's policy for promoting more sustainable forms of transport. The enforcement of bus lanes ensured that bus priority measures were effective and continued to contribute towards improving bus reliability and journey times on key routes.

In a supplementary question Councillor Napper asked if the Council would be willing to get in touch with the Police and ask for enforcement cameras for short periods of time on certain sections to prevent a serious accident such as Wellgate, Broom Road and areas in Wickersley. Some car drivers were not following the proper rules and Councillor Napper would like to see some enforcement and South Yorkshire Police did not appear to be bothered.

Councillor Lelliott was willing to follow this up and asked Councillor Napper to forward in an email the roads in question.

**(5) Councillor Carter** asked did the Leader of the Council and his Council Group back a no-deal Brexit like two of the borough's M.P.s did, even if this meant the closure of Liberty Steel?

The Leader was not aware that two of Rotherham's M.P.s had said that they favoured a no-deal Brexit. At least one of them has voted repeatedly for a deal and people would have their own views.

The Labour Party's view was that a no deal outcome was the worst possible outcome. Those interested in what a no-deal outcome would mean for the steel industry were recommended to read the article that Nick Dakin M.P. for Scunthorpe posted on his website which went through in some detail with a clear view.

**(6) Councillor Cowles** confirmed that a few weeks ago he attended, as a Panel Member, a dismissal appeal. The employee concerned had been suspended from work on full pay for the past three years and asked how many more employees were there on suspension?

Councillor Alam reported that there were currently six employees of the Council suspended from work, of which five suspensions started this calendar year.

Whilst he was unable to discuss individual employee issues Councillor Cowles would be aware that the case we both heard was very complex and this level of suspension was very rare. However, as a result of this case the Council had reviewed our approach in managing employee suspensions with a view to ensuring that they were brought to a conclusion more quickly.

In a supplementary question Councillor Cowles accepted there were some complexities in the case, however, he did not accept that three years was a reasonable timescale. This was sloppy management and estimated that the rough cost to the Council over this period was approximately £150,000. This was taxpayers' money and it was being wasted, yet there was no money for requests for school bus passes from Whiston to Brinsworth when children were expected to walk past one of the largest establishments in Europe twice a day. He, therefore, asked how the workload of this individual was being covered. If the service

could manage for three years could it be confirmed that there would be no recruitment to the post in the future.

Councillor Alam explained cases were often complex. However, some of these investigations into these cases were done by external agencies and it was the Council's decision to make sure they were all fair and correct.

**(7) Councillor Carter** asked would the Cabinet Member join him and Brinsworth residents in lobbying for the return of a direct bus from Brinsworth to Meadowhall Interchange.

Councillor Lelliott confirmed this issue had also been raised by Councillor Buckley.

Residents wishing to use public transport between Brinsworth (Whitehill Lane, Whitehill Road, Brinsworth Lane and Bonet Lane) and Meadowhall could currently do so by using the 208 bus service. This was operated on an hourly basis and was provided by FirstBus, connecting Brinsworth with Meadowhall South – although not Meadowhall Interchange.

Brinsworth to Meadowhall was previously served by the 31/31A however this was operated on a commercial basis and had recently been removed. Where no subsidy was received for the provision of a bus service, the introduction or amendments to these services were based on the commercial decisions of the bus operators. Bus operators would decide on routing, frequency and duration of service based on the commercial value of providing that service.

Councillor Lelliott, however, was happy to raise the issue on behalf of residents.

**(8) Councillor Cowles** stated that within the unaudited accounts the general fund reserve balance was now £26.38 m and asked was this sum now excluding earmarked reserves and how close was the General Reserve to the minimum acceptable balance level?

Councillor Alam replied that the figure of £26.38m shown in the Movement in Reserves statement within the accounts included the ring-fenced reserve balances of individual schools and the Dedicated Schools Grant.

Note 37 of the Draft Statement of Accounts for 2018/19 set out reserves in more detail and showed that the total of General Fund reserves as at 31<sup>st</sup> March, 2019 was £38.1m (excluding schools and DSG). This comprised a General Fund Minimum Balance of £16.8m and Earmarked Reserves of £21.3m.

There was no standard definition of a minimum acceptable balance of reserves that could be applied.

The adequacy of the level of reserves proposed within a Council's budget was an integral part of the overall budget and financial strategy and was a matter for the Section 151 Officer to report on within the annual budget setting report.

The favourable Financial Outturn for 2018/19 means that the General Fund reserves are £3.2m higher at 31<sup>st</sup> March 2019 than envisaged when the Budget Report was approved.

In a supplementary question Councillor Cowles asked if he could be provided with the figures that showed what the general reserve figure was at the commencement of this Council three years ago, the current position and where the bulk of the money had gone.

Councillor Alam would provide this in writing.

**(9) Councillor Napper** pointed out that there was now funding from the Government for high streets and asked had R.M.B.C. applied for any of this funding?

Councillor Lelliott stated that the Council had applied for the funding and was pleased to report that the Council's application was one of 51 proposals, from over 300 submissions, selected to progress to the second stage of the High Street Fund.

In a supplementary question Councillor Napper asked what would the money, if the Council was successful, be used for in the high street, given that most of the retail outlets were closed.

Councillor Lelliott referred to the Town Centre Master Plan which would be built on and the Council was moving forward in attracting developers and bringing developments forward on Forge Island. Interim work had already commenced, bids would be worked up and the work tied together.

However, Members would be updated on progress which had a firm timeline, the full details of which would be provided in writing.

**(10) Councillor Carter** asked, given the latest revelations regarding anti-Semitism in the Labour Party, would the Council Leader now commit to introducing the IHRA definition of anti-Semitism in full for RMBC?

Councillor Read explained that, although Rotherham's Jewish population was very small he made it clear that the Council would not tolerate discrimination against people of the Jewish faith, or indeed of other faiths.

The Council had a very clear Equalities Policy as defined by the Equalities Act 2010 and underpinned by the Public Sector Equalities Duty. It specifically covered nine protected characteristics of which religion and belief was one – the Policy was far reaching.

The Labour Party had adopted the IHRA definition of antisemitism, and earlier this year the Council also formally adopted it as a Combined Authority on behalf of the Sheffield City Region. That vote was carried by all four South Yorkshire Council Leaders and the City Region Mayor, so no one should be in any doubt about the views of Members on this side of the Chamber.

The Leader was not aware of any concerns being raised about antisemitism within the Council – and long may that continue to be the case. However, in order to support the decision already taken by the Combined Authority, and in order to support the Jewish population wider than just this area, there should be a move to adopt the IHRA definition and would endeavour to bring forward a proposal to do so after the summer.

**(11) Councillor Carter** asked what plans, if any did the Council have to reduce the total number of shopping units in the town centre.

Councillor Lelliott replied the Council recognised the challenging environment for retail in town centres, which was why the Town Centre Masterplan was adopted which looked at introducing other offers such as leisure and residential in areas other than the Primary Shopping Frontages.

One of the major Masterplan initiatives was Forge Island which did propose to reduce the number of retail units in this area.

However, because the Council only directly owned a small number of shop units in the town centre, the ability to directly impact on the number of units was limited.

In a supplementary question Councillor Carter appreciated the thoughts on privately owned shop units in the town centre, but asked would the Council consider bringing those back within the Council's ownership going forward in trying to reuse them or re-designating them for a more vibrant town centre.

Councillor Lelliott confirmed all options would be considered in making the centre work. The Town Centre Sub-Group included business and consideration was given how best to utilise the units and what could be done within the planning process.

Every effort was made to contact actual shop owners for those that were empty and all options explored including placing vinyls on shopfronts, but many continued to be met with no response as very often they were based in other areas of the country and were not interested on how an empty unit impacted on areas.

**(12) Councillor Cowles** referred each of the past three years where it was said the Council had a robust recovery plan in place to address the deficit. He asked if the plans were so robust why had the deficit balance increased annually by £5m for the past three years?

Councillor Watson replied that it was correct that the Dedicated Schools Grant (DSG) deficit had had an in-year overspend of circa £5m for the last three financial years, which had meant the overall deficit had now increased to £15.1m.

This had been reported in the regular financial monitoring reports to Cabinet and had also been specifically discussed in the Overview and Scrutiny Management Board.

The main reasons for the overspend were the financial pressures in the High Needs Block due to growth in number of Education Health Care (EHC) plans and the number of pupils in high cost independent sector and external residential placements.

To address these pressures a Social Emotional and Mental Health (SEMH) Strategy was approved by Cabinet in February, 2019 to develop more local, value for money provision linked to mainstream schools and academies and special schools, all special schools of which were rated "Good".

The previous plan increased the number of places in special schools and there was a clear need for more provision in mainstream schools so that plan was now moving forward. Consultation had also taken place via the Schools' Forum a successful disapplication request to transfer £2.8m (1.5%) of funding from the Schools Block to the High Needs Block providing an additional £1.9m of funding compared to previous years. Also £0.9m (0.5%) was transferred in 2018/19 which did not require a disapplication request.

In a supplementary question Councillor Cowles asked would there become a point in time when the DSG deficit would have to be written off against the general reserve.

Councillor Watson would need to check with the Section 151 Officer, but did not believe this could be done and would, therefore, not be legal, so confirmed this would not be the case. Rotherham was not the only authority dealing with the increase in the number of children in education health care plans which had massively increased the demand on the high needs block. Councillor Watson would not apologise for spending money on children with special educational needs and disabilities when it was needed.



With demand the Council had a legal obligation to meet the needs of vulnerable children with education and health care plans and spend money. There was no way around this so perhaps the Prime Minister, when he talked about putting more money into education, needed to make this as one of his priorities.

**(13) Councillor Carter** asked did the Cabinet Member agree that the Local Plan was not fit for purpose if it meant that long-term empty retail units in the town centre were denied change of use to open a commercial business such as an orthodontist, which would provide much needed business rates?

Councillor Lelliott did not agree.

In a supplementary question Councillor Carter asked would the Cabinet Member, therefore, prefer to have empty units either in the town centre in preference to units of perhaps a different type of business than one originally wished for.

Councillor Lelliott disagreed. The Local Plan provided details of the areas where retail development should be concentrated (on Primary Shopping Frontages) and areas where more flexibility it could be applied, to encourage other uses which would be complimentary to shops and shopping, to contribute to the attractiveness of a town centre. The Local Plan shrank the space considered to be the main town centre to allow other uses to develop.

However, determining any individual application was a matter for the Planning Board and any questions on individual applications or decisions would have to be referred to the Chair.

**(14) Councillor Napper** stated that on several occasions he had raised the issue of illegal parking on Wellgate mainly from Mansfield Road towards Broom Road and asked what was R.M.B.C. doing to stop this?

Councillor Lelliott confirmed that over the last six months, 215 Penalty Charge Notices (PCN's) had been issued on Wellgate which showed how robust the enforcement team were working. The team could continue issuing penalties, but it was limited as to what it could enforce. There were people who were resisting and breaking the law. A policy was now in place that if up to three penalty charge notices were not paid the Council could confiscate a vehicle. However, the enforcement team would continue to work hard and promote the message that Rotherham would not tolerate persistent offenders and any concerns about areas not covered would be followed through.

In a supplementary question Councillor Napper referred to the long stretch of Wellgate where most of the tickets issued were nearer the town centre and not in the Brecks/Wickersley direction. The enforcement officers tended to turn left back to the town centre and he asked if they could be encouraged to turn right to enforce higher up Wellgate.

Councillor Lelliott confirmed she would take this forward and follow up.

**(15) Councillor Cowles** referred to earlier in the year he asked about charitable rate relief, which was on an upward trend nationally, and which the Cabinet Member stated was some £15 m approximately in Rotherham. The Cabinet Member also indicated that the Council could not or did not investigate charities premises and asked was this the case?

Councillor Alam replied that the £15m, as previously stated, was the total amount of business rates relief, awarded under a number of relief schemes. Of this £15m, only £870k was discretionary awards made by the Council. The rest of the relief was mandatory award as determined by the Government.

All discretionary awards made by the Council were formally approved by Cabinet to enable full transparency.

Decisions on application for relief were made on the information and evidence available at the time of the application. This would not routinely involve an inspection of the property and the Council did not have powers to insist on inspecting a property to check on charitable relief.

If, however, the Council were not satisfied that the charitable organisation had met the qualifying requirements, it may be appropriate to request an internal inspection of the property. If access was refused there may be grounds to refuse to grant the relief if the Council were not satisfied that the criteria had been met.

In a supplementary question Councillor Cowles' understanding having looked at the word was that each award was reviewed annually, although it did not state if this included a physical review. He had visited the premises and looked at a long list of charities provided and there were a number where he had concerns that both parties, the taxpayer and the charity, may benefit from such a review. In view of this would the Cabinet Member look into these premises more fully to ensure the best use of both public money and charitable funds was being achieved.

Councillor Alam explained if there were any particular cases he was more than happy to look into those. The main charities made a positive contribution to the people of Rotherham.

**(16) Councillor Carter** asked how was RMBC engaging with retail businesses to improve the appearance of town centre streets.

Councillor Lelliott reported that, in addition to the day-to-day contact of Members and officers with business, the Council engaged with businesses on matters relating to the town centre through the Town Centre Sub-group of the Rotherham Together Partnerships Business Growth Board and through meetings such as Rotherham Voice. This enabled Ward Members and local businesses to attend along with market traders to proactively promote the town centre. Businesses were written to and they were encouraged to engage as it was their voice that mattered in producing a vibrant Town Centre.

In a supplementary question Councillor Carter had not heard anything about schemes trying to promote the town centre and asked if consideration had been given to introducing and encouraging prizes for say the best-kept street retail units in the town centre.

Councillor Lelliott explained that over last few years a number of initiatives had been used to promote the town centre such as the pop-up shops, wrap around vinyls, street cafes as well as the poppy cascade and commemorative events. Retailers would continue to be supported with new initiatives.

**(17) Councillor Carter** referred to the fly-tipping on Grange Lane in Brinsworth which had been reported by residents multiple time over the past few months and asked what was the Council's policy regarding fly-tipping that was obviously an eyesore, but that just resided outside of Council adopted highway?

Councillor Allen explained the Council investigated all cases of fly tipping and where there was evidence, or where other enquiries allowed the Council to identify an offender, legal action would follow. Fly tipping on any land, regardless of ownership, was investigated and the Council would take legal action where possible against the people responsible.

In relation to Grange Lane, this year there have been four cases of fly tipping investigated by the Regulation and Enforcement Service and all have been household waste or building materials, where unfortunately there has not been any evidence in the waste to identify the source.

As Councillor Carter would recall this issue was raised at the recent Community Action Partnership meeting and at the last Partnership Tasking Meeting it was agreed to relocate a lamp post mounted CCTV unit to this location.

In a supplementary question Councillor Carter confirmed that Ward Councillors asked for this lamp post to be moved as it was something that Ward Budgets paid. It was his understanding from officers that the fly tipping would not be removed as it was not on the Council adopted highway, but asked was this something the Council consider removing because it was so big and an eyesore, which was still in situ.

Councillor Allen pointed out if the flytipping was on private owned land the process officers would go through was to contact the landowner to remove, but work would take place with the landowner on how to remove if they were unclear and offer advice on securing the site to prevent any further instances. Usually landowners were compliant, but quite often the problem was with absent landlords or owners where the action did not occur as quickly. However, the Council would consider removing by default, but would recharge where possible.

**(18) Councillor Carter** asked what support did RMBC give to children who were at risk of holiday hunger in the Borough.

