

THE CABINET
9th February, 2011

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)

C158 QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

C159 SCHOOL CLOSURES DUE TO EXTREME WEATHER

Councillor Lakin, Cabinet Member for Safeguarding and Developing Learning Opportunities for Children, introduced a report by the Strategic Director of Children and Young People's Services which set out the progress in response to the findings and recommendations of the scrutiny review into 'School closures due to extreme weather', undertaken by the Children and Young People's Scrutiny Panel.

The recommendations from the review were set out in detail as part of the report, including the progress made by Children and Young People's Services in response to twelve questions.

A number of the review recommendations may have financial implications if adopted. This would require further exploration by Schools on the cost, risks and benefits of their implementation.

In circumstances of extreme weather conditions, the decision to close a school was delegated to its Head Teacher in consultation with their Chair of governors. Given the likelihood of extreme weather events occurring more frequently in future years, the Local Authority and schools were working together to develop comprehensive plans to mitigate against potential disruption.

Cabinet Members welcomed the success of the Council's 'school closure' webpage which was redesigned with the capacity to instantly capture information for each school including date of closure, reason, expected date of reopening and contact details with 'quick links' to other relevant pages.

Cabinet noted that there was a separate Scrutiny Review of Winter Maintenance taking place.

Resolved:- (1) That the actions taken by Children and Young People's Services in response to the report and the progress made be noted.

(2) That the Children and Young People's Scrutiny Panel be asked to consider the overall position and recent events when receiving this report.

C160 CORPORATE RISK REGISTER

Councillor Wyatt, Cabinet Member for Resources and Commissioning, introduced a report by the Strategic Director of Finance, which set out details of the current corporate risk register summary showing the risks associated with the Council's most significant priorities and projects and actions being taken to mitigate these risks.

It was noted that there were four red residual risks relating to delivery of the Children's Plan, Use of Resources for Children's Services, Social Care Commissioning and achievement of the Cultural Quarter aspirations. This had reduced from six residual red risks in the previous quarter's report, as positive progress relating to Children's Services (intervention) and capital investment in schools had improved risks in these areas from red to amber.

This version of the corporate risk register was reported to the Strategic Leadership Team and Audit Committee in mid-January and did not reflect the letter sent to the Council on 13th January, 2011 from the Minister confirming Children's Services were no longer in intervention. This development would be fully reflected in the next update of the risk register.

The report set out information relating to the latest position, changes since previous report, the corporate risks at a glance, risk assessments prior to mitigating actions and risk assessments after allowing for mitigating controls.

The risks contained in the register required ongoing management action. In some cases additional resources may be necessary to implement the relevant actions or mitigate risks. Any additional costs associated with the risks should be reported to the Strategic Leadership Team and Members for consideration on a case by case basis.

It was important to review the effectiveness of the approach to capturing, managing and reporting corporate risks on an ongoing basis, to ensure risks relating to the Council's key projects and priorities were effectively monitored and managed by the Strategic Leadership Team and Members.

Cabinet noted the concerns relating to the potential impact of schools moving to academy status, the consequential reduction in Local Authority funding and the loss of the schools as community assets, particularly in view of the loss of capital funding.

Cabinet Members welcomed the letter from the Minister confirming that Children's Services were no longer in intervention.

Resolved:- (1) That the updated corporate risk register summary attached at Appendix A be noted.

(2) That the various risks and uncertainties be noted.

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

C161 ROTHER VALLEY COUNTRY PARK UPDATE

Councillor Smith, Cabinet Member for Regeneration and Environment Services, introduced a report by the Strategic Director of Environment and Development Services, which provided a progress update on the short term lease agreement with Oak Holdings to manage Rother Valley Country Park (RVCP).

The agreement included the TUPE transfer of all Park staff and was signed on 7th May, 2009. The term of the agreement was seven years, with an end date of 6th May, 2016. At the time of signing it was intended that the short term agreement would be replaced by a 250 year lease agreement once the YES project was operational.

Further information was provided on the details of the agreement documentation, first phase improvements in the Business Plan and the progress made by Oak Holdings.

From the Council's management perspective there had been a good working relationship with Oak (Rother Valley Country Park Limited) and whilst there have been some issues relating to the production of performance management information officers were of the opinion that the Park had been managed on behalf of the Council in accordance with the agreements that were put in place.

The agreement was such that the Council benefitted from a year on year budget saving by way of a reducing management fee.

The Council's budget for the Park was £407,000 and this had been used to pay a reducing management fee year on year.

As a result of the agreement the Council had benefited by transferring the operational risk for the Park to OAK Holdings

Should the agreement be terminated for any reason then the Park would pass back into the Council's responsibility and it was likely that at least the original budget plus relevant inflation would need to be reinstated. However, this may be dependent on the levels of income being achieved at the Park at the time of termination.

