

**THE CABINET**  
**9th June, 2010**

Present:- Councillor Sharman (in the Chair); Councillors Akhtar, Doyle, Hussain, Lakin, R. S. Russell and Smith.

Councillor Whelbourn (Chairman of the Performance and Scrutiny Overview Committee)

Apologies for absence were received from Councillors St. John, Stone and Wyatt.

**C1 QUESTIONS FROM MEMBERS OF THE PUBLIC**

(i) A member of the public asked why it had taken so long for the £85,000 flood money to be sought from DEFRA for Aston-cum-Aughton and Swallownest and asked what this money would be used for?

Graham Kaye, Principal Engineer, reported that approval had only just been received from DEFRA for the purposes of designing a flood alleviation scheme, which should improve the situation. The scheme was currently being designed, but consent of the Environment Agency was required. They had given their approval in principle, but the drawings and documentation was to be submitted in the next week or so.

Once the consent from the Environment Agency had been received on the finalised design, it was the intention to start on site around September/October later this year.

In a supplementary question, the member of the public asked if the Council were aware that it was the monsoon season this month and the residents in the Aston-cum-Aughton/Swallownest area had suffered for two years.

Councillor R. S. Russell reported the Council were very lucky to secure funding from DEFRA for this scheme and were taking action as quickly as was possible.

(ii) A member of the public asked if the Council could confirm exactly what the £85,000 funding would be used for?

Graham Kaye, Principal Engineer, reported that the funding that had been received was due to the density of the houses around that area and the constraints on the size of pipes. The scheme would shape land in order to contain water and limit flows forward. The works were to commence on Aston-cum-Aughton recreation ground for The Chase and would include works at Austin Park and at the bottom of Herron Hill.

In a supplementary question the member of the public referred to information that was reported at an Area Assembly meeting on the 19<sup>th</sup> April, 2010 at the Swallownest Centre where it was suggested that the

£85,000 funds would be spent on a holding tank at Lodge Lane, which would affect the water going through The Chase, whereas today the Engineer had not referred to a holding tank.

Graham Kaye, Principal Engineer, pointed out that the holding tanks referred to earth works which would contain water within the recreation area grounds and in Austin Park. The tank was actually the area of grassland itself, which would be designed to drain dry.

(iii) A member of the public referred to a petition he had signed previously relating to Herringthorpe Playing Fields and expressed his concern why those people that had signed the petition had not received feedback of how the petition had been dealt with. He expected this kind of information to have been fed back through the Area Assembly.

Councillor Lakin confirmed that Councillor St. John, Cabinet Member for Cultural Services and Sport and Steve Hallsworth, Acting Director of Culture and Leisure, had given a presentation to both Wentworth South and Rotherham South Area Assemblies on the proposed for Herringthorpe Playing Fields.

Karl Battersby, Strategic Director of Environment and Development Services, confirmed that a period of consultation had taken place and a petition had been received in relation to the development on the playing field site. He confirmed that the redevelopment on this site would only take place on the areas of the old leisure centre building and the nursery. The plans were to use the capital receipts from the sale of these two parcels of land to improve the sporting facilities on site, but due to the downturn in the economy it was not possible to predict how long this would take. Once anything further could be reported a further period of consultation would take place and reports provided on timescales and how this project would be delivered.

In a supplementary question the member of the public made reference to the new scheme for dealing with petitions, the need for an audit trail and progress/feedback on petitions.

The Chairman confirmed that any information that could be shared would be provided to the Area Assembly and reported to members of the public.

## **C2 CORPORATE DEBT POLICY**

Councillor Sharman, Deputy Leader, introduced a report by the Strategic Director of Finance, which set out in detail the Corporate Debt Policy which had been produced following a scrutiny review of debt recovery arrangements.

The Corporate Debt Policy was presented to Cabinet for approval after consultation with relevant parties and following consideration of it by the Democratic Renewal Scrutiny Panel.

The Corporate Debt Policy consolidated existing documents and included information on transferring debts back to the Council, from bailiffs and was part of a suite of four key documents explaining the approach and procedures relating to the collection of debt. The Policy set out the overriding principles applying to each area of debt collection and supplemented by three additional information notes covering the main areas of income collected by the Council, i.e. council tax and business rates, housing rents and sundry accounts.

The draft Policy was then presented to the Democratic Renewal Scrutiny Panel who were supportive of the Policy subject to two minor amendments which have now been made.

