

THE CABINET
Wednesday, 6th April, 2011

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

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

An apology for absence was received from Councillor Stone.

C202 QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

**C203 ROLE AND FUNCTION OF OVERVIEW AND SCRUTINY IN ROTHERHAM -
"IMPROVING LIVES, IMPROVING PLACES"**

Councillor Whelbourn, Chairman of the Performance and Scrutiny Overview Committee, introduced a report which set out the findings and recommendations of the scrutiny review into the role and function of overview and scrutiny in Rotherham and its future arrangements.

The Performance and Scrutiny Overview Committee considered the report at its meeting on the 25th March, 2011 and agreed the key findings, details of future arrangements which were set out as part of the report and the recommendations as follows:-

1. That Council agrees that the primary function of Overview and Scrutiny in Rotherham is about "Improving Lives, Improving Places" and its priorities should be:-
 - Holding decision makers and partners to account for delivery focusing on whether services make a difference in our communities.
 - Ensuring value for money and budget transparency.
 - Articulating and reflecting public voice.

On the basis of this Council should agree Overview and Scrutiny's role and remit and its relationship with the respective parts of the Council's governance arrangements.

2. To support the ongoing development of a positive and constructive relationship between Overview and Scrutiny and the Cabinet, ensure that there are regular (at least quarterly) meetings scheduled between Overview and Scrutiny Chairs and Cabinet to exchange concerns/forthcoming issues. These meetings should be scheduled in advance and published in the Council Year Book.
3. Ensure that O&S' work reflects and articulates the public voice by:-
 - Seeking ways to take Overview and Scrutiny 'out of the Town Hall'.
 - Making the website more accessible.
 - Establishing effective channels of communication with the community, including use of new media and technologies.

- Developing ways to communicate scrutiny's work and raise its profile.
 - Explore ways of further involving the community and other external stakeholders in the scrutiny process.
4. Develop the process for informing and approving Overview and Scrutiny's work by:-
- Developing a work programme that is informed by a range of stakeholders including the Cabinet, Senior Leadership Team (SLT), partners and the community. The work programme would ensure a balanced workload of different types of scrutiny work which would include internal/external focussed work, spotlight or more in-depth reviews, with capacity for responsive work as required.
 - Agreeing an annual work programme for 2011/12 that is endorsed by Council.
 - Having regular dialogue with the Chair of the Audit Committee, Chairs of Area Assemblies and Parish Councils to communicate respective work programmes, minimise areas of duplication and identify areas of joint working as appropriate.
 - Explore opportunities and agree approach for joint scrutiny with other authorities and non-executives/scrutineers from other bodies.
 - Reviewing the current format of the Forward Plan of Key Decision's to see if it is fit for purpose.
5. Deliver a Member Development programme to support Overview and Scrutiny's development and raise awareness and understanding of the new roles, by:-
- An initial "development day" event to inform the work programme and any future Member Development activity.
 - Regular engagement and consultation – including workshops with and for scrutiny chairs.
 - A programme of role development and skills training for members, including questioning skills and effective chairing.
 - A programme of awareness raising sessions for officers and partners.
6. Restructure the Overview and Scrutiny function to better reflect the priorities of the Council and its partners, so as to be able to respond to major service and structural changes e.g. NHS reforms, Localism Bill and the emerging transparency/self-regulation agendas, by creating:-
- An Overview and Scrutiny Management Board to lead and manage the overview and scrutiny function, co-ordinate its workload and commission pieces of work.
 - Underpinning the Management board are four select commissions.
 - A select commission focusing on self-regulation, value for money and budget transparency.
 - A health scrutiny select commission.
 - Improving Lives Select Commission – focusing on children and young people and the wider 'Think Family' agenda.

- Improving Places Select Commission – focusing on wider environmental/ regeneration agendas.
7. Develop the roles and remits of the Overview and Scrutiny Management Board and each of the four Select Commissions; including:-
- Terms of reference for the Board and for each of the 4 select commissions – including any specific powers and responsibilities they have (e.g health scrutiny).
 - Role definitions/descriptions for the chair and vice chair of the Overview and Scrutiny Management Board and for Select Commission chairs.
 - Agree a meeting schedule for the Management Board and Select Commissions.
 - Any agreed changes to be incorporated into the Council's Constitution.
8. Review the arrangement 12 months after implementation to see if they are 'fit for purpose'.

Further information was provided on issues emerging from the review, how these could be achieved and the proposed restructure of the overview and scrutiny function to better reflect the priorities of the Council and its partners.

