

OVERVIEW AND SCRUTINY MANAGEMENT BOARD
Wednesday, 15th July, 2020

Present:- Councillor Steele (in the Chair); Councillors Jarvis, Keenan, Mallinder, Napper, Taylor, Walsh and Wyatt.

Apologies for absence:- Apologies were received from Councillors Cusworth, R. Elliott and Jepson.

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

187. MINUTES OF THE PREVIOUS MEETINGS HELD ON 28 APRIL AND 10 JUNE 2020

Resolved:-

That the minutes of the meetings of the Overview and Scrutiny Management Board held on 28 April and 10 June 2020 be approved as a true and correct record of the proceedings.

188. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of any of the items of business on the agenda.

189. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There were no questions from members of the public or press.

190. EXCLUSION OF THE PRESS AND PUBLIC

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

191. FINANCIAL OUTTURN 2019-20

Consideration was given to a report which outlined the final revenue and capital outturn position for 2019-20 that was submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 20 July 2020.

The Cabinet Member for Corporate Services and Finance, Assistant Director – Financial Services and Head of Corporate Finance attended the meeting to present the report and to answer members' questions.

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 resulted in a reduced call on the reserves of £1.2m leaving a

balance of £2.0m to support the budget in later years.

A summary of the outturn position for each Directorate was detailed in the report, together with the actions and measures taken to deliver a balanced budget. The Council continues to face demand pressures, in particular in respect of social care. This coupled with the significant financial challenges the Council's response to Covid-19 would bring, meant the outlook remained 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.

The Housing Revenue Account (HRA) was increased by £0.2m. Therefore, the net budgeted use of HRA reserves reduced by £2.7m. The schools' outturn position, funded by the ring-fenced Dedicated Schools Grant, had an underspend of £1.968m. The capital outturn showed slippage and an underspend of £6.3m against the estimated spend for 2019/20 included within the Capital Programme.

Members questioned plans to support and sustain services in Regeneration and Environment as a number of these had been affected significantly by the Covid-19 pandemic. Officers confirmed that in relation to various aspects they were awaiting the financial position from Government. Two tranches of funding had been received as shown in the report and although a third tranche for £500m had been announced no details of individual local authority allocations were known. There had been a shift in how the Government was proposing to compensate for the costs of Covid-19, for additional costs and a separate arrangement regarding lost income. Details for a sharing arrangement between local authorities and Government would be confirmed. Regeneration and Environment had lost income, fees and charges; therefore the details of the sharing arrangement were awaited to see what it would mean and what compensation would be available before any other actions were taken. Budgets had already been amended in light of some over-ambitious targets set previously.

More specifically, as Culture, Sport and Tourism had been particularly impacted by the pandemic, officers were asked about plans for recovery for the Civic Theatre, Gulliver's and the Country Parks. Services were working on recovery plans and options but several unknowns remained such as when the theatre would re-open. Some services were still running, others were starting to resume and a schedule would be developed for the remainder for the future. Waleswood Caravan Park had now re-opened but with reduced capacity. People who had already made bookings for Waleswood and the theatre had been offered options to rebook or to carry forward their bookings rather than a refund and some had taken up this option.

In terms of re-opening libraries, options were under development in liaison with the Cabinet Member and would need to take account of national guidance and the advice from Public Health. Members were asked to contact the Strategic Director or the Assistant Director about potentially reopening other community buildings to consider on an individual basis and would look at Swinton Civic Hall/Community Café.

Concerns were raised about the overspends on Home to School Transport and the costs of residential placements, especially out of borough, in Children and Young People's Services (CYPS). The right plans were in place in CYPS but these had been impacted by the pandemic but would be expected to get back on track to reduce costs.

The Cabinet Member and officers were thanked for their attendance to present the report.

Resolved:-

- 1) That Cabinet be advised that the recommendations be supported.
- 2) That the Overview and Scrutiny Management Board hold a dedicated workshop to consider the financial and service implications of the Covid-19 pandemic.

192. COMMUNITY ENERGY SWITCHING SCHEME

Consideration was given to a report submitted for pre-decision scrutiny by the Strategic Director of Regeneration and Environment ahead of the Cabinet meeting scheduled for 20 July 2020 in respect of Community Energy Switching Scheme.

The Cabinet Member for Jobs and the Local Economy, the Strategic Director of Regeneration and Environment and the Environment, Energy and Data Manager attended the meeting to present the report and to answer members' questions.

Following an Official Journal of the European Union (OJEU) procurement process to identify a potential partner to develop a Community Energy Switching Scheme, Cabinet approved the contract award to Robin Hood Energy (RHE) on 16 September 2019. Since the award of the contract to RHE 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 the contract could not be awarded.

