

**THE CABINET
19th December, 2022**

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

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

Apologies for absence were received from Councillors Lelliott.

79. DECLARATIONS OF INTEREST

There were no declarations of interest.

80. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no members of the public present at the meeting and no questions submitted in writing.

81. MINUTES OF THE PREVIOUS MEETING

Councillor Allen advised of a correction to Minute No. 69. It should read "held on 17th October 2022 be approved as a true and correct *record* of the proceedings."

Resolved:-

That the minutes, as corrected, of the previous meeting of the Cabinet held on 21st November, 2022, be approved as a true and correct record of the proceedings.

82. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that Appendix 2 to Minute No. 84 contained exempt information, however, the meeting remained open to the public and press throughout.

83. SECTION 106 DEVELOPER EDUCATION CONTRIBUTIONS POLICY

Consideration was given to the report which proposed changes to the threshold criteria within the Section 106 Developer Contributions Policy. The changes reflected recent updates to the evidence base and further work undertaken within the Council to prepare refreshed Supplementary Planning Policy guidance.

The Town and Country Planning Act 1990 (Section 106) made provision for Local Authorities to seek financial contributions from developers towards education infrastructure where it could be evidenced that a

development would put pressure on existing school capacity. The Section 106 Developer Education Contributions Policy set out the Council's strategy towards analysing the impact on education and requesting developer contributions towards creating additional school places where necessary and appropriate.

The latest cost multipliers issued by Department for Education and BCIS (Building Cost Information Service) had uplifted the previous cost formula from £2,342 (Primary) and £2,521 (Secondary) to £3,472 (Primary), £3,737 (Secondary) and £1,621 (Sixth Form). The policy revision reflects the uplift. In future those costs would be updated annually to reflect increases in build costs and as good practice in negotiating Section 106 planning contributions.

The Policy revision which was attached as Appendix 1 to the report also incorporated the use of Section 106 funding for Special Education Needs and Disability (SEND) and Social Emotional and Mental Health (SEMH) resources. This was because the Local Authority had a strategy to align SEND/SEMH resource bases to local mainstream schools to meet the rising need for places in mainstream education for children with SEND/SEMH both with Education, Health and Care Plans (EHCP's) and registered as SEND needs in school but below EHCP threshold.

Consultation was undertaken with stakeholders including RMBC Planning Department (linked to the draft Supplementary Planning Documents (SPD) -Securing Developer Contributions), Housing Department, Legal Department, Finance Department, Procurement Department and Regeneration and Environment Directorate. Feedback from consultees had informed revisions to the revised draft Policy, attached as Appendix 3 to the report.

Resolved:-

That approval be granted to the revised Section 106 Developer Education Contributions Policy.

84. DISPOSAL OF PROPERTY AT 32-34 CORPORATION STREET (FORMER LLOYDS BANK BUILDING)

Consideration was given to the report which sought approval to dispose of property at 32-34 Corporation Street. The property was showed edged in red on the plan attached at Appendix 1 to the report. The disposal would be at a nominal value in line with an independent valuation by private treaty sale and would facilitate the redevelopment of vacant properties at Corporation Street and the provision of new commercial and residential properties.

The proposal was part of a wider development to facilitate new commercial and residential space within the Town's Leisure and Culture Quarter. The Council had secured £31.6m through the Town Deal

towards the regeneration of the Town Centre, Eastwood and Templeborough. Part of this programme would contribute towards a public/private sector partnership redevelopment of properties at 30-38 Corporation Street.

The property would be disposed of to a private sector individual who owned the neighbouring properties (the "Developer") who would lead in the delivery of the development scheme. Town Deal monies would provide the identified funding gap. The property had to be included at a reduced value and the report, therefore, sought permission to dispose of the property at less than best consideration to facilitate the ongoing regeneration of Rotherham's Town Centre. A valuation was commissioned in October 2022 and a summary was provided in exempt Appendix 2.

