

THE CABINET
20th July, 2020

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)

24. DECLARATIONS OF INTEREST

There were no declarations of interest.

25. QUESTIONS FROM MEMBERS OF THE PUBLIC

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

26. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the minutes of the meeting held on 15th June, 2020, be approved as a true and correct record of the proceedings.

27. 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 agenda Item 12 on the grounds that the appendix of the report 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.

28. FURTHER FINANCIAL SUPPORT FOR ADULT SOCIAL CARE PROVIDERS TO MITIGATE THE IMPACT OF THE COVID-19 PANDEMIC

Consideration was given to a report which outlined a proposed approach to facilitate support to the Adult Social Care sector, with an extension of previous decisions and an addition in respect of proposed cash grants for Home Care and Support providers.

It was reported that the Council had been allocated two un-ringfenced grants totalling £16.2m from Government to support the Council in meeting additional costs associated with its response to Covid-19 and a subsequent ring-fenced grant through the Infection Control Fund of £3,008,676 specifically for Adult Social Care.

Within the Secretary of State for Health and Social Care's grant letter issued on 19th March, 2020, were specific requirements to support Adult Social Care based on the guidance previously issued to local authority commissioners by the LGA, ADASS and the Care Provider Alliance. The Council responded to the requirements set out by the Secretary of State's letter through Cabinet reports and delegated officer decisions to financially support the Adult Social Care market in Rotherham. However, those measures had been time limited and were due to expire on 30th June, 2020.

Lower numbers of reported Covid-19 infections and deaths had led the Government to reduce the threat level from 4 to 3 with the virus no longer judged to be "high or exponentially rising". However, despite the welcome improvements nationally and locally in combatting the virus, this had not diminished the impacts on Adult Social Care providers who supported the most vulnerable people in society. The people supported were, in many cases, at high risk were they to contract Covid-19. In response to this, it was proposed to extend the financial support measures agreed by Cabinet on 11th May, 2020, and through previous delegated decisions to the Adult Social Care sector for a further 3 months period up until 30th September, 2020.

Resolved:

1. That the funding arrangements currently in place be extended for a further three months (backdated from 1st July, 2020) until 30th September, 2020, and that the costs be funded from the Government grant referred to within the report:

- i) Care Homes for Older People

- a) Continue advance additional payments of £15k to each Older Peoples' Care Home in Rotherham (a total cost of £495k)
 - b) Continue provision of a £100k contingency fund for Adult Care to utilise should additional emergency funding be required for Older People's Care Homes approved by Cabinet (11th May 2020).

- ii) Home Care and Support Services

- c) Continue advance additional payments of £15k for each contracted Home Care and Support provider (a total cost of £195k).
 - d) Continue the approach of 100% payment of planned hours to contracted Home Care and Support providers until 30th September, 2020.
 - e) Continue to cover the cost of suspended packages and the application of the 20% tolerance rule within the contract at

100% cost of planned care hours for the contracted Home Care and Support providers until the 30th September, 2020

- f) Continue provision of a £200k contingency fund for Adult Care to utilise should additional emergency funding be required for contracted Home Care and Support providers.

iii) Learning Disability and/or Autism

- g) Continue to pay the providers for people with a Learning Disability/Autism additional costs as defined by Service area in the table at paragraph 3.5.4 until the 30th September, 2020.
- h) Continue the provision of a £100k contingency fund for Adult Care to utilise should additional emergency funding be required for contracted residential/supported living providers for people with a Learning Disability/Autism approved by Cabinet (11th May, 2020).

iv) Review

- i) That the position be continually reviewed on a monthly basis during the 3-month period up to 30th September and that the Council will work with Adult Social Care providers to transition from these arrangements in accordance with PPN/04 20 Supplier Relief (Recovery & Transition).

