

THE CABINET
Wednesday, 19th October, 2011

Present:- Councillor Stone (in the Chair); Councillors Akhtar, Hussain, McNeely, R. S. Russell and Smith.

Also in attendance Councillor Whelbourn (Chairman of the Overview and Scrutiny Management Board)

Apologies for absence were received from Councillors Doyle, Lakin, Rushforth and Wyatt.

C76 QUESTIONS FROM MEMBERS OF THE PUBLIC

A member of the public asked why the Council appeared to be building roads that were more like narrow channels for traffic as opposed to filling in the potholes arising from the severe weather conditions of last Winter?

The Strategic Director of Environment and Development Services reported that the funding for the highway network came from two pots; one for effective new schemes and the other for highway maintenance. It was pointed out that the funding received over two years was for the principal road network. The Council was responsible for road safety and across Rotherham and South Yorkshire there had been no reports of children being killed or seriously injured for the last three year period.

Some of the local road safety schemes had to be balanced against the need to maintain the road network, but many of the schemes that had been implemented were as a direct response to the concerns of local people.

In a supplementary question the member of the public referred to use of the narrow roads and the difficulties this may cause to emergency vehicles.

The Strategic Director of Environment and Development Services pointed out that the emergency services were consulted and a number of schemes had not been implemented because of their concerns.

C77 LOCAL DEVELOPMENT FRAMEWORK MEMBERS' STEERING GROUP

Councillor Smith, Cabinet Member for Town Centres, Economic Growth and Prosperity introduced the minutes of the Local Development Framework Members' Steering Group held on 16th September, 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 16th September, 2011 be received.

C78 MEMBERS' TRAINING AND DEVELOPMENT PANEL

Councillor Stone, The Leader, introduced the minutes of the Members' Training and Development Panel held on 29th September, 2011.

Resolved:- That the contents of the minutes of the Members' Training and Development Panel held on 29th September, 2011 be noted.

C79 REVIEW OF POLLING PLACES 2011

Councillor Akhtar, Deputy Leader, introduced a report of the Chief Executive, which described the review of parliamentary polling districts and polling places which was required under the Electoral Administration Act 2006 and final proposals for future polling arrangements.

The review had been conducted under the Terms of Reference which were published along with the statutory Notice of Review on 22nd June, 2011. The suggested timetable in the terms of reference was amended to ensure the target dates were achieved.

As part of the review every venue was evaluated against issues of accessibility, voter convenience, fairness and availability for polling (including at short notice). It should be noted that the outcome of the Property Rationalisation Savings and Localities Review may affect the future availability of some venues.

The Returning Officer's proposals were reported to Overview and Scrutiny Management Board on 9th September, 2011. The Board resolved that the proposals be supported, and a report be submitted to Cabinet. However, there were two revisions to the proposals as originally submitted to the Overview and Scrutiny Management Board, namely:-

- A proposal to cease using Manor Farm Community Centre be withdrawn. Concern was expressed about this proposal by some Members of the Board and the matter was referred back to the Council's Facilities Manager. He subsequently met with the leaseholders and agreed to work with them to ensure that they met the necessary statutory requirements to ensure that the building operated safely.
- The proposal to revise boundaries in Maltby around the Charles Foster Community Centre was amended so that only voters from the current Maltby Wood (IE) polling district were allocated to this new venue. On detailed analysis, it seemed unlikely to provide more convenient facilities for electors currently within Queens (IF) polling district.

During the finalisation of the review it was brought to the Elections Services' attention that March Flatts Community Centre in the Silverwood Ward had closed. Upon investigation the Returning Officer advised that, subject to a full inspection, confirmation of availability and suitable arrangements for gaining access on polling day; Staple Green Community Centre should be the designated polling place for polling district NE. This decision was based on the fact that this centre was located near to March Flatts Community Centre and this solution would minimise inconvenience to the voters. An external inspection carried out on 13th October, 2011 appeared to indicate that the building was suitable, but more detailed enquiries were required. If further enquiries revealed that the Staple Green Centre should not be designated as a polling place, voters should be reallocated to polling district ND which had Thrybergh Parish Hall as its polling place.

