

**CABINET AND COMMISSIONERS'  
DECISION MAKING MEETING  
Monday, 14th November, 2016**

Present:- Councillor Read (in the Chair); Councillors Alam, Commissioner Bradwell, Hoddinott, Lelliott, Roche, Watson and Yasseen.

Also Present: Commissioners Bradwell, Kenny, Myers and Ney. Councillor Steele (Chair of the Overview and Scrutiny Management Board)

Apologies for absence were received from Councillors Beck.

**104.       DECLARATIONS OF INTEREST**

Commissioner Kenny declared a personal interest in respect of Item 8, Bassinthorpe Farm – Proposed Disposal of Land Forming Part of Bassingthorpe Farm Housing Allocation, on the basis of being Chair of the Wentworth Woodhouse Preservation Trust.

Mr. Damien Wilson declared a personal interest in respect of Item 8, Bassinthorpe Farm – Proposed Disposal of Land Forming Part of Bassingthorpe Farm Housing Allocation, on the basis of being a Fitzwilliam Wentworth Estate tenant.

**105.       QUESTIONS FROM MEMBERS OF THE PUBLIC**

A member of the public referred to an virtual urgent decision taken by Commissioner Myers in May, 2016 and queried why these reports could not have been included on an agenda as part of the decision making process for the Cabinet and Commissioners.

It had also not been established whether or not Commissioner Myers had contacted the Overview and Scrutiny Management Board Chairman in relation to the taking of an urgent decision as per the constitutional framework.

Further information was also sought on the authorisation of time, days and spend if Commissioner Myers was taking virtual decisions when not in Rotherham.

In response, Commissioner Myers indicated the Commissioners worked a ten hour day, filled in timesheets, which he subsequently authorised for the other Commissioners and his own authorised by Commissioner Ney.

He reiterated the Commissioners were not subject to the provisions of the Council's Constitution, whereas the Cabinet, when exercising its executive decision making powers, would be required to operate within the constitutional framework.

The member of the public asked further if he could be provided with written details in relation to the advice/agreement by the Monitoring Officer and the Civil Service in relation to decision making by Commissioners and whether this was included on the Council's website.

In a further point the member of the public referred to Commissioner Myers' comments regarding the anticipated period of time of intervention, his own personal viewpoint on progress and how it was time for the Commissioners to leave. He claimed the few "bad apples" had disappeared before the Commissioners arrived and the Leader and responsible Councillors could have turned the Council around again without spending over £750k. This money could have been better spent on making a difference. Attempts to achieve a more independent demographic Council had fallen short with a reduction in numbers following the election to one Independent.

In response, Commissioners Myers reiterated his previous responses to the question which had been aired previously. He further explained that when the Commissioners arrived in Rotherham it was necessary to establish protocols to discharge their responsibilities and those protocols had been approved by the former Monitoring Officer, who had accepted and understood that Commissioners operated outside of the Council's Constitution. Copies of the protocols had been displayed on the Council's website. However, there was no written documentation relating to the verbal advice provided by the Monitoring Officer on the discharge of the duties of the Commissioners.

In a supplementary question the member of the public expressed his grave misgivings that no record of discussions or advice was minuted.

In response Commissioner Myers confirmed that the Secretary of State had appointed Commissioners for a period of up to four years and that considerable progress had already been made resulting in a third of decision making powers being returned to the Council in February, 2016.

Reports on progress were submitted every three months reports and, subject to a preliminary decision by the Secretary of State, the licensing function would be returned to the Council. A further report had also been submitted last Friday recommending the return of additional functionality, but this detail could not yet be made public until a reply had been received from the Secretary of State.

A Commissioner presence in some form would remain in the Council until March, 2019 and the associated costs as functionality was returned would, therefore, reduce.

In a further supplementary the member of the public pointed out the Commissioners were not elected and, therefore, should continue to hold

meetings to give members of the public the opportunity to ask questions. A practice which had since ceased. He further pointed out that whilst consideration was being given to the return of the Licensing function, the changes to this service could have been achieved by the current Chairperson without Commissioner intervention. In addition, he queried why the Regeneration and Environment function was subject to intervention when no concerns had been highlighted, which further contributed to the burden of Commissioner costs of £700 per day.

Commissioner Myers referred to the engagement with the Local Government Association and the promotion of opportunities for Councillors and those person who wished to become involved in Local Government, of which only the electorate could decide on.

Commissioner Myers further elaborated on the reasons for Government intervention, how Commissioners were recruited and how all costs associated with the Commissioners was clearly displayed on the Council's website each month. These costs would continue into 2017.

**106. MINUTES OF THE PREVIOUS MEETINGS HELD ON 12 SEPTEMBER AND 10 OCTOBER 2016**

**Resolved:-**

That the minutes of the Cabinet and Commissioners' Decision Making Meetings held on 26th September and 10th October, 2016 be agreed as true and correct records of the proceedings.