Councillor Allen reported that the Early Help and Family Engagement Service offered support to families via dedicated family support, outreach and engagement work. Although the service did not have a specific programme of support for holiday hunger, if issues relating to the lack of food become apparent during the course of work with a family the service was a designated distribution centre for food banks and families were supported this way, to ensure that there was adequate food in the home.

In addition, the Council delivered a summer programme of targeted activities and snacks/refreshments and occasionally meals were available at these sessions. There were also strong partnership working with Liberty Church who, when a family was in need of food, would deliver fresh food parcels on a weekly basis until the families issues with finances subsided.

Appropriate families were also signposted to Shiloh (voluntary sector organisation) who offered hot meals to those unable to provide food to the family.

At the moment there were collection boxes within Riverside House for Council staff and Members to make voluntary donations to support a local food bank and, of course, this in turn would directly help families in desperate need.

The necessity of all of which was a tragedy in Britain in 2019 and the Cabinet Member hoped that Councillor Carter would reflect that it since the coalition Government the number of people using food banks in Rotherham had trebled. The number of food parcels handed out by the Trussell Trust locally had increased seven-fold and this was a choice that your party made and enabled.

**229. URGENT ITEMS**

The Mayor advised that there were no urgent items of business requiring consideration by the Council.

**Councillor Brian Steele – Chair of Overview and Scrutiny Management Board**

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*Email the Council for **free** @ your local library!*

**Our Ref:**

EJH/BS

**Direct Line:**

(01709)

**Extension:**

**Please Contact:**

Councillor Steele

Mr P Cawkwell

25<sup>th</sup> July, 2019

Dear Mr Cawkwell

**Council Questions – 24<sup>th</sup> July, 2019**

I am sorry that you were unable to attend yesterday's council meeting to receive a response to the question that you submitted. Please find a written response below which I have based on the assumption that your questions is referring to questions from members of the public:-

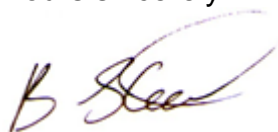
“How many OSMB meetings has there been in 2018/2019 and how many questions for each year please?”

Since January 2018 there have been 36 OSMB meetings; (23 in 2018 and 13 in 2019 as of the current date.

Across the meetings held In 2018, there were 10 questions asked by members of the public and in 2019 (January to July), there have been 10 questions asked by members of the public

I hope you find the above information helpful.

Yours sincerely



**Councillor Brian Steele**

**Chair of Overview and Scrutiny Management Board**

Councillor Denise Lelliott – Cabinet Member for  
Jobs and the Local Economy  
Riverside House  
Main Street  
Rotherham  
S60 1AE  
Tel: (01709) 823566  
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EJH/DL	(01709) 823566	23566	Councillor Lelliott

Mr L Wildblood  
11A Narrow Lane  
North Anston  
SHEFFIELD  
S25 4BJ

1<sup>st</sup> August, 2019

Dear Mr Wildblood

### **Council Questions – 24<sup>th</sup> July, 2019**

I am sorry that you were unable to attend last week's council meeting to receive a response to the question that you submitted. Please find a written response below:-

"The A57 from the M1 to the roundabout at the Red Lion is dual carriageway. It is used by others as they overtake in the order of 60 to 80 mph. It is 50 mph and ignored and is used in this way as they come from ten lanes to two. Please prevent it."

South Yorkshire Police are the enforcement body for speeding offences. I will ensure that your concerns are raised with them and I will ask that they consider your concerns and any other complaints or concerns received and review what actions are possible based on any evidence of speeding.

I hope you find the above information helpful.

Yours sincerely



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

**Councillor Chris Read – Leader of the Council**

Riverside House  
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Councillor Read

Mrs C Meleady M.B.E.  
via email [cm.eyequality@btinternet.com](mailto:cm.eyequality@btinternet.com)

1<sup>st</sup> August, 2019

Dear Mrs Meleady M.B.E.

**Council Questions – 24<sup>th</sup> July, 2019**

I am sorry that you were unable to attend last week's council meeting to receive a response to the question that you submitted. Please find a written response below:-

"In respect of the recent changes to the petition scheme of RMBC agreed at the last Council meeting on 22nd May, 2019, if an impact assessments and/or Equality Impact Assessment was conducted, how were these carried out, by whom and when?"

There is a cross party working group that reviews the constitution on an annual basis with constructive external support and challenge from the Association of Democratic Services.

An equality impact assessment wasn't undertaken in respect of the amendments to the petition scheme as the essence of the scheme hasn't changed beyond removing the procedural review of responses by OSMB. This is a matter of council decision making, and does not affect service delivery.

I hope you find the above information helpful.

Yours sincerely



**Councillor Chris Read**  
**Leader of the Council**



**Councillor Chris Read – Leader of the Council**

Riverside House  
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22770

**Please Contact:**  
Councillor Chris Read

Mr Smith  
[Johnsmith14@post.com](mailto:Johnsmith14@post.com)

27<sup>th</sup> August 2019

Dear Mr Smith

**Council Meeting - 24<sup>th</sup> July, 2019**

At the Council meeting on 24<sup>th</sup> July, with respect to the recent independent investigation into Swinton Lock, you asked what governance under the Care Act 2014 RMBC put in place to ensure those with mental health issues were well supported and what was put in place to ensure identities were absolutely protected, and I said that I would respond to you in writing. I am sorry for the delay in doing so.

I am informed that because the investigation was conducted independently of the Council, the duty to assess capacity under the Care Act 2014 lay with the independent investigators. I understand that both of the investigators are trained social workers and all those who were interviewed as witnesses were there voluntarily, in many cases at their own request. I am advised that the location of interviews was discussed and agreed with them and they had a choice of what they viewed as a safe venue, that those interviewed were informed of the parameters of engagement with the investigation and asked if they wanted to proceed, and that the interview only proceeded if they confirmed their agreement.

Under the Care Act there is a duty to arrange an independent advocate to be able to represent and support an adult who is subject to an Adults Safeguarding Enquiry or Adults Safeguarding Review if the local authority considers that the person meets the relevant criteria. I am told that none of the people interviewed as part of this investigation were part of any Adults Safeguarding Enquiry or Adults Safeguarding Review, so this Care Act responsibility would not have applied. If this is incorrect in your case, please do let me know.

In relation to protection of identity, you stated in the Council meeting that you were a witness in the investigation and that you'd been assured that your identity would be protected but that the report has been leaked to newspapers. I would like to reassure you that protecting the anonymity of both complainants and witnesses has been and will continue to be of utmost importance to the Council. The report does not contain

the names or identity of any complainants or witnesses, and the Council has not provided any version of the report to the media. The copies of the report given to those complainants who were legitimately entitled to them were appropriately redacted. I for one did not know that you were one of the witnesses until the Council meeting.

I should like to reiterate my personal sadness for the terrible threats and experiences that you described at the Council meeting. I cannot imagine how difficult they must have been for you and your family. I don't know if you were describing recent events or not, but if you feel that there is action I should take in relation to those then please do let me know.

I do hope that this helps to give you some reassurance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Read', with a horizontal line underneath.

**Councillor Chris Read**  
**Leader of Rotherham Council**

Councillor Saghir Alam – Cabinet Member Corporate  
Services and Finance  
Riverside House  
Main Street  
Rotherham  
S60 1AE  
Tel: (01709) 823566  
E-mail: [saghir.alam@rotherham.gov.uk](mailto:saghir.alam@rotherham.gov.uk)  
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EJH/SA		823566	Councillor Alam

Councillor Cowles  
By email [allen.cowles@rotherham.gov.uk](mailto:allen.cowles@rotherham.gov.uk)

28<sup>th</sup> August, 2019

Dear Councillor Cowles

### **Council Question – 24<sup>th</sup> July, 2019**

You asked me a question about the Council's General Fund reserves at the Council meeting on 24th July 2019. Within my reply to your question, I highlighted that the Council's General Fund reserves, excluding the ring-fenced balances for Individual Schools and the Dedicated Schools Grant, were a total of £38.1m as at 31st March 2019 and that this was made up of a General Fund Minimum Balance of £16.8m and Earmarked Reserves of £21.3m.

You then asked me “will you provide for me the figures that show what the General Reserve figure was at the commencement of this Council 3 years ago, where we are now and where the bulk of the money has gone.”

I agreed to provide you with a response in writing and the information which you requested is set out below.

At 1st April 2016, the General Reserves on an equivalent basis, excluding Schools and DSG, were £68.8m. This included the £5.169m DCLG grant which the Council received during 2015/16 in support of the immediate costs of transformation following the Government intervention.

The change in General Reserves therefore between 1st April 2016 and 31st March 2019 is a total reduction of £30.7m (£68.8m reducing to £38.1m) which is made up as follows :

- Use of the DCLG grant £5.2m
- Use of other General Reserves £25.5m

The main uses of these reserves and funding over this time period have been :

- Investment in Children's Services £19.6m
- Other support to the Budget for early transformation and to

provide time to develop the significant level of budget savings required

£4.1m

- Use of PFI reserves to match PFI contract payment profiles £4.1m

£27.8m

The remaining £2.9m, to make up the total change of £30.7m, relates to a number of minor changes to reserves over that three year period, which in the main relate to the receipt and use of grant funding where the funding has been applied across more than one financial year.

The Council's Reserves Strategies and plans for the use of reserves to invest in Children's Services and to provide some other short-term support to the Budget during this period of time, were set out in successive Budget Reports and approved at Council.

It is also worth noting that the Financial Outturns for each of the three years used less reserves than originally planned for and approved at Council, as a result of the Council being able to make additional in-year savings.

Going forward, the Council's reserves strategies as set out in the Budget and Council Tax 2019/20 and Medium Term Financial Strategy, plan for a General Fund Minimum Balance of £21.1m as at 31st March 2021 and, taking into account the favourable Financial Outturn for 2018/19, Earmarked Reserves of £15.2m. This equates to total anticipated General Fund Reserves of £36.3m as at 31st March 2021.

Yours sincerely

*S. Alam*

Councillor Saghir Alam

**Cabinet Member for Corporate Services and Finance**

**THE CABINET**  
**8th July, 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)

**18. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

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

There were no questions from members of the public.

**20. MINUTES OF THE PREVIOUS MEETING**

**Resolved:-** That the minutes of the Cabinet meeting held on 10<sup>th</sup> June, 2019, be agreed as true and correct record of the proceedings.

**21. 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 14 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.

**22. REVISED FOSTER CARER FEES AND ALLOWANCES PAYMENT SCHEME**

Consideration was given to the report which detailed the vision in Rotherham of 'Working with Rotherham's children, young people and families to be safe, resilient and successful' and the aim to improve the care experience for children in Rotherham by ensuring that wherever possible they were looked after in a foster family environment. In the spirit of this ambition the Council was proposing to revise its 'offer' to RMBC foster carers with regard to the fees and allowances that they received. If RMBC foster carer numbers are increased it would also lead to a reduced overall cost in line with budget assumptions.

The needs of children and young people could be most effectively met if they lived in an environment that provided a high quality of care and support. In most cases this would be within a family setting. The ambition also includes that wherever possible, children and young people should be placed within their own community which enables them to continue to have some consistency of education placement and contact with the people and community of most importance to them, thus promoting a strong sense of self, fundamental to resilience in later life.

Rotherham Metropolitan Borough Council had over six hundred children in care and whilst over a quarter were placed with Rotherham Borough foster carers, there was still a shortage of all foster placements, particularly of placements for adolescents and for larger siblings groups.

The lack of sufficient RMBC foster care placements means that Rotherham relies on the use of Independent Fostering Agencies (IFAs) or residential provision, both of which are significantly more costly.

Comparisons with other authorities within the Yorkshire region have also been carried out and learning from the more successful recruiters had been incorporated into this proposal e.g. Leeds incentivising carers to take additional placements. The proposals in this report would, therefore, increase the incentive for potential foster carers to become RMBC foster carers and also provide an incentive for foster carers (current and potential) to increase the number of children they fostered.

In response to the current sufficiency position, this proposal formed part of the work to transform the local authority's in-house fostering agency 'offer'. This included a review of Rotherham's fostering provision, including a review of the payments to foster carers. It was anticipated that some existing Rotherham foster households may be able to increase the number of children they cared for and provide an opportunity to increase placements.

In reviewing the fee rate and structure and developing the 'offer' it was essential to ensure the fostering service remained financially competitive, whilst supporting the recruitment and retention of more locally based foster carers.

Under the proposed new fee structure the weekly allowance and the skills payment for the first child remained the same, with an additional payment for subsequent children.

Cabinet Members welcomed the proposals on the basis that they compared reasonably across the region and provided a good incentive for existing and prospective foster carers in Rotherham.

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

**Resolved:-** That implementation and changes to Foster Carer Fees and allowances as follows be approved:-

- An additional skill level fee be paid to the carer when caring for more than one child, as set out in paragraph 2.11.
- The weekly allowance, to cover the expense involved in caring for a child, to remain the same.
- Change in payments to foster carers for birthdays, Christmas/cultural celebrations and holiday pay for the child in placement, as set out in paragraph 2.11.

## **23. ADVICE SERVICES REVIEW - PHASE 2**

Consideration was given to the report which detailed how continuing austerity and the impact of welfare reforms including the roll out of universal credit was having a significant effect on many of the most vulnerable Rotherham residents especially people with disabilities and families with children.

The provision of good quality advice services therefore, provided essential support particularly for those individuals and families experiencing difficulties and there was a need to secure a responsive and effective service across the Borough to meet growing demands and complex cases that were developing.

The review of the service was set in the context of significant need for advice services by the residents of Rotherham and the first phase of the review was to bring together arrangements for Council supported open door advice provided in the voluntary sector.

The second phase of the review included advice services provided directly by the Council and the enhancement of partnership working through Advice in Rotherham Partnership.

Proposals now included bringing together under one management Council provided advice services and enhancing partnership working and referral systems. This would provide a more efficient set of inter-related services and improve access and referral routes for clients through a new "Single Advice Model".

It was projected that bringing services under one management could be achieved by September, 2019.

Some of the components of the "Single Advice Model" including a new referral system were now being introduced. Further enhancements to partnership working would be developed in discussion with partners and the changes could be achieved within existing budget and staffing allocations.



Phase 3 would require much better partnership working. The Council remained committed to supporting its most vulnerable residents and it was important that it ensure it was provided the full service.

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 a monitoring report on the implementation of Phase 2 being brought back to a sub-group of the Management Board, along with outline proposals for Phase 3.

Cabinet Members were fully supportive of the proposals within Phase 2 of the Advice Services Review and believed co-location of relevant staff was a valuable development.

**Resolved:-** (1) That the management of Council provided advice services be consolidated under the management of Housing Services within the Adult Social Care and Housing Directorate and co-located within Riverside House by September, 2019.

(2) That the role of partnership working through the Advice in Rotherham Partnership (AiR) be enhanced to provide full alignment and added value across advice services in Rotherham through the introduction of a new "Single Advice Model."

#### **24. COUNCIL PLAN QUARTER 4 (JANUARY TO MARCH 2019) AND 2018-2019 ANNUAL PERFORMANCE REPORT**

Consideration was given to the report which detailed how the Council Plan was the core document that underpinned the Council's overall vision.

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

The Performance Report and Performance Scorecard included in Appendix A provided an analysis of the Council's current performance against fourteen key delivery outcomes and seventy measures. This report was based on the currently available data and also included an overview of progress on key projects and activities which contributed to the delivery of the Council Plan. For this quarter, the report also included a summary of the Council's achievements during the financial year.

