

**OVERVIEW AND SCRUTINY MANAGEMENT BOARD**  
**Thursday 27 January 2022**

Present:- Councillor Clark (in the Chair); Councillors Barley, Baker-Rogers, Burnett, A Carter, Cooksey, Elliott, Hoddinott, Pitchley and Yasseen.

Apologies for absence:- Apologies were received from Councillors Baum-Dixon and Wyatt.

The webcast of the Council Meeting can be viewed at:-

<https://rotherham.public-i.tv/core/portal/home>

**98. MINUTES OF THE MEETING HELD ON 15 DECEMBER 2021**

**Resolved:** - That the Minutes of the meeting of the Overview and Scrutiny Management Board held on 15 December 2021 be approved as a true record.

**99. DECLARATIONS OF INTEREST**

Councillor Clark noted that while not a declaration of interest that she would vacate the Chair for the agenda item on the Grange Landfill Site due to the site being located in her ward.

**100. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS**

- 1) **Mr R Brannigan** asked whether the Council would agree that in the context of the legislation surrounding permitted development, that the Council was interpreting the legislation incorrectly with regard to the construction of a lagoon on land adjacent to the Grange Landfill Site

In response the Head of Planning and Building Control advised that the Council had taken legal advice regarding the legalities of the permitted development activity that was taking place and as such was satisfied that the activities that had taken place on the land adjacent to the Grange Landfill Site were allowed under the rules surrounding permitted development.

As a supplementary question Mr Brannigan asked how under the rules surrounding permitted development would it be possible for the sandstone that had been removed in the construction of the lagoon to be reinstated at the end of tipping at the Grange Landfill Site.

In response the Head of Planning and Building Control noted that temporary developments constructed under permitted development rules would always require reinstatement once the related activity at the landfill site ended. The Head of Planning and Building

Control advised however as the permission on such permitted developments was open ended then actual date when they were reinstated could be some time in the future. The Head of Planning and Building Control advised that the rules surrounding permitted development would require the site to be returned to how it was prior to the permitted development but did not require that the materials used for the reinstatement had to be the materials that had been removed, only for them to be of the same type.

- 2) **Mr S McKenna** asked whether the Council would be contacting the operator of the Grange Landfill Site to ask why the operator had declared to the Environment Agency that no waste had been tipped at the site when he had received reports that this had been the case.

In response the Assistant Director - Community Safety and Streetscene advised that he was not aware of any waste being deposited at the site. The Assistant Director advised that if Mr McKenna was aware that waste had been tipped that he should share the information that he had on the issue with the Council so that the matter could be fully investigated. The Assistant Director advised that the inert waste had been taken to the site during 2021 had been for the purpose of assisting with the construction of the site, and as such was allowed under the operators permit that had been issued by the Environment Agency. The Assistant Director also noted that as soon as the Council had become aware that inert waste from a Council construction site had been taken to the Grange Landfill Site in March 2021 to assist with construction activities that immediate action had been taken to stop this activity from happening.

As a supplementary question Mr McKenna asked that as the operator was accepting blast furnace slag at the site, why was the Council not investigating this matter and exhibiting a duty of care to local residents.

In response the Assistant Director re-emphasised that if Mr McKenna had information about waste being taken to the site, then he should share it with the Council who would then investigate the matter fully.

- 3) **Councillor Jones** noted that the Droppingwell Action Group had always maintained the operator of the site did not have a right of access across the first 250 yards of the access road to the site and as such had sought legal advice on the matter. Councillor Jones asked that as the legal advice that had been received had stated that the Council should make a legal challenge in the courts over the operator using the road, why the Council had not pursued this course of action.

In response the Litigation Services Manager stated that in response to the legal advice obtained by the Droppingwell Action Group that had been submitted to the Council that a full briefing note detailing the Council's position on the matter of the access road was being prepared. The Litigation Services Manager advised that the briefing note would detail the Council's position on the matter would be shared with Councillor Jones and members of the Droppingwell Action Group in due course.

As a supplementary question Councillor Jones asked that as the Council had stated that they had documentation that showed that the operator had a right of access for the road, would the Council release this documentation to members of the Droppingwell Action Group and the public.

In response the Litigation Services Manager noted that this documentation would be referred to in the briefing note that was being prepared. The Litigation Services Manager advised that subsequently, and if required that this documentation would then be released. The Litigation Services Manager advised that the documentation when released may be in a redacted format.