**107. THE IMPLEMENTATION OF THE REGIONAL ADOPTION AGENCY (RAA)**

Consideration was given to a report which provided an update on the national and regional position regarding the development of Regional Adoption Agencies (RAAs) and sought approval for the engagement of Rotherham Council, alongside the other Yorkshire and Humber Local Authorities, in partnership with the Voluntary Adoption Agencies, to build on the existing regional consortium framework to establish 3 RAAs; South; West; and North & Humber, supported by a regional hub.

It was reported that the Government saw Regionalising Adoption as a key strategy to meet its aims of adoption reform. The 2016 Children and Adoption 2016 White paper required all councils to become part of a Regional Adoption Agency (RAA) by the end of the current parliament; the Secretary of State having power to enforce if necessary.

The key objectives of regionalisation were in accord with those of Rotherham's Adoption Service:-

- To increase the speed of decision making for children whose needs could be met through adoption.

- To increase the number and speed of recruitment of adoptive families able to meet their needs.
- To improve the quality and availability of support to families after adoption.

The four options, as detailed in the report, would bring about better collaboration, guidance, outcomes and economies of scale. Option 4 was favoured given it seemed able to provide the most effective and efficient means of developing and delivering the new Regional Adoption Agency.

This report had also been considered by the Overview and Scrutiny Management Board where it was suggested further collaboration take place with officers and Elected Members to provide further information on why this proposal needed to be taken forward, with a full understanding of the business case and proposed implementation.

**Commissioner Bradwell agreed:-**

1. That the report be received and the progress and work completed to date be noted.
2. That the planned delegation of a range of adoption functions to the new Regional Adoption Agency be endorsed.
3. That the proposal to develop a detailed business case to underpin a new model with Doncaster Children's Services Trust (DCST) hosting the new RAA on behalf of all Local Authority members be supported.
4. That the Improving Lives Select Committee receive a further report on the proposed implementation in due course.

**108. BASSINGTHORPE FARM: PROPOSED DISPOSAL OF LAND FORMING PART OF BASSINGTHORPE FARM HOUSING ALLOCATION**

Consideration was given to a report which sought in principle approval to dispose of the Council-owned land that formed part of the Bassingthorpe Farm housing allocation, in line with the recommended 'delivery route'. This key strategic site was removed from the green belt in 2014 and represented a pivotal part of Rotherham's housing allocation defined in the Local Plan. The project was a proposed joint venture between the Council and Fitzwilliam Wentworth Estate (FWE), bringing land forward in partnership to deliver 2,400 homes to the North West of Rotherham town centre.

The initial study area for the Bassingthorpe Farm project was shown in Appendix 1 of the report submitted and was comprised of land under the ownership of either the FWE or the Council. FWE owned the majority of the landholdings, with the gross land area split approximately:-

73% owned by Fitzwilliam Wentworth Estates; and  
27% owned by the Council.

The ownership was also shown in Appendix 1 by the colour coded shading. The land in question was broadly in agricultural use and formed part of Rotherham's Green Belt between residential areas in Greasbrough to the west and a commercial area to the east at Barbot Hall and Parkgate.

Bassingthorpe Farm was identified as a strategic allocation in the Local Plan Core Strategy and was removed from the Green Belt on its adoption on 10th September, 2014. The Concept Framework for the site proposed 2400 new dwellings and also included 11 Ha of employment land, a local health centre, primary school, and a local centre together with the green and social infrastructure necessary to create facilities to serve the new and existing communities. The concept framework identified a developable area of approximately 80 Ha (198 acres).

The delivery of the site was critical if the Council was to meet its housing delivery targets and a Steering Group had been established to ensure delivery of the site was progressed and ensure proper governance. Representation on the Steering Group included senior officers from across Planning, Regeneration, Housing, Finance and Property Services, along with representation from FWE, the HCA and the Cabinet Member for Jobs and the Local Economy.

In addition to the Bassingthorpe strategic allocation, there were two further sites labelled A and B at Appendix 1 that officers had previously secured authority to dispose of. However, due to the connectivity and relationship with Bassingthorpe Farm, consideration was being given to inclusion of those sites in the overall Bassingthorpe project. Alternatively, the sites could be marketed in advance of the Bassingthorpe project to try and achieve exemplar developments in advance of Bassingthorpe commencing.

Members recognised the importance of this site in meeting housing need and its allocation in the Local Plan. However, the right infrastructure was sustained to minimise disruption when the development commenced.

**Commissioner Myers, having consulted with Commissioner Kenny, agreed:-**

1. That the land owned by the Council forming part of the Bassingthorpe housing allocation be disposed of, as part of the Council's commitment to deliver more homes in the Borough.
2. That the recommended delivery route to secure a 'Promoter Partner' or 'Delivery Partner' be progressed by undertaking an Official

Journal of the European Union (OJEU) procurement exercise to market the site, in partnership with Fitzwilliam Wentworth Estates.

