

THE CABINET
15th December, 2010

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

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

C130 QUESTIONS FROM MEMBERS OF THE PUBLIC

A member of the public asked whether the Council had considered using community groups and volunteers to assist with the clearing of pavements and the distribution of grit during this last period of inclement weather?

The Leader referred to the recent exceptional weather conditions and the difficulties facing the Council in prioritising the clearing and gritting of the road network, but further consideration was to be given as to how the Council could best adapt in the future.

The Strategic Director of Environment and Development Services reported that the estate roads and pavements had not been ignored, but that it was a matter of prioritising the 300 miles of network routes from the 600 miles of roadway in the borough. The gritting process saw 300 tonnes of salt being distributed each day by thirteen gritting vehicles with a further ten JCB vehicles being hired to clear the hardened ice to ensure the waste collection service could resume. Every effort was made to clear areas and accesses for vulnerable people to allow staff to visit.

This latest inclement weather had been the worst for thirty years and whilst there was room for improvement, further consideration would be given as to how resources could best be utilised in difficult times.

In a supplementary question the member of the public referred to the recent Scrutiny Review into "School Closures Due to Extreme Weather" and asked if the recommendations had been agreed?

The Strategic Director of Environment and Development Services confirmed that some of the recommendations had been incorporated into the winter maintenance plan thus ensuring that additional priority was given to routes taken by young people in inclement weather.

C131 CRB CHECKS FOR MEMBERS

Further to Minute No. 22 of the meeting of the Members' Training and Development Panel held on 17th November, 2010, Councillor Sharman, Deputy Leader, introduced a report by the Chief Executive which detailed the background to CRB checks.

The report referred to the Criminal Records Bureau Code of Practice, which among other things required bodies registered with the Bureau to have a written policy on the handling, sharing, retaining, storing, copying and disposing of information disclosed by a CRB check.

The Council would have to have such a policy if the Cabinet was minded to require all members of the Council to have a CRB check.

The Vetting and Barring Scheme which underpinned the categories of persons subject to a CRB check, was currently under review and may result in changes in the law.

The report set out further information in relation to:-

- Rehabilitation of Offenders Act 1974.
- Standard and enhanced CRB checks.
- Members and CRB checks.
- Questions from Members' Training and Development Panel.
- Vetting and Barring Scheme.

There was a cost for each CRB check completed. A Standard CRB check cost £26.00 and an enhanced CRB check cost £36.00. Therefore, if the Council did an enhanced CRB check for each Elected Member every three years, the cost would be £2,268 every three years.

There were risks to vulnerable persons if CRB checks were not completed where necessary and a risk of breach of Article 8 of the Human Rights Act.

Recommended:- That it be Council policy for all Members to be CRB checked.

C132 JULY TO SEPTEMBER 2010 FINANCIAL AND PERFORMANCE REPORT ON MAJOR EXTERNAL FUNDING PROGRAMMES AND PROJECTS

Councillor Wyatt, Cabinet Member for Resources and Commissioning, introduced a joint report by the Chief Executive and Strategic Director of Finance, which provided an overview of the performance and achievements of the Council's major external funding programmes and projects for the period July to September, 2010 and also against the targets set for the financial year 2010-2011.

The priorities for each regime, together with the context of each project/ programme's contribution to addressing those priorities have previously been provided as an appendix to the report in December, 2007.

The report set out information relating to:-

- Summary of progress and performance to date – Key headlines.
- Big Lottery Fund (BLF, or BIG) Children's Play Programme.
- Building New Council Housing (BNCH).
- Department for Education (DfE) Play Pathfinder.
- EU Funding – European Social Fund (ESF) and European Regional Development Fund (ERDF).
- Future Jobs Fund (FJF).
- Growth Point Programme (GP).
- Housing Market Renewal Pathfinder (HMRP).
- Neighbourhood Renewal Fund – Transitional Funding (NRF-TF).

- Private Finance Initiatives (PFI) – Waste Management.
- Regional Housing Programme (RHP).
- Yorkshire Forward Single Pot (SRIP) .