#### **101. EXCLUSION OF THE PRESS AND PUBLIC**

There were no items that required the exclusion of the press or public.

#### **102. ADULT SOCIAL CARE - OUR MODEL OF DELIVERY**

The Cabinet Member for Adult Social Care and Health, the Acting Strategic Director of Adult Care, Housing and Public Health and the Assistant Director - Strategic Commissioning, attended the meeting to provide a report on the model of delivery of Adult Care in Rotherham. It was noted that the report had been submitted following a request made by members at the meeting of the Overview and Scrutiny Management Board meeting held on 28 July 2021 (Minute No.31 2021/22).

In introducing the presentation, the Cabinet Member for Adult Social Care and Health noted the significant progress and improvements that had been made in the delivery of Adult Care services in recent years that had included changes to the service delivery model and a total service restructure that had been based on an overarching strategic vision for the service.

In introducing the presentation, the Acting Strategic Director advised that Rotherham, just like many other areas across the country was facing the combined challenge of rising demand for services and available resources not keeping pace with demand. In the context of Adult Social Care and Commissioning, these challenges included a greater number of older people who required support and an increase in the number of young adults in Rotherham with complex needs who were transitioning from

children's services into adult's services along with rising care costs.

The Acting Strategic Director advised that the ultimate aims of care and support were to support individuals and families to live the best life that they could and as independently for as long as possible, utilising the assets within their community to support their health and wellbeing and to protect the most vulnerable residents from physical and emotional neglect.

The Acting Strategic Director made a presentation that detailed the Adult Social Care core pathway that explained the duties for the local authority, how the operating model worked in Rotherham and defined what this meant for the people who may need the Council's support.

The presentation provided information on:

- the Care Act 2014 and its requirements for local authorities.
- how the model of delivery aimed to put each individual at the centre of the Rotherham Adult Social Care model.
- the Adult Social Care Core Pathway.
- Adult Social Care First Contact, detailing how referrals were received and how performance was measured.
- the benchmarking activity that took place with other local authorities.
- the assessment processes for Adult Care Services.
- support, care and planning.
- the number of residents currently accessing support.
- how performance in Adult Care service delivery was measured and details of areas of service delivery that were working well and areas where improvement was required.

Members welcomed the report and presentation noting how useful it had been to be shown the entire process for how Adult Care services were delivered, as they as elected members only normally got to see the end of the process when services were being delivered. Members also noted with approval the person-centred approach of the delivery model that placed each individual and their needs at its centre.

Members noted that currently around 3,500 residents were receiving support and services from Adult Care Services and asked how the service could be sure that it was reaching all of the residents in the Borough who required support. Members also noted that the number of residents in receipt of services appeared to be low. The Acting Strategic Director

advised that whilst the number of residents in receipt of services did appear low, the numbers of residents in receipt of service were as expected for an area the size of Rotherham. The Acting Strategic Director noted that unfortunately there would always be some residents who were in need of support who did not access the support they needed, but assured members that close partnership working with housing and neighbourhood teams ensured that as many eligible residents as possible were referred for support. The Acting Strategic Director advised that residents who after an assessment were not eligible for support from Adult Care Services would be signposted to alternative services who could provide appropriate support for their needs.

Members asked how long after an initial referral had been made did it take for an assessment of their needs to be carried out. The Acting Strategic Director advised that timescales could vary and could be impacted by a number of factors such as work force capacity. The Acting Strategic Director noted that 28 days had been a target for the completion on an initial assessment but advised that as all assessments carried out were proportionate to each individual's needs then complex assessments could take longer to complete. Members asked for further information on how new and developing support needs were picked up after an initial assessment for services had been made. The Acting Strategic Director advised that some service user's cases were permanently open due to their needs and were subject to regular monitoring with these service users' needs being regularly reassessed in order to ensure that their needs were adequately supported.

Members welcomed the approach to delivering services that placed each individual at the centre of the delivery model and asked what consultation had happened with service users in its design and how ongoing feedback on how services were delivered was gathered. The Cabinet Member assured members that the requests of each service user for how they received services were always listened to and considered but noted that in some circumstances that some individuals did require advice and guidance on the range of services that were available to them and that would be most suitable for their needs. The Cabinet Member also noted that service user satisfaction was a key performance indicator that was monitored as part of the Council Plan. The Assistant Director - Strategic Commissioning advised how engagement with service users was a key principle in effective and person-centred service delivery but noted that to do this effectively was a very complex process. The Assistant Director detailed some of the engagement and consultation work that had been carried out with service users in the development of services.

