

THE CABINET
23rd January, 2023

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

Also in attendance were Councillor Clark (Chair of the Overview and Scrutiny Management Board) and Councillor Yasseen (Chair of the Health Select Commission).

An apology for absence was received from Councillor Brookes.

95. DECLARATIONS OF INTEREST

There were no declarations of interest.

96. QUESTIONS FROM MEMBERS OF THE PUBLIC

A question was received from Councillor Ball who asked if the Leader had full confidence in the Cabinet Members who remained silent after the Jay Report?

The Leader indicated he had full confidence in the Cabinet Members, including those appointed in the interim period and rejected the idea that they had remained silent in the wake of that piece of work. He also rejected the idea that they had remained silent in the build up to that piece of work. That piece of work had been commissioned by members.

In his supplementary Councillor Ball noted a Cabinet Member had been selected and then withdrawn from selection to stand as an MP due to the backlash of the survivors. He asked why the Cabinet Member was not good enough to stand as an MP yet good enough to remain in the Cabinet, was this an indignity to the survivors.

The Leader responded to explain that the Cabinet Member had been selected, through a democratic process to stand for parliament, they then took a dignified decision, because they were a person of integrity to stand back from it, in response to comments made by some people. The Leader praised that Cabinet Member's work and confirmed he was proud to have them as a member of his Cabinet and would like them to continue in their role.

97. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the minutes of the Cabinet meeting held on 19th December, 2022, be approved as a true and correct record of the proceedings.

98. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that appendices to Minute Nos. 99, 104 and 105 contained exempt information, however, the meeting remained open to the public and press throughout.

99. SUPPORTED LIVING MENTAL HEALTH RECOVERY CARE AND SUPPORT

Consideration was given to the report which sought approval for the Supported Living – Mental Health Recovery model of care and support. Cabinet was also asked to note the interim arrangements until the Community Services – Mental Health Recovery Flexible Purchasing System was established.

Mental health care and support was a statutory requirement for those people who were deemed eligible for support under the Care Act 2014. A lot of emphasis was placed on residential care and non-specialist provision. In October 2022, Cabinet approved a move to appoint suitable providers to community services using the flexible purchasing scheme. This scheme would take at least 6 months to set up but there was an increase in demand for services. For example, there had been a rise from 20 people to 30 people requiring support in December 2022.

A key part of the scheme was supported living, where support and care services were provided to help people live as independently as possible. Supported living provided people with individual tenancies and support was provided where appropriate and assessed. Supported living could be offered in a variety of ways and reduced the high cost of long-term residential care. This had a very strong preventative focus and helped people to develop and maintain their independence.

The package would include Mental Health Recovery Services, which offered personalised care and increased choice and control along with independent living skills.

Making Spaces was a charity providing community-based Health and Social Care Services to adults with primary care needs and mental health and/or learning disabilities. They had a strong company ethos of promoting independence. They approached the Council with a positive proposal which included their success in securing a loan, with an eighteen month timescale to spend the investment/funding. Any financial risk involved with the proposal was theirs and not the Council's. There was no cost to the Council apart from the cost of providing care if the Council moved residents into that unit.

Resolved: That Cabinet:

1. Approved the Supported Living - Mental Health Recovery model of care and support.

2. Noted that until creation of the FPS, an interim contract would be entered into with Making Space and Amethyst Care and Support Group Ltd to provide mental health recovery focussed supported living services.
3. Noted that in the future the supported living arrangements for people living with mental ill-health would be delivered through the Community Services – Mental Health Recovery Flexible Purchasing System.

100. SCRUTINY REVIEW RECOMMENDATIONS - COVID-19 CARE HOME SAFETY

Consideration was given to the report which presented the recommendations from the spotlight review on Covid-19 Care Home Safety to Cabinet for review.

The Chair of the Health Select Commission explained that the review had been commissioned to identify the safety of care homes in Rotherham during the pandemic. She offered her thanks for all Members who supported the review.

