

**THE CABINET
14th February, 2022**

Present:- Councillor Read (in the Chair); Councillors Alam, Allen, Beck, Brookes, Cusworth, Lelliott, Roche and Sheppard.

Also in attendance was Councillor Clark (Chair of the Overview and Scrutiny Management Board)

100. DECLARATIONS OF INTEREST

Councillor Lelliott declared an interest in Minute No. 109 (Business Rates Discretionary Relief Renewals in 2022/23). As it was a pecuniary interest, Councillor Lelliott took no part in the discussion or vote on this item.

101. QUESTIONS FROM MEMBERS OF THE PUBLIC

Councillor Ball explained that there had been another death on Cumwell Lane and that he had been to Cabinet in December 2021 following a death on the road to ask for more safety measures. An e-petition had been launched on the same day as the recent accident and Councillor Ball asked whether the lengthy processes outlined in response to his previous question to improve road safety on Cumwell Lane could be sped up as a matter of urgency?

Councillor Beck offered his condolences to the friends and family of the individual who had passed away. As details on the incident were scarce, work was ongoing to ascertain what had happened. Regular sweeping of the road continued to take place along with regular engagement with the landfill site. Medium to long term plans were being looked at in the form of Traffic Regulation Orders or changes to the speed on Cumwell Lane along with any other available options and those conversations were happening at pace. Councillor Beck offered his reassurances that this matter was being treated seriously.

The Strategic Director of Regeneration and Environment explained that immediate actions included the placement of temporary road signs. The matter had also been escalated to South Yorkshire Police and the Safer Roads Partnership in terms of enforcement action. In terms of road safety there were three E's: Enforcement which was undertaken by the Police; Education and Engineering. It was explained that it was the engineering solution that took the most time. Officers had been looking at the data which would feed into a series of options that could be looked at in further detail. These options could include lowering the speed limit, narrowing the road, creating crash barriers etc. It was confirmed that the matter was at the top of the list in terms of bringing forward long term solutions.

102. MINUTES OF THE PREVIOUS MEETING

Resolved:-

That the minutes of the previous meeting of the Cabinet held on 24th January, 2022, be approved as a true and correct record of the proceedings.

103. 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.

104. PROPOSAL TO INCREASE CAPACITY AT BRINSWORTH ACADEMY

Consideration was given to the report which detailed the proposal to allocate £1.7m of capital funding to increase capacity by 150 places (30 places per statutory year group) at Brinsworth Academy.

Brinsworth Academy was rated Good by Ofsted and was currently oversubscribed with the trend set to continue for future years. This would be further impacted upon by the higher cohort number of pupils applying for secondary education following the opening of the new Waverley Junior Academy in September 2020 as the Waverley development partly sits within the secondary catchment area of Brinsworth Academy.

Approval of the proposals would allow the Academy and Governing Board to plan for the expected increase in future years with the assurance that there would be sufficient space to continue to deliver the curriculum and enable more parents to access their first preference school for their child. This would therefore maintain or increase performance against that indicator on national offer day for entry to secondary phase education. Rotherham Metropolitan Borough Council had a historic profile of satisfying 90%+ for parental first preferences for entry to secondary school education on national offer day. This was above the national average as verified by the Department for Education.

The option of maintaining capacity at the school at the current level had been rejected due to the fact the school was already over subscribed.

There had been consultation with governors, parents/carers, staff, Elected Members, the relevant Parish Councils, the Constituency MP, neighbouring schools and other interested parties. The consultation took place between 19th November and 17th December, 2021, and the responses were summarised in Appendix 1 to the report. There were 11 responses.

If approved it was expected that the additional capacity spaces would be available for the start of the 2023/24 academic year.

Resolved:-

That approval be granted to the proposal to allocate £1.7m capital funding to increase capacity by 150 places (30 places per statutory aged year group) at Brinsworth Academy, subject to a successful planning application.