At the end of the fourth and final quarter (January to March 2019) thirty-four measures had either met or had exceeded the target set in the Council Plan. This represented 58% of the total number of measures where data was available or where targets have been set. This is the highest percentage of performance measures that the Council had hit for a number of years and represented a significant improvement in



performance over previous quarters, as only 47%, 45% and 42% of measures hit their targets in quarters one, two and three respectively.

The direction of travel was positive for thirty-two (51%) of the measures calculated in this quarter. This was a deterioration compared to the 58% figure for last quarter and suggests that, although there had been an increase in the number of targets marked as “hit”, there were an increasing number of measures where performance was stable or worsening.

In terms of Priority 5 Councillor Alam confirmed that areas performing well or improving were around Performance and Development Review completions, reduction of agency costs, actions from the Equalities Review implemented, complaints closed within the timescale and number of transactions on line.

However, an area for improvement remained days lost to sickness per full-time equivalent employee which was off target at 11.4 days against a target of 10.3 days. A range of activities and interventions to address the increase was in place and would be challenged by senior management.

In terms of Priority 3 Councillor Allen reported on the areas performing well or improving were around number of engagements, customer satisfaction and the number of visits to the Council’s Culture and Leisure Services. It was also pointed out that for the first time in a decade the number of active borrowers from libraries had risen with customer satisfaction levels at 99.8%.

Grounds maintenance and street cleansing had received very few complaints, with the initial concerns being raised in Quarter 1, which were due to the weather. The implementation of zonal working should make a real difference and would be a further way of measuring performance. In terms of litter this was a baseline year and would be monitored quarter by quarter.

Councillor Lelliott reported on the measures in her area overall, with three improving performance, three with stable performance and three measures that had worsened. Of those performing well the number of planning applications determined within the specific period remained at 100% and narrowing the gap of working age population with Rotherham above the national average.

The target for the number of new business started with help from the Council was slightly down.

Councillor Hoddinott reported on the good performance of the non-principal road networks in need of repair and the compliments received in Brinsworth, Hoover and Swinton as a result.

Reducing the number of repeat victims of anti-social behaviour had seen a big improvement, although public perception of anti-social behaviour was still high and did not reflect the downward trend in reported incidents.

The number of missed bin collections was an area for improvement, but it was anticipated this would shortly be back on track and monitored closely. There had been some confusion around bin collections and which bin needed to be presented.

The number of customer contacts by service area had also increased, but this was due to the changes in the waste management process.

Hate crime had seen a reported increase of positive outcomes over the year. Efforts to increase positive outcomes and the reliability of data would be challenged.

Councillor Watson reported on the positive reduction in the Children in Need rate and in the number of children subject to a Child Protection Plan.

Improvements were still required on the reduction in the number of Looked After Children and whilst other measures were performing well, this was an area that would be impacted on by the positive performance of others.

A target remaining stable was the target for 16/17 year olds not in Education, Employment or Training (NEETS).

Councillor Roche reported on the performance for the measures relative to Public Health, two of which were in Priority 1. The first was around the smoking status at the time of delivery which had an aspirational target and since exceeded. The quit smoking in pregnancy target was also rated green following interventions by the Quit Smoking in Pregnancy Team.

Childhood immunisations were overall green, but there remained a few pockets of low uptake in the Borough.

In terms of Priority 2 successful completion of drug treatment for non-opiate users performance had worsened slightly, but work was taking place with providers.

For Adult Social Care five measures had met or were exceeding targets, one was making satisfactorily progress and another had no baseline data.

The proportion of safeguarding adults at risk who felt their outcomes were met was positive reaching 99.05% during Quarter 3, as was the number of people who were provided with information and advice at the first point of contact.

Areas that required further improvement were the number of carers assessments completed and the proportion of people offered the reablement service are discharge from hospital.

Councillor Beck was pleased to report the number of new homes delivered during the year had increased, but this increase would continue in future years. Work was taking place with developers.

With regards to 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. This had been achieved 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.

It was also noted that there was no stock “non-decent” by the end of the year against the target and the number of privately rented properties compliant with the Selective Licensing conditions within designated areas continued to be positive at 95.7% against a target of 95%.

**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 achieved their target and the actions required to improve performance, including future performance clinics

(3) That the performance reporting timetable for 2019-2020 be noted.

(4) That the achievements for 2018-2019 be noted.

## **25. FINANCIAL OUTTURN 2018/19**

Consideration was given to the report which outlined the final revenue and capital outturn position for 2018/19.

The Revenue Budget 2018/19 was approved by Council on 28<sup>th</sup> February 2018. A budget of £216.876m was set for General Fund services; this excluded schools budgets and Housing Revenue Account (HRA).

The final outturn position was a balanced budget which required £3.2m less use of corporate reserves than planned for. The original budget proposed a planned use of corporate reserves of £5.2m as part of a budget contingency of £10.0m. Additional funding received in year, use of earmarked grants and balances and flexible use of capital receipts had resulted in a reduced call on the planned reserves leaving a balance of £3.2m available to support the budget in later years.

The Council's General Fund minimum balance had been increased from £11.269 to £16.812m, as a result of the planned use and profiling of reserves balances as set out in the Council's Reserves Strategy reported in the Budget and Council Tax Report 2019/20. The reserve was held to protect the Council against unforeseen events and realisation of contingent liabilities.

The Housing Revenue Account had an underspend of £1.4m. This reduced the overall amount required from reserves to balance the budget. The final drawdown from the HRA reserve was just under £11m.

The schools outturn position which was funded by the ring-fenced Dedicated Schools Grant had an underspend of £1.968m, therefore, increasing schools balances at the end of 2018/19 for the Council's maintained schools and pupil referral units to £3.369m.

The capital outturn showed slippage and underspend of £8.1m against the estimated spend for 2018/19 included within the Capital Programme. Of this, £7.073m related to slippage on projects which had been factored into the revised Capital Programme 2019/20 – 2022/23.

Cabinet Members noted the financial outturn, but in doing so sought clarity on the High Needs Block and was advised the outturn at the end of March 2019 was an in-year overspend of £5.4m of which £5.1m was the High Needs Block with minor movements of £0.3m across the other blocks.

**Resolved:-** (1) That the revenue outturn position for 2018/19 be noted.

(2) That the transfer of the £1.4m HRA underspend to the HRA reserve be approved.

(3) That the carry forward of the combined schools balance of £3.369m in accordance with the Department for Education regulations be noted.

(4) That the reserves position set out in section 2.33 be noted.

(5) That the capital outturn and funding position as set out in sections 2.41-2.69 be noted.

(6) That the report be referred to Council to note the updated financial position as detailed in the report and for approval of the updated Capital Programme as set out in paragraphs 2.65 to 2.69 and Appendices A to D.

**26. FINANCIAL OUTTURN 2018/19 - TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS**

Consideration was given to the report which detailed the final treasury report for 2018/19. Its purpose was to review the treasury activity for 2018/19 against the strategy agreed at the start of the year. The report also covered the actual Prudential Indicators for 2018/19 in accordance with the requirements of the Prudential Code.

The report met the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities.

The Council was required to comply with both the aforementioned Codes through regulations issued under the Local Government Act 2003.

Part of the Council's Treasury activities was to address the borrowing need, either through borrowing from external bodies, or utilising temporary cash resources within the Council. The wider treasury activities also included managing the Council's cash flows, its previous borrowing activities and the investment of surplus funds. These activities were structured to manage risk foremost, and then optimise performance. The primary objective was security ahead of liquidity and then yield or return.

For 2018/19 provision was made for the estimated borrowing need for the year to partly reduce the Council's 31st March, 2018 under-borrowed position. However, the Council had continued to take advantage of the current availability of short-term cash loans at very favourable rates and did not take out any new long-term loans in 2018/19.

**Resolved:-** (1) That the Treasury Management Prudential Indicators outturn position as set out in Section 3 and Appendices A and B of the Annual Treasury Management Report for 2018/19 be noted.

(2) That the report be forwarded to the Audit Committee for information.

**27. MAY FINANCIAL MONITORING REPORT 2019/20**

Consideration was given to the report which set out the financial position as at the end of May, 2019 and was based on actual costs and income for the first two months of 2019/20 and forecast for the remainder of the financial year.

Financial performance was a key element within the assessment of the Council's overall performance framework and was essential to achievement of the objectives within the Council's Policy Agenda. To that end, this was the first in a series of monitoring reports for the new financial year which would continue to be brought forward to Cabinet on a regular basis. The next report would also include an update on the Capital Programme.

As at May 2019, the Council had forecast year-end overspend of £4.5m on the General Fund.

**Resolved:-** (1) That the current General Fund Revenue Budget forecast of £4.5m overspend be noted.

(2) That continuing actions to mitigate the forecast overspend be noted.

**28. NEW APPLICATION FOR BUSINESS RATES DISCRETIONARY RELIEF FOR RAIN RESCUE**

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

**Resolved:-** (1) That 20% top up discretionary relief be awarded to Rain Rescue for the animal welfare centre at Summerfield Lodge, Moat Lane, Wickersley, Rotherham S66 1DZ for the period 1<sup>st</sup> April, 2018 to 31<sup>st</sup> March, 2020.

(2) That 20% top up discretionary relief be refused to Rain Rescue for the shop at 8 Woodhouse Green, Thurcroft, Rotherham S66 9AQ for the period 6<sup>th</sup> August, 2018 to 31<sup>st</sup> March, 2020.

**29. RESPONSE TO SCRUTINY RECOMMENDATIONS:- MODERN METHODS OF CONSTRUCTION**

Further to Minute No. 103 of the meeting of the Cabinet held on 4<sup>th</sup> February, 2019 consideration was given to the report which detailed the response to the five recommendations and how the Council's Strategic Housing and Development Service was exploring a range of ways to accelerate the delivery of new housing in the Borough, including the use of modern methods of construction. The Housing Service was also undertaking a pilot to deliver homes built using modern methods of construction of twelve new bungalows.

In considering the five recommendations; two were accepted and were in the process of being delivered and three were deferred pending further work and outcomes of the pilot project. This would be reported back to the Improving Places Select Commission and further dialogue would take place as and when required.

The Service remained fully committed to the innovation of modern methods of construction and were willing to explore different methods of delivering quality homes for the Borough.

**Resolved:-** (1) That the officer response to the recommendations of the Scrutiny Review of Modern Methods of Construction as set out in Appendix A be approved.

(2) That a formal 'lessons learned' report post be provided on completion of the current MMC pilot.

### **30. ACQUISITION OF LAND AT FENTON ROAD**

Consideration was given to the report which sought approval to acquire 1.29 hectares of land at Fenton Road from the Watson Estate.

The Council already owned part of this Fenton Road site and the acquisition of the remainder would give the Council full control of this site and enable it to be marketed for housing development. The whole site could accommodate approximately 90 new homes which would make a positive contribution to the Council's Housing Delivery Target.

The sale of the site to a housebuilder would also secure a Capital Receipt for the Council and would be the subject of a further report to Cabinet.

**Resolved:-** (1) That the acquisition of land at Fenton Road, as detailed in Appendix 3, subject to the land being acquired within the allocated budget be approved.

(2) That the Assistant Director of Planning, Regeneration and Transport negotiates and agrees the terms and conditions of the proposed acquisition, in consultation with the Assistant Director of Financial Services and the Assistant Director of Legal Services.

(3) That the Assistant Director of Legal Services be authorised to negotiate and complete the necessary legal agreements required for the acquisition of land at Fenton Road.

### **31. LOCAL PLAN CORE STRATEGY FIVE YEAR REVIEW**

Consideration was given to the report which detailed how, in line with legislative requirements, a desk based five year review of the Local Plan Core Strategy had been undertaken to assess whether some or all of it may need updating.

The review indicated that, although the Core Strategy continued to be broadly up-to-date and complied with requirements set out in national planning policy, a number of areas required an update. Approval was, therefore, sought to commence a partial update of the Core Strategy to

update policies relating to housing, flood risk and water management, climate change and carbon reduction, and the presumption in favour of sustainable development, and to update infrastructure requirements to support new growth.

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 findings of the Local Plan Core Strategy Five Year Review be noted.

(2) That the commencement of a partial update of the Local Plan Core Strategy (adopted 10th September, 2014) be approved.

(3) That a further report be brought to Cabinet to consider a revised Local Development Scheme setting out the timescale for, and broad scope of, the partial update of the Core Strategy.

### **32. TRANSPORTATION CAPITAL INVESTMENT PROGRAMME 2019/20**

Consideration was given to the report which outlined the Transportation Capital Investment Programme for schemes to be delivered and developed in the financial year 2019/20. The report also provides an update on progress on the A630 Parkway Widening Project and the College Road Roundabout.

The appendix set out in detail the Department for Transport categories and project titles, some of which would be brought forward on a worst first basis.

It was also noted that, following the trend of many Central Government departments, the DfT was increasingly responding to national budgetary constraints by reducing the level of grant funding to Local Authorities. This was primarily through the Local Transport Capital Funding allocation, which had witnessed a significant decrease in recent years.

The timelines for the two main schemes; A630 Parkway Widening was for 2020 with a decision awaited in October and College Road Roundabout would be commencing shortly.

**Resolved:-** (1) That the specific funding allocations for the Transportation Capital Investment Programme for the 2019/20 financial year be noted.

(2) That the proposed programme as identified in Appendix 1 as the basis for further feasibility works, detailed design and implementation during the 2019/20 financial year be noted.



(3) That progress with the A630 Parkway Widening project be noted and implementation is to be expected in 2020/21, subject to Department for Transport approval of the Full Business Case being submitted in Autumn 2019.

**33. 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.

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

**Resolved:-** That the next meeting of the Cabinet take place on Monday, 16<sup>th</sup> September, 2019 at 10.00 a.m.

---

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

Council – 4 September 2019.

**Report Title:**

Audit Committee Annual Report 2018/19

**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):**

David Webster, Head of Internal Audit,  
01709 823282 or david.webster@rotherham.gov.uk

**Ward(s) Affected:**

Borough-wide.

**Report Summary:**

The purpose of the Annual Report 2018/19 is to bring together in one document a summary of the work undertaken by the Audit Committee. The Chartered Institute of Public Finance and Accountancy (CIPFA) has issued guidance to local authorities to help ensure that Audit Committees operate effectively. The guidance recommends that Audit Committees should report annually on how they have discharged their responsibilities.

A copy of the draft annual report of this Audit Committee is attached at Appendix 1.

Copies of the Audit Committee's Terms of Reference for 2018/19 and 2019/20 are included in the Appendix for information.

**Recommendation:**

That the Audit Committee Annual Report 2018/19 be approved.

**List of Appendices Included:**

Appendix 1 Audit Committee Annual Report 2018/19.

**Background Papers:**

Relevant reports presented to the Audit Committee and minutes of the meetings of the Audit Committee.

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

Audit Committee – 30 July 2019.

**Council Approval Required:**

Yes.

**Exempt from the Press and Public:**

No

## **Audit Committee Annual report 2018/19**

### **1. Background**

- 1.1 The Audit Committee is responsible for overseeing the Council's corporate governance, audit and risk management arrangements. The Committee is also responsible for approving the Statement of Accounts and the Annual Governance Statement. The Committee's specific powers and duties are set out in the Constitution under the Terms of Reference of the Audit Committee. Copies of the Terms of Reference for 2018/19 and 2019/20 are attached within the Appendix for information.
- 1.2 The Chartered Institute of Public Finance and Accountancy (CIPFA) issued guidance to local authorities to help ensure that Audit Committees are operating effectively. The guidance recommends that Audit Committees should report annually on how they have discharged their responsibilities

### **2. Key Issues**

- 2.1 The Audit Committee is a key component of corporate governance and provides an important source of assurance about the organisation's arrangements for managing risk, maintaining an effective control environment, and reporting on financial and other performance.
- 2.2 The report is a key tool for engaging Members, officers and the general public in the detail of Audit Committee work.