The aim of the review was to receive assurances that learning from the pandemic had been captured that would help ensure greater safety for care home residents and staff as we, as a community, continue living with Covid. The review had received support from the Cabinet Member and officers of the Council.

Areas that had been identified were the need for a strong workforce, which was protected by things such as sick pay, good quality guidance, access to PPE and testing regimes. A key aspect would be how those resources could be delivered in future.

The Leader confirmed that the Cabinet would provide a response to those recommendations at its March meeting.

The Cabinet Member explained that the recommendations would need to be considered by the Health and Wellbeing Board along with colleagues within Public Health. Congratulations was offered to officers and partners, who now shared data. There was increased communications with care homes within Rotherham. It was understood that there was further work to be conducted on a national and local level to ensure this sector continued to improve.

Resolved:

1. That the following recommendations from the review be received:
 - a. That the learning from the pandemic and ongoing needs in respect of care home safety be noted.

- b. That the Service consider how the Council may help support recruitment and retention within the care sector.
 - c. That consideration be given as to how best to retain, where possible, the benefits of supportive models such as regular engagement, access to training/guidance and the IMT approach, which were adopted during the pandemic.
 - d. That outcomes of forthcoming reviews by the Health and Wellbeing Board on learning from the Pandemic be considered for scrutiny.
2. That Cabinet formally consider its response to the above recommendations by March 2023, in accordance with the Overview and Scrutiny Procedure Rules.

101. BEREAVEMENT SERVICES DIGNITY CONTRACT MANAGEMENT REPORT

Consideration was given to the report which provided an update on the Council's Bereavement Services management of the contract between Rotherham Council and Dignity Funerals Limited.

It was clarified that the Council did enforce financial penalties where needed and it was active in managing the contract. The Council had so far received £395k in payments for performance failures.

The Leader confirmed that further work was being undertaken to ensure the standard of service improved because it was really important that this was addressed.

It was clarified that monthly and quarterly meetings were held with Dignity Funeral Services along with the creation of an annual performance plan. An independent review had been arranged, which would consider all aspects, including end of life issues and failures. The recommendations from that review would be taken forward.

Resolved:

1. That Members noted the content of the report.
2. That a capital sum of £148,000 be set aside for improvements to the Borough's cemeteries that are outside of the Dignity contract subject to approval of the Budget and Council Tax Report at Council in March 2023; details of which were presented at 2.2.1 of the report submitted.

102. NOVEMBER 2022/23 FINANCIAL MONITORING REPORT

Consideration was given to the report which set out the financial position as at the end of November 2022 and was based on actual costs and income for the first 8 months of 2022/23 and forecast for the remainder of the financial year.

The report highlighted a proposed overspend of £9.5m for the financial year. Short term savings had been identified to mitigate the impact of this overspend with improvements being made across the Council.

The Strategic Director of Finance and Customer Services explained that the overspend was not a sustainable position for the Council so proposals had been provided to assess how it could be addressed through short term savings. Those proposals were operational savings that did not have a large impact on the Council's services but would be manageable in the short term. Aspects such as holding a vacancy open for longer, where possible and identifying areas that had been funded out of the base budget which matched the conditions associated with some grant funding elements.

During discussions it was noted that the pressures remained substantial. It was explained that it has been an ongoing process to understand the allocation and spending requirements of the UK Shared Prosperity Fund. The first year's allocation would be used across a number of schemes, including warm welcome spaces, local business centres and business support and the Children's Capital of Culture, in particular those providers who were providing opportunities for young people.

Resolved: That Cabinet:

1. Noted the current General Fund Revenue Budget forecast overspend of £9.5m.
2. Noted that actions will continue to be taken to reduce the overspend position but that it was likely that the Council would need to draw on its reserves to balance the 2022/23 financial position.
3. Noted the updated Capital Programme.
4. Approved the proposed use of the UK Shared Prosperity Fund grant 2022/23 and delegate authority to the Assistant Chief Executive in consultation with the Leader of the Council to determine any revised and final allocations as required.