Under Section 123 of the Local Government Act 1972, it states that a Local Authority can dispose of land or property for less than best consideration if it considers that the disposal will contribute to the promotion or improvement of the economic, social or environmental wellbeing of its area and the extent of the undervalue is no more than £2m. To facilitate the continued redevelopment of the Town Centre it was proposed that the Council forgoes a capital receipt, and the property was disposed of at a reduced value.

Neighbouring properties were owned by the Developer who would contribute to the majority of financial contribution to the redevelopment project. A sale by Private Treaty was therefore the recommended option to enable the project to be delivered.

The property was purchased in 2006 by the Council using Yorkshire Forward monies. Responsibility for this grant had since passed to Homes England (HE). The funding agreement provided that the Council must obtain HE approval to any disposal and this was being sought. Funding for the redevelopment project was provided through the Town Deal and private sector investment. There was no cost to the Council.

Resolved:-

1. That Cabinet approve the disposal of the property at 32-34 Corporation Street at a less than best consideration Under Section 123 of the Local Government Act 1972 to the adjoining landowning Developer to enable continued regeneration of the Town Centre.
2. That approval be given to the Assistant Director for Planning, Regeneration and Transport to negotiate and finalise the disposal of the asset in line with the parameters established by this report.
3. That the Assistant Director of Legal Services be instructed to complete the necessary legal documentation once terms for the disposal have been agreed.

85. SCRUTINY REVIEW RECOMMENDATIONS - MARKETS: ENGAGEMENT AND RECOVERY STRATEGY

Consideration was given to the report which summarised the findings and recommendations from the Improving Places Select Commission spotlight review on 7th June, 2022. The spotlight review examined the recovery and regeneration of the markets in Rotherham Town Centre and a number of recommendations had been made. The recommendations directly for the service were contained in Appendix 1 of the report. Contributing Members were Councillors Atkin, Bennett-Sylvester, T. Collingham, Jones and Wyatt (Chair.)

The aims of this review were to receive information in respect of the following topics pertaining to the Rotherham Town Centre Markets:

- Introducing and contextualising the markets
- Describing of the current situation facing the markets
- Summarising budget and financial arrangements in respect of markets
- Navigating pandemic-related challenges
- Redeveloping the markets
- Engaging with young people
- Planning for future sustainability

Members' findings and recommendations centred around 4 areas: Re-evaluating the introductory offer, designing responsively for economic sustainability amid present day budgetary challenges, navigating redevelopment by nurturing relationships, and designing for long term success.

In accordance with the Overview and Scrutiny Procedure Rules, Cabinet was required to consider and respond to the recommendation in no more than 20 months from the date they received the report.

Resolved:-

1. That the following recommendations from the review be received:
 - a. That face-to-face consultations and clear communication be prioritised in all interactions with vendors and traders.
 - b. That the Service consult case studies and resources available in the libraries of National Association of British Markets (NABMA) and National Market Traders Federation (NMTF) to inform the redevelopment of Rotherham markets.
 - c. That the Service re-evaluate the support offer for new vendors, in consultation with the NABMA and NMTF, with a view to encouraging more new vendors to continue trading beyond the 6 months introductory period.

d. In view of relevant expert advice in respect of sustaining a market during redevelopment works, that retaining traders through the redevelopment phase be considered top priority.

e. That any redesign of market spaces duly considers usability and aesthetics, consulting market research to optimise spaces for inclusiveness and accessibility, and to make the offer especially attractive to students and young people.

f. That consideration be given to how the redesign and operation of the markets may best cater to the needs and interests of younger generations by strengthening links with Rotherham College, North Notts College and Dearne Valley College (RNN Group) student populations and extending opportunities to new entrepreneurs through the Young Traders Scheme.

g. Recognising that the Town Centre markets represent a unique and distinct community of buyers and sellers with its own accompanying needs and character, that consideration be given to the ongoing management resource required to sustain the markets economy successfully over the long term.

h. That consideration be given to design and development choices that would help the markets to incorporate cashless, up-to-date approaches to commerce that their potential customers expect.

