

THE CABINET
7th September, 2011

Present:- Councillor Stone (in the Chair); Councillors Akhtar, Doyle, Hussain, Lakin, McNeely, Rushforth and Wyatt.

Also in attendance Councillor Hughes (Vice-Chairman of the Overview and Scrutiny Management Board)

Apologies for absence were received from Councillors R. S. Russell, Smith and Whelbourn.

C53 QUESTIONS FROM MEMBERS OF THE PUBLIC

A member of the public asked if the tenants who claimed housing benefit and in affordable homes had the same concessions under the Right to Buy Scheme as other tenants in Council homes?

The Strategic Director of Neighbourhoods and Adult Services confirmed that the same rights applied to any Council tenant regardless of their financial status and personal circumstances.

In a supplementary question the member of the public referred to a recent televised debate about rogue speculators purchasing homes under the Right to Buy Scheme and sub-letting to tenants and asked if the Council were aware of this practice in Rotherham?

The Strategic Director of Neighbourhoods and Adult Services confirmed that he was not aware of any such exploitation in the borough and referred to powers to deal with any abuse.

C54 GROUNDWORKS TRUSTS PANEL

Councillor Akhtar, Deputy Leader, introduced the minutes of the Groundworks Trusts Panel held on 13th July, 2011.

Resolved:- That the contents of the minutes of the Groundworks Trusts Panel held on 13th July, 2011 be noted.

C55 MEMBERS' TRAINING AND DEVELOPMENT PANEL

Councillor Stone, The Leader, introduced the minutes of the Members' Training and Development Panel held on 28th July, 2011.

Resolved:- That the contents of the minutes of the Members' Training and Development Panel held on 28th July 2011 be noted.

C56 WASTE PFI PROJECT - APPROPRIATION OF LAND AT BOLTON ROAD

Councillor Stone, The Leader, introduced a report by the Strategic Director of Environment and Development Services, which set details of the site, which had been earmarked for a waste treatment and processing plant for the joint PFI scheme between the Rotherham, Barnsley and Doncaster Councils (the BDR Waste Partnership). The land would in due course be transferred into the joint names of the Councils.

The land was originally acquired under the general power of acquisition contained in Section 120 (acquisition of land by agreement by principal councils) of the Local Government Act, 1972. Consequently, in order to guard against the possibility of third party rights or interests of which the Council was unaware, the Cabinet was requested to resolve that the land be appropriated for planning purposes under Section 237 (power to override easements and other rights) of the Town and Country Planning Act, 1990. The land was currently allocated for industrial and business purposes in the 1999 Unitary Development Plan.

The effect of appropriating land under Section 237 was that any third party rights or interests in, on or over the land were overridden and affected persons compensated accordingly.

Resolved:- That, under Section 237 of the Town and Country Planning Act 1990, the land known as land at Bolton Road, Wath-upon-Deerne, edged in red on the plan annexed to this report, be appropriated for planning purposes to facilitate the development of the waste treatment and processing plant in accordance with the joint PFI scheme between Barnsley, Doncaster and Rotherham Councils.

C57

WAVERLEY LINK ROAD

Councillor Stone, The Leader, introduced a report by the Strategic Director of Environment and Development Services, which outlined the current position relating to the Waverley Link Road Major Highway Scheme, which was currently in the Department for Transport's (DfT) 'development pool' of schemes that were required to submit a 'best and final funding bid' by the 9th September, 2011

The report also outlined developments since late October, 2010, following the Comprehensive Spending Review, and set out amendments to the scheme previously submitted to the Department for Transport, the revised costs and associated quantified risks contained within the estimate. It also outlined the further public consultation that was undertaken on the scheme, which was one of the issues that the Department for Transport have sought particular clarification on. Members' support was, therefore, sought for a 'best and final funding bid' to be submitted to the Department for Transport for an amended scheme that had significant benefits at a lower cost than previously proposed, whilst acknowledging the risks associated with the submission.

The details showing the total estimated cost of the proposed scheme and the funding contributions were set out in detail as part of the report.

There was a risk that the Department for Transport would consider that the amended scheme did not reduce their contribution enough and/or did not provide sufficient third party contributions, which may result in the amended scheme failing to receive Programme Entry. However, it was considered that further reductions to the cost estimate were not viable.

All the risk of any overspend in the delivery of the scheme would lie 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 (QRA) figure of approximately £1.165m – effectively a contingency against increased cost

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

Company searches have also been undertaken in respect of the third party Section 106 agreements that were a part of the DfT funding requirements. Whilst the total scheme expenditure assumed that there would be a 10% contribution from third parties, the risk of business failure had been assessed as “high”, on account of a combination of an unfavourable audit opinion and a negative assessment of the health of the ultimate parent, UK Coal plc. However, in August, 2011, UK Coal plc published their unaudited six monthly results which showed some improved performance in the group’s results. It was a Department for Transport requirement of the bidding process that the Council have to agree to underwrite any contributions that did not materialise. Therefore, should the company cease to trade the Council would have to attempt to recover this money as a result of insolvency proceedings, or alternatively fund this shortfall itself when the potential for recovery of monies had been exhausted.