103. RISK MANAGEMENT POLICY

Consideration was given to the report which sought Cabinet approval for the Risk Management Policy which was attached as Appendix 1 to the report. submitted

The Council introduced a completely revised Risk Policy and Guide in late 2015 which was approved by the Audit Committee on 24th November, 2015. The Policy and Guide had been refreshed and received by the Audit Committee each year since then. It was last considered by the Audit Committee on 30th November, 2021.

Cabinet was being asked to approve the Policy as the creation of the Policy was an Executive Function. The role of the Audit Committee would then be to monitor the implementation of the Policy and provide their recommendations (if any) to Cabinet as a part of their role in providing assurance on the Governance of the Council as a whole. The report also requested that Cabinet approve that the Assistant Chief Executive could approve future updating of the Policy under delegated powers.

It was clarified that the delegation to the Assistant Chief Executive would be for routine updates only. Any significant updates would be referred back to the Cabinet for consideration.

Resolved: That Cabinet:

1. Approved the Risk Management Policy (attached as Appendix 1 to the main report).
2. Delegated authority to the Assistant Chief Executive to approve changes to the Policy in future.

104. HOUSING DEVELOPMENT PROGRAMME REPORT - 2023/24

Consideration was given to the report which set out proposals to support the delivery of more new Council homes by March 2026. This would be through a combination of development on Council owned land and the acquisition of homes from the private sector.

The need for more affordable housing remained in the Borough, so a similar approach would be maintained. A large range of strategic acquisitions were being considered to address the need.

Subject to approval, the proposals would lead to 969 new homes being provided by March 2026 with over 800 of those being used for Council rent.

The Leader confirmed that the need for people to be in safe, warm, affordable housing was a priority for the Council. Work was still ongoing regarding the 'right to buy's scheme to reduce the number of properties purchased through this scheme that became private rentals in the future.

Resolved:

1. That Cabinet approved the Council-owned sites listed in Appendix 3 being brought forward to deliver new Council homes.
2. That Cabinet approved the appropriation of specified General Fund sites to the Housing Revenue Account. Further detail about the sites proposed for appropriation is provided in Appendix 4.
3. That Cabinet approved the purchase of homes from any of the schemes identified in Exempt Appendix 5
4. That Cabinet delegate authority to the Council's Property Officer (Assistant Director for Planning, Regeneration and Transport) to purchase additional homes from private developers or the open market to add to the Council's housing stock, with the agreement of the Assistant Director for Housing, Cabinet Member for Housing and Section 151 Officer.
5. That Cabinet agreed to receive an update on the housing development programme every 6 months.

105. APPROVAL OF THE USE OF A COMPULSORY PURCHASE ORDER (CPO) TO ACQUIRE 3 - 7 CORPORATION STREET, ROTHERHAM TOWN CENTRE

Consideration was given to the report which sought approval for a Compulsory Purchase Order (CPO) for the acquisition of Nos. 3-7 Corporation Street, Rotherham (the Order Land), comprising 2 derelict, fire damaged buildings, formerly a nightclub/bar and a restaurant. The present owners had proven to be unwilling or unable to bring forward the Order Land's redevelopment and negotiations to acquire by agreement had been unsuccessful. The making of a Compulsory Purchase Order was considered to be the only realistic alternative to bring the site into beneficial economic use.

It was noted that the property had been an eyesore for a long period, however, the Council had needed to wait for the right opportunity to progress discussions. Negotiations with the owners would continue in order to attempt to resolve this without the need for use of a compulsory purchase order.

It was clarified that there had been a long period where negotiations had been unable to progress due to the pandemic.

