

THE CABINET
23rd November, 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).

68. DECLARATIONS OF INTEREST

There were no declarations of interest to report.

69. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) Mr. Thirlwall referred to the last Council meeting where he had asked a question about the updating of the Register of Interests for Councillors B. Cutts, John Turner and Reeder, why it had taken a year for them to be altered, the verification process and email audit trail explanations.

He was told by the Chair of the Standards and Ethics Committee that this would be looked into. Within the month the Registers for Councillors B. Cutts and John Turner were changed, but it took a further 3 weeks for the one for Councillor Reeder to be altered.

At the meeting the Chair explained the reason for the delay was due to the pandemic and the internet with no explanation as to why there were three weeks difference when it could have been completed the day after the Council Meeting.

Mr. Thirlwall was not satisfied with the answer and asked for a further explanation as why the pandemic and the internet prevented Democratic Services registering those interests the day after the Council Meeting.

The Leader was unable to confirm, but asked the Deputy Monitoring Officer if he could perhaps shed more light on the anomaly and he agreed to investigate further and provide an answer in writing.

In a supplementary question Mr. Thirlwall asked if the Leader would ensure Cabinet Members would stop giving unsatisfactory answers. In response to his question it would have been more acceptable to have admitted a mistake rather than giving a silly answer.

The Leader acknowledged Mr. Thirlwall's comment and confirmed a response would be provided to the question in writing.

(2) Mr. Felstead referred to his question at the last Council Meeting where he asked about the financial performance of the Wilmot Dixon schemes who was unable to confirm the overall cost or overall value, but explained it was not about making money. He also asked about the procurement of the contract with Wilmot Dixon and strongly suspected this had not been competitively tendered. He, therefore, asked if the Council would stand by the town's motto embossed on the Council's coat of arms.

The Leader confirmed the information requested by Mr. Felstead was to be provided in writing and this would be the most appropriate way of living up to the town's motto.

Cabinet Members were reliant on professionals providing advice and those schemes would have gone through a competitive tendering process. This one was a more complicated process because of the involvement of Homes England and the City Region.

In a supplementary question Mr. Felstead asked how it could the town's motto "By Industry and Honour" be demonstrated and supported when a national contractor had been successful. Wilmot Dixon would only use sub-contractors and Rotherham's local contractors had been turned away. Money coming into the area would only be redirected out again. He further asked if anyone from the Council or Labour Party had received any gifts or hospitality from Willmott Dixon.

The Leader asked Mr. Felstead to wait for the written response from the Cabinet Member relating to the legal framework under which Willmott Dixon secured contract. He pointed out the Social Value Policy which was introduced last year would give additional weighting to the legal requirements of the competitive tendering process for companies that employed local people to pay at least the living wage and a number of other requirements intended to keep money in the local economy. This would be reported on annually.

The Leader was unable to confirm if anyone had received any gifts or hospitality from Wilmot Dixon, but it was a legal requirement for the Gifts and Hospitality Register to be published. He would endeavour to check and get back to Mr. Felstead.

(3) Mr. Harron asked about Christmas and support for those most in need and described the funding raising efforts for Swinton Lock from adult survivors and how churches and mosques, like St. Joseph's at Dinnington, were working to support very hard to reach groups and commended them for their efforts and the work that was taking place.

The Leader was happy to associate himself with the comments. He found it remarkable that some of the survivor community were carrying out such work. He considered them remarkable people to overcome their own terrible experiences driving them forward to support others.

In a supplementary question Mr. Harron again spoke about the efforts of St. Joseph's at Dinnington and how they had engaged people to talk about different aspects of life. He, therefore, asked if it would be possible to engage an officer to talk about democracy in Rotherham so that people could be invited to listen.

The Leader confirmed he was happy to look at this and invited Mr. Harron to send details through and the Council would see what could be facilitated.

(4) A further written question was received from Elizabeth who asked if it could be explained what support would be given to the homeless in Rotherham during the Christmas period.

A reply in writing would be provided to Elizabeth.

As an update, however, Councillor Beck confirmed that at the end of 13th November there were approximately 427 active homeless cases which had increased since the start of the pandemic.

Since the 10th April 87 households had been supported into long term accommodation who were actually homeless or were at risk of becoming homeless.