It was suggested that the proposed Select Commissions should meet every six weeks. The schedule of meetings for the Management Board would be fortnightly, although this may be subject to further review and revision. In-depth reviews may take place outside this cycle as per current arrangements.

Should the recommendations be accepted, the changes to scrutiny structures arising from this paper would make savings. These had yet to be costed, but were likely to mean greater efficiencies in the use of officer resources, fewer formal meetings and a reduction in the associated production and distributions costs for agendas. Should the preferred structure be implemented, direct officer support to the Scrutiny Members could be met through existing staffing resources located in Scrutiny Services.

Given that the review recommended a new approach to overview and scrutiny, it was suggested that the effectiveness of these arrangements be reviewed in twelve months to judge if they were fit for purpose.

The Local Government landscape had changed beyond recognition since 2010. Like other areas of the Council, scrutiny needed to demonstrate relevance and impact, but in the context of fewer resources. If scrutiny did not respond to this agenda and change its approach and arrangements, it would undermine its capacity to provide value for money and undertake effective scrutiny both within the Council and externally.

Cabinet Members were informed that future arrangements should not necessarily align portfolio holders to specific Select Commissions, would support the move towards greater co-ordination of work programmes and more efficient ways of working, especially in areas such as Health.

Resolved:- (1) That the report be received and everyone involved in the review be thanked for their contributions.

(2) That the proposals be supported for consideration by the Council Meeting.

C204 RECORDING OF COUNCIL MEETINGS

Councillor Sharman, Deputy Leader, introduced a report by the Chief Executive, which set out details to review the procedures regarding the recording of Council Meetings.

Reference was made to the details of Standing Order 18 and consideration given as to whether it should be reviewed in the light of modern communication methods and in the interests of opening up the workings of local democracy in action to a wider audience.

Two separate issues had arisen namely a request by the Deputy Mayor to make a recording of the ceremonial part of the 2011 Annual Council Meeting and the letter from Bob Neil, MP, Parliamentary Under Secretary of State at the Department for Communities and Local Government, highlighting the importance of Council giving citizens opportunities to access and experience their local democracy using modern communication methods.

Cabinet Members were asked to consider whether the existing policy regarding recording of meetings should be reviewed, not merely because of the letter from the Minister, but generally in terms of how best to inform the public of Council decision making and in the light of the communication methods available today, including the Council's own much improved website. If it was felt the policy should be updated, the Cabinet was asked to instruct officers to produce a further report examining the issues in more detail and suggesting appropriate safeguards, whilst encouraging openness and transparency.

There may be some risk that if recording was permitted, selective editing or broadcasting of remarks out of context could be used in an attempt to create a misleading impression of a particular debate or decision. This should be considered as part of any further report.

Cabinet Members were in favour of an amendment to Standing Order 18 to permit the recording of the inaugural part of the Annual Council meeting for any future Mayors, but that any consideration to include other ceremonial events should be restricted to the Council meeting only.

(1) Recommended:- That Standing Order 18 be amended to permit the recording of the ceremonial part of the Annual Council meeting for the private use of the Mayor and his or her family.

(2) Resolved:- That a further report be submitted on the question of whether the recording of other ceremonial events at the Council meeting should be made and if so, any safeguards that should be imposed.

C205 SELF REGULATION AND IMPROVEMENT

Councillor Sharman, Deputy Leader, introduced a report by the Chief Executive, which indicated that despite the abolition of national performance and inspection frameworks such as Comprehensive Area Assessment (CAA) and Local Area Agreements (LAA) there was still an expectation from Central Government that Councils would take responsibility both collectively and individually to manage their performance, ensure improved outcomes for their local areas and deliver services with increased accountability and transparency.

The Local Government Group paper 'Taking the Lead: Self Regulation and Improvement in Local Government' set out an approach to meeting these expectations which was summarised and recommendations made for its proposals to be adopted and taken forward as a Council wide project led by the Performance and Quality Team.