When approved, the Corporate Debt Policy would be included on the Council's website and copies and/or links made available to relevant organisations to publicise its existence.

There were no direct financial implications associated with the production and publication of the Corporate Debt Policy.

Lack of awareness of the Council's arrangements for recovering debt and, more crucially, the support available to residents in difficulty could result in residents unnecessarily being pursued for debt. The provision of a corporate debt policy with information about where to obtain support helps to minimise this risk.

Resolved:- That the Corporate Debt Policy be approved.

### **C3 ANNUAL GOVERNANCE STATEMENT 2009/10**

Councillor Sharman, Deputy Leader, introduced a report by the Strategic Director of Finance, which outlined the Council's view of the application of good governance standards in Rotherham. The overall picture presented was positive, although three significant issues have been identified for inclusion in the Annual Governance Statement. The Statement also provided an update on the significant issues reported in the 2008/09 Annual Governance Statement.

In line with last year, the draft Annual Governance Statement was presented to the Audit Committee on 2nd June, 2010 to enable the Committee to carry out a review of the Annual Governance Statement and supporting evidence, before the Statement was presented to the Cabinet for agreement. In accordance with proper practice, the Leader of the Council and the Chief Executive would be asked to sign the statement after agreement by Cabinet. The agreed statement would then be presented to the Audit Committee on 30th June, 2010 for adoption along

with the Statement of Accounts.

The Corporate Governance Group and Audit Committee would monitor progress on actions to improve areas included in the 2009/10 Annual Governance Statement and review the effectiveness of governance arrangements during 2010/11.

The report set out in further detail the procedure for the application of good governance and internal control, structure of the Annual Governance Statement, significant governance issues and the need for review and monitoring.

There were no direct financial implications and any arising from any future development of internal controls would feature in subsequent reports to Members.

The production and inclusion of an Annual Governance Statement in the Council's annual accounts was a statutory requirement. Failure to produce a statement to meet this requirement would adversely affect the 2010 Use of Resources score and the overall reputation of the Council.

Resolved:- (1) That the draft 2009/10 Annual Governance Statement be approved.

(2) That the requirement for the Leader and the Chief Executive to sign the statement after it has been considered by Cabinet and prior to its formal presentation to the Audit Committee on 30th June, 2010 be noted.

#### **C4 ROTHERHAM EMPLOYMENT LAND REVIEW UPDATE**

Councillor Smith, Cabinet Member for Economic Development, Planning and Transportation introduced a report by the Strategic Director of Environment and Development Services, which detailed the update of the 2007 Employment Land Review which had been undertaken to form part of the evidence base supporting and informing preparation of the Local Development Framework and informing planning decisions.

A report on the Employment Land Review was considered by the Rotherham Local Development Framework Steering Group of 23rd April, 2010, when it was resolved that the consultation strategy be referred to Cabinet for consideration with the consultation period amended to run between 23rd June and 23rd July, 2010.

Following consultation the Employment Land Review would be finalised taking account of any comments received. A report will be brought to the Local Development Framework Steering Group at this stage. The Employment Land Review would then form part of the evidence base to

inform preparation of the Core Strategy and Site Allocations. The document would also provide evidence to be taken into account as a material consideration when determining planning applications.

The report had no financial implications for the Council. Consultation costs would be met from the Forward Planning budget. As a primarily web-based consultation costs should be minimised. However, costs may increase should requests for printed copies be received.

The Employment Land Review was a key document contributing to a robust evidence base for preparing the Local Development Framework. This evidence base was vital in ensuring that Local Development Framework documents assessed at Independent Examination satisfied the tests of soundness set out by the Planning Inspectorate.

Cabinet Members fully supported an extensive consultation exercise on these proposals.

Resolved:- (1) That the contents of the report be noted.

(2) That the consultation strategy set out for the Employment Land Review be approved.

**C5 2009-2010 FINANCIAL AND PERFORMANCE OUTTURN REPORT ON MAJOR EXTERNAL FUNDING PROGRAMMES AND PROJECTS**

Councillor Sharman, Deputy Leader introduced a joint report by the Strategic Director of Finance and the Chief Executive, which provided an overview of the performance and achievements of the Council's major external funding programmes and projects for the period January to March, 2010 and also against the targets set for the financial year 2009-2010.

The priorities for each regime, together with the context of each project/programme's contribution to addressing those priorities, have previously been provided.

Details of the financial performance and achievements to date on these funding regimes were set out in as part of the report.