The implementation of the scheme was also subject to securing the required planning permission and confirmation of Compulsory Purchase Orders for land and property that the Council could not acquire through negotiation and any Side Roads Order that may be required. Should objections to the CPO/SRO be received a Public Inquiry would be required.

Cabinet Members suggested that consideration be given to moderate adjustments to the link road to address concerns raised as part of the consultation.

Resolved:- [1] That, subject to the consideration of the results of the consultation, the ‘best and final funding bid’ (BAFFB) to the Department for Transport be approved for the implementation of an amended scheme, with the bid to seek £6.961m from the Department for Transport, with a £0.751m contribution from the Council’s Local Transport Plan Integrated Transport (LTP IT) allocation, and developer contributions of £0.857m.

[2] That as part of the detailed design, officers consider the potential to make further changes to the alignment of the road to reduce the impact of the scheme on the Recreation Ground, to address concerns raised as part of the consultation exercise.

(The Mayor agreed to the exemption from call-in on 7th September, 2011 in order to enable the bid to be received by the Department for Transport by 12 Noon on 9th September, 2011, as failure to submit the bid would mean that the Department for Transport would not consider the scheme further)

C58 BUS RAPID TRANSIT NORTH - SUBMISSION OF MAJOR SCHEME BEST AND FINAL FUNDING BID

Councillor Stone, The Leader, introduced a report by the Strategic Director of Environment and Development Services, which outlined the current position relating to the Bus Rapid Transit 'North' Major Scheme, which was currently in the Department for Transport's (DfT) 'development pool' of schemes that were required to submit a 'best and final funding bid' by the 9th September, 2011. It outlined developments since late October, 2010, following the Comprehensive Spending Review, the revised costs and associated quantified risks contained within the estimate and highlighted those elements of the scheme for which the Council would have responsibility.

The funding for the scheme, its current status and the risks and uncertainties associated with it were set out in detail as part of the report.

Resolved:- That the submission by the SYPTE on behalf of the project partners of a 'best and final funding bid' (BAFFB) to the Department of Transport be approved for the implementation of the BRT North scheme, with the bid to seek £19.406m from the Department of Transport towards the total scheme cost of £36m.

(The Mayor agreed to the exemption from call-in on 7th September, 2011 in order to enable the bid to be received by the Department for Transport by 12 Noon on 9th September, 2011, as failure to submit the bid would mean that the Department for Transport would not consider the scheme further)

C59 DELEGATION OF STATUTORY POWERS TO THE DIRECTOR OF HOUSING AND NEIGHBOURHOOD SERVICES

Councillor McNeely, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director of Neighbourhoods and Adult Services, which detailed changes required to the list of powers delegated to the Director of Housing and Neighbourhood Services with respect to food safety and animal health.

The areas that required changes to the list of delegated powers included:-

- Trade in Animals and Related Products Regulations, 2011.
- Veterinary Medicines Regulations, 2010.
- Eggs and Chicks (England) Regulations, 2009.
- Zoonoses (Monitoring) (England) Regulations, 2007.
- Avian Influenza (Vaccination) (England) Regulations, 2006.
- Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations, 2006.
- Breeding and Sale of Dogs (Welfare) Act, 1999

There were no additional financial implications on services as a result of this legislation being delegated to the Director of Housing and Neighbourhood Services.

Failure to appropriately authorise officers under specific pieces of legislation would hinder the effective discharge of the Council's statutory functions.

Recommended:- (1) That the Council's powers in relation to the legislation detailed in Annex 1 be delegated to the Director of Housing and Neighbourhood Services.

(2) That the legislation detailed in Annex 1 be added to the Scheme of Delegation for Members and Officers at the next review.

C60 EXCLUSION OF 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 (as amended March, 2006 (information .

C61 RATIONALISATION OF PROPERTY ASSETS - ASTON DEPOT AND GARAGE SITE, WESLEY AVENUE, SWALLOWNEST

Councillor Stone, The Leader, introduced a report by the Strategic Director of Environment and Development Services, which sought approval for the disposal of the above-mentioned property assets which were surplus to the requirements of the Department of Housing and Neighbourhood Services and Department of Environment and Development Services.

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

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

(2) That the Senior Manager, Legal and Electoral Services, completes the necessary documentation.

C62 LONG TERM CAPITAL LOAN FINANCE IN SUPPORT OF THE PURCHASE AND REDEVELOPMENT OF NOS. 17,19 AND 21 HIGH STREET AND; NOS. 25 - 29 HIGH STREET, 'THE THREE CRANES', NO. 29A HIGH STREET AND THE GEORGE WRIGHT BUILDING

Councillor Stone, The Leader, introduced a report by the Strategic Director of Environment and Development Services, which set out a formal request from a local businessman, for a £0.75m long term capital finance loan from the Council to facilitate the purchase and subsequent re-development of Nos. 17, 19 and 21 High Street along with the following listed buildings Nos. 25 - 29 High Street 'The Three Cranes', No. 29a High Street a former Georgian Town House and The George Wright Building. The purchase formed part of the Rotherham Townscape Heritage Initiative (THI) programme. The purchase of these properties would lever out an additional £0.677m of Heritage Lottery Funding (HLF) for additional works to the listed buildings.

