CABINET AND COMMISSIONERS' DECISION MAKING MEETING
Monday 12 September 2016

Present:- Councillor Read (in the Chair); Councillors Alam, Beck, Hoddinott, Roche and Yasseen.

Also present:- Commissioners Bradwell, Kenny and Ney and Councillor Steele (Chair of Overview and Scrutiny Management Board.

Apologies for absence were received from Councillors Lelliott and Watson. A further apology for absence was received from Commissioner Sir Derek Myers.

61. DECLARATIONS OF INTEREST

Councillor Hoddinott declared an interest in item 17 on the agenda (Awarding contracts for the delivery of 0-19 Children's Health Services, Sexual Health Services and Drugs and Alcohol Recovery Services) on the basis of her appointment as a Partner Governor of the Rotherham Hospital Trust.

62. QUESTIONS FROM MEMBERS OF THE PUBLIC

A member of the public raised concerns that there would continue to be sufficient facilities to support children and young adults in Rotherham in the context of proposals being considered at the meeting regarding the closure of children's residential care homes. In response, it was explained that the proposals were based on an ambition for high quality, local, family placements.

A further question was put in respect of the procurement and commissioning report on the agenda for the meeting. Assurances were sought that the most vulnerable in Rotherham, who were by definition the most in need, would continue to be prioritised. In response it was explained that the needs of the vulnerable would continue to be met in Rotherham.

A question was put in respect of the council's approach to managing the Bedroom Tax and the support available to families in the most challenging circumstances. In response it was explained that the council tried to respond appropriately to the needs of people in the most challenging circumstances in respect of the bedroom tax, whilst operating within the rules set by central government.

A further question was put in respect of the proposals to discontinue the Flanderwell Autism Resource Unit and the alternative provision for young people with autism. In response, it was explained that the developing autism strategy would incorporate provision for children. Reference was also made to the planning on sufficiency to ensure that there was an appropriate mix of provision from moderate to very acute needs.

A question was submitted in respect of the financial monitoring report that was due to be considered elsewhere on the agenda and an assurance was sought that the Council would support the most vulnerable in society who would be the most adversely effected by the reduction in local authority budgets. In response it was explained that the vast majority of the council's budget was spent supporting those in most need in society.

A final question was put by a member of the public in respect of the proposals to close children's residential care homes, with specific reference to Silverwood residential care home. It was explained that there were concerns that the home was not making adequate progress towards being considered 'excellent' by Ofsted. Reference was also made to an Ofsted report from February 2016 which found that children were not safe in the home and that signs of risk were not being acted upon or evaluated.

63. MINUTES OF THE PREVIOUS MEETING HELD ON 11 JULY 2016

Resolved:-

That, subject to an amendment reflecting the interest declared by Councillor Beck, the minutes of the Cabinet and Commissioners' Decision Making Meeting held on 11 July 2016 be agreed as a true and correct record of the proceedings.

64. OUTCOME OF THE CONSULTATION ON THE PROPOSAL FOR A PLANNED CLOSURE OF 'SILVERWOOD' AND 'CHERRY TREE HOUSE' CHILDREN'S RESIDENTIAL CARE HOMES

Consideration was given to a report which set out the outcome of consultation with stakeholders and options for the planned closure of Silverwood and Cherry Tree House children's residential care homes.

The report detailed the decision making and consultation processes to date and set out the range of feedback, opinions and views on the proposed closure of both homes. It was specifically noted that the consultation period was extended by a further week to allow officers to consult with multi-agency partners from the Rotherham Local Safeguarding Children's Board Executive Group.

It was reported that a decision to close one or both residential children's homes would not adversely impact on any individual young person, as there were no residents in occupation at the time of the meeting.

It was noted that Overview and Scrutiny Management Board had considered the proposals at its meeting on 2 September 2016. Whilst the Board had supported the proposals, it had proposed two further recommendations for consideration regarding provision of emergency placements and foster placements be no further than a maximum of twenty miles from the borough area boundary.

Commissioner Bradwell agreed:-

1. That the outcome of the targeted consultation with affected stakeholders be noted.

2. That, having regard to the options appraisal and the consultation feedback, the planned closure of both children's homes by the end of December 2016 be approved.

3. That the service proposals include provision for emergency placements for vulnerable children and young people, including the provision of 'crash pads'.