105. IMPROVING LIVES SELECT COMMISSION - POST CSE SUPPORT SERVICES

Consideration was given to the report which outlined the findings and recommendations of the recent Improving Lives Select Commission working group on Post-CSE Support Services. The findings of the group had been reported to the Improving Lives Select Commission in December 2021 and the Overview and Scrutiny Management Board in January 2022.

Councillor Clark, who had been part of the sub-group, presented the item to Cabinet. It was explained that the delivery of the report had been delayed due to circumstances beyond the Council's control. On 3rd March, 2020, it was agreed by the Improving Lives Select Commission that the benchmarking work on post-CSE Support Services should resume and be published in a standalone report. The review approach was outlined in section 3 on the sub-groups report.

The sub-group spoke with the providers of the current services and learnt that Rotherham had a blended offer as set out in section 4 of the report. The conclusions from the meetings and benchmarking activities were that Rotherham compared well with the benchmarked authorities. The benchmarked authorities (Durham, Kirklees, Rochdale, Sunderland and Telford & Wrekin) had been chosen due to their innovative practices in key areas such as prevention and post-abuse support. Discussions were held on what had worked well and what challenges continued to be faced. The conclusions and recommendations formed by the sub-group focussed on good practice and on strengthening the survivor's voice.

Councillor Cusworth, who had also been a member of the sub-group prior to being a Cabinet Member, voiced her support for the recommendations.

Resolved:-

1. That the report be noted, and that Cabinet agree to consider the following recommendations:
 - a) That post-CSE Services be transferred to the Adult Social Care, Housing and Public Health Directorate to enable the greater integration and co-ordination of support pathways that are available to adult victims of trauma as children.

- b) That further work be undertaken with relevant partners and survivors to improve the ways in which survivors' voices are captured to inform future reviews of post-abuse services (for example drawing on the research from Sheffield Hallam University, the development of voice and influence groups or other survivor's forums).
 - c) That consideration be given to appropriate governance arrangements to enable Elected Members to provide a steer on the activity that was taking place within the Borough to stop CSE/CCE and support survivors.
 - d) That the Improving Lives Select Commission continue to monitor the provision of post-abuse support to survivors of CSE.
 - e) In relation to recommendations c) and d), that consideration be given how survivors' voices to inform these processes.
 - f) To emphasise the shared responsibility of all Elected Members, that an annual training event/workshop be delivered. This is to ensure that all Elected Members are kept up-to-date with the activity within the Borough to protect young people from being at risk of harm from CSE/CCE and support adult survivors to move forwards in their lives.
 - g) That the relevant Strategic Directors explore options for sharing best practice with other local authorities in the Yorkshire and Humber Region.
 - h) Drawing on the good practice from Durham County Council, that consideration be given to the language used in the provision of post-CSE support to ensure that it is positive and inclusive of the needs of those accessing services.
2. That the response of Cabinet to the recommendations be reported to Council.

106. THE YEAR AHEAD PLAN (UP TO NOVEMBER 2021) - FINAL PROGRESS REPORT

Consideration was given to the report which was the final progress report on the Year Ahead Plan. The Plan had been approved by Cabinet in September 2020 as the Council's Plan for operating in and recovering from the COVID-19 pandemic. The original Plan had set out the headline themes and corresponding outcomes and key actions from September 2020 through to June 2021. An extension to the Plan was agreed in June 2021 and remained in place until the new Council Plan came into effect. The new Council Plan was approved by Council in January 2022.

As at 28th January, 2022, 85% of the activities outlined within the extended Year Ahead Plan were either complete or on track and ongoing. 9% were behind schedule and 5% were off track. 6 actions from the original Plan were still ongoing at the time of the previous report. 3 of these had since been completed, 1 was on track, 1 was behind schedule and 1 was off-track. Further details and updates were outlined in Appendix 1 to the report.

At the meeting Cabinet Members highlighted particular actions that had been completed from their portfolios over the course of the Year Ahead Plan. They wished to place on record their thanks to all officers involved with the completion of those actions.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process and they noted the report as per the recommendation.