In addition, specific attention was drawn to:-

- Big Lottery Fund (BLF, or BIG).
- Department for Children, Schools & Families (DCSF) Play Pathfinder.
- EU Funding – European Social Fund (ESF) and European Regional Development Fund (ERDF).
- Housing Market Renewal Pathfinder (HMRP).
- Neighbourhood Renewal Fund – Transitional Funding (NRF-TF).
- Private Finance Initiatives (PFI).

- Regional Housing Programme (RHP).
- Yorkshire Forward Single Pot (SRIP).
- Future Jobs Fund.

A substantial amount of external funds were used by the Council in order to assist in delivery against the Council's priority areas. In addition, the Council was the accountable body for a number of external funds and was, therefore, responsible for the proper use, monitoring and audit of these resources. As with most public funds, external funds were often subject to the "use it or lose it" regime. It was, therefore, imperative that the Council maximised these additional resources and ensured the money was used wisely to meet its priorities and was not left unused at the end of the particular period or programme.

The main risk associated with this report was that external funds allocated to the Council and its partners were not fully used and, therefore, ultimately lost to the Borough. It was the purpose of this report to assist in alleviating this issue, through monitoring the major externally funded schemes and bringing to attention potential areas of underspend and under performance.

No projects/programmes were reporting concerns regarding the achievement of both spend and performance targets.

Cabinet Members expressed concern at the possibility of substantially reduced funding in future.

Resolved:- (1) That the contents of the report be noted.

(2) That the progress and actions underway to address areas where the expected outcomes for the major external funding programmes and projects were not in line with the targets set be noted.

## **C6 FINAL REPORT – LOCALISED FLOODING IN JUNE 2009**

Councillor R. S. Russell, Cabinet Member for Streetpride, introduced a report by the Strategic Director of Environment and Development Services, which set out details on the flash flooding event of June, 2009 together with actions taken by the Council to date and proposals to further improve resilience against future flooding.

The final report had now been completed and provided details of the feasibility works that have been carried out by Streetpride Drainage Team into the cause of the flooding and possible recommendations into improving the flooding problems.

A brief summary of the feasibility work and the maintenance and improvement works carried out was set out in detail.

The Council's Streetpride, Drainage Team have now completed the

feasibility works, established the cause of the flooding and indicated possible solutions and/or improvements needed to existing drainage systems. In September, 2009 the Corporate Management Team approved the sum of £70,000 for the commencement of the drainage investigation and feasibility works.

Various flood alleviation solutions have been identified within the final report. It was proposed to report these schemes early with a view to obtaining funding and achieving timely improvements if possible. Several minor strategic capital allocation bids have been forwarded to the Council for approval, to carry out various flood alleviation works.

DEFRA have approved two bids for the sum of £115,000, in accordance with the 'Quick Win' schemes from the "Early Action Bids for Tackling Surface Water Flooding" programme. The two bids were for the completion of two flood alleviation schemes at Lodge Lane to Heron Hill, Aston, and Kensington Close, Laughton Common. These works are ongoing and will be completed before April, 2011.

DEFRA have approved bids for the sum of £57,000, in accordance with the Property Flood Level Grant programme. The bids were for the completion of various flood resilience works required for the protection of ten individual properties situated at Eastwood and East Dene. These works would be completed before April, 2011.

Any requirements for additional revenue funding were not reflected in the current medium term financial strategy.

Successful applications for additional funding were submitted by the Council to DEFRA and Environment Agency, for flood alleviation works at Aston, Laughton Common, Eastwood and East Dene. The final report identified other areas within the Borough of Rotherham where additional funding was required to alleviate further flooding problems. There were no guarantees that future funding would be made available by DEFRA or the Environment Agency to carry out the works outlined in the final report.

It was likely that there would be additional pressures on the Council to carry out some of the improvement works to alleviate future surface water flooding throughout Rotherham. The Council was exploring other means of obtaining funding from other sources, but presently the Council had made no financial allowances for these works to be completed.

The majority of the surface water overland flooding problems were from privately owned land and would require the full cooperation of the landowner(s). The duty of all riparian owners (i.e. private landowners) was to ensure that all flows within a watercourse were not impeded. The Council had a duty to maintain the safety of the highway and had certain

permissive powers to ensure that riparian owners carried out their maintenance duties.

Resolved:- (1) That the contents of the final report be published on the Council's web site.

(2) That the Council should continue to explore all means of obtaining funding to improve resilience against future flooding.