29. CHILDREN'S COMMISSIONER TAKEOVER CHALLENGE REPORT - HATE CRIME

Consideration was given to a report which outlined the findings and recommendations following a spotlight review undertaken by Rotherham Youth Cabinet regarding hate crime, a key priority in their manifesto for 2020.

The report was submitted to invite Cabinet to respond formally to the recommendations and indicate agreement or otherwise and what action will be taken to implement the recommendations, together with details of timescales and accountabilities.

The report and contributions of the Rotherham Youth Cabinet were welcomed and it was noted that the Overview and Scrutiny Management Board had endorsed the work and recommendations of the young people.

Resolved:-

1. That the report and the recommendations from the review be received.
2. That, in view of the requirement for a multi-agency response to the recommendations, the Interim Strategic Director of Children and

Young People's Services co-ordinate the preparation of a response to the recommendations within two months, in accordance with the Overview and Scrutiny Procedure Rules.

30. ROTHERHAM SHOW 2020

Consideration was given to a report which detailed the implications for holding the Rotherham Show 2020 in light of the Covid-19 pandemic and proposed alternative arrangements.

It was reported that in considering the implications for the Rotherham Show scheduled for September 2020, officers and the Production Board had taken account of:

- Health and safety of public, workers and volunteers
- Legal implications
- Financial implications
- Quality of experience for the public
- Reputational impact

On this basis, it was proposed that the Rotherham Show 2020 be cancelled and an alternative programme should be offered. Cancellation was recommended in recognition of the fact that if it was not possible to create an event that was recognisable as Rotherham Show or that could bring people together safely at scale, then it would be better not to compromise the reputation which had been built up over the previous forty years. It was reported that partners recognised that, in the absence of the Show and in recognition of the extraordinary experience of the pandemic, there was a need for an alternative programme of projects and activities which would:

- Enable people to express and make sense of the experience of the last few months
- Create memorials/ways to remember those who have lost their lives
- Provide hope and support for grieving families, complementing clinical counselling services
- Combat loneliness and bring communities back together safely (either online, or in socially distanced household groups)
- Support, and celebrate the contribution of, staff, key workers and volunteers
- Revitalise morale, pride and confidence in Rotherham (supporting economic recovery)

Resolved:-

1. That approval be given to the cancellation of the 2020 Rotherham Show in its traditional form.
2. That approval be given to the development of an alternative programme of events and activities which can be safely delivered in its place.
3. That approval be given for the Production Board to continue to plan for the safe delivery of Rotherham Show in 2021.

31. FINANCIAL OUTTURN 2019/20

Consideration was given to a report which outlined the final revenue and capital outturn position for 2019/20. It was reported that the Revenue Budget 2019/20 was approved by Council on 27th February, 2019. A budget of £221.1m was set for General Fund services; which excluded schools budgets and Housing Revenue Account (HRA). The final outturn position was a balanced budget which required £2.0m less use of corporate reserves than planned for. The original budget was supported by budget contingency reserves of £3.2m. Additional funding received in year, use of earmarked reserves and flexible use of capital receipts had resulted in a reduced call on the reserves of £1.2m leaving a balance of £2.0m to support the budget in later years.

It was noted that the Council continued to face demand pressures, in particular in respect of social care. This coupled with the significant financial challenges the Councils response to Covid-19 was expected to bring meant that the outlook was very challenging.

The Council's General Fund minimum balance had been increased to £20.700m as planned and set out within the Council's Reserves Strategy reported in the Budget and Council Tax Report 2020/21. The reserve was held to protect the Council against unforeseen events and realisation of contingent liabilities.

It was reported that the Housing Revenue Account had an underspend of £2.9m, however, the revenue contribution to capital outlay was increased by £0.2m. Therefore, the net budgeted use of HRA reserves reduced by £2.7m. The schools outturn position which was funded by the ring-fenced Dedicated Schools Grant had an underspend of £1.968m.

The capital outturn showed slippage and underspend of £6.3m against the estimated spend for 2019/20 included within the Capital Programme.