3. That the Strategic Director of Regeneration and Environment Services be authorised to negotiate the Collaboration Agreement and Equalisation Agreement, the final terms of which will be reported to a future Cabinet and Commissioners' Decision Making Meeting for consideration.
4. That the Assistant Director of Legal Services be authorised to prepare the Collaboration Agreement and Equalisation Agreement between the landowners.
5. That approval be given to an exemption under Standing Order 38 from Standing Order 48 (requirement for contracts valued at more than £50,000 to be tendered) to enable the work detailed in item 3.4 of this report to be awarded to the contractor.

#### **109. TOWN CENTRE REGENERATION - STRATEGIC ACQUISITION OF UNITS AT RIVERSIDE PRECINCT**

Consideration was given to a report which sought approval for the Council to acquire the remaining interests in the properties forming part of Riverside Precinct to assist in the redevelopment of Forge Island and to deliver wider Town Centre regeneration. Riverside Precinct was the land and property on the other side of the footbridge from Forge Island.

Forge Island was a major component of Rotherham town centre's regeneration and a catalyst for the regeneration of adjacent areas, including Riverside Precinct. Riverside Precinct offers a direct link from the Minster area of the town centre via Corporation Street through to Forge Island. The Council held the freehold interest on the entire precinct edged red, with the individual units having subsequently been let on a mix of occupational short term leases, and long term 99/999 year leases. The units hatched at Appendix 1 of the report submitted were the lease interests for which authority was sought to acquire.

The options available to the Council in respect of an acquisition of units was as follows: -

**Option 1** – do nothing and leave the units to the market. This option removes the need for the Council to commit resources including finance to acquire long lease interests. It was worth noting that one of the vacant long lease interests had been marketed both To Let and For Sale with no current interest. This option would make any future redevelopment options difficult to implement.

**Option 2** – enter into formal negotiations to purchase the remaining freehold leasehold interests via private treaty negotiation of Units 1, 2, 5 & 8.

It is proposed that Option 2 be pursued in order that the Council had control of Riverside Precinct. This acquisition would form a key part of the redevelopment providing a link from Forge Island through onto Corporation Street and into the core of the town centre. If the Council was not successful in the acquisition of the Forge Island site, this would assist in securing the long term future of the Precinct.

This report had been considered by the Overview and Scrutiny Management Board who were satisfied with the drives for regeneration of this area.

It was noted that the proposal fell within the previous £17m already allocated by Council for regeneration projects in the town centre as part of the Capital Strategy (2016-21).

**Commissioner Kenny agreed:-**

1. That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate the acquisition of the assets as described at Option 2 of the report submitted and the Assistant Director of Legal Services is authorised to complete the necessary legal documentation for the acquisition.
2. That funding for the acquisition be authorised from the £17 million Town centre allocation in the Capital Strategy (2016-2021).

**110. ALL SAINTS TOILETS - REVIEW OF SERVICE PROVISION**

Consideration was given to a report which presented the findings of the consultation undertaken on alternative options with users and businesses to assess their feasibility and made recommendations regarding the future provision of the facility and ability to achieve the required savings.

The public toilets in All Saints Square were managed by the Council and provided a service for the general public visiting the Town Centre.

The cost of the facility was not covered by the income generated by the entrance charges i.e. in recent years employee costs had increased whilst income has decreased. The budget setting report approved by the Council on 2nd March, 2016, agreed a saving of £6,000 which was to be achieved by the installation of a turn-style system creating an unattended facility. This was no longer a feasible option following a full surveyor's investigation which identified that it would not allow accompanied/assisted adult access to the toilets or access for wheelchairs and some child carriers. In addition, an initial consultation with Town Centre businesses identified that there were significant concerns regarding safety and security if the facility became unattended.

In Rotherham there were limited opportunities for users to find alternative facilities in the vicinity of All Saints' Square particularly given the independent businesses had limited toilet provision and it would be

unrealistic to ask them to open their facilities to non-customers as per Community Toilet Schemes introduced elsewhere.

Given the sensitivities of the subject it was felt that a full consultation process with existing users of the facility and town centre businesses was required. The consultation showed that public toilets were of importance to all groups and a significant proportion were dissatisfied with a perceived under-provision of facilities. Users were largely supportive of an increase in charging, particularly given that cleanliness, safety and security were their main priorities when choosing public toilets. Businesses were not supportive of increasing charges.

The toilets were clearly valued by vulnerable groups including the elderly, those with mobility issues and those with children and Members suggested that appropriate signage be on display indicating the locality and availability of other provision.

**Commissioner Kenny agreed:-**

1. That a Public Toilet Facility in All Saints Square continue to be provided by the Council.
2. That an increase to the entrance charge of 10p (raising the charge up to 30p) for adults only be approved.
3. That the opening times of the facility be reduced by 2 hours per day, from 08:30-17:00 to 09:30-16:00.