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

- 3.1 This report is presented to enable the Audit Committee to fulfil its responsibility for reporting on how they have discharged their duties.

### **4. Consultation on proposal**

- 4.1 This section is not applicable to this report.

### **5. Timetable and Accountability for Implementing the Decision**

- 5.1 As Council is recommended to approve the Annual Report, there are no further stages in the decision making process.

### **6. Financial and Procurement Implications**

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

### **7. Legal Advice and Implications**

- 7.1 Appendix 9, Paragraph 5 of the of the Council's Constitution, the Audit Committee's Terms of Reference, requires the Audit Committee to submit an annual report to the Council and this report is submitted to meet that requirement.

### **8. Human Resources Implications**

- 8.1 There are no direct implications for HR arising from this report.

**9. Implications for Children and Young People and Vulnerable Adults**

- 9.1 There are no direct implications for Children and Young People and Vulnerable Adults arising from this report.

**10. Equalities and Human Rights Implications**

- 10.1 There are no direct Equalities or Human Rights implications arising from this report.

**11. Implications for Partners**

- 11.1 There are no implications for partners arising from this report.

**12. Risks and Mitigations**

- 12.1 There are no risks arising from the Audit Committee Annual Report.

**13. Accountable Officer(s):**

David Webster, Head of Internal Audit.

**ROTHERHAM METROPOLITAN  
BOROUGH COUNCIL**

**AUDIT COMMITTEE ANNUAL REPORT  
2018/19**

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## 1. INTRODUCTION

- 1.1** While there is no statutory obligation to have such an arrangement, Audit Committees are widely recognised as a core component of effective governance and therefore reflect good practice. RMBC's Audit Committee is properly constituted and as such is given sufficient authority and resources by the Council. In effect, the Committee has the right to obtain all the information it considers necessary and to consult directly with senior managers. In line with best practice the Audit Committee can report its observations and concerns directly to the Council.
- 1.2** A local authority has a duty to ensure that it is fulfilling its responsibilities for adequate and effective internal control, risk management and governance, as well as the economy, efficiency and effectiveness of its activities. The Audit Committee has a key role in overseeing and assessing the internal control, risk management and corporate governance arrangements and advising the Council on the adequacy and effectiveness of those arrangements.
- 1.3** This role is reflected in the Committee's Terms of Reference which are given in paragraphs 4 and 5.
- 1.4** The Audit Committee had six Members during 2018/19:
- Councillor Ken Wyatt – Chair  
Councillor Bob Walsh – Vice Chair  
Councillor Allen Cowles  
Councillor Simon Evans  
Councillor John Vjestica  
Bernard Coleman – independent person

## 2 SUMMARY OF WORK UNDERTAKEN IN 2018/19.

The Audit Committee completed the following during 2018/19

### 2.1 External Audit

At the start of the year Grant Thornton became the external auditors for the Council, taking over from KPMG. The Audit Committee received reports from both auditors during the year.

#### From KPMG

Received and considered the detailed results of the external auditor's work in relation to the audit of the 2017/18 financial statements of the Council. The Committee was pleased to note that the auditors had given an unqualified audit opinion with few audit adjustments necessary, none of which affected the financial performance or financial position of the Council. There was an unqualified value for money conclusion stating that the Council has made proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people. All of the recommendations from the ISA 260 from the previous year had been implemented.



Received and considered the external auditor's annual audit letter in respect of the 2017/18 audit year. The Committee was pleased to note that the external auditors had given an unqualified value for money audit opinion and an unqualified opinion on the financial statements. They also stated that the consolidation pack prepared to support the production of Whole of Government Accounts by HM Treasury was consistent with the audited financial statements and that the Annual Governance Statement was consistent with their understanding and compliant with the CIPFA/SOLACE framework on good governance in local authorities.

Received and considered the external auditor's report on Grant returns and certification work. There was only one grant audited, the Housing Benefit Subsidy claim, and the Committee was pleased to note that an unqualified opinion had been given on the claim.

#### From Grant Thornton

Received and considered a report on the planned audit fee for 2018/19, to cover work on: the audit of the financial statements; reaching a conclusion on the economy, efficiency and effectiveness of the Council's use of resources; and the work on the Whole of Government Account Return.

Received and considered three progress reports detailing the work undertaken by the external auditor during the year.

Received and considered the external auditor's plan for the audit of the 2018/19 financial statements and the review of the Council's arrangements for securing value for money.

## **2.2 Internal Audit**

Continued to oversee the internal audit arrangements for the Council. This included approving minor updates to the Internal Audit Charter.

Received and approved the Internal Audit Plan for 2018/19. The plan ensures that internal audit resources are prioritised towards those systems and areas which are considered to be the most risky or which contribute most to the achievement of the Council's corporate objectives.

Monitored the delivery of the Annual Internal Audit Plan through regular update reports presented by the Head of Internal Audit. Reviewed variations to the audit plans which were considered necessary to reflect new or changed Council priorities.

Received and considered the results of internal audit work performed in respect of each Directorate.

Monitored the progress made by management during the period to address identified control weaknesses.

Monitored the performance of the Internal Audit team through regular update reports.

Received and considered the Annual Report of the Head of Internal Audit for 2017/18 which provided an overall opinion on the Council's control environment.

The report included a summary of the resources and audit coverage, the work undertaken and the audit opinions and recommendations issued during the year. The Head of Internal Audit confirmed that the Council overall had an adequate and effective framework of governance, risk management and control.

Received and considered the results of the internal assessment against Public Sector Internal Audit Standards which showed General Conformance with the Standards

Received and considered the implementation of the Quality Assurance and Improvement Plan and the revised plan for 2019.

Received and approved the Internal Audit Plan for 2019/20, produced on the same basis as the 2018/19 plan.

### **2.3 Anti-fraud and Corruption**

Received and considered updates to the Anti-Fraud and Corruption Policy and Strategy.

Received and considered updates on completed fraud investigations as part of the Internal Audit Progress Reports.

### **2.4 Risk Management**

Continued to oversee the Council's risk management arrangements and strategy, including reviewing the refreshed risk management policy and guide.

Reviewed the progress made by the Council to identify and address corporate risks. This included consideration of the Strategic Risk Register.

Assessed the adequacy and effectiveness of each Directorate's risk management arrangements through consideration of the risks and mitigating actions identified in each Directorate's Risk Register. Presentations were received from Strategic Directors and Cabinet Members on their approach to risk management.

### **2.5 Corporate Governance**

Considered changes to the refreshed Code of Corporate Governance prior to approval. The Code reflects the core principles and requirements of the CIPFA/SOLACE 'Delivering Good Governance in Local Government Framework'.

Considered the draft Annual Governance Statement for 2017/18.

Considered and approved the Annual Governance Statement for 2017/18 of the Council. The Statement reflected the continued progress made by the Council during that year.

Received and considered a report on the Committees Terms of Reference, proposing changes to bring them into line with new CIPFA Guidance. The proposals were accepted and were agreed at Council in May 2019, see paragraph 5.

Received and considered a report on the appointment of an independent member to the committee, deciding to appoint the current independent member for one year to allow a recruitment process to take place.

Produced its own Prospectus for 2018/19 detailing the work to be undertaken by the Committee during the year.

Produced its own Annual Report for 2017/18 setting out the work undertaken by the committee.

Received and considered at each meeting its own forward plan for the year ahead, ensuring that all relevant areas are covered during the year.

Received and considered a briefing paper on the preparation and compliance processes which had been carried out prior to the implementation of GDPR.

## **2.6 Finance**

Considered the unaudited draft Statement of Accounts.

Considered and approved the Statement of Accounts for 2017/18 for the Council.

Received and considered a report on the final accounts closedown and accounting policies updates for 2018/19.

Continued to review the Council's Treasury Management arrangements. This included reviewing the Annual Treasury Management Report for 2017/18 which covered the actual Prudential Indicators, and the Mid-Year Monitoring Report which included the actual and proposed treasury management activity.

## **2.7 Other**

Received and considered two update reports on progress made to implement recommendations arising from external inspections.

Received and considered reports on the Council's use of surveillance and acquisition of communication data powers under the Regulation of Investigatory Powers Act 2000 (RIPA). There had been no usage of these powers by the Council during 2017/18 or in the remainder of 2018.

Received a report on proposed revisions to the Regulation of Investigatory Powers Act policy after the Home Office issued revised Codes of Practice.

Received a report on the Liquid Logic case management system outlining the continued development taking place to enable the clearance of outstanding audit recommendations.

## **3 TRAINING**

- 3.1** The Committee receives training or a briefing before each meeting. During 2017/18 these included the Statement of Accounts, Treasury Management, CIPFA Guidance for Audit Committees, the Code of Corporate Governance and Risk Management.

## **4. TERMS OF REFERENCE 2018/19**

- 4.1** The Council has established an Audit Committee comprising five non-executive members of the Council. The Committee will be attended by a representative of the Council's external auditors as well as senior officers of the Council. The Committee's remit is:–
- to consider all issues relating to audit matters, both internal and external;

- to monitor and review the effectiveness of risk management systems, including systems of internal control;
- to consider the preparation and monitoring of the internal audit plan;
- to consider summary reports of each internal audit and value for money study undertaken;
- to consider the external audit plan;
- to consider reports from the external auditor, including value for money, systems and final accounts audits;
- to review and monitor the performance of internal audit;
- to review and monitor the anti-fraud strategy and initiatives;
- to ensure the receipt of 'Best Value' from all audit resources;
- to review and monitor corporate governance matters in accordance with audit guidelines.

The Audit Committee will consider the external auditor's annual report on the Council's statement of accounts income and expenditure and will also consider the SAS 610 report from the external auditor. However, the external auditor's management letter will be presented to the full Council.

## **5. TERMS OF REFERENCE 2019/20**

### **Committee Size**

To comprise:-

- Five Councillors, none of which are members of the Cabinet.
- One person who is not a councillor or officer of the Council (independent member).

### **Statement of purpose**

- 1 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.
- 2 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 annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

### **Governance, risk and control**

- 3 To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider RMBC's code of governance.
- 4 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.
- 5 To approve the final AGS for publication.
- 6 To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- 7 To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

- 8 To monitor the effective development and operation of risk management in the council.
- 9 To monitor progress in addressing risk-related issues reported to the committee.
- 10 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- 11 To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- 12 To monitor the counter-fraud strategy, actions and resources.
- 13 To review the governance and assurance arrangements for significant partnerships or collaborations.

#### **Internal audit**

- 14 To approve the Internal Audit Charter.
- 15 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.
- 16 To approve significant interim changes to the risk-based Internal Audit Plan and resource requirements.
- 17 To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.
- 18 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.
- 19 To approve the internal or external assessments of Internal Audit against Public Sector Internal Audit Standards. This will include:-
  - regular reports on the results of the Quality Assurance and Improvement Programme (QAIP).
  - 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 so severe that it must be included in the AGS
- 20 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:-
  - progress against the plan
  - key findings and issues of concern
  - action in hand as a result of internal audit work
  - performance indicators
- 21 To approve the Head of Internal Audit's annual report:-
  - The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement.
  - 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.
- 22 To consider summaries of specific Internal Audit reports.
- 23 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.

- 24 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.
- 25 To provide free and unfettered access to the Audit Committee Chair for the Head of Internal Audit, including the opportunity for him/her to meet privately with the committee.

#### **External audit**

- 26 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA).
- 27 To approve the external auditor's annual plan
- 28 To approve any revisions to the external auditor's plan
- 29 To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- 30 To consider specific reports as agreed with the external auditor.
- 31 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 32 To commission work from internal and external audit.
- 33 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

#### **Financial reporting**

- 34 To receive the draft annual statement of accounts following approval by the s151 Officer. Specifically, to consider whether appropriate accounting policies have been followed.
- 35 To approve the final audited annual statement of accounts for publication. Specifically to consider whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- 36 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- 37 To deal with any matters referred to the Committee by the Strategic Director Finance and Customer services in relation to his/her responsibilities under section 151 of the Local Government Act 1972.

#### **Treasury Management**

- 38 To review treasury management policy, strategy and procedures and to be satisfied that controls are satisfactory
- 39 To receive annual reports on treasury management, specifically the outturn report and the mid-year report
- 40 To review the treasury risk profile and adequacy of treasury risk management processes
- 41 To review assurances on treasury management, for example an internal audit report, external audit report or other review.

#### **Accountability arrangements**

- 42 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.

- 43 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.
- 44 To submit a report on the work of the committee to the Council on an annual basis.

Councillor Wendy Cooksey (07494 373502)  
Councillor Deborah Fenwick-Green (07515 382272)  
Councillor Tajamal Khan (01709 255725)



Councillor  
Cooksey



Councillor  
Fenwick-Green



Councillor  
Khan

PUTTING COMMUNITIES AT THE **HEART** OF EVERYTHING WE DO

**THE EASTWOOD PLAN** As well as overseeing the Plan, we have been really keen to support initiatives involving local people, some of which are summarised below.

**Pocket Park** Installed CCTV/Lighting.

Looking at environmental improvements.

Celebration event with partners and residents.



**Eldon Road Playing Fields** Dens opened up to disrupt criminal activity. Positive feedback for visible work from police *and* community.



**Environmental Signs** Following a project with Primary School, 24 environmental signs designed by pupils now on display around the area.

**Community Newsletter and community drop ins** Important to listen/inform, so as well as attending drop ins, we supported launch of a new community led newsletter which we help to deliver to every household.

**Fun Fest** An annual community event, theme this year was Carnival. It was fantastic to see volunteers/attendees from different communities.

**Thank You**

A lot of work has been and is being done, none of which would be possible without help from the Clifton Learning Partnership, Eastwood Village Primary School, REMA, the Probation Service Community Payback, the Canal and River Trust, Sheffield and Rotherham Wildlife Development Trust and the local community.





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Khan

PUTTING COMMUNITIES AT THE **HEART** OF EVERYTHING WE DO

Some other examples of work in the ward:

## Mowbray Gardens Library

Home to various activities/groups including mums/tots, crafts, ESOL, basic IT, mental health support groups, Mowbray New Arrivals and Volunteers Community Group, Rotherham Anglo-Polish Association. The library building recently celebrated it's 10th birthday and hosted an event celebrating 100 years of Council housing which started within East Dene.

## St Ann's Road/Fitzwilliam Road underpasses

Following positive reception to mural work at St Ann's underpass, we are looking to repeat on Fitzwilliam Road with a Church group and community artist.



## Community Bee Farm

A partnership project with the Canal & River Trust—the first of its kind in the country. Six hives have been installed on land between the Eldon Road Playing Fields and Parkgate Retail World by the River Don. Councillors recently attended a photo call with the Yorkshire Post.

## WHAT do we want to do?

We will continue with our work in Eastwood and would like to arrange more events across the ward which bring communities together. We will also be working with partners to look at the broader deprivation issues, particularly affecting children/young people.



**Watch this space . . .** We are really excited about a potential project at Badsley Moor Lane Primary School where the aim is to build a new space to engage parents in their children's learning and which will be used by the wider community.



