

THE CABINET
15th February, 2021

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)

110. DECLARATIONS OF INTEREST

Councillor Lelliott declared an interest in Minute 116. As it was a pecuniary interest, Councillor Lelliott left the meeting and took no part in the discussion or vote on this item.

111. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) Mr. Thirlwall referred to the previous question he had asked at Cabinet, where he had requested that a meeting take place between himself, the Leader, the Chair of the Standards and Ethics Committee, the Chief Executive and other officers in relation to the Register Of Interests (R.O.I) by the Rotherham Democratic Party. He explained that the Leader had declined to hold this meeting and had responded by letter. As such Mr. Thirlwall asked for specific answers to the following individual questions:

- a. Councillors B. Cutts, Turner and Reeder should have informed the Council in March 2020 that they had changed from the Brexit Party to the Rotherham Democratic Party. Why did it take until October 2020 to update their R.O.I's?
- b. It was brought to the Leader's attention at the October 2020 Council meeting. Why did it take a further 7 days to alter Councillors B. Cutts and Turner's R.O.I and around 30 days to alter Councillor Reeder's? Why were they not they altered on the same day?
- c. Councillor McNeely had informed Mr. Thirlwall that the reason the R.O.I's were not changed was due to Covid problems and internet issues. What were the problems with the internet?
- d. Why could Councillor B. Cutts not amend his details via the internet when he was able to attend Microsoft Teams meetings?
- e. Due to Covid, Councillor B. Cutts was unable to drop off his revised R.O.I at the Town Hall. Why could he not post it? Or drop it off at Riverside or outside the lockdown period? He had previously not registered his change from UKIP to the Brexit Party or registered properties he owned. This was before the pandemic.

- f. It is the individual responsibility of Members to update their R.O.I. If the changes can be done by a third party with the consent of the individual Member, is the consent recorded?
- g. If it could be changed by a third party, why was it not done in March 2020?
- h. If consent to a third party can be given over the phone, can the change not be requested over the phone and if so, eliminate the need for a third party?
- i. How did some Members of the Rotherham Democratic Party manage to update their R.O.I's but not others?
- j. Mr. Thirlwall accepted that changing the Party name was not a pecuniary interest but questioned if the Independent Person was correct in saying that only pecuniary interests needed to be recorded? If so, why have the other options on the R.O.I form, especially the reference to political parties? When did the Independent Person assume the authority to change Council policy decisions?
- k. The Independent Person has advised that if the breach had been corrected, it did not require further investigation. Was the Independent Person saying that the 28 days stipulated in law does not apply and if so why is it included in the legislation?
- l. What legal training and qualifications in municipal law does the Independent Person have or was he relying on the advice from the legal officer?
- m. Can the Councillors be made to register their political interests on their R.O.I form?

Mr. Thirlwall did not expect the Leader to answer all of these questions and, as such, again requested a meeting to discuss the matter. Mr. Thirlwall also confirmed that he was looking deeper into the claim that a Cabinet Member was “not fit for purpose.”

The Leader explained that the Council's Procedure Rules stated that a member of the public could ask one question with the possibility of a supplementary at the discretion of the Chair. As Mr. Thirlwall had asked numerous questions, the Leader confirmed that Legal Services would respond in writing.

112. MINUTES OF THE PREVIOUS MEETING

Resolved:-

That the minutes of the previous meeting of the Cabinet held on 25th January, 2021, be approved as a true and correct record of the proceedings.

113. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that there were no items of business on the agenda that would require the exclusion of the press and public from the meeting.

114. DIGITAL STRATEGY

Consideration was given to the report which outlined the Council's Digital Strategy. It highlighted the work undertaken already and illustrated how the Council planned to use digital technologies to become more modern and efficient. It would also help provide self-service access to and delivery of Council services and contribute to improving outcomes for local residents and the wider Borough.

The previous Digital Strategy covered the period 2016-2019 and therefore needed a refresh. Achievements of the previous Strategy included single case management system implementation to support Children and Adult Services; the development of the Rotherham Health record; a refreshed website and 'Your Account' service; free Wi-Fi within a large number of Council buildings; provision for increased internet speed; deployment of 'GovRoam' and the implementation of Microsoft Teams to facilitate remote working.

The new Strategy was based around four inter-connected themes:

- Digital Collaboration
- Digital Customer Service
- Digital Borough
- Digital Workforce

It aimed to maximise the use of digital technology; work with partners, suppliers and other organisations to join-up and integrate services; strive towards become a 'smart city'; design digital services to be accessible regardless of age, disability, ethnicity or skill level and promote and increase digital inclusion.