**111. DELIVERY OF THE HOLMES TAIL GOIT PUMPING STATION**

Consideration was given to a report which provided detailed information regarding issues concerning flood risk and the works required prior to the development of the New York football stadium both through the planning approval given and the subsequent lease granted by the Council.

The key component of the flood protection scheme was works to the Holmes Tail Goit watercourse, specifically the installation of a new pump and pumping station, designed to force surface water into the River Don in the event of flooding.

The agreement of the lease for the stadium provided that Rotherham United (RU) Estates Limited would undertake the works and thereafter the Council would take over maintenance of the Goit and associated pumping station. RU Estates Limited expressed difficulty in paying the associated costs of the works and sought a contribution from the Council, although some works had been completed.

Further to recent discussions between the Council and RU Estates, a final estimate had been provided by RU Estates of £2,217,777 for the completion of the scheme (May 2016). An independent estimate of the

new works generally supported the figure. The estimated project cost was now within the identified funding contributions.

The Council had provisionally agreed to undertake the management of the project, including the procurement and delivery on site although this agreement had not been formally documented.

**Commissioner Kenny agreed:-**

1. That the commitment in the Council's approved Capital Programme to the value of £1,599,632 inclusive of the Environment Agency (EA) contribution of £212,000 be noted and the fixed contribution by RU Estates of £684,258 be endorsed.
2. That it be noted that the contingency with the current works estimate is only £66,113 and that this figure may be exceeded, and that expenditure over and above this figure would also rest with the Council.
3. That the Assistant Director Legal Services be authorised to negotiate with RU Estates to finalise Heads of Terms for a formal deed of settlement and variation to the lease setting out the respective rights and responsibilities of the parties as set out at 8.1 of the report submitted.
4. That tenders be sought to procure a contractor to deliver the project subject to the tender prices received being within the threshold of the current estimates outlined above.

**112. CORPORATE PLAN 2016-17 QUARTER 2 PERFORMANCE REPORT**

Consideration was given to a report which detailed the performance against measures within the Corporate Plan for period from 1<sup>st</sup> July to 30<sup>th</sup> September, 2016.

It was reported that at the end of the second quarter, 23 measures were progressing above or in line with the target set, which represented 22.3% of the total measures. 14 of performance measures in the second quarter had not progressed in accordance with the target set of 13.6% overall.

The report, therefore, provided an overview of progress and exceptions as well as wider information, key facts and intelligence such customer feedback, quality assurance and external regulation, which was supplemented by reported performance by Cabinet Members for service areas.

Councillor Alam highlighted the exceeding of the completion of PDR's 95% target, the percentage of complaints closed within the timescales had seen a slight improvement and the only areas which needed closely

monitoring were sickness absence rates and agency costs.

Councillor Roche pointed out that while information for Public Health was not yet available, having consulted with the Director of Public Health, good progress was being made.

In terms of Adult Social Care good progress was being made across all indicators except one which continued to require improvement.

Councillor Watson highlighted that whilst improvement continued to be made across this priority area to ensure that every child made the best start in life, some areas still continued to require improvement and a number of actions and interventions were currently being implemented.

Councillor Hoddinott reported on actions which had seen improvements across waste and missed bin collections, enforcement and the importance of driving through progress in licensing, particularly around the BTEC qualification, safeguarding training and CCTV in vehicles.

It was also pointed out that there had been a 28% increase in reported domestic violence from last year and this area was to be considered by the improving Lives Select Commission at their next meeting. This was a priority for the Safer Rotherham Partnership Board, as was anti-social behaviour, and further information could be provided on the current position, particularly around hotspots, mitigating risks and understanding of resource allocation.

Councillor Yasseen highlighted the support to vulnerable people particularly around food in crisis support, which was indicating an increase in levels of need.

Councillor Lelliott confirmed the data relating to measures focused around economic growth remained unavailable due to the annual frequency of data. Recent progress included development of the Sheffield City Region, the Advanced Manufacturing Park, work on the town centre, support to small businesses and occupancy rates.

Councillor Steele, Chairman of the Overview and Scrutiny Management Board, confirmed scrutiny were to focus some attention on agency staff and how spend could be reduced.

Further information was sought by Cabinet Members on the improvements in performance of the new RDASH CAMHS service structure, which should be reported into the next quarter's report.

Delayed transfers from hospital had improved, but still remained amber rated. Services were working hard to transfer people from hospital quickly and safely.

The number of carer assessments still remained lower than expected, but

investigations were taking place to understand the reasons and develop improvement actions to target this going forward.

In coming to a decision Commissioner Myers welcomed the input from Cabinet Members and was satisfied that the performance management arrangements were now in place to take forward the priority actions under each of the vision priorities.