There would be additional costs associated with eight additional polling places, but these were not significant and should be weighed against the statutory

requirement to provide adequate polling provision.

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

Cabinet Members were satisfied with the convenient polling arrangements, but asked about access arrangements for schools on polling days. It was noted that schools were contacted well in advance and negotiations took place with Head Teachers to achieve access for voters and security for pupils in accordance with each school's circumstances.

Reference was also made to the allocation of new venues for voters and the proposals to make everyone aware of the changes.

Recommended:- (1) That the proposals outlined in the report be approved.

(2) That the final recommendations and statutory notice be published.

(3) That voters affected by the changes be notified directly on conclusion of the review.

(4) That the requirements for each venue and details of known future election dates be confirmed directly with owners/leaseholders on conclusion of the review.

(5) That power to authorise changes to polling places or districts be delegated to the Returning Officer or duly appointed Deputy Returning Officer. The Returning Officer would have regard to Electoral Commission guidance and (except if it was impracticable because of an emergency situation) consult Ward Members, political parties and the candidates who contested the most recent election for the relevant electoral area.

C80

MEDIUM TERM FINANCIAL STRATEGY AND BUDGET TIMETABLE AUGUST 2011- MARCH 2012

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Finance, which provided detail of the proposed timetable for the revision of the 2011-2016 Medium Term Financial Strategy (MTFS) and for determining the 2012/13 Revenue Budget and the Capital Programme for the period 2012/13 to 2014/15.

The timetable for this process over the coming months would end with the full Council meeting on 7th March, 2012, which would set the Revenue Budget and Council Tax level for 2012/13 and the Capital Programme for the period 2012/13 to 2014/15. The proposed timetable related only to Member involvement in the budget process.

The proposed timetable had been considered jointly with Corporate Policy and Performance and reflected the work using Budget Matrices that had been undertaken over the summer. The timetable also included the consultation process that was now underway

There were no direct financial implications arising from this report.

The Council was required by law to have determined its Budget and Council Tax level by 10th March, 2012 and this timetable was intended to allow Members the opportunity to have considered in detail the issues, pressures and savings surrounding the Council's Revenue Budget for 2012/13 and to integrate this with the review of the MTFs - the Council's Medium Term Financial Strategy. Given the statutory deadline in early March, 2012 there was limited scope to accommodate slippage in other aspects of the Budget process.

Delivery of the annual Revenue Budget and Capital Programme and the MTFs was essential to the achievement of the Council's key priorities.

Resolved:- That the proposed MTFs and Budget Timetable be approved.

C81 REVENUE BUDGET MONITORING FOR THE PERIOD ENDING 30TH SEPTEMBER, 2011

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Finance, which provided details of how in setting the 2011/12 Revenue Budget the Council had to manage an unprecedented level of savings (£30.3m) resulting from the withdrawal of Central Government funding and grant allocations. In meeting this significant financial challenge the Council, from the outset, said that the Budget process must focus on the customers it served, the communities and businesses of Rotherham. This meant, as a first course of action, streamlining management and administration and reducing as far as possible back office costs. These were highlighted as a priority by the public in the 'Money Matters' budget consultation.

This report, therefore, provided details of progress on the delivery of the Revenue Budget for 2011/12 based on performance for the first six months of the 2011/12 financial year and flagged up a potential overspend of £6.923m (3.20%). The main reasons for the variance were:-

- The continuing service demand and cost pressures in looking after vulnerable children across the Borough, which were also being felt both nationally and locally by a large number of Councils.
- Additional, one-off property costs relating to the continued rationalisation of the Council's asset portfolio as part of the efficiency drive to reduce operational costs.
- The extended timescale for realising the full forecast management and business support savings of £1.45m.

However, the report identified actions being taken by the Strategic Leadership Team to drive the Budget position towards a balanced position by the end of the financial year.