The finance information and risks and uncertainties associated with this loan request were set out in detail as part of the report.

Cabinet Members welcomed the opportunity to assist in the regeneration of these properties on High Street.

Resolved:- That the provision of a capital loan facility of £0.75m for the proposed investment in Nos. 17, 19 and 21 High Street along with the following listed buildings: Nos. 25 - 29 High Street 'The Three Cranes' No. 29a High Street a former Georgian Town House and The George Wright Building in the Town Centre be approved, subject to the terms and conditions of the loan agreement in respect of both interest rates and security being to the satisfaction of both the Council's Strategic Director of Finance and Responsible Legal Officer.

C63**DINNINGTON SITES - LAND TRANSFER**

Further to Minute No. 76 of the Cabinet meeting held on 22nd September, 2010, Councillor McNeely, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director of Neighbourhood and Adult Services which detailed the requirement for a reversal of Minute No. 76, in line with new grant administration practices, to release the Dinnington sites directly to a Partner Housing Provider (RP). This would enable the delivery of new high quality housing by linking together a more viable private owned development site to the Council's less viable sites. It would also enable the Council to support the Partner Housing Provider to access National Affordable Housing Development Framework for funding, to construct a higher number of affordable homes on the sites than would otherwise have been achievable.

A private sector developer has partnered with one of the Council's preferred Registered Partners, at the former Timber Yard site at Outgang Lane. They were prepared to develop the more difficult sites on East Street, Shakespeare Drive and Leicester Road with the support of Affordable Housing Grant from the Homes and Communities Agency (HCA). To enable the Registered Partner to make a submission to the Homes and Communities Agency by the bid submission deadline of 3rd May, 2011, the Council would be required to commit to releasing sites for capital receipt of £5,000 per plot for affordable homes and £10,000 for the open market sale units subject to development appraisals.

This report details this proposal to enable the next phase of regeneration to take place in Dinnington that would deliver 461 new mixed tenure homes, 57% of which would be affordable incorporating high quality standards in design.

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

Clarification was sought on the deadlines for bid submissions by Registered Partners, which would be investigated and report back to Cabinet Members.

Resolved:- (1) That the contents of the report be noted and the proposed new approach for redevelopment of the Dinnington sites be approved.

(2) That the recommendation for the freehold sale of the development sites identified in Appendix 1 of the report to the preferred Registered Partner, at the discount stated, and on the basis that the Council received all of the benefits detailed in this report, be approved.

C64 LAND AT BRAITHWELL ROAD, MALTBY

Further to Minute No. 76 of the Cabinet meeting held on 22nd September, 2010, Councillor McNeely, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director of Neighbourhood and Adult Services which detailed the requirement for a reversal of Minute No. 76, in line with new grant administration practices, for the disposal of the above-mentioned property asset by open market tender, to support delivery of the objectives within the Local Investment Plan.

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

Resolved:- (1) That the disposal of the asset identified at Appendix 1 be approved.

(2) That the release of this asset to support the delivery of the objectives within the Local Investment Plan be approved.

(3) That the Director of Asset Management negotiates the disposal of the asset.

(4) That the Senior Manager, Legal and Electoral Services, completes the necessary documentation.

C65 NEW DISCRETIONARY RATE RELIEF TOP UP APPLICATIONS

Councillor Stone, The Leader, introduced a report by the Team Leader (RBT) which set out details of organisations currently in receipt of Section 43 Mandatory Relief which have applied for 20% Discretionary Relief top up.

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

Resolved:- (1) That a 20% top up be granted to applicant: DRRTU/NEW/11/04 for one year only.

(2) That the relief to the other applicants be refused.

[Councillor Akhtar declared a personal and prejudicial interest in application DRRTU/NEW/73493/11/03 on the grounds that he was the Chairman of the Unity Centre Board and left the room whilst this matter was discussed]

C66 DISCRETIONARY RATE RELIEF REVIEW

Councillor Akhtar, Deputy Leader, introduced a report by the Team Leader (RBT) which set out details of an application from an organisation for Section 47 Discretionary Rate Relief.

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

Resolved:- That application DRR/new/11/01 for 50% reduction on the charges shown for one year only be approved.

C67**CAPITAL RECEIPTS UPDATE - SEPTEMBER, 2011**

Councillor Stone, The Leader, introduced a report by the Strategic Director of Environment and Development Services, which highlighted changes to the forecast of capital receipts resulting in a revision of the Council's capital programme.

The appendices to this report reflect a revised basis of reporting of the Capital Receipts programme identified projected receipts in each of the formerly reported risk bands (High, Medium and Low), with projected total receipts against each banding. The intention was to provide more accurate projections with the timing of receipts during each year being more easily identifiable.

The financial information and risks and uncertainties associated with the capital receipts were set out in more detail as part of the report.

Resolved:- That the position on the current status of the capital receipts be noted.