Members noted the aspiration of the service to keep residents in their own homes for as long as possible and asked how this worked for the residents for whom a move straight into residential care was the best option for them. The Cabinet Member advised that the main objective of the service was to keep adults in their own homes for as long as possible as evidence had shown that this approach delivered the best outcomes

for individuals as it had been shown that individuals recovered more quickly in their own homes with the correct support than in a residential setting. The Assistant Director noted that the range of services that could be delivered by Adult Care was very wide-ranging and often complex, and as such individuals may initially only consider options that were familiar to them such as residential care as they may not be aware of the other options that would enable them to receive support in their own home. The Assistant Director noted that in the past that the option of residential care had been overly relied on in Rotherham as a solution for care needs and that the move to deliver more services to enable residents to stay in their own homes for longer was a positive change.

Members expressed concern regarding the use of community assets and the support for individuals that was provided by family and other networks. Members noted that while informal carers did provide a huge amount of support that it was important that such support was not over relied on as it could place a huge amount of strain on the individuals who were providing care. Members noted the important statutory role of the Council in providing services and sought assurance that an over reliance was not being placed on informal carers. Members noted the information that had been provided in the presentation regarding the provision of care services and asked what measures were being taken to guarantee the provision of care and support to all residents who were in need of services could be maintained. The Cabinet Member noted that whilst some care packages were extremely costly to provide, it was not only the Council's statutory duty, but his own commitment to ensure that appropriate care packages were always provided that met every individual's needs. The Cabinet Member noted that how care packages may be delivered in the future may be impacted by changes in how the Government chose to fund Adult Care. The Acting Strategic Director assured members that model of service delivery for Adult Care was not about rationing services or over relying on informal care but in empowering individuals to make choices on options for their care that they may have not been aware were available.

Members asked for further information on why Rotherham was not performing as well as other neighbouring and comparable local authorities on the key performance indicator of the number of patients still being in their own homes 91 days after a hospital discharge. The Acting Strategic Director noted the wide range of options that were available to individuals on their discharge from hospital. The Acting Strategic Director stated that in some circumstances an individual's preference and choice would have been to return home, but that due to changes in their circumstances this return home may not be sustainable in the long term. The Acting Strategic Director advised that it was important to note that whilst an individual may within 91 days have to go into residential care that they had had the ability to make a choice about being able to try a return to living in their own home which was a key part of the service delivery model.

Members asked for further information on the processes for the tendering of Adult Care Services and noted that this may be an area in which

Scrutiny could look at it more detail in future. The Assistant Director advised that the commissioning process for services was governed by both the relevant legislation as well as the financial procedure rules as detailed in the Council's Constitution, and as such the processes followed in all tendering activity would always be open and transparent. The Assistant Director noted that during the pandemic that on some occasions a different approach had had to be taken to the tendering of services in order to ensure stability of the local adult care service market so as to ensure services could continue to be provided to those who required them.

Members asked how service users were involved in assessing the quality of services they received. Members noted that a frequent complaint that they received regarding the provision of services was in the lack of consistency in the staff who were providing their care. The Assistant Director noted that there was national set of quality measures that the Council used to assess service user satisfaction. The Assistant Director advised that information on the quality of service provision was gathered by engaging with service users as much as was possible, noting that feedback was easier to gather in some settings such as centres for those with learning disabilities than others, such as from residents receiving care in their own homes. The Assistant Director noted that due to the pressure on services and the different way that many services had been delivered during the pandemic that the opportunities to gather feedback had been reduced over the previous two years.

Members asked whether the council's delivery model for Adult Care services would be able to cope with the changes created by amendments that had been made to the Care Act that were due to come into force in October 2023. The Acting Strategic Director assured members that planning for the changes due in October 2023 had already started and that an officer working group had been formed in order to support the Council's response to the planned changes. The Acting Strategic Director noted some of the potential challenges that the changes would create for delivery of Adult Care services including a potential increase in the number of residents requiring support. The Acting Strategic Director assured members that the delivery model would be able to respond to the changes but noted that there may be issues with services having the capacity to cope with demand.

Members asked whether the previous two years of the pandemic had highlighted any improvements to service delivery that would be maintained into the future. The Cabinet Member noted the positive impact that volunteers had had during the pandemic, notably in how they had assisted in the running of foodbanks. The Cabinet Member also noted the improved community spirit that had been created as a result of the pandemic and the positive impact that this had had for individuals and communities. The Assistant Director noted that increased digital engagement during the pandemic had been good for some service users in accessing services. The Assistant Director also advised that increased

online communication had also been beneficial for engaging with service providers and delivery partners.