Management actions have been put in place to address some of the issues identified to date and work was being undertaken to identify further actions. As these took effect they would be monitored to enable the impact of the actions to be assessed. Careful scrutiny of expenditure and income across all services and close budget monitoring, therefore, remained essential.

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

(2) That the progress made to date in delivering the significant financial challenges presented in the Council's Revenue Budget be noted.

(3) That any further actions be taken by Directorates so as to minimise the impact on the Council's medium term financial position.

C82 CORPORATE RISK REGISTER

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Finance, which showed the risks associated with the Council's most significant priorities and projects and actions being taken to mitigate these risks.

Following comments the risk register had been streamlined to emphasise the Council's most significant risks and key actions and developments relating to these risks.

Not surprisingly, the Council's key current risks related to the financial pressures faced by the Council. Management actions were being taken to mitigate these and other risks in the register which were set out in detail as part of the report.

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 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.

Resolved:- (1) That the revised corporate risk register summary be noted.

(2) That the current assessment of the Council's top four corporate risks be confirmed.

(3) That any further risks identified and be added to the risk register.

C83 DRAFT RESPONSE TO GOVERNMENT CONSULTATION ON THE LOCALISATION OF BUSINESS RATES

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Finance, which summarised the Government's proposals for the Localisation of Business Rates and their implications for Rotherham. Attached to the report was the Council's proposed response to the consultation papers which had been issued during July and August.

The proposals were complex and set out a range of options which interacted to generate a spectrum of possible funding levels which would need to be fully assessed once final details of the new scheme were determined by Ministers' following the consultation.

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

(2) That the draft response to the DCLG Consultation Paper on the Localisation of Business Rates be approved.

C84 PRELIMINARY FLOOD RISK ASSESSMENT FOR ROTHERHAM (JUNE 2011)

Councillor Smith, Cabinet Member for Town Centres, Economic Growth and Prosperity, introduced a report by the Strategic Director of Environment and Development Services, which provided a Preliminary Flood Risk Assessment for Rotherham in accordance with the requirements of the Flood Risk Regulations 2009 and the European Floods Directive, which aimed to provide a consistent approach to managing flood risk across Europe.

The Preliminary Flood Risk Assessment was a high level screening exercise which involved collecting information on past (historic) and future (potential) floods, assembling it into a Preliminary Flood Risk Assessment report and using it to identify Flood Risk Areas which were areas where the risk of flooding was locally significant and a ten point summary of the main steps was set out in detail as part of the report.

The approach also consisted of a six year cycle of planning based on a four stage process of:-

1. Undertaking a Preliminary Flood Risk Assessment (PFRA).
2. Identifying flood risk areas.
3. Preparing flood hazard and risk maps.
4. Preparing flood risk management plans.

The Draft Preliminary Flood Risk Assessment completed by Rotherham in June 2011, identified over 8,500 residential properties in Rotherham as being potentially at risk from surface water flooding, compared with less than 300 properties at risk of flooding from rivers. 106 areas have been identified for prioritisation in subsequent flood risk management planning.

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

Cabinet Members asked about the mitigation measures on planning applications to prevent residential properties being flooded in the future and were satisfied that the infrastructure works recommended had been completed.

Cabinet Members also noted the transfer of responsibility to the Council for local flood risk management and to the water companies under the Flood and Water Management Act, 2010.

Resolved:- (1) That the contents of the Draft Preliminary Flood Risk Assessment for Rotherham be noted.

(2) That the Preliminary Flood Risk Assessment for Rotherham be submitted to DEFRA before December, 2011 for approval.

(3) That the Final Preliminary Flood Risk Assessment for Rotherham be published for public information.

C85 HERRINGTHORPE PLAYING FIELDS

Councillor Smith, Cabinet Member for Town Centres, Economic Growth and Prosperity, introduced a report by the Strategic Director of Environment and Development Services, which provided an update on progress relating to the potential lease of an area of Herringthorpe Playing Fields to Rotherham Rugby Club Ltd. The report summarised the consultation responses received following a programme (between April and August, 2011) which targeted passive and active users of the site as well as local residents.