It was noted that the report had been submitted to the Overview and Scrutiny Management Board for pre-decision scrutiny on 15th July, 2020, where Members had supported the recommendations in the report and had also proposed that the Overview and Scrutiny Management Board hold a dedicated workshop to consider the financial and service implications of the Covid-19 pandemic.

Resolved:-

1. That the revenue outturn position be noted.
2. That it be noted that the budgeted transfer from HRA reserves was reduced by £2.7m following the HRA outturn position.
3. That the carry forward of the combined schools balance of £1.740m in accordance with the Department for Education regulations be noted.
4. That the reserves position set out in section 2.32 of the report submitted be noted.
5. That the capital outturn and funding position as set out in sections 2.40 to 2.57 of the report submitted be noted.
6. That the report be referred to Council for information and for approval of the updated Capital Programme as set out in paragraphs 2.58 to 2.66 and Appendices 1 to 4 of this report.
7. That the recommendations of the Overview and Scrutiny Management Board be endorsed.

32. ANNUAL TREASURY MANAGEMENT REPORT AND ACTUAL PRUDENTIAL INDICATORS 2019/20

Consideration was given to the Annual Treasury Management report, which was submitted to review the treasury activity for 2019/20 against the strategy agreed at the start of the year. The report also covered the actual Prudential Indicators for 2019/20 in accordance with the requirements of the Prudential Code. The report meets 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 is required to comply with both Codes through Regulations issued under the Local Government Act 2003.

Furthermore, the Council received an Annual Treasury Strategy report in advance of the 2019/20 financial year at its meeting on 27th February, 2019, and Audit Committee received a mid-year report at its meeting on 26th November, 2019, representing a mid-year review of treasury activity during 2019/20.

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 2019/20 be noted.
2. That the report be forwarded to Audit Committee for information.

33. MAY 2020/21 FINANCIAL MONITORING

Consideration was given to a report which detailed the financial position as at the end of May 2020 and was based on actual costs and income for the first two months of 2020/21 and forecast for the remainder of the financial year.

Members noted that 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. The report was the first in a series of monitoring reports for the 2020-21 financial year which would continue to be brought forward to Cabinet on a regular basis.

As at May 2020, the Council had a forecast year-end overspend of £6.2m after taking account of the Government's provision of Covid-19 support grant of £16.2m. Without the funding, the projected overspend would have been £22.4m on the General Fund.

Resolved:-

1. That the current General Fund Revenue Budget forecast of £6.2m overspend be noted.
2. That it be noted that actions will continue to be taken to mitigate the forecast overspend.
3. That the Capital Programme update be noted.

34. STRATEGIC ACQUISITION OF 12 NEW HOMES AT HIGHFIELD FARM, WEST MELTON

Consideration was given to a report which sought approval to purchase 12 new homes at Highfield Farm, West Melton from Persimmon Homes as part of the Council's Housing Development Programme.

It was reported that six of the new homes were Section 106 planning gain homes which would be acquired at approximately 67% of the open market value, and the remaining six homes were opportunity acquisitions which would be purchased at market value. The new homes would be brought into the Council's social housing stock to address waiting list demand and replace homes lost through Right to Buy. It was projected that the new homes will be ready for hand-over to the Council in November 2020.

Resolved:-

1. That authority to purchase six discounted Section 106 planning gain homes at Highfield Farm West Melton, using Housing Revenue Account resources, be delegated to the Assistant Director for Planning, Regeneration and Transport, in conjunction with the Assistant Director for Housing.
2. That authority to purchase six additional homes on the same development at open market value, be delegated to the Assistant Director for Planning, Regeneration and Transport, in conjunction with the Assistant Director for Housing.
3. That authority to agree additional acquisitions from this scheme should the opportunity arise, be delegated to the Assistant Director for Planning, Regeneration and Transport, in conjunction with the Assistant Director for Housing.
4. That authority to negotiate and complete the legal documentation to give effect to the Cabinet's decision be delegated to the Head of Legal Services.