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 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.

The Comprehensive Spending Review, published on 20th October, had further affected the current extremely challenging budget position. The impact on individual local authorities would not be clear until later this year. This report would continue to advise of remedial action being taken and also of changes as they occurred.

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

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

C133 CAPITAL PROGRAMME MONITORING 2010/11 TO 2012/13

Councillor Wyatt, Cabinet Member for Resources and Commissioning, introduced a report by the Strategic Director of Finance, which provided details of the current monitoring position for the ongoing Capital Programme and sought approval for the revised programme.

As part of its deficit reduction plan, the Government reduced capital grant funding previously announced (June) as being available to fund the 2010/ 11 programme. This amounted to £4.958 million. The 2010/ 11 programme had been adjusted to reflect these reduced funding levels.

The report set out specific information relating to:-

- Children and Young People's Services Capital Programme 2010/ 11 to 2012/ 13.
- Commentary on the main aspects of the programme and the nature of the spend to date was shown for Primary Schools, Building Schools For The Future, City Learning Centres, Children Centres, Other CYPS Projects, Environment and Development Services (EDS) including Culture and Leisure Capital Programme 2010/ 11 to 2012/ 13.

- The main changes in planned spend relating to Waste Management, Minor Strategic Maintenance, Rotherham Economic Regeneration Fund, Highways, Rotherham's Gateways, Masterplan, Corporation Street, Flood Alleviation, Westgate Demonstrator Project, Asset Management, Priority A Schemes and Culture and Leisure.
- Neighbourhoods and Adults Services Capital Programme 2010/ 11 to 2012/ 13.
- Adult Services - Older People.
- Adult Services – Mental Health.
- Adult Services - Management Information.
- Neighbourhoods.
- Financial Services Capital Programme 2010/ 11 to 2012/ 13.
- Funding of the Programme.

Any revenue implications from the revised programme have been fully reflected in the Council's latest 2010/ 11 outturn revenue forecast and its updated Medium Term Financial Strategy.

The Capital Programme was funded through a number of sources; borrowing (both supported and unsupported), capital grants and contributions, the Major Repairs Allowance, revenue contributions and capital receipts. Any uncertainty over the funding of the Programme rested on confirmation that grants/ contributions and capital receipts continue to be available in coming years. Where funding sources were volatile in nature the risks would be managed by continually keeping the programme under review.

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

(2) Recommended:- That the revised 2010/11 to 2012/13 Capital Programme be approved.

C134 A57 WORKSOP ROAD/SHEFFIELD ROAD IMPROVEMENT M1 JUNCTION 31 TO TODWICK CROSSROADS

Councillor Smith, Cabinet Member for Regeneration and Environment, introduced a report by the Strategic Director of Environment and Development Services, which outlined the strategic importance of the A57 Worksop Road Sheffield Road Major Highway Scheme Improvement, progress on which was suspended by the Government following the General Election in anticipation of the Comprehensive Spending Review (CSR). It outlined developments since late October, 2010, following the Comprehensive Spending Review, the options available to the Council, including options for the scheme itself. It also set out minor amendments to the scheme, revised scheme costs and associated quantified risks contained within the estimate together with potential sources of any other contingency funding. It sought to gain Members' support 'for a best and final' offer to the Department for Transport (DfT) for an amended scheme that still had significant benefits at a lower cost than the scheme previously proposed.

The report set out in detail:-

- Developments Since late October 2010.
- Scheme Options Considered.
- Proposal.

The reduced scheme had an estimated cost of £14.7 million. This was based on construction during the financial years 2012/ 13 and 2013/ 14, with the pre-ordering of utility equipment diversions in April, 2012. Comment from the DfT regarding the best and final offer, indicated that any requests for additional funds over those previously approved, in this case £12.77 million, would not be looked on favourably. The Geographic Programme funded by Yorkshire Forward was no longer available. A £2 million contribution from the Council, i.e. the same commitment as previously, meant that the slightly reduced and amended scheme was affordable with both the Council and the DfT making almost identical contributions as previously. It was proposed that the Council's best and final offer bid to the DfT be practically the same as the previous DfT commitment to the scheme, namely £12.7 million.

