

**THE CABINET**  
**23rd March, 2011**

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

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

Apologies for absence were received from Councillors Lakin and Smith.

**C196      QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no questions from members of the public.

**C197      MEMBERS' TRAINING AND DEVELOPMENT PANEL**

Councillor Sharman, Deputy Leader, introduced the minutes of the Members' Training and Development Panel held on 17<sup>th</sup> February, 2011.

Cabinet Members noted the following:-

- That there was to be further training as the Localism Bill progressed.
- There would be an extensive induction programme for new Councillors after the election.
- That authorisation be given to having the next Members' Training and Development Panel meeting shortly after the election.

Resolved:- That the minutes of the Members' Training and Development Panel held on 17<sup>th</sup> February, 2011 be received.

**C198      GOVERNMENT CONSULTATIONS**

Councillor Whelbourn, Chairman of the Performance and Scrutiny Overview Committee, introduced the report which provided a clear way forward for dealing with forthcoming Government consultations, in light of discussions at the Performance and Scrutiny Overview Committee on 3rd December, 2010 and 25th February, 2011.

The report was timely as the Government continued to issue a significant number of consultations which required a response from the Council. Some of these were very service specific whilst others had wider more strategic implications and required a different level of engagement to develop an informed response and the process should reflect this. In addition, it should be noted that whereas the previous Government had agreed standards for consultation, which included a minimum consultation period of twelve weeks, these standards were no longer applied and, in recent consultations, timelines applied by Government and other agencies had varied widely.

There were some key principles outlined in the approach being suggested. These included:-

- Strategic and Council-wide consultations to be considered by the Performance and Scrutiny Overview Committee and Cabinet.

- Service specific consultations to be considered by the appropriate Scrutiny Panels and Cabinet Members.
- Timeframes allowing, the route would be via scheduled meetings.
- Where Government deadlines dictated a faster approach a flexible approach would be required, which would include the following options:-
  - The Performance and Scrutiny Overview Committee to be used for service specific consultations as it meets more regularly.
  - Special meetings called to appraise responses.
  - Clearing responses via Chairs of Scrutiny Panels and Cabinet Members.

The most effective way to maintain an overview of the programmes of consultations was to forward plan as much as possible. It was proposed to bring a quarterly report to the Performance and Scrutiny Overview Committee and Cabinet which would enable them to plan ahead, agree an approach in advance and determine which consultations would be prioritised in terms of impact on the Council's priorities.

A level of flexibility would need to be maintained as some consultations would come at very short notice, restricting the ability to plan ahead. In addition, the co-ordination of officer support to this would be carried out via the Policy Team, ensuring that the lead officers were aware of the consultation and associated timetable and where necessary to take a report to Strategic Leadership Team.

There were no direct financial implications arising from the report. Management of the consultation process would be from within existing resources.

It was clear from Government announcements to date about the forthcoming programme of reform and the associated consultations, that there would be significant policy implications for the Council. There would also be policy implications for the Council working in partnership, both with other organisations and the expectations of working with communities.

The Council continued to monitor the Government's policy development and was well placed to understand the implications of the broader policy agenda, the legislative programme and effects on local priorities. In order to be able to influence the direction and detailed proposals it would be important to ensure that processes for responding to consultations were robust, effective and timely.

Resolved:- (1) That the proposed approach for dealing with consultation responses be noted.

(2) That a quarterly report be provided on forthcoming consultations in which lead Cabinet Members and Scrutiny Committees would be agreed.

(3) That the need to maintain flexibility with such a system, allowing for consultations not covered by the plan to be dealt with accordingly, be approved.

(4) That the first of such reports and the approach to responding to those currently outstanding as set out in the report be approved.

(5) That the Corporate Policy Team act as the first point of contact for arranging responses to Government consultations.

(6) That the revised procedures be reviewed after six months.

#### **C199 ROTHERHAM RUGBY CLUB LIMITED**

Further to Minute No. 39 of his meeting held on 9th November, 2010, the Cabinet Member for Culture, Lifestyle, Sport and Tourism introduced a report by the Strategic Director of Environment and Development Services, which set out details of a proposal to seek an agreement with Rotherham Rugby Club Ltd. to lease a section of Herringthorpe Playing Fields to be used for training, competitive matches and community development purposes.

The proposals were for a secure site that could accommodate three full size rugby pitches which would be fenced off in order to improve the playing surface and drainage, provide new changing rooms and install floodlighting. The Club would work to agreed time restrictions and use the latest design in floodlighting in order to reduce impact on local residents. The Club would also develop a management plan aimed at reducing the impact of any increased car parking and focusing users on the parking facilities at Clifton Lane Sports Ground and Herringthorpe Athletics Stadium. They would need to seek planning permission for some of the proposed improvements and be responsible for providing all of the funding necessary to deliver the improvements.