Resolved:

1. That Cabinet approved the acquisition of Nos. 3-7 Corporation Street on terms to be agreed and approve the making of a Compulsory Purchase Order (CPO) under Section 226(1)(a) of the Town and Country Planning Act 1990 for the acquisition of land and rights within the area edged red on the plan in Appendix 1 for the purposes of facilitating development, redevelopment, and improvement of the Order Land.
2. That Cabinet authorise the Assistant Director of Regeneration, Planning and Transport, in consultation with the Cabinet Member for Jobs and the Local Economy and the Head of Legal Services, to affect the making, confirmation, and implementation of the CPO and to take all necessary steps to give effect to the CPO in respect of the Order Land including, but not limited to, the procedural steps in section 3.8 of this report.

106. ROTHERHAM MUSEUMS, ARTS AND HERITAGE COLLECTIONS MANAGEMENT POLICY

Consideration was given to the report which set out the updated Collections Management Policy for the Rotherham Museums, Arts and Heritage Service. The Policy formed part of the key evidence base which enabled the Service to achieve Museums Accreditation from Arts Council England. Without Museum Accreditation, the Museums, Arts and Heritage Service could not apply for funding to the Arts Council of England (ACE) and would not be able to take forward its conditional offer to join the Arts Council of England National Portfolio Organisation programme, which represented an investment of £250,000 per year for the next 3 years.

This would be a key document and would open up opportunities for new funding streams and partnerships including working with new communities, building relationships with schools and community groups. The accreditations would last for five years.

It was acknowledged that the work of the museums was of a national standard.

Resolved:

1. That Cabinet approved the Collections Management Policy (2023).
2. That Cabinet approved the delegation to the Assistant Director of Culture, Sport and Tourism in consultation with the Cabinet Member for Social Inclusion for any future changes or new versions of the Collections Policy.

107. ROTHERCARD REVIEW

Consideration was given to the report which set out the changes identified from the outcome of the Rothercard review which, once implemented, would deliver an improved Rothercard scheme.

The Rothercard scheme was launched as an anti-poverty initiative in 1993 to prioritise support for Rotherham people living on a low-income by offering a discount on a range of Council services, as well as discounts on goods and leisure activities from a small number of other organisations.

The current scheme had not been developed or promoted for some time which was likely to mean that some of the people who could most benefit from the scheme, were missing out. A review of the Rothercard scheme by a cross party Rothercard Working Group had been completed. The findings from the review were set out in Appendix 1 and summarised within the report.

The members of the Rothercard Working Group were thanked for their participation. The aim was to target those most in need and to simplify the application process. It was proposed that anyone who was eligible for Council Tax Support would also receive a Rothercard application. It was also proposed to extend the eligibility criteria for young people, focusing discounts to help them keep healthy. The Working Group also considered the need for a digital Rothercard to compliment the plastic card.

Consideration had also been given to engaging with local shops and businesses, who could offer discounts for residents of the Borough at quieter times.

It was acknowledged that the Council had limited resources but it was right that it targeted those who needed assistance most, making access to that support easier. An annual review of the scheme would be carried out.

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 which were accepted by Cabinet (recommendations 7-9.)

Resolved:

1. Cabinet approves the recommended changes set out in this report to deliver a new Rothercard scheme as detailed at Section 3 (Options considered and recommended proposal).
2. That Cabinet note the changes to the eligibility criteria and the improvements that will be delivered to make it easier for customers to apply for/benefit from the scheme by:

- Automatically providing residents who qualify for Council Tax Support (with consent) with a Rothercard.
 - Raising awareness of the scheme with those who had already qualified for Council Tax Support so they could be provided with a Rothercard should they wish to have one.
3. That Cabinet approve the proposal to offer the following new discounts to Rothercard holders:
 - 10% reduction off the cost of a hot drink effective from 1st April, 2023, at the following locations:
 - Clifton Park Museum Café,
 - Thrybergh Country Park Café
 - Rother Valley Country Park Café
 - 5% reduction on the cost of the 2024/25 Garden Waste Collection Service (first bin only). This reduction would be applied from December 2023 when residents were invited to renew/subscribe for the Collection Service that would commence from 26th February 2024.
 4. That Cabinet approve the intention to engage with businesses to explore the potential for developing a universal discount scheme that supported local businesses and retailers to benefit all Rotherham residents.
 5. That Cabinet approve the intention to introduce an electronic alternative to a paper based Rothercard.
 6. That Cabinet notes the intention to undertake an annual review to assess how the scheme was benefiting residents and helping deliver improved outcomes.
 7. That consideration be given to extending the eligibility criteria to include:
 - i. young adults (up to the age of 24 years) with Education, Health and Care Plans (EHCPs); and
 - ii. care leavers.
 8. That further work be undertaken to ensure that the initiative aligns with the 'cost-of-living' workstream and neighbourhood agenda and Ward priorities.
 9. That as part of the planned Rothercard annual review, consideration be given to:
 - i. the number of disabled people participating in the scheme and if extending the eligibility criteria could encourage more disabled people to apply; and
 - ii. the feasibility of increasing the level of discount on Garden Waste collections.

108. FUTURE PROVISION FOR HOUSEHOLD WASTE RECYCLING CENTRES

Consideration was given to the report which presented a range of options for the future provision for Household Waste Recycling Centres (HWRC) after negotiations had not been successful between the current partners (Barnsley and Doncaster Councils.)

Options considered included the contracting out of the services, alongside a range of internal delivery models. There were significant complexities attached to developing an in-house service in what was a highly regulated industry. However, there was also a range of potential benefits in terms of new services and more flexibility in delivering existing services, to meet the needs of residents and the Council.

After collaborative consideration of the options across relevant Council departments, the report recommended an in-sourced delivery of customer facing sites and facilities, with these being supported by contracted haulage and disposal. In recognition of the complexities, the report further recommended the procurement of a delivery partner to provide the HWRC service for up to 3 years, whilst also supporting the Council to develop and implement its in-house delivery model. In addition, haulage and disposal aspects of the contract would continue to be provided by the market beyond the in-sourcing of the front-end of this Service.

The current arrangements would end in October 2023. The option was to procure a contract, that for the first 3 years would be fully outsourced with a proposal to bring the front end services in house at the end of the 3 years. All staff would then become employed by the Council, after completion of TUPE arrangements.

It was acknowledged that the Council did not have the required expertise in terms of the onward movement of waste, therefore those elements would remain with the contractor for at least a further 2 years.

The proposal would cost the Council a little more, due to the increase in costs and disposal of waste. However, the significant investment in all 4 sites across the Borough would lead to a better experience for residents and staff at those sites.

There were significant changes nationally around how waste and resources were managed and the proposed changes to the contract would allow flexibility going forward.

It was clarified that this would be a 2 phased process towards insourcing the front of house, which enabled the Council to get the right contract for Rotherham and have the commitment to pay a real living wage. This would take a number of years for the full effect to be felt.

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 recommendation and made one additional recommendation.

Resolved:

1. That Cabinet approved Option 3, which would provide for an in-sourced delivery of customer facing sites and facilities, with these being supported by contracted haulage and disposal, following an initial fully contracted service, and authorised the Strategic Director of Regeneration and Environment, in consultation with the Cabinet Member for Transport and Environment (subject to confirmation by the Strategic Director for Finance and Customer Services), to agree the final delivery arrangements and subject to Council approval through the budget process.
2. That Cabinet be requested to explore the feasibility of having reciprocal arrangements for use of Household Waste Recycling Centres with neighbouring authorities.

109. 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.

110. DATE AND TIME OF NEXT MEETING

Resolved:

That the next meeting of the Cabinet be held on Monday 13 February 2023, commencing at 10.00am in Rotherham Town Hall.