Capital investment had already been earmarked towards realising the Strategy aims but the impact and prioritisation of resources in response to COVID-19 had stalled the development of the Strategy and subsequent investment in the current financial year. The funding was assumed to roll-forward.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board was fully supportive of the recommendations and requested that a progress report be brought back to OSMB in February 2022 for review.

Resolved:-

1. That the Digital Strategy is approved.

2. That the investment already approved towards the Strategy's delivery is noted.
3. That the management and governance arrangements are endorsed.

That a progress report on the implementation of the Digital Strategy be brought to the February 2022 meeting of the Overview and Scrutiny Management Board.

115. DECEMBER FINANCIAL MONITORING

Consideration was given to the report which set out the financial position of the Council as at the end of December 2020 and was based on actual costs and income for the first 9 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. As such, this was the fifth financial monitoring report of a series of reports for the current financial year which would continue to be brought forward to Cabinet on a regular basis.

As at December 2020, the Council had a forecast year-end overspend of £22.2m on the General Fund which was mitigated by planned savings the Council had been able to deliver in year, the Government's provision of COVID-19 Emergency Support Grant and Sales, Fees and Charges Income Compensation. As a result, the Council expected to deliver a balanced budget position or slight underspend at financial outturn 2020/21. It was, however, noted that the impacts of the latest national lockdown were still to be fully defined.

The Council had been allocated £741k of funding to support the setup, training and implementation of additional rapid testing of staff in care homes, and to support testing visiting professionals. 80% of the Fund had been distributed as per the guidance. The remaining 20% (£148k) had to be used to support the care sector to operationally deliver rapid testing and was to be allocated at the Council's discretion. It was proposed that the Fund be used to support care homes and other providers that were experiencing an outbreak to ensure that they had the resources and equipment to administer the Lateral Flow Device (LFD) testing. The Fund would also support smaller care homes to implement LFD testing as they may face higher costs compared to larger homes and to enable other settings such as home care, supported living and extra care that are eligible to rollout LFD testing. The discretionary element would be allocated based on an assessment of the emerging risks and in line with the wider testing strategy.

Resolved:-

1. That the current General Fund Revenue Budget forecast of £0.5m, underspend be noted.
2. That it be noted that actions will continue to be taken to ensure that a balanced financial outturn is delivered.
3. That the proposed use of the Rapid Testing Fund allocation as set out in Paragraphs 2.47 and 2.48 be approved.
4. That the Capital Programme update be noted.

116. ANNUAL RENEWAL APPLICATIONS FOR BUSINESS RATES DISCRETIONARY RATE RELIEF

Consideration was given to a report in respect of the renewal applications for the award of Discretionary Business Rate Relief for a variety of organisations and premises. The report was submitted in accordance with the Council's Discretionary Business Rates Relief Policy, which had been approved by Cabinet on 12th December, 2016. Appendix 2 to the report set out the Business Rates Discretionary Relief Renewals for 2021/22.

Resolved:-

That Cabinet approve the applications for Discretionary Business Rate Relief for the organisations listed in Appendix 2 of this report and in accordance with the details set out in Section 6 to this report, for the 2021/22 financial year.

117. BUDGET & COUNCIL TAX 2021-22 AND MEDIUM-TERM FINANCIAL STRATEGY UPDATE

Consideration was given to a report on the Council's proposed Budget and Council Tax for 2021/22, based on the Council's Provisional Local Government Finance Settlement for 2021/22, budget consultation and the consideration of Directorate budget proposals through the Council's formal Budget process alongside a review of the financial planning assumptions within the Medium Term Financial Strategy (MTFS).

In setting the proposed 2021/22 budget, Cabinet was asked to recommend to Council an increase of 1.99% in the Council's basic Council Tax and an Adult Social Care precept of 1.0%. The report proposed the revenue budget for 2021/22, an updated Capital Programme to 2023/24 and the updated MTFS to 2022/23.

At page 104 paragraph 2.6.8 of the report, the reference to the Adult Social Care precept should have said 1% not 2% and £1.1m not £2.2m and this would be corrected for the Budget and MTFS report to Council.

Members of the Cabinet highlighted specific areas of investment in the forthcoming budget and reflected on what had been delivered against the existing financial strategy of the Authority.