The recent tender process provided a valuable insight into market conditions, with this learning taken forward into a revised proposal to re-tender the contract and to run an internal switching scheme in parallel, to

support Rotherham residents and gain essential market data. The report covered 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. The Community Energy Scheme was highlighted as an important scheme for residents, especially those experiencing fuel poverty, with help to obtain better tariffs.

Members noted that the report indicated no further consultation was planned and queried whether the proposals were based on the previous consultation. Considerable work had been undertaken previously and nothing had changed from a public perspective; it was a question of the procurement process and criteria to go out to tender. A market engagement process had been undertaken through the portal to obtain provider input.

A Community Energy Officer was in post who would run the internal scheme, undertake market research and establish the networks. An NEA grant had been obtained for the project to promote Smart meters to people aged over 65 and the officer would have training and then all the information gleaned from market research, input from engineers, feedback from people on the pros and cons of using smart meters would all inform the programme. A Facebook page had been set up and information published on the website.

Members queried whether it might be difficult to attract another provider as it was a different energy market now and potentially this was a less attractive business model. As such they recognised the benefit of the internal parallel scheme so something was in place to benefit residents. This was acknowledged by officers who conceded that the last procurement had been a challenge hence the work undertaken with providers before going out to tender again to ensure the specification would be fit for purpose for potential bidders.

As the April launch date would fall within the pre-election publicity period, officers agreed to look at the timescales again.

The Cabinet Member and officers were thanked for their attendance to present the report.

Resolved:-

- 1) That Cabinet be advised that the recommendations be supported.
- 2) That a report on further developments in respect of the Community Energy Switching Scheme be submitted to the Improving Places Select Commission in due course.

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

Consideration was given to a report that was submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 20 July 2020 in respect of consultation on two Public Spaces Protection Orders.

The Cabinet Member for Waste, Roads and Community Safety, the Strategic Director of Regeneration and Environment and the Head of Service – Community Safety and Regulatory Services attended the meeting to present the report and to answer members' questions.

The current Town Centre Public Spaces Protection Order (PSPO) and the transitioned borough-wide dog fouling Public Spaces Protection Order would expire in September and October 2020 respectively. This report proposed to undertake consultation in respect of both PSPOs at the same time to establish views about the conditions that might be included within each PSPO and to support a future decision. The consultation was planned to run from 27 July to 23 August 2020 and to focus on the existing conditions, together with identifying any emerging issues of concern to partners and the public.

The Anti-Social Behaviour, Crime and Policing Act 2014 provided for PSPOs, including those that were transitioned: to be extended by three years; to be varied; and to be discharged, alongside the powers to introduce new Orders. The Act stipulated specific requirements on who should be consulted where Orders were to be introduced or extended and the Council was obliged to notify the parish council or community council, of the proposed order, extension, variation or discharge. A consultation plan was included with the report.

Data provided showed that incidents of anti-social behaviour in the town centre and complaints of dog fouling across the Borough had been declining since 2016. Whilst this was encouraging, it was important to recognise that the issues remained and suitable tools and powers needed to be in place to tackle the problems as they arose. Complaints relating to rowdy or inconsiderate behaviour remained significant as a proportion of anti-social behaviour incidents in the town centre and dog fouling remained an important issue to local communities.

Members raised a concern about public drinking in Rotherham town centre near the Minster and asked who was responsible for enforcement of the Town Centre PSPO. Both the Police and the Council had enforcement powers and fines issued had been split roughly equally between both bodies. Good joint working was in place and the Police did also have additional powers.

Officers confirmed 168 fines were issued in the last three years under the town centre order to 106 different people, showing a number of repeat offenders, some of whom had committed several offences. 39 fines had

been issued for dog fouling. Under the 2014 Act a range of other potential powers could be used for repeat offenders, such as injunctions or community protection notices, tailored to the individual. One such example was the imposition of positive requirements where fines alone would not be effective. For example, with regard to tackling alcohol consumption a requirement to engage with CGL the substance misuse treatment and recovery service to change behaviours in the long term could be made.

Dog fouling statistics indicated greater prevalence in certain areas and Members asked if it tended to be the same offenders and what other strategies were utilised to tackle this. Often it was a very small number of people who let their dog foul on a daily basis and services acted upon reports but people needed to be caught in the act for a fine to be issued. Learning from the PSPOs had helped to identify patterns and different strategies were employed for repeat offenders, not just fines, with other services also involved. Good analysis and heat maps were available which could be shared at ward meetings with neighbourhood officers. There was also a potential educative role for ward members.

Regarding the consultation, previously there had been concerns regarding implementation of the PSPO for users of Clifton Park. It was confirmed that the Friends of Clifton Park would be involved.

