

**CABINET/COMMISSIONERS'
DECISION MAKING MEETING
12th December, 2016**

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

Apologies for absence were received from Commissioner Bradwell, Commissioner Kenny and Commissioner Ney.

124. DECLARATIONS OF INTEREST

Councillor Read, Leader, declared a personal interest in Minute No. 134 (Review of Discretionary Rates Relief) on the grounds of his father being a trustee of an organisation in receipt of relief.

Councillor Hoddinott declared a personal interest in Minute No. 134 (Review of Discretionary Rates Relief) on the grounds of being the partner of Councillor Read and his father being a trustee of an organisation in receipt of relief.

125. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) A member of the public referred to the Council Meeting held on 7th December, 2016, where he asked a question of the Chairman of the Planning Board, Councillor Atkin. He believed Councillor Atkin had been untruthful in his response about a letter from a Government Inspector about a wind turbine planning application where Councillor Atkin referred to his response in the last paragraph, when in fact it was actually in the first. He asked what action was the Leader going to take against Councillor Atkin, if any, as he was misleading the Council, despite its efforts to become more open and transparent.

The Leader was unable to corroborate the member of the public's comments as he was not in receipt of a copy of the letter. He would, however, look into the matter before Christmas and provide an update once he had absorbed the letter's contents.

(2) A member of the public referred to a question he had raised at the previous meeting held on 14th November, 2016, regarding the seeking of advice from the Monitoring Officer and the Civil Service by Commissioner Sir Derek Myers and the lack of any written documentation. He asked again if he could be furnished with any written advice provided by the Civil Service.

Commissioner Sir Derek Myers responded by confirming this request related to matters in March, 2015. He would check again for any documentation and anything specific shared with the member of the public.

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In a supplementary question the member of the public asked why Commissioner Sir Derek Myers had to consult and receive advice in the first instance when the Council was to be more open and transparent and why he had taken decisions in private and not in public as set down in the Council's Constitution.

The member of the public also pointed out that at the last meeting he was thanked for his attitude and the way in which he had conducted himself. However, he indicated that had procedures been followed correctly with decisions being taken in public, the questions around where decisions were taken in private could have been avoided.

Commissioner Sir Derek Myers reiterated his responses to questions raised previously where the member of the public's perception of Commissioners was for them to act in the same way as Councillors. Unfortunately, following intervention the powers and responsibilities given by the Secretary of State differed from the member of the public's view.

126. MINUTES OF THE PREVIOUS MEETING HELD ON 14 NOVEMBER 2016

Resolved:-

That the minutes of the Cabinet and Commissioners' Decision Making Meeting held on 14th November, 2016 be agreed as a true and correct record of the proceedings.

127. CAPITAL PROGRAMME - OPERATIONAL PROPERTY MAINTENANCE PROGRAMME 2016-17

Consideration was given to the report which put forward for consideration the proposed property condition maintenance programme, with regard to existing operational buildings, that had been identified by the Corporate Property Unit, to help mitigate known operational risks to Council buildings.

The Capital Strategy and proposed Capital Programme 2016/17 to 2020/21 agreed in principle the allocation of capital funding to specifically carry out condition works to a number of operational properties that had been identified by the Corporate Property Unit. In addition, urgent works have been identified to two other properties within the Council's property estate.

Commissioner Myers, having consulted with Commissioner Key, agreed:-

1. That the projects detailed in Section 4.1 of this report be supported for inclusion in the approved Capital Programme 2016/17.

2. That Council be recommended to approve the inclusion of the schemes identified in Section 4.2 of this report in the Capital Programme 2016/17.
3. That the Assistant Director of Planning, Regeneration and Transport be authorised to deliver the projects identified in Section 4 of this report.

128. BOSTON PARK RESERVOIR

Consideration was given to a report which sought approval to transfer land at Boston Park to Yorkshire Water to allow the building of a new service reservoir.

This would replace two existing reservoirs which were coming to the end of their asset life serving over 20,000 properties and Rotherham Hospital. Yorkshire Water had considered various options, and concluded that building a new reservoir on an area of Boston Park next to the current reservoirs would be the most appropriate location that met all their criteria. The existing reservoirs would then become redundant, and Yorkshire Water would no longer require the land where they stand, thus preferring to reach an agreement to exchange the land occupied by their existing reservoirs for the land they required. They have indicated a willingness to make a financial contribution towards the cost of improvements to the park as part of such an agreement.

There was strong community interest in the park and Ward Members and the Friends of Boston Castle and Parklands worked in partnership to promote and improve the site.