The Club would promote additional community access by making the facility available to other amateur clubs and by working with the Council's Sports Development Team to organise and promote wider sport and physical activity opportunities. They would also make the facilities available to local schools for a variety of activities including competitive matches and finals. These activities would be a condition of the lease.

At some point in the future the Club may also wish to facilitate training sessions for Rotherham Titans. It was, therefore, suggested that the terms of the proposed agreement should not obstruct this use, but make it a condition of the lease that it could not be done without the Club obtaining advance written permission from the Council and that such usage should not affect adversely planned usage by the Club and other community groups, including the Council's Sports Development Team.

The proposed location was currently marked out for two football pitches and one rugby pitch. These pitches were utilised on a regular basis by a number of community teams and in order to avoid their displacement, all three pitches would need to be relocated to a different part of the site. The proposal would mean that the total number of football pitches available at the site would be reduced by one junior pitch. However, at no point in the last twenty-four months had more than one junior pitch been required. Therefore, the amended provision would ensure that existing regular users would not be inconvenienced by the proposed lease.

The Council was obliged to lease land for the best price reasonably obtainable. There were certain exceptions to this proviso which permitted a Council to enter into a lease, generally for the public good, at less than best consideration for a community or similar group. Whether or not this applied to the Club would need to be investigated fully. In the current downward economic climate a report on the Asset Transfer policy was being brought forward to establish whether the 'exceptions' needed to be widened.

In addition to the Club's agreement to cover all of the Council's costs relating to establishing the lease, they had also agreed to cover the cost of relocating pitches to ensure there was no loss of provision to the community clubs already using the site.

The Club had agreed to pay the Council's legal and valuation fees in advance so that if as part of the negotiations a final agreement could not be reached the Council's costs would still be covered.

The Club would be responsible for funding all of the proposed developments.

Should the Club cease to exist during the development of the site or after the work was completed, the Leisure and Green Spaces Service would be liable for the incomplete or complete asset and any repairs/works/demolition/reinstatement costs.

As the land to be leased was held as Public Open Space, the Local Government Act, 1972 required the Council to advertise the disposal of Public Open Space in a local newspaper for two consecutive weeks and to consider any objections received. The Club would need to pay in advance for the cost of advertising. If there were any objections to the advertised lease, these would have to be considered and reported before a Cabinet decision was made.

It was possible that members of the local community may raise concerns relating to loss of open access to the leased area and the pursuit of an agreement with the Club in advance of the emerging plans for the wider site.

Cabinet Members asked that officers consider the following matters as part of any discussions:-

- Drainage improvements for residents.
- Car parking.
- Footpath provision.
- Involvement of Ward Councillors.

Resolved:- That Officers enter into discussions with Rotherham Rugby Club Ltd, with a view to establishing a lease agreement for a section of Herringthorpe Playing Fields that could be used for training, competitive matches and community development purposes.

**C200 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act (information relating to finance or business affairs).

**C201 BARNSELY, DONCASTER AND ROTHERHAM (BDR) WASTE PARTNERSHIP - PFI PROCUREMENT OF WASTE TREATMENT FACILITIES**

Councillor R. S. Russell, Cabinet Member for Town Centres, introduced a report by the Strategic Director of Environment and Development Services, which set out the selection details of a preferred bidder for the Waste PFI project following evaluation of the final tender submissions from the two bid teams. The report also set out how the project could be delivered within the affordability envelope previously reported to Cabinet. The selection of the preferred bidder would allow for the financial close of this project and the commencement of the next phase of delivering the sub-regional waste facilities to commence operation in 2015.

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

Resolved:- (1) That the preferred bidder as outlined in this report be noted and the issuing of the Preferred Bidder Letter on behalf of the Barnsley, Doncaster and Rotherham (BDR) Waste Partnership, subject to DEFRA approval of the draft Final Business Case, be approved.

(2) That the delegation of authority be approved to the Strategic Director of Environment and Development Services, Strategic Director of Finance and the Assistant Chief Executive (Legal and Democratic Services), or their nominated officers, to take any action necessary to achieve financial close of the Waste PFI project including approval of the project agreement and associated documents, the submission of the final business case and the completion and signing of the second Inter Authority Agreement (IAA2).

(3) That the Assistant Chief Executive (Legal and Democratic Services) or his nominated officers be authorised to give a certificate under the Local Government (Contracts) Act 1997.

(4) That the Assistant Chief Executive (Legal and Democratic Services) or his nominated officers be authorised to execute the contract documents, being the PFI Project Agreement and associated documents, together with all relevant financial documents including the Funders Direct Agreement and associated documents.

(5) That an amendment to Inter Authority Agreement One (IAA1) be approved to ensure Barnsley's and Doncaster's financial contributions for the land to be used for the Waste PFI facility is linked to the point of financial close of the project, whenever it should occur, rather than the previously specified date of 31st March, 2011.

(6) That an increase in the Authority's capital contribution be approved, payable at Service Commencement, up to a maximum of £4.2 million, to be funded by prudential borrowing, and to be included within the Capital Programme for 2015/16.