**Commissioner Myers agreed:-**

1. That the overall position and direction of travel in relation to performance be noted.
2. That consideration be given to measures which have not progressed in accordance with the target set and the actions required to improve performance, including future performance clinics.
3. That the future performance reporting timetable for 2016/17 be noted.

**113. DAY CARE AND TRANSPORT CHARGES**

Consideration was given to a report which provided details of the outcome of the consultation with customers and carers on the proposed increase in charges for Day Care and transport and further consideration on the future charges for Day Care and transport.

Further information was provided on the number of service users, the current cohort profiles, the consultation with customers and carers on the proposed phased increases and the responses, which were set down in full as part of the report.

The options and recommended proposals for day care and transport to day centres and the potential impact on usage were also considered.

Councillor Steele, Chairman of the Overview and Scrutiny Management Board, confirmed this report had been presented to Scrutiny and it was suggested that there be careful monitoring of the user position prior to second implementation of charge increases. To this end a further update report should be presented to the Cabinet and Commissioners during July, 2017.

**Commissioner Myers agreed:-**

1. That the information contained in this report be received.
2. That the proposed charges for Day Care be increased on a phased basis from £4.47 to £15.00 per session from 1st January, 2017, and that prior to a further increase to £30.00 per session from 1st October, 2017 an update report on access and usage be presented

to the Cabinet/Commissioners in July, 2017.

3. That the charges for Transport be increased to £5.00 per return journey.

**114. CONSULTATION ON THE MODERNISATION OF THE LEARNING DISABILITY OFFER AND THE FUTURE OF IN-HOUSE SERVICES FOR ADULTS WITH A LEARNING DISABILITY AND/OR AUTISM**

Consideration was given to a report which detailed how the Council wished to consult with a range of stakeholders regarding the future Learning Disability offer to develop an approach that allowed people to exercise choice and maintain control of their lives. The national context in relation to Adult Care and the future of service provision for adults with a Learning Disability was reflected in three key initiatives:-

- Care Act, 2014
- Shaping the Future of Care Together, 2015
- Transforming Care for people with Learning Disabilities, 2015

Such initiatives confirmed the commitment to personalisation and shaping responses to individual circumstances, enabling people to exercise choice and maintain control over their own lives whilst promoting efficiency and value for money in the use of shrinking resources. The challenge at both national and local level was to develop robust, sustainable support which promoted prevention and early intervention.

Further to the approval of the report 'Implementing a strategic approach to the commissioning and delivery of Learning Disability Services' in May 2016 and Learning Disabilities - Shaping the Future Cabinet Report on 10<sup>th</sup> October 2016, this report further built on the outlined direction of travel and set out the subsequent next steps and recommendations for consideration. The report recognised that this had to be a three year improvement and transformation journey to ensure that the approach was planned and implemented in a safe and equitable way across the whole of the borough.

The proposal was to offer people accommodation and support which would promote independence and choice and enable them to live the life that they chose with the support when they actually needed it. The approach would be based on the fundamental principle of a 'life journey' from transition through to adulthood, supporting people with a Learning Disability to access services which were personalised and which captured the needs and wishes based on person centred planning by social care practitioners.

In real terms this would mean that people would have access to enablement services to ensure that independence was the primary driver and outcome, which would include employment opportunities, leisure and

a real choice as to where and how they lived. There would be a focus on excellent advice and information and the delivery of improved outcomes for people in more cost effective ways with an emphasis on what people could do rather than what they were unable to do. This was described as a strength based approach and would mean having a modern offer that met people's needs and did not just rely on traditional building based care.

This new 'offer' meant that the current traditional in-house services needed to be incrementally modernised and transformed. The current building based offer of day care, respite and residential care restricted the independence, choice and control of current customers and was costly, although still recognised that such care remained appropriate in the short to medium term for a small cohort of people with extremely complex needs. This was not sustainable, not cost effective and did not offer a safe solution for adults with a Learning Disability and their carers.

The proposed new service 'offer' had to be supported by proactive and innovative commissioning and this was outlined in the Cabinet Report of the 10<sup>th</sup> October, 2016, which would shape the future service to ensure that there was a choice for people to access their support for community support in a different way. The proposed commissioning approach would ensure that the market responded to the needs of individuals now and in the future. This would be co-produced with people with a Learning Disability to facilitate the shaping of the market and in so doing inform the quality of support and the management of risk.

Cabinet Members acknowledged that this was a difficult decision, but the driving factors were to develop a robust and sustainable level of support which promoted prevention and early intervention. However, consultation on the reconfiguration of the Learning Disability Service should commence and that all service users should be engaged fully and their views sought.

**Commissioner Myers agreed:-**

1. That approval be given to commence consultation on the reconfiguration of the Learning Disability services including options for the future of in-house services.
2. That a further report be submitted on the outcome of the consultation with recommendations of the new Learning Disability offer.