Members sought assurance that the consultation would be as far-reaching as possible in the context of Covid-19. As more people were at home and on-line it was hoped this would lead to a good response to the consultation and Members were welcome to add other consultees to the plan. Some face to face consultation would take place where it could be undertaken safely.

The Cabinet Member and officers were thanked for their attendance to present the report.

Resolved:-

That Cabinet be advised that the recommendations be supported.

194.

OVERVIEW AND SCRUTINY ANNUAL REPORT 2019-20

The final draft of the Overview and Scrutiny Annual Report for 2019-20 was presented for Members to consider and recommend for approval to the Council meeting on 22 July 2020. The headline scrutiny work programme, outlined in draft in the annual report, would assist in the achievement of corporate priorities by addressing key policy and performance agendas and adding value to the work of the Council.

Scrutiny had carried out a lot of work during the last year that had resulted in a number of positive outcomes, which should be highlighted to show the impact of scrutiny. It was also important to engage other Members, officers, partners and the public in the work of scrutiny. In particular more

public involvement and capturing the voice of the community needed to be built into the broader scrutiny activity.

The outline work programme would be updated after the meeting following discussion on the next agenda item. Any changes to the membership of the scrutiny committees resulting from political balance amendments would be reflected in the final published version following Council on 22 July 2020.

The Chair thanked officers for their work on the report knowing that it was a significant undertaking to track and capture scrutiny activity throughout the year. The Vice Chair endorsed the Chair's comments and expressed his gratitude to officers.

Resolved:-

- 1) That the Overview and Scrutiny Management Board receive and approve the draft Annual Report 2019-20.
- 2) That it be noted that membership details for 2020-21 may be subject to change following the Council meeting on the 22 July 2020 and will be reflected in the final published version.
- 3) That the draft outline work programme be updated following the discussion by the Overview and Scrutiny Management Board.

195. UPDATE ON WORK PROGRAMME FOR 2020-21

The Head of Democratic Services presented an update on the development of the work programme for 2020-21. This reflected the outcomes of the planning session held in May 2020 and highlighted a number of key issues. A focused and realistic work programme would be critical to the success of Scrutiny.

For the Overview and Scrutiny Management Board it would be important to obtain the right balance between pre-decision scrutiny and their other areas of scrutiny work, such as budget scrutiny, performance monitoring and service monitoring, especially CYPS and Adult Social Care in light of demand pressures and the budgetary challenge. Scrutiny also needed to be proactive in policy and service development and to have influence at strategic level.

An indicative work programme for the rest of the year was outlined in the report. Items previously requested by the Board had been scheduled but further discussions would be needed to finalise the programme and to ensure sufficient flexibility to respond to any urgent issues that emerged. Much of the content still to be confirmed would be future pre-decision scrutiny items. Decisions on how budget scrutiny would be undertaken

and on other potential items for inclusion in the work programme would also need to be determined. The impact of and recovery from Covid-19 for the Council, partners and the community would likely dominate the work programme.

The Chairs of the Select Commissions recognised they all had an ambitious work programme but were ready for the challenge and would keep the programmes as living documents through the year. Officers were thanked for their support and input in developing the work programmes.

The Chair thanked the officers for the comprehensive report.

Resolved:-

- 1) That scrutiny of the response to and recovery from the Covid-19 pandemic be the overarching priority for 2020-21.
- 2) That the initial items scheduled in the work programme for 2020-21 be approved.
- 3) That the Overview and Scrutiny Management Board determine which items in Appendix 2 should be retained in the work programme.
- 4) That the indicative headline work programme for the Select Commissions be endorsed.
- 5) To note that should any urgent items emerge during the year this may necessitate a review and re-prioritisation of the work programme.
- 6) That Scrutiny Chairs and Vice Chairs meet with Cabinet to discuss scheduling major initiatives for scrutiny during 2020-21 to inform the final work programme.
- 7) That discussion take place between the Chair of the Overview and Scrutiny Management Board and the Leader on pre-decision scrutiny and the role of Scrutiny in policy development in the recovery and restart from Covid-19.

196.

URGENT BUSINESS

The Chair advised that there were matters of urgent business to raise. The first was to express his gratitude and thanks to Governance Advisor Janet Spurling for her work in supporting Scrutiny and to wish her a long and happy retirement.

As this would also be the last Overview and Scrutiny Management Board meeting attended by James McLaughlin, Head of Democratic Services, the Chair highlighted the significant impact he had made during his time at

the Council and how he was well respected by Elected Members and officers alike. He was thanked for his professionalism and positive and supportive approach.

The Vice Chair echoed the same sentiments and thanked both officers on behalf of Opposition Members, wishing them all the best in the future.

197. DATE AND TIME OF NEXT MEETING

The date and time of the next meeting would be confirmed when the workshop referred to above had been arranged.