35. LOCAL PLAN: CONSULTATION ON DRAFT SUPPLEMENTARY PLANNING DOCUMENTS

Consideration was given to a report which sought approval to undertake public consultation on the following draft Supplementary Planning Documents (SPDs):

- Draft Affordable Housing SPD
- Draft Development Viability SPD
- Draft Natural Environment SPD
- Draft Transport Assessments, Travel Plans and Parking Standards SPD
- Draft Safeguarding Community Facilities SPD

It was reported that Rotherham's Local Plan provided the framework for determining planning applications. Supplementary Planning Documents provided additional detail and guidance to support policies in the Local Plan. Once adopted, they would be a material consideration which could be taken into account when determining planning applications. Supplementary Planning Documents help improve planning applications, which in turn speed up the planning process and produce better outcomes for the community.

Resolved:-

1. That approval be given to public consultation on the draft Supplementary Planning Documents at Appendices 2 to 6 of the report submitted.
2. That, following consultation, a further report be submitted in July 2021 regarding adoption of the Supplementary Planning Documents.

36. COMMUNITY ENERGY SWITCHING SCHEME

Consideration was given to a report which proposed a change of approach in respect of the Community Energy Switching Scheme that had been approved by Cabinet on 16th September, 2019, where a contract had been awarded to Robin Hood Energy (RHE). It was noted that, in the time since RHE was awarded the contract, a new management team had been enlisted and their business model reviewed and changed. As a result, RHE could not agree to the specification under the terms of the procurement process and so the contract could not be awarded.

It was reported that the recent tender process had provided a valuable insight into market conditions, and this learning had been taken forward into a revised proposal to re-tender the Community Energy Switching Scheme contract and to run an internal switching scheme in parallel with the procurement process to support Rotherham residents and gain essential market data.

This report detailed the proposed activity for 2020/21 which included:

- a market engagement and tender process for a new Community Energy Switching Scheme;
- an internally delivered switching scheme to run during the tender process; and,
- a Smart Meter project funded by National Energy Association (NEA) which would help to support the switching scheme

It was noted that the report had been subject to pre-decision scrutiny by the Overview and Scrutiny Management Board at its meeting on 15 July 2020 where Members had supported the recommendations and requested a report on further developments in respect of the Community Energy Switching Scheme to be submitted to the Improving Places Select Commission. This recommendation was endorsed by the Cabinet.

Resolved:-

1. That it be noted that the previous decision to award the community energy switching scheme to Robin Hood Energy has not been able to be progressed.
2. That approval be given to the re-tendering of the community energy switching scheme contract.

3. That approval be given to the development and implementation of an internal independent community energy scheme to run during the tender process.
4. That the recommendation of the Overview and Scrutiny Management Board be endorsed.

37. CONSULTATION ON PUBLIC SPACES PROTECTION ORDERS - TOWN CENTRE AND BOROUGH WIDE DOG FOULING

Consideration was given to a report which proposed to undertake consultation to establish views in relation to Public Spaces Protection Orders and support a future decision about these Public Spaces Protection Orders.

It was reported that the current Town Centre Public Spaces Protection Order and the transitioned borough-wide dog fouling Public Spaces Protection Order expire in September and October 2020 respectively. As part of the consultation, views would be sought about the conditions that might be included within both Orders at the same time.

It was noted that the report had been considered by the Overview and Scrutiny Management Board at its meeting on 15 July 2020 where Members had supported the proposed actions.

Resolved:-

1. That approval be given to carry out a consultation in relation to a new Town Centre Public Spaces Protection Order.
2. That approval be given to carry out a consultation in relation to a Borough wide Public Spaces Protection Order specifically dealing with dog fouling.

38. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD

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

39. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Cabinet be held on Monday, 21st September, 2020, commencing at 10.00 a.m.