Members asked for further information on how Adult Care service provision, and in particular provision that adequately met the individual and specific needs of those requiring support would be commissioned in the future to meet the needs of the ageing BAME population in Rotherham. The Cabinet Member noted that Rotherham in comparison to other areas had more rapidly ageing population and as such would be seeing a greater number of older residents who would need care and support in the future who may have different needs to the current older population. The Cabinet Member assured members that planning was taking place in order to prepare for the increased demand for services that this increase in the older population in Rotherham would create. The Assistant Director advised that the commissioning and creation of services would always be intelligence based and as such future commissioning activity would always be responsive to the needs of the older population in Rotherham at any given time.

Members asked for further information on how service users were, where appropriate, were supported into volunteering opportunities. The Cabinet Member noted the strong links that the Council had with Voluntary Action Rotherham and how the support that they provided regarding volunteering opportunities. The Assistant Director advised that the Pathways programme delivered by housing colleagues used volunteering as a key route to support individuals to develop and to move onwards in to paid employment. The Assistant Director also noted the success of the Community Hub during the pandemic in utilising and developing people as volunteers and reaffirmed the Council's commitment to building on the success of the Community Hubs moving forwards.

The Chair thanked the Cabinet Member for Adult Social Care and Health, the Acting Strategic Director of Adult Care, Housing and Public Health and the Assistant Director - Strategic Commissioning for attending the meeting and answering member questions.

**Resolved: -**

1. That the report be noted.
2. That the presentation "Adult Social Care – our model of delivery" be circulated to all elected members.
3. That consideration be given by the Acting Strategic Director Adult Care, Housing and Public Health and the Head of Democratic Services to delivering an all-member seminar on the model of delivery of Adult Social Care delivery in Rotherham.

At this point Councillor Clark vacated the Chair. Councillor Barley then took the Chair for the following item.

**103. GRANGE LANDFILL SITE UPDATE**

The Assistant Director - Community Safety and Streetscene, the Head of Planning and Building Control and the Litigation Services Manager attended the meeting to provide a report on activity regarding the Grange Landfill Site.

The report noted that on 30 October 2019 the Council had received a petition from the Droppingwell Action Group calling on the Authority to take enforcement action in respect of the Grange Landfill Site. As the petition had met the threshold for consideration by the Overview and Scrutiny Management Board a meeting had been held on 28 January 2020 to consider the petition. At that meeting the Overview and Scrutiny Management Board made eleven recommendations (Minute No.113) that were subsequently accepted by Cabinet on 23 March 2020 (Cabinet Minute No.140).

A further update report had been presented to the Overview and Scrutiny Management Board on 18 March 2021 where it had been resolved: "That a further report on the latest situation surrounding the Grange Landfill be presented to the Overview and Scrutiny Management Board in three months' time." (Minute No.341). Another update had then been provided at the meeting of the Overview and Scrutiny Management Board on 28 July 2021 where it had been resolved that "That a further report on the current situation regarding the Grange Landfill site be brought to the January 2022 meeting of the Overview and Scrutiny Management Board, or sooner if there are any significant changes regarding the issues relating to the site's operation," (Minute No.30).

In introducing the report, the Assistant Director - Community Safety and Streetscene advised that the report provided a further update on activity surrounding the site since July 2021. The Assistant Director advised that since the last update that had been provided to the Overview and Scrutiny Management Board in July 2021, the operator had continued to undertake works on site to prepare the site for full operation and to fulfil the requirements of the Environment Agency Permit. The Assistant Director advised that this preparation work had continued to involve the importation of inert waste for use in its construction, which was legally allowed under the terms of the Permit. It was noted that at the date of the report that the conditions of the Environment Agency had not been met, and that as such full landfilling operations were not able to commence.

The report also provided updates on:

- the Planning Permission on the site and related issues, including the issuing of a Planning Contravention Notice (PCN)
- Access issues related to the site
- Public Rights of Way

A written update on the site from the Environment Agency was also attached as an appendix to the officer's report.