The funding for the proposed reduced scheme would, therefore, be as follows:-

| | |
|-------------------|----------------------|
| DfT contribution | £12.7 million |
| RMBC contribution | £ 2.0 million |
| Total | £14.7 million |

As noted above, discussions have been held with the DfT regarding the reduction in the benefits to cost rates (BCR) resulting from the amendments to the scheme, and particularly the effect that this may have on the schemes status within the 'Supported Pool'. Whilst the scheme continued to return a high BCR, and informal discussions with the DfT have been positive, there was a small risk that the Minister may not accept the revised scheme due to the reduction in the BCR value.

The amended scheme would require amendments to the existing planning approval granted in 2009. The risk remained that the CPO and SRO previously made towards the end of 2009, and which would require modifications, would not be confirmed at a local public inquiry still to be held. However, in the case of both the planning approval and the CPO, the amended scheme required a reduced land take from that previously proposed due to the removal of the proposed subway from the scheme proposals.

All the risk of any overspend in the delivery of the scheme lay with the Council, as did the risk of any Part 1 (Land Compensation Act 1973) claims subsequent to the scheme being completed, however this was now normal practice associated with the procurement of major highway schemes.

Included in the estimate was a quantified risk assessment figure of approximately £1.9 million – effectively a contingency against increased cost. Furthermore a significant sum was included in the estimate for land acquisition including diminution in value/ injurious affection and associated fees, for those properties that were directly affected by land acquisition.

The Council's strategic partner for civil engineering scheme had estimated the cost of the scheme since the DfT announcements and confirmed the cost estimates used in this estimate. They also indicated that other savings may be achievable at the time of tender when more time was available to look at alternatives to the specified materials and to undertake negotiations with land owners.

The estimated cost also included an inflation element, even though market conditions for the construction industry were perceived to be very competitive (and likely to continue to be so in contrast to the current Retail Price Index and Consumer Price Index).

It was also intended to utilise the support and experience of South Yorkshire partners to ensure that the scheme was deliverable at this level of investment, both prior to construction and once construction was underway.

Ultimately however, the scheme was a major civil engineering project and risks did remain. However, it was anticipated that with sound risk management procedures and the quantified risk assessment figure, these could be contained within the available budget.

Resolved:- That a 'best and final offer' bid to the DfT for the implementation of an amended scheme, with the bid to seek £12.7 million funding from the DfT and £2.0 million from the Council's own capital programme be approved.

(The Mayor agreed to exempt this decision from the provisions of the call in procedure on the grounds that it is urgent to allow the best and final offer bid and documentation for this important scheme to be received by the DfT by 4th January 2011)

C135 SUBMISSION OF BDR JOINT WASTE PLAN

Councillor Smith, Cabinet Member for Regeneration and Environment, introduced a report by the Strategic Director of Environment and Development Services, which outlined the details of the Barnsley, Doncaster and Rotherham (BDR) Joint Waste Plan which had been produced by the three authorities in order to provide policies to determine planning applications for waste management facilities, as a Development Plan Document (DPD), forming part of the Local Development Framework.

This formal Publication activated a statutory six week period during which only representations on the soundness of the DPD could be made. After this period, the regulations provide that the DPD should be submitted to the Secretary of State, together with any representations, to be considered by a Government Inspector who would hold an examination in public to decide if it was 'sound' (fit for purpose and met statutory requirements). Local authorities were required to publish the document they intended to submit to the Secretary of State, under the premise that the plan was considered sound at the time it was published. Planning officers from the three authorities consider that the Plan was sound and valid for submission.

In order to facilitate the timely submission of the BDR Joint Waste Plan, it was requested that Cabinet recommend to Full Council, approval for the submission of this DPD to the Secretary of State and the Planning Inspectorate.

There were no direct financial implications from this report, although continuing to ensure the timely preparation of this DPD would accrue efficiency savings and improved receipts under Government grant incentives.