Commissioner Myers agreed:-

1. That 8,880 m² land at Boston Park be transferred to Yorkshire Water by way of a land exchange to allow a new service reservoir to be built, subject to granting of planning permission.
2. That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate the terms of the transfer.
3. That the Assistant Director of Legal Services be authorised to complete the necessary transfer documentation.
4. **That Council be recommended to approve the inclusion of the project to undertake improvement works at Boston Park in the Capital Programme, to the value of the capital receipt, as identified in Section 7.1 of the report.**

129. BARKERS PARK CHANGING FACILITY

Consideration was given to a report which outlined the request for repairs and security measures, including CCTV, to Barkers Park changing rooms and that these be included in the Council's Capital Programme. In so doing the facility would be returned to use by the local community and support Council objectives in relation to health and well-being following intensive vandalism.

An investment of approximately £350,000 was made in 2013 to provide good quality football changing rooms at Barkers Park, which was identified as a key site for playing pitch sports.

The two external funding organisations were aware of the situation and have asked to be kept updated on the Council's plans to bring the changing rooms back into operation. Failure to do so may result in a request from either of them to have their funding returned.

Commissioner Myers agreed:- That Council be recommended to approve inclusion of the scheme in the Capital Programme as identified in Paragraph 7.1 of this report.

130. ASSET TRANSFER LEASE - STATION ROAD

Consideration was given to a report which sought approval to take the property out of the Capital Receipts Programme and to grant an Asset Transfer Lease to Shiloh.

The property in question was the former Records Centre and Weighbridge Depot at Masbrough which was currently vacant and had been declared surplus to operational requirements.

It was now proposed to no longer seek to sell the asset on the open market and put in place an asset transfer lease, under the principles of the adopted Asset Transfer Policy on terms to be agreed, so that they could be used by Shiloh to provide support facilities for vulnerable adults in the Borough.

It is recommended that Option 2 was pursued rather than an open market disposal (Option 1) in order that Shiloh could be relocated from Millfold House to the former Records Centre, once the building was redeveloped. This would then allow Shiloh to continue to deliver its services to support vulnerable and homeless adults.

Questions were raised about the lease and whether or not a shorter term proposal would ensure the viability of the portfolio asset. The details of the lease were yet to be confirmed.

Commissioner Myers agreed:-

1. That the approval given by Cabinet on 24 September 2014 to dispose of the property on the open market be rescinded.
2. That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate the terms of the asset transfer lease as described at Option 2 at paragraph 4.3 below.
3. That the Assistant Director of Legal Services be authorised to complete the necessary legal documentation.

131. RE-TENDERING OF KERBSIDE COLLECTED RECYCLED MATERIAL CONTRACTS

Consideration was given to the submitted and circulated revised report (which would be attached to the minutes) which detailed how the Council currently had two contracts in place to treat and dispose of kerbside collected household recyclable waste which both ended in 2017. These were the blue bag recycling contract (paper and cardboard) which ended on 26th May, 2017 and the blue box recycling contract (bottles and cans) which ended on 5th July 2017.

The Council was currently undertaking a comprehensive review of waste services. Whilst some aspects of this review may take longer to implement than others, it was anticipated that implementation of changes to the waste service (affecting the collection and disposal of kerbside recycling) would be agreed and implemented during the 2017/2018 financial year. This included:-

- A joint BDRS (Barnsley Doncaster Rotherham and Sheffield) Waste Partnership review of all waste services across the four Councils.
- Taking into account the recommendations from the above, a local review of Rotherham's waste service including kerbside recycling arrangements and materials collected, the provision of Household Waste Recycling Centres, opportunities to increase commercial waste services and workforce development.
- The development of a joint BDRS municipal waste strategy, including public consultation. This Strategy is due to be finalised by April 2017.
- A review of the Council's waste fleet to ensure that vehicles are reliable, fit for purpose and aligned to the agreed waste strategy.

The recommendation to procure a short-term twelve month contract would allow for the broader reviews outlined above to take place and enable potential changes to existing waste collection arrangements to be factored into a longer term contract to be procured from July, 2018 onwards.

Both contracts were required to be re-tendered to ensure procurement and legal compliance and to ensure the Council maximised the income achieved from the sale of the recycled materials.

In retendering the contracts would have regard and adhere to Government Guidance on the Separate Collection of Waste Paper, Plastic, Metal and Glass (2014) to ensure the 3 certain waste types were collected separately.