**115. DEVOLUTION DEAL IMPLEMENTATION - SHEFFIELD CITY REGION**

Consideration was given to a report which This item was withdrawn from the agenda on 2 November 2016 as the Secretary of State has not yet confirmed the detail of the parliamentary orders in respect of implementation of the Devolution Deal for the Sheffield City Region.

**116. SEPTEMBER FINANCIAL MONITORING REPORT**

Consideration was given to a report which set out the financial position at the end of September and was based on actual costs and income for the first six months of the financial year and forecast costs and income for the remaining six months of 2016/17.

The current position showed a forecasted revenue overspend of £8.635m after currently identified management actions totalling £3.781m. These management actions were further detailed within recovery plans included as Appendix 2 to this report, and would enable the Council to meet the current forecast outturn position. They were not, however, expected to further reduce the current forecast overspend, for this to happen additional management actions/recovery plans would need to be explored and developed to further reduce the projected overspend within Children & Young People's Services and Adult Care & Housing; and additionally to further improve the balanced or forecast underspend position within the remaining Directorates.

This forecast overspend was set against a backdrop of the Council successfully delivering savings of £117m over the last five years and having to save a further £21m in 2016/17. The majority of the approved budget savings for 2016/17 were being achieved, the main exception being the £1 million saving from the review of staff terms and conditions of employment agreed by Full Council in March which would not now be delivered in the expected timescales in 2016/17. Further work was in train to bring forward options for consideration in due course as there is a further £1m to be achieved within 2017/18 (£2m full year effect).

The key pressures contributing to the current forecast overspend were:-

- The continuing service demand and agency staffing cost pressures for safeguarding vulnerable children across the Borough and the strengthening of Social Work and management capacity; and
- Demand pressures for Direct Payments and Managed Accounts, Residential and Domiciliary Care across all Adult client groups.

All Directorates continued to identify and implement additional management actions to further mitigate the forecast overspend and to tightly control spend until the end of March, 2017. A further report would be submitted to Cabinet in December updating on the progress made to address the specific pressures in the demand-led services and to accelerate the Council's improvement activity in order to bring spending further in line with budget as soon as possible.

There were a number of investment proposals outlined with the MTFS update report (elsewhere on this agenda), which subject to their approval, would help to ensure that the current year forecast outturn position could

be delivered. Due to the timing of their approval, and time taken to implement, they were expected to have a limited impact on improving the current in year position. Although they were not expected to reduce the current forecast overspend any further for 2016/17, they would enable significant savings to be achieved from 2017/18.

There was also a significant forecast overspend (£4.830m) on the Dedicated Schools Grant (DSG) High Needs Block. This was a forecast increase of £3.8m in a six month period. Whilst this did not affect the Council's bottom line directly it was imperative that a recovery strategy was developed in order to address this position. This recovery strategy had now been produced and was detailed within this report.

In response to reduced Government funding, the Council needed to reduce its net spending by around £42m over the next three years with at least £13m of that falling in 2017/18. Should the current level of overspending continue or additional budget be required for any parts of the Council, the required overall budget reduction next year would be higher to that effect and would have to be identified from the remaining Council services. Whilst the Council held sufficient reserves to accommodate unexpected events they were not sufficient to support ongoing service overspending. Therefore, if overspending were to continue at this level, urgent and drastic action could become necessary which would inevitably impact directly on the citizens of Rotherham.

Appendix 1 to this report showed the detailed reasons for forecast under and over spends by Directorate after management actions which have/are already being implemented.

The Capital Programme was currently on target to deliver within the approved budget for 2016/17.

Councillor Yasseen, Cabinet Member for Neighbourhood Working and Cultural Services, welcomed the neighbourhood investment into Area Assemblies which should have an impact on community priorities. Evaluation of the impact this funding had made would be captured and monitored.

**Resolved:-**

1. That the current forecast overspend after management actions of £8.635m for 2016/17. (Paragraph 3.1) 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 Financial 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 the Recovery Plans included within this report, that provide a summary of the current proposed management actions, and performance against those actions currently used to help mitigate the forecast overspend, be noted,
5. That any additional actions be recommended which could be implemented to help manage down the current forecast overspend.
6. That the recovery strategy for the forecast overspend on the Dedicated Schools Grant High Needs Block (Paragraph 3.15) be noted and approved.
7. That this report should be considered in conjunction with the Medium Term Financial Strategy (MTFS) update report, elsewhere on this agenda, be noted.
8. That Appendix 3, which details the budget savings approved by the Council in March 2016, that are now to be delivered by other means, be noted and approved.
9. That the current forecast outturn position on the approved Capital Programme for 2016/17 and 2017-2021 (Sections 3.57 to 3.73 and Appendix 4) be noted.
10. That the following projects be supported for inclusion in the Approved Capital Programme 2016/17.
  - **Area Assembly – Neighbourhood Investment - £140,000** (already approved ‘in principle’ by Council on 2<sup>nd</sup> March 2016).
  - **Swinton Civic Hall Refurbishment - £44,868**
  - **Replacement of Damaged Waste Bins - £150,775**
  - **Capitalisation of Cleansing Equipment - £40,000**
  - **Capitalisation of GIS Transport Software - £25,000**
11. That Council be recommended to include the above schemes in the Approved Capital Programme.
12. That Council be recommended to approve the changes to budgets identified in Appendix 6 for projects which are already included in the Approved Capital Programme.