Resolved:-

That Cabinet note the progress made with the Year Ahead activities.

107. BUDGET AND COUNCIL TAX 2022/23 AND MEDIUM TERM FINANCIAL STRATEGY

Consideration was given to the report on the Council's proposed Budget and Council Tax for 2022/23, based on the Council's Provisional Local Government Finance Settlement for 2022/23, 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 2022/23 Budget, Cabinet was asked to recommend to Council an increase of 1.5% in the Council's basic Council Tax plus an increase of 3% for the Adult Social Care precept. The proposed revenue budget for 2022/23 was £259.6m with the proposed capital expenditure being £244.7m.

The Budget also proposed a Local Council Tax Support Top-up Scheme to operate across 2022/23 and 2023/24 to provide further support to low income working age households in the Borough.

Cabinet Members explained that the budget had been agreed in order to balance the needs of the residents and the funding of services with the need for financial stability. The Council's finances were still being impacted by the previous reductions caused by austerity, the increase in demand for Adult Social Care and more recently inflation. It was reported that this was a positive budget despite previous funding cuts and it would allow for investments in areas such as road safety, SEND provision and climate change.

It was confirmed that the Provisional Local Government Finance Settlement had now been finalised and the details would be updated for the report to Council.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board were supportive of the recommendations, with one Member voting against.

Resolved:-

That Cabinet recommend to Council:

1. Approval of the Budget and Financial Strategy for 2022/23 as set out in the report and appendices, including the proposed budget adjustments and investments, a basic Council Tax increase of 1.5% and an Adult Social Care precept of 3%.
2. Approval of the proposed Local Council Tax Support Top Up scheme, that will provide additional support to low income households most vulnerable to rising household costs, as described in section 2.5.11-14.
3. Approval of the updated Medium Term Financial Strategy (MTFS) to 2025/26.
4. 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 2021/22.
5. 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).
6. To note the feedback from the public and partners following the public consultation on the Council's budget for 2022/23 which took place from 22nd December, 2021, to 23rd January, 2022, attached as Appendix 9.
7. Approval of the proposed increases in Adult Social Care provider contracts and for Personal Assistants as set out in Section 2.4.
8. Approval of the revenue investment proposals set out in Section 2.7 and Appendix 2.
9. Approval of the Council Fees and Charges schedules for 2022/23 attached as Appendix 7.

10. Application of the Business Rates Reliefs as set out in Section 2.9, in line with Government guidance.
11. Approval of the proposed Capital Strategy and Capital Programme as presented in Section 2.10 and Appendices 3A to 3F.
12. Approval of the Treasury Management matters for 2022/23 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.
13. Approval of the Flexible use of Capital Receipts Strategy 2022/23 (Appendix 5).
14. Approval to transfer any 2021/22 revenue outturn underspend into the Council's reserves, to be held within the Budget and Financial Strategy Reserve.
15. Approval to transfer any remaining Covid funding balances into the Council's reserves to meet Covid related pressures and costs in 2022/23.
16. Approval that any changes resulting from the Final Local Government Finance Settlement 2022/23 be reflected in the Budget and Council Tax Report to Council on 2 March 2022.
17. 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 2021/22 be rolled forward into future years, subject to an individual review of each carry forward to be set out within the Financial Outturn 2021/22 report to Cabinet.
 - (ii) In line with Financial and Procurement Procedure Rules 7.7 to 7.11 and 8.12, 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.

108. DECEMBER FINANCIAL MONITORING 2021/22

Consideration was given to the report which set out the financial position of the Council as at the end of December 2021 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 2021, the Council expected to deliver the overall outturn within budget for the financial year 2021/22. Whilst the Directorates had a forecast year-end overspend of £8.2m on the General Fund, this was mitigated by the Government's provision of COVID-19 Emergency Support Grant and Sales, Fees and Charges Income Compensation. However, it was noted that the longer term impacts of Covid-19, Public Health measures and the pace at which services could return to normal, was unknown. This was further exacerbated by current uncertainties brought about by the Omicron variant that may lead to further financial implications for the Council.