Councillor Hoddinott referred to an amendment required to the fees and charges schedule. She explained that the bulky waste charges have been simplified and that there will no longer be any distinction between Category A waste and Category B waste. The Category B charges therefore needed amending in the schedule to reflect this ahead of reporting to Council.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board was fully supportive of the recommendations and thanked Cabinet Member and Officers for their attendance at the OSMB meeting. The Chair raised concerns about the fact that savings targets had not been reached in the 2020/21 budget. The Leader echoed these concerns whilst explaining that it could not be helped due to the Pandemic. It was expected that these savings would be delivered going forward.

Resolved:-

That Cabinet recommend to Council

1. Approval of the Budget and Financial Strategy for 2021/22 as set out in the report and appendices, including the proposed budget adjustments and investments, a basic Council Tax increase of 1.99% and an Adult Social Care precept of 1.0%.
2. Approval of the updated Medium Term Financial Strategy (MTFS) to 2022/23, including the carry forward of the 2020/21 £4m budget contingency and £3.5m Treasury Management Savings in a Budget Strategy Reserve.
3. Approval of the Reserves Strategy as set out in Section 2.8 noting that the final determination of Reserves will be approved as part of reporting the financial outturn for 2020/21.
4. To note and accept the comments and advice of the Strategic Director of Finance and Customer Services (Section 151 Officer), provided in compliance with Section 25 of the Local Government Act 2003, as to the robustness of the estimates included in the Budget and the adequacy of reserves for which the Budget provides (Section 2.12).
5. To note the consultation feedback from the public and partners following public consultation on the Council's budget for 2021/22 which took place from 5th January, 2021 to 26th January, 2021 (Section 4).

6. Approval of the proposed increases in Adult Social Care provider contracts as set out in Section 2.4.
7. Approval of the investment proposals set out in Section 2.7 and Appendix 2.
8. Approval of the Council Fees and Charges schedules for 2021/22 attached as Appendix 7.
9. Application of the Business Rates Reliefs as set out in Section 2.9, in line with Government guidance.
10. Approval of the proposed Capital Strategy and Capital Programme as presented in Section 2.10 and Appendices 3A to 3F.
11. Approval of the Treasury Management matters for 2021/22 as set out in Appendix 4 of this report including the Prudential Indicators, the Minimum Revenue Provision Policy, the Treasury Management Strategy and the Investment Strategy.
12. Approval of the Flexible use of Capital Receipts Strategy 2021/22 (Appendix 5).
13. Approval to transfer any 2020/21 revenue outturn position underspend into the Council's reserves, to be held within the Budget Contingency Reserve.
14. Approval to transfer any 2020/21 un-ringfenced COVID-19 funding balances into the Council's reserves to meet COVID-19 related pressures and costs in 2021/22.
15. Approval that the Capital Programme budget continues to be managed in line with the following key principles:
 - (i) Any underspends on the existing approved Capital Programme in respect of 2020/21 be rolled forward into future years, subject to an individual review of each carry forward to be set out within the Financial Outturn 2020/21 report to Cabinet.
 - (ii) In line with Financial and Procurement Procedure Rules 6.17 and 13.9, any successful grant applications in respect of capital projects will be added to the Council's approved Capital Programme on an ongoing basis.

- (iii) Capitalisation opportunities and capital receipts flexibilities will be maximised, with capital receipts earmarked to minimise revenue costs.

118. SOCIAL VALUE ANNUAL REPORT

Consideration was given to a report which provided an update on progress and achievements since the adoption of the Council's Social Value Policy in October 2019. The report also made recommendations for the next steps of embedding social value within the Council and working with partners and suppliers together with a better understanding of local markets and innovative developments driven by research and networking. The Policy focussed on:

- Building on the first year of operation through the Social Value Portal and better understanding of local markets.
- Social Value by Design – embedding Social Value into the core processes of commissioning both within the Council and working in partnership.
- Community Wealth Building and Anchor Networks – innovations and developments in the local economy across a range of stakeholders.
- Priority Actions for the coming year.

Since the adoption of the Policy in October 2019, 2 critical areas of development had been undertaken. These were the implementation of the Social Value Portal to support the evaluation, measurement and ongoing monitoring of social value commitments for the procurement of all contracts with a value below £100k and the adoption of a Social Value Charter with a commitment by partners to pursue Social Value.

The Council was using the Social Value Portal to capture and measure the nature and amount of Social Value achieved through Council contracts. This had been operational for one year during which time 18 procurement exercises and awards of contracts had been achieved as part of what was an ongoing programme as existing contracts expired and other one-off projects as identified.

Resolved:-

That Cabinet:

1. Note the progress achieved with procurement through the Social Value Portal in the first year of operation of the Social Value Policy.
2. Receive a further procurement progress report when the second year of operation is complete.