2. That Cabinet formally consider its response to the above recommendations by February 2023, in accordance with the Overview and Scrutiny Procedure Rules.

86. COUNCIL PLAN 2022-2025 AND YEAR AHEAD DELIVERY PLAN PROGRESS UPDATE

Consideration was given to the report which was the third progress report on the Council Plan 2022-25 and the Year Ahead Delivery Plan. As of 24th November, 2022, the activities within the Year Ahead Delivery Plan were rated as follows:

- 49% (45) complete
- 39% (36) were on track to be delivered by original target date
- 4% (4) were delayed by less than 3 months
- 8% (7) would not be met within 3 months of original target date

During the meeting the Leader explained the reasons why some of the actions were off target. This related to survey results, measures of demand and reflections of the tough times facing the country (particularly in relation to unemployment figures.) Cabinet Members then highlighted areas of positivity from their portfolios along with any issues or concerns they had around missed or delayed actions.

The in-depth progress report on the Council Plan and Year Ahead Delivery Plan was attached as Appendix 1 to the report. The next update was due to be provided to Cabinet in March 2023.

This 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 but made a number of recommendations:

Resolved:-

That Cabinet note:

1. The overall position in relation to the Year Ahead Delivery Plan activities.
2. The Quarter 2 2022-23 data for the Council Plan performance measures.
3. The performance reporting timetable for the remainder of the 2022-2023 year.
4. The intention of OSMB to undertake a spotlight review of the effectiveness of the Consultation and Engagement Framework as part of its 2023/24 work programme.

87. ROTHERHAM PLAN 2025

Consideration was given to the report which sought endorsement of the updated Rotherham Plan which was attached to the report at Appendix 1. The original document was launched in 2017 and described how the Council and local partner organisations would work together to deliver an ambitious programme of activity through to 2025. A consultation on the updates had been conducted and the analysis of the consultation was contained in Appendix 2.

The update recognised the milestones that had been achieved since 2017 and introduced new themes in response to the significantly different national and local context. Key milestones and actions included a new university centre, the attraction of major investment highlighted by the opening of Gulliver's Valley Theme Park, the ongoing Town Centre development including new housing schemes, integrated health and social care arrangements, a range of employment support programmes, innovative social prescribing practices, and joint commitments on social value across partners.

However, more recently the Council and partner organisations had faced significant challenges, ranging from the Covid-19 pandemic, the growing urgency of climate change to the rising costs of living. The Rotherham Plan 2025 therefore aimed to build on the successes whilst responding to both emerging and long-standing challenges.

The Plan had been signed off by the Rotherham Together Partnership's Chief Executive Officer Group and Cabinet were asked to formally endorse it on behalf of the Council. If endorsed, Cabinet was also asked to agree to the establishment of a Strategic Partnership Group to oversee the delivery of the Plan and ensure connectivity across key partnership boards. It was proposed that the Chairs and one other representative from each of the involved partnership bodies (including at least one non-Rotherham MBC representative) would form a Strategic Partnership Group, to be Chaired by the Leader of the Council. Other members would include the Chair of the Rotherham Together Partnership Chief Executive Officer Group (currently the Council's Chief Executive) and an additional voluntary and community sector representative. In addition, 2 showcase events would be held each year, giving a wider range of people the opportunity to hear about the progress made, including what has been delivered and the impact that it has had.

Resolved:-

1. That Cabinet note the strategic themes and intended programme of action laid out in the Rotherham Plan 2025.
2. That Cabinet endorse the updated Rotherham Plan 2025.
3. That Cabinet agree to the establishment of a Strategic Partnership Group to oversee delivery of the Plan and delegate approval of Terms of Reference to the Chief Executive in consultation with the Leader and the Strategic Partnership Group.