The report set out further information relating to:-

- The Role of Individual Authorities.
- The Role of the Local Government Group which was made up of several organisations including the LGA and IDEA and functions as an integrated lobbying and improvement organisation for the local government sector. 'Taking the Lead' set out the means by which the group would support self regulation and improvement as follows:-
 - Local Accountability Tools – Development of web based, free of charge tools to enable Councils to work with local people, partners and communities to produce a shared assessment of current performance.
 - Peer Challenge – LG Group is offering all Councils one free of charge peer challenge over the three year period beginning April, 2011. This will require a level of commitment from participating local authorities to provide high quality peers. Peer reviews may be tailored to suit local needs but will focus on corporate capacity and leadership. More subject specific peer challenge will be available, but these will not be free of charge.
 - Knowledge Hub – A free of charge web based tool to be fully operational by September, 2011 that will enable sharing of information, knowledge, networking and collaboration.
 - Data and Transparency – A free of charge area within the Knowledge Hub where Councils may lodge and access data in particular to enable benchmarking. It is proposed that this is used to store data on a core of agreed metrics around cost efficiency and productivity, outcome and achievement and citizen satisfaction, but with the service offering the availability to go beyond these measures.

- Leadership Support – Ongoing development support for political and managerial leaders e.g. through the Leadership Academy and Leeds Castle programmes. The LG Group will continue to provide leadership support for political leaders and will be making available one subsidised place for every Council for each of the next three years on one of the main programmes commissioned from the market.
- Learning and Support Networks – Ongoing support of officers and councillor networks at national and sub-national levels. LGG will seek to make use of these networks to inform its wider policy and lobbying role.
- Local Government Group Improvement Programme Board.
- Role of Audit and Inspection.
- Role of Central Government.
- Next Steps - It was advised that all local authorities participate to some degree in the arrangements proposed by the LG Group in particular as a means of developing local improvement and accountability, but also as a collective means of providing assurance to Central Government and of avoiding the return of burdensome inspection regimes and intervention. For Rotherham Council it was recommended that the following initial priorities should be taken forward by the Performance and Quality Team:-
 - Submit this paper to a joint Cabinet and SLT meeting and to a Performance Overview Scrutiny Committee (PSOC) for further discussion.
 - Raise general officer and member awareness of the LG Group 'offer' e.g. via Departmental Management Team meetings, M3 Manager Briefings and for Councillors via the Members' Training and Development Panel.
 - Utilise the various LG Group improvement, self assessment and information tools as they become available.
 - Ensure local participation in data sharing systems such as the Knowledge Hub thereby contributing to the ongoing development of benchmarking information for the local government sector in the absence of any further Audit Commission quartile data.
 - Investigate local capacity for providing high quality peers to deliver challenge to other Councils.
 - Explore the opportunity for a peer review for children's services as notified to the Minister when the authority came out of Government intervention.

There were no financial issues related to this report.

Local authorities seen to be opting out of the scheme may be more vulnerable to poor performance and, more importantly, poor reputation.

Current budgetary and resource pressures may impact on the extent to which the Council was able to contribute staff to Peer Challenges of other local authorities.

Resolved:- (1) That the implementation of the next steps for taking the Local Government Group's proposals forward locally as set out in the report be approved.

(2) That the report be submitted to Performance and Overview Scrutiny Committee for further consideration.

C206 SUSTAINING SCHOOL IMPROVEMENT IN ROTHERHAM FROM APRIL, 2011

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 details of how the Local Authority was working intensively with Rotherham schools to design and deliver a new 'school improvement partnership' with effect from April, 2011. At that point, fundamental shifts in Government policy on schools and local education provision would combine with stringent financial cuts to Local Authorities to make current practice unsustainable. A new settlement needed to be established with schools and new approaches to individual and collective school improvement to ensure children and young people continued to progress as they should. This proposed partnership built on the considerable successes of Transforming Rotherham Learning (TRL) over the last five years, but would require a step-change in system leadership, support structures and resourcing to be effective.

The Partnership proposal was designed to:-

- Ensure the sustainability of the Transforming Rotherham Learning mission in the new political and financial context.
- Recognise school leaders' aspirations to combine individual freedoms with a strong collaborative culture.
- Mobilise the expertise of strong schools and school leaders on behalf of the whole community, especially the most vulnerable.
- Secure continued local control over the Rotherham agenda.
- Sustain the relevance of the Local Authority as a partner in provision for children and young people, albeit in a more 'junior' role.

What this required was a fundamentally new settlement and relationship between schools and the Local Authority which recognised the changes required by National Government, but integrated them into the local professional culture which was markedly different from that in most other Local Authorities. Such a settlement would be based on partnerships in Learning Communities 0-19, which were Head Teacher led and supported by a smaller, but still valued Local Authority. School improvement energy, expertise and resources would increasingly be provided by lead schools and Head Teachers rather than a central School Effectiveness Service team. Head Teachers and other leaders, working through representative structures, would take responsibility for commissioning school support, financing it and evaluating its impact.