3. Note the research work and findings around local markets and suppliers, building the knowledge base.
4. Agree the strategic approach to “Social Value by Design” to embed existing best practice within the Council including the production of a Social Value Commissioning Toolkit.
5. Support the approach to Community Wealth Building as set out in this report with priority actions for the year ahead taking forward:
 - i) Real Living Wage accreditation.
 - ii) Achieving Social Value aligned to working towards “Excellent” under the Equality Framework for Local Government.
 - iii) Progressing the Rotherham Together Partnership Social Value Charter into the development of Anchor Networks.
 - iv) Work with the Mayoral Combined Authority to promote and develop Social Value for the Sheffield City Region.
6. Agree to hold a workshop event in the summer of 2021 to explore further Community Wealth Building options.
7. Support engagement in the CLES (Centre for Local Economic Strategies) Community Wealth Building Centre of Excellence.

119. REVISIONS TO THE HOUSING ALLOCATION POLICY AND THE STRATEGIC TENANCY POLICY

Consideration was given to the report which proposed further adjustments to the Council’s Housing Allocation Policy which had been in place since October 2014 and the Strategic Tenancy Policy had been approved by Cabinet in December 2012.

The adjustments had been proposed as a result of lessons learned over the past 12 months and the outcomes of a recent benchmarking exercise within the sub-region. As such, the Policy would be refined and would allow for further improvements in how the Council helps those in greatest housing need. The proposed amendments would also ensure that the Council’s Policy reflected the Government’s taskforce recommendations to accommodate people faced with rough sleeping and consider the steps required so they remain off the street permanently, thus preventing repeat homelessness. The changes would also ensure that the Council could respond appropriately to changing demand so that households were considered for the most appropriate type of accommodation.

The proposed changes were shown in Appendices 1 and 2 and detailed in paragraphs 2.2 to 2.26 of the report. The key changes were:

- Changes to ensure that children were considered for appropriate homes
- Changes to assist with homelessness assessments
- Changes to ensure local homeless people are given greater preference
- Changes to reduce the number of categories in Band 1
- Changes to amend time limits
- Changes to ensure new, purpose built, older persons accommodation is let to older people
- Changes to stop repeat homelessness

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board fully supported the recommendations.

Resolved:-

1. That Cabinet note that the Housing Allocation Policy has been reviewed and updated in line with current legislation.
2. That Cabinet approve the updated Housing Allocation Policy as attached in relation to changes to eligibility criteria and outlined at 3.1 to 3.14.
3. That Cabinet approve the updated Strategic Tenancy Policy as attached in relation to issuing of fixed term tenancies to new tenants of specialist housing and outlined at 3.15.

120. AMENDMENT TO THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY (VEHICLE LICENCE PLATES)

Consideration was given to the report which summarised the outcome of an additional public consultation regarding the issuing of vehicle licence plates following the approval of a new Hackney Carriage and Private Hire Licensing Policy in March 2020.

Following the original consultation, an additional change had been requested by licensed drivers, trade representatives and the Council's Licensing Board which proposed that vehicle licence plates be issued for the duration of the licence rather than for the duration of a vehicles compliance check. As this had not been discussed through the original consultation, it was recommended that a further public consultation be conducted. The COVID-19 pandemic had delayed the consultation but a decision was taken to commence with an online consultation rather than a face-to-face consultation.

Under the current Policy, all licensed vehicles had to undergo regular compliance checks, the number of which were determined by the age of the vehicle. Licence plates were issued for the duration of the check,

meaning that 237 vehicles were issued 2 licence plates per year and 639 vehicles were issued 3 licences plates per year. Respondents to the consultation believed that this requirement was no longer necessary due to changes in the administration of the Licensing Service. The Council was now able to send out automatic reminders to drivers that their compliance check was due and to report whether a vehicle had attended their compliance check. As such it was possible to issue just one plate a year.

This proposal would create a more efficient process for drivers but also create significant efficiencies within the Licensing Service, reducing the number of face-to-face interactions in Riverside House by 1,515 per year. It would also reduce the cost to the trade by £28,785 per annum and reduce the amount of non-recyclable plastic going to landfill by 112 square metres.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board fully supported the recommendations.

Resolved:-

That Cabinet agree to the amendment of the Hackney Carriage and Private Hire Licensing Policy 2020-2023 by reducing the frequency of issuing vehicle licence plates to yearly.

121. 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.

122. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next virtual meeting of the Cabinet be held on Monday, 22nd March, 2021, at 10.00 a.m.