Councillor Pat Jarvis (01709 255972)

Councillor Ian Jones (01709 516238)

Councillor Eve Rose-Keenan (01709 255739)



Councillor  
Jarvis



Councillor  
Jones



Councillor  
Keenan

PUTTING COMMUNITIES AT THE **HEART** OF EVERYTHING WE DO

## WORKING WITH SCHOOLS ON ISSUES

**IMPORTANT TO THEM** Road safety is an issue. In support:

- Ward budget has funded hi-vis vests etc for Ferham/Thornhill Primary Schools

- Worked with Police and pupils at Meadow View Primary School to make drivers more speed aware. Exploring a major project at same school to reinstate a footpath in order to try and reduce the number of cars on the road

- Another major project has been to create off road parking around Kelford School following concerns from local residents, staff and parents. Neighbourhoods/Councillors developed solution and are purchasing plastic parking grids to create an overspill car park. Work began on 16<sup>th</sup> August with installation of a dropped kerb, and the new parking surface was installed on 21<sup>st</sup>/22<sup>nd</sup>. This project is a great example of what can be achieved when we work together.



## CELEBRATING OUR HERITAGE And now a history lesson . .

In the industrial Revolution, the Walker family were pioneers of Rotherham industry—often referred to as the family that built Rotherham. Perhaps best known for house/garden that became Clifton Park/Museum, the family had a long standing connection with Masbro'/Holmes where they had iron/steel furnaces. It is sad that some memorials, of historical/architectural importance to the town have not fared as well. The Walker-built Masbro' Independent Chapel was lost to a criminal arson attack, and the adjacent Mausoleum is in a sorry state. Though part of the land is privately owned, the Council cut the grass around the graves to keep it looking tidy. But it remains, largely, unrecognised. People drive by on the busy Centenary Way without knowing it is there. As Ward Councillors, we are committed to giving the site the recognition it deserves. A local supplier has been contracted to make an information display board to inform people of its history. The hope is that this will be in place by the end of Summer



Councillors also arranged, following demolition of the Psalters Lane building, for the original school date stone to be retained and installed at the entrance to the site





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Councillor  
Jarvis



Councillor  
Jones



Councillor  
Keenan

PUTTING COMMUNITIES AT THE **HEART** OF EVERYTHING WE DO

## Support Community Asset Transfers

Councillors have welcomed the opportunity to work with Asset Management concerning the futures of several key local buildings. There are two buildings in particular we have been reviewing. As Councillors, we bring knowledge of what will work in our areas.

## Ensuring a coordinated approach to Crime/ASB with a focus on Ferham

Again, we have welcomed the opportunity to work with officers from a range of organisations concerning a specific neighbourhood in our area. A multi-agency day of action was held in February 2019 which we took part in and will be repeated in the near future.



## Bringing communities together

An Awards evening acknowledged those people who contribute to our area.

We presented cheques to some groups, such as Shiloh, the homelessness

charity now based in our ward. We also presented a special award to Winterhill School in recognition of the staff and pupils' work on the Engine Pond.



## WHAT HAVE WE LEARNED

- ◆ The above provides a snapshot of some of the activity — problem solving at Kelford, making the most of our assets in Masbrough, addressing crime/quality of life issues. Ward based working is enabling us to play our community leadership role but the activity is creating a lot of project management and dependencies which can result in delays in delivery
- ◆ Individual wards are a positive building block but we may need to do more cross-ward work to pool resources in line with demand, especially as we move to 25 wards



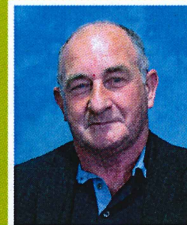
Councillor Steve Marles (01709 255966)

Councillor Alan Napper (01709 548768 - 07847 671171)

Councillor Ann Russell (01709 703432)



Councillor  
Marles



Councillor  
Napper



Councillor  
Russell

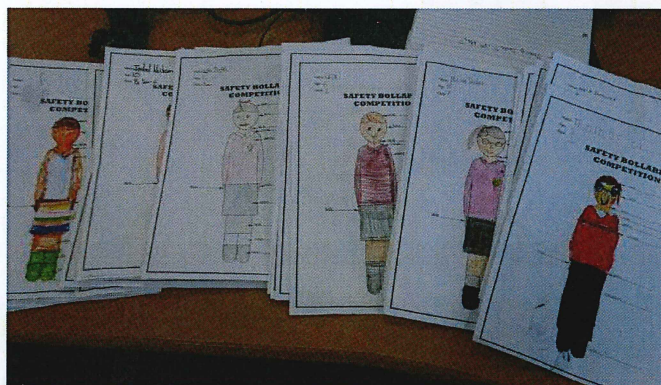
PUTTING COMMUNITIES AT THE HEART OF EVERYTHING WE DO

## Ward Priorities:-

- Community Safety
- Community Engagement
- Facilities and Activities for Children and Young People
- Environmental Improvements

## Key Achievements

### Community Safety



## Improve community safety:-

- Installation of defibrillators at Kilnhurst Working Men's Club, Thrybergh Country Park, Apollo Street Neighbourhood Centre, Staple Green Neighbourhood Centre and Primary Schools in Silverwood Ward.
- Defibrillator training
- Installation of Throwlines at Thrybergh Country Park
- Provision of Billy and Belinda Bollards



### Community Engagement



Improve facilities and activities for older people:-

- Formalise Apollo Street TARA

The group is now constituted

Has a bank account

Is accessing funding for activities – bingo, trips, Christmas party

### Facilities and Activities for Children and Young People



Provide activities for children and young people in the Silverwood Ward:-

- Sports activities at Kilnhurst two days per week throughout the school summer holidays

### Environmental Improvements

Provide opportunities to connect with nature – Sandhill Park

- Sandhill Park has been selected to benefit from Natural Neighbours Project. The project will include activities themes around:-  
Safe Outside; Wild Play; Proud of our Community; Closer to Nature; Volunteering; Access and Interpretation

**STANDARDS AND ETHICS COMMITTEE**  
**Thursday, 13th June, 2019**

Present:- Councillor McNeely (in the Chair); Councillors Clark, Cooksey, Ireland, Sheppard, Short, Simpson, Vjestica and Bates and also Mrs. A. Bingham, Mr. P. Edler and Mrs. K. Penney.

Apologies for absence were received from Councillors Rowley and Swann and Mrs. M. Evers and Porter.

**38.       DECLARATIONS OF INTEREST.**

There were no declarations of interest reported by Members of the committee.

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

**Resolved:-**

That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the appendices for Minute Nos. 44, 45 and 46 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

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

The Chair reported that there were no items of business requiring the urgent consideration of the committee.

**41.       MINUTES OF THE PREVIOUS MEETING HELD ON 21ST MARCH, 2019**

In reviewing the minutes of the previous meeting, it was reported that the former Monitoring Officer and Assistant Director of Legal Services, Dermot Pearson, had recently left the authority. On behalf of the committee, the Chair requested that the thanks of members be recorded for the significant contribution made by Mr. Pearson during his time as Monitoring Officer at Rotherham MBC. It was further noted that Bal Nahal, Head of Legal Services, had recently been appointed as Monitoring Officer by the Council.

**Resolved:-**

That the minutes of the Standards and Ethics Committee held on 21 March 2019 be approved as a true and correct record of the proceedings.

**42. INTRODUCTION TO THE COMMITTEE FOR NEW MEMBERS.**

The Deputy Monitoring Officer provided a presentation to the Committee which provided an introduction to the role, functions and responsibilities of the Standards and Ethics Committee.

It was noted that the Standards and Ethics Committee was primarily responsible for promoting and maintaining high standards of conduct by councillors, independent members and co-opted members. It was also responsible for advising and arranging relevant training for members relating to the requirements of the code of conduct for councillors. Furthermore, it also had responsibility for:

- the initial assessment, investigation and determination of allegations of misconduct
- dealing with any alleged breaches by a councillor of other relevant council codes and protocols
- overseeing the probity aspects of internal and external audit
- overseeing the code of conduct for employees
- overseeing the council's confidential reporting code
- granting exemptions on the political restriction of officer posts
- overseeing the council's complaints handling arrangements and performance

Detail was provided in respect of the Code of Conduct and the processes supporting the complaints procedure and how decisions were made in respect of complaints. Reference was made to the information available to members of the public through the Council's website - [https://www.rotherham.gov.uk/homepage/300/standards\\_and\\_ethics\\_committee](https://www.rotherham.gov.uk/homepage/300/standards_and_ethics_committee) - and how complaints were to be managed.

The Chair reiterated the key messages from the introduction provided by the Deputy Monitoring Officer and welcomed new members to the first meeting of the 2019/20 municipal year.

**Resolved:-**

That the presentation be noted.

**43. COMMITTEE ON STANDARDS IN PUBLIC LIFE - REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS - BEST PRACTICE RECOMMENDATIONS**

Consideration was given to a report presented by the Deputy Monitoring Officer which provided an analysis of the Committee on Standards in Public Life recommendations of best practice, which, it was noted, the Council already complied with, along with an action plan for the Council to implement the other best practice recommendations.

Members welcomed the report and indicated support for the establishment of a working party. Discussions focused on the practicalities of attempting to undertake the work during the summer period and after some consideration it was agreed that the working group would meet in September 2019 and aim to present its findings to the Standards and Ethics Committee in December 2019.

**Resolved:-**

That a Working Group, to be chaired by the Vice-Chair, be established to decide on and, where possible, implement the steps be taken to introduce all of the best practice recommendations set out in the Committee on Standards in Public Life report.

**44. OUTCOME OF STANDARDS AND ETHICS SUB-COMMITTEE HEARING RE ALLEGED BREACH OF THE CODE OF CONDUCT**

Consideration was given to a report presented by the Deputy Monitoring Officer which detailed the outcome of a Standards and Ethics Sub-Committee Hearing which took place on 3 May 2019, in relation to an alleged breach of the Code of Conduct by Maltby Town Councillor Bill Spillsbury.

Detail was provided to the committee in respect of the response received from Town Councillor Spillsbury. Members discussed the need to reiterate that responsibility for implementation of the recommendations from the Sub-Committee rested with the Town Council and asked the Deputy Monitoring Officer to progress this on behalf of the committee.

**Resolved:-**

1. That the outcome of the Standards and Ethics Sub-Committee Hearing on 3 May, 2019 be noted.
2. That a letter be forwarded to the Chair of Maltby Town Council to reiterate the need for the Town Council to implement the recommendations from the Standards and Ethics Sub-Committee.
3. That the Decision Notice be published on the Council's website



**45. COMPLAINTS UPDATE**

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 and recommended outcome were highlighted, some of which required the arrangement of a sub-committee hearing. These would be arranged soon as possible in line with the relevant procedure.

**Resolved:-**

That the update report in respect of complaints be noted.

**46. REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY**

Consideration was given to the report and appendix presented by the Deputy Monitoring Officer, which provided an overview of the Whistleblowing cases which have been received over the past year.

The appendix to the report set out clearly the description of the concerns received and action.

The Committee welcomed the report and considered the reported matters in detail which would identify if there were any particular trends or issues.

**Resolved:-**

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

**47. ANNUAL REPORT**

Consideration was given to the report presented by the Deputy Monitoring Officer which summarised the work undertaken by the Standards and Ethics Committee during the Municipal Year 2018/2019.

The report detailed the specific activities of the Standards and Ethics Committee, its sub-committees and hearing panels, as well as responses to consultations from central government and the Committee for Standards in Public Life.

Having digested the reflections on the work of the previous municipal year, the Chair paid tribute to and thanked those Members who had participated in the activities of the committee and its subsidiary bodies.

**Resolved:-**

That the work undertaken by the Standards and Ethics Committee during the 2018/19 municipal year be noted.

- 48. DATE AND TIME OF NEXT MEETING - THURSDAY, 12TH SEPTEMBER, 2019 AT 2.00 P.M.**

**Resolved:-**

That the next meeting of the Standards and Ethics Committee be held on Thursday 12 September 2019 commencing at 2.00 p.m. at Rotherham Town Hall.

**AUDIT COMMITTEE**  
**18th June, 2019**

Present:- Councillor Wyatt (in the Chair); Councillors Cowles, Vjestica, Walsh, Wilson and Bernard Coleman (Independent Person).

Gareth Mills and Thilina De Zoysa, Grant Thornton, were also in attendance

**1. MINUTES OF THE PREVIOUS MEETING HELD ON 26TH MARCH 2019**

Consideration was given to the minutes of the previous meeting of the Audit Committee held on 26<sup>th</sup> March, 2019.

It was noted that the Committee's revised Terms of Reference had been approved at the 22<sup>nd</sup> May Council Meeting.

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

**2. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at the meeting.

**3. QUESTIONS FROM MEMBERS OF THE PUBLIC OR THE PRESS**

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

**4. PUBLICATION OF UNAUDITED STATEMENT OF ACCOUNTS 2018/19**

Paul Stone, Head of Corporate Finance, presented the Draft Statement of Accounts 2018/19 which had been published on the Council's website on 31st May, 2019, as required under the Accounts and Audit Regulations 2015.

The publication of the unaudited accounts triggered a period of 30 working days (ending on 12<sup>th</sup> July, 2019) for local electors to exercise their rights to inspect the accounts and supporting records and to ask questions of the external auditor.

The external audit of the unaudited accounts had commenced on 3rd June, 2019 with Grant Thornton reporting their findings to the July meeting of the Committee.

The deadline for publishing the audited accounts was 31st July, 2019.

The Highlights Report (Appendix B) summarised the key financial disclosures reported in the 2018/19 draft Statement of Accounts and provided further detail on each of the key financial issues referred to above.

Resolved:- That the draft 2018/19 Statement of Accounts be received.

## **5. DRAFT ANNUAL GOVERNANCE STATEMENT 2018-19**

Consideration was given to the 2018-19 draft Annual Governance Statement (AGS) presented by David Webster, Head of Internal Audit.

In producing the 2018-19 AGS, the Council had gathered sufficient evidence to support the statements that it had made. Each Strategic Director had been asked to oversee a self-assessment of governance in their Directorate. This had comprised of completion of a self-assessment form based on the Principles and Sub-Principles in the Local Code by each Assistant Director as well as a review and update of the detailed issues raised in the 2017-18 AGS. Each Strategic Director was also required to sign a Statement of Assurance based on the information arising from their review of current and previous governance issues.

The Corporate Governance Group had reviewed evidence contained within the returned Statements of Assurance as well as considering which issues were of sufficient significance to require reporting in the Statement. The Group had then produced the AGS.

The AGS would be updated by 31st July to reflect any issues that emerged between now and the completion of the final Statement of Accounts. It would also take account of any comments made by the Committee and external auditor.

At the start of 2018/19 the Commissioners had retained responsibility for Children's Safeguarding all other Children's Social Care Services, the appointment and dismissal of statutory officers and for Adult Social Care. On 14th June, 2018, the results of an independent check, a "Health Check", of the Council had been published and reported that the Council had demonstrated that it was fit to continue its improvement journey without Commissioner oversight.

As a result of the Health Check, the Commissioner Team recommended to the Secretary of State that the Government intervention in Rotherham could be concluded. The Secretary of State had announced on 18<sup>th</sup> September, 2018, that he would remove the Commissioners from the Council but that the Council should submit to him an independent review of their performance to ensure compliance with the requirements of Part 1 of the 1999 Act.

This was submitted on 14<sup>th</sup> February, 2019, and stated that the Council had continued to make good progress since the Commissioners were stood down and had acted on the recommendations made by the independent progress review report in June 2018. Accordingly, it was announced on 27<sup>th</sup> March, 2019, that the Secretary of State was content to let the Directions relating to the governance of the Council lapse on 31<sup>st</sup> March, 2019.

Recommended practice required the Leader of the Council and the Chief Executive to sign the Annual Governance Statement prior to its publication.