Within this new settlement, the role of a smaller but high quality School Effectiveness Service would be to:-

- Manage a challenging transition period between the old world of school improvement and the new, retaining Head Teachers' confidence in a period of unprecedented disturbance.
- Support the most vulnerable schools, not least those in Ofsted categories.
- Champion the progress and wellbeing of the most vulnerable learners across the local system.
- Build the capacity of the new leaders of school improvement, through targeted professional development and the brokering of networks and collaborations.
- Broker entrepreneurial activity beyond Rotherham in the sub-region and beyond.
- Ensure the alignment of the new school improvement profile with broader Children and Young People's Services and the Council's priorities.

Funding for Local Authorities and schools remained unclear until both budgets were confirmed later this term. What was already evident was that the Local Authority's capacity to support local school improvement would be significantly reduced by losses from revenue and grant funding and staffing; much of that responsibility would, therefore, pass to schools who, it was promised, would have sufficient resources to purchase support. Schools may be persuaded to contribute to a collective Partnership budget to secure services of the quality and range they required. There were precedents for this within and beyond the Service Level Agreement model. Heads were currently working with the Local Authority to review the DSG which had earmarked £750,000 funding for Partnership activity. The Government was currently out to tender on management of an 'Endowment Fund' (£110 m initially) to resource innovative school improvement practice, to which a bid was intended. Creating the collective capital to fund local school-led improvement activity would be vital to the improvement of standards and in ensuring Rotherham was not to become the playground of Academy chains and commercial predators.

If the Local Authority and schools failed to establish a new settlement, the risks of damage to local provision were fundamental and urgent. They included:-

- An increase in schools electing to become Academies, including in the Primary and Special phases.
- Atomisation of the local system where schools chose to 'go it alone', competing for resources and position.
- Significant reductions in the DSG and, therefore, the capacity to operate collectively, if Academies and Trusts increased.
- Commercial activity by external providers – private companies and Academy chains – working to their own agendas in Rotherham.
- A breakdown in relationships – in effect, the end of the local school system serving the local community.

Cabinet Members welcomed the excellent partnership that existed already within Rotherham schools and the commitment to succeed by Head Teachers.

Resolved:- (1) That the proposals for a new Rotherham school improvement partnership be approved.

(2) That a further report on the new proposed governance structures be submitted to the Cabinet.

(3) That Cabinet enter into a minimum of a two-year agreement be entered into with the Partnership, ensuring a period of relative stability with the new governance arrangements.

(4) That progress be reviewed twice a year by the relevant Scrutiny Group.

C207 LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Councillor Akhtar, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director of Neighbourhoods and Adult Services, which detailed how all local authorities in England and Wales were obliged to have and, from time to time, review their Policy relating to the Licensing Act, 2003. The current statement of Licensing Policy was last reviewed in December, 2007.

The 'Statement of Licensing Policy' document must be a statement of principles that the Licensing Authority proposed to apply in exercising their functions under the Act during the three-year period to which the policy applied. All licensing policy statements should promote the licensing objectives.

Any application would be dealt with on its own individual merits and by reference to the four licensing objectives. The policy covered applications, reviews, transfers and variations of licences for the licensable activities. The Licensing Authority may depart from this policy if the individual circumstances of any case merited such a decision in the interests of the promotion of the licensing objectives. In the event of a departure from this policy the Licensing Authority would give full reasons for the decision to depart.

The Local Authority had consulted with a wide and varied an audience as possible regarding the policy or any amendments in accordance with the Licensing Act, 2003. This included the Chief of Police for the area, the Fire Authority, any such persons as the Licensing Authority considered being representative of holders of licences in respect of premises situated in the Local Authority's area and of businesses and residents in its area.

Cost effective methods of consultation have been used wherever possible (such as email and web publishing). Any costs associated with the consultation have been met by existing licensing budgets.

The Council was under a statutory obligation to publish and periodically review a statement of licensing principles. Any risks to the Council as a result of the adoption of the policy were considered to be minimal as it was based on guidance from LG Regulation (formerly LACORS).

Cabinet Members welcomed the wide consultation arrangements and proposals to train Members.

Recommended:- That the Statement Licensing of Policy be adopted.

C208 GAMBLING ACT, 2005 - STATEMENT OF LICENSING PRINCIPLES

Councillor Akhtar, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director of Neighbourhoods and Adult Services, which set out details of how the Gambling Act, 2005 required the Council to prepare and publish a Statement of Licensing Principles before it carried out any function in respect of applications made under the Act. The current statement of principles required reviewing and republishing in accordance with the requirements of the Act.