Commissioner Myers, in consultation with Commissioner Ney, agreed:- That the commencement of procurement activity and award of a one year contract(s) aligned to the current service specification for both blue bag and blue box recycled materials with both contracts ending together on 31st July, 2018 be approved.

132. PROPOSAL TO INCREASE CAPACITY AT WATH C OF E PRIMARY SCHOOL

Consideration was given to a report which outlined how Wath C. of E. Primary School was full or oversubscribed in all year groups and had an extensive Reception/Foundation Stage 2 waiting list annually for places following the entry to primary school National Offer Day.

This report, therefore, sought approval to increase capacity at the school to accommodate current and future demand for places.

As a result of the additional pupils being allocated and future expected pupil numbers there was a requirement for three (3) additional classrooms to be installed by September, 2018 to accommodate existing and expected future pupil numbers. With the addition of the three (3) additional classrooms the school would have a maximum capacity for 420 pupils. The additional three (3) classrooms would allow for sufficient space for all pupils and also allow the Governing Body to set a PAN in future years in line with increased demand for places (up to a maximum of 60 pupils) and, within the parameters of the maximum capacity available and infant class size legislation requirements.

Cabinet Members supported this proposal given the demand for places in the area exacerbated by the surrounding housing developments, but suggested as part of the planning process consideration be given to the surrounding road infrastructure.

Resolved:-

1. That subject to a successful planning application, the proposal to increase capacity at Wath C. of E. Primary School by the installation of three (3) additional classrooms to accommodate current and future pupil numbers be approved.

2. That the proposal to install three (3) additional classrooms be included in the 2018/19 Capital Programme.

133. OCTOBER FINANCIAL MONITORING REPORT

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

The current position showed a forecast revenue overspend of £9.319m after currently identified management actions totalling £3.968m. There was also a significant and increasing overspend on the Dedicated Schools Grant which had now reached £5.393m.

Cabinet on 14th November, 2016 considered a Medium Term Financial Strategy (MTFS) update report which sought approval for additional in-year spending of up to £8.456m. This was considered and agreed by Full Council on 7th December, 2016. £8.149m of this was spending which was already being incurred in order to address significant pressures predominantly in Children's Services whilst £307k of it was for new spending on investments in both Children's and Adults Social Care.

The spending on pressures was outside of the approved budget set by Council in March and it was important that this be approved and funding identified. The forecast overspend would reduce by up to £8.149m and would reduce the current forecast overspend of £9.319m to £1.170m.

Whilst the reported figures would be more favourable, this was still spending of Council resources that was not planned for at the beginning of the year and that had to be funded from elsewhere. Financial plans were being developed to identify the most appropriate funding mechanisms, but at the present time it should be assumed that, to the extent that the newly implemented spending controls were unable to fully mitigate the forecast overspend, the funding would need to come from the Council's reserves.

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 2016/17. Further work was in train to bring forward options for consideration in due course and there was a further £1m to be achieved within 2017/18 (£2m full year effect). The non-delivery of this saving was reflected in the forecast outturn in this report.

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

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- 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.

Actions were essential if the Council was to bring spending further in line with the original budget as soon as possible and minimise the use of reserves. All actions implemented would have due regard for the safeguarding of vulnerable children and adults, the needs of clients and the potential impact on the citizens of Rotherham.

There was also a significant forecast overspend (£5.310m) on the Dedicated Schools Grant (DSG) High Needs Block. This was a forecast increase of £4.3m in a seven month period. Whilst this did not affect the Council's bottom line directly it was imperative that the recovery strategy reported in last month's Financial Monitoring Report to Cabinet was implemented in order to address this position. Options for consultation regarding addressing the High Needs overspend were taken to Schools Forum on the 9th December, 2016 with a view to agreeing a way forward at their January meeting.

Resolved:-

1. That the current forecast overspend after management actions of £9.319m for 2016/17. (Paragraph 3.1) be noted.
2. That the specific actions being implemented to challenge planned spend between now and the end of March to reduce the forecast overspend. (Paragraph 2.10) be endorsed and noted.
3. That any additional actions be recommended which could be implemented to help manage down the current forecast overspend.
4. That a recovery strategy for the forecast overspend on the Dedicated Schools Grant High Needs Block had been developed and it be noted that options for consultation on the overspend would be taken to Schools Forum on the 9th December with a view to agreeing a way forward at their January meeting (Paragraph 3.12).
5. That, subject to Council's approval of the funding allocation as detailed in the MTFS update report on 7th December, the currently unallocated (one-off) Social Care Contingency budget (£1m) be approved and allocated to Adult Social Care (Paragraph 3.37)
6. That it be noted that a capital grant funding bid had been made to the Sheffield City Region in respect of the A618 Growth Corridor and should the bid be successful Council consider adding this to the 2016/17 Capital Programme (Paragraph 3.43).