4. That a service review be undertaken, as soon as practicable, to ensure that , appropriate to their individual care needs, vulnerable children and young people have foster placements which are situated within the borough or no more than a maximum distance of twenty miles from the borough area boundary.

65. OUTCOME OF CONSULTATION AND PROPOSED FOSTER CARERS PAYMENTS SCHEME, SUPPORT AND DEVELOPMENT

Consideration was given to a report which ultimately sought to improve the care experience for children in Rotherham by ensuring that wherever possible they are looked after in Rotherham in a foster family environment.

It was noted that formal consultation for a period of six weeks had taken place with foster carers regarding the rationale and options for a revised scheme. The proposals submitted for consideration sought to revise the existing scheme in Rotherham to provide financial incentives, good quality support and training. It was explained that investment in improving the offer to foster carers would help attract additional carers to foster for Rotherham and support the retention of and development of existing foster carers.

It was further noted that, alongside other initiatives, such an approach would enable the reduction of overall placement costs and avoid use of more expensive Independent Fostering Agency and residential placements.

Overview and Scrutiny Management Board had considered the proposals at its meeting on 2 September 2016, where the recommendations had received broad support. Members had identified four additional recommendations for consideration by Commissioner Bradwell:

1. That appropriate monitoring and review be undertaken, beginning as soon as practicable, of the recruitment of additional foster carers, to ensure that the appropriate targets are being achieved.

2. That the appropriate officers examine the possible use of a Council Tax reduction or discount as an additional benefit for foster carers registered with this Council.

3. That the appropriate officers examine whether the proposed payment of fees and allowances to individual foster carers may have a detrimental impact upon their receipt of other state benefits.

4. That a further report, updating the progress of this scheme, be submitted to a meeting of the Overview and Scrutiny Management Board during April 2017.

Commissioner Bradwell agreed:-

1. That the proposed foster carer payment scheme, including short break foster carers fees, be approved.

2. That the amended relevant policy be implemented.

3. That the implementation of quality support and training, as part of the improved offer for foster carers, be approved.

4. That appropriate monitoring and review be undertaken, beginning as soon as practicable, of the recruitment of additional foster carers, to ensure that the appropriate targets are being achieved.

5. That the appropriate officers examine the possible use of a Council Tax reduction or discount as an additional benefit for foster carers registered with this Council.

6. That the appropriate officers examine whether the proposed payment of fees and allowances to individual foster carers may have a detrimental impact upon their receipt of other state benefits.

7. That a further report, updating the progress of this scheme, be submitted to a meeting of the Overview and Scrutiny Management Board during April 2017.

66. COMMISSIONING AND PROCUREMENT OF CARE AND SUPPORT SERVICES

Consideration was given to a report which sought to provide an update on contracts that secured services to provide care and support for:-

- Adults with complex needs physical disabilities, learning disabilities, sensory impaired
- Carers
- People who use personal budgets as a Direct Payment to employ a Personal Assistant
- Adults who are at risk of admission to hospital or residential care and require urgent home care
- Housing related support

It was noted that such services had been commissioned for some time and contracts had been extended with incremental changes over the years and there was a need to ensure transparency and value for money and to comply with standing orders. Consequently, those services were recommended to be subject to competitive tender.

The report also covered a range of service areas where it was considered that a strategic approach to commissioning would be required to ensure that the authority adopted a whole system view and enabled the efficient and effective deployment of resources. The service areas were identified as:

- Adults with complex needs physical disabilities, learning disabilities, sensory impaired
- Carers
- People who use personal budgets as a Direct Payment to employ a Personal Assistant
- Adults who are at risk of admission to hospital or residential care and require urgent home care
- Housing related support contracts.

Commissioner Ney agreed:-

1. That all of the services highlighted in Part A of the report be subject to a competitive tender process on the open market in September 2016 for new services to commence in April 2017.

2. That the contracts under Part A of the report be awarded on the basis of the outcome of the tender process for a three-year term from 1 April 2017 to 31 March 2020.

3. That, pursuant to Standing Order 38, the contracts referred to in Part B of the report be exempt from the provisions of Standing Order 48 that would ordinarily require a tender on the open market.

67. CORPORATE PLAN 2016/17 QUARTER 1 PERFORMANCE REPORT

Consideration was given to a report which detailed the performance against measures within the Corporate Plan for period from April to June 2016.