The 2021/22 Budget was supported by the use of £7.5m from the Budget Strategy Reserve. However, following detailed work to assess the financial impacts of Covid-19 on 2021/22, the Council estimated that the costs and income losses as a result of Covid-19 would be in excess of the resources provided by Government for the financial year £8.3m, the Emergency Support funding carried forward from 2020/21 of £5.3m and the Sales, Fees and Charges Income Compensation of £0.4m. Therefore, it was deemed appropriate to utilise during 2021/22 the maximum amount of Covid funding eligible. This was likely to mean that not all of the Budget Strategy Reserve 2021/22 would be required and, therefore, any balance remaining would be left in the Council's reserves. This was anticipated to be in the region of £5.8m.

The Capital Programme 2021/22 totalled £144.347m split between the General Fund (£92.171m) and the HRA (£52.176m.) This was a decrease of £27.614m to the position as at the end of November 2021 reported to Cabinet in January 2022. The majority of the decrease related to the reprofiling of schemes due to delays caused mainly from COVID-19 and the high volume of capital activity taking place nationally that was straining resources from an internal and external delivery point.

Authority had been delegated to the Assistant Chief Executive, in consultation with the Cabinet Member for Social Inclusion, to determine revised and final allocations for the Household Support Grant including provision to include new claimants of Council Tax Support who were not

eligible on 4th December, 2021. However, based on the current caseloads of Council Tax Support claimants, it was unlikely that the remaining funds available from the Household Support Grant would be sufficient. The additional cost was expected to be around £200-300k and would therefore be funded from elsewhere within the Council's budgets.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process and they noted and agreed with the recommendations.

Resolved:-

That Cabinet:

1. Note the General Fund Revenue forecast of a balanced budget.
2. Note that actions will continue to be taken to ensure that a balanced financial outturn is delivered.
3. Note the Capital Programme update.
4. Approve the extension of the Local Council Tax Support Top Up to include new claimants of Local Council Tax Support during 2021/22 who were not eligible on 4th December, 2021, as per section 2.45 of the report.

109. BUSINESS RATES DISCRETIONARY RELIEF RENEWALS IN 2022/23

Consideration was given to the 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 1 to the report set out the Business Rates Discretionary Relief Renewals for 2022/23.

Resolved:-

1. That Cabinet approve the applications for Discretionary Business Rate Relief for the organisations listed in Appendix 1 of the report and in accordance with the details set out in Section 6 to the report, for the 2022/23 financial year.

(Councillor Lelliott declared a Pecuniary Interest in this item and did not speak or vote thereon.)

110. COVID-19 ADDITIONAL RELIEF FUND

Consideration was given to the report which explained that on 25th March, 2021, the Government announced a new COVID-19 Additional Relief Fund (CARF) of £1.5 billion. However, the guidance on how the relief could be utilised was only released on 15th December, 2021.

The guidance stated that the Fund was to be made available to support those businesses affected by the pandemic but that were ineligible for existing support linked to business rates, such as through the Government's Extended Retail Relief Scheme. The Council's allocation of the fund is £4,851,486 and is available to provide businesses with business rates relief for the financial year 2021/22. It is a discretionary fund so the Council must design a scheme that utilises the grant fund to provide the relief.

The proposed scheme would provide business rate relief of 50% of the business rates bill up to a maximum of £6k. If a business met the eligibility criteria, the business would then have its business rates bill re-issued, taking account of the rates relief awarded. The scheme will open for applications from 1st March, 2022, through to 30th April, 2022. If there was a residual balance remaining once all successful applications had been reviewed and their initial award calculated, it would be distributed across all successful applications to maximise the use of the grant. To enable that, either the £6k cap or 50% of business rates level would be increased, whichever produced the best fit with the Councils available funding.