88. ESTABLISHMENT OF A FINANCIAL ABUSE AND EXPLOITATION SERVICE FOR ROTHERHAM

Consideration was given to the report which set out the proposals for a new Service to prevent the financial abuse and exploitation of Rotherham residents. The proposed Service would include the recruitment of a specialist investigator dedicated to Rotherham to investigate cases where crime was suspected, the review of historic exploitation cases and the delivery of financial exploitation and abuse awareness training for key staff and partners. The Service would add to the existing safeguarding offer within the Council's Adults Safeguarding Service and the Council's Trading Standards Service to provide a more comprehensive response.

The Council's Adult Social Care Services consistently received safeguarding concerns that have an element of suspected financial abuse. Since 2019, although the number of concerns raised has

fluctuated, (223 in 2019/20, 362 cases in 2020-21 and 318 in 2021-22, 150 to date in the current year) the percentage where financial abuse was suspected had remained around the 43% mark and had been the third highest category of abuse over the 3 year period.

Deprivation was a known factor in making individuals and communities more susceptible to financial exploitation and abuse. On the Index of Multiple Deprivation 2019 (IMD 2019) Rotherham ranked the 35th most deprived upper tier local authority in England out of a total of 151 authorities. In all, 59 Rotherham neighbourhoods ranked amongst the 20% most deprived in England and 36 of these were in the top 10% most deprived. Given the context and reflective of the Council's core commitment to safeguarding and ensuring Rotherham residents were safe, healthy and live well, the Council had been developing proposals for the development of a new Service offer to further help prevent such abuse and exploitation in the Borough.

The work to establish the Service offer was delayed, principally by the impact of the pandemic, with colleagues in West Yorkshire experiencing issues with time and resources to support Council colleagues in Rotherham. Post-pandemic, discussions resumed with the necessary urgency to enable the proposals contained within this report to be finalised.

A Council working group including colleagues from Adult Social Care Strategic Safeguarding, Housing Services, Regulation and Enforcement, Finance, Performance and Business Intelligence, Procurement and South Yorkshire Police Safer Neighbourhoods Team, had worked to develop the proposal for Rotherham. If the recommendation of the report was approved, the working group would implement the Service proposal to commence activity from April 2023. The working group would also focus on developing referral pathways and associated procedures to support the implementation of the new service offer.

If approved, the proposal would supplement existing Council resources and through a procured specialist provider, include the appointment by that provider of a specialist investigator, for an initial period of 2 years, dedicated solely to Rotherham casework. The procured provider would also be asked to deliver the other activity as detailed in Section 2.5 of the report as part of the contract. The appointed investigator would be recruited and managed by the procured provider. It was envisaged that the postholder would benefit from the wider resources of the provider, in addition to building essential operational relationships with Council staff and partners.

This 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 but made a number of recommendations:

Resolved:-

1. That Cabinet approve the establishment of a Financial Exploitation and Abuse Service for Rotherham as detailed in Section 3 – Option 2 of the report.
2. That a briefing is circulated to update OSMB on the outcomes of the first year of delivery following appointment of a specialist service provider.

89. SCRUTINY REVIEW RECOMMENDATIONS - CULTURAL STRATEGY

Consideration was given to the report which provided a summary of findings and recommendations from a scrutiny spotlight review undertaken jointly by the Improving Places Select Commission and Improving Lives Select Commission. The aim of the review was to obtain assurances that, following the isolation associated with the pandemic and growing financial pressures on families, the Council's Cultural Strategy was responsive to these challenges. Furthermore, the review aimed to ensure the Council was delivering on its 2022-25 Council Plan objectives that local people had access to libraries, cultural activities, parks and green spaces and that children and young people have fun things to do and safe places to go.

Members of the Improving Places Select Commission and Improving Lives Select Commission met with Culture, Sport and Tourism Service leads, and the Cabinet Member for Social Inclusion. The review was undertaken by Councillors Pitchley, Atkin, Cooksey, Griffin, Havard, Keenan, McNeely, and Sansome. The resulting recommendations were endorsed by the Improving Lives Select Commission on 3rd May, 2022, on behalf of both Select Commissions which conducted the spotlight review. The recommendations were subsequently endorsed by the Overview and Scrutiny Management Board on 12th October, 2022.