It was reported that at the end of the first quarter 19 measures were progressing above or in line with the target set, which represented 18.6% of the total measures. 12 of performance measures in the first quarter had not progressed in accordance in accordance with the target set of 11.8% overall.

Commissioner Ney agreed:-

1. That the overall position and direction of travel in relation to performance be noted.

2. That the performance reporting timetable for 2016/17 be noted.

68. FUTURE OPTIONS FOR ENFORCEMENT SERVICES

Consideration was given to a report which outlined proposals to provide strategic focus to the Council's approach to enforcement activity and a work programme to take actions forward. In addition, the report also detailed new legislative provisions and penalties that would enhance enforcement activity.

Commissioner Ney agreed:-

1. That the contents of the report and the progress made to date against the themes of strengthening enforcement and the related strategic focus be noted.

2. That the work plan, including the development of the 'Time for Action' approach and supporting initiatives to tackle environmental crime, be approved.

3. That the recommendations within Appendix A including adoption of tools and pwers; amendments to the Council's Scheme of Delegation and General Enforcement Policy; setting of penalties; and work to be undertaken for the recovery of small debts be approved.

69. FLANDERWELL AUTISM RESOURCE

Consideration was given to a report which sought approval to discontinue the Autism Resource Unit on the Flanderwell Primary School site and transfer the resource to the Academy Trust to accommodate rising mainstream pupil numbers.

It was reported that Flanderwell Resource Unit was not conducive to the changing needs of the cohort of pupils that it was originally designed to accommodate. Concerns were raised by staff and specialists in autism that the building was not fit for purpose.

Consideration was given to substantial building work and financial investment to bring the building back up to standard, however following representations received through a consultation process, the preferred option was to discontinue to resource and for the building to be redesignated for use by the Flanderwell Primary Academy to accommodate the increased need for mainstream school places.

Resolved:-

1. That the use of the site as a Special Educational Needs (SEN) provision be discontinued and the building be used by Flanderwell Primary Academy to accommodate rising mainstream pupil numbers with effect from 30th September 2016.

2. That another site be found attached to a mainstream school to provide for primary aged children with autism but with mainstream academic abilities who are currently struggling to have their needs met.

3. That a further wider review of provision for children and young people with autism who are struggling in mainstream be undertaken at a future date as part of the strategic development of the Special Educational Need and Disability (SEND) provision to meet the needs of Rotherham's children.

4. That the Secretary of State for Education be informed accordingly.

70. RESPONSE TO THE GOVERNMENT'S FOUR YEAR SETTLEMENT OFFER

Consideration was given the Government's Four Year Settlement Offer running from 2016/17 to 2019/20.

It was reported that the central element of the indicative funding allocations were the Revenue Support Grant projections for the next three financial years. The Council's Medium Term Financial Strategy had assumed significant reductions in the Revenue Support Grant and the indicative allocations had suggested that acceptance of the Four Year Offer could provide some £9m additional Revenue Support Grant.

It was noted that the Four Year Offer was not without caveats with the potential for allocations to change in light of "unforeseen events" and it did not include potential changes to several significant funding streams. It was further noted that substantial changes in the Business Rates System, including the 2017 Rates Revaluation were also not reflected in the settlement figures within the Offer.

It was noted that authorities had until 14 October 2016 to accept the Offer and submit an Efficiency Plan to the Department for Communities and Local Government.

Resolved:-

1. That approval be given to submit a request for a Four Year Settlement to the Government.

2. That approval be given to the preparation of the required Efficiency Plan.

3. That authority be delegated to the Leader of the Council and the Chief Executive to sign off the Council's Efficiency Plan for submission to the DCLG by the deadline of 14th October 2016.

71. JULY FINANCIAL MONITORING REPORT 2016/17

Consideration was given to a report which set out the financial position at the end of July 2016 and was based on actual costs and income for the first four months of the financial year and forecast costs and income for the remaining eight months of the financial year.

It was reported that the current position showed a forecast revenue overspend of £8.272 after already identified management actions totalling £4.664m were taken into account. The forecast overspend was set against a backdrop of the Council successfully delivering savings of £117m over the previous five years and having to save a further £21million in 2016/17.

The report set out the key pressures contributing to the forecast overspend and indicated that directorates were in the process of identifying and implementing additional management actions to further mitigate the forecast overspend and to tightly control spend until the end of March 2017.