(3) That everyone involved in meeting this challenge be thanked for their efforts.

#### **C7 GROUNDWORKS TRUSTS PANEL**

Councillor Sharman, Deputy Leader, introduced the minutes of the Groundworks Trusts Panel held on 14<sup>th</sup> April, 2010.

Resolved:- That the minutes of the Groundworks Trusts Panel held on 14<sup>th</sup> April, 2010 be received.

#### **C8 LOCAL DEVELOPMENT FRAMEWORK MEMBERS' STEERING GROUP**

Councillor Sharman, Deputy Leader, introduced the minutes of the Local Development Framework Members' Steering Group held on 23<sup>rd</sup> April, 2010.

Resolved: That the minutes of the Local Development Framework Members' Steering Group held on 23<sup>rd</sup> April, 2010 be received.

#### **C9 EXCLUSION OF THE PRESS AND PUBLIC**

Resolved, that under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act (information relates to finance and business matters).

#### **C10 LAND AT SCROOBY LANE, PARKGATE**

Councillor Smith, Cabinet Member for Economic Development, Planning and Transportation, introduced a report by the Strategic Director of Environment and Development Services, which provided an update on the current situation with regard to the proposed grant of a twenty five year lease of land at Scrooby Lane, Parkgate to Munsbrough Junior Football Club.

The legal and financial information and the risks and uncertainties associated with this land disposal were set out in detail as part of the



report.

Resolved:- (1) That the current situation with regard to the Club be noted.

(2) That the site continue to be managed as detailed in Option 4 of the report on terms to be agreed by the Director of Asset Management Service.

(3) That the Assistant Chief Executive of Legal and Democratic Services completes the necessary documentation.

#### **C11 OLD SCHOOL HOUSE, CHURCH LANE/STATION ROAD, TREETON**

Councillor Smith, Cabinet Member for Economic Development, Planning and Transportation, introduced a report by the Strategic Director of Environment and Development Services, which advised on the future use of the asset that comprised a dilapidated, detached, former residential unit located adjacent to Treeton Youth Enterprise Centre and Youth Club.

The legal and financial information and the risks and uncertainties associated with this land disposal were set out in detail as part of the report.

Resolved:- (1) That the disposal of the asset on the basis set out in the report be approved.

(2) That the Director of Asset Management be authorised to approve the terms of the disposal.

(3) That the Assistant Chief Executive of Legal and Democratic Services completes the documentation.

#### **C12 MAJOR HIGHWAY SCHEME - ENABLING PROPOSALS**

Councillor Smith, Cabinet Member for Economic Development, Planning and Transportation, introduced a report by the Strategic Director of Environment and Development Services, which sought approval to purchase a property on Retford Road and enter into negotiations for a second property, both of which were required to build the Waverley Link Road. This purchase and negotiation had been brought forward in the scheme programme in order to take advantage of opportunities that have arisen which would realise a significant cost saving to the scheme.

The legal and financial information and the risks and uncertainties associated with this land disposal were set out in detail as part of the report.

Resolved:- (1) That the purchase of 607 Retford Road be approved using LTP Strategic funding, subject to the agreement of the negotiated

price by the Strategic Director of Environment and Development Services.

(2) That negotiations be commenced with the owners of a further property on Retford Road, with a target purchase cost of £110,000. Further LTP Strategic Funding and Cabinet approval would be sought should negotiations prove successful.

(3) That the schemes within the Rotherham 'block' of the LTP Strategic Fund be re-profiled as set out in detail in the report.

### **C13 EU MIGRATION/ROMA COMMUNITY**

Councillor Hussain, Cabinet Member for Community Development and Engagement, introduced a report by the Chief Executive, which detailed how Rotherham had experienced growing pressures from the numbers of new arrivals, many originating from Slovakia from the Roma community and an update was provided on the key issues affecting the Council and partners and importantly what interventions have been made over the last year. There was scope for improvement and better co-ordination of activity and a number of further actions were, therefore, proposed.

The legal and financial information and the risks and uncertainties associated with these pressures were set out in detail as part of the report.

Cabinet Members reviewed both the extensive action taking place and further action necessary to support people and meet these challenges.

Resolved:- (1) That the range of issues identified and the interventions undertaken in recent months be noted.

(2) That further actions that were underway to improve the response to the issues be noted.

(3) That the Chief Executive arrange for a report to be submitted to the Cabinet on the corporate position overall detailing activity and resourcing issues.