Consideration was given to specific areas of work which comprised part of the current offer. Members considered those examples in determining whether there was enough evidence to provide assurances in 2 areas:

1. that there was sufficient variety and availability of cultural events to cater to diverse interests and respond to the changing needs of communities.
2. whether inclusive access to a variety of events across the Borough was sufficient to ensure that young people have fun things to do and safe places to go and that local people have access to cultural activities close to where they live.

In accordance with the Overview and Scrutiny Procedure Rules, Cabinet was required to consider and response to the recommendation in no more than 2 months from the date they received the report.

Resolved:-

1. That the following recommendations from the review be received:
 - a. That the range of available activities tailored for young residents of the Borough be prioritised for expansion.
 - b. That consideration be given to how best to expand access, especially for young people, to recreational swimming in the Borough, whilst protecting against hazards.
 - c. That the Service liaise with Children and Young People's Services to develop a system to help young carers more easily access opportunities for leisure and culture-related respite.
 - d. With a view to expanding access, that consideration be given to hosting cultural events at alternating and varied locations and venues throughout the Borough where appropriate.
2. That Cabinet formally consider its response to the above recommendations by February 2023, in accordance with the Overview and Scrutiny Procedure Rules.

90. LOCAL NEIGHBOURHOOD & ROAD SAFETY SCHEMES

Consideration was given to the report which set out proposals for the progression of the new Local Neighbourhood Road Safety (LNRS) programme and sought approval to progress to consultation in the areas set out in Tablet 2 of the report.

In July 2022 Cabinet approved the Transport Capital Programme for 2022-23. A key part of that Programme was the Local Neighbourhood and Road Safety Programme. This Programme was intended to address concerns in the community in respect of the operation of the highway network, whilst also contributing to strategic objectives. Members were invited to submit issues and concerns in Summer 2022. Following this exercise, areas for investigation had been prioritised based on Member requests received but also having regard to corporate objectives in respect of Council Plan objectives. It was proposed to deliver the Programme in 2 tranches. Areas prioritised in tranche 1 (in the period until December 2023) were listed in section 2.1 of the report, along with an initial budget.

The 12 remaining Wards fell into Tranche 2 of LNRS. These would be prioritised for inclusion in the Programme in the years 23/24 and 24/25, utilising the remaining £1,440,000 as set out in section 2.3 of the report.

Resolved:-

1. That the Programme of Tranche 1 Local Neighbourhood and Road Safety Schemes is approved as set out in Table 2.
2. That Cabinet delegates authority to the Strategic Director, Regeneration and Environment, in consultation with the Cabinet Member for Transport and Environment and Section 151 Officer, to enter projects within the areas specified in Table 2 into the Capital Programme.

91. APPLICATION FOR MOVING TRAFFIC ENFORCEMENT POWERS (TRAFFIC MANAGEMENT ACT PART 6)

Consideration was given to the report which outlined the requirements to undertake the enforcement of Moving Traffic Offences and sought approval to delegate the submission of the Council's application for powers to the Strategic Director for Regeneration and Environment, in consultation with the Cabinet Member for Transport and Environment, following completion of the current public consultation.

The Government had committed to make Moving Traffic Enforcement Powers available to local authorities outside London, under Part 6 of the Traffic Management Act 2004. This gave the Secretary of State regulatory powers to authorise individual Transport Authorities to undertake the civil enforcement of Moving Traffic Offences to reduce congestion and improve air quality, whilst promoting active travel by removing vehicles from areas such as cycle lanes and pedestrianised areas. The offences that these Powers covered were shown in Appendix 1 to the report. The Regulations were laid before Parliament on 27th January, 2022, and introduced on 31st May, 2022. In making these Powers available, the legislative opportunity had been taken to consolidate the existing civil enforcement regimes for parking restrictions, which the Council did carry out, and the civil enforcement of bus lane contraventions which it did not currently undertake.