The Service was working hard and doing everything it could to support people. The Council had increased the number of temporary accommodation units from 64 before the pandemic to 110 as of today with a target of increasing this to 114 to further ensure no one in Rotherham was sleeping rough. Officers were almost on a daily basis walking around the town offering assistance and support to anyone sleeping rough to ensure they were provided with shelter. Of course they could not force people to take up the support and all those who refused assistance would continue to be supported and signposted to agencies, charities and community support groups. Funding was available to ensure the Council had the resources to support those and utilised by people who may need it.

70. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the Cabinet meeting held on 19th October, 2020 be approved as a true and correct record of the proceedings.

71. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the agenda items 6 and 10 (SEND Sufficiency Development Phase 3 and Forge Island Preparatory Works and Precinct) on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 2 and 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.

72. SEND SUFFICIENCY DEVELOPMENT PHASE 3

Consideration was given to the report which outlined proposals to address current and future Special Educational Needs and Disability (SEND) sufficiency issues that have been highlighted by SEND data and identified in the Rotherham SEND Sufficiency and Social Emotional Mental Health Strategies.

Rotherham currently had two key issues in relation to sufficiency of education for children with Special Educational Needs and Disabilities that needed to be addressed:-

1. There was a lack of designated Social, Emotional and Mental Health (SEMH) educational provision.
2. Newman Special School building needed extensive work in order to bring it to the required standard to effectively deliver education for children and young people with disabilities.

A strategic options appraisal outlined four different approaches to respond to the issues identified and deliver the required outcomes for Rotherham's children and young people.

The opportunity presented was, therefore, to support children and young people with SEND to achieve improved outcomes through the development of new, modern, and well-designed provision on the Dinnington site which have sufficient space and resources to meet the needs of the children who would attend there.

The buildings would provide the opportunity to open a new special school that was dedicated to educating children and young people with Social Emotional and Mental Health needs, and providing safe, modern and well-planned new buildings for children and young people who attended Newman Special School. The upper school at Newman would move to the Dinnington site, providing the space required to carry out the required capital works on the main school site.

Rotherham had a lack of dedicated educational provision for children with SEMH and, at present, children in Rotherham with SEMH needs either attended Rotherham PRU provision at Aspire or Rowan. These

provisions could meet need, but had physical limitations in terms of building capacity, (both Aspire and Rowan lacked suitable accommodation). Children who did not attend Aspire or Rowan were sent out of area to high cost provision.

In addition, Newman School, Rotherham's oldest special school, was sited in a Listed Building which was no longer of the required standard to effectively deliver education for children and young people with disabilities and required some investment.

The recommended option was to purchase Dinnington College which incorporated Blocks A, C, B and D:-

Block A would be adapted to provide a primary and secondary designated SEMH educational provision for up to 125 children and young people, under the DfE Academy/Free school presumption process;

Blocks C and D would be adapted to provide upper school provision for around 40 young people from Newman School.

Block B would be demolished and adapted to provide (along with other outdoor space) the required soft and hard play area for the two educational provisions.

Any new school proposal must be developed under the DfE free school presumption process, which the Local Authority had recent previous experience of.

Cabinet Members welcomed this report and congratulated all those involved, which could only have a positive outcome for the young people of 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, subject to the Improving Lives Select Commission continuing to monitor the implementation of the SEND Sufficiency Strategy.

Resolved:- (1) That the proposal to develop a SEMH Educational provision and re-build Newman Upper School, as required to deliver both Rotherham SEND Sufficiency and Social Emotional Mental Health Strategies, be approved.

(2) That the acquisition of Dinnington College Blocks A, B, C and D within the outlined red line boundary as detailed in the report at or below the value within the exempt Appendix be approved.

(3) That the Assistant Director of Planning, Regeneration and Transport negotiates the terms of the acquisition and that the Assistant Director of Legal Services completes the necessary documentation.

(4) That the entering into a free school presumption process in relation to SEMH educational provision be approved.

73. EQUALITIES REVIEW - GOING FOR "EXCELLENT" ACCREDITATION

Consideration was given to the report which detailed how the Council was committed to seeing a Borough based on equality and social justice where all residents have a good quality of life and able to achieve their potential in pursuit of that end.

This report brought forward a comprehensive and wide-ranging programme of action structured around achieving nationally accredited status for equalities aligned with a range of measures to tackle inequalities, discrimination and prejudice in partnership with other organisations and communities, as set out in the Council's Year Ahead Plan.