The mitigation measures addressed the concerns of local residents and did not have the impact feared by local residents. For these reasons and because rugby and any sport activity was beneficial to health, it was felt that these proposals should be supported.

The Club was responsible for securing the funding for the development and had agreed to cover the Council's costs. A promise of funding by the Rugby Football Union has been given, through a combination of grant and an interest free loan, to be guaranteed by the Club's members. This funding was subject to satisfactory planning approvals and lease agreements being in place. There were no financial consequences to the Council of this development.

Subject to the outcome of Members' considerations, the Club would next submit a planning application. If successful it would then seek funding for its proposals. If this were to be unsuccessful then there should be a clause giving both parties the option to cancel the lease agreement.

Cabinet Members welcomed the proposals, but suggested the Rugby Club should publicise the facilities that would be provided under the lease.

Resolved:- That subject to advertising and considering any objections to the disposal of the land under Section 123 of the Local Government Act, 1972, the proposal from the Rotherham Rugby Club Ltd. to lease an area of Herringthorpe Playing Fields at Herringthorpe for the exclusive purpose of rugby development subject to appropriate mitigating actions (as outlined) being implemented be approved.

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

C86 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 (as amended March, 2006 (information relates to finance and business affairs)).

C87 INTERIM MANAGEMENT AGREEMENT REVIEW

Councillor Smith, Cabinet Member for Town Centres, Economic Growth and Prosperity, introduced a report by the Strategic Director of Environment and Development Services, which outlined concerns and implications for the ongoing operation of Rother Valley Country Park, currently managed by a third party.

The concerns were set out in detail in the report.

Cabinet Members concurred with the proposed action.

Resolved:- (1) That the termination of the agreement and lease with the third party be approved with immediate effect.

(2) That management of Rother Valley Country Park be brought back under the direct control of the Council as soon as reasonably practicable.

(The Mayor exempted this item from call-in on the grounds that delay in actioning the resolution would seriously prejudice the Council's interests)

Addition to the Report on the review of Polling Places – Cabinet 19 Oct

The report refers to the risk of premises becoming unavailable and just such a situation has arisen since it was written.

**Wentworth & Dearne Constituency Silverwood Ward (Polling District NE)
March Flatts Community Centre**

On the 6 October, the Clerk to Thrybergh Parish Council advised that he had heard that March Flatts Community Centre was closing. The leaseholder had not indicated this during the review's enquiries about future availability of premises. EDS were unaware of any intention to close the centre and it proved impossible to contact the leaseholder over the next few days. On 13 October, an electoral services officer contacted Councillor Pat Russell who was able to provide more information. She confirmed that the centre had closed and that the leaseholder had emailed her shortly before a ward surgery was scheduled advising her that the centre would close that day and would no longer be available.

Returning Officer recommendations for this polling district are therefore revised as follows:

Subject to a full inspection, confirmation of availability and suitable arrangements for gaining access on polling day; Staple Green Community Centre should be the designated polling place for polling district NE. The centre is located near to March Flatts Community Centre and this solution would minimise inconvenience to the voters. An external inspection carried out on 13 October appears to indicate that the building is suitable but more detailed enquiries are required. If further enquiries reveal that the Staple Green Centre should not be designated as a polling place, voters should be reallocated to polling district ND which has Thrybergh Parish Hall as its polling place.

Dealing with issues of non-availability or emergency outside the statutory review process

The council constitution currently contains a delegation to authorise changes to polling stations to the Assistant Chief Executive (Legal & Democratic Services) in consultation with ward members. The 2011 review of polling places and districts has revealed an increased risk with regard to the availability of premises and it would now be advisable to reconsider the delegation.

Recommendation

That power to authorise changes to polling places or districts be delegated to the Returning Officer or duly appointed Deputy Returning Officer. The Returning Officer will give regard to Electoral Commission guidance and (except if it is impracticable because of an emergency situation) will consult ward members, political parties and the candidates who contested the most recent election for the relevant electoral area.

Mags Evers
Electoral Services Manager

13 October 2011