It was felt that there should be reference within the Statement to the revised Audit Committee's Terms of Reference as identified previously.

Resolved:- (1) That the 2018-19 draft Annual Governance Statement be noted subject to the suggested amendment with regard to the revised Terms of Reference.

(2) That the requirement for the Leader and Chief Executive to sign the Statement prior to the publication of the Annual Governance Statement by 31<sup>st</sup> July, 2019, be noted.

(3) That the final version of the Annual Governance Statement be submitted to the 30<sup>th</sup> July meeting of the Audit Committee following completion of the audit of accounts by Grant Thornton UK LLP.

## **6. EXTERNAL AUDIT UPDATE**

Gareth Mills, Engagement Lead, Grant Thornton UK LLP, gave the following verbal report:-

- Grant Thornton had received the draft accounts and the Annual Governance Statement narrative report on 31<sup>st</sup> May
- Their external audit had commenced on 3<sup>rd</sup> June and making good progress to date
- Work would continue for the next 5-6 weeks before the report was submitted in July

Attention was drawn to the potential impact on the pension fund by the McCloud Judgement. This was a national issue and not particular to Rotherham. However, the Strategic Director, Finance and Customer Services, reassured the Committee that there was no particular expectation that there would be any change to Rotherham's outturn position. External Audit were reporting on the accounts and technicalities of Statement of Accounts; if it was a matter for the Council's budget and financial plan it would be reported to Cabinet.

Resolved:- (1) That the update be noted.

(2) That a further update be provided to the next meeting on the McCloud Judgement.

**7. EXTERNAL INSPECTION RECOMMENDATION UPDATE**

Consideration was given to a report, presented by Jackie Mould, Head of Performance, Intelligence and Improvement, providing details of recent and current external audits and inspections including the details of arrangements that were in place regarding the accountability and governance for implementing recommendations arising therefrom.

The report included detail of progress being made in respect of the following specific areas and Directorates:-

- the "Fresh Start" Improvement Plan;
- Adult Care and Housing;
- Children and Young People's Services;
- Regeneration and Environment Services
- Finance and Customer Services

The summary of recommendations from "Active" Inspection and Audit Action Plans was appended to the submitted report (Appendix A).

It was noted that the major outstanding issues from the majority of the inspection had been addressed.

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

(2) That the governance arrangements that were currently in place for monitoring and managing the recommendations from external audits and inspections, as now reported, be noted.

(3) That the Audit Committee continue to receive regular reports in relation to external audit and inspections and the progress made in implementing recommendations.

**8. INTERNAL AUDIT ANNUAL REPORT 2018-19**

Consideration was given to a report presented by David Webster, Head of Internal Audit, on the role of Internal Audit, the work completed during the 2018/19 financial year and highlighted the key issues that had arisen. It provided the overall opinion of the Head of Internal Audit on the adequacy of the Council's control environment as well as the performance of the Internal Audit function during 2018/19.

Appendix 1 of the report submitted included:-

- Legislative requirements and Professional Standards
- The Head of Internal Audit's annual opinion on the control framework, risk management and governance
- Resources and audit coverage during the year
- Summary of audit work undertaken during 2018/19 including both planned and responsive/investigatory work
- Summary of other evidence taken into account for control environment opinion
- Summary of audit opinions and recommendations made
- Internal Audit Performance Indicators

There had been substantial changes to the Internal Audit Team during 2018/19. Resource levels provided sufficient capacity to provide an adequate level of assurance and sufficient work completed to enable the Head of Internal Audit to provide his opinion that the Council had overall an adequate and effective framework of governance, risk management and control.

A Quality Assurance and Improvement Programme (QAIP) was put into place during 2018 with the results reported to the Audit Committee in January 2019 (Minute No. 70 refers). This showed that 10 of the 17 actions had been completed. An updated QAIP based on the internal assessment had been produced to maintain and increase the level of conformance within the Team. This had 27 recommendations and suggestions which would be actioned and monitored during 2019.

63% of audits where an assurance level was given resulted in a Substantial or Reasonable assurance level. During 2018/19, 182 recommendations were made to improve the internal control, risk management and government arrangements across the Council. Appendix A contained a summary of results together with definitions of the assurance levels and recommendation categories.

A new system of tracking audit recommendations had been implemented in May 2018. At the start of the year there had been 60 overdue outstanding actions; by March, 2019 this had reduced to 49 and, due to further work undertaken after the year end, now stood at 29.

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

- Summary of audit opinions
- Number of Members who had undertaken the re-issued fraud awareness e-learning

Resolved:- (1) That the Internal Audit work undertaken during the 2018/19 financial year and the key issues that had arisen therefrom be noted.

**AUDIT COMMITTEE - 18/06/19**

(2) That the overall opinion of the Head of Internal Audit be noted.

(3) That the information contained regarding the performance of Internal Audit during 2018/9 be noted.

**9. AUDIT COMMITTEE FORWARD WORK PLAN**

Consideration was given to the proposed forward work plan for the Audit Committee covering the period July, 2019 to June, 2020.

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

**10. ITEMS FOR REFERRAL FOR SCRUTINY**

There were no items for referral for Scrutiny.

**11. 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).

**12. ADULT CARE, HOUSING AND PUBLIC HEALTH RISK REGISTER**

Consideration was given to a report, presented by AnneMarie Lubanski, Strategic Director, Adult Care, Housing and Public Health, and Helen Fisher, Programme Manager, providing details of the Risk Register and risk management activity within the Adult Care, Housing and Public Health 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 17 risks included within the Register of which 4 related to Adult Social Care, 4 to Adult Social Care Commissioning, one jointly owned by Adult Social Care and Commissioning, 6 to Housing and 2 by Public Health. Additionally the Directorate had a separate RAID log (risks, assumptions, issues, dependencies) for all its project activity.



Discussion ensued with the following issues raised:-

- Procurement of new Housing IT system
- Repairs and Maintenance Contract re-tendering exercise
- Pending outcome of the Judicial Review

Resolved:- That the progress and current position in relation to risk management activity in the Adult Social Care, Housing and Public Health Directorate, as detailed in the report now submitted, be noted.

**13. INTERNAL AUDIT PROGRESS REPORT - 1ST MARCH TO 31ST MAY 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 1<sup>st</sup> March to 31st May, 2019, and the key issues that had arisen therefrom.

8 audits had been finalised since the last Committee meeting, all with Substantial or Reasonable Assurance.

Work had commenced on the 2019/20 annual plan, the current position being attached at Appendix A. Audit opinions and a brief summary of all audit work concluded since the previous meeting were set out at Appendix B.

Internal Audit also carried out unplanned responsive work and investigation into any allegations of fraud, corruption or other irregularity. One report of this type had been issued since the last meeting (Appendix C).

Internal Audit's performance against a number of indicators was summarised in Appendix D which showed that target performance was being achieved except for chargeable time which had been affected by annual leave. Appendix E 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. There had been an overall reduction from a total of 49 to 29.

Discussion ensued on various matters contained within the agreed actions section of the report which included:-

- Council Tax collection rates
- Liquid Logic
- Regulation 24 process

**AUDIT COMMITTEE - 18/06/19**

Resolved:- (1) That the Internal Audit work undertaken since meetings of the Audit Committee, 1<sup>st</sup> March to 31<sup>st</sup> May, 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.

**14. URGENT BUSINESS**

There were no urgent items.

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

Resolved:- That a further meeting be held on 30<sup>th</sup> July, 2019, commencing at 2.00 p.m.

**AUDIT COMMITTEE  
30th July, 2019**

Present:- Councillor Wyatt (in the Chair); Councillors Vjestica, Walsh and Bernard Coleman (Independent Person).

Gareth Mills and Thilina De Zoysa, Grant Thornton, were also in attendance.

**16. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at the meeting.

**17. QUESTIONS FROM MEMBERS OF THE PUBLIC OR THE PRESS**

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

**18. MINUTES OF THE PREVIOUS MEETING HELD ON 18TH JUNE, 2019**

Consideration was given to the minutes of the previous meeting of the Audit Committee held on 18<sup>th</sup> June, 2019.

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

**19. AUDITED STATEMENT OF ACCOUNTS 2018-19**

Consideration was given to a report presented by Paul Stone, Head of Corporate Finance, which advised on matters arising from the external audit of the Council's 2018/19 Statement of Accounts as presented in the External Auditor's ISA260 report and, in acknowledging these findings, requested that the Audit Committee approve both the Letter of Management Representation and the audited Statement of Accounts 2018/19.

Grant Thornton intended to issue an unqualified audit opinion on the Statement of Accounts and their representative at the meeting confirmed the unaudited Statement of Accounts and draft Narrative Report had one audit adjustment, which did not affect the prime financial statements, and a small number of presentational adjustments. None of the changes affected the financial performance or financial position of the Council previously reported in the unaudited Statement of Accounts.

The one adjustment affecting the Council's primary statements related to pension liabilities resulting from the post year-end national McCloud judgement and the associated Guaranteed Minimum Pension indexation. Grant Thornton was working through documentation received from the auditor of the South Yorkshire Pension Fund, however, it should be noted that this was not unique to Rotherham and affected all local authorities.

The ISA 260 also confirmed that working papers were of a high standard and the audit queries were dealt with in a timely and efficient manner.

A number of recommendations had been made, set out in Appendix A (Action Plan), namely:-

- Delivery of 2019-20 budget, savings plan and achievement of medium Term Financial Strategy
- Dedicated Schools Grant reserve deficit and recovery plan

Section 2 of the ISA 260 set out the approach, risks, work and conclusion reached by Grant Thornton on whether the Council had satisfactory arrangements in place to secure the economy, efficiency and effectiveness in the use of its resources. The conclusion reached was that the Council had made proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people. All the recommendations set out in the ISA 260 2017/18 report had been implemented.

Resolved:- (1) That the Auditor's ISA 260 2018/19, as submitted at Appendix 4, be approved.

(2) That the Statement of Accounts 2018/19 (Appendix 1 of the report submitted) and the 2018/19 Narrative Report (Appendix 2 of the report submitted) be signed and approved for publication.

(3) That Grant Thornton be issued with the Letter of Management Representation (Appendix 3 of the report submitted).

## **20. ANNUAL GOVERNANCE STATEMENT 2018-19**

Further to Minute No. 5 of 18<sup>th</sup> June, 2019, consideration was given to the updated 2018-19 draft Annual Governance Statement (AGS) presented by David Webster, Head of Internal Audit.

There had been no significant events or developments relating to the governance system between the year end and the date on which this Statement had been signed.

Recommended practice required the Leader of the Council and the Chief Executive to sign the Annual Governance Statement prior to its publication.

Resolved:- (1) That the 2018-19 draft Annual Governance Statement be noted.

(2) That the requirement for the Leader and Chief Executive to sign the Statement prior to the publication of the Annual Governance Statement be

noted.

**21. FINANCIAL OUTTURN 2018-19 - TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS**

In accordance with Minute No. 26 of the Cabinet Meeting on 8<sup>th</sup> July, 2019, consideration was given to a report presented by Paul Stone, Head of Corporate Finance, which detailed how the Council approved the Treasury Management Strategy in February, 2018, and received a mid-year report on 27<sup>th</sup> November, 2018, representing a mid-year review of treasury activity during 2018/19.

The Annual Treasury Management report was the final treasury report for 2018/19. Its purpose was to review the treasury activity for 2018/19 against the Strategy agreed at the start of the year.

The report also covered the actual Prudential Indicators for 2018/19 in accordance with the requirements of the Prudential Code.

Presentation of the report met the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities.

The Council was required to comply with both Codes through Regulations issued under the Local Government Act 2003.

Appendix A of the report submitted gave a summary of the Prudential Indicators and Appendix B a summary of the Prudential Indicators for the former South Yorkshire County Council.

Resolved:- That the Annual Treasury Management Report be noted.

**22. AUDIT COMMITTEE ANNUAL REPORT 2018/19**

David Webster, Head of Internal Audit, submitted the Audit Committee 2018/19 Annual Report in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance which recommended that audit committees report annually on how they had discharged their responsibilities during the previous municipal year.

The draft annual report was attached at Appendix 1 together with the Committee's Terms of Reference. The report set out:-

- A summary of the work undertaken
- External Audit
- Internal Audit
- Anti-Fraud and Corruption
- Risk Management
- Corporate Governance
- Finance

**AUDIT COMMITTEE - 30/07/19**

- Other
- Training
- Terms of Reference 2018/19 and 2019/20

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

The main changes to the Terms of Reference were:-

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

Resolved:- That the Audit Committee Annual Report 2018/19 be noted and submitted to Council for approval.

**23. AUDIT COMMITTEE FORWARD WORK PLAN**

Consideration was given to the proposed forward work plan for the Audit Committee covering the period September, 2019 to July, 2020.

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

**24. ITEMS FOR REFERRAL FOR SCRUTINY**

There were no items for referral for Scrutiny.

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

Resolved:- That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 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).

**26. CORPORATE STRATEGIC RISK REGISTER**

Simon Dennis, Corporate Risk Manager, presented the current Strategic Risk Register which took account of updates from Directorates, the Strategic Leadership Team and the Audit Committee.

The Register was currently reviewed six weekly by the Strategic Leadership Team (SLT) and the relevant risks by individual Directorates as well as being reported quarterly to the Committee.

The current Register had been constructed from updates provided by risk owners. There were currently 13 risks included on the Strategic Risk Register, 2e less than when the Register was previously considered and no new risks added.

Discussion ensued with the following issues raised/highlighted:-

- Brexit risk/Emergency Planning
- SLT consideration of the Corporate Risk Register
- Procurement
- EU grant funding
- Tackling family poverty

Resolved:- That the updated Strategic Risk Register be noted.

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

Resolved:- That a further meeting be held on Thursday, 26<sup>th</sup> September, 2019, commencing at 2.00 p.m.

**HEALTH AND WELLBEING BOARD**  
**10th July, 2019**

**Present:-**

Councillor David Roche	Cabinet Member, Adult Social Care and Health <b>(in the Chair)</b>
Stephen Chapman	Temporary District Commander, South Yorkshire Police
Dr. Richard Cullen	Strategic Clinical Executive, Rotherham CCG
Helen Dobson	Deputy Chief Nurse, Rotherham Foundation Trust (representing Louise Barnett)
Chris Edwards	Chief Operating Officer, Rotherham CCG
Sharon Kemp	Chief Executive, RMBC
Carol Lavelle	NHS England
Dr. Jason Page	Governance Lead, Rotherham CCG
Terri Roche	Director of Public Health
Jon Stonehouse	Strategic Director, Children and Young People's Services, RMBC
Janet Wheatley	Chief Executive, Voluntary Action Rotherham

**Report Presenters:-**

Sam Blakeman	Democratic Services, Rotherham MBC
Gilly Brenner	Consultant in Public Health
Ruth Fletcher-Brown	Public Health Specialist, Rotherham MBC
Wendy Griffin	Smoking Cessation Midwife
Jane Lovett	Associate Chief Nurse
Sue Turner	Public Health Specialist

**Also Present (observers):-**

James Kinder	RDaSH
Gordon Laidlaw	Communications Lead, Rotherham CCG
Alison Martindale	Rotherham Foundation Trust
Lesley White	NHS England
Rebecca Woolley	Policy and Partnerships Officer, RMBC

Apologies for absence were received from Councillor Watson, Steve Adams (South Yorkshire Fire and Rescue Service), Louise Barnett (Rotherham Foundation Trust), Tony Clabby (Healthwatch Rotherham), Anne-Marie Lubanski (Rotherham MBC) and Kathryn Singh (RDaSH)

**15. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this meeting.

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

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



**17. MINUTES OF THE PREVIOUS MEETING HELD ON 29TH MAY, 2019**

The minutes of the previous meeting of the Health and Wellbeing Board were considered.