Cabinet Members acknowledged the contribution that Oak Holdings were making to managing and improve the Park, with the intention that these continue.

Resolved:- That the progress and improvements that have been made since Oak Holdings (Rother Valley Country Park Ltd) took on the responsibility for managing Rother Valley Country Park be noted.

C162 SHEFFIELD CITY REGION TRANSPORT STRATEGY (2011-2026) AND SOUTH YORKSHIRE LTP IMPLEMENTATION PLAN (2011-2015)

Councillor Smith, Cabinet Member for Regeneration and Environment, introduced a report by the Strategic Director of Environment and Development Services, which outlined the content of the Sheffield City Region Transport Strategy and the South Yorkshire LTP Implementation Plan, which would form the core documents that comprised the third South Yorkshire Local Transport Plan (LTP3). It highlighted the reasons for considering the transport proposals across the area of the City Region, the vision that the strategy sought to achieve and the way in which it would be delivered with specific reference to the implications of LTP3 within Rotherham.

The report set out more detail information relating to:-

- Sheffield City Region Transport Strategy.
- The Strategy – Structure and Content.
- How the strategy affected Rotherham?
- Strategic fit of RMBC's Corporate Goals and SCR Strategy Goals.
- The LTP3 Implementation Plan - How the Strategy was to be delivered.
- Implementation Plan – Structure and Content.
- Funding the delivery of the Strategy.
- Consultation and endorsement.
- Summary and Conclusions.

There were no direct financial implications arising from this report.

A key risk was that the expectations of the Strategy may not match the resources available with the consequence that it may not be possible to deliver to everyone's satisfaction. Monitoring of both the Strategy and the Implementation Plan would be undertaken to gauge success.

Whilst the Strategy set out aspirations over the next fifteen years it was not inconceivable that as 2026 approached the goals, or indeed the way in which they were met through the more detailed policies of the Strategy, or the way in which they would be delivered through the actions contained within the Implementation Plan, may change. As such the Strategy and Implementation Plan would be reviewed at regular periods.

The Cabinet considered and noted the background and challenges for Rotherham set out in detail as part of the report and welcomed the proposals to develop the Waverley Link Road and the A57 improvements.

Recommended:- That the Sheffield City Region Transport Strategy (2011-26) and the South Yorkshire LTP Implementation Plan (2011-15) be approved.

C163 GROUNDWORKS TRUSTS PANEL

Councillor Sharman, Deputy Leader, introduced the minutes of the Groundworks Trusts Panel held on 19th January, 2011.

Resolved:- That the minutes of the Groundworks Trusts Panel held on 19th January, 2011 be received.

C164 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 those paragraphs listed below of Part 1 of Schedule 12A to the Local Government Act.

C165 ROTHER VALLEY COUNTRY PARK - PITHOUSE WEST SITE

Councillor Smith, Cabinet Member for Regeneration and Environment, introduced a report by the Strategic Director of Environment and Development Services, which was to determine the way forward for the Pithouse West development site, following termination of the development agreement on the 31st January, 2011 between the Council, Oak Ventures Limited and Oak Holdings plc.

Resolved:- (1) That the assignment of £20,000 of RERF funding towards feasibility to help achieve the initial milestones set out in the report be approved.

(2) That the dedication of the Pithouse West site for a leisure project of international repute be supported.

(3) That the Strategic Director of Environment and Development Services be authorised to begin negotiations on the terms of a disposal of the site, the final terms of which were to be reported back to Cabinet for final approval.

(Exempt under Paragraph 3 of the Act – information relates to finance and business affairs)

C166 SOUTH YORKSHIRE TRADING STANDARDS UNIT

The Leader introduced a report by the Assistant Chief Executive (Legal and Democratic Services) which set out details of how the substantial financial irregularities came to light, with net losses amounting to approximately £13.5 million for the South Yorkshire Trading Standards Unit. These irregularities have to be accounted for by the four South Yorkshire Authorities as constituent members of the South Yorkshire Joint Trading Standards Committee. The Council had for some years made a provision in its accounts in recognition of a potential liability to contribute towards this sum. However, following the conclusion of criminal proceedings last year and the issuing of a confidential report of an independent review into the circumstances, discussions could now take place between the four authorities as to the apportionment of the sum outstanding.

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

Resolved:- That the Chief Executive, in consultation with the Strategic Director of Finance and the Assistant Chief Executive (Legal and Democratic Services) be authorised to negotiate a settlement with the other South Yorkshire Authorities of any potential claim against or liability of the Council to contribute towards the accumulated deficit of the South Yorkshire Trading Standards Unit, along the lines indicated in this report.

(Exempt under Paragraph 5 of the Act – information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)