## 117. MEDIUM TERM FINANCIAL STRATEGY (MTFS) UPDATE REPORT

Consideration was given to a report which set out proposals for additional investment in respect of Children and Young People’s Services, Adult Services and Corporate Support Services over the next three to five years

and the impact on the Council's current Medium Term Financial Plan.

The proposed investment over the current financial plan period was summarised as set out in the report and were requested in order to:-

- Provide the funding needed to deliver the Sustainable Children's Service Strategy detailed in this report;
- Provide capacity to ensure delivery of the Adult Social Care Development Programme; and
- Fund Corporate Support Services both in respect of support for Children's Services and to address savings assumed in the MTFS which have since been confirmed as undeliverable.

Allocating the additional funding requested would significantly increase the Council's estimated funding gap in 2017/18 and then start to bring the gap back down over the life of the Medium Term Financial Strategy (MTFS) as shown below. The actual final profile of the Medium Term Financial Strategy would depend on choices to be made as part of the forthcoming Budget and are further explained in Section 7 of this report.

It was assumed that the funding in the current year would need to be drawn from reserves and that the final value of this would depend on the overall outturn position of the Council as all services across the Council were attempting to reduce the overall overspend.

It was assumed in this report that in each of the subsequent years, the gap would be addressed through the budget process and further financial planning considerations. A review of all current planned use of reserves was underway and options would be brought forward for rescheduling this use in order to ensure a balanced budget and financial strategy going forward. However, inevitably there would be more savings to be made across the Council in order to fund these investments and cost pressures.

Councillor Watson, Deputy Leader, highlighted some of the reasons for the need for further investment into Children and Young People's Services, largely around the increase in numbers of looked after children, compared to previous years, which without intervention was likely to rise even further, the changes to the performance management framework and I.T. system and the challenges in reducing unit costs.

Councillor Steele, Chairman of the Overview and Scrutiny Management Board, confirmed this report had been considered as part of the pre-scrutiny process. The investment and spend for Children and Young People's Services would be closely monitored and evaluated by the Improving Lives Select Commission.

**Resolved:-**

1. That the contents of this report be noted.
2. That the proposed additional resource allocations required by the

Children's Services Sustainability Strategy, Adult Social Care and Corporate Support Services as summarised in section 2.6 be approved.

3. That the additional funding requirement for the demand cost pressure in Children's Services of £7.848m in 2016/17 be subject to the final outturn at year end be noted, but is likely to require funding from reserves should the current year budget not be brought back in balance.
4. That the specific investment proposals of £608k in 2016/17, summarised in paragraph 2.6 and detailed throughout the report, and the proposal that this be funded in 2016/17 from the Transformation Reserve and for the addition of these items to the MTFs for future years be noted.
5. That all other corporate earmarked reserves, where there is no formal planned use in the current year, be earmarked for consideration as part of the funding strategy for the proposals in this report and the wider financial strategy as part of budget considerations be approved.
6. That the revised Estimated Funding Gap for the period 2017/18 to 2019/20 of £24.130m, £7.854m and £18.863m respectively, outlined in paragraph 2.6 in light of these proposed funding allocations and in advance of any use of reserves be noted.
7. That tight monitoring and control be approved and implemented in relation to the investments and that the additional budgets be only allocated as the expenditure and investment action is secured and implemented.
8. That Council be recommended to approve the proposed budget adjustment for 2016/17 summarised in section 2.6 of this report.
9. That Council be recommended to approve the updating of the Medium Term Financial Strategy as set out in this report.
10. That the Improving Lives Select Commission closely monitor the investment and spend for Children and Young People's Services and its effectiveness.

#### **118. ADOPTION OF COMMUNITY INFRASTRUCTURE LEVY (CIL) CHARGING SCHEDULE**

Consideration was given to a report which sought approval for the adoption of Rotherham's Community Infrastructure Levy (CIL). This was a new means of securing funding for the infrastructure required as a result of development proposed in the Council's Local Plan.

An independent examination had been held into the CIL Charging Schedule, which set out the rates the Council proposed to charge qualifying development. The examiner concluded that the Council's proposals struck an appropriate balance between funding infrastructure via the levy and the potential effects on the economic viability of development in the Borough. Having passed examination, the Council could now progress to adopt and implement the Levy.

This approach would largely replace Section 106 financial contributions that were negotiated on a site by site basis. However, Section 106 would continue, where appropriate, to secure affordable housing and on-site mitigation.