The recommended approach would seek value outcomes in addition to the process of the EFLG, aligning work around socio-economic inequalities, community wealth building and social value together with Health and Wellbeing Board actions to address inequalities in health. It would also incorporate an approach to the Public Sector Equality Duty and relate to the Council's "Black Lives Matter" resolution.

The scope and governance of the review would be dynamic, engaging the Council's staff and bringing about change in culture of the organisation.

Driven by outcomes it would build a deeper understanding and empathy about equalities and social justice, and the confidence of staff to incorporate equalities into service design and delivery.

It was also a priority to build a more consistent understanding around equalities within the Council's workforce. Suggestions for improvement focused on embedding and centring equalities in Council activities while also improving equality and diversity learning opportunities, with the need for greater staff learning and development.

Cabinet Members welcomed this report and the opportunities for closer partnership working especially with the Health and Wellbeing Board, how the work would reflect the recent Council Motion on "Black Lives Matter" and the emphasis on the protected characteristics. This review encouraged the Council to focus on itself, ensure the Workforce Strategy was at the heart of the process and by getting the basics right and gaps would be identified, barriers removed and allow the Council to succession plan.

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

- an agenda item pertaining to Equalities being added to the Overview and Scrutiny Management Board agenda on a two monthly basis
- that a fact-finding Equalities Sub-Group convene on a monthly or as-needed basis to discuss Equalities workstreams and lines of inquiry with a view to bringing outcomes to present at Overview and Scrutiny Management Board for further scrutiny
- that the Equalities Sub-Group be comprised of a core group of Members with at least one Member representing each of the Select Commissions
- and that Members be invited to submit to this Sub-Group their questions or topics for discussion related to Equalities.

Resolved:- (1) That the programme of work to review and further strengthen the Council's approach to equalities be endorsed and approved.

(2) That the equalities work be noted and framed around the 4 key lines of enquiry of the Equalities Framework for Local Government:-

- Understanding and working with your communities.
- Leadership and organisational commitment.
- Responsive services and customer care.
- Diverse and engaged workforce.

74. SEPTEMBER 2020/21 FINANCIAL MONITORING

Consideration was given to the report which set out the financial position as at the end of September 2020 and was based on actual costs and income for the first 6 months of 2020/21 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 essential to achievement of the objectives within the Council's Policy Agenda.

To that end, this was the third financial monitoring report of a series of monitoring reports for the current financial year which would continue to be brought forward to Cabinet on a regular basis.

As at September 2020, the Council had a forecast year-end overspend of £23.7m on the General Fund, this was mitigated in part by the Government's provision of COVID-19 emergency support grant and Sales, Fees and Charges Income Compensation, providing a net forecast outturn of £2.3m overspend.

It was noted the Adult Social Care Infection Control Fund (IPC) was first introduced in May 2020. The purpose of this Fund was to support Adult Social Care providers, including those with whom the Local Authority did not have a contract, to reduce the rate of COVID-19 transmission within and between care settings, in particular by helping to reduce the need for staff movements between sites.

The Council had facilitated the distribution of the specified 80% of the Infection Control Fund as per guidance. Local authorities must use 20% of the funding to support the sector to put in place other COVID-19 infection control measures, but this could be allocated at their discretion. Where providers had been unable to utilise all their ICF monies this may be added to the discretionary element in accordance with grant conditions.

The report also identified a number of bids to be presented to the Mayoral Combined Authority (MCA) meeting and, subject to them receiving formal approval, the Capital Programme would be updated for the additional grant resources as required and the schemes implemented.

Cabinet Members welcomed the monitoring report and emphasised how crucial the Government grants were in sustaining the level of support.

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, however, should the financial monitoring situation worsen before the submission of the next scheduled Financial Monitoring Report, that a further report be submitted to the Overview and Scrutiny Management Board.

Resolved:- (1) That the current General Fund Revenue Budget forecast of £2.3m overspend be noted.

(2) That actions would continue to be taken and noted to mitigate the forecast overspend and that a balanced financial outturn was envisaged.

(3) That the Capital Programme update be noted.

(4) That the proposed use of the Round 2 allocation of Infection Control Grant as set out in Paragraphs 2.47 to 2.52 be approved.