With regards to Minute No. 3 (Communications) it was noted that the Local Government Association feature on the Health and Wellbeing Board had now been published.

Reference was made to Minute No. 7 (Health Protection Committee Annual Report) where it was noted the report had been more people friendly. However, it was suggested for future reports the use of infographics would be helpful.

Resolved:- That the minutes of the previous meeting held on 29<sup>th</sup> May, 2019 be approved as a correct record subject to the inclusion of Janet Wheatley to the list of attendees.

**18. PERFORMANCE FRAMEWORK SPOTLIGHT: SMOKING STATUS AT THE TIME OF DELIVERY**

June Lovett - Associate Chief Nurse, Head of Midwifery Nursing and Professions, Sue Turner - Public Health Specialist and Wendy Griffin – Smoking Cessation Midwife - together gave a powerpoint presentation on smoking status at the time of delivery.

The presentation highlighted:-

- Smoking during pregnancy.
- Background and risks.
- Governance and delivery groups.
- Position up to March, 2019.
- Smoking at the time of delivery statistics.
- Key performance indicators.
- Analysis and implications.
- Plans and actions so far.
- Future Developments.
- Recommendations.

A discussion and answer session ensued and the following issues were raised and subsequently clarified:-

- Degree of impact.
- Reliability of data for CO<sup>2</sup> measurements and whether there was any correlation between areas for air pollution.
- Rotherham's Beacon Service on less staffing resources than South Yorkshire colleagues.

- Need for more publicity and promotion of the service.
- Quit smoking rates and encouragement for life changing events.
- How to stop people smoking and real life supportive campaigns.

Resolved:- (1) That June Lovett, Sue Turner and Wendy Griffin be thanked for their informative presentation.

(2) That the content of the presentation be noted.

## 19. **DEVELOPING A LONELINESS PLAN FOR ROTHERHAM**

Ruth Fletcher-Brown, Public Health Specialist, and Sam Blakeman, Democratic Services, together gave a powerpoint presentation on development of a partnership approach to tackling loneliness and social isolation in Rotherham.

The presentation highlighted:-

- What was working well.
- Partnership approach.
- Whole Life Course approach.
- Building on Five Ways to Wellbeing Campaign.
- What was worrying.
- Time pressure for frontline workers.
- Capacity in the Voluntary and Community Sector.
- Funding of Borough-wide roll out.
- What was needed to happen.
- Complete and evaluate 6 month pilot.
- Health and Wellbeing board to use *5 Ways* branding.
- Loneliness Event in September.
- Launch 'Action Plan'.
- Roll out Loneliness MECC from the new year following pilot evaluation.
- Continued buy-in from partners.

The Board noted the joint work taking place across all areas and the social connectedness/social prescribing which would bring together the work done on the I.C.S. proposal with relevant funding.

A discussion and answer session ensued and the following issues were raised and subsequently clarified:-

- Challenges and inclusion of loneliness in social care packages.
- Capacity in the voluntary and community sector.
- Social isolation through loneliness and the pilots being promoted through libraries, leisure centres etc.
- Launch of the Action Plan.

Resolved:- (1) That Ruth Fletcher-Brown and Sam Blakeman be thanked for their informative presentation.

(2) That the content of the presentation be noted.

(3) That a further report be provided to the Health and Wellbeing Board later in the year.

## **20. PRIORITIES OF THE HEALTH AND WELLBEING BOARD**

The Chair invited the Board Sponsors to give a verbal update on the priorities of the Health and Wellbeing Board.

### **Aim 1**

Jon Stonehouse and Jason Page updated on the links with the Children and Young People's Partnership and Transformation Board, its partner strengths, attendance, frequency and voice of young people.

Going forward there would be sharper focus on Early Years and be demand- led to ensure the priorities were right, valued and measured. There would be further discussion about young people's vulnerability and loneliness and links to other groups looking at areas such as knife crime.

There had been some improvements with childhood obesity and the links to adult obesity. There was emphasis for doing more.

### **Aim 2**

Ian Atkinson on behalf of Kathryn Singh reported on the Mental Health and Learning Disability Group who met on a monthly basis looking at its six themed areas, with its key theme being around self-harm. Consideration was also given to the wider crisis involving mental health responses, delivery, access and the challenges with cognitive behaviour therapy.

There were some challenges on Autism with the development of an All Age new Pathway.

### **Aim 3**

Rebecca Woolley reported on the links to health through the Employment and Skills Strategy and the Cultural Strategy, both of which would have shared action plans.

### **Aim 4**

Stephen Chapman reported on the Town Centre priorities and the issues around safety in Clifton Park, anti-social behaviour figures reducing yet perception rates were increasing. This was having a significant impact on trust and confidence at a local level.

Janet Wheatley confirmed that as part of the Cultural Strategy a significant bid had been submitted to the Arts Council. Those successful at Stage 1 would be informed this week and if successful confirmation should be received in August.

Richard Cullen reported on the elements of digital health, inclusion, education, social media and employment and movement on the Government agenda for digital primary care.

Resolved:- That Board Sponsors be thanked for their updates and feedback.

## **21. AIM 3: ALL ROTHERHAM PEOPLE LIVE WELL FOR LONGER**

Sharon Kemp, Chief Executive, gave a powerpoint presentation on Rotherham people living well for longer.

The presentation highlighted:-

- The challenges.
- Strategic priorities.
- Key themes from the workshop.
- Vision for Rotherham.
- Building on this social movement.
- Building on assets to tackle wider determinants.
- Proposed actions.
- Relationship with other aims.
- Questions to the Health and Wellbeing Board.

A discussion and answer session ensued and the following issues were raised and subsequently clarified:-

- Social movement and the different delivery of health messages.
- Utilisation of the population.
- Implications for services with increased take-up.
- Targeting communities/specific areas.
- Understanding roles.
- Links with digital health and the potential to increase inequalities.
- Engagement with the Target Operating Model.
- New offer for carers.

Resolved:- (1) That Sharon Kemp be thanked for her informative presentation.

(2) That the content of the presentation be noted.

**22. UPDATE ON THE JSNA**

Gilly Brenner, Consultant in Public Health, provided an update on the relaunch of the Rotherham Joint Strategic Needs Assessment (JSNA) and a brief overview of how Rotherham was currently performing against a range of health indicators.

A comprehensive picture of the health issues facing the Rotherham population would be captured by the new JSNA. New indices of multiple deprivation (IMD) data would also be available nationally in the autumn which would help add refreshed context to our local picture and triangulate intelligence.

The JSNA Steering Group had now met twice and was due to meet again shortly. Terms of Reference have been agreed and lead authors assigned for key sections, which would have a more enhanced view with real headlines and five highlights on each key topic, each driving forward the vision.

Consideration was being given to the name and feedback of examples was welcomed.

Resolved:- (1) That the developments of the Rotherham JSNA be noted.

(2) That the key health issues facing the Rotherham population be noted.

**23. PRIMARY CARE NETWORKS**

Updates were provided on the Primary Care Networks and the Chair reported on the visits to other Boards and sharing of ideas. The aim was to identify key areas for the operation boards and the route of consideration to avoid any duplication, which would then be overseen by the strategic body, the Health and Wellbeing Board.

Chris Edwards, Chief Operating Officer, provided feedback on the Healthy Rotherham event, which had met its objectives. Whilst well attended and well received from a political/public perspective, it was not as popular as it had been in previous years. Further work would take place in the new year on the event for 2020.

Details of delivery milestones and development of other integral plans were provided and would be shared more widely.

The Board noted the event around suicide prevention on the 6<sup>th</sup> July, 2019.

The Board noted the four themes coming forward and were in agreement with further details being circulated about the networks in due course.

Resolved:- (1) That the information be noted.

(2) That details on the network developments be circulated to the Health and Wellbeing Board Members.

**24. UPDATE FROM EVENTS AND KEY MEETINGS**

Chris Edwards, Chief Operating Officer, reported on the Suicide Symposium and how this topic was featuring on many agendas.

An item would also be included on the September agenda for this Board.

Resolved:- That the information be noted.

**25. ISSUES ESCALATED FROM PLACE BOARD**

There were no issues to report.

**26. UPCOMING AGENDA ITEMS**

The Board noted:-

- Suicide Prevention – September.
- Loneliness – November.
- Sexual Health Strategy
- Suicide Prevention Strategy
- ICS Plan
- Response to Long Term Care and Clear Air

Resolved:- That the information be noted.

**27. HEALTH AND WELLBEING STRATEGY AIM 1 ACTION PLAN**

The Health and Wellbeing Strategy Aim 1 Action Plan was noted.

**28. ROTHERHAM ICP PLACE BOARD 1ST MAY 2019**

The minutes of the Rotherham Integrated Care Partnership Place Board held on 6<sup>th</sup> March and 3<sup>rd</sup> April, 2019, were noted.

**29. OUTCOMES FRAMEWORK**

The Outcomes Framework was noted.

**30. Q4 PLACE PLAN PERFORMANCE REPORT**

The Quarter 4 Place Plan Performance Report was noted.

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

Resolved:- That the next meeting be held on Wednesday, 18<sup>th</sup> September, 2019, commencing at 9.00 a.m. at a venue yet to be agreed.

**PLANNING BOARD**  
**18th July, 2019**

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

Apologies for absence were received from Councillors Atkin and Tweed.

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

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

**13. DECLARATIONS OF INTEREST**

Councillor Whysall declared a personal interest in application RB2019/0550 on the grounds that she lived very near to the application site and was, therefore, affected by parking in the area.

**14. MINUTES OF THE PREVIOUS MEETINGS**

Resolved:- That the minutes of the previous meetings of the Planning Regulatory Board held on 6<sup>th</sup> and 27<sup>th</sup> June, 2019, be approved as correct records of the meetings.

**15. DEFERMENTS/SITE VISITS**

There were no site visits nor deferments recommended.

**16. VISIT OF INSPECTION - ERECTION OF BUILDING FOR USE AS TEA ROOMS (USE CLASS A3) INCLUDING FORMATION OF GARDENS AND CAR PARKING AT LAND AT WELLGATE, ROTHERHAM TOWN CENTRE (RB2019/0773)**

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

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

Mrs. R. Bennett (Objector)

Mr. T. Henley (Objector)

A letter from Councillor R. McNeely, Ward Member, was also read out at the meeting

Resolved:- That application RB2019/0773 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and subject to an amendment to Conditions 2 and 6 to now read:-



Condition 2

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)

Location Plan at scale 1:1250, received 16 May 2019

105/19/1A, received 16 May 2019

105/19/2C, received 15 July 2019

Condition 6

Before the development is brought into use the car parking area shown on the approved plan (ref: 105/19/2C) shall be provided, marked out and thereafter maintained for car parking.

**17. 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:-

- Removal of storage sheds and pub garden marquee and erection of covered pergola/bandstand and freestanding outside bar/beer store building at Three Horse Shoes 133 Bawtry Road Wickersley for Stonegate Pub Company (RB2019/0490)

Mr. P. Semple (Applicant)  
Councillor E. Hoddinott (Objector)  
Mr. P. Thirlwall (Objector)

- Part Change of Use to specialist clothes shop (Use Class A1) at 7 Church Street Wales for Mrs Shepherd (RB2019/0490)

Mrs. M. Shepherd and Mrs. C. Wadskjaer (Applicants)  
Mrs. P. Bennett (Supporter)  
Mrs. K. Abbott (Supporter)  
Mr. A. Betts (Objector)  
Mr. D. Garrity (Objector)  
Mr. D. Cooper (Objector)  
Mr. B. Marsh (Objector)  
Councillor J. Whysall (Objector)

(2) That, with regard to application RB2019/0040:-

(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 £288,000 towards affordable housing in the area.

(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.

(3) Resolved:- That application RB2019/0773 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and subject to an amendment to Condition 4 to now read:-

The external bar hereby permitted shall only be used between the hours of 11.00 a.m. and 10.00 p.m. Mondays to Sundays.

(4) That application RB2019/0550 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

## **18. UPDATES**

The following update information was provided:-

(1) Enforcement Training – 18<sup>th</sup> July, 2019

Members were advised that Enforcement Training was being held tonight in the Town Hall at 6.00 p.m. All Members were invited to attend alongside Parish Council Representatives.

(2) Public Enquiry – Exploratory Drill – Woodsetts

Members were advised that the decision on the Exploratory Drill at Woodsetts would now be made by the Secretary of State.

The decision was likely not to be received until early 2020.

(3) Retrospective Appeals

Members were advised that the recent two retrospective appeals at Dale Road, Rawmarsh and at The Pitches Site were likely to be delayed until later in the year/early new year.

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The Planning Inspectorate had been contacted expressing a wish for these appeals to be brought to an early conclusion.

Resolved:- That the information be noted.

**19. DATE OF NEXT MEETING**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 8<sup>th</sup> August, 2019 at 9.00 a.m.

**PLANNING BOARD**  
**8th August, 2019**

Present:- Councillor Sheppard (in the Chair); Councillors Atkin, Bird, D. Cutts, M. Elliott, Jarvis, 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>

**20. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**21. MINUTES OF THE PREVIOUS MEETING HELD ON 18TH JULY, 2019**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 18<sup>th</sup> July, 2019, be approved as a correct record of the meeting.

**22. DEFERMENTS/SITE VISITS**

There were no site visits or deferments recommended for this agenda, but it was suggested that consideration be given to a site visit for the Lidl Store at Swallownest when this application was to be presented to the Planning Board.

**23. 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 Mr. F. Rogers (Applicant) attended the meeting and spoke about application RB2018/1636 (outline application for the erection of 8 No. dwellinghouses with all matters reserved at land adjacent 43 Clement Street, Kimberworth).

(2) That, with regard to application RB2018/1636:-

(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 £320 for each tree/group of trees removed (as identified in the AWA Arboricultural Report, dated June 2108, and as part of any reserved matters application) shall be provided so that the lost green infrastructure and amenity can be replaced within 500 metres of the site in the form of tree planting.

(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.

(3) That applications RB2019/0738 and RB2019/0875 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

**24. UPDATES**

Further to Minute No. 18 of the meeting of the Planning Board held on 18<sup>th</sup> July, 2019, Members were advised that the recent two retrospective appeals at The Unit, Dale Road, Rawmarsh and at The Pitches Site were now to be heard earlier than anticipated. Start dates had now been received for both.

Resolved:- That the information be noted.

**25. DATE OF NEXT MEETING**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 29<sup>th</sup> August, 2019 at 9.00 a.m.

**LICENSING BOARD SUB-COMMITTEE**  
**10th May, 2019**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, McNeely and Napper.

**61. 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).

**62. APPLICATIONS FOR THE GRANT OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

The Sub-Committee of the Licensing Board considered a report of the Licensing Manager relating to applications for the grant of hackney carriage/private hire drivers' licences in respect of Messrs. I.H., A.Q.M.A., A.H.A. and B.M.M.

Messrs. I.H., A.Q.M.A. and B.M.M. (and representatives) attended the meeting and were interviewed by the Sub-Committee.

Mr. A.H.A. was unable to attend the meeting due to him being out of the country.

Resolved:- (1) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. I.H. be approved.

(2) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. A.Q.M.A. be approved.

(3) That the review of the hackney carriage/private hire driver's licence in respect of Mr. A.H.A. be deferred to allow him the opportunity of attending the hearing.