Implemented the Community Infrastructure Levy would have many benefits and would ensure that rates were set at an affordable level.

**Resolved:-**

1. That the Rotherham CIL Charging Schedule be approved and recommended to Council to be adopted, with a provisional implementation date of 6th April, 2017.
2. That the Rotherham CIL Instalments Policy be approved.
3. That the procurement of appropriate software to implement and monitor the CIL charge be approved, subject to the Council's normal procurement policies.

**119. SCHOOL CROSSING PATROL CONSULTATION UPDATE**

Consideration was given to a report which detailed how the provision of school crossing patrols was a discretionary service. It was not a legal requirement, although where patrols did exist there was a legal requirement for the Council to manage them. It was a highly regarded public service which assisted in the daily crossing of children to and from school. There were currently 74 school crossing patrol points in Rotherham which were funded by the Council.

A review of school crossing patrols had been undertaken, informed by an independent survey of patrol points and evaluation of risk, which was requested by Elected Members, and a savings target for the service of £30,000. A consultation was also undertaken with schools during June and July, 2016.

This report, therefore, presented the findings of the survey and consultation and made recommendations regarding the future of the service, including the proposal to introduce a service level agreement for some school crossing patrol services with schools.

Cabinet Members welcomed the consultation approach to secure the continuity of a valued service alongside the proposals to improve road safety.

**Resolved:-**

1. That school crossing patrols at crossing points be funded only where national and local road safety criteria are met.
2. That schools, currently in receipt of a patroller at a crossing which does not meet this criteria, be offered a charged Service Level Agreement to allow the service to continue.
3. That a full independent survey review of school crossing patrol points take place every four years, with the first survey being undertaken in 2017/18.

**120. ROTHERHAM CONSTRUCTION PARTNERSHIP FRAMEWORK**

Consideration was given to a report which sought authority for the procurement of a Construction Contractor Framework for the following lots:-

- Flat Roofing (individual contracts not exceeding £250k)
- Pitched Roofing (not exceeding £250k)
- Demolition (not exceeding £250k)
- Asbestos Removal (not exceeding £250k)
- Building Works 1 (up to £150k)
- Building Works 2 (between £150-£500k)
- Structural Repairs (not exceeding £50k)
- Mechanical Works (not exceeding £200k) and Electrical Works (not exceeding £200k).

**Resolved:-**

1. That the procurement of a framework of contractors to cover the works detailed in this report be approved.
2. That the Council enter into framework contract agreements with the contractors appointed.

**121. EXCLUSION OF PRESS AND PUBLIC**

**Resolved:-**

That under section 100(A) of the Local Government Act 1972, the 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 12(A) of such Act indicated, as now amended by the Local Government (Access to information) (Variation) Order 2006.

**122. PROCUREMENT OF ELECTORAL MANAGEMENT SOFTWARE SYSTEM - RENEWAL OF MAINTENANCE CONTRACT**

Consideration was given to a report which detailed how the contract for support and maintenance of the Electoral Management Software system expired on 31st March, 2015 and was extended until 31st March, 2016 by a decision of the Commissioners to grant an exemption under Standing Orders.

A further twelve month exemption was granted by a decision of Cabinet made on 11th April, 2016. Since that Cabinet decision the statutory instrument confirming that there was to be an election of the Mayor for the Sheffield City Region Combined Authority in May, 2017 had been made.

This report sought a further exemption under Standing Orders so as to avoid the implementation of any new electoral management software system during the lead up to the mayoral elections so as to minimise the risk of any problems with that implementation jeopardising the delivery of the mayoral election.

There would then be the opportunity to carry out a full procurement exercise with the implementation of any new system to take place before the next major scheduled elections (European Parliamentary elections) in 2019. This would give confidence that the work needed to take place between the elections could be completed.

Cabinet Members welcomed the proposals moving forward, but suggested an earlier procurement of a new system be pursued should the mayoral elections in 2017 not proceed.

**Resolved:-**

1. That the contract for support and maintenance of the Electoral Management Software system remain with Xpress Software Solutions until after the City Region Mayoral election scheduled to take place in May, 2017.
2. That an exemption be granted under Standing Order 38 from the provisions of Standing Order 47 (contracts valued at less than £50,000).
3. That a full competitive tender exercise be undertaken so that any changes could be implemented after the City Region Mayoral election has taken place or sooner should the City Region Mayoral election not proceed.

**123. DISCRETIONARY RATE RELIEF APPLICATION**

Consideration was given to a report which asked for consideration of the submitted application for the award of a discretionary business rate relief for the premises listed in the report. This was in accordance with the Council's Discretionary Business Rates Relief Policy (approved 24<sup>th</sup> April, 2013).

**Resolved:-**

That the request for discretionary business rate relief as detailed in the application for the premises listed in this report be declined.