(5) That the schemes to be presented to the Mayoral Combined Authority for grant approval and implementation be supported, as set out in paragraphs 2.57.

75. REVIEW AND UPDATE OF THE MEDIUM TERM FINANCIAL STRATEGY

Consideration was given to the report which set out in detail the review and update of the Council's Medium Term Financial Strategy to 2022/23. This was an interim review and would be revised further in advance of the Council Budget setting meeting in March 2021, to take account of the Local Government Finance Settlement for 2021/22 when issued, along with budget policy proposals on levels of Council Tax and fees and charges and any budget investment.

The MTFS review, alongside the latest Financial Monitoring 2020/21 report on this same Cabinet agenda, envisaged a balanced financial outturn position being achieved for 2020/21, whilst maintaining the £4.3m top-up to reserves included within the Budget and MTFS Strategy and preserving the £4m budget contingency and savings arising in 2020/21 as support for the 2021/22 budget.

The updated MTFS forecasts identified that a balanced budget for 2021/22 could still be set, but that at this stage there was a potential funding gap arising in 2022/23. These positions were subject to the further reviews as described above.

This review and update of the MTFS, therefore, focused on a review and update of the Council's financial assumptions, including an estimate of the impact of the Covid-19 pandemic on income from Business Rates and Council Tax and on the Council's timeline for the delivery of the agreed savings within the Budget and MTFS. This review would support and inform the detailed budget setting process for 2021/22, alongside taking into account the outcomes of the Local Government Finance Settlement for 2021/22, when issued, which would follow on from the Spending Review announcement, probably around mid-December.

it was currently anticipated that the Council would achieve a balanced budget position for 2020/21, whilst still replenishing reserves by £4.3m and without need to draw on either the £4m budget contingency or the £2m budget contingency reserve. These contingencies could, therefore, remain available to support the MTFS and specifically the 2021/22 budget.

The 2 year budget for 2019/20 and 2020/21 set at Council in February 2019 required £31.5m of budget savings to be delivered to meet estimated funding gaps over the 2 years, including savings that had been agreed in previous years for delivery across this timescale. Delivery of over £16m of these savings would have been completed by the end of the current financial year, leaving around £15m to continue to address across the MTFS.

However, whilst recognising the COVID impact on savings delivery, it was still anticipated that the remaining agreed savings could be delivered as planned, but over a longer timescale, with most, but not quite all, of the savings delivered by 2022/23.

On that basis, there were no recommendations within this review of the MTFS to vary from the agreed package of savings, either to remove any of the savings from the budget or to seek alternative savings. The focus remained on completing the delivery of the savings already agreed.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, subject to the assumptions that have been used in the development of the Medium-Term Financial Strategy change substantially before the Overview and Scrutiny Management Board was consulted on the Council's Budget proposals, then a further report be presented to the Overview and Scrutiny Management Board.

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

(2) That the plans to reserve funding and savings from 2020/21 to support the 2021/22 budget be noted.

(3) That finalisation of the Budget and MTFS for 2021/22 and 2022/23 maintains the approved Budget Strategy and Budget Savings as already agreed.

(4) That the assumptions within the MTFS to increase Fees and Charges by 2% for 2021/22 remain unchanged for this update.

76. FORGE ISLAND PREPARATORY WORKS AND DEMOLITION OF RIVERSIDE PRECINCT, 8 - 18 CORPORATION STREET AND PEDESTRIAN FOOTBRIDGE

Consideration was given to the report which sought authority to undertake required demolition works to Riverside Precinct, 8-18 Corporation Street and the pedestrian footbridge, alongside other remediation works, to enable the Forge Island leisure development.

These works would aid the Town Centre Masterplan in improving the vitality and viability of the town centre as part of the redevelopment of Forge Island and act as a catalyst for the regeneration and repurposing of Rotherham town centre.

More recently the Council had finally completed purchase on the Primark building which would further develop and enhance the High Street.

Resolved:- That the works to undertake the demolition and remediation works as described in this report to enable the Forge Island leisure development, funded by the allocated Town Centre Investment Fund be approved.

77. 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.

78. DATE AND TIME OF NEXT MEETING

Resolved:- That the next virtual meeting of the Cabinet be held on Monday, 21st December, 2020 at 10.00 a.m.