It was noted that future budget monitoring reports would cover both revenue and capital budgets.

Resolved:-

1. That the current forecast overspend after management actions of £8.272m for 2016/17 be noted.

2. That the need for additional management actions to be urgently developed, agreed and implemented and for these to be documented in future Cabinet Budget Monitoring Reports be endorsed.

3. That Directorate management actions to mitigate forecast overspends be clearly and comprehensively documented, including an evaluation of the likely financial impact of these actions (quality assured by Finance Business Partners), and a detailed implementation plan be produced which is regularly reviewed by each Directorate Leadership Team.

4. That any additional actions be recommended by Cabinet which could be implemented to help manage down the current forecast overspend.

5. That a recovery strategy for the forecast overspend on the Dedicated Schools Grant High Needs Block to be brought back to Cabinet on 10th October 2016.

6. That the Strategic Director of Finance & Customer Services progress the appropriate level of budget realignment in respect of the Children's residential care review, to be contained within the Looked After Children's Service.

7. That approval be given to the alternate actions where these have been implemented in respect of 2016/17 approved Budget Savings, noting that where they are non-recurrent the proposed method of delivering the approved saving value will be included in future budget monitoring reports for consideration and approval.

8. That a further Medium Term Financial Strategy (MTFS) update report be brought to Cabinet in October and will include a request for approval of the realignment of any savings already agreed by Council for the period 2016/17 to 2018/19 which are now proposed to be delivered via alternate means, or to a different timeline to that originally planned (budgeted).

9. That the progress on delivering 2016/17 budget savings proposals agreed by Cabinet in the 2016/17 Budget Round where the majority of savings are on track for delivery be noted.

10. That approval be given to the awarding of tenders in respect of Capital Programme works (included in the Capital Strategy – approved on 2nd March 2016) as set out in paragraphs 3.34 and 3.35 of the report.

72. DIGITAL COUNCIL STRATEGY (2016 TO 2019)

Consideration was given to a report which sought approval of the new Digital Council Strategy covering the period from 2016 to 2019.

It was reported that the strategy had been prepared following extensive consultation within the organisation and across the public sector more generally. The strategy would support the Council's Corporate Improvement Plan by delivering on the commitment to increase the use of online customer service channels.

It was noted that various projects would be phased over the three years covered by the strategy and a detailed project list and timetable would be developed as part of the detailed 'Digital Council Programme'.

Resolved:-

1. That the Digital Council Strategy be approved.

2. That the creation of a Digital Council Programme to ensure the delivery of the Digital Council Strategy be approved.

73. DISCRETIONARY RATE RELIEF APPLICATIONS

Consideration was given to a report which detailed applications made by two organisations for the award of discretionary rate relief.

It was reported that applications were received from Grimm and Co Ltd, a registered charity, and Team Katalyst Ltd, a company established not for profit for the award of discretionary rate relief for the premises concerned. Consideration was given to the recommendations of officers in accordance with the Council's Discretionary Business Rates Relief Policy, which had been approved in April 2013.

Resolved:-

That 20% discretionary rate relief top up be awarded to the registered charity Grimm and Co Ltd and 100% discretionary rate relief to Team Katalyst Ltd for the premises listed in the report and in accordance with the details set out in Section 7 of the report.

74. SITE CLUSTER TENDER AWARD

Consideration was given to a report which sought approval to award the contract to a development partner for the 'Site Cluster Programme' covering seven Housing Revenue Account sites and allow work to proceed.

It was reported that the proposal would enable the development of the following sites:

- Braithwell Road and Gaitskell Close, Maltby
- X2 sites on Rother View Road, Canklow

- Conway Crescent and Farnworth Road, East Herringthorpe
- Shakespeare Drive, Dinnington

It was noted that the next stage of the project would involve detailed negotiations regarding the terms of appointment via a development agreement and the commencement of site investigations and planning applications for the sites.

Resolved:-

1. That the tender submitted by the preferred developer, dated 18 April 2016, be accepted for the site cluster programme.

2. That the Assistant Director of Legal Services be authorised to finalise the development agreement.

3. That all predevelopment costs associated with securing planning permission and enabling construction works to commence be funded by the Council.

4. That a further report be submitted for approval of the development programme, development agreement and financial arrangements following the conclusion of negotiations with the preferred developer.