The risks and uncertainties associated with the Joint Waste Plan related to the publication and submission of the document and the review of the current planning system.

Recommended:- That the formal Submission of the BDR Joint Waste Plan be approved.

C136 PLANNING FOR THE 2011 CENSUS

The Leader introduced a report by the Chief Executive which set out details of the next UK Census which would take place on 27th March, 2011. The Office for National Statistics (ONS) was working in partnership with local authorities to benefit from their knowledge of local areas. The Council could help ONS to achieve the highest possible coverage in the Borough which would improve the accuracy of local statistics and maximise Government funding determined by census data.

The 2011 Census would offer online completion for the first time, as well as postal response. ONS had begun recruiting staff who would work on the Census with local agencies and communities to maximise response from those who have difficulty in completing the form, or who otherwise did not respond.

The Council and partner agencies were supporting the Census Area Manager to make use of local knowledge, experience and additional sources of data to ensure the success of the 2011 Census.

The 2011 Census would cost the Government £480 million, but there would be no direct cost to Rotherham MBC. During 2010 and 2011 there would be in-kind contributions through officer time to support preparation for and implementation of the Census.

The risks involved with the Census largely related to response rate and how accurately the data represented the actual population which were the responsibility of ONS. There was a risk to the Council from an under-count of population because a large amount of Revenue Support Grant was based on Census data. It was, therefore, in the interests of the Council to assist in maximising Census coverage locally.

Resolved:- (1) That the importance of the 2011 Census to local intelligence and funding, and contribution which the Council and partners could make to its success locally be noted.

(2) That the key role which the Council and local partners could play in promoting the Census, maximising coverage and thereby ensuring the accuracy of data for planning and funding purposes be noted.

(3) That the Council work with ONS and local partners as set out in the Draft Census Partnership Plan, summarised in sections 7.5 and 7.6 of this report.

(4) That this report be referred to the Performance and Scrutiny Overview Committee.

C137 ROTHERHAM RENAISSANCE LTD.

The Leader introduced a report by the Assistant Chief Executive (Legal and Democratic Services), which recommended that the current Chief Executive, Mr. Martin Kimber, be appointed to the Board of Directors as the Council representative to replace the former Chief Executive, Mike Cuff.

There were no financial implications at this stage. At present the Company was registered as a dormant company with Companies House. As and when a suitable regeneration opportunity presents itself and the Company begins to trade, consideration would be given as to how it would finance its operations.

Although the Council had no immediate proposals for schemes to be delivered through the Company, it was desirable to have a replacement Authorised Representative in post, so that the Company was ready for action when a suitable regeneration opportunity appeared.

Resolved:- That the Chief Executive, Martin Kimber, act as the Council's representative.

C138 LOCAL DEVELOPMENT FRAMEWORK MEMBERS' STEERING GROUP

Councillor Smith, Cabinet Member for Regeneration and Environment, introduced the minutes of the Local Development Framework Members' Steering Group held on 19th November, 2010.

Resolved:- (1) That the progress to date and the emerging issues be noted.

(2) That the minutes of the Local Development Framework Members' Steering Group held on 19th November, 2010 be received.

C139 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 which is likely to reveal the identity of an individual).

C140 LAND ADJACENT TO 75 BRAMPTON ROAD, THURCROFT

Councillor Smith, Cabinet Member for Regeneration and Environment, introduced a report by the Strategic Director of Environment and Development Services, which sought approval for the disposal of the above-mentioned property asset which was surplus to the requirements of the Department of Housing and Neighbourhood Services.

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

Resolved:- (1) That disposal of the asset on the basis recommended in Option 2 of the report be approved.

(2) That the Director of Asset Management negotiates the disposal of the asset as described in the report

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

C141 QUEEN STREET DEPOT, DINNINGTON

Councillor Smith, Cabinet Member for Regeneration and Environment, introduced a report by the Strategic Director of Environment and Development Services, which sought approval for the disposal of the above-mentioned property asset which was surplus to the requirements of the Department of Housing and Neighbourhood Services.

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

Resolved:- (1) That the Director of Asset Management markets the asset on the basis set out in Option 2 of the report.