134. REVIEW OF DISCRETIONARY RATES RELIEF

Consideration be given to the report which sought approval to the proposed amendments to the Council's current Policy for Non Domestic Rates Discretionary Rates Relief.

Alongside this annual review process, the Council had taken the opportunity to review its current policy so as to consider whether there should be any revisions in light of current circumstances and what the implications of these would be.

It was recommended that the current policy be amended to generally exclude public sector organisations, principally funded by the public sector, from being eligible for relief, although each case would be considered on its own merits.

This revision would mitigate a significant financial risk in respect of applications for discretionary top-up relief from NHS Foundation Trusts who were nationally seeking Mandatory 80% Charitable Relief status.

As part of the review consideration was also given as to whether the Council should consider revising the policy in order to reduce the current cost of awarding reliefs given the significance of the funding gap facing the Council over the period up to 2017-2020. The outcome of this consideration was that the possible savings that could be achieved were far outweighed by the adverse impact the removal of the relief would have on the operational sustainability of the organisations involved. The Council was, therefore, not proposing to change its policy in order to make financial savings.

Resolved:-

1. That the revised policy (Appendix 1) for the award of Discretionary Rates Relief be approved.
2. That it be noted that all existing business rates relief awards be reviewed and reassessed in accordance with this revised policy and a report on the outcomes of this review be presented to Cabinet in the new calendar year.
3. That it be noted that the review was not looking to reduce the overall level of relief awarded by the Council to qualifying organisations.

135. APPLICATION FOR DISCRETIONARY RATE RELIEF

Consideration was given to an application made by Barnsley Sexual Abuse and Rape Crisis Services, a registered charity, 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 on 24th April, 2013).

Resolved:- That the application for discretionary business rate relief to the registered charity Barnsley Sexual Abuse and Rape Crisis Services, for the premises listed in this report and, in accordance with the details set out in Section 7 to this report, be approved.

136. PAYROLL SOFTWARE SUPPORT & LICENCE CONTRACT EXTENSION

Consideration was given to a report which set out the current contract for HR and Payroll software (PSe) and how this was due to conclude on 31st March, 2018. The software supplier Northgate Arinso (NGA) had issued an unexpected notice of termination for the product in favour of its preferred market offering (Resource Link), of January 2020.

This report, therefore, sought approval to enter into a short term extension to the contract with NGA to allow the continuation of the HR and Payroll system (PSe) software licence until its end of life date in January 2020. This extension would allow the PSe licence to run coterminous with the Shared Services Agreement with Doncaster Council and would provide sufficient timescales to fully investigate and prepare for a new operating model beyond 2020.

This approach would make best use of the newly established ICT and Procurement working practices and ensure the new operating model was fully integrated with new corporate standards.

Furthermore, this investigation period would enable a more comprehensive solution to support the Medium Term Financial Strategy by fully exploring income generating operating models, specifying automation of current tasks and the potential for shared service models.

Resolved:-

1. That an exemption under Standing Order 38 from the provisions of Standing Order 48 and to extend the support and maintenance of the NGA PSe Software, used by the council for HR and Payroll Administration, from 31 March 2018 to 31 January 2020 be approved.
2. That a Voluntary Ex Ante Transparency (VEAT) notice be issued to alert potential suppliers of our intention to award a short term PSe licence contract to NGA.

137. DELIVERING NEW HOMES IN THE TOWN CENTRE

Consideration was given to the report which detailed how the regeneration of Rotherham's town centre would play a major role in transforming the overall borough, in terms of its economic growth, how residents feel about their borough, and Rotherham's wider reputation. Great progress was being made towards transforming the town centre, however, there was more to do to make the town centre truly vibrant and sustainable, and key to this was the development of new housing

To this end, a town centre residential new build programme was being developed, which complemented, and was fully aligned with, the emerging Town Centre Master Plan. Left to its own devices, the private sector would not deliver the new housing required to regenerate Rotherham, and the Council, therefore, had a key role to play in making this happen. Extensive work has been undertaken over the past two years to explore opportunities to repopulate the town centre, and the purpose of this report was to summarise the extensive work completed to date, explain the current position and set out the next steps, which included a further report with detailed financial appraisals and delivery milestones.