(4) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. B.M.M. be approved.

**LICENSING BOARD SUB-COMMITTEE**  
**20th May, 2019**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Buckley, McNeely and Napper.

**1. 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).

**2. 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. Z.Q, M.F., M.F.A. and F.L.

Messrs. Z.Q., M.F.A. and F.L. (and representatives) attended the meeting and were interviewed by the Sub-Committee.

Mr. M.F. was unable to attend the meeting.

Resolved:- (1) That the hackney carriage/private hire driver's licence in respect of Mr. Z.Q. be revoked.

(2) That the review of the hackney carriage/private hire driver's licence in respect of Mr. M.F. be deferred to allow him the opportunity of attending the hearing.

(3) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. M.F.A. be refused.

(4) That the hackney carriage/private hire driver's licence in respect of Mr. F.L. be suspended for 2 weeks.

**LICENSING BOARD-SUB-COMMITTEE**  
**11th June, 2019**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Clark, Jones and Napper.

**3. 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).

**4. 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.A, F.H., J.H. and M.I.

Messrs. A.A., F.H., J.H. and M.I. (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. A.A. be granted.

(2) That the hackney carriage/private hire driver's licence in respect of Mr. F.H. be suspended until such time as he completes a Rotherham Council approved advanced driving test (details to be provided by the Council).

(3) That no further action be taken in respect of Mr. J.H.

(4) That a warning letter be issued to Mr. M.I. reminding him of his responsibilities with regard to the safety of his passengers.



**LICENSING SUB-COMMITTEE**  
**8th July, 2019**

Present:- Councillor Ellis (in the Chair); Councillors Taylor and McNeely.

**1. LICENSING ACT 2003 - LICENCE - REVIEW OF THE PREMISES  
LICENCE - FERHAM SUPERMARKET, 192 FERHAM ROAD, HOLMES,  
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 Ferham Supermarket, 192 Ferham Road, 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 the Premises Licence Holder, Mr. Hallo Omid. It was noted that the an application to transfer the licence was received by the Council on 24<sup>th</sup> June, 2019, transferring the premises licence to Mr. Omid, the new owner, who was also the Designated Premises Supervisor. However, although the licence had been transferred, the review remained "live" as the premises licence remained in place. The names on the premises licence had not yet been amended as the Council's system did not allow this whilst a review was active.

The Licensing Authority had received representations from Rotherham RMBC Public Health and South Yorkshire Police.

The Sub-Committee heard the representations from Mr. C. Burnett (Licensing Enforcement Officer), on behalf of the Borough Council. The subject premises was a small off licence convenience store situated within a residential area.

Members were informed of the details of the specific concerns in respect of the management of these premises:-

- (i) Following receipt of intelligence, Trading Standards had conducted 2 test purchase operations on 13<sup>th</sup> March and 7<sup>th</sup> May, 2019. On both instances a packet of illicit cigarettes were sold to the test purchaser by staff at the premises. The cigarettes were sold for £6 per packet; the average retail price for a packet of the same cigarettes was approximately £11.
- (ii) The cigarettes were identified as illicit and did not meet the various

regulations in terms of packaging and safety.

- (iii) The second test purchase was arranged to take place at the premises on 7<sup>th</sup> May, 2019. The premises again failed the test purchase.
- (iv) In the interim, a decision was made to obtain a warrant to enter and search the premises for illicit cigarettes and tobacco. Police Officers as well as Trading Standards and Licensing Enforcement Officers were in attendance.
- (v) A significant quantity of cigarettes and tobacco was found.
- (vi) The Licensing Enforcement Officer had made a further visit on 15<sup>th</sup> May, 2019, when he had noticed a carrier bag containing a quantity of illicit cigarettes. Having obtained permission from the current Premises Licence Holder, Mr. Ilyas Gunn, he looked round the premises and found a further carrier bag and 2 crisp boxes all containing illicit cigarettes.

Following the visits, Mr. Gunn was interviewed at Riverside House. There was some confusion as to whether the business had been sold and if so when it had been sold. He denied any knowledge of illicit cigarettes, did not know who worked in the premises, who was in charge of the premises on a daily basis or who was employed at the premises.

The Sub-Committee heard representations from Mr. Omid, the existing Licence holder, who explained that he had recently purchased the premises but had been unaware of the review. Mr. Hama ran the shop for him currently and would in the future together with Mr. Hama who would be responsible for training and the day-to-day running of the premises.

Mr. Omid stated that customers still attended the premises and asked for illicit cigarettes. They were told that the shop only had what was on display.

A new CCTV system had now been installed.

It was Mr. Hama's intention to apply to become the Designed Premises Supervisor once the licence had been transferred.

The Sub-Committee considered the application for the review of the premises licence and the representations made specifically in 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, after due consideration of the application for review and

**LICENSING SUB-COMMITTEE - 08/07/19**

to the representations submitted, the premises licence for the premises known as Ferham Supermarket, 192 Ferham Road, Rotherham, be revoked with immediate effect.

**LICENSING BOARD SUB-COMMITTEE  
15th July, 2019**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Reeder, Russell and Steele.

**(THE CHAIR AUTHORISED CONSIDERATION OF THE FOLLOWING TWO ITEMS  
IN ORDER TO PROGRESS THE URGENT MATTERS REFERRED TO)**

**5. DETERMINATION OF AN APPLICATION FOR A HOUSE TO HOUSE  
COLLECTION PERMIT - SAMUEL'S CHARITY**

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 between 7<sup>th</sup> July, 2019 and 6<sup>th</sup> July, 2020.

Resolved:- That, in accordance with the provisions of the House to House Collections Act 1939, the application be refused.

**6. DETERMINATION OF AN APPLICATION FOR A HOUSE TO HOUSE  
COLLECTION - CHILDREN WITH CANCER UK**

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 between 1<sup>st</sup> October and 15<sup>th</sup> December, 2019.

Resolved:- That, in accordance with the provisions of the House to House Collections Act 1939, the application be approved and a promotor's permit be granted for Mr. Ramunas Butkus.

**7. 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).

**8. 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. T.H., S.M., M.F. and A.M.

Messrs S.M. and A.M. (and their representatives) attended the meeting and were interviewed by the Sub-Committee.

Resolved:- (1) That consideration of the review of a hackney carriage/private hire drivers' licences in respect of Mr. T.H. be deferred and he be afforded the opportunity of attending the next meeting of the Licensing Board Sub-Committee.

(2) That as a consequence of the review of the hackney carriage/private hire driver's licence in respect of Mr. S.M. he be issued with a formal written warning as to his future conduct and he be instructed to make an appointment with the Licensing Department, in the next two weeks, to demonstrate to the Council's satisfaction his knowledge of his licensing conditions.

(3) That the hackney carriage/private hire driver's licence in respect of Mr. A.M. be revoked.

(4) That the immediate surrender of the license in respect of Mr. M.F. be noted.

**LICENSING SUB-COMMITTEE**  
**15th July, 2019**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont and Russell.

**2. LICENSING ACT 2003 - UNIT ONE, IMPERIAL BUILDINGS, HIGH STREET, ROTHERHAM**

The Sub-Committee considered an application for the grant of a premises licence, in accordance with the provisions of the Licensing Act 2003, in respect of the premises known as Unit One, Imperial Buildings, High Street, Rotherham.

The premises were previously a confectionery retailer and the applicant was proposing to redevelop the unit into a sports bar with the provision of external tables and chairs.

Following the submission of the application paperwork, concerns were raised by RMBC Environmental Health in relation to noise issues – these issues were discussed with the applicant and additional conditions were agreed.

The Licensing Authority had received one representation from an interested party, which was not withdrawn and the Sub-Committee considered that representation.

The applicant's representative referred to the intended use of the building, its limited size, location, proposed opening times and informed the Sub-Committee of the intention to only remain open till 2.00 a.m. to provide late coverage for international events only. On the days without live coverage it was anticipated the premises would only play low volume background music and most likely close early. Planning permission had already been sought and a café license would be applied for shortly.

The Sub-Committee was also informed consultation in and around the area had taken place, the number of intended staff to be employed at the premises, the training they would receive and the intention of the applicant company to operate the Challenge 25 scheme (relating to the sale of alcohol).

Included within the bundle of documents submitted to this hearing were the additional conditions of licence suggested by the Borough Council as Licensing Authority.

The representatives of the applicant company confirmed the company's acceptance of these conditions, as well as the intention to promote the four Licensing objectives as defined by the Licensing Act 2003.

The representation from the interested party was given full consideration and this related to the venue opening till 2.00 a.m. seven days a week which it was believed to be excessive and the impact the premises would have on individuals that resided nearby and were in full time employment.

The Sub-Committee was satisfied that that the measures to be put in place by the applicant company were sufficient, but believed a slight alteration to some of the opening hours would be more appropriate. Members were also of the view that it would be beneficial for policies to be implemented on alternative use of plastic/glassware and door supervisors.

In conclusion, the Sub-Committee took due note of the written representation made, the agreement reached with Environmental Health and also of the fact that there had been no representations made by South Yorkshire Police in respect of this application.

The Sub-Committee considered the application for this premises licence and the representations made specifically in the light of the following Licensing objectives (as defined in the 2003 Act):-

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

**Resolved:-** (1) That the application for a Premises Licence made by Sports Box Bars Ltd., under the provisions of the Licensing Act 2003, in respect of Unit One, Imperial Buildings, High Street, Rotherham, be granted and be subject to the following conditions:-

1. The premises will close at 11.00 p.m. Monday to Wednesday and will close at 2.00 a.m. Thursday to Sunday, with the same times applying to licensable activity.
2. No emptying of bins and rubbish between the hours of 9.00 p.m. and 8.00 a.m.
3. No internal/external music or television shall be audible outside the premises between the hours of 9.00 p.m. and 8.00 a.m.
4. No external drinking shall be permitted after 11.00 p.m.
5. The external seating area shall be clearly defined and staff should ensure that no drinking takes place outside this area. Appropriate signage must be provided informing patrons that alcohol must not be consumed beyond the defined area.

(2) That the applicant liaise with the Licensing Department in respect of putting a more specific policy in place regarding the use of door supervisors and the use of an alternative to glassware.

**LICENSING BOARD SUB-COMMITTEE**  
**22nd July, 2019**

Present:- Councillor Ellis (in the Chair); Councillors Marriott, Russell, Steele and Vjestica.

**9. 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).

**10. 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.Ka.S., G.K., M.S. and M.Kh.S.

Messrs. G.K. and M.S. attended the meeting and were interviewed by the Sub-Committee.

Mr. M.Ka.S. did not attend the meeting. The appeal was heard in his absence.

Resolved:- (1) That the hackney carriage/private hire driver's licence in respect of Mr. M. Ka.S. be suspended until such time as he had completed a Council approved advanced practical driving test and he be issued with a warning.

(2) That a final written warning be issued to Mr. G.K.

(3) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. M.S. be refused.

(4) That the review of the hackney carriage/private hire driver's licence in respect of Mr. M.Kh.S. to allow him the opportunity of attending the hearing.



**LICENSING SUB-COMMITTEE  
30th July, 2019**

Present:- Councillor Ellis (in the Chair); Councillors Jones and Russell.

**3. LICENSING ACT 2003 - LICENCE - REVIEW OF THE PREMISES  
LICENCE IN PLACE AT WELLGATE SUPERSTORE, 34 WELLGATE,  
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 Wellgate Superstore, 34 Wellgate, 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 the Premises Licence Holder.

The Licensing Authority had received representations from Rotherham MBC Environmental Health, Rotherham MBC Public Health and South Yorkshire Police.

The Sub-Committee heard the representations from Mr. C. Burnett (Licensing Enforcement Officer), on behalf of the Borough Council. The subject premises was a medium sized general store/off licence situated on Wellgate that attracted local trade with elements of passing trade.

Members were informed of the details of the specific concerns in respect of the management of these premises:-

- (i) Following receipt of intelligence, Trading Standards had conducted a test investigation. A number of premises were visited including Wellgate Superstore on 13<sup>th</sup> March, 2019. A test purchase was carried out as a result of which a female was able to purchase a packet of cigarettes. The cigarettes were contained within illicit packaging.
- (ii) A second test purchase operation was arranged to take place at the premises on 7<sup>th</sup> May, 2019. The premises again failed the test purchase.

- (iii) In the interim a decision was made to obtain a warrant to enter and search the premises for illicit cigarettes and tobacco. Police Officers as well as Trading Standards, Environmental Health and Licensing Officers had attended together with 2 specialist drug dogs.
- (iv) A cardboard box containing a variety of illicit and counterfeit cigarettes was found behind the shop counter together with a concealed cupboard, connected to an electro magnetic system, and a secret compartment above the toilet cistern, both containing a significant amount of cigarettes.
- (v) As a result of the search, a substantial haul of illicit cigarettes were recovered.
- (vi) There was an ongoing criminal investigation.

Following the visit, the Premises Licence Holder had been invited to interview at Riverside House who denied any knowledge or involvement in the purchase, storage or the sale of the cigarettes seized. The licence had been transferred to himself on 16<sup>th</sup> March, 2019, although he had been the owner and operator of the store since mid-February, 2019. Since he had bought the shop he had not made any alterations; the shop was as he had bought it.

He claimed he did not know the male shop assistant who had failed the test purchase on 7<sup>th</sup> May although he was responsible for the employing and dismissal of staff. It was claimed that the box of cigarettes under the counter was the overspill from the shelves and that he had no knowledge of the two concealed areas.

There had also been a plastic bag containing approximately £3,000 underneath the counter but this had been returned to the Premises Licence Holder.

The Premises Licence Holder stated that he had been on holiday and had then been in hospital for an operation so had not been to the shop for a while at the time of the test purchases. He had been every day since and had never seen such activity. He had not questioned the previous owner about the concealed cupboards.

The staff had been employed by the previous owner.

A number of unsuccessful attempts had been made to contact the Designated Premises Supervisor. The Premises Licence Holder did not know his address.

The Sub-Committee considered the application for the review of the premises licence and the representations made specifically in light of the following Licensing objectives (as defined in the 2003 Act):-

**LICENSING SUB-COMMITTEE - 30/07/19**

- The prevention of crime and disorder
- Public safety
- The prevention of 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 Wellgate Superstore, 34 Wellgate, Rotherham, be revoked with immediate effect.

**LICENSING BOARD SUB-COMMITTEE  
12th August, 2019**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Reeder, Sheppard and Wyatt.

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

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

**12. 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. T.H., M.S., P.M., M.E.G. and P.T.

Messrs P.M., together with his wife, and P.T., together with his representative, attended the meeting and were interviewed by the Sub-Committee.

Resolved:- (1) That consideration of the review of a hackney carriage/private hire drivers' licences in respect of Mr. T.H. be deferred and he be afforded the opportunity of attending the next meeting of the Licensing Board Sub-Committee.

(2) That consideration of the review of a hackney carriage/private hire drivers' licences in respect of Mr. M.S. be deferred and he be afforded the opportunity of attending the next meeting of the Licensing Board Sub-Committee.

(3) That as a consequence of the review of the hackney carriage/private hire driver's licence in respect of Mr. P.M. be suspended until such time as he satisfactorily completes training and assessment in safeguarding vulnerable passengers the detail of which would be provided by the Council.

(4) That consideration of the review of a hackney carriage/private hire

drivers' licences in respect of Mr. M.E.G. be deferred and he be afforded the opportunity of attending the next meeting of the Licensing Board Sub-Committee.

(5) That the hackney carriage/private hire driver's licence in respect of Mr. P.T. be revoked.