(2) That the Assistant Chief Executive Legal & Democratic Services completes the necessary documentation.

C142 REVENUE SAVINGS ARISING FROM THE RATIONALISATION OF PROPERTY ASSETS

Councillor Smith, Cabinet Member for Regeneration and Environment, introduced a report by the Strategic Director of Environment and Development Services, which highlighted the estimated revenue savings arising from property rationalisation initiatives, including asset management planning, single asset reviews and reviews of property need within the localities.

The Council must reduce expenditure on property where possible and gear up for the move to Riverside House. A key issue which was currently being worked through was to consolidate all ancillary services which would not locate in the new building in as cost effective way as possible. This currently involved the relocation of 22 services.

Resolved:- That consideration of this matter be deferred to enable further information to be obtained

C143 TRANSFORMING THE CASH COLLECTION FUNCTION

Councillor Wyatt, Cabinet Member for Resources and Commissioning, introduced a report by the Strategic Director of Finance, which set out a proposal to significantly improve the Council's cash collection function in line with the agreed Customer Consolidation Strategy. The proposal was to utilise a payment network provider (i.e. PayPoint) to enable customers to make council tax and rent payments at a significantly increased number of outlets than at present and at times and days not currently available to them. This would enable the cash collection function to be transformed in order to realise cashable savings.

In addition to supporting the Council's Customer Access Strategy and Customer Consolidation Strategy and recommendations from the Locality Review, the proposal would also enable the Council to support a number of voluntary severance requests received from secondees within the current service.

The business case for this transformation was based on the phasing out of cash collection services at Neighbourhood Offices following the successful implementation of the payment network. If cash collection services were to be retained at the Neighbourhood Offices, then the savings outlined above would not be achieved and the overall financial case would not be achieved.

Sufficient notice would need to be given to customers of any change to payment arrangements. The proposal did include funding for marketing and communications to ensure that all customers were aware of the change. Work would need to start on this immediately subject to Member approval and would be undertaken in January to March 2011.

Resolved:- (1) That the proposal to implement a payment network provider and the proposed roll out arrangements in January to March 2011 be approved.

(2) That the proposed transformation of cash collection arrangements including changes to the provision at Neighbourhood Offices be approved.

(3) That the benefits in Section 7.2 of the report that would be realised from the improvements to the service be noted.

(4) That the proposed cashable savings generated by the improved cash collection arrangements set out in the report be noted.

C144 PROPOSED DISPOSAL OF COMMERCIAL LAND AT THE BELLOWS ROAD SHOPPING CENTRE

Councillor Smith, Cabinet Member for Regeneration and Environment, introduced a report by the Strategic Directors of Environment and Development Services and Neighbourhoods and Adult Services which sought approval for the disposal of land and property at the Bellows Road Shopping Centre, currently earmarked as redevelopment land.

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

Resolved:- (1) That the proposed disposal of relevant land and property on the basis outlined in this report be approved.

(2) That the Strategic Director of Environment and Development Services be authorised to negotiate terms with the interested party with a view to agreeing a purchase price.

[THE CHAIRMAN AUTHORISED CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO PROGRESS THE MATTERS REFERRED TO]

C145 YES PROJECT ON THE PITHOUSE WEST SITE

Councillor Smith, Cabinet Member for Regeneration and Environment, introduced a report by the Strategic Director of Environment and Development Services, which set out the way forward for the Development Agreement (the "DA") relating to the Pithouse West site dated 19 August 2008 made between the (1) Council (2) Oak Ventures Limited ("OVL") and (3) Oak Holdings plc.

The financial information and risks and uncertainties associated with the proposed way forward were set out in detail as part of the report.

Resolved:- (1) That the formal request received from OVL for an extension of time in which to satisfy the conditions pursuant to the DA be noted.

(3) That the request referred to above be not acceded to and the previous decision to authorise Officers to terminate the DA following expiry of the longstop date of 31st December, 2010 be supported.

(3) That a report be submitted to the Cabinet on the development of Rother Valley Country Park.