Cabinet Members welcomed the progress being made on the earmarked sites of Millfold House, Henley Garage Site and Sheffield Road.

Resolved:-

1. That the work completed to date on developing a town centre residential programme be noted.
2. That a further report be submitted with a detailed project plan, upon completion of negotiations with Government regarding financial support, and development of a proposed delivery model.

138. UPGRADING OF FLUORESCENT STREET LIGHTING TO LED

Consideration was given to the report which sought approval to replace 15,000 fluorescent street lighting units with LED lighting technology.

The programme would complete the street lighting unit renewal with an invest to save initiative. Replacement of fluorescent units would reduce the street lighting energy consumption.

However, it was noted that the realisation of these savings would not be achievable in full due to increased changes in the energy market. However, the shortfall will be found from within Directorate budgets.

Resolved:-

1. That the remaining 15,000 fluorescent street lighting units across the Rotherham Borough be replaced with LED lanterns in accordance with Option Two of this report.
2. **That Council be recommended to approve inclusion of the scheme in the Council's Capital Programme at a cost of £1.65m, to be funded by prudential borrowing, as an invest to save scheme.**
3. That it be noted that the previously estimated savings of £138,000 to be achieved from this project (EDS24c & EDS 24e) will not be achieved in full and the shortfall will be found from within Directorate budgets.

139. PLANNING SERVICE - ENFORCEMENT PLAN

Consideration was given to the report which sought authorisation to commence publicity/consultation in respect of the Draft Planning Enforcement Plan (attached at Appendix A). A further report would be submitted to members for consideration following the consultation process.

The adoption of an enforcement plan would clearly set out how enforcement would be managed and when direct action could be taken. The draft document recommended that the Local Planning Authority would always negotiate on issues of breaches of planning control, before taking formal action, and this may involve the submission of a planning application to regulate a breach. These retrospective applications would be publicised and considered in exactly the same way as an application submitted prior to starting works in accordance with national planning legislation.

Resolved:-

1. That the commencement of formal publicity/consultation in respect of the Draft Planning Enforcement Plan be approved.
2. That a further report be submitted to Members for consideration, following the consultation process, having regard to comments received, with a view to formally adopting the Plan.

140. VOLUNTARY AND COMMUNITY SECTOR INFRASTRUCTURE FUNDING

Consideration was given to a report which detailed the three key contracts with voluntary groups for the delivery of advice services to the public and for the delivery of infrastructure services to the voluntary and community sector (VCS) and outlined forthcoming reviews into these service areas. The three contracts were held with:-

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- Citizens Advice Rotherham and District (CARD) – for generalist advice, welfare rights, debt and money advice
- Kiveton Park Independent Advice Centre (KPIAC) – for welfare rights, debt and money advice
- Voluntary Action Rotherham (VAR) for infrastructure support services to help VCS organisations become more effective and sustainable.

All three contracts were due to terminate at the end of March, 2017. This report, therefore, sought approval to award a one year contract to the existing providers to enable reviews to be undertaken which would include identification of key stakeholders, assessment of future service needs, links to other related provision and providers, appraisal of different delivery models, clarification of future budget efficiencies, consultation and co-production with relevant stakeholders.

Resolved:-

1. That the information in this report regarding the work being carried out on welfare rights, debt and money advice provision to individuals through Citizens Advice Rotherham and District and Kiveton Park Independent Advice Centre; and the proposed review of these supported services be noted.
2. That the information on infrastructure support services being provided to VCS groups through Voluntary Action Rotherham; and the proposed review of this support be noted.
3. That an exemption under Standing Order 38 from the provisions of Standing Orders 47/48, in order to allow time to undertake and complete reviews of service provision and delivery models by July 2017 (in the context of the Council's future budget challenges and which would be reflected into future contracts for 2018/19 onwards), to enable the award of contracts to the three current providers listed at section 7 of this report at existing levels for a period of one year from 1 April 2017 be approved.
4. That the start of the procurement process for future contracts for advice services provision and VCS infrastructure services provision from 1st April, 2018 be approved.

141. EXCLUSION OF THE 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 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 12(A) of such Act indicated, as now amended by the Local Government (Access to information) (Variation) Order 2006.

142. BUSINESS RATES HARDSHIP RELIEF APPLICATION

Consideration was given to the report which detailed an application for Business Rates hardship relief for the premises listed in the report. This was in accordance with the Council's Discretionary Business Rates Relief Policy (approved 24th April 2013).

Resolved:- That the application for hardship relief for the premises listed in this report and in accordance with the details set out in Section 7 to this report be refused.