Resolved:-

1. That Cabinet approve the Councils proposed use of the COVID-19 Additional Relief Fund (CARF.)
2. That the authority to make any final further payments to ensure that the Fund is fully utilised be delegated to the Strategic Director, Finance and Customer Services, in consultation with the Cabinet Member for Corporate Services, Community Safety & Finance and the Leader of the Council.

111. IMPROVING AIR QUALITY IN ROTHERHAM - SUBMISSION OF FULL BUSINESS CASE

Consideration was given to the report which provided an update on progress towards approval of the Full Business Case (FBC) for the jointly mandated Sheffield and Rotherham Joint Air Quality Improvement Plan. The Plan enabled the implementation of all air quality improvements identified over the last 4 years to achieve compliance with the Government's National Air Quality standards. A number of Rotherham specific schemes had been approved by Cabinet in March 2021 and these were now progressing to implementation.

It was reported that the proposed reduced speed limit on the Sheffield Parkway would be subject to statutory advertisement in the first half of 2022 with implementation upon completion expected in November 2022. The goods vehicle prohibition on Wortley Road north-west bound was expected to go live in February 2022 and construction of the improvement junction at Rawmarsh Hill and Bellows Road had already commenced with completion expected in late Spring/early Summer 2022.

The proposal was to delegate authority to the Strategic Director, Regeneration and Environment, in consultation with the Cabinet Member for Jobs and the Local Economy and the Cabinet Member for Transport and Environment, so that they were able to agree to the submission of the FBC to Government which was being compiled by Sheffield City Council as the lead partner for the scheme.

It had been proposed in the report that the FBC be submitted to Government by 31st March, 2022. However, it was reported at the meeting that the deadline was to be removed from the recommendation. Whilst it was still hoped that the FBC would be submitted to Government by 31st March, 2022, the removal of the date allowed for more flexibility if that deadline were to be missed.

Resolved:-

1. That Cabinet delegate responsibility to the Strategic Director, Regeneration and Environment, in consultation with the Cabinet Member for Jobs and the Local Economy and the Cabinet Member for Transport and Environment, to jointly submit, with Sheffield City Council, the Rotherham and Sheffield Full Business Case to Government.
2. That Cabinet delegate responsibility to the Strategic Director, Regeneration and Environment, in consultation with the Cabinet Member for Jobs and the Local Economy and the Cabinet Member for Transport and Environment, to commence procurement for any necessary infrastructure, goods and services to implement the mitigating measures.
3. That Cabinet agree to receive a further report on Rotherham's clean air proposals should Government require significant changes once Government has assessed the proposals in the Full Business Case.

112. FEASIBILITY STUDY PRIOR TO AN APPLICATION FOR MOVING TRAFFIC ENFORCEMENT POWERS (TRAFFIC MANAGEMENT ACT PART 6)

Consideration was given to the report which provided an update on progress towards approval of the Full Business Case (FBC) for the jointly mandated Sheffield and Rotherham Joint Air Quality Improvement Plan. The Plan enabled the implementation of all air quality improvements identified over the last 4 years to achieve compliance with the Government's National Air Quality standards. A number of Rotherham specific schemes had been approved by Cabinet in March 2021 and these were now progressing to implementation.

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Resolved:-

1. That Cabinet delegate responsibility to the Strategic Director, Regeneration and Environment, in consultation with the Cabinet Member for Jobs and the Local Economy and the Cabinet Member for Transport and Environment, to jointly submit, with Sheffield City Council, the Rotherham and Sheffield Full Business Case to Government.
2. That Cabinet delegate responsibility to the Strategic Director, Regeneration and Environment, in consultation with the Cabinet Member for Jobs and the Local Economy and the Cabinet Member for Transport and Environment, to commence procurement for any necessary infrastructure, goods and services to implement the mitigating measures.

3. That Cabinet agree to receive a further report on Rotherham's clean air proposals should Government require significant changes once Government has assessed the proposals in the Full Business Case.

113. 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.

114. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Cabinet be held on 28th March, 2022, commencing at 10.00 a.m.