75. SUSTRANS 'BIKE IT' PROJECT EXTENSION FOR 2016/17

Consideration was given to a report which sought an exemption under Standing Order 48 from the provisions of Standing Order 47 (contracts valued at less than £50,000) prior to awarding a contract to Sustrans Ltd for the delivery of the 'Bike It' project in Rotherham during the 2016/17 financial year.

It was reported that Sustrans were the sole provider of the 'Bike It' Project in the UK, with no known competitors offering a similar package. It was noted that this project had already resulted in combined cycle to school trip rates to participating schools in Rotherham increasing from a negligible amount to an average of 12%.

Resolved:-

That an exemption be granted under Standing Order 38 from the provisions of Standing Order 47 (contracts valued at less than £50,000) on the basis that Sustrans are the sole supplier of 'Bike It' project services.

76. AWARDING CONTRACTS FOR THE DELIVERY OF 0-19 CHILDREN'S HEALTH SERVICES, SEXUAL HEALTH SERVICES AND DRUGS AND ALCOHOL RECOVERY SERVICES

Consideration was given to a report which sought to award public health contracts for sexual health services, 0 – 19 Integrated Public Health Nursing Services and Drug and Alcohol Recovery Services.

It was reported that approval had been obtained in December 2015 to review and revise the specifications for 0 – 19 Integrated Public Health Nursing Services, Drug and Alcohol Recovery Services and Sexual Health Services prior to a competitive tendering procurement process. The reviews and revisions were completed in May 2016 and a the procurement process had been completed.

The report detailed the scoring summary for each bidder in each of three contract areas.

Resolved:-

1. That the contract for 0-19 Integrated Public Health Nursing Services be awarded to The Rotherham NHS Foundation Trust (TRFT) for a period as advertised of three years with the option to extend for a further two years.

2. That the contract for Sexual Health Services be awarded to The Rotherham NHS Foundation Trust (TRFT) for a period as advertised of four years.

3. That the contract of Drugs and Alcohol Recovery Services be awarded to Lifeline Project Ltd. for a period of two years as advertised with an option to extend for a further two years.

77. LIBRARY STRATEGY AND FUTURE LIBRARY & CUSTOMER SERVICE OFFER

Consideration was given to a report which summarised the consultation undertaken on the Library Strategy 2016-19, the future service offer for Libraries and Neighbourhood Hubs and a range of savings proposals connected to the implementation of the strategy and service offer.

It was noted that the strategy set out the vision, key principles and core offer for the service. It had been developed following an analysis of local need for the service and informed by feedback received during the consultation period.

The report proposed the adoption of the strategy and core service offer and implementation of revised savings proposals. The 2016-17 revenue budget related to Libraries and Customer Services was £5,034,590, which included a property budget of £1,220,333. As a result of the review, reductions in expenditure would total £474,000 across the 2016/17 and 2017/18 financial years.

Specific proposals within the paper included the retention of library provision in all existing static locations, the implementation of further self service, online and assisted digital options for service delivery and changes to the Mobile Library and Book Link services.

It was noted that the proposals had been considered by the Overview and Scrutiny Management Board at its meeting on 2 September 2016, where Members had wholly supported the recommendations submitted to Cabinet.

Resolved:-

1. That the results of the public consultation on the draft Library Strategy, future service offer for Libraries and Neighbourhood Hubs and associated savings proposals be noted.

2. That the Library Strategy 2016-19 and future service offer be endorsed and recommended for approval by Council on 19 October 2016.

3. That implementation of the revised savings proposals be endorsed and recommended for approval by Council on 19 October 2016, including the adjustment to the MTFS as described in paragraph 7.5.

4. That it be noted that further and more detailed analysis of local need will continue to inform and drive the future service offer.

78. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:-

That under Section 100(A) 4 of the Local Government Act 1972, the 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 of such Act indicated, as amended by the Local Government (Access to Information)(Variation) Order 2006.

79. BUSINESS RATES HARDSHIP RELIEF APPLICATION

Consideration was given to a report which detailed an application received by an individual for Business Rates Hardship Relief for a business in the Borough.

The report set out the rationale for dealing with the application in accordance with the Council's Discretionary Business Rates Relief Policy, which had been agreed in April 2013.

Resolved:-

That the application for hardship relief for the premises detailed within the report be refused.