The consultation period ended on 25th October, 2010 and no comments were received.

The redrafted Statement of Principles had been written in the same format as that produced by LG Regulation (the statutory body that co-ordinated the regulatory activities of Local Authorities). This would ensure a consistency of approach throughout the country and also reflected any changes to the Guidance issued under the Gambling Act, 2005 by the Gambling Commission since its original publication.

The redrafted and updated Statement of Licensing Principles must be approved, published and advertised as soon as possible after the consultation process had been completed.

The Council consulted with a wide variety of stakeholders during the consultation period. Cost effective methods of consultation were used wherever possible (such as email and web publishing). Any costs associated with the consultation have been met by existing licensing budgets.

The Council was under a statutory obligation to publish and periodically review a statement of licensing principles. Any risks to the Council as a result of the adoption of the policy were considered to be minimal as the policy was based on guidance from LG Regulation (formerly LACORS).

Cabinet Members welcomed the wide consultation arrangements and proposals to train Members.

Recommended:- That the Statement of Principles be adopted.

C209 PROPOSED CHANGES TO PLANNING BOARD

Councillor Smith, Cabinet Member for Regeneration and Environment, introduced a report by the Strategic Director of Environment and Development Services, which proposed changes to membership of the Planning Board to accommodate requirements of implementing Development Management.

The principle behind the move to Development Management was to further modernise the Planning Service and to ensure a problem-solving approach to planning in addition to more familiar development control activities being offered.

Achieving objectives for development management would require the Planning Service to be more proactive and delivery focused, whilst being better aligned with other strategic functions, including plan-making. Aspects of development management had already been adopted in the Planning Service through a significant increase in pre-application discussions and an increased role for Members would allow for further development in this service.

There was evidence from Planning Advisory Service research that a traditional, larger Planning Board tended to be less separated from its constituency role and had a greater tendency to depart from planning policy as Members did not feel that they have a special role in determining applications for the wider Council.

Conversely members of a smaller Board were much more likely to take impartial decisions based on material planning considerations being more streamlined with a more strategic focus.

Rotherham's Planning Board was initially established to be made up of representatives from each ward and, therefore, consideration had been given to moving away from this arrangement in order to facilitate these aims.

It was also suggested by Planning Board Members that the profile of planning could be raised with a commitment to both attendance and training by Board Members to ensure consistency in decision making. There was the potential to implement this proposal and move away from the historical ward representation at Board in May, 2011 when a number of Board Members were due to stand down. The proposal was, therefore, that Planning Board be made up of fourteen members – two from each Area Assembly area with provision for a substitute from each area as necessary.

There would clearly be an impact by the Localism Bill and these initiatives clearly allowed Members to take a much more active role in the development process and pave the way for a move to achieve the aims of the Localism Bill generally and Development Management.

The aim of this suggestion was to build a good, strong Planning Board with a core group of Members. This, together with involvement at a pre-application stage, would provide an enhanced service for developers and assist with the Council's regeneration priorities.

There were no direct financial implications arising from the report

The proposals reduced the risk to the Local Planning Authority of potential legal challenge by increasing the role for Members in the planning process in accordance with Government advice and putting in place appropriate measures to accommodate the requirements of the Localism Bill.

Recommended:- (1) That the Planning Board be made up of two Members per Area Assembly (and an allocated substitute) and changes be implemented in May, 2011

(2) That the implementation of Development Management be approved.

(3) That an enhanced Planning Board Member Training Programme, developed in conjunction with the Members' Training and Development Panel, including code of practice be approved.

C210 ROTHERHAM LOCAL DEVELOPMENT FRAMEWORK STEERING GROUP

Councillor Smith, Cabinet Member for Regeneration and Environment, introduced the minutes of the Local Development Framework Members' Steering Group held on 18th March, 2011.

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 18th March, 2011 be received.

C211 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).

C212 LEISURE AND GREEN SPACES AND COMMUNITY DELIVERY REVIEW

Councillor St. John, Cabinet Member for Culture, Leisure, Sport and Tourism, introduced a report by the Strategic Director of Environment and Development Services, which summarised the outcome of the review of the Council's Leisure and Green Spaces and Community Delivery teams, the financial implications, the consultation process, the changes which have resulted from the consultation feedback and the next steps.

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

It was noted that these proposals would be linked to the Council-wide Management Review now taking place.

Resolved:- That the proposed new structures be noted.