Members noted the Planning Contravention Notice (PCN) that had been served on the site operators on 2 September 2021 and asked how confident officers were that the operator would comply with the requirements of the planning permission in future. The Head of Planning and Building Control assured members that by law the site operator was required to provide an accurate response to the issues and concerns raised by the PCN and advised that he was confident and satisfied that with the accuracy of information contained within their response to the PCN. The Head of Planning and Building Control noted that with regard to planning enforcement at the site in future that it was only possible to consider activity that had already taken place at the site and not what may or may not happen in the future. The Head of Planning and Building Control advised that discussions had taken place with the operator of the site regarding how they planned to comply with the action plan that had been created in response to the PCN. The Head of Planning and Building Control assured members that any future reports of potential breaches of the planning permission would be fully investigated and that proportionate enforcement action being taken as required.

Members asked if there was an "Improvement Plan" included within the Environmental Permit for the operation of the Grange Landfill Site regarding communication and engagement with local communities. The Assistant Director noted that the responsibility for the content of the permit and how the operator complied with the conditions contained in was the responsibility of the Environment Agency as the permit issuer. The Assistant Director advised that officers could however discuss the possibility of the development of an Improvement Plan with the Environment Agency.

Members noted that as many elected members had never visited the Grange Landfill Site that a site visit to enable them to see the site would be beneficial. Members also noted that a public meeting with the Environment Agency, the site operator and Council officers would also be useful in order to increase public understanding of the issues surrounding the operation of the site. The Assistant Director advised that he would contact the Environment Agency to discuss the possibility of a site visit and a potential public meeting. The Vice-Chair noted that the Council's website contained a section that provided detailed information and answers to many frequently asked questions regarding the operation of the site.

Members questioned why there was no representative of the Environment Agency present at the meeting as there had been when the last update had been provided to the Overview and Scrutiny Management Board in July 2021. The Assistant Director advised that at the time when report was being prepared that due to the impact of the pandemic, that staff at the Environment Agency had been advised not to attend in-person

meetings. The Assistant Director noted that a detailed briefing from the Environment Agency on the current situation at the site had been submitted and had been attached as an appendix to the report.

Members noted their concern that the operator of the site appeared to have a lack of interest and care in communicating and engaging with local residents and asked what could be done to build trust between the Council and local residents around the operation of the site. The Assistant Director assured members that the operation of the site and the issues surrounding it were taken very seriously by the Council. The Assistant Director advised that the Council had invested significant resources and time into monitoring the issues surrounding site and was committed to minimising the impact of the operation of the site on local residents. The Assistant Director also noted the motion that had been passed by the Council in 2017 stating the Council's opposition to the operation of the site.

Members noted the Definitive Map Modification Order that had been made in relation to a number of claimed rights of way over the site and the subsequent objection to the order that had been received. Members asked that now the final decision on the Modification Order would be made by the Secretary of State if officers could provide an indication of the next steps and timescales involved in this process. The Litigation Services Manager advised that it was not easy to predict exactly how long the decision by the Secretary of State would take as initially they would have to decide the format of their response to the objection. The Litigation Services Manager advised that due to the substantial nature of the objection that the response would most likely be informed by a public enquiry, noting that currently there was an 18-month backlog for public enquiries waiting to be held. The Litigation Services Manager advised that the Council's submission to the Secretary of State had been prepared and would be submitted as soon as the Council was asked to provide it.

The Vice Chair thanked the Assistant Director - Community Safety and Streetscene, the Head of Planning and Building Control and the Litigation Services Manager for attending the meeting and answering member questions.

**Resolved: -**

- 1) That the report be noted.
- 2) That further update reports on the Grange Landfill site be brought to the Overview and Scrutiny Management Board as and when there is a substantial change in the situation regarding the operation of the site or to any related issue.
- 3) That the Assistant Director, Community Safety and Streetscene liaises with Environment Agency to organise a site visit for all elected members to the Grange Landfill Site.

- 4) That the Assistant Director, Community Safety and Streetscene liaises with Environment Agency to discuss the possibility of holding a public meeting regarding the operation of the Grange Landfill site.
- 5) That the Assistant Director, Community Safety and Streetscene contacts the Environment Agency regarding the potential development of an "Improvement Plan" to be included within the Environmental Permit for the operation of the Grange Landfill Site regarding communication and engagement with local communities.

At this point the Councillor Barley vacated the Chair. Councillor Clark retook the Chair for the remainder of the meeting.

**104. CALL-IN ISSUES**

There were no call-in issues.

**105. URGENT BUSINESS**

There were no urgent items.

**106. DATE AND TIME OF NEXT MEETING**

**Resolved:** - That the next meeting of the Overview and Scrutiny Management Board will be held at 11am on Wednesday 9 February at Rotherham Town Hall.