The Council's Parking Services would be required to develop and implement a new Parking and Moving Traffic Enforcement Policy that covered the Regulations introduced on 31st May, 2022. The updated Policy would need to consolidate the existing Civil Enforcement Policies and processes for parking restrictions and the civil enforcement of bus lane contraventions with the new restrictions introduced in the Moving Traffic Offences Legislation. This would need to include details of how the Council would charge the public for contraventions that are captured on camera and how the public can appeal these penalties.

A review and update of the Council's existing GDPR Policy (which governed data protection) would also be required to support the introduction and use of camera enforcement throughout the Borough to deliver the new Parking and Moving Traffic Enforcement Policy.

The following 5 sites met the criteria as set by the Department for Transport for the Designation of Moving Traffic Enforcement Powers:

Location	Enforcement requirement
Bridgeway (Town Centre)	Vehicle access restrictions
High Street (Town Centre)	Vehicle access period
Clifton Lane	Banned Left Turn - from Clifton Lane into Doncaster Gate
	Banned Left Turn - from Doncaster Road into Clifton Lane
Sheffield Lane, Catcliffe	No Entry
Wood Lane, Brinsworth	Bus Gate

The enforcement of Moving Traffic Offences required the use of approved camera technology and software. This would be compatible with Parking Services current system; Parking 3Sixty from Imperial Civil Enforcement Solutions.

Currently the costs associated with the outlined tasks were unknown but other authorities had specified costs of between £15,000 and £25,000 and up to £700 per month to operate and maintain, with some sites and types of restrictions needing more than one camera for effective enforcement which would increase the cost of a site further. There were also additional costs associated with dealing with representations against Parking Charge Notices (PCNs) and adjudication.

Consultation began on 11th November, 2022, and would end on or soon after 23rd December, 2022.

Resolved:-

That, subject to the current public consultation, Cabinet authorises the Strategic Director for Regeneration & Environment, in consultation with the Cabinet Member for Transport and Environment, to submit the Council's application to the Department for Transport for Powers to enforce Moving Traffic Offences under Part 6 of the Traffic Management Act (TMA) 2004.

92. TRANSFORMING CITIES FUND UPDATE

Consideration was given to the report which provided a progress update on the delivery of the Transforming Cities Fund programme. The Transforming Cities Fund aimed to improve productivity and spread prosperity through investment in public and sustainable transport in some of the largest English city regions and was first announced by Government on 20th November, 2017. The Strategic Outline Business Case (SOBC) for the Transforming Cities Fund (TCF) programme was submitted to the Department for Transport (DfT) by Sheffield City Region on 27th November, 2019. The subsequent acceptance of the £166m grant from DfT was reported at the MCA meeting on 1st June, 2020.

The Council had embarked on an ambitious active travel programme which would see the completion of key strategic active travel and public transport schemes across the Borough, as well as more local improvements. An update in respect of each project was given in Section 2 of the report.

In July 2022, Cabinet approved the Transport Capital Programme for 2022-23. A key part of that programme was the delivery of the Transforming Cities Fund active and sustainable travel programme, detailed in the table below:

Table 1 - DfT Transforming Cities Fund Programme (as of Apr 2022)

	£'000,000
Sheffield Road cycleways	£6.8
Frederick St public realm & cycleway (contribution)	£0.5
Moor Road cycleway, Manvers	£0.4
A631 Rotherham to Maltby bus corridor	£2.3
A630 Doncaster Road improvement, Dalton	£1.9
Forge Island Footbridge	£1.0
Fund subtotal	£12.9

Resolved:-

That Cabinet note the update in respect of the Transforming Cities Fund programme.

93. 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.

94. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Cabinet be held on Monday, 23rd January, 2023, commencing at 10.